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1131 – GENERAL CONDITIONS

1131.01 TITLE.

These regulations, including the official zoning map and all amendments thereto, are hereby made a part of this Zoning Code and shall be known and may be cited as the "City of Troy Zoning Code" or this "Zoning Code".

1131.02 PURPOSE AND INTENT.

The text and map of this Zoning Code are established pursuant to applicable provisions of the Ohio Revised Code and under the Home Rule authority granted by Article XVIII, Section 3 of the Ohio Constitution. By the adoption of this Zoning Code, the City intends to promote the health, safety, morals and general welfare of its residents, businesses and visitors through the following objectives:

(a) To prevent community needs and priorities from becoming subservient to regional market pressures.
(b) To prevent hazards to the health and safety of the public and of all occupants of improved real property.
(c) To assure adequate light, air and convenience of access for all properties.
(d) To promote the delivery of public services such as utilities, streets, refuse collection, emergency medical services, fire and police protection.
(e) To separate incompatible land uses and cluster compatible and mutually supportive land uses.
(f) To create physical buffers between zones where generally beneficial, and within zones where tensions or conflicts may occur between dissimilar land uses.
(g) To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision.
(h) To assure, through an appropriate site plan review that the general, district and supplementary regulations of this Zoning Code are being followed in the design of each new site improvement or redevelopment.
(i) To minimize adverse effects on traffic safety caused by development and certain land uses.
(j) To minimize adverse effects on the environment resulting from development and certain land uses.
(k) To facilitate the efficient and economical development and use of land and public facilities.
(l) To allocate to each site development, rather than to the public, the maximum feasible portion of the infrastructure and operating costs which arise as a result of that development.
(m) To fairly balance the interest of property owners and occupants in continuing their nonconforming land uses against the community interest in achieving full compliance with this Zoning Code.

(n) To protect floodways and flood plains from development which increases the general risk of flooding or puts occupants of the development at risk.
(o) To preserve and enhance property values.
(p) To protect public and private water supplies, both in quality and quantity.
(q) To promote the economic vitality of business and industry.
(r) To direct particular land uses to the parcels of land best suited for them physically and in terms of access to highways and public services.
(s) To enhance the predictability and profitability of private investments made in the City.
(t) To continuously improve the aesthetic character of all parts of the City.
(u) To provide for variances from certain aspects of this Zoning Code where justified by special circumstances and where the public interest will not be adversely affected.
(v) To provide for thorough, efficient and lawful Code administration.

1131.03 RELATIONSHIP TO COMPREHENSIVE PLAN.

This Zoning Code is the primary means by which the City can implement its Comprehensive Plan and accomplish the long-range goals that its citizens have for the development and redevelopment of their community. Although the Comprehensive Plan does not control all zoning decisions, it should be followed to the maximum extent practicable, taking into account the current facts and circumstances.

1131.04 SCOPE OF REGULATIONS.

This Zoning Code shall apply to all land that has been zoned by action of the City Council. All property owners, lessees and other persons having a legal or equitable interest in land subject to this Code shall comply under penalty of law.

1131.05 ZONING UPON ANNEXATION.

Upon the annexation of any lands into the City, with or without an application by the affected property owner(s), the Planning Commission shall forthwith undertake a study to determine the most appropriate zoning for the newly annexed lands, in view of the Comprehensive Plan of the City (hereinafter "Comprehensive Plan"). In the event that the Comprehensive Plan does not encompass the annexed area, the Commission may consider an appropriate enlargement of the planning area before or after the development of zoning recommendations for the enlargement area. The Commission shall forward its recommendations for zoning of the newly annexed area, and any recommendations related to enlargement of the Comprehensive Plan, to the City Council. After notice and hearing as required by Ohio R.C. 713.12, the Council shall then adopt City zoning for the newly annexed lands. Until City zoning is adopted, the Miami County Zoning Regulations shall continue to be in effect for the property in accordance with O.R.C. 303.18.

1131.06 PROVISIONS OF ZONING CODE ARE MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Zoning Code shall be minimum requirements. Where this Zoning Code imposes a greater restriction or level of performance than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Zoning Code shall control.

1131.07 VALIDITY AND SEVERABILITY.

It is hereby declared to be the legislative intent that, if any provision or provisions of this Zoning Code, or the application thereof to any zoning lot, building, 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 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, and shall apply only to the zoning lot, building, structure, or tract of land immediately involved in the controversy. All other provisions of this Zoning Code shall continue to be fully effective.

1133 - DEFINITIONS

1133.01 DEFINITIONS GENERALLY.

Certain words and phrases used in this Zoning Code are defined for the purpose thereof as follows. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word "lot" includes the word "plot". The word "occupied" includes the word "designed or intended to be occupied". The word "used" includes the words "arranged", "designed" or "intended to be used". The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.

1133.02 DEFINITIONS.

For the purposes of this Zoning Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) "Accessory Structure." Any purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied which:

A) Is customarily incidental and subordinate in area, extent, or purpose to the principal building, structure or use which it serves, and,

B) Is located on the same zoning lot as the principal building, structure, or use, with the single exception of such accessory off-street parking facilities which are permitted to locate elsewhere than on the same zoning lot with the building or use served under Section 1155.07 of this Zoning Code.

(2) "Adult Arcade." Any place to which the public is permitted or invited in which coin-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specific anatomical areas.

(3) "Adult Bookstore, Adult Novelty Store, or Adult Video Store." A commercial establishment that, for any form of consideration, has a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale of rental of any of the following:

(A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, which are characterized by their emphasis upon the exhibition or description or described of specified sexual activities or specified anatomical area.

(B) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

(C) An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business uses does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

(4) "Adult Cabaret." A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

(A) Persons who appear in a state of nudity or semi-nudity;

(B) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

(C) Films, motion pictures videocassettes, slides or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

(5) "Adult Motel." A motel, hotel, or similar commercial establishment which offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off premises advertising including but not

limited to, newspapers, magazines, pamphlets or leaflets, radio or television.

(6) "Adult Motion Picture Theater." A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

(7) "Adult Theater." A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon exposure of specified anatomical areas or specified sexual activities.

(8) "Agricultural Use." The use of a tract of land for growing crops in the open, dairying, animal husbandry, pasturage, horticulture, floriculture, and necessary accessory uses, including the structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm, and the family thereof; provided, however, such agricultural use shall not include the following uses:

(A) The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted;
(B) Wholesale or retail sales as an accessory use unless the same are specifically permitted by this Zoning Code;
(C) The feeding of garbage to animals, or the operation or maintenance of a commercial stockyard or feed yard.

(9) "Alley." A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.

(10) "Antenna." Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.

(11) "Antenna Support Structure." Any building or other structures other than a tower that can be used for location of wireless telecommunications facilities.

(12) "Apparel Stores." Stores selling or accepting for sale clothing at retail.

(13) "Appeal." A request for a review of the interpretation of any

provision of this Zoning Code.

(14) "Applicant." Any person that applies for a permit pursuant to this Zoning Code.

(15) "Application." The process by which an applicant submits a request and indicates a desire to be granted a permit under the provisions of this Zoning Code. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City of Troy concerning such a request.

(16) "Area of Special Flood Hazard." The land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year.

(17) "Aquifer." A glacial formation, group of glacial formations or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

(18) "Automobile Accessory Stores." Stores engaged primarily in the business of selling automobile parts, tires, batteries, seat covers, and other automobile accessories.

(19) "Automobile Sales or Rental." The use of any building, land area, or both for the display and sale and/or rental of new or used automobiles, which may include light trucks or vans, trailers or recreational vehicles, and where any vehicle preparation or repair work is conducted solely as an accessory use.

(20) "Automobile Service Station." A building, lot, or both, where fuels, oils, and accessories for the use of passenger motor vehicles are dispensed, sold or offered for retail sale, and where mechanical repair service and washing of vehicles may be incidental to the dispensing of such items. The storage of junk or inoperable vehicles, and the sale and/or rental of new or used automobiles shall not be included in this definition.

(21) "Automotive Repair, Major." General repair, rebuilding or reconditioning of motor vehicles, trailers, engines or transmissions; collision services, including body, frame or fender straightening or repair; overall painting or paint shop; and steam cleaning.

(22) "Automotive Repair, Minor." Incidental minor repairs, including replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1½) tons rated capacity, but not including any operation named under "automobile repair, major". Oil change and muffler repair shops are included in this definition.

(23) "Automobile Washing." A building, or portion thereof, containing facilities for washing automobiles and which may include the use of a chain conveyor, blower, steam cleaning device, or other mechanical means. Also includes self-serve manual washing facilities for passenger vehicles only.

(24) "Awning." See "Canopy"

(25) "Bakeries, Retail." Stores engaged in the sale at retail of bread, cake, cookies, and other similar items including the baking of such items on the premises, but excluding the baking of such items for delivery to wholesale customers or for door-to-door sale or delivery to retail customers.

(26) "Bakeries, Wholesale." Stores engaged in the sale at wholesale of bread, cake, cookies, and other similar items including the baking of such items on the premises, but excluding the baking of such items for retail sale on premises.

(27) "Banks and Financial Institutions." Commercial banks, savings and loan associations, credit unions, brokerage offices, and other similar financial institutions, but not including pawnshops, check cashing establishments or payday loan businesses.

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

(29) "Basement." That portion of a building which is partly or completely below grade.

(30) "Bed and Breakfast." Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

(31) "Block." A tract of land bounded by streets, a combination of streets, railroad right-of-way, river or stream, or any other barrier to the continuity of development.

(32) "Block Face." A single side of a dedicated street running from street to street including parcels and public right-of-way.

(33) "Buffer Strip." A designated area of land between two abutting zoning districts which is landscaped in such a way as to minimize the visual and auditory impact of a higher intensity use from a neighboring, less intensive use.

(34) "Building." Any covered structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.

(35) "Building Height." The vertical distance from the grade (elevation of the sidewalk if the front of the building abuts upon the sidewalk or the average level of the finished surface of the ground adjacent to the structure) to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

(36) "Bulk Regulations." Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling:

(A) Maximum height;
(B) Maximum lot coverage;
(C) Maximum floor area ratio;
(D) Minimum size of yards and setbacks.

(37) "Candlepower." The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

(38) "Canopy." Any structure, movable or stationary, attached to and deriving its support from structural members or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop, doorway, window or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.

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

(40) "Channel." A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

(41) "Check Cashing Establishment." A business engaged in cashing checks for the general public or providing short-term, non-collateralized loans as an element of its operation, which exceeds 50% of its gross

revenues, and which is not licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union.

(42) "City" or "The City." The City of Troy, Ohio.

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

(44) "Club, Private." An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county and local laws.

(45) "Codified Ordinances." The Codified Ordinances of Troy, Ohio, as amended from time to time.

(46) "Commercial Recreational Facilities, Indoor." Any commercial activity conducted entirely indoors which is related to the recreation field, such as bowling alleys, skating rinks, indoor tennis courts, swimming pools, indoor motion picture theaters, and similar recreational activities. This definition shall exclude adult entertainment facilities as defined elsewhere in this Zoning Code.

(47) "Commercial Recreational Facilities, Outdoor." Any commercial activity conducted primarily outside of a building that is related to the recreation field, such as drive-in theaters, community swimming pools, miniature golf, driving ranges, skiing facilities, country clubs, and similar activities.

(48) "Commercial Zoning District(s)" or "Commercial District(s)." One or more of the following conventional zoning districts identified in this Zoning Code: B-l, B-2, B-3, or B-4.

(49) "Co-Location Wireless Telecommunications." The use of a wireless telecommunication facility by more than one wireless

telecommunications provider.

(50) "Common Open Space." A parcel of land or an area of water or combination of both land and water, within a site designated as a planned development and designated and intended for the use and enjoyment of the residents of the planned development. Common open space does not include streets, alleys, off-street parking or loading areas, public open space, or other facilities dedicated by the developer for public use. Common open space shall be substantially free of structures, but may contain such improvements as are approved as a part of the general development plan and are appropriate for the recreation of residents of the planned residential development.

(51) "Community Oriented Residential Social Service Facility." A facility which provides resident services to a group of individuals of whom three or more are unrelated. These individuals are mentally retarded, handicapped, aged or disabled, are undergoing rehabilitation, and are provided services to meet their needs. All family homes and adult family homes shall possess an appropriate license from the State of Ohio, Miami County, or other appropriate governmental unit prior to operation and are required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the zoning district in which it is located. All group homes, adult group homes, halfway houses, and social care homes shall possess an appropriate license. Prior to the issuance of a final certificate of occupancy, the operator or agency shall provide evidence that a valid license has been or will be issued.

"Community oriented residential social services facilities" includes, but is not limited to, the following listed categories:

(A) "Adult Care Facility" An adult family home or an adult group home. For purposes of this section, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three (3) to sixteen (16) unrelated adults, at least three (3) are provided personal care services, is an adult care facility

1. "Adult Family Home" A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and supervision and personal care services, to at least three (3) of those adults.
2. "Adult Group Home" A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults

and supervision and personal care services, to at lease three (3) of those adults.

(B) "Residential Facility" A home or facility in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home, county home or district home, or a dwelling in which mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

1. "Family Home" A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six (6) but not more than eight (8) mentally retarded or developmentally disabled person.
2. "Group Home" A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) mentally retarded or developmentally disabled persons.
3. "Foster Family Home" A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than five (5) mentally retarded or developmentally disabled persons. Residential homes for aged would also be included under this category.

(C) "Social Care Home" A residential home for three (3) to sixteen (16) children or adolescents who lack social maturity or have emotional problems but who have not been judged delinquent. Residency may be permanent or transient.

(D) "Halfway House" A facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for not more than sixteen (16) individuals on supervised release from the criminal justice system and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.

(E) "Intermediate Care Home" A facility owned and/or operated by an agency or an individual for not more than sixteen (16) children or adolescents who have been so judged delinquent and have been assigned by a court to a residential home in lieu of placement in a correctional institution.

(52) "Comprehensive Plan." The long-range plan for the desirable use of land within and around the incorporated territory of the City as officially adopted and as amended from time to time by the Planning Commission.

(53) "Concept Plan" or "Conceptual Plan." A plan, drawn to a representative scale and using real property information obtained from a professionally-prepared surveyor or other reliable source, indicating the distribution of land uses, streets, and roadways within a proposed Planned Development for the purposes of preliminary discussion prior to the formal consideration of a Planned Development General Plan.

(54) "Conventional Zoning." Zoning districts, other than Planned Development districts, such as Residential Districts, Office Districts, Commercial Districts, and Manufacturing Districts.

(55) "Conversions." Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or rooming units.

(56) "Council" or "City Council." The City Council of Troy, Ohio.

(57) "Cul-de-sac Lot." A lot containing frontage on the bulb of a local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround which may or may not feature a landscaped island.

(58) "Cutoff." The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at specific angle above the ground.

(59) "Cutoff Angle." The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from any light source, above which no light is emitted.

(60) "Cutoff-Type Luminaire." A luminaire with elements such as shields, reflectors, or refractor panels that direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

(61) "Day-Care Centers."

(A) "Day-Care." Any place in which day-care is provided for less than six (6) persons other than those of the owner or administrator, with or without compensation for any part of the twenty-four (24) hour day, but does not include the care of persons in places of worship during religious services.

(B) "Day-Care Center." Any place in which day-care is provided for six (6) or more persons other than those of the owner or administrator, with or without compensation for any part of the twenty-four (24) hour day, but does not include the care of persons in places of worship during religious services.

(62) "Density." A unit of measurement designating the number of dwelling units, mobile homes, and/or house trailers per acre of land as follows:

(A) "Gross Density." The number of dwelling units, mobile homes, and/or house trailers per acre of the total land to be developed.

(B) "Net Density." The number of dwelling units, mobile homes, and/or house trailers per acre of land when the acreage involved includes only the land devoted to residential uses and excludes such areas as street rights-of-way, parks, storm drainage areas and other similar uses.

(63) "Developer" or "Sub divider." The legal or equitable owner or owners, collectively, of all the land proposed to be included in a subdivision, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. By written notice, the developer may appoint one or more agents to work with the City.

(64) "Development." Any change to improved or unimproved real estate, including but not limited to structures, mining, dredging, filling, grading, paving excavation, or storage of equipment or materials.

(65) "Development Standards." Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. "Development Standards" include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage, and maximum floor area ratio.

(66) "Direct Recharge Area." That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

(67) "Director" The Director of Public Service and Safety or designee.

(68) "District." Any section of the City of Troy for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, the off-street parking requirements and intensity of use are uniform.

(69) "Drive-In" or "Drive-Through." Except for businesses otherwise defined herein, a business or other establishment so developed that its retail or service character is dependent on providing a driveway approach and/or waiting spaces for motor vehicles so as to serve patrons while in the motor vehicle.

(70) "Dwelling." Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer or other temporary or transient structure or facility. This definition specifically excludes "Mobile Home" and "House Trailer" as defined in this Zoning Code.

(A) "Dwelling Unit." That space within a building comprising living, dining and sleeping rooms and storage closets, as well as legally required space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

(B) "Multi-Family Dwelling." A building designed or converted for, and occupied exclusively as, separate dwelling units for more than two families living independently of each other, without sharing of living, cooking, bathing or toilet facilities.

(C) "Single-Family Dwelling." A building designed or converted for, and occupied exclusively as, a dwelling unit for one family.

(D) "Two-Family Dwelling." A building designed or converted for, and occupied exclusively as, separate dwelling units for two families living independently of each other, without sharing of living, cooking, bathing or toilet facilities.

(71) "Eating Place, Carry-out." An establishment offering food and beverages, which may include liquor, beer, and wine, if licensed by the State of Ohio, where the food and beverages are dispensed at the counter for consumption off the premises.

(72) "Eating Place, Drive-In." An establishment offering food and beverages, which may include liquor, beer, and wine, if licensed by the State of Ohio, where the food and beverages are dispensed directly to persons while in motor vehicles, and where the food and beverages may also be dispensed at the counter for consumption either on or off the premises.

(73) "Eating Place No. 1." An establishment where food and beverages are prepared, served, and consumed, which may include liquor, beer, and wine, if licensed by the State of Ohio, for consumption only inside the building.

(74) "Eating Place No. 2." An establishment having the attributes of an Eating Place No. 1, and which also provides live entertainment.

(75) "Escort." Escort means a person who, for consideration, and for another person, agrees or offers:

(A) to act as a companion, guide, or date, or
(B) to privately model lingerie, or
(C) to privately perform a striptease.

(76) "Escort Agency." Escort Agency means a person or business association that for a fee, tip, or other consideration, furnishes, offers to furnish, or advertise to furnish, escorts as one of its primary business purposes.

(77) "Essential Services." The location, erection, construction, reconstruction, charge, alteration, maintenance, removal, use, or enlargement by public utilities or the City or other governmental agencies of underground or overhead gas, electrical, steam, or water generation, transmission or distribution systems; including buildings, structures, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment or accessories and the use of land in connection therewith, for the furnishing of adequate service by such public utilities or the City or other governmental agencies or for the public health, safety, and morals.

(78) "Family." An individual or two (2) or more persons living together as a household unit who are related to each other by blood, marriage, or adoption, or two (2) or more individuals who need not be related living together as a single housekeeping unit, provided that a ratio of two (2) persons or less per bedroom within the dwelling unit, mobile home, modular home or house trailer is maintained for unrelated arrangements. A group occupying a nursing home, rest home, convalescent home, halfway house, rooming house, hotel, motel, or

fraternity or sorority house is not considered a "Family" within this Zoning Code.

(79) "FCC." The Federal Communications Commission and any legally appointed, designated or elected agent or successor.

(80) "FEMA." The Federal Emergency Management Agency, who has the overall responsibility for administering the National Flood Insurance Program and any legally appointed, designated or elected agent or successor.

(81) "Fence." A free standing structure over twelve (12) inches constructed of metal, masonry, composition, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes. Fences shall be maintained in a neat and orderly manner and shall conform to the regulations of Section 521.07 of the Codified Ordinances.

(82) "Final Development Plan." Any PD application that fulfills the requirements of Step 2 in the Planned Development approval process of this Zoning Code.

(83) "Flood." A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

(84) "Flood Fringe." That portion of the flood plain outside the floodway.

(85) "Flood Insurance Rate Map (FIRM)." An official map on which FEMA has delineated the areas of special flood hazard.

(86) "Flood Insurance Study." The official report in which FEMA has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

(87) "Flood Plain." The land adjacent to a body of water that has been or may be hereafter covered by floodwater.

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

(89) "Floor Area." The sum of the gross horizontal areas of all floors or a building measured from the exterior faces of the exterior walls or from the center line of walls separating buildings, but not including unenclosed

porches and cellar or basement space not used for business or commerce.

(90) "Floor Area Ratio (F.A.R.)." The floor area ratio of the building or other structure on any lot is determined by dividing the gross floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one (1) building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned developments, by the net site area. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

(91) "Foot-Candle." A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

(92) "Garage, Private." A detached accessory building or a portion of a main building with driveway access, intended for the parking or storage of automobiles, recreational vehicles, or boats of the occupants and/or employees of the premises.

(93) "Garage, Public." A principal or accessory building other than a private garage, intended for the parking or storage of automobiles, recreational vehicles, boats, or other vehicles, and available to the general public.

(94) "Garage Sale." Any sale entitled "garage sale," "lawn sale," "attic sale," "rummage sale," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large can be made aware of such sale. Garage sales shall be limited to the sale of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for his or her own use. More than six (6) days of sales within a twelve (12) month period is considered by the Ohio Department of Taxation as engaging in a retail business, which is prohibited in Residential Districts by this Zoning Code.

(95) "Halfway House." A facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for individuals on supervised release from the criminal justice system and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems

which make operation in society difficult and who require the protection of a supervised group setting.

(96) "Hard Surface" Any impervious area that does not allow natural infiltration which includes concrete, asphalt, black top or other such surfaces as determined by the City Engineer. Compacted gravel is not considered a hard surface.

(97) "Historic District." A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

(98) "Home Occupation." Any activity carried out for gain by a resident of the premises in a residential zoning district that is clearly subordinate and incidental to its use as a principal place of residence.

(99) "Hospital." A facility which provides accommodations and continuous services for the sick and injured which may include pediatric, obstetrical, medical, surgical, psychiatric or extended care.

(100) "Hotel." A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, motel, motor inn, motor lodge, tourist cabin, tourist court or otherwise.

(101) "House Trailer." Same as Mobile Home as defined in Section 1133.02(119) of this Zoning Code.

(102) "Industrial Zoning District(s)." Any of the following zoning districts identified in this Zoning Code: M-1, M-2, M-3.

(103) "Kennel." Any lot or premises on which four (4) or more dogs and/or other domesticated animals, at least four months of age are kept.

(104) "Landscaping." The improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

(105) "Laundromat." A commercial establishment providing washing, drying, or ironing machines for hire to be used by customers on the premises.

(106) "Loading Space." A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for trucks.

(107) "Lot." A Lot is a parcel of land that is sufficient in size to meet minimum zoning requirements for use, coverage and area, as well as to provide such yards and other open spaces as are herein required and as required by zoning. All lots shall have frontage on an improved street and may consist of a single lot of record; a portion of a lot of record; or a combination of complete lots of record, or portions of lots of record.

(A) "Corner Lot." A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

(B) "Double Frontage or Through Lot." A lot other than a corner lot with frontage on more than one street.

(C) "Interior Lot." A lot other than a corner lot with frontage on only one street.

(108) "Lot Area." The total computed land area contained within the lot lines, exclusive of any portion of a public right-of-way or a private access easement that is usually expressed in square feet or in acres and fractions thereof.

(109) "Lot Coverage." That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves but including impervious surfaces.

(110) "Lot Depth." The average distance measured from the front lot line to the rear lot line.

(111) "Lot Frontage." That portion of a lot running along the boundary of any public or private thoroughfare. Where the lot is located on a curve in the road, the Lot Frontage may be measured along the extent of the curved building line, provided that the side property lines run radial to the curve.

(112) "Lot Lines." Lot boundary lines.

(A) "Front." A street right-of-way line or centerline forming the boundary of a lot. On a corner lot, both street rights-of-way

or centerlines shall be front lot lines.

(B) "Rear." The lot line that is most distant from, and is or is most nearly parallel to the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front lot line. In the case of a corner lot, the rear lot line shall be the lot line opposite the shortest front lot line.

(C) "Side." A lot line that is neither a front lot line nor a rear lot line.

(113) "Lot of Measurement." Lot Measurements. A lot shall be measured as follows:

(A) Depth of a lot shall be considered to be the mean horizontal distance measured from the midpoint of the front lot lines to the midpoint of the rear lot lines.

(B) Depth of a corner lot shall be considered to be the mean horizontal distance between the established front and side lot line (whichever lot line is opposite from the established front lot line). This shall be measured along one front yard and one side yard perpendicular to the front yard.

(C) Width of a lot shall be considered to be the mean width of the lot measured at right angles to its depth as measured at the front setback.

(114) "Lot of Record." A lot which is part of a subdivision approved by the City of Troy and recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(115) "Lot Width." The distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the required front building line.

(116) "Lot, Zoning." A parcel of land not separated by street or alley that is designated by its owner or developer at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership.

(117) "Luminaire." A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(118) "Manufacturing." The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product.

(119) "Mobile Home." A manufactured residential structure designed to be transported over the road, constructed so as to be movable from place to place, ordinarily providing complete, independent living facilities for one (1) family, including provisions for living, sleeping, eating, cooking, and sanitation. Mobile homes are not included within the definition of "Dwelling." Neither the removal of running gear nor placement of the unit on a foundation shall qualify a mobile home as a dwelling.

(120) "Mobile Home Park." Any lot upon which two (2) or more mobile homes and/or house trailers are located for residential use, either free of charge or for revenue purposes. A "Mobile Home Park" includes any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

(121) "Modular Home." A factory-fabricated transportable building consisting of two (2) or more units designed to be assembled into a permanent structure at a building site on a permanent foundation and used for residential purposes by one (1) family, and is built to meet the standards and specifications of the Industrial Unit Standards of the Ohio Building Code.

(122) "Monopole." A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.

(123) "Motor Freight Terminal." A building or area in which freight brought by truck is assembled and/or stored for routing in intra-state and interstate shipment by truck or in which semi-trailers, including tractor and /or trailer units, and other trucks are parked or stored.

(124) "Nonconforming Building or Structure." A lawfully existing building or other structure containing a lawful residential, business, commercial, institutional or industrial use which does not comply with the applicable lot size requirements, building bulk limitations or off-street parking requirements.

(125) "Nonconforming Lot." A lot existing at the time of enactment of this Zoning Code or any subsequent amendments which does not conform to the lot area and frontage requirements of the district in which it is located.

(126) "Nonconforming Use." Either a lawfully existing use of part or all of a building or other structure or a lawfully existing use of land not involving a building or structure, which is not allowed by the applicable district regulations of this Zoning Code.

(127) "Nonconformity." An existing use, building, or structure which

fails to comply in some respect with the use or bulk regulations applicable to new uses, buildings, or structures in the district in which it is located.

(128) "Nude", "Nudity" or "State of Nudity." The showing of the human male or female genitals, pubic area, vulva, anus, anal clef, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

(129) "Nursing Home", "Rest Home" or "Convalescent Home." A place, residence, or home used for the boarding and care, for a consideration, of not less than three (3) persons, not members of the immediate family operating the facilities, who by reason of age or infirmity are dependent on the services of others.

(130) "Office Zoning District(s)." One of both of the following conventional office zoning districts identified in this Zoning Code: OR-1 and OC-1.

(131) "One-Year Capture Area." The area around the public water supply well fields delineated by the one-year travel time contour.

(132) "Outdoor Storage." The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

(133) "Outdoor Storage Area." An outdoor area on a property, with the exception of single and two-family residential lots, where refuse is collected and stored.

(134) "Parking Area." A hard surfaced open, unoccupied space used or required for use for parking of automobiles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted and no fees are charged.

(135) "Parking Space." A hard surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a hard surfaced driveway that affords satisfactory ingress and egress for automobiles.

(136) "Patio." A covered or uncovered paved area or deck that adjoins a residential structure, the height of which is less than eight (8) inches above the average level of the adjoining ground.

(137) "Person." Any natural person, firm, partnership, association,

corporation, or other legal entity, private or public, whether for profit or not-for-profit.

(138) "Permitted Use." Any use specifically allowed in a zoning district and subject to the restrictions applicable to that zoning district.

(139) "Planned Development." An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained according to plan as a single entity and containing one (1) or more structures with appurtenant common areas.

(140) "Planning Commission." The Planning Commission of Troy, Ohio.

(141) "Porch." A covered or uncovered floor, deck or platform at the entrance to a building, the height of which is eight (8) inches or more above the average level of the adjoining ground.

(142) "Potable Water." Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.

(143) "Principal Building." A building in which is conducted the main or principal use of the lot on which said building is located; ordinarily the largest building on the lot.

(144) "Principal Use." The main use to which the premises are devoted and the main purpose for which the premises exists; ordinarily the use conducted on the first story of the principal building above the basement.

(145) "Recharge Lagoon." A body of water designed and maintained by man to add water to the groundwater at a rate greater than that occurring naturally.

(146) "Record Plan." In the case of development under conventional zoning, any drawing or set of drawings that meets the requirements of the Subdivision Regulations for record plans. In the case of development under PD zoning, any drawing or set of drawings which meets the requirements of the Subdivision Regulations and of Step 3 in the Planned Development approval process of this Zoning Code.

(147) "Recreational Vehicle." Any vehicle or equipment designed for or primarily used as a travel trailer, fifth-wheel trailer, camper, motor home, truck camper, tent trailer, boat, boat trailer, snowmobile or snowmobile trailer, motorcycle trailer, or any other trailer incidental to recreational uses.

(148) "Regulated Substances." Substances to be regulated, hereinafter referred to as regulated substances, are chemicals and mixtures or chemicals that are health hazards. Regulated substances include:

(A) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system and agents which damage the lungs, skin, eyes, or mucous membranes;

(B) Mixtures of chemicals that have been tested as a whole and have been determined to be a health hazard;

(C) Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one (1) percent or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one-tenth (0.1) percent or greater of the composition on a weight per unit weight basis;

(D) Ingredients of mixtures prepared within the WO Wellhead Operation District and the WP Well Field Protection Overlay District in cases where such ingredients are health hazards but comprise less than one-tenth (0.1) percent of the mixture (on a weight per unit weight basis) if carcinogenic or less than one (1) percent of the mixture (on a weight per unit weight basis) if non-carcinogenic;

(E) Petroleum and nonsolid petroleum derivatives (except non-PCB dielectric fluids).

(149) "Residential Zoning District(s)." One or more of the following conventional residential zoning districts identified in this Zoning Code: R-1, R-2, R-3, R-3-B, R-4, R-5, R-6, and R-7.

(150) "Retail Sales." The sale of goods, merchandise, and commodities for consumption or use by the purchaser.

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

(152) "Roadside Stand." A temporary structure designed or used for the display or sale of agricultural products.

(153) "Rooming House." A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms. Institutional dormitories or buildings or portions of buildings designed, arranged, intended, maintained for, or occupied by fifty (50) or more persons which are let for occupancy by religious, benevolent, charitable, educational, or other nonprofit organizations shall not be deemed a rooming house.

(154) "Screening." Solid walls, solid fences, and/or dense living hedges for the purpose of concealing from view the area behind such structures or evergreen vegetation.

(155) "Semi-nude" or "Semi-nude Condition." A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

(156) "Semi-nude Model Studio." Any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

(157) "Setback Line." Where a front or side yard is required along a street, the setback line shall be the minimum horizontal distance between the right-of-way line of the street and a line parallel to the right-of-way line of the street from which any required yard shall be measured.

(158) "Sexual Encounter Center." A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

(A) Two (2) or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

(B) Two (2) or more persons appear nude or semi-nude for the purpose of displaying their nude or semi-nude bodies for the receipt of consideration or compensation in any type or form.

(C) An establishment where a medical practitioner, psychologist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Ohio R.C. 4731.15, is not a sexual encounter establishment.

(159) "Sexually Oriented Business." Sexually oriented businesses are classified as follows:

(A) Adult Arcades.
(B) Adult Bookstores, Adult Novelty Stores, and Adult Video Stores.
(C) Adult Cabarets.
(D) Adult Motel.
(E) Adult Motion Picture Theaters.
(F) Adult Theater.
(G) Escort Agencies.
(H) Massage Parlor.
(I) Semi-Nude Model Studios.
(J) Sexual Encounter Centers.

(160) "Sign." Any communication device regulated by Section 749 of these Codified Ordinances.

(161) "Specified Anatomical Areas." The cleft of the buttock, anus, male or female genitals, or the female breast.

(162) "Specified Sexual Activity." Any form of the following:

(A) Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.
(B) Excretory functions as a part of or in connection with any of the activities described in subsection (A) hereof.

(163) "Story." That portion of a building, other than a cellar or basement (except one used for business or residence) included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

(164) "Story, Half." A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

(165) "Street." A public or private thoroughfare which affords the principal means of access to abutting property. The term "Street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

(166) "Structural Alteration." Any change other than incidental repairs, which would prolong the life of supporting members of a building or other structure such as reinforcement or replacement of bearing walls or bearing partitions, columns, beams or girders.

(167) "Structure." Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. Without limitation on the foregoing, a structure shall include building, fences, walls, billboards, platforms, towers and signs.

(168) "Temporary Use." A use for a limited duration with the intent to discontinue such use upon the expiration of the time period, and usually not involving any construction or alteration of any structure.

(169) "Tower." For the purposes of the wireless telecommunication facility regulations within this Zoning Code, a tower is defined as a self-supporting lattice, guyed, or monopole structure constructed from grade that supports wireless telecommunications facilities. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.

(170) "Travel Time Contour." A locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.

(171) "Underground Storage Tank." Any one or combination of tanks, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground. Flow-through process tanks and septic tanks approved by the Health Department or State Environmental Protection Agency, as applicable, are excluded from the definition of underground storage tanks.

(172) "Use." Any purpose for which a building, structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a building, structure or on a tract of land.

(173) "Variance." A grant of relief from the requirements of this Zoning Code which permits construction in a manner that would otherwise be prohibited by this Zoning Code, which may be granted only by the Board of Zoning Appeals.

(174) "Well Field." A tract of land that contains a number of wells for

supplying water.

(175) "Wholesale Sales." The sale of goods, merchandise, and commodities for resale by the purchaser.

(176) "Wireless Telecommunication Facility." Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower or antenna support structure. However, the term wireless telecommunications facilities shall not include:

(A) Any satellite earth station antenna six (6) feet in diameter or less which is located in an area zoned industrial or commercial.
(B) Any satellite earth station antenna eighteen (18) inches or less in diameter, regardless of zoning category.
(C) Antennas used by amateur radio operators.

(177) "Yard." Open space on a lot that is unoccupied and unobstructed from ground to sky except by trees or shrubbery or as otherwise provided herein.

(178) "Yard, Front." A yard extending along the full length of a front lot line in to a line drawn parallel to such front lot line at a depth equal to the required front yard as stated in this Zoning Code.

(179) "Yard, Rear." A yard extending along the full length of the rear lot line in to a line drawn parallel to such rear lot line at a depth equal to the required rear yard as stated in this Zoning Code.

(180) "Yard, Side." A yard extending along the full length of a side lot line in to a line drawn parallel to such side lot line at a depth equal to the required minimum side yard, or back to the setback line on a corner lot, if such a line exists. The side yard excludes any area encompassed within the front yard or rear yard. Dimensions of minimum side yards specified in the district regulations of this Zoning Code refer to the required width of each side yard rather than to the total width of both side yards, unless otherwise specified.

(181) "Zone of Influence." A zone delineated by iso-travel time contours around well fields. The zone is calculated, based on the rate of movement of groundwater in the vicinity of wells with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

(182) "Zoning Administrator." The City of Troy Director of Public Service and Safety, or designee, who is responsible for administering and enforcing this Zoning Code.

(183) "Zoning Certificate." That document signed by the Zoning Administrator which certifies that the use to be made of a particular property is a permissible use according to the terms of the Zoning Code, also referred as "Zoning Permit."

(184) "Zoning Map." The Official Zoning District Map of the City described in Section 1141.03 of this Zoning Code, or portion thereof, together with all amendments thereto subsequently adopted.

1135 - ADMINISTRATION

1135.01 ZONING ADMINISTRATOR.

Except where delegated to others by express language herein, the Director of Public Service and Safety shall have the authority and responsibility to administer this Zoning Code as Zoning Administrator. The Director of Public Service and Safety may delegate all or part of this work to one (1) or more employees or contractors under his supervision. For the purpose of this Zoning Code, the Director of Public Service and Safety and any such delegates shall be collectively referred to as "the Zoning Administrator." The Zoning Administrator shall have authority to devise and promulgate supplementary regulations, procedures and forms as he or she may deem necessary to implement this Zoning Code, provided that such regulations, procedures and forms are not in conflict herewith. It shall be the duty of the Zoning Administrator, as provided under Ohio R.C. 713.06 et seq., to interpret this Zoning Code and to enforce its express provisions and those necessarily implied, subject to appeal to the Board of Zoning Appeals. All departments, officials, and public employees of the City which are vested with the duty or authority to issue certificates or licenses shall conform to the provisions of this Zoning Code and shall issue no certificate or license for any use, building, or purpose, if the same is in conflict with any provision of this Zoning Code. Any certificate or license issued in conflict with the provisions of this Zoning Code is unauthorized, shall be void from the beginning, and shall have no legal force or effect.

1135.02 PLANNING COMMISSION.

The Planning Commission shall have all powers related to the administration and modification of this Zoning Code which are given to it by statute, except as restricted by lawful ordinance, and such other powers as the City Council may lawfully delegate to it from time to time. The Planning Commission may, on its own initiative, formulate and transmit recommendations to the Council for amendments to the text or map of this Zoning Code. The affirmative vote of a quorum shall constitute official action by the Planning Commission as to any decision authorized by this Zoning Code.

1135.03 CITY COUNCIL.

Either the text or map of this Zoning Code may be amended at any time by an ordinance adopted by the City Council, following notice and hearing as provided under Ohio R.C. 713.12. Amendments that are consistent and coextensive with a recommendation from the Planning Commission may be adopted upon the affirmative vote of four (4) elected members of Council. Amendments materially differing from, or unsupported by a recommendation from the Planning Commission may be adopted only upon the affirmative vote of three-fourths (3/4) of the membership of the Council.

1135.04 BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall have authority to hear appeals and consider variance applications as provided under Section 1137 of this Zoning Code. The affirmative vote of four (4) members shall be required to sustain an appeal. The affirmative vote of four (4) members shall be required to approve a variance.

1135.05 ZONING PERMIT REQUIRED.

(a) Until a zoning permit has been obtained from the Zoning Administrator:

(1) The construction, building, moving, remodeling, or reconstruction of any building or structure shall not be commenced.
(2) The improvement of land preliminary to any use of such land, including grading and the removal of trees and other vegetation shall not be commenced.
(3) The use of land, buildings, or structures for temporary and accessory uses and home occupations shall not be commenced.
(4) A material change in use may not be initiated.

(b) Failure to timely obtain a zoning permit from the Zoning Administrator before commencing work or before changing a use, whichever first occurs, is a violation of this Zoning Code and punishable under Section 501.99 of the Codified Ordinances of the City of Troy. No statement or writing issued by an official, officer, employee, department, board, commission or bureau of the City pertaining to the temporary or permanent use of land or buildings shall be valid unless fully in conformance with, and made under the express authorization of this Zoning Code.

1135.06 APPLICATION FOR ZONING PERMIT.

(a) Each application for a zoning permit shall be made on forms provided by the City and shall be accompanied by a plan in duplicate drawn to scale. The plan shall show the following:

(1) The actual dimensions of the lot including easements;
(2) The exact size and location of all buildings existing on the lot;
(3) The proposed new construction plot plan, which shall include the following:
A. A scale drawing in duplicate with north indication arrow;
B. Shape and dimensions of the lot, including the square footage;

C. All drainage, utility easements, and building setbacks including a legend. A legend listing what the abbreviated letters stand for (Example: B.S. = building setback; U.E. = utility easement; D.E.= drainage easement);
D. Building setback lines, including distance of structure from back of curb;
E. The relative difference of elevation between the curb and the top of the foundation;
F. Information on the final grading, (arrows), which shows the disposal of surface drainage in the vicinity of the structure;
G. All drives shall either slope away from the final garage floor elevation of the structure at a rate of 1/2-inch per foot or, if elevations prohibit sloping away, positive drainage shall be allowed, provided appropriate drainage away from the structure is included;
H. Lot number, subdivision name, section, town, range, city, county and state;
I. All existing structures located on the property and including distances from these structures to existing property lines. Example: pools, sheds, decks, fences, detached garages; and
J. Name of street and label right-of-way distance;

(4) The existing and intended use of all parts of the land or buildings;

(5) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Code.

(b) The Zoning Administrator may require the plan to be prepared and signed by a registered architect, engineer, surveyor or other licensed professional.

1135.07 ISSUANCE OF ZONING PERMIT; PERIOD OF VALIDITY.

(a) Zoning permits shall be issued, refused, or commented on within ten (10) working days after the date of application. Written notice of refusal and reason thereof shall be given to the applicant.

(b) If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said zoning permit shall expire and be revoked by the Zoning Administrator. Written notice of such expiration and revocation shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one (1) year of the date of issuance thereof, said zoning permit shall expire and be revoked by the Zoning Administrator, unless an extension is granted per subsection (c) below. Written notice of such expiration and revocation shall be given to the persons affected, together with notice that further work as described in the canceled zoning permit shall not proceed

unless and until a new zoning permit has been obtained or extension granted.

(c) If the authorized work is suspended or abandoned for, or not completed within, a period of six (6) months after the time of commencing the work, the zoning permit shall become invalid. Two extensions may be granted for six (6) months each, if requested by the owner at least ten (10) days in advance of the expiration of the existing permit and upon the payment of a fee for each extension as provided herein.

1135.08 OCCUPANCY PERMIT REQUIRED

An Occupancy Permit shall be obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all provisions of the Zoning Code. For residential structures, the Zoning Permit shall also serve as the Occupancy Permit. This Occupancy permit is for zoning purposes only; an applicant may be required to obtain a "certificate of occupancy" from the City's designated building inspections operations. An Occupancy Permit shall be required in the following cases:

(a) Prior to the occupancy or use of a newly erected building or structure.
(b) Prior to the occupancy or use of a substantially reconstructed or enlarged building or structure.
(c) Prior to the occupancy or use of an existing building or structure that was not previously occupied.
(d) Prior to the occupancy or use whenever the use of a given space changes to another use or business.
(e) Prior to the occupancy or use whenever an occupancy is discontinued for more than thirty (30) days and is later re-established.
(f) Prior to the occupancy or use of existing vacant land.

The planning division of the Engineering Department shall maintain a record of all Occupancy Permits issued. Failure to obtain an Occupancy Permit shall be a violation of this Zoning Code and punishable under the provisions contained herein.

1135.09 FEES.

(a) Application under this Zoning Code for a zoning certificate, appeal, variance, occupancy permit, planned development, text or map amendment, or other administrative or quasi-judicial action may require payment of a fee. Fees shall be specified by City Council. The appropriate fee shall be paid to the City with the application. There shall be no fee, however, in the case of applications filed by the City Council or the Planning Commission. Should a project begin prior to payment of fees, fees shall then be doubled.
(b) The fees charged under this Zoning Code shall be in addition to any other fees that may be imposed under other applicable ordinances of the City.

The fees imposed by this Zoning Code only partially defray the costs involved in applications, such as publishing and/or posting and mailing the notices of the hearing or hearings, and review of plans by the Zoning Administrator and others. Therefore, these fees are not refundable regardless of the outcome of the application.

1137 - APPEALS AND VARIANCES

1137.01 CREATION AND MEMBERSHIP

(a) The Board of Zoning Appeals is hereby established. The word "Appeals Board" when used in this Zoning Code shall be construed to be the Board of Zoning Appeals. The Appeals Board shall consist of seven (7) members who shall be residents of the City appointed by the Mayor and approved by City Council. One (1) member of the Appeals Board shall be a member of the City Planning Commission. The term of office of the members of the Appeals Board shall be for five (5) years. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. Three (3) consecutive unexcused absences or failure to attend a majority of meetings in a twelve (12) month period, or loss of qualification shall constitute resignation. The Mayor shall have the power to remove any member of the Appeals Board for cause and after a public hearing.

(b) The Appeals Board shall elect its own chairperson and vice-chairperson, who shall serve for one (1) year. The Appeals Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Code.

(c) The Zoning Administrator or designee shall act as Secretary to the Appeals Board and shall:

(1) Maintain permanent and current records of the zoning code, including, but not limited to, all maps, amendments, variances and appeals; and the applications therefore and the records of hearings thereon.

(2) Compile and have printed in book, pamphlet, or map form the current complete text of the zoning code and all amendments thereto, and the zoning map or maps showing the zoning districts, divisions, and classifications currently in effect in the City.

(d) City Staff shall provide such clerical, technical and consulting assistance as may be required by the Appeals Board and other City officials in the exercise of their duties relating to the Zoning Code.

1137.02 JURISDICTION

The Board of Zoning Appeals (Appeals Board) shall have the following jurisdiction and authority:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination (all hereinafter referred to collectively as "decision") made under this Zoning Code by the Zoning

Administrator, subject to the procedure and standards set out in this Zoning Code.

(b) To authorize, upon application in specific cases, variances from the terms of this Zoning Code subject to the procedure and standards set out in this Zoning Code.

(c) To hear and decide appeals and requests for variances from the flood plain requirements as provided for in this Zoning Code and elsewhere in the Codified Ordinances.

(d) To hear and decide all matters referred to it or upon which it is required to pass by this Zoning Code.

(e) To hear and decide all matters related to appeals and variances from Section 521.07 of the Codified Ordinances related to fences.

(f) To hear and decide all matters related to appeals and variances from Section 749.19 of the Codified Ordinances related to signs.

1137.03 MEETINGS

Meetings of the Appeals Board shall be held at the call of the chairperson and at such other times as the Appeals Board may determine. Such chairperson, or acting chairperson, may administer oaths and compel the attendance of witnesses. A quorum shall consist of four (4) members of the Appeals Board. If a quorum is present, then any items on the agenda shall be discussed and acted upon in accordance with the provisions of the Section.

1137.04 HEARINGS AND RULES

All meetings of the Appeals Board shall be open to the public. The Appeals Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the Zoning Administrator and shall be a public record.

1137.05 FINALITY OF DECISIONS OF THE BOARD OF ZONING APPEALS

(a) The concurring vote of a majority of the members of the Appeals Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Code, or to effect any variation in this Zoning Code.

(b) In exercising the above mentioned powers the Appeals Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision of determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator.

(c) All decisions and findings of the Appeals Board, on an appeal or upon a variance, after a hearing, shall be final but in all instances shall be subject to judicial review in the manner provided in O.R.C. Chapter 2506.

1137.06 COUNSEL BY CITY STAFF

City staff may, in an appropriate case, provide assistance, advice, and counsel to the Appeals Board. The Zoning Administrator may make recommendations as he or she may find appropriate. Should the Zoning Administrator make a recommendation, the Zoning Administrator shall provide “findings” of fact.

1137.07 PROCEDURE FOR APPEALS

(a) Authorization. An appeal from a decision of the Zoning Administrator with respect to the interpretation or application of this Zoning Code may be taken to the Appeals Board by any person aggrieved, or by any officer, department, board, or any governmental agency or body affected by the decision of the Zoning Administrator.

(b) Timeline for Appeals. Appeals to the Appeals Board shall be filed within thirty (30) days from the decision of the Zoning Administrator by filing a written notice of appeal with the Secretary of the Appeals Board. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Secretary of the Appeals Board shall forthwith transmit to the Appeals Board all of the papers constituting the record upon which the decisions being appealed were based.

(c) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Appeals Board, after notice of appeal has been filed with the Zoning Administrator, that by reason of facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Appeals Board, or by a court of record on application.

(d) Hearing. The Appeals Board shall select a reasonable time and place for the hearing of an appeal and give at least five (5) days written notice thereof to the owners of property abutting the applicant's property, and owners of property directly across any street or alley, as they shall appear on the notice of appeal. In addition, public notice of such hearings stating

the time, place, date, and subject of the hearing, shall be published in a newspaper of general circulation in the City at least five (5) days prior to the date of the hearing. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.

(e) Decision. The Appeals Board may affirm, reverse, or modify, in whole or in part, the decision appealed from, and to that end the Appeals Board shall have all the powers of the Zoning Administrator with respect to such decision. The concurring vote of a majority of the members of the Appeals Board shall be necessary to reverse or modify any decision of the Zoning Administrator under this Zoning Code. The Appeals Board shall render a written decision on the appeal without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

(f) Records. The Secretary of the Appeals Board shall maintain complete records of all actions of the Appeals Board with respect to appeals.

1137.08 PROCEDURE FOR VARIANCES

(a) Authorization. The Appeals Board may authorize variance from the terms of this Zoning Code only in those specific instances enumerated in Section 1137.08(e) of this Zoning Code and then only when the Appeals Board has made findings of fact, based upon the standards set out in Section 1137.08(f) of this Zoning Code that owing to special conditions a literal enforcement of the provisions of this Zoning Code will result in practical difficulties or unnecessary hardship for the owner, lessee, or occupant of land or structures. The Appeals Board is without authority to consider variances within Planned Development (PD) zoning districts, because the Planning Commission maintains continuing jurisdiction over such districts once they are established. Accordingly, any proposed variations from the approved final development plan and record plan must be approved through the PD approval process as a major or minor change and not by variance.

(b) Application. An application for a variance shall be filed in duplicate with the Secretary of the Appeals Board. Such an application shall not be filed until a Zoning Certificate has been applied for and refused by the Zoning Administrator. The application shall contain the following information as well as such additional information as may be prescribed by general rule of the Appeals Board:

(1) <u>Description of property and nature of variance</u>:

A. The nature of the variance, including the specific provisions of this Zoning Code from which the variance is requested;

B. A description sufficient to identify the property, including a reference of the volume and page of the last recorded deed;

C. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the neighborhood or zoning district;
D. A statement showing that the special conditions and circumstances do not result from the actions of the applicant;
E. A statement showing that the granting of the variance is necessary to the preservation and enjoyment of substantial property rights;
F. An accurate list of the names and current tax mailing addresses of all owners of property within a radius of two hundred fifty (250) feet from the subject property; and
G. Such other information regarding the appeal as may be pertinent to appropriate action by the Board of Zoning Appeals.

(2) Plot plan. The application shall be accompanied by one (1) copy of a plot plan drawn to an appropriate scale showing the following:

A. The boundaries and dimensions of the lot;
B. The size and location of existing and proposed structures;
C. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking, loading spaces and landscaping;
D. The relationship of the requested variance to the standards set by this Zoning Code;
E. The use of land and location of structures on adjacent property.

(c) Recommendation of Zoning Administrator. The Zoning Administrator shall provide findings of fact and make recommendations to the BZA.

(d) Hearing. The Appeals Board shall hold a hearing on an application for a variance within thirty (30) days after the application has been filed unless otherwise agreed by the applicant. Public notice of such hearing shall be published at least once in a newspaper of general circulation in the City not less than five (5) nor more than twenty (20) days before such hearing. Such notice shall contain the date, time, and place of the hearing, and a brief description of the relief sought. Written notice shall be given at least five (5) days before the hearing to owners of property abutting the applicant's property and owners of property directly across any street or alley, as they appear on the application. The Appeals Board may give such additional notice as it may from time to time by general rule provide. Any party in interest may appear and be heard at the hearing in person or by agent.

(e) Authorized Variances. Variances from the regulations of this Zoning Code shall be granted by the Appeals Board only in accordance with the

standards set out in Section 1137.08(f) of this Zoning Code and may be granted only in the following instances, and in no case shall the Appeals Board have authority to grant variances as to use:

(1) To vary the applicable lot size requirements.
(2) To vary the applicable bulk regulations, including maximum height, lot coverage, and floor area ratio, transitional yards, and minimum yard requirements.
(3) To vary the applicable off-street parking and off-street loading requirements contained in this Zoning Code.
(4) To vary or make interpretations regarding the sections of this Zoning Code dealing with the following subjects wherever the provisions of this Zoning Code constitute unnecessary hardship upon the property owner, provided such variance shall remain in harmony with the general purpose and intent of this Zoning Code: signs, general provisions, home occupations, accessory uses, and temporary uses and nonconformities.

(f) Standards for Variances.

(1) The Appeals Board shall not grant a variance as authorized in Section 1137.08(e) of this Zoning Code unless it evaluates the proposed variance in view of the following criteria, and makes written findings of fact as to these criteria and any other matters that the Board may find relevant. Variances shall be granted only upon a determination that practical difficulties exist with respect to the property in question that would render strict application of the Zoning Code inequitable. In determining whether practical difficulties exist sufficient to warrant a variance, the Appeals Board shall consider and weigh the following factors:

A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
B. Whether the variance is substantial;
C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
E. Whether the property owner purchased the property with knowledge of the zoning restriction;

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;
H. Practical difficulty asserted by the applicant is not similarly existing on nearby properties or commonly occurring within the City;
I. The practical difficulty was not created by the acts or omission of any current legal or equitable owner, or by the unlawful acts or omissions of any current legal or equitable owner, or by the unlawful acts of any prior owner;
J. Approval of the requested variance will not materially damage the public health, safety, morals, convenience, comfort, prosperity, or general welfare, and adjoining properties will not suffer substantial detriment if the variance is granted;
K. The requested variance would not create any material advantage which practical difficulties do not enjoy;
L. The variance requested is the minimum necessary to alleviate any practical difficulty created by the literal language of this Zoning Code.

(g) Conditions and Restrictions. In granting a variance, the Appeals Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Section 1137.08(f) of this Zoning code so as to reduce or minimize any potential injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Zoning Code.

(h) Decisions and Records. The Appeals Board shall render a written decision on an application for a variance without unreasonable delay after the close of a hearing, but in all cases, within thirty (30) days from the close of the hearing. The Secretary of the Appeals Board shall maintain complete records of all actions of the Appeals Board with respect to applications for variances.

(i) Period of Validity. No variance granted by the Appeals Board shall be valid for a period longer than six (6) months from the date on which the Appeals Board grants the variance, unless within such six (6) month period, either a zoning certificate is obtained and construction, moving, or remodeling of a structure is started; or an occupancy permit is obtained and a use commenced. The Appeals Board may grant a maximum of two (2) extensions not exceeding six (6) months each, upon written application, without notice of hearing.

(j) Extensions. If the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, the zoning permit shall become invalid. Two (2) extensions may be granted for six (6) months each, if requested by the owner at least ten (10) days in advance of the expiration of the existing permit and upon the payment of a fee for each extension as provided herein.

1139 - AMENDMENTS

1139.01 AUTHORITY FOR AMENDMENTS

The regulations imposed and the districts created under this Zoning Code may be amended from time to time by ordinance duly enacted by the City Council. No such amendment shall be adopted except in accordance with the procedure specified in this Zoning Code.

1139.02 PROPOSAL OF AMENDMENTS

Amendments may be proposed by the City Council; by the Planning Commission; or by any resident of, owner of, optionee of, or lessee of property in the City, but only in the manner and pursuant to the procedure set forth in Section 1139.03. When the City Council proposes an amendment, it shall transmit its proposal to the Planning Commission, for the report required by Sections 1139.05 to 1139.07, of this Zoning Code.

1139.03 APPLICATION FOR AMENDMENT

When any resident of, owner of, optionee of, or lessee of property in the City proposes an amendment to any of the regulations imposed by this Zoning Code or to any zoning district created thereby, an application for such amendment shall be filed in duplicate with the Zoning Administrator. Before submitting any application for amendment, the applicant may informally consult with the Planning Commission staff with respect to the proposed amendment. However, no statement or representation by any staff member shall be binding on the Planning Commission, the City Council or any other City official. The application shall be in such form and contain such information as shall be prescribed from time to time by the City Staff, but shall in all instances contain the following information:

(a) The applicant's name and address.
(b) The reason for seeking a change and the wording of the proposed amendment.
(c) In the event that the proposed amendment would change the zoning classification of any property:

    (1) The interest of the applicant in the land proposed to be reclassified and if the applicant is not the owner, the name and address of the owner or owners of said land.
    (2) The legal description of the land proposed to be reclassified.
    (3) A site plan prepared by a registered engineer, surveyor or architect drawn to such scale as to clearly show:

A. The actual dimensions of the subject property according to the recorded plat of such property, lot numbers, its present zoning classification and existing and proposed uses; and

B. The present zoning classification of all surrounding lands located within two hundred fifty (250) feet of the land proposed to be reclassified.

(4) The names and addresses, and lot numbers of the owners of property within a radius of two hundred fifty (250) feet from the parcel or parcels of land proposed to be reclassified.

1139.04 APPEARANCE BEFORE AND ACTION BY THE PLANNING COMMISSION

(a) Before submitting the report required by Section 1139.05 of this Zoning Code, the Planning Commission shall afford the applicant the opportunity to appear before it either in person or through a duly authorized agent in support of the proposed amendment. The Planning Commission may hold a public hearing if it determines that such a hearing is necessary and appropriate in order to properly evaluate the proposed amendment as required in Sections 1139.05 and 1139.06 and provided for in Section 1139.11 of this Zoning Code and to arrive at recommendations with respect to the approval or disapproval of the amendment.

(b) If a proposed amendment intends to rezone or redistrict an area of ten (10) or less parcels of land as listed on the tax duplicate and if a hearing is held then public notice shall be published in a newspaper of general circulation in the City at least thirty (30) days prior to the public hearing. Also, written notice shall be sent at least twenty (20) days prior to the hearing by first class mail to property owners appearing on the County Auditor's current tax list of the County Treasurer's mailing list within two hundred fifty (250) feet of the subject property. The failure of delivery of such notice shall not invalidate any subsequent proceedings or legislation. Such notice shall state the date, time and place of the hearing as well as a brief description of the proposed amendment and the property affected by such amendment.

1139.05 REPORT TO CITY COUNCIL

Before a public hearing is held by the City Council on a proposed amendment, the Planning Commission shall submit a report to the City Council. A copy of the report shall be kept available for public inspection. A copy of the report shall also be furnished to the party who proposed the amendment at the same time it is transmitted to the City Council. Such report shall contain a recommendation as to whether the Planning Commission approves or disapproves of the proposed amendment and the Planning Commission's specific suggestions and determinations on the relevant items.

1139.06 AMENDMENTS TO TEXT

When a proposed amendment would result in a change in the text of this Zoning Code but would not result in a change of zoning classification of any property on the zoning map, the report of the Planning Commission shall contain a statement as to the nature and effect of such amendment and determinations as to the following items:

(a) Whether such change is consistent with the intent and purpose of this Zoning Code.
(b) Which areas are most likely to be directly affected by such change and in what way they will be affected.
(c) Whether the proposed amendment is made necessary because of changed or changing conditions in the areas of zoning districts affected or in the City generally, and, if so, the nature of such changed or changing conditions.

1139.07 AMENDMENTS TO CHANGE ZONING DISTRICTS

When a proposed amendment would result in a change of zoning classification of any property and thereby amend the Zoning Map, the report of the Planning Commission shall contain statements as to the present classification, the proposed classification under the amendment, the reason(s) for seeking such reclassification, and determinations as to the following items:

(a) Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.
(b) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.
(c) Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity. The Planning Commission may suggest conditions and restrictions on the uses that would be permitted on the property if it were reclassified in order to attain compatibility with the uses permitted on other property in the immediate vicinity.
(d) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.
(e) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, that make a substantial part of such vacant land unavailable for development.
(f) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.
(g)

1139.08 HEARING AND ACTION BY CITY COUNCIL

(a) Upon receipt of the report of the Planning Commission, if such report recommends approval, or approval with modifications of the proposed amendment, the City Council shall proceed to schedule a public hearing on the proposed amendment with a reasonable hour and place selected for such hearing.

(b) If the report of the Planning Commission recommends disapproval of the proposed amendment, the applicant may, within twenty (20) days after receipt of the report of the Planning Commission, notify the Clerk of City Council in writing, that a public hearing before the City Council is desired. If such notice is received within this time, the application for a proposed amendment shall be treated as under paragraph (a) above. If such notice is not received within the time, the applicant shall be deemed to have withdrawn the proposed amendment and no further action will be taken.

1139.09 NOTICE OF HEARING

Public notice of a hearing on a proposed amendment shall be published in a newspaper of general circulation in the City not less than thirty (30) days prior to the date of such hearing. Such notice shall state the date, time, and place of the hearing, as well as a brief description of the proposed amendment and property affected by such amendment. During the thirty (30) day period a copy of the text of the proposed amendment together with such maps which are a part of or referred to in the text of the proposed amendment, together with the report of the Planning Commission shall be on file for public examination in the office of the Clerk of the City Council and also with the Zoning Administrator.

1139.10 NOTICE OF HEARING TO PROPERTY OWNERS

If a proposed amendment intends to rezone or redistrict an area of ten (10) or less parcels of land as listed on the tax duplicate in addition to the notice required by Section 1139.09 of this Zoning Code, a written notice shall be sent by the Clerk of City Council at least twenty (20) days prior to the hearing by first class mail to property owners appearing on the County Auditor's current tax list of the County Treasurer's mailing list within two hundred fifty (250) feet of the subject property. The failure of delivery of such notice shall not invalidate any subsequent proceedings or legislation. Such notice shall state the date, time and place of the hearing as well as a brief description of the proposed amendment and the property affected by such amendment.

1139.11 CONDUCT OF HEARING

The public hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the City Council may, from time to time, prescribe by rule. Any interested person or party may appear and be heard at the

hearing in person, by agent, or by attorney. All facts bearing upon the proposed amendment obtained by the Planning Commission shall be presented at the hearing.

1139.12 ADOPTION OF AMENDMENTS

If a proposed amendment is not acted upon by the City Council within ninety (90) days after the report of the Planning Commission is submitted, such proposed amendment shall be deemed to have been defeated and denied and shall not thereafter be passed without an additional public hearing and notice thereof as provided in Sections 1139.09 and 1139.10 of this Zoning Code.

1141 – ESTABLISHMENT OF ZONING DISTRICTS AND MAP.

1141.01 CONVENTIONAL ZONING DISTRICTS.

The following conventional zoning districts are hereby established, and upon their application to lands within the incorporated area of Troy shall control all land uses established thereon:

(a) Agricultural Zoning Districts.

(1)	A	Agricultural District.
(2)	A-R	Agricultural Residential District.

(b) Residential Zoning Districts.

(1)	R-1	Single-Family Residential District.
(2)	R-2	Single-Family Residential District.
(3)	R-3	Single-Family Residential District.
(4)	R-3-B	Single-Family Residential District.
(5)	R-4	Single-Family Residential District.
(6)	R-5	Single-Family Residential District.
(7)	R-6	Two-Family Residential District.
(8)	R-7	Multiple-Family Residential District.

(c) Office Zoning Districts.

(1)	OR-1	Office Residence District.
(2)	OC-1	Office-Commercial District.

(d) Commercial Zoning Districts.

(1)	B-1	Local Retail District.
(2)	B-2	General Business District.
(3)	B-3	Central Business District.
(4)	B-4	Highway Service Business District.

(e) Industrial Zoning Districts.

(1)	M-1	Planned Industrial District.
(2)	M-2	Light Industrial District.
(3)	M-3	General Industrial District

(f) Environmental and Special Protection Zoning Districts.

(1)	WO	Wellhead Operation District.
(2)	WP	Well Field Protection Overlay District.

(3) FP Floodplain Overlay Zoning District.
(4) HP-O Historic Preservation Overlay District.
(5) HL-O Historic Landmark Overlay District.

1141.02 PLANNED DEVELOPMENT ZONING DISTRICTS.

The following Planned Development (PD) Zoning Districts are hereby established, and upon their application to lands within the incorporated area of Troy, shall control all land uses established thereon:

(a) PD-R Planned Development - Residential.
(b) PD-O/C Planned Development – Office/Commercial.
(c) PD-I Planned Development - Industrial.
(d) PD MIX Planned Development – Mixed Use (as permitted by Section 1145.02 of this Zoning Code)

1141.03 ADOPTION AND MAINTENANCE OF OFFICIAL ZONING MAP.

(a) Creation and Adoption. A certain map, prepared by the City, dated June 19, 2008, and which shall be amended by the City from time to time, (hereinafter "original Zoning Map") is hereby adopted by the City Council as the only true and accurate depiction of the configuration of zoning districts made effective with the adoption of this Zoning Code. The original Zoning Map and all notations and references and other matters shown thereon are made part of this Zoning Code. This map, or a duly authenticated replacement of it, with all subsequent amendments, shall be continuously maintained in the City offices for reproduction purposes and the reference of interested persons. Such map shall be captioned "Official Zoning Map of the City of Troy, Ohio." It is the intent of this Zoning Code that the entire area under the jurisdiction of City zoning, including all land, water areas, rivers, streets, alleys, and railroad and other rights-of-way be included in the districts established by this Zoning Code.
(b) Authentication. The original Zoning Map and any reproducible replacement thereof, including all subsequent amendments, shall be authenticated by the signature of the Mayor, attested to by the Clerk of Council, under the following words: "This is to certify that this is the official zoning map referred to in Section 1141 of the Codified Ordinances of Troy, Ohio, as adopted on or about March 16, 2009, with any subsequent amendments indicated hereon."
(c) Amendment. The official Zoning Map (hereinafter "the Zoning Map") may be amended only when authorized by official action of the City Council as provided by statute and in this Zoning Code. No new authentication of the original reproducible Zoning Map shall be necessary following such changes, the authorizing ordinances and map annotations being sufficient documentation.

(d) Replacement of Reproducible Map. The Zoning Map, as amended from time to time, shall be maintained in a format suitable for reproduction and kept in a place of safekeeping by the Zoning Administrator. If the original reproducible Zoning Map must be replaced by a new base map due to loss, destruction, excessive changes or any other reason, the superseded reproducible map shall be retained in the permanent records of the City. The reproducible map may be corrected for drafting or other errors and omissions only by replacing it with a new reproducible base map. Any new reproducible base map must be newly authenticated before it is published. With the approval of the Zoning Administrator, the succession of reproducible base maps may be prepared and/or preserved on electronic media, provided that the system used provides for authentication of each new base map and effectively prevents the loss of historical information.

(e) Re-drafting: Annotation. Upon Council approval of any amendment to the Zoning Map, the Zoning Administrator shall alter the reproducible Zoning Map to show the amendment. Each parcel or contiguous group of parcels affected by the rezoning shall be annotated to indicate the new zoning, the ordinance number adopting the amendment, and the date of adoption. Such annotations shall remain on the map through any subsequent rezonings and map re-draftings, so that the history of zoning for each parcel is plainly evident.

(f) Publication. Copies of the current Zoning Map may be distributed or otherwise published with or without attachment to the Zoning Code.

(g) Rules of Interpretation. Where the Zoning Administrator determines that there is uncertainty with respect to the intended boundaries of any of the zoning districts shown on the official Zoning Map, and their location cannot be determined by reference to the original enacting legislation, the following rules shall apply:

(1) Where a district boundary is shown as approximately following the centerline of a street or highway, or the right-of-way line abutting a street or highway, or a lot line, such centerline, right-of-way line or lot line shall be deemed to be such boundary;

(2) Where district boundaries are shown as approximately parallel to a street or highway, or to the right-of-way line abutting a street or highway, or a lot line, such boundary shall be deemed to be parallel to such centerline, right-of-way line or lot line, at the average distance which can be scaled from the Zoning Map;

(3) Where the district boundaries appear to follow a railroad line, such boundary shall be deemed to follow the centerline of the most-used track of such railroad line;

(4) Where district boundaries follow a stream, lake or other body of water, such boundary shall be deemed to follow the edge of such water;

(5) Where the Zoning Administrator cannot determine the precise location of the boundary of a district by reviewing the applicable ordinances and/or applying these rules, the City Council shall make the determination after requesting a recommendation from the Planning Commission and giving notice and opportunity for a hearing to the affected property owners, all as in a rezoning.

1143 – CONVENTIONAL ZONING DISTRICTS AND REGULATIONS

1143.01	A	Agricultural District
1143.02	A-R	Agricultural Residential District
1143.03	R-1	Single-Family Residential District
1143.04	R-2	Single-Family Residential District
1143.05	R-3	Single-Family Residential District
1143.06	R-3-B	Single-Family Residential District
1143.07	R-4	Single-Family Residential District
1143.08	R-5	Single-Family Residential District
1143.09	R-6	Two-Family Residential District
1143.10	R-7	Multiple Family Residential District
1143.11	OR-1	Office-Residence District
1143.12	OC-1	Office-Commercial District
1143.13	B-1	Local Retail District
1143.14	B-2	General Business District
1143.15	B-3	Central Business District
1143.16	B-4	Highway Service Business District
1143.17	M-1	Planned Office/Industrial District
1143.18	M-2	Light Industrial District
1143.19	M-3	General Industrial District
1143.20	WO	Wellhead Operation District
1143.21	WP	Wellfield Protection Overlay District
1143.22	HP-O	Historic Preservation Overlay Districts
1143.23	FP	Flood Plain Overlay District

1143.01 A AGRICULTURAL DISTRICT

(a) Purpose. The "A" Agricultural District is designated to provide for agricultural activity on large tracts and areas of open land containing a minimum of twenty (20) acres. Certain public and semi-public uses intended to serve residential development are permitted. This district will be mapped in undeveloped areas at the outer periphery of the City where there is minimal water and sewer service.

(b) Principal Permitted Uses. Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Agricultural uses.
- Commercial greenhouse and nurseries.
- Hydroponic farms.
- Kennels.
- Public parks, playgrounds and community centers.
- Public utility.
- Riding academies.

- Roadside stands – agricultural products grown on premises.
- Schools – primary, intermediate and secondary – public or private.
- Veterinary office – w/boarding.
- Veterinary office – no boarding.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Private garages or carports.
(2) A structure for storage incidental to a permitted use
(3) A guest house.
(4) Private swimming pool, bath house, and tennis courts.
(5) Child's playhouse.
(6) Statuary, arbors, trellises, barbeque equipment, flagpoles, fences, play equipment, clothes lines, walls, and hedges.
(7) Fallout shelters.
(8) Day-care centers.
(9) Satellite earth stations and dish antennas.
(10) Antennas used by amateur radio operators.
(11) Any other use customarily found in conjunction with the principal use.

(d) Lot Size Requirements. Each separate zoning lot in the "A" Agricultural District shall:

(1) Contain a minimum lot area of twenty (20) acres.
(2) Have a minimum lot width of one thousand (1000) feet.
(3) Have a minimum lot depth of five hundred (500) feet.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "A" Agricultural District when it abuts the following zoning districts:

(1) R-7, OR-1, OC-1, B-1 or WO: A minimum of fifteen (15) feet in width.
(2) B-2, B-3, B-4, M-1, M-2, M-3: A minimum of twenty-five (25) feet in width.

All buffer strips shall be developed in accordance with the standards outlined in Section 1149.11 of this Zoning Code.

(f) Bulk Regulations. All construction on any zoning lot in the "A" Agricultural District shall provide for:

(1) Maximum building lot coverage of twenty-five (25) percent for all areas.
(2) Maximum structure height of fifty (50) feet.

(g) Development Standards. All development in the "A" Agricultural Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.02 A-R AGRICULTURAL RESIDENTIAL DISTRICT

(a) Purpose. The "A-R" Agricultural-Residential District is designated to provide for both agricultural and residential activity on large tracts and open land with a minimum of five (5) acres or greater of lot area per dwelling unit. This district will be mapped in undeveloped areas along existing roadways where there is minimal water and sewer service.

(b) Principal Permitted Uses. Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (e) of this section shall be permitted:

- Agricultural uses.
- Hydroponic farms.
- Public parks, playgrounds and community centers.
- Public utility.
- Roadside stands – agricultural products grown on premises.
- Schools – primary, intermediate and secondary – public or private.
- Single family dwellings.
- Veterinary office – with boarding.
- Veterinary office – without boarding.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Private garages or carports.
(2) A structure for storage incidental to a permitted use.
(3) A guest house.
(4) Private swimming pool, bath house, and tennis courts.
(5) Child's playhouse.
(6) Statuary, arbors, trellises, barbeque equipment, flagpoles, fences, play equipment, clothes lines, walls, and hedges.
(7) Fallout shelters.
(8) Day-care centers.

(9) Satellite earth stations and dish antennas.
(10) Antennas used by amateur radio operators.
(11) Any other use customarily found in conjunction with the principal use.

(d) Lot Size Requirements. Each separate zoning lot in the "A-R" Agricultural-Residential District shall:
(1) Contain a minimum lot area of five (5) acres.
(2) Have a minimum lot width of two hundred fifty (250) feet.
(3) Have a minimum lot depth of five hundred (500) feet.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "A-R" Agricultural-Residential District when it abuts the following zoning districts:

(1) R-7, OR-1, OC-1, B-1 or WO: A minimum of fifteen (15) feet in width.
(2) B-2, B-3, B-4, M-1, M-2, M-3: A minimum of twenty-five (25) feet in width.

All buffer strips shall be developed in accordance with the standards outlined in Section 1149.11.

(f) Bulk Regulations. All construction on any zoning lot in the "A-R" Agricultural-Residential District shall provide for:

(1) Maximum building lot coverage of twenty-five (25) percent.
(2) Maximum structure height of fifty (50) feet.
(3) Minimum front yard of fifty (50) feet.
(4) Minimum combined side yard of one hundred (100) feet. with one side being a minimum side yard of forty (40) feet.

(g) Development Standards. All development in the "A-R" Agricultural-Residential Zoning District shall be subject to the applicable provisions of Sections 1147 through 1161.

1143.03 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Purpose. The "R- 1" Single-Family Residence District is designed to accommodate single-family dwellings on lots with areas of at least forty thousand (40,000) square feet per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. Such areas will generally be located at the outer periphery of the City in neighborhoods with large lots and which warrant protection of the neighborhood's

residential environment. The Comprehensive Plan describes the R-1 District as very low density.

(b) Principal Permitted Uses. Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Adult Family Home.
- Churches, chapels, temples, synagogues.
- Family Home.
- Foster Family Home.
- Public parks, playgrounds and community centers.
- Public utility.
- Schools – primary, intermediate and secondary – public or private.
- Single family dwellings.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Private garages or carports.
(2) A structure for storage incidental to a permitted use.
(3) A guest house.
(4) Private swimming pool, bath house, and tennis courts.
(5) Child's playhouse.
(6) Statuary, arbors, trellises, barbeque equipment, flagpoles, fences, play equipment, clothes lines, walls, and hedges.
(7) Fallout shelters.
(8) Day-care centers.
(9) Satellite earth stations and dish antennas.
(10) Antennas used by amateur radio operators.
(11) Any other use customarily found in conjunction with the principal use.

(d) Lot Size Requirements. Each separate zoning lot in the "R-1" Single-Family Residential District shall:

1) Contain a minimum lot area of forty thousand (40,000) square feet.
2) Have a minimum lot width of one hundred-fifty (150) feet.
3) Have a minimum lot depth of one hundred fifty (150) feet.
4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sac lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "R-1" Single-Family District when it abuts the following zoning districts:

(1) R-7, OR-1, OC-1, B-1 or WO: A minimum of fifteen (15) feet in width.
(2) B-2, B-3, B-4, M-1, M-2, M-3: A minimum of twenty-five (25) feet in width.

(f) Bulk Requirements. All construction on any zoning lot in the "R-1" Single-Family Residential District shall provide for:

(1) Maximum building lot coverage of twenty-five (25) percent.
(2) Maximum structure height of (40) feet.
(3) Minimum front yard of fifty (50) feet.
(4) Minimum combined side yard of sixty (60) feet, with one side being a minimum side yard of twenty-five (25) feet.
(5) Minimum rear yard of fifty (50) feet.

(f) Development Standards. All development in the "R-1" Single-Family Residential Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.04 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Purpose. The "R-2" Single-Family Residence District is designed to accommodate single-family dwellings on lots with areas of at least twenty thousand (20,000) square feet per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. Such areas will generally be located in neighborhoods with large lots and which warrant protection of the neighborhood's residential environment. The Comprehensive Plan describes the R-2 District as low density.

(b) Principal Permitted Uses. Only those uses set forth below which continuously conform to all the requirements of divisions (c) through (f) of this section shall be permitted:

- Adult Family Home.
- Churches, chapels, temples, synagogues.
- Family Home.
- Foster Family Home.

- Public parks, playgrounds and community centers.
- Public utility.
- Schools – primary, intermediate and secondary – public or private.
- Single family dwellings.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Private garages or carports.
(2) A structure for storage incidental to a permitted use.
(3) A guest house.
(4) Private swimming pool, bath house, and tennis courts.
(5) Child's playhouse.
(6) Statuary, arbors, trellises, barbeque equipment, flagpoles, fences, play equipment, clothes lines, walls, and hedges.
(7) Fallout shelters.
(8) Day-care centers.
(9) Satellite earth stations and dish antennas.
(10) Antennas used by amateur radio operators.
(11) Any other use customarily found in conjunction with the principal use.

(d) Lot Size Requirements. Each separate zoning lot in the "R-2" Single-Family Residential District shall:

(1) Contain a minimum lot area of twenty thousand (20,000) square feet.
(2) Have a minimum lot width of one hundred (100) feet.
(3) Have a minimum lot depth of one hundred twenty-five (125) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sac lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "R-2" Single-Family Residential District when it abuts the following zoning districts:

(1) R-7, OR-1, OC-1, B-1 or WO: A minimum of fifteen (15) feet in width.
(2) B-2, B-3, B-4, M-1, M-2, M-3: A minimum of twenty-five (25) feet in width.

All buffer strips shall be developed in accordance with the standards outlined in Section 1149.11 of this Zoning Code.

(f) Bulk Regulations. All construction on any zoning lot in the "R-2" Single-Family Residential District shall provide for:

(1) Maximum building lot coverage of twenty-five (25) percent.
(2) Maximum structure height of forty (40) feet.
(3) Minimum front yard of forty (40) feet.
(4) Minimum combined side yard of fifty (50) feet, with one side being a minimum side yard of twenty (20) feet.
(5) Minimum rear yard of fifty (50) feet.

(g) Development Standards. All development in the "R-2" Single-Family Residential Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.05 R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Purpose. The "R-3" Single-Family Residence District is designed to accommodate single-family dwellings on lots with areas of at least fifteen thousand (15,000) square feet per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. The Comprehensive Plan describes the R-3 District as low to medium density.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (c) through (f) of this section shall be permitted:

- Adult Family Home.
- Churches, chapels, temples, synagogues.
- Family Home.
- Foster Family Home.
- Public parks, playgrounds and community centers.
- Public utility.
- Schools – primary, intermediate and secondary – public or private.
- Single family dwellings.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Private garages or carports.
(2) A structure for storage incidental to a permitted use.
(3) A guest house.
(4) Private swimming pool, bath house, and tennis courts.
(5) Child's playhouse.

(6) Statuary, arbors, trellises, barbeque equipment, flagpoles, fences, play equipment, clothes lines, walls, and hedges.
(7) Fallout shelters.
(8) Day-care centers.
(9) Satellite earth stations and dish antennas.
(10) Antennas used by amateur radio operators.
(11) Any other use customarily found in conjunction with the principal use.

(d) Lot Size Requirements. Each separate zoning lot in the "R-3" Single-Family Residential district shall:

(1) Contain a minimum lot area of fifteen thousand (15,000) square feet.
(2) Have a minimum lot width of eighty (80) feet.
(3) Have a minimum lot depth of one hundred (100) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sac lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "R-3" Single-Family Residential District when it abuts the following zoning districts:

(1) R-7, OR-1, OC-1, B-1 or WO: A minimum of fifteen (15) feet in width.
(2) B-2, B-3, B-4, M-1, M-2, M-3: A minimum of twenty-five (25) feet in width.

All buffer strips shall be developed in accordance with the standards outlined in Section 1149.11 of this Zoning Code

(f) Bulk Regulations. All construction on any zoning lot in the "R-3" Single-Family Residential District shall provide for:

(1) Maximum building lot coverage of forty (40) percent.
(2) Maximum structure height of forty (40) feet.
(3) Minimum front yard of forty (40) feet.
(4) Minimum side yard of ten (10) feet.
(5) Minimum rear yard of forty (40) feet.

(g) Development Standards. All development in the "R-3" Single-Family Residential Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.06 R-3-B SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Purpose. The "R-3-B" Single-Family Residence District is designed to accommodate single-family dwellings on lots with areas of at least twelve thousand (12,000) square feet per dwelling unit. This district will be mapped for selected areas which will develop in the future. The Comprehensive Plan describes the R-3-B District as medium density.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Adult Family Home.
- Churches, chapels, temples, synagogues.
- Family Home.
- Foster Family Home.
- Public parks, playgrounds and community centers.
- Public utility.
- Schools – primary, intermediate and secondary – public or private.
- Single family dwellings.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Private garages or carports.
(2) A structure for storage incidental to a permitted use.
(3) A guest house.
(4) Private swimming pool, bath house, and tennis courts.
(5) Child's playhouse.
(6) Statuary, arbors, trellises, barbeque equipment, flagpoles, fences, play equipment, clothes lines, walls, and hedges.
(7) Fallout shelters.
(8) Day-care centers.
(9) Satellite earth stations and dish antennas.
(10) Antennas used by amateur radio operators.
(11) Any other use customarily found in conjunction with the principal use.

(d) Lot Size Requirements. Each separate zoning lot in the "R-3-B" Single-Family Residential District shall:

(1) Contain a minimum lot area of twelve thousand (12,000) square feet.
(2) Have a minimum lot width of eighty (80) feet.

(3) Have a minimum lot depth of one hundred (100) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "R-3-B" Single-Family Residential District when it abuts the following zoning districts:

(1) R-7, OR-1, OC-1, B-1 or WO: A minimum of fifteen (15) feet in width.
(2) B-2, B-3, B-4, M-1, M-2, M-3: A minimum of twenty-five (25) feet in width.

All buffer strips shall be developed in accordance with the standards outlined in Section 1149.11 of this Zoning Code.

(f) Bulk Regulations. All construction on any zoning lot in the "R-3-B" Single-Family Residential District shall provide for:

(1) Maximum building lot coverage of forty (40) percent.
(2) Maximum structure height of forty (40) feet.
(3) Minimum front yard of thirty (30) feet.
(4) Minimum side yard of ten (10) feet.
(5) Minimum rear yard of thirty-five (35) feet.

(g) Development Standards. All development in the "R-3-B" Single-Family Residential Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.07 R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Purpose. The "R-4" Single-Family Residence District is designed to accommodate single-family dwellings on lots with areas of at least nine thousand (9,000) square feet per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. The Comprehensive Plan describes the R-4 District as medium to high density.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Adult Family Home.
- Churches, chapels, temples, synagogues.

- Family Home.
- Foster Family Home.
- Public parks, playgrounds and community centers.
- Public utility.
- Schools – primary, intermediate and secondary – public or private.
- Single family dwellings.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04:

(1) Private garages or carports.
(2) A structure for storage incidental to a permitted use.
(3) A guest house.
(4) Private swimming pool, bath house, and tennis courts.
(5) Child's playhouse.
(6) Statuary, arbors, trellises, barbeque equipment, flagpoles, fences, play equipment, clothes lines, walls, and hedges.
(7) Fallout shelters.
(8) Day-care centers.
(9) Satellite earth stations and dish antennas.
(10) Antennas used by amateur radio operators.
(11) Any other use customarily found in conjunction with the principal use.

(d) Lot Size Requirements. Each separate zoning lot in the "R-4" Single-Family Residential District shall:

(1) Contain a minimum lot area of nine thousand (9,000) square feet.
(2) Have a minimum lot width of sixty (60) feet.
(3) Have a minimum lot depth of one hundred (100) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "R-4" Single-Family Residential District when it abuts the following zoning districts:

(1) R-7, OR-1, OC-1, B-1 or WO: A minimum of fifteen (15) feet in width.
(2) B-2, B-3, B-4, M-1, M-2, M-3: A minimum of twenty-five (25) feet in width.

All buffer strips shall be in accordance with the standards outlined in Section 1149.11 of this Zoning Code.

(f) Bulk Regulations. All construction on any zoning lot in the "R-4" Single-Family Residential District shall provide for:

(1) Maximum building lot coverage of forty (40) percent.
(2) Maximum structure height of forty (40) feet.
(3) Minimum front yard of thirty (30) feet.
(4) Minimum combined side yard of fifteen (15) feet, with one side being a minimum of seven (7) feet.
(5) Minimum rear yard of thirty (30) feet.

(g) Development Standards. All development in the "R-4" Single-Family Residential Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.08 R-5 SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Purpose. The "R-5" Single-Family Residence District is designed to accommodate single-family dwellings on lots with areas of at least six thousand (6,000) square feet per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. The Comprehensive Plan describes the R-5 District as high density.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Adult Family Home.
- Churches, chapels, temples, synagogues.
- Family Home.
- Foster Family Home.
- Public parks, playgrounds and community centers.
- Public utility.
- Schools – primary, intermediate and secondary – public or private.
- Single family dwellings.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Private garages or carports.
(2) A structure for storage incidental to a permitted use.
(3) A guest house.
(4) Private swimming pool, bath house, and tennis courts.

(5) Child's playhouse.
(6) Statuary, arbors, trellises, barbeque equipment, flagpoles, fences, play equipment, clothes lines, walls, and hedges.
(7) Fallout shelters.
(8) Day-care centers.
(9) Satellite earth stations and dish antennas.
(10) Antennas used by amateur radio operators.
(11) Any other use customarily found in conjunction with the principal use.

(d) Lot Size Requirements. Each separate zoning lot in the "R-5" Single-Family Residential District shall:

(1) Contain a minimum lot area of six thousand (6,000) square feet.
(2) Have a minimum lot width of (50) feet.
(3) Have a minimum lot depth of one hundred (100) feet
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "R-5" Single-Family Residential District when it abuts the following zoning districts:

(1) R-7, OR-1, OC-1, B-1 or WO: A minimum of fifteen (15) feet in width.
(2) B-2, B-3, B-4, M-1, M-2, M-3: A minimum of twenty-five (25) feet in width.

All buffer strips shall be in accordance with the standards outlined in Section 1149.11 of this Zoning Code.

(f) Bulk Regulations. All construction on any zoning lot in the "R-5" Single-Family Residential District shall provide for:

(1) Maximum building lot coverage of fifty (50) percent.
(2) Maximum structure height of forty (40) feet.
(3) Minimum front yard of twenty-five (25) feet.
(4) Minimum side yard of five (5) feet.
(5) Minimum rear yard of thirty (30) feet.

(g) Development Standards. All development in the "R-5" Single-Family Residential Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.09 R-6 TWO-FAMILY RESIDENTIAL DISTRICT

(a) Purpose. The "R-6" Two-Family Residence District is designed to accommodate two-family dwellings on lots with areas of at least six thousand (6,000) square feet and not less than three thousand (3,000) square feet of lot area per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. The Comprehensive Plan describes the R-6 District as high density.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (c) through (f) of this section shall be permitted:

- Adult Family Home.
- Adult Group Home.
- Churches, chapels, temples, synagogues.
- Family Home.
- Foster Family Home.
- Group Home.
- Public parks, playgrounds and community centers.
- Public utility.
- Schools – primary, intermediate and secondary – public or private.
- Single family dwellings.
- Two-family dwellings.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Private garages or carports.
(2) A structure for storage incidental to a permitted use.
(3) A guest house.
(4) Private swimming pool, bath house, and tennis courts.
(5) Child's playhouse.
(6) Statuary, arbors, trellises, barbeque equipment, flagpoles, fences, play equipment, clothes lines, walls, and hedges.
(7) Fallout shelters.
(8) Day-care centers.
(9) Satellite earth stations and dish antennas.
(10) Antennas used by amateur radio operators.
(11) Any other use customarily found in conjunction with the principal use.

(d) Lot Size Requirements. Each separate zoning lot in the "R-6" Two-Family Residential Zoning District shall:

(1) Contain a minimum lot area of six thousand (6,000) square feet for single-family residences, and three thousand (3,000) square feet per unit for two-family residences.
(2) Have a minimum lot width of fifty (50) feet.
(3) Have a minimum lot depth of one hundred (100) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "R-6" Two-Family Residential District when it abuts the following zoning districts:

(1) R-7, OR-1, OC-1, B-1 or WO: A minimum of fifteen (15) feet in width.
(2) B-2, B-3, B-4, M-1, M-2, M-3: A minimum of twenty-five (25) feet in width.

All buffer strips shall be developed in accordance with the standards outlined in Section 1149.11 of this Zoning Code.

(f) Bulk Regulations. All construction on any zoning lot in the "R-6" Two-Family Residential district shall provide for:

(1) Maximum building lot coverage of fifty (50) percent.
(2) Maximum structure height of forty (40) feet.
(3) Minimum front yard of twenty-five (25) feet.
(4) Minimum side yard of ten (10) feet.
(5) Minimum rear yard of twenty-five (25) feet.

(g) Development Standards. All development in the "R-6" Two-Family Residential Zoning district shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.10 R-7 MULTI-FAMILY RESIDENTIAL DISTRICT

(a) Purpose. The "R-7" Multiple-Family Residence District is designed to accommodate multiple-family dwellings on lots with areas of at least six thousand (6,000) square feet and not less than three thousand (3,000) square feet of lot area per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. The Comprehensive Plan describes the R-7 District as high density.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Adult Family Home.
- Adult Group Home.
- Bed and Breakfast.
- Churches, chapels, temples, synagogues.
- Family Home.
- Foster Family Home.
- Group Home.
- Halfway House.
- Intermediate Care Home.
- Multiple-family dwelling.
- Nursing homes.
- Public parks, playgrounds and community centers.
- Public utility.
- Rooming houses.
- Schools – primary, intermediate and secondary – public or private.
- Single family dwellings.
- Social Care Home.
- Two-family dwellings.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Private garages or carports.
(2) A structure for storage incidental to a permitted use.
(3) A guest house.
(4) Private swimming pool, bath house, and tennis courts.
(5) Child's playhouse.
(6) Statuary, arbors, trellises, barbeque equipment, flagpoles, fences, play equipment, clothes lines, walls, and hedges.
(7) Fallout shelters.
(8) Day-care centers.
(9) Satellite earth stations and dish antennas.
(10) Antennas used by amateur radio operators.
(11) Any other use customarily found in conjunction with the principal use.

(d) Lot Size Requirements. Each separate zoning lot in the "R-7" Multi-Family Residential District shall:

(1) Contain a minimum lot area of six thousand (6,000) square feet for single-family residences, three thousand (3,000)

square feet per unit for two-family residences, and three thousand (3,000) square feet per unit for multi-family residences.

(2) Have a minimum lot width of fifty (50) feet.

(3) Have a minimum lot depth of one hundred (100) feet.

(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "R-7" Multiple-Family Residential District when it abuts the following zoning districts:

(1) A, A-R, R-1 to R-6, OR-1, OC-1, WO: A minimum of fifteen (15) feet in width.

(2) B-2, B-3, B-4, M-1, M-2, M-3: A minimum of twenty-five (25) feet in width.

All buffer strips shall be in accordance with the standards outlined in Section 1149.11 of this Zoning Code.

(f) Bulk Regulations. All construction on any zoning lot in the "R-7" Multi-Family Residential district shall provide for:

(1) Maximum building lot coverage of fifty (50) percent.

(2) Maximum structure height of forty (40) feet.

(3) Minimum front yard of twenty-five (25) feet.

(4) Minimum side yard of five (5) feet, except in the case of three-story buildings where the minimum side yard shall be half (1/2) the building height.

(5) Minimum rear yard of twenty-five (25) feet.

(g) Development Standards. All development in the "R-7" Multi-Family Residential Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.11 OR-1 OFFICE-RESIDENCE DISTRICT

(a) Purpose. The "OR-1" Office Residence District is designed to accommodate a mixture of residential and office uses. Medium intensity residential and office uses are permitted with a lot area requirement of three thousand (3,000) square feet per dwelling unit. Residential and office uses may be mixed in the same building or structure. A variety of personal service uses which are compatible with the other uses of the "OR-1" Office-Residence District are permitted. This district is mapped along

major thoroughfares, near hospitals and as a transitional area between commercial and residential uses.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Accountant's office.
- Adult Family Home.
- Adult Group Home.
- Architect's office.
- Art galleries and museums.
- Artist, sculptor and composer studios.
- Attorney's office.
- Automobile parking garages.
- Automobile parking lots.
- Banks and financial institutions.
- Barber and beauty shops.
- Bed and Breakfast.
- Day-care centers.
- Churches, chapels, temples, synagogues.
- Engineer's office.
- Family Home.
- Florists.
- Foster Family Home.
- Gift shops.
- Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Group Home.
- Halfway House.
- Health studios and clubs.
- Insurance agent's office.
- Intermediate Care Home.
- Libraries.
- Medical and dental laboratories.
- Medical and dental office/clinic.
- Mortuaries and funeral parlors.
- Multiple-family dwelling.
- Newsstand-retail sales.
- Nursing homes.
- Photo studios.
- Professional Offices not otherwise mentioned.
- Public parks, playgrounds and community centers.

- Public utility.
- Real estate broker's office.
- Residential use on second story or above.
- Rooming houses.
- Schools – primary, intermediate and secondary – public or private.
- Seamstress and tailor.
- Single family dwellings.
- Social Care Home.
- Two-family dwellings.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Private garages or carports.
(2) A structure for storage incidental to a permitted use.
(3) A guest house.
(4) Private swimming pool, bath house, and tennis courts.
(5) Child's playhouse.
(6) Statuary, arbors, trellises, barbeque equipment, flagpoles, fences, play equipment, clothes lines, walls, and hedges.
(7) Fallout shelters.
(8) Day-care centers.
(9) Satellite earth stations and dish antennas.
(10) Antennas used by amateur radio operators.
(11) Any other use customarily found in conjunction with the principal use.

(d) Lot Size Requirements. Each separate zoning lot in the "OR-1" Office-Residence District shall:

(1) Contain a minimum lot area as follows:
A. Single-Family Residence = 6,000 square feet.
B. Two-Family Residence = 3,000 square feet per unit.
C. Multi-Family Residence = 3,000 square feet per unit.
D. Rooming houses, Nursing homes, Boarding house = 1,000 square feet per bed.
E. Other permitted uses = 6,000 square feet.

(2) Have a minimum lot width of sixty (60) feet.
(3) Have a minimum lot depth of one hundred (100) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "OR-1" Office-Residence District when it abuts the following zoning districts:

(1) A, A-R, R-1 to R-7: A minimum of fifteen (15) feet in width.

All buffer strips shall be developed in accordance with the standards outlined in Section 1149.11 of this Zoning Code.

(f) Bulk Regulations. All construction on any zoning lot in the "OR-1" Office Residence District shall provide for:

(1) Maximum building lot coverage of fifty (50) percent.
(2) Maximum structure height of forty (40) feet.
(3) Minimum front yard of twenty-five (25) feet.
(4) Minimum side yard of ten (10) feet or half (1/2) the building height.
(5) Minimum rear yard of thirty (30) feet.

(g) Development Standards. All development in the "OR-1" Office-Residential Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.12 OC-1 OFFICE-COMMERCIAL DISTRICT

(a) Purpose. The "OC-1" Office-Commercial District is designed to accommodate a mixture of office and commercial uses consisting of groupings of professional, research, executive, administrative, accounting, clerical, stenographic and similar uses. Residential development is not permitted in this district. This district is designed and intended to act as a buffer. This district is mapped along major thoroughfares, near hospitals and as a transitional area between nonresidential and residential uses.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Accountant's office.
- Adult Family Home.
- Apparel stores – retail sales.
- Architect's office.
- Art galleries and museums.
- Artist, sculptor and composer studios.
- Attorney's office.

- Automobile parking garages.
- Automobile parking lots.
- Banks and financial institutions.
- Barber and beauty shops.
- Bed and breakfast.
- Business, civic, fraternal association and labor meeting rooms.
- Business and technical schools.
- Day-care centers.
- Drug stores – retail sales.
- Engineer's office.
- Family Home
- Florists.
- Food stores – retail sales.
- Foster Family Home.
- Gift shops.
- Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Health studios and clubs.
- Insurance agent's office.
- Jewelry – retail sales.
- Libraries.
- Medical and dental laboratories.
- Medical and dental office/clinic.
- Mortuaries and funeral parlors.
- Newsstand – retail sales.
- Nursing homes.
- Photo studios.
- Private clubs.
- Professional Offices not otherwise mentioned.
- Public parks, playgrounds and community centers.
- Public utility.
- Real estate broker's office.
- Residential use on second story or above.
- Retail and service uses.
- Schools – primary, intermediate and secondary – public or private.
- Seamstress and tailor.
- Veterinary office – no boarding.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Refuse Dumpsters.
(2) A structure for storage incidental to a permitted use.
(3) Off-street parking and loading as regulated in Sections 1153 and 1155 of this Zoning Code.
(4) Any use which is customarily found in conjunction with principal use as approved by the Planning Commission.

(d) Lot Size Requirements. Each separate zoning lot in the "OC-1" Office-Commercial District shall:

(1) Contain a minimum lot area of six thousand (6,000) square feet.
(2) Have a minimum lot width of sixty (60) feet.
(3) Have a minimum lot depth of one hundred (100) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "OC-1" Office-Commercial District when it abuts the following zoning districts:

(1) A, A-R, R-1 to R-7: A minimum of fifteen (15) feet in width.

All buffer strips shall be developed in accordance with the standards outlined in Section 1149.11 of this Zoning Code.

(f) Bulk Regulations. All construction on any zoning lot in the "OC-1" Office-Commercial District shall provide for:

(1) Maximum building lot coverage of fifty (50) percent.
(2) Maximum structure height of forty (40) feet.
(3) Minimum front yard of twenty-five (25) feet.
(4) Minimum side yard of five (5) feet.
(5) Minimum rear yard of twenty-five (25) feet.

(g) Development Standards. All development in the "OC-1" Office-Commercial Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.13 B-1 LOCAL RETAIL DISTRICT

(a) Purpose. The "B-1" Local Retail District is intended to permit the development of retail sales and personal services required to meet the day-to-day needs of an adjacent residential neighborhood. Stores, businesses and offices in this zone should be useful to the majority of the neighborhood residents, should be economically supportable by nearby population, and should not draw community-wide patronage. A grocery store or grocery store/drugstore combination is favored as the principal tenant in a local retail district. In general, the "B-1" Local Retail District is intended for the grouping of a grocery store and small retail businesses and office uses which are relatively nuisance-free to surrounding residences and which do not detract from the residential purpose and character of the surrounding neighborhood. Residential uses may be permitted on the second story or above when located in a building in which the first floor is devoted to a permitted use.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Accountant's office.
- Apparel stores – retail stores.
- Architect's office.
- Art and school supplies – retail sales.
- Art galleries and museums.
- Artist, sculptor and composer studios.
- Attorney's office.
- Automobile fuel dispensing station.
- Automobile parking garages.
- Automobile parking lots.
- Banks and financial institutions.
- Barber and beauty shops.
- Bed and Breakfast.
- Bicycle sale, rental and repair.
- Books – retail sales.
- Business, civic, fraternal association and labor meeting rooms.
- Cameras and photo supplies – retail sales.
- Candy and confectionery – retail sales.
- Child day – care centers.
- Churches, chapels, temples, synagogues.
- Cigars, cigarettes, tobacco – retail sales.
- Drug stores – retail sales.
- Dry cleaning and laundromats.
- Eating place – carry out.

- Eating place - #1.
- Eating place - #2.
- Electrical appliance repair.
- Engineer's office.
- Florists.
- Food stores – retail sales.
- Gift shops.
- Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Grocery, meat and fish – retail sales.
- Hardware – retail sales.
- Hobby shops – retail sales.
- Insurance agent's office.
- Jewelry – retail sales.
- Lawn mower sales, service and repair.
- Leather goods and luggage – retail sales.
- Libraries.
- Locksmiths.
- Medical and dental laboratories.
- Medical and dental office/clinic.
- Mortuaries and funeral parlors.
- Newsstand – retail sales.
- Office supplies and stationary – retail sales.
- Optical goods – retail sales.
- Package liquor, beer and wine – retail sales.
- Paint, glass and wallpaper – retail sales.
- Pet sales and supplies – retail sales.
- Photo studios.
- Private clubs.
- Professional Offices not otherwise mentioned.
- Public parks, playgrounds and community centers.
- Public utility.
- Radio and television-sales, service and repair.
- Real estate broker's office.
- Repair part – retail sales.
- Residential use on second story or above.
- Retail and service uses.
- Schools – primary, intermediate and secondary – public or private.
- Seamstress and tailor.
- Shoe repair.
- Upholstery shop, not involving furniture manufacturing.

- Variety stores – retail sales.
- Veterinary office – no boarding.
- Watch, clock and jewelry repair.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Refuse Dumpsters.
(2) A structure for storage incidental to a permitted use.
(3) Off-street parking and loading as regulated in Sections 1153 and 1155 of this Zoning Code.
(4) Any use which is customarily found in conjunction with principal use as approved by the Planning Commission.

(d) Lot Size Requirements. Each separate zoning lot in the "B-1" Local Retail District shall:

(1) Contain a minimum lot area of twenty thousand (20,000) square feet.
(2) Have a minimum lot width of one hundred (100) feet.
(3) Have a minimum lot depth of one hundred (100) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "OC-1" Office-Commercial District when it abuts the following zoning districts:

(1) A, A-R, R-1 to R-7: A minimum of twenty-five (25) feet in width.

All buffer strips shall be developed in accordance with the standards outlined in Section 1149.11 of this Zoning Code.

(f) Bulk Regulations. All construction on any zoning lot in the "B-1" Local Retail District shall provide for:

(1) Maximum building lot coverage of sixty (60) percent.
(2) Maximum structure height of forty (40) feet.
(3) Minimum front yard of twenty-five (25) feet.
(4) Minimum side yard of five (5) feet.
(5) Minimum rear yard of twenty-five (25) feet.

(g) Development Standards. All development in the "B-1" Local Retail Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.14 B-2 GENERAL BUSINESS DISTRICT

(a) Purpose. The "B-2" District is intended to provide for the development of major retail shopping areas and centers outside the downtown area. These districts include much of the strip commercial property existing along the major streets of the City. The uses permitted are intended to accommodate the general retail consumer.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Accountant's office.
- Agricultural implement sales and service.
- Apparel stores – retail sales.
- Architect's office.
- Art and school supplies – retail sales.
- Art galleries and museums.
- Artist, sculptor and composer studios.
- Attorney's office.
- Auction sales.
- Automobiles accessories – retail sales, including incidental installation.
- Automobile fuel dispensing station.
- Automobile parking garages.
- Automobile parking lots.
- Automobile repair garages – no body work.
- Automobile service stations.
- Automobile Wash.
- Bakeries – retail sales.
- Banks and financial institutions.
- Barber and beauty schools.
- Barber and beauty shops.
- Bicycle sale, rental and repair.
- Blueprinting, photocopying, photo finishing services.
- Books – retail sales.
- Bowling lanes.
- Building material sale and storage facilities.
- Business, civic, fraternal association and labor meeting rooms.
- Business and technical schools.
- Cabinet shops.
- Cameras and photo supplies – retail sales.

- Candy and confectionery – retail sales.
- Catering services.
- Day-care centers.
- Churches, chapels, temples, synagogues.
- Cigars, cigarettes, tobacco – retail sales.
- Coin-operated amusement centers.
- Dance halls.
- Dancing schools.
- Department stores.
- Driver training schools (Automobile).
- Drug stores – retail sales.
- Dry cleaning and laundromats.
- Eating place – carry out.
- Eating place – Drive-in.
- Eating place - #1.
- Eating place - #2.
- Electrical appliance repair.
- Engineer's office.
- Equipment rental services, including cars, trucks and trailers.
- Exterminating services.
- Florists.
- Food brokers – retail, wholesale and storage without processing.
- Food stores – retail sales.
- Garden stores.
- Gift shops.
- Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Grocery, meat and fish – retail sales.
- Gymnasiums.
- Hardware – retail sales.
- Health studios and clubs.
- Heating, A/C, electric and plumbing sales, service and repair.
- Hobby shops – retail sales.
- Hotels and motels.
- Insurance agent's office.
- Jewelry – retail sales.
- Kennel.
- Lawn mower sales, service and repair.
- Leather goods and luggage – retail sales.
- Libraries.

- Locksmiths.
- Medical and dental laboratories.
- Medical and dental office/clinic.
- Mortuaries and funeral parlors.
- Motorcycle sales and service.
- Newsstand – retail sales.
- Office supplies and stationary – retail sales.
- Optical goods – retail sales.
- Package liquor, beer and wine – retail sales – Drive-thru.
- Package liquor, beer and wine – retail sales.
- Paint, glass and wallpaper – retail sales.
- Pet grooming – all day, no overnight.
- Pet sales and supplies – retail sales.
- Photo studios.
- Private clubs.
- Professional Office not otherwise mentioned.
- Public parks, playgrounds and community centers.
- Public utility.
- Radio and television – sales, service and repair.
- Real estate broker's office.
- Repair part – retail sales.
- Residential use on second story or above.
- Retail and service uses.
- Sales offices and service centers.
- Schools – primary, intermediate and secondary – public or private.
- Seamstress and tailor.
- Shoe repair.
- Upholstery shop, not involving furniture manufacturing.
- Variety stores – retail sales.
- Veterinary office – w/boarding.
- Watch, clock and jewelry repair.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Refuse Dumpsters.
(2) A structure for storage incidental to a permitted use.
(3) Off-street parking and loading as regulated in Sections 1153 and 1155 of this Zoning Code.
(4) Any use which is customarily found in conjunction with principal use as approved by the Planning Commission.

(d) Lot Size Requirements. Each separate zoning lot in the "B-2" General Business District shall:

(1) Contain a minimum lot area of forty thousand (40,000) square feet.
(2) Have a minimum lot width of one hundred-fifty (150) feet.
(3) Have a minimum lot depth of one hundred (100) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "B-2" General Business District when it abuts the following districts:

(1) A, A-R, R-1 to R-7, OR-1, OC-1, B-1, WO: A minimum of twenty-five (25) feet in width.

(f) Bulk Regulations. All construction on any zoning lot in the "B-2" General Business District shall:

1) Maximum building lot coverage of eighty (80) percent.
2) Maximum structure height of sixty-five (65) feet.
3) Minimum front yard of twenty-five (25) feet.
4) Minimum side yard of ten (10) feet, or half the building height, whichever is greater.
5) Minimum rear yard of twenty-five (25) feet.

(g) Development Standards. All development in the "B-2" General Business Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.15 B-3 CENTRAL BUSINESS DISTRICT

(a) Purpose. The "B-3" Central Business District is intended to accommodate office concentrations and the great variety of retail stores and related activities which occupy the prime area within the central business district, and which serve the entire metropolitan area. High intensity and large bulk development characterize the central business district area. It is intended that this district not be mapped outside the downtown area.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Accountant's office.

- Apparel stores – retail sales.
- Architect's office.
- Art and school supplies – retail sales.
- Art galleries and museums.
- Artist, sculptor and composer studios.
- Attorney's office.
- Auction sales.
- Automobile accessories – retail sales, including incidental installation.
- Automobile parking garages.
- Automobile parking lots.
- Bakeries – retail sales.
- Banks and financial institutions.
- Barber and beauty shops.
- Bicycle sale, rental and repair.
- Blueprinting, photocopying, photo finishing services.
- Books – retail sales.
- Business, civic, fraternal association and labor meeting rooms.
- Cabinet shops.
- Cameras and photo supplies – retail sales.
- Candy and confectionery – retail sales.
- Churches, chapels, temples, synagogues.
- Cigars, cigarettes, tobacco – retail sales.
- Dancing schools.
- Department stores.
- Drug stores – retail sales.
- Dry cleaning and laundromats.
- Eating place – carry out.
- Eating place - #1.
- Eating place - #2.
- Electrical appliance repair.
- Engineer's office.
- Florists.
- Food stores – retail sales.
- Gift shops.
- Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Grocery, meat and fish – retail sales.
- Gymnasiums.
- Hardware – retail sales.
- Health studios and clubs.

- Hobby shops – retail sales.
- Hotels and motels.
- Insurance agent's office.
- Jewelry – retail sales.
- Leather goods and luggage – retail sales.
- Libraries.
- Locksmiths.
- Medical and dental laboratories.
- Medical and dental office/clinic.
- Mortuaries and funeral parlors.
- Newsstand – retail sales.
- Nursing homes.
- Office supplies and stationary – retail sales.
- Optical goods – retail sales.
- Paint, glass and wallpaper – retail sales.
- Pet sales and supplies – retail sales.
- Photo studios.
- Private clubs.
- Professional Offices not otherwise mentioned.
- Public parks, playgrounds and community centers.
- Public utility.
- Radio and television – sales, service and repair.
- Railroad stations – passenger.
- Real estate broker's office.
- Repair part – retail sales.
- Rescue missions.
- Residential use on second story or above.
- Retail and service uses.
- Rooming houses.
- Sales offices and service centers.
- Schools – primary, intermediate and secondary – public or private.
- Seamstress and tailor.
- Shoe repair.
- Upholstery shop, not involving furniture manufacturing.
- Variety stores – retail sales.
- Watch, clock and jewelry repair.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Refuse Dumpsters.
(2) A structure for storage incidental to a permitted use.
(3) Off-street parking and loading as regulated in Sections 1153 and 1155 of this Zoning Code.

(4) Any use which is customarily found in conjunction with principal use as approved by the Planning Commission.

(d) Lot Size Requirements. Each separate zoning lot in the "B-3" Central Business District shall:

(1) Contain a minimum lot area of twenty thousand (20,000) square feet.
(2) Have a minimum lot width of one hundred (100) feet.
(3) Have a minimum lot depth of one hundred (100) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "B-3" Central Business District when it abuts the following zoning districts:

(1) A, A-R, R-1 to R-7: A minimum of twenty-five (25) feet in width.

All buffer strips shall be developed in accordance with the standards outlined in Section 1149.11 of this Zoning Code.

(f) Bulk Regulations. All construction on any zoning lot in the "B-3" Central Business District shall provide for:

(1) Maximum structure height of thirty-five (35) feet.
(2) Minimum rear yard of twenty-five (25) feet when adjoining a residential zoning district.

(g) Development Standards. All development in the "B-3" Central Business Zoning district shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.16 B-4 HIGHWAY SERVICE BUSINESS DISTRICT

(a) Purpose. The "B-4" Highway Service Business District is intended to provide for the development of highway service and retail shopping areas and centers outside the downtown area. The uses permitted are intended to accommodate both the general retail consumer and the needs and services of the automobile traveling public.

(b) Principal Permitted Uses Only those uses set forth below which continuously conform to all the requirements of divisions (c) through (f) of this section shall be permitted:

- Accountant's office.
- Apparel stores – retail sales.
- Architect's office.
- Art and school supplies – retail sales.
- Art galleries and museums.
- Artist, sculptor and composer studios.
- Attorney's office.
- Auction sales.
- Automobile accessories – retail sales, including incidental installation.
- Automobile fuel dispensing station.
- Automobile laundries.
- Automobile parking garages.
- Automobile parking lots.
- Automobile repair garages – no body work.
- Automobile rental.
- Automobile sales.
- Automobile service stations.
- Bakeries – retail sales.
- Banks and financial institutions.
- Barber and beauty schools.
- Bicycle sales, rental and repair.
- Blueprinting, photocopying, photo finishing services.
- Books – retail sales.
- Bowling lanes.
- Building material sales and storage facilities.
- Bus stations.
- Business, civic, fraternal association and labor meeting rooms.
- Business and technical schools.
- Cabinet shops.
- Cameras and photo supplies – retail sales.
- Candy and confectionery – retail sales.
- Carpentry shops.
- Catering services.
- Cigars, cigarettes, tobacco – retail sales.
- Coin-operated amusement centers.
- Commercial greenhouse and nurseries.
- Dance halls.
- Dancing schools.
- Department stores.
- Driver training schools (Automobile).
- Drug stores – retail sales.
- Dry cleaning and laundromats.
- Eating place – carry out.

- Eating place – drive-in.
- Eating place - #1.
- Eating place - #2.
- Electrical appliance repair.
- Engineer's office.
- Equipment rental services, including cars, trucks and trailers.
- Exterminating services.
- Florists.
- Food brokers – retail, wholesale and storage without processing.
- Food stores – retail sales.
- Frozen food lockers.
- Garden stores.
- Gift shops.
- Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Grocery, meat and fish – retail sales.
- Gymnasiums.
- Hardware – retail sales.
- Health studios and clubs.
- Heating, A/C, electric and plumbing sales, service and repair.
- Hobby shops – retail sales.
- Hotels and motels.
- Insurance agent's office.
- Jewelry – retail sales.
- Lawn mower sales, service and repair.
- Leather goods and luggage – retail sales.
- Libraries.
- Locksmiths.
- Medical and dental laboratories.
- Medical and dental office/clinic.
- Mortuaries and funeral parlors.
- Motorcycle sales and service.
- Newsstand – retail sales.
- Office supplies and stationary – retail sales.
- Optical goods – retail sales.
- Package liquor, beer and wine – retail sales – drive-thru.
- Package liquor, beer and wine – retail sales.
- Paint, glass and wallpaper – retail sales.
- Pet grooming – all day, no overnight.

- Pet sales and supplies – retail sales.
- Photo studios.
- Professional Office not otherwise mentioned.
- Public Parks, playgrounds and community centers.
- Public utility.
- Radio and television – sales, service and repair.
- Real estate broker's office.
- Repair part – retail sales.
- Retail and service uses.
- Sales offices and service centers.
- Seamstress and tailor.
- Shoe repair.
- Upholstery shop, not involving furniture manufacturing.
- Variety stores – retail sales.
- Veterinary office – w/boarding.
- Watch, clock and jewelry repair.
- Wholesale houses, warehouse and other storage facilities.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Refuse Dumpsters.
(2) A structure for storage incidental to a permitted use.
(3) Off-street parking and loading as regulated in Sections 1153 and 1155 of this Zoning Code.
(4) Any use which is customarily found in conjunction with principal use as approved by the Planning Commission.

(d) Lot Size Requirements. Each separate zoning lot in the "B-4" Highway Service Business District shall:

(1) Contain a minimum lot area of five (5) acres.
(2) Have a minimum lot width of five hundred (500) feet.
(3) Have a minimum lot depth of four hundred (400) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "B-4" Highway Service Business District when it abuts the following zoning districts:

(1) A, A-R, R-1 to R-7: A minimum of twenty-five (25) feet in width.

(f) Bulk Regulations. All construction on any zoning lot in the "B-4" Highway Service Business District shall provide for:

1) Maximum building lot coverage of eighty (80) percent.
2) Maximum structure height of sixty-five (65) feet.
3) Minimum front yard of twenty-five (25) feet.
4) Minimum side yard of ten (10) feet or half the building height, whichever is greater.
5) Minimum rear yard of twenty-five (25) feet or half the building height.

(g) Development Standards. All development in the "B-4" Highway Service Business Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

1143.17 M-1 PLANNED OFFICE/INDUSTRIAL DISTRICT

(a) Purpose. The "M-1" Planned Office/Industrial District is designed to accommodate office and industrial development in accordance with an approved plan in an office/industrial park environment. It is intended to permit greater flexibility, and consequently, more creative and imaginative design for development of industrial areas than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of larger tracts of land. New residential or retail commercial development is not permitted in this district.

(b) Principal Permitted Uses. The following uses shall be permitted within the "M-1" Planned Office/Industrial District:

- Manufacture of industrial, business and consumer products, but not including manufacture of any products which decompose by detonation, and not including manufacture of basic or raw materials such as glass, metals, plastic, textiles, leather or paper.
- Wholesale, but not retail warehouses.
- Industrial warehouses.
- Distribution centers.
- Research and development laboratories.
- Business and administrative offices, but not including retail sales offices or personal service offices (such as doctor's offices, shoe repair shops, barber shops, or similar uses).
- Public utility substations and distribution equipment.

- Other uses determined by the Planning Commission to be similar to and compatible with the above uses.

(c) Permitted Accessory and Temporary Uses.

(1) Accessory uses incidental to the principal use may be approved by the Planning Commission, provided they do not exceed a net aggregate of twenty (20) percent of the floor area occupied by the principal use.
(2) Temporary uses not exceeding six (6) months in duration may be approved by the Planning Commission provided the temporary use is determined to be compatible with other uses in the vicinity.

(d) Lot Size Requirements. Each separate zoning lot in the "M-1" Planned Industrial District shall:

(1) Contain a minimum lot area of one and one-half acres, or contain a minimum lot area of thirty thousand (30,000) square feet if approved by the Planning Commission as part of a multi-lot development plan.
(2) Have a minimum lot width of one hundred fifty (150) feet.
(3) Have a minimum lot depth of two hundred (200) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Bulk Regulations. All construction on any zoning lot in the "M-1" Planned Office/Industrial District shall provide for:

(1) Maximum building lot coverage of fifty (50) percent for all areas under roof.
(2) Maximum lot coverage of eighty (80) percent, including buildings, paved areas, and similar constructed elements.
(3) Maximum structure height of forty (40) feet, but not more than the horizontal distance of the closest part of the structure from the nearest lot line. The Planning Commission may allow for a higher structure upon review of the specific circumstances and proximity to non-industrial neighboring uses.
(4) Minimum front yard and minimum corner side yard of twenty-five (25) feet; except if located along Interstate Route 75 or a similar limited access highway right-of-way, where the minimum yard requirement shall be one hundred (100) feet.
(5) Minimum side yard of twenty (20) feet.
(6) Minimum rear yard of fifty (50) feet.

(7) Minimum transitional yard of one hundred (100) feet along any lot line abutting any residential zoning district. The transitional yard shall be landscaped in accordance with Section 1143.17 (h) of this Zoning Code.

(f) Plan Review Procedures.

(1) Site Plan Review Required.

A. No Zoning Certificate shall be issued for development of any lot in the M-1 district and no Zoning Certificate or Occupancy Certificate shall be issued for construction, alteration, enlargement, or change of use of any building or structure until the approval of the Planning Commission is obtained for the specific site development and/or use plan. Planning Commission review shall not be required for a change in the operator of the business or a change of owner or occupant, provided the change does not include a change in use of any parts of the grounds and/or building. Planning Commission approval shall be obtained prior to the issuance of any Sign Permit or change in signage.

B. The plan submitted for Planning Commission review shall include all of the following:

1. A complete description, in narrative form, of all uses proposed for the property, including expected employment levels, shift operating times, estimated frequency and volume of truck movements, the number and type of vehicles to be kept on the property for use in operations, a description of materials and general processes to be utilized, Material Safety Data Sheets for materials to be stored on the premises, and all other pertinent facts relating to the proposed operation that are necessary to provide a true and complete understanding of the proposed use.
2. A complete site plan, including locations, sizes and descriptions of all ground surfaces, impervious surfaces such as paving, buildings, and all other structures. The site plan shall also provide locations and details for all proposed and existing landscaping, utility connections and sizes, fire protection systems and access, details of exterior lighting fixtures and proposed illumination levels throughout the grounds, and details of other

accessory uses and/or accessory structures on the grounds including but not limited to stormwater management facilities, trash enclosures, fences, and signs.

3. A complete floor plan of the proposed and/or existing buildings and structures, showing the sizes and proposed specific uses of all rooms and areas; and showing the location and sizes of all windows, doors, and other openings in the walls.
4. Complete elevation views of all exterior sides of all buildings and structures, showing details of construction and materials, windows and doors, exterior lighting fixtures, exterior equipment details and locations, all signs, and other details of exterior construction and proposed usage.
5. Complete roof plans, showing its design and materials, and including the locations and details of any rooftop equipment, including, but not limited to process equipment, HVAC equipment, chimneys, and access or elevator enclosures.
6. Planning Commission shall review the declaration of restrictions and covenants.
7. Any other information deemed necessary by the Planning Commission for it to complete its review of a submitted plan.

C. In performing its review, the Planning Commission may request from the applicant any additional information (such as traffic impact studies) it determines necessary to approve a plan. If a plan is not approved within the ninety (90) days after its submittal, it shall be deemed denied.

D. Any requested modification of an approved development plan including the declaration of restrictions and covenants shall be submitted to the Planning Commission for review and its approval shall be obtained prior to the change being made.

E. Either a zoning certificate holder or the Zoning Administrator may request Planning Commission review of the Zoning Administrator's interpretation of the requirements of an approved plan. For the zoning certificate holder, this may be, but is not required, as an intermediate step before filing an appeal with the Board of Zoning Appeals.

(2) Architectural Design Requirements for Exterior Building Elevations:

A. The architectural design for all buildings shall be such that the design, materials, massing, shape, and scale of all new or modified principal and accessory structures shall create a unified design on the premises and shall be visually compatible with existing buildings in the vicinity.
B. The architectural design for all structures shall provide for similar siding materials on all sides, rather than creating a front elevation with high quality materials and significantly different materials on the sides and rear, unless specifically approved upon review by the Planning Commission.
C. Brick, textured concrete masonry, reinforced concrete panels, stucco, EFIS (exterior finish and insulating systems), and stone shall be permitted as siding materials.
D. Sheet metal, corrugated metal, vinyl siding, aluminum siding, and plain concrete block shall generally be deemed inappropriate, unless approved by the Planning Commission on a case-by-case basis due to specific locational situations and with a determination that the visual effect from adjacent properties will not be a detriment to those properties' future use and/or development.
E. Accessory elements of the building design, such as dock walls, trash enclosures, and similar appendages, shall be constructed of the same materials as the principal building, unless specifically approved upon review by the Planning Commission.
F. All building equipment, including but not limited to electrical transformers, air conditioning, air handling, and dust control equipment, shall be screened from view with materials consistent with the building materials and design. Such equipment shall be located in areas where noise exposure to any adjacent residential zoning district is reduced.
G. Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment from view from adjacent properties and/or public rights-of-way.
H. Building signs and freestanding signs shall be designed to complement the architectural design of the building and grounds.

(3) Engineering Design of the Grounds:

A. All areas of the grounds shall be included in a stormwater management system designed to prevent an increase in

stormwater runoff onto adjacent properties. The stormwater management plan, calculations and design details shall be submitted for review and approval shall be obtained from the City Engineer prior to review by the Planning Commission.

B. The stormwater management plan shall also include an analysis of existing stormwater drainage patterns and any "pass-through" over the lot being developed.

C. The site development plan and the stormwater management plan shall provide details of any flood hazard areas identified by the Federal Emergency Management Agency (FEMA), including details of base flood elevations and proposed or existing building floor elevations.

D. Public utility connections including but not limited to water, sanitary sewers, natural gas, electric power, telephone and broadband communication service shall be located so as to provide convenience during maintenance procedures and approval of the size, materials, and location shall be obtained from the appropriate public utility agency prior to review by the Planning Commission.

E. The number of driveways shall be limited as much as possible and the location of all driveways shall be designed to reduce the incidence of conflicting left turns, cut-through traffic, internal circulation conflicts, and adverse impacts on adjacent properties and uses. The location of driveway intersections with public rights-of way shall be submitted for review by the City Engineer, whose approval shall be obtained prior to review by the Planning Commission. The City Engineer may request the applicant to provide an additional traffic study of an appropriate level, if needed to complete the review of traffic circulation or traffic impacts.

F. Truck docks and truck maneuvering areas shall not be located on the building sides that face adjacent residential zoning districts.

G. Parking lots for trucks and cars shall be located sufficiently far from the building as needed to provide adequate access for fire-fighting operations in accordance with the Fire Code. Fire hydrants, whether public or private, shall be provided sufficiently close to the building to comply with the Fire Code and shall provide for appropriate connections to any proposed fire suppression systems in the building (fire sprinklers). Approval of the site plan and any required fire connections or fire lanes shall be obtained from the Fire Chief or designee prior to review by the Planning Commission.

H. Vehicle parking areas and materials or equipment storage/handling areas shall be not located in any required front yard or in any corner side yard or in any transitional yard areas adjacent to a residential zoning district; except that up to fifty (50) feet of a required transitional yard may be occupied by a parking lot solely for employees' automobile parking, if approved by the Planning Commission as part of the site development plan and if the landscaping plan for the remainder of the transitional yard is designed with dense materials so spaced to reduce visual impacts for residential neighbors.

I. Paved pedestrian access paths or yard walks shall be provided to connect to public sidewalks (if available) and to connect between building access doors and parking areas, so as to eliminate pedestrian use of landscaped areas or pedestrian conflict with vehicular driveways.

J. No unenclosed outdoor storage shall be permitted.

g) Development Standards. Any use constructed, established, altered or enlarged in the "M-1" Planned Office/Industrial District shall be operated so as to comply with the approved development plan and with the following standards. No use already established shall be altered or modified so as to conflict with, or further conflict with, the applicable standards established hereinafter for the "M-1" Planned Office/Industrial District.

(1) All operations, servicing, and processing shall be conducted within completely enclosed buildings or structures except accessory off-street parking and off-street loading.

(2) All storage or equipment display shall be within completely enclosed buildings; or in an effectively screened outdoor storage area if previously approved by the Planning Commission as part of a site development plan.

(3) Noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be subject to the provisions of Section 1157 of this Zoning Code.

(4) No emission of toxic or noxious matter, which is injurious to human health, comfort, or enjoyment of life and property or to animal or plant life, shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.

(5) Vibrations, which can be detected without the use of instruments at or beyond the lot lines, are prohibited.

(6) Exterior lighting shall be in accordance with the provisions of Section 1157 of this Zoning Code. All fixtures shall be shielded so that no direct light is cast upon any property located in a residential zoning district.

(7) No building or structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.

(8) All premises shall be furnished with all-weather hard surfaced walks of a material such as bituminous or Portland cement, concrete, wood, tile, terrazzo, or similar material, and except for parking areas, the grounds shall be planted and landscaped.

(9) The storage or utilization of solid, liquid, and gaseous chemicals and other materials may be permitted subject to the following conditions:

A. The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if these materials or products are stored, utilized, or manufactured within completely enclosed buildings meeting applicable building and fire codes.

B. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gasses shall be provided with adequate safety and protective devices against hazards or fire and explosion, as required by applicable building and fire codes.

C. The storage, utilization, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products, which decompose by detonation, is prohibited. The storage of limited amounts of such materials may be permitted if permitted by applicable building and fire codes.

D. The manufacture of flammable liquids or materials, which produce flammable or explosive vapors or gases, is prohibited.

(10) Signage shall comply with Section 749 of the Codified Ordinances of the City of Troy, Ohio, and shall further comply with the following standards:

A. Identification signs shall be ground signs with a height of not more than eight (8) feet above the finish grade.

B. Notwithstanding any other sections of this code, off-premise advertising signs shall not be permitted in this district.

C. Maximum total signage area for all faces of freestanding identification signs on any street frontage shall be 0.25

square feet per lineal foot of that street frontage; except a street corner sign location may have an area of up to 75% of the combined allowable area, in lieu of having freestanding identification signs along both street frontages and no individual sign face shall exceed one hundred fifty (150) square feet in area.

D. Minimum setback for freestanding signs shall be ten (10) feet from any property line or street right-of-way; except for directional signs which shall have a minimum setback of three (3) feet, in conformance with Section 749 of the Codified Ordinances of the City of Troy, Ohio.

E. Maximum total wall signage area for any wall shall be two (2.0) square feet per lineal foot of that particular wall frontage, up to a maximum of five hundred (500) square feet for any single sign.

(h) Landscaping Regulations.

(1) All open areas not occupied by buildings, storage, parking, access driveways or loading areas shall be suitably graded, drained, seeded or sodded, and maintained as a grass lawn (except where landscaped with trees, shrubbery, and garden plants).

(2) All required transitional yards shall be landscaped with appropriate buffer materials to provide visual separation from adjacent residential areas. These may include, but are not limited to topographical features, earthen berms, evergreen trees, shrubbery, fencing, stormwater detention/retention basins, or combinations thereof, to be submitted to and reviewed for approval by the Planning Commission as part of the development plan.

(3) Off-street parking and loading areas shall be constructed and landscaped in accordance with Sections 1153 and 1155 of this Zoning Code.

(4) All other lawn areas shall be landscaped with a sufficient number of suitable trees and shrubs so as to provide an attractive setting for the building(s).

(5) Landscaping elements shall be maintained in appropriate condition for their type and shall be replaced when they die or if their growth is stunted so as to not effectively perform their screening and/or ornamental functions.

1143.18 M-2 LIGHT INDUSTRIAL DISTRICT

(a) Purpose. The "M-2" Light Industrial District is designed to provide for industrial uses, which can be operated in such a manner as to conform to the applicable performance standards specified in the district. These performance standards regulate such uses in order to prohibit congestion and for the protection of adjacent residential and business activities.

(b) Principal Permitted Uses only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Agricultural implement sales and service.
- Agricultural uses.
- Auction sales.
- Automobile fuel dispensing station.
- Automobile parking garages.
- Automobile parking lots.
- Automobile repair garages – including body work.
- Bakeries – wholesale sales.
- Beverage distributors and bottling plants.
- Bone, canvas, cellophane, clay, cloth, cork, feathers, felt – manufacturing, assembling, compounding, or treatment (or any combination of these processes).
- Building material sales and storage facilities.
- Carpentry shops.
- Cash advance businesses.
- Cement block and formed products manufacturing.
- Cold storage plants.
- Commercial greenhouses and nurseries.
- Contractor sales, storage and equipment yards.
- Crematoriums (pet and human).
- Dairy and food product processing and packaging.
- Driver training schools (trucks).
- Dry cleaning – commercial.
- Electrical and electronic products, components and equipment – manufacturing, assembling or repair.
- Equipment rental services, including cars, trucks and trailers.
- Exterminating services.
- Fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious stone or metal, sheet metal, shell, textiles, tobacco, wax, wire and wood, but not including as a principal operation, the manufacture of such substances.
- Food brokers – retail, wholesale and storage without processing.

- Frozen food lockers.
- Garden stores.
- Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Government buildings, structures, or premises used exclusively by federal, state, county, township or municipal governments for public purposes, provided open storage areas are screened.
- Heating, A/C, electric and plumbing sales, service and repair.
- Liquid fuel, petroleum products, petroleum, and volatile oils – bulk storage stations in accordance with Section 1143.18(g) hereof.
- Machine shops, tool and die shops.
- Machinery and heavy equipment rental, sales and storage.
- Manufacturing, assembling or repair of medical, dental, optical and similar precision instruments or appliances.
- Meat processing and packaging, exclusive of slaughtering.
- Medical and dental laboratories.
- Metal products, excluding structural steel and foundry products or product from previously prepared materials – manufacturing, compounding, assembling or treatment (or any combination of these processes).
- Moving and storage companies.
- Musical instruments – manufacturing, assembling or repair.
- Novelties, toys and rubber products – manufacturing, assembling or repair.
- Pawn shops.
- Pharmaceutical products, including cosmetics, toiletries and perfumes, but excluding the manufacture of soap from raw materials or products previously prepared – manufacturing, compounding, assembling, or treatment (or any combination of these processes).
- Pool Halls.
- Printing, publishing, binding and typesetting plants.
- Private clubs.
- Public utility.

- Railroad stations, depots, train yards, classification yards and team tracks.
- Research and engineering laboratories.
- Sales offices and service centers.
- Sawing and planning mills.
- Sexually oriented business.
- Sign painting and manufacture.
- Stone products processing and manufacturing.
- Tattoo parlors.
- Truck fuel dispensing stations.
- Truck repair facility.
- Truck sales and service.
- Truck washing facility.
- Trucking and motor freight terminals.
- Watches and clocks, including clock operated devices – manufacturing, assembling or repair.
- Water filtration plants and pumping stations.
- Wholesale houses, warehouse and other storage facilities

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(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Refuse Dumpsters.
(2) A structure or outdoor hard surface area for storage incidental to a permitted use, provided that the outdoor hard surface area for storage does not exceed 10% of the area of the lot. All outdoor storage shall be on a hard surface.
(3) Off-street parking and loading as regulated in Sections 1153 and 1155 of this Zoning Code.
(4) Any use which is customarily found in conjunction with principal use as approved by the Planning Commission.

(d) Lot Size Requirements Each separate zoning lot in the "M-2" Light Industrial District shall:

(1) Contain a minimum lot area of twenty thousand (20,000) square feet.
(2) Have a minimum lot width of one hundred (100) feet.
(3) Have a minimum lot depth of two hundred (200) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "M-2" Light Industrial District when it abuts the following zoning districts:

(1) A, A-R, R-1 to R-7: A minimum of twenty-five (25) feet in width.

(f) Bulk Regulations. All construction on any zoning lot in the "M-2" Light Industrial District shall provide for:

(1) Maximum building lot coverage of eighty (80) percent.
(2) Maximum structure height of forty (40) feet, but not more than the horizontal distance of the closest part of the structure from the nearest lot line. The Planning Commission may allow for a higher structure upon review of the specific circumstances and proximity to non-industrial neighboring uses.
(3) Minimum front yard of twenty-five (25) feet.
(4) Minimum side yard of ten (10) feet or half the building height, whichever is greater.
(5) Minimum rear yard of twenty-five (25) feet or half the building height, whichever is greater.
(6) Minimum transitional yards as follows:

A. Where a side lot line coincides with a side or rear lot line in an adjacent residence district, then a side yard shall be provided along the side lot line that is equal in width to one-half (½) of the building height.
B. Where a rear lot line coincides with a side or rear lot line in a residence district, then a rear yard shall be provided along the rear lot line that is equal in width to one-half (½) the building height. When separated by an alley, one-half (½) the alley width may be used as part of the required yard.
C. Where a side lot line lies across the street from the front yard of residential structures located in a residence district, then a side yard shall be provided along the side lot line that is not less than twenty-five (25) feet in depth.
D. Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residence district on the same block, then a front or side yard equal in depth to the minimum front yard required by this Zoning Code in the adjacent residence district shall be provided along the front or side lot line for the remainder of the block, including the width of any intervening alley.
E. Where a front lot line lies across the street from a side lot line in a residential district, then a front yard shall be provided along the front lot line that is not less than twenty-five (25) feet in depth.
F. Where a front lot line lies across the street from a side lot

line in a residential district, then a front yard shall be provided along the front lot line which is not less than the required front yard for the residential lot.

G. Where the extension of a front or side lot line coincides with a side lot line of an adjacent lot in a residence district on the same block, then a yard equal in depth to the minimum side yard required by this Zoning Code in the adjacent residence district shall be provided along the front or side lot line for the remainder of the block, including the width of any intervening alley.

(g) Development Standards. All development in the "M-2" Light Industrial Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code and the following standards:

A. Any use constructed, established, altered or enlarged in the "M-2" Light Industrial District shall be operated so as to comply with the approved development plan and with the following standards. No use already established shall be altered or modified so as to conflict with, or further conflict with, the applicable standards established hereinafter for the "M-2" Light Industrial District.

B. Noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be subject to the provisions of Section 1157 of this Zoning Code.

C. No emission of toxic or noxious matter, which is injurious to human health, comfort, or enjoyment of life and property or to animal or plant life, shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.

D. Vibrations, which can be detected without the use of instruments at or beyond the lot lines, are prohibited.

E. Exterior lighting shall be in accordance with the provisions of Section 1157 of this Zoning Code. All fixtures shall be shielded so that no direct light is cast upon any property located in a residential zoning district.

F. No building or structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.

G. All premises shall be furnished with all-weather hard surfaced walks of a material such as bituminous or Portland cement, concrete, wood, tile, terrazzo, or similar material, and except for parking areas, the grounds shall be planted

and landscaped.

H. The storage, utilization, or manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:

1. The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if these materials or products are stored, utilized, or manufactured within completely enclosed buildings meeting applicable building codes.
2. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gasses shall be provided with adequate safety and protective devices against hazards or fire and explosion, as required by applicable building codes.
3. The storage, utilization, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products, which decompose by detonation, is prohibited. The storage of limited amounts of such materials may be permitted if permitted by applicable building codes.
4. The manufacture of flammable liquids or materials, which produce flammable or explosive vapors or gases, is prohibited.
5. The storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be permitted on any lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale and Transportation of Flammable and Combustible Liquids".

I. The handling of radioactive materials, the discharge of such materials into the air and water and the disposal of radioactive wastes shall be in strict conformance with:

1. The applicable regulations of the Atomic Energy Commission and/or the Environmental Protection Agency.
2. The applicable regulations of any instrumentality of the state.

J. Sexually Oriented Business

1. No sexually oriented business shall be established or operated within seven hundred and fifty (750) feet of any of the following:

    I. A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
    II. A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and incidentally as a school;
    III. A boundary of a residence district as defined in the Troy Zoning Code;
    IV. A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, a playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreation authorities;
    V. An entertainment business which is oriented primarily towards children or family entertainment; or
    VI. The right-of-way of any divided, limited access highway including Interstate Route 75.

2. No sexually oriented business shall be established within a radius of one thousand (1,000) feet of any other sexually oriented business or within a radius of one thousand (1,000) feet of any two (2) of the following establishments:

I. Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
II. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
III. Pawn shops.
IV. Pool or billiard halls.
V. Coin operated amusement centers.
VI. Dance halls and discotheques.
VII. Massage parlors.

3. Signs for sexually oriented businesses shall be regulated as follows:

I. Wall signs:
(i) Shall only contain the name of the business establishment.
(ii) May be illuminated.
(iii) Shall not exceed twenty-four (24) square feet.
(iv) Shall not be animated or flashing.

II. Window or door signs:
(i) Shall not be illuminated.
(ii) Shall not exceed five (5) per cent of the surface area upon which such sign is attached.

III. Electronically changeable copy signs are prohibited.
IV. Exterior lighting shall not be colored and shall be restricted to shades of white.
V. Exterior lights shall not be flashing, or changing in color or intensity.
VI. Neon stripes or similar illuminated architectural ornamentations are prohibited.
VII. Searchlights or similar promotional devices are prohibited.
VIII. Pennants, streamers, banners, hot air or

cold-air inflated structures or figures, balloons and similar architectural ornamentations and/or decorations, which direct attention of passerby to the premises, are prohibited. These shall include, but not be limited to abstract paint schemes, multi-colored stripes, murals, steeples, sculptures, and topiary landscaping.

IX. All other signs are prohibited.

1143.19 M-3 GENERAL INDUSTRIAL DISTRICT

(b) Purpose. The "M-3" General Industrial District is designed to accommodate a broad range of manufacturing, servicing and processing uses.

(c) Principal Permitted Uses. Only those uses set forth below which continuously conform to all the requirements of divisions (c) through (f) of this section shall be permitted:

- Acids, corrosive and derivatives – manufacture and bulk storage.
- Agricultural implement sales and service.
- Agricultural uses.
- Ammonia or chlorine manufacture and storage.
- Asphalt or asphalt products.
- Auction sales.
- Automobile parking garages.
- Automobile parking lots.
- Automobile repair garages – including body work.
- Bakeries – wholesale.
- Beverage distributors and bottling plants.
- Bone, canvas, cellophane, clay, cloth, cork, feathers, felt – manufacturing , assembling, compounding , or treatment (or any combination of these processes).
- Carpet and rug cleaning plants.
- Cash advance business.
- Celluloid or cellulose products and manufacturing.
- Cement block and formed products manufacturing.
- Cement, lime or lime products manufacture.
- Chemical products – compounding, processing and packaging, but not including any materials which decompose by detonation.

- Coal tar and creosote manufacturing.
- Coke ovens.
- Cold storage plants.
- Commercial greenhouse and nurseries.
- Concrete mixing plants.
- Contractor sales, storage and equipment yards.
- Crematoriums (pet and human).
- Dairy and food product processing and packaging.
- Driver training schools (trucks).
- Drop-forge plants.
- Electrical and electronic products, components and equipment – manufacturing, assembling or repair.
- Equipment rental services, including cars, trucks and trailers.
- Exterminating services.
- Fat rendering.
- Fertilizer manufacture.
- Fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious stone or metal, sheet metal, shell, textiles, tobacco, wax, wire and wood, but not including as a principal operation, the manufacture of such substances.
- Food brokers – retail, wholesale and storage with processing.
- Food brokers – retail, wholesale and storage without processing.
- Foundries and foundry products.
- Frozen food lockers.
- Garbage or offal reduction or transfer.
- Glue manufacture.
- Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Government buildings, structures, or premises used exclusively by federal, state, county, township or municipal governments for public purposes, provided open storage areas are screened.
- Incinerators.
- Liquid fuel, petroleum products, petroleum and volatile oils – bulk storage stations in accordance with Section 1143.19(f) hereof.
- Machine shops, tool and die shops.
- Machinery and heavy equipment rental, sales and storage.

- Manufacturing, assembling or repair of medical, dental, optical and similar precision instruments or appliances.
- Meat processing and packaging, exclusive of slaughtering.
- Medical and dental laboratories.
- Metal products, excluding structural steel and foundry products or product from previously prepared materials – manufacturing, compounding, assembling or treatment (or any combination of these processes).
- Metal products, including structural steel and foundry products or product from previously prepared materials – manufacturing, compounding, assembling or treatment (or any combination of these processes).
- Moving and storage companies.
- Musical instruments – manufacturing, assembling or repair.
- Novelties, toys and rubber products – manufacturing, assembling or repair.
- Pawn shop.
- Petroleum refining plants.
- Pharmaceutical products, including cosmetics, toiletries and perfumes, but excluding the manufacture of soap from raw materials or products previously prepared– manufacturing, compounding, assembling, or treatment (or any combination of these processes).
- Plastics.
- Pool hall.
- Printing, publishing, binding and typesetting plants.
- Public utility.
- Railroad stations, depots, train yards, classification yards and team tracks.
- Research and engineering laboratories.
- Rubber manufacture from crude or scrap material or the manufacturing of articles there from.
- Sales offices and service centers.
- Sawing and planning mills.
- Scrap and used metal storage and reclamation.
- Scrap paper storage and baling.
- Sexually oriented businesses.
- Sign painting and manufacture.
- Soap and detergent manufacture from raw materials.

- Stockyards and slaughter houses.
- Stone products processing and manufacturing.
- Tattoo parlors.
- Truck fuel dispensing stations.
- Truck repair facility.
- Truck sales and service.
- Truck washing facility.
- Trucking and motor freight terminals.
- Turpentine, varnish or paint manufacture.
- Watches and clocks, including clock operated devices – manufacturing, assembling or repair.
- Water filtration plants and pumping stations.
- Wholesale houses, warehouse and other storage facilities.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

(1) Refuse Dumpsters.
(2) A structure for storage incidental to a permitted use.
(3) Off-street parking and loading as regulated in Sections 1153 and 1155 of this Zoning Code.
(4) Any use which is customarily found in conjunction with principal use as approved by the Planning Commission.

(d) Lot Size Requirements. Each separate zoning lot in the "M-3" General Industrial District shall:

(1) Contain a minimum lot area of forty thousand (40,000) square feet.
(2) Have a minimum lot width of one hundred (100) feet.
(3) Have a minimum lot depth of two hundred (200) feet.
(4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "M-3" General Industrial District when it abuts the following zoning districts:

(1) A, A-R, R-1 to R-7: A minimum of twenty-five (25) feet in width.

(f) Bulk Regulations. All construction on any zoning lot in the "M-3" General Industrial District shall provide for:

(1) Maximum building lot coverage of eighty (80) percent.

(2) Maximum structure height of forty (40) feet, but not more than the horizontal distance of the closest part of the structure from the nearest lot line. The Planning Commission may allow for a higher structure upon review of the specific circumstances and proximity to non-industrial neighboring uses.

(3) Minimum front yard of twenty-five (25) feet.

(4) Minimum side yard of ten (10) feet or half the building height.

(5) Minimum rear yard of twenty-five (25) feet or half the building height.

(6) Minimum transitional yards as follows:

A. Where a side lot line coincides with a side or rear lot line in an adjacent residence district, then a side yard shall be provided along the side lot line that is equal in width to one-half (½) of the building height.

B. Where a rear lot line coincides with a side or rear lot line in a residence district, then a rear yard shall be provided along the rear lot line that is equal in width to one-half (½) the building height. When separated by an alley, one-half (½) the alley width may be used as part of the required yard.

C. Where a side lot line lies across the street from the front yard of residential structures located in a residence district, then a side yard shall be provided along the side lot line that is not less than twenty-five (25) feet in depth.

D. Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residence district on the same block, then a front or side yard equal in depth to the minimum front yard required by this Zoning Code in the adjacent residence district shall be provided along the front or side lot line for the remainder of the block, including the width of any intervening alley.

E. Where a front lot line lies across the street from a side lot line in a residential district, then a front yard shall be provided along the front lot line, which is not less than twenty-five (25) feet in depth.

F. Where a front lot line lies across the street from a side lot line in a residential district, then a front yard shall be provided along the front lot line which is not less than the required front yard for the residential lot.

G. Where the extension of a front or side lot line coincides with a side lot line of an adjacent lot in a residence district on the same block, then a yard equal in depth to the minimum side yard required by this Zoning Code in

the adjacent residence district shall be provided along the front or side lot line for the remainder of the block, including the width of any intervening alley.

(g) Development Standards All development in the "M-3" General Industrial Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code, and the following standards:

(1) Any use constructed, established, altered or enlarged in the "M-3" General Industrial District shall be operated so as to comply with the approved development plan and with the following standards. No use already established shall be altered or modified so as to conflict with, or further conflict with, the applicable standards established hereinafter for the "M-3" General Industrial District.

(2) Noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be subject to the provisions of Section 1157 of this Zoning Code.

(3) No emission of toxic or noxious matter, which is injurious to human health, comfort, or enjoyment of life and property or to animal or plant life, shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.

(4) Vibrations, which can be detected without the use of instruments at or beyond the lot lines, are prohibited.

(5) Exterior lighting shall be in accordance with the provisions of Section 1157 of this Zoning Code. All fixtures shall be shielded so that no direct light is cast upon any property located in a residential zoning district.

(6) No building or structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.

(7) All premises shall be furnished with all-weather hard surfaced walks of a material such as bituminous or Portland cement, concrete, wood, tile, terrazzo, or similar material, and except for parking areas, the grounds shall be planted and landscaped.

(8) The storage, utilization, or manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:

A. The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense

burning is permitted, but only if these materials or products are stored, utilized, or manufactured within completely enclosed buildings meeting applicable building codes.

B. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gasses shall be provided with adequate safety and protective devices against hazards or fire and explosion, as required by applicable building codes.

C. The storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be permitted on any lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale and Transportation of Flammable and Combustible Liquids".

(9) The handling of radioactive materials, the discharge of such materials into the air and water and the disposal of radioactive wastes shall be in strict conformance with:

1. The applicable regulations of the Atomic Energy Commission and/or the Environmental Protection Agency.
2. The applicable regulations of any instrumentality of the state.

(10) All storage or equipment display within two hundred (200) feet of a Residence or Office-Residence District Boundary shall be within completely enclosed buildings or effectively screened by a solid wall or solid fence, with solid entrance and exit gates, not less than six (6) feet in height.

(11) Sexually Oriented Business

A. No sexually oriented business shall be established or operated within seven hundred fifty (750) feet of any of the following:

1. A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities.
2. A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. “School”

includes the school grounds, but does not include facilities used primarily for another purpose and incidentally as a school.

3. A boundary of a residence district as defined in this Zoning Code.
4. A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, a playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreation authorities.
5. An entertainment business which is oriented primarily towards children or family entertainment.
6. The right-of-way of any divided, limited access highway including Interstate Route 75.

B. No sexually oriented business shall be established within a radius of one thousand (1,000) feet of any other sexually oriented business or within a radius of one thousand (1,000) feet of any two (2) of the following establishments:

1. Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
3. Pawn shops.
4. Pool or billiard halls.
5. Coin operated amusement centers.
6. Dance halls and discotheques.
7. Massage parlors.
8. Signs for sexually oriented businesses shall be regulated as follows:

I. Wall signs:

(i) Shall only contain the name of the business establishment.

(ii) May be illuminated.

(iii) Shall not exceed twenty-four (24) square feet.

(iv) Shall not be animated or flashing.

II. Window or door signs:
   (i) Shall not be illuminated.
   (ii) Shall not exceed five (5) percent of the surface area upon which such sign is attached.

III. Electronically changeable copy signs are prohibited.

IV. Exterior lighting shall not be colored and shall be restricted to shades of white.

V. Exterior lights shall not be flashing, or changing in color or intensity.

VI. Neon stripes or similar illuminated architectural ornamentations are prohibited.

VII. Searchlights or similar promotional devices are prohibited.

VIII. Pennants, streamers, banners, hot air or cold-air inflated structures or figures, balloons and similar architectural ornamentations and/or decorations, which direct attention of passerby to the premises, are prohibited. These shall include, but not be limited to abstract paint schemes, multi-colored stripes, murals, steeples, sculptures, and topiary landscaping.

IX. All other signs are prohibited.

1143.20 WO WELLHEAD OPERATION DISTRICT

(a) Purpose. The "WO" Wellhead Operation District is designed to safeguard the public health, safety, and welfare of citizens and institutions that are customers of the City water system by regulating land use and the storage, handling, use, or production of regulated substances within the zone of influence. The intent of this designation is to protect the community's potable water supply against contamination. This district will be mapped on property owned or controlled and operated for existing and/or proposed public water supply wells, recharge lagoons, or other related groundwater supply facility.

(b) Principal Permitted Uses. Only those uses set forth below which continuously conform to all the requirements of divisions (c) through (e) of this section shall be permitted:

- Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage
- Government buildings, structures, or premises used exclusively by federal, state, county, township or municipal governments for public purposes, provided open storage areas are screened
- Public parks, playgrounds and community centers
- Water filtration plants and pumping stations

(c) Lot, Height, Bulk, Yard, and Buffer Regulations.

(1) The lot size requirements and bulk regulations for the "WO" Wellhead Operation District are listed as follows:

A. Contain a minimum lot area of six thousand (6,000) square feet.
B. Have a minimum lot width of sixty (60) feet.
C. Have a minimum lot depth of one hundred (100) feet.
D. Have a maximum lot depth to lot width ratio of 3:1.
E. Have a maximum lot coverage of thirty (30) percent for all areas under roof.
F. Have a maximum structure height of four (4) times the horizontal distance of such part from the nearest lot line and two (2) times the horizontal distance from the rear lot line.
G. Have a minimum front yard of twenty-five (25) feet.
H. Have a minimum side yard of ten (10) feet.
I. Have a minimum rear yard of thirty (30) feet.

(2) Buffer Strips. A buffer strip shall be established on the lot being developed in the "WO" Wellhead Operation District when it abuts the following zoning districts:

A, A-R, R-1 to R-7: A minimum of twenty-five (25) feet in width.

(d) Best Management Practices and Exemptions.

(1) To the maximum extent practical, owners and operators within the "WO" Wellhead Operation District shall

implement best management practices (BMPs) to reduce risk of release and pollution of the environment. BMPs apply to use, storage and production of regulated substances listed in Section 1143.20(d)(4) of this Zoning Code. BMPs are defined as "schedules of activities, prohibition or practices, maintenance procedures, and other management practices to prevent or reduce the risk of a release".

A. BMPs include, but are not limited to, the following: treatment techniques, operating procedures, and practices to control runoff, spills and leaks
B. Spill control measures shall include, but are not limited to the following:
    1. Secondary and tertiary containment systems, including the use of containment during chemical storage, transfer, and use. The containment system shall be designed to capture one hundred ten (110) percent of a release from a primary containment unit.
    2. Adopting standardized spill response protocols and providing training to employees to help insure response protocols are enacted if a spill or release occurs.
    3. Drums and other types of containers holding Regulated Substances and wastes of such substances as defined in Section 1143.20(d)(4) of this Zoning Code shall be stored within secondary containment.

(2) Existing containment systems and procedures shall not be removed, nor shall their ability to contain spills be compromised, so long as regulated substances are stored, transferred or used with the containment areas. Containment systems shall be maintained in good working order. Improvements and/or additions to containment systems may be performed so long as the ability to contain a spill is not compromised. Temporary approved containment systems may be required during maintenance and/or improvement activities.

(3) The following types of products and volumes are exempt from BMP requirements within the "WO" Wellhead Operation District:

A. Up to one hundred ten (110) gallons or eight hundred (800) pounds, in the aggregate of regulated substances used for routine maintenance.

B. Medical and laboratory research substances used in containers not larger than five (5) gallons or forty (40) pounds in size.
C. Cleaning agents packaged for personal or household use.
D. Construction materials stored at or being transported to a permitted construction site which do not pose real or present danger of causing contamination.
E. Office supplies packaged for personal or office use.
F. Refrigerants contained in on-site cooling equipment or contained in household appliances, including refrigeration repair service storage vessels.
G. The through transport of a regulated substance, as long as the transporting vehicle is not stopped within the "WO" Wellhead Operation District for longer than seventy-two (72) hours.
H. Properly maintained liquid filled transformers.
I. Motor vehicle fuels and other liquids that are stored on and are an integral part of an operable motor vehicle or boat and used specifically and solely for the operation of the vehicle in which the substances are contained. This does not include the tanker portion of a tractor-trailer or similarly purposed vehicle.
J. Heating oil for residential uses stored in tanks with a total capacity of less than five hundred (500) gallons per residential lot.

(4) Substances to be regulated, hereinafter referred to as regulated substances, are chemicals and mixtures of chemicals, which are health hazards. Regulated substances include:

A. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system and agents which damage the lungs, skin, eyes or mucous membranes.
B. Mixtures of chemicals, which have been tested as a whole and have been determined to be a health hazard.
C. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one (1) percent or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the

mixture is one-tenth (0.1) percent or greater of the composition on a weight per unit weight basis.

D. Ingredients of mixtures prepared within the "WO" Wellhead Operation District in cases where such ingredients are health hazards but comprise less than one-tenth (0.1) percent of the mixture (on a weight per unit weight basis) if carcinogenic or less than one (1) percent of the mixture (on a weight per unit weight basis) if non-carcinogenic.

E. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

(5) New underground storage tanks (USTs) shall be prohibited within the "WO" Wellhead Operation District. Existing USTs are permitted so long as their construction, leak detection and maintenance programs meet all local and state UST rules and regulations.

(6) Wastewater Disposal. All uses within this district shall be connected to the public wastewater disposal system within a three (3) year period from the effective date of this article or have a wastewater disposal system approved by the Miami County Health District.

(e) Enforcement. Section 1143.21(g) of this Zoning Code is incorporated herein by reference and applies to land in the "WO" Wellhead Operation District. For this purpose, references in Section 1143.21(g) of this Zoning Code to the "WP" Well Field Protection Overlay District shall be deemed to mean the "WO" Wellhead Operation Overlay District.

1143.21 WP WELLFIELD PROTECTION OVERLAY DISTRICT

(a) Purpose. The "WP" Well Field Protection Overlay District is designed to safeguard the public health, safety, and welfare of citizens and institutions that are customers of the City water system by regulating the land use and the storage, handling, use, and production of regulated substances. The land within the overlay district is described as the land area within the City which lies within the one-year capture area and accompanying buffer surrounding the existing and proposed municipal water well fields. The intent of this designation is to protect the community's potable water supply against contamination.

(b) Applicability to Underlying Zoning Districts. The provisions of Section 1143.21(a) through Section 1143.21(g) of this Zoning Code, shall be applicable to all lands shown as being located within the boundaries of the "WP" Well Field Protection Overlay District on the zoning map and shall

be supplemental to the regulations of the underlying zoning district. Where the requirements of this section are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

(c) Permitted Uses, Bulk, and Yard Regulations. The permitted uses, bulk and yard regulations within the "WP" Well Field Protection Overlay District shall be those of the underlying zoning district.

(d) Prohibited Uses. Sanitary landfills, drywells, landfills comprised of demolition debris or other non-approved matter, and junkyards are prohibited within the "WP" Well Field Protection Overlay District.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "M-3" General Industrial District when it abuts the following zoning districts:

A, A-R, R-1 to R-7: A minimum of twenty-five (25) feet in width.

(f) Best Management Practices and Exemptions.

(1) To the maximum extent practical, owners and operators within the "WP" Well Field Protection Overlay District shall implement best management practices (BMPs) to reduce risk of release and pollution of the environment. BMPs apply to use, storage and production of regulated substances listed in Section 1143.21(f)(4) of this Zoning Code. BMPs are defined as "schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the risk of a release".

A. BMPs include, but are not limited to, the following: treatment techniques, operating procedures, and practices to control runoff, spills, and leaks.

B. Spill control measures shall include, but are not limited to the following:

1. Secondary and tertiary containment systems, including the use of containment during chemical storage, transfer, and use. The containment system shall be designed to capture one hundred ten (110) percent of a release from a primary containment unit.
2. Adopting standardized spill response protocols and providing training to employees to help insure response protocols are enacted if a spill or release occurs.
3. Drums and other types of containers holding Regulated Substances and wastes of such

substances as defined in Section 1143.20(d)(4) of this Zoning Code shall be stored within secondary containment.

(2) Existing containment systems and procedures shall not be removed, nor shall their ability to contain spills be compromised, so long as regulated substances are stored, transferred or used within the containment areas. Containment systems shall be maintained in good working order. Improvements and/or additions to containment systems may be performed so long as the ability to contain a spill is not compromised. Temporary approved containment systems may be required during maintenance and/or improvement activities.

(3) The following types of products and volumes are exempt from BMP requirements within the "WP" Well Field Protection Overlay District:

A. Up to one hundred ten (110) gallons or eight hundred (800) pounds, in the aggregate of regulated substances used for routine maintenance.
B. Medical and laboratory research substances used in containers not larger than 5 gallons in size.
C. Cleaning agents packaged for personal or household use.
D. Construction materials stored at or being transported to a permitted construction site which do not pose real or present danger of causing contamination.
E. Office supplies packaged for personal or office use.
F. Refrigerants contained in on-site cooling equipment or contained in household appliances, including refrigeration repair service storage vessels.
G. The through transport of a regulated substance, as long as the transporting vehicle is not stopped or parked within the "WP" Well Field Protection Overlay District.
H. Properly maintained liquid filled transformers.
I. Motor vehicle fuels and other liquids that are stored on and are an integral part of an operable motor vehicle or boat and used specifically and solely for the operation of the vehicle in which the substances are contained. This does not include the tanker portion of a tractor-trailer or similarly purposed vehicle.
J. Heating oil for residential uses, stored in tanks with a total capacity of less than five hundred (500) gallons per residential lot.

(4) Substances to be regulated, hereinafter referred to as regulated substances, are chemicals and mixtures of chemicals, which are health hazards. Regulated substances

include:

A. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system and agents which damage the lungs, skin, eyes, or mucous membranes.
B. Mixtures of chemicals, which have been tested as a whole and have been determined to be a health hazard.
C. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one (1) percent or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one-tenth (0.1) percent or greater of the composition on a weight per unit weight basis.
D. Ingredients of mixtures prepared within the "WP" Well Field Protection Overlay District in cases where such ingredients are health hazards but comprise less than one-tenth (0.1) percent of the mixture (on a weight per unit weight basis) if carcinogenic or less than one (1) percent of the mixture (on a weight per unit weight basis) if non-carcinogenic.
E. Petroleum and nonsolid petroleum derivatives (except non-PCB dielectric fluids).

(5) New underground storage tanks (USTs) shall be permitted within the "WP" Well Field Protection Overlay District so long as said tanks comply with Ohio Administrative Code 1301:7-9-10 (BUSTR program). Existing USTs are permitted so long as their construction, leak detection and maintenance programs meet all local and state UST rules and regulations.

(6) Wastewater Disposal. All uses within this district shall be connected to the public wastewater disposal system within a three (3) year period from the effective date of this article or have a wastewater disposal system approved by the Miami County Health District.

NOTE: THIS REGULATION DOES NOT RESTRICT THE USE OF AGRICULTURAL CHEMICALS APPLIED IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES AND/OR LABEL DIRECTIONS.

(g) <u>Enforcement.</u>

(1) Enforcement Provisions. The enforcement provisions within Section 1143.21(g) of this Zoning Code are incorporated herein by reference and apply to all land within the “WO” Wellhead Operation District and the “WP” Well Field Protection Overlay District.

(2) Management of Regulated Substances. No person shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as "handle," any regulated substance on public or private property within the “WP” Well Field Protection Overlay District except as provided by law, statute, ordinance, rule or regulation. With the exception of single-family or two-family residences wherein the regulated substances are for the normal and customary maintenance of the residence or vehicles under control of the occupant, the use of any land, building, or structure in the “WP” Well Field Protection Overlay District or the “WO” Wellhead Operation District in which any regulated substances are handled and for which an occupancy certificate has not been issued is hereby determined to be a dangerous public nuisance. Any violation of this section is hereby determined to be a nuisance and must be abated.

(3) Public Water Supply Protection Authority. If any activity or use of regulated substance is deemed by the Zoning Administrator to pose a real and present danger of contaminating surface and/or groundwater which would normally enter the public water supply, the Zoning Administrator is hereby authorized to:

A. Cause cessation of said activity or use of the regulated substance;
B. Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or
C. Cause the provision of pollution control and/or abatement activities.

When considering the exercise of any of the above authorities or actions, the Zoning Administrator shall consult with the Director. Such consultation shall determine what measures need to be taken to ensure the public water supply is reasonably and adequately protected from contamination for the present and the future. The Zoning Administrator may take into consideration any evidence represented by the entity regarding cost effectiveness and the economic effectiveness and the economic impact imposed by the requirements or actions.

(4) Inspections. Subject to applicable provisions of law, the

Zoning Administrator or authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this section. Upon request of the entity which is the subject of the inspection, and if permitted by the state public records law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the Zoning Administrator, the Zoning Administrator may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property; but no consent is necessary for entry into areas then open to the public or to customers.

(5) Technical Consultants. Upon application for a zoning certificate and/or occupancy certificate for a use within this overlay district, the Zoning Administrator may employ such technical expertise as needed to ensure compliance with the provisions of these regulations. All reasonable costs, as determined by the City of Troy, incurred in the compliance review process shall be passed through to the applicant and shall be in addition to those fees normally charged to review an application for a zoning certificate and/or occupancy certificate.

(h) Reporting Regulated Substance Spills, Leaks or Discharges.

(1) Notification Required. Any person with direct knowledge of a spill, leak or discharge of a regulated substance that escapes containment or contacts a pervious ground surface within the "WP" Well Field Protection Overlay District and such spill, leak or discharge is not immediately and completely remediated, shall give notice to the Troy Police Department or Troy Fire Department by telephone within thirty (30) minutes. The notification shall include at a minimum, the location of the incident, name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, state, and federal reporting obligations as required by law.

(2) Application of Agricultural Chemicals Not a Spill, Leak or Discharge. The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. used in routine agricultural operations, including plant nutrients and crop protection materials, applied under best

management practices as indicated by soil tests, agricultural experts, or label directions approved by the United States EPA or the Ohio Department of Agriculture, shall not be considered a spill, leak, or discharge subject to the reporting provisions of this paragraph.

(3) Liability and Required Documentation. Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by the City of Troy in response to such an incident, in addition to the amount of any fines imposed on account thereof under state and federal law. Said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than one hundred eighty (180) days after the incident.

(4) Falsifying Information. No person shall make any false statement, representation, or certification in any report or other document filed or required to be maintained pursuant to this section.

(i) Exemption of Regulated Substances. The Zoning Administrator is authorized to exclude certain regulated substances that pose no threat to ground water, from the provisions of these regulations. Prior to authorizing the exemption of any regulated substance, the Zoning Administrator shall have such request for exemption reviewed by the Appeals Board.

(j) Clean Closure Requirements Except in the case of a seasonal discontinuation of operation, the owner or operator of any non-residential property that becomes unoccupied or has discontinued operation for a period of ninety (90) consecutive days shall remove all regulated substances from the property other than those used exclusively for heating, cooling, and providing electrical lighting for the premises within ninety (90) days after the date upon which the property initially became unoccupied or the operation discontinued. Except as noted above, regulated substances that are excluded from reporting requirements shall be removed by the date specified above. The owner or operator shall secure the regulated substances on the property until they have been removed. The owner or operator shall notify the City Engineer in writing of the date of the cessation of operation or the property becoming unoccupied no later than the day upon which the operation actually ceases or the property becomes unoccupied, and such notification shall include the owner's name, phone number, and address and the operator's name, phone number, and new address.

1143.22 HP-O HISTORIC PRESERVATION OVERLAY DISTRICTS

(a) Historical Districts. The public interest calls for the preservation and protection of significant architectural and archeological resources from Troy's and America's histories that lie within the city. Buildings and places, which tell of the presence of our forefathers, add meaning and livability to a city as do handsome residential areas and orderly business districts. To accomplish this it is necessary to provide a method whereby, with careful consideration for the rights of private property and only after thorough analysis of the objectives to be achieved, certain public controls are required for changes made to meaningful buildings or neighborhoods.

(b) Purpose. It is the intent of this Section to promote and protect the health, safety, and general welfare of the public through:

(1) The enhancement of property values, economic development, neighborhood stability, and the protection of property rights of all citizens;
(2) The preservation and enhancement of a city of varied architectural styles reflecting the distinct phases of the city's history;
(3) The preservation, restoration, or rehabilitation of historically significant districts, sites, buildings, structures, and objects that possess integrity of location design, setting, materials, workmanship, feeling, and association; and
(4) The development and maintenance of appropriate settings and environment for the aforesaid sites and areas.
(5) To this end, this section authorizes the adoption of overlay historic districts and to review and approve architectural modifications which affect the historic quality of such historic districts and sites.

(c) Designation of Overlay District.

(1) The Planning Commission may recommend the adoption or modification of a historic district overlay on all eligible areas to the Troy City Council. The boundaries of each such district shall be indicated on the official zoning map.

(d) Historic District Definitions The following definitions are only applicable in the Historic Preservation and Historic Landmark Districts.

(1) ARCHITECTURAL DESIGN STANDARDS: The United States Secretary of the Interior’s Standards for the Treatment

of Historic Properties and any supplemental guidelines adopted by the City of Troy.

(2) ADVERSE EFFECT: An occurrence or condition which includes but is not limited to:

A. destruction or alteration of all or part of a property
B. isolation from or alteration of a property's surrounding environment
C. neglect of a property resulting in its deterioration or destruction.

(3) APPLICANT: Any person or their representative who applies for a building or demolition permit or for a certificate of appropriateness therefore for construction, alteration or demolition of a Listed Property or structure.

(4) APPURTENANCE: Any structure or object subordinate to a principal structure or site located within a Listed Property or Historic District and visible from the public right-of-way including but not limited to, a bicycle rack, carriage house, display sign, fence, fixture, fountain, garage, outbuilding, pavilion, public artwork, statue, street furniture, shed, trellis, vending machine, or similar item.

(5) ARCHITECTURAL FEATURE: The architectural treatment and general arrangement of such portion of the exterior of a property as is designed to be exposed to public view and/or the publicly accessible interior of any Listed Property which was listed in part, or in whole, because of the interior's historic or architectural significance.

(6) INTRUSION: An adverse effect which introduces a visual, audible, or atmospheric element which is out of character with the property or the district or alters its setting.

(7) LANDMARK: Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation and which has been designated as a landmark pursuant to the provisions of this Section.

(8) DISTRICT: The Historic Preservation or Historic Landmark Overlay area in which the property subject to the application is located or ten (10) or more structures and/or sites grouped together in a geographically defined area possessing a significant concentration, linkage or continuity of structures, appurtenances or sites that are united by past events, aesthetics, plan or physical development and where at least seventy-five (75) percent of the structures in which the property subject to the application is located.

(9) ECONOMIC RETURN: A profit or increase in value from use or ownership of a site, structure, building, appurtenance or object that accrues from investment of capital or labor.

(10) FAÇADE: The face or front of a structure of any vertical surface thereof adjacent to a public way.

(11) GROUP: Two or more structures, objects and/or sites of which are located in geographical proximity and are united by aesthetics, past events, plan or physical development.

(12) GUIDELINES: The document adopted by the City of Troy that sets forth the architectural characteristics of a Listed Property or a Historic District area, or a specific property therein and provides design guidance for appropriate construction or alteration therein pursuant to the provisions of this Section. Guidelines and standards are intended to be consistent with each other.

(13) INVENTORY: A systematic identification of properties having cultural, historical, architectural or archaeological significance compiled according to standards adopted by the City of Troy for evaluating property to be considered for designation as a Listed Property on the National Register of Historic Places.

(14) LISTED PROPERTY: Any structure, group, district or site so designated by the City of Troy pursuant to the provision of this Section.

(15) PRESERVATION: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features, rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within the scope of the project.

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

(17) REHABILITATION: The act or process of making possible an efficient compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical cultural or architectural values.

(18) RESTORATION: The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction

of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within the scope of the project.

(19) STRUCTURE: A building, object, monument, work of art, or work of engineering permanently affixed to the land. The term "structure" shall be construed as if followed by the words "or part thereof". The distinction between "structure" and "building" should be noted. "Structure" is a broader term; "building" is a restricted form of "structure".

(20) SUBSTANTIAL ECONOMIC HARDSHIP: A financial burden imposed upon an owner which when factually detailed and measured by standards and criteria of this Section is unduly excessive preventing a realization of an economic return upon the value of the property.

(21) UNUSUAL AND COMPELLING CIRCUMSTANCES: Those uncommon and extremely rare instances, factually detailed and conforming to the standards and criteria therefore contained in this Section, warranting a decision contrary to its architectural characteristics guidelines or standards or an appeal contrary to the evidence presented.

(e) "HP-0" Historic Preservation Overlay District.

(1) PURPOSE. The "HP-0" Historic Preservation Overlay District is an overlay district designed to preserve and protect groups of structures, sites, or areas eligible for or listed on the National Register of Historic Places in which the historic district consists of a large number of non-qualifying structures, undeveloped parcels, or contributing structures that have not undergone rehabilitation, and/or the planning district as a whole consists of a large number of non-qualifying structures which dominate the vista.

(2) NOMINATION. Any area eligible may be nominated by a petition signed by owners representing seventy-five (75) percent of the parcels in the proposed area. The petition shall be in a form prescribed by the City of Troy and filed with the Clerk of the City Council who shall determine the validity of the petition and eligibility of the proposed area shall be determined. If the area is eligible and the petition is valid, an amendment to the official zoning map for all or part of the original proposed area in accordance with Section 1143.22(e)(3) of this Zoning Code maybe proposed by the Planning Commission. Thereafter, the overlay district may be designated in the manner set forth in Section 1141.03 of

this Zoning Code.

(3) BOUNDARIES. In determining the boundaries of a "HP-0" Historic Preservation Overlay District, the following guidelines shall be controlling to ensure vista control and to protect the integrity of the proposed historic district:

A. The area must be eligible for or listed on the National Register of Historic Places.
B. The overlay district must be at least ten contiguous streetscapes. In no instance, shall the overlay district be less than four block faces.
C. Complete streetscapes or block faces may be included in the historic district so long as a portion of the streetscape is on or eligible for the National Register of Historic Places.
D. A structure, site, or area which is not eligible for or listed on the National Register may be included in the historic district if it is effectively enveloped by an eligible area under Section 1143.22(e)(1) of this Zoning Code and by a topographic barrier such as an elevated highway, railroad, river, and/or bridge.

(4) ACTIVITIES GOVERNED. Any major modification as set forth in Section 1143.22(f)(14) of this Zoning Code shall require a certificate of appropriateness.

(f) "HL-0" HISTORIC LANDMARK OVERLAY DISTRICT

(1) PURPOSE The "HL-0" Historic Landmark Overlay District is an overlay district designed to preserve and protect single parcels or groups of structures, sites, or area eligible for or on the National Register of Historic Places, in which the historic district as a whole consists primarily of historically or architecturally significant structures, sites, or areas and/or contributing structures which have undergone rehabilitation or restoration.

(2) NOMINATION. Any area eligible may be nominated by a petition signed by owners representing seventy-five (75) percent of the parcels in the proposed area. The petition shall be in a form prescribed by the City of Troy and filed with the Clerk of the City Council who shall determine the validity of the petition and eligibility of the proposed area shall be determined. If the area is eligible and the petition is valid, the Planning Commission may propose an amendment to the official zoning map for all or part of the original proposed area in accordance with Section 1143.22(e)(3) of this Zoning

Code. Thereafter, the overlay district may be designated in the manner set forth in Sections 1141.03 of this Zoning Code.

(3) BOUNDARIES. In determining the boundaries of a "HL-0" Historic Landmark Overlay District, the following guidelines shall be controlling to ensure vista control and to protect the integrity of the proposed historic district:

A. The single parcels or groups of structures, sites, area or structure must be eligible for or listed on the National Register of Historic Places.
B. Complete streetscapes or block faces may be included in the historic district so long as a portion of the streetscape is on or eligible for the National Register of Historic Places.
C. A structure, site, or area which is not eligible for or listed on the National Register may be included in the historic district if it is effectively enveloped by an eligible area under Section 1143.22(f)(1) of this Zoning Code and by a topographic barrier such as an elevated highway, railroad, river, and/or bridge.

(4) ACTIVITIES GOVERNED. All modifications as set forth in Section 1143.22(f)(14) of this Zoning Code shall require a certification of appropriateness.

(5) DUTIES OF THE ZONING ADMINISTRATOR. The Zoning Administrator shall recommend designation and/or modification of particular historic districts by adoption of controls on particular parcels through amendments to the official zoning map and shall review and act upon all applications for certificates of appropriateness for modifications.

A. The duties of the Zoning Administrator shall be as follows:

1. To conduct a survey of all properties as may be required to keep the survey up to date and to maintain a Listed Properties designation.
2. To maintain the Troy Register of Historic Landmark Properties as defined by the Planning Commission which will contain the following information about each Listed Property:

I) The roster number of the Listed Property.
II) The description of the parcel of real estate, on which the Listed Property is located, as such appears on the tax duplicate.

III) The street address or other applicable reference to the recognized location of the Listed Property.

IV) A site plan of the real estate on which the Listed Property is located showing the location thereon of the Listed Property.

V) A minimum of two photographs of the Listed Property.

VI) A statement of the historical and/or architectural significance of the Listed Property.

VII) The owner's name, address and phone number.

3. To nominate, in a manner consistent with Federal and State regulations, property of designation as Listed Property with approval of City Council, review nominations to the National Register of Historic Places and make recommendations to the Planning Commission, Mayor and City Council concerning such nominations.
4. To advise the Planning Commission and City Council and to make recommendations as to the conservation of the City structures, sites, groups and districts and as to any alteration, rehabilitation, or demolition proposed for City-owned property, parks or rights-of-way listed in the Troy Register of Historic Landmark Properties as defined by the Planning Commission.
5. To study the problems and determine the needs of the City in furthering the purpose of preservation.
6. To determine what legislation or policy, if any, is necessary to further preservation, restoration, and development of historic resources and to recommend the same to the Planning Commission, Mayor or City Council, as appropriate.
7. To prepare, recommend for adoption and publish guidelines architectural design, alteration, new construction, site improvements and demolition or removal standards consistent with this Zoning Code.
8. To consider applications for proposed construction, reconstruction, alteration or demolition of structures, architectural features or site elements of Listed Properties.

9. To review and make recommendations to the Planning Commission on all applications for certificates of appropriateness for modifications.
10. To initiate complaints of property maintenance code violations for properties in the historic district.

(6) ARCHITECTURAL DESIGN STANDARDS.

A. The United States Secretary of the Interior Standards for the Treatment of Historic Properties will govern the decisions of the Planning Commission in the issuance of certificates of appropriateness.
B. Removal of any structure or site listed eligible for or on the National Register of Historic Places may be an irreparable act contrary to the public good as set forth in Sections 1143.22(a) and 1143.22(b) of this Zoning Code, no demolition permit shall be issued for any structure or site so listed anywhere in the city unless accompanied by an approved certificate of appropriateness in accordance with the provisions of Section 1143.22(f)(20) of this Zoning Code.
C. Building proportion (height, depth, and width) for new construction shall be such that it is similar to any immediately adjacent structures on the same street, or streets of a corner lot. Any exterior modifications or additions to existing structures shall maintain the proportions of wall height and length, window and door opening sizes, and roof height and slope as the original structure. New principal structures shall conform in these regards to the proportions of adjoining structures. All existing and new principal structures shall maintain a rhythm of the masses to openings. Accessory structures shall conform to the proportions of the principal structure.
D. Materials utilized in exterior renovations, additions and construction of accessory or new principal structures shall either match the appearance of the materials used in construction of the original buildings or shall be modern construction materials which create the same effect and shall not be a cosmetic treatment which simulates original fabric.
E. All exterior colors shall be appropriate to the architectural style and time period in which the structure was built. Visual relationships of the streetscape shall be maintained.
F. Decorative detail items such as chimneys, gutters, downspouts, gables, soffits, hardware, fences, light fixtures, walks, and shutters shall be compatible with the

architectural style of the principal structure. Materials used for and design of decorative details shall be modern reproductions, which create the same effect.

G. Techniques utilized in the rehabilitation of existing exterior surfaces shall be sympathetic to the surface materials. Sandblasting of any exterior surfaces shall require Planning Commission approval.

H. The rearrangement of interior structural elements, including load bearing walls, columns, joists, girders, trusses, rafters, or lintels, shall not be allowed unless the plan for such rearrangement is accompanied by a certificate from a licensed architect or engineer that such rearrangement is not likely to result in structural damage.

(7) STANDARDS FOR ALTERATION.

A. Every reasonable effort shall be made to use the property for its originally intended purpose or to provide a compatible use requiring minimal alteration.

B. Each property shall be recognized as a product of its own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

C. Deteriorated architectural features shall be repaired rather than replaced whenever possible, substantiated by historic, physical or pictorial evidence.

D. The gentlest means possible shall be used to clean the property's surface if necessary. Sandblasting and other cleaning methods that will damage the historic building material are prohibited unless specifically approved by the Planning Commission.

E. Archaeological resources affected by or adjacent to any alteration shall be protected and preserved.

F. Contemporary design for alteration to a property shall not be discouraged when such alteration does not destroy significant, historical, architectural or cultural material and character of the property, its environment and surrounding contributing properties.

G. Whenever possible, a new addition or alteration shall be so accomplished so that its future removal will not impair the essential form and integrity of the structure.

H. Appurtenances of a structure such as walls, fences and masses shall be in keeping with the environment and form inclusive enclosures along a street to insure visual compatibility with the adjacent, visually-related structures and open spaces.

I. Materials utilized in exterior renovations, additions and construction of accessory or new principle structures shall either match the appearance of that used in construction of the original buildings or shall be modern construction materials which create the same effect and shall not be a cosmetic treatment which simulates original fabric. Decorative detail items such as chimneys, gutters, downspouts, gables, soffits, hardware, fences, light fixtures, walks, signs and shutters shall be compatible with the architectural style of the principal structure.

J. In passing upon appropriateness, the Planning Commission shall consider, in addition to any other pertinent factor, the architectural characteristics typical of structures in the District or Listed Property, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the architectural feature involved and its relation to the architectural features of other contributing properties in the immediate neighborhood.

(8) STANDARDS FOR NEW CONSTRUCTION.

A. New structures should look new, reflecting contemporary design standards while using contemporary design elements that relate to existing contributing properties surrounding the new structure. Building height, width, mass and proportion affect the degree of compatibility between the old and the new.

B. Physical size and scale shall be compatible to existing contributing properties without overwhelming them.

C. The proportion of openings, width and height of windows, doors and entries, shall be visually compatible with adjacent contributing properties and open space.

D. The rhythm or relationship of solid spaces to voids (i.e., walls to windows and doors), in the facade of a structure shall be visually compatible with adjacent contributing properties and open spaces in its environment.

E. The rhythm of spacing, the relationship of a structure to the open space between it and adjoining structures, shall respect the surrounding environment.

F. The rhythm of projections, the relationship of entrances, porches and other projections to sidewalks or streets, shall be guided by the streetscape provided by adjacent and visually related structures and open spaces.

G. The choice of material, texture and color for the facade of the structure should relate attractively to and be tempered

by the predominant material, texture and color of adjacent and visually related structures.

H. Appurtenances of a structure such as walls, fences and masses shall be in keeping with the environment and form inclusive enclosures along a street to insure visual compatibility with the adjacent, visually-related structures and open spaces.

I. Preservation and allocation of appropriate green spaces shall be encouraged and respective of the rhythm or relationship of solid spaces to voids.

J. Scale, the size and mass of structures in relation to open spaces, openings and projections, shall be compatible with adjacent, visually related structures and open spaces.

K. A structure that has frontage on more than one street or alley resulting in multiple facades shall require application of compatibility standards to each facade.

L. The Planning Commission shall consider, in addition to any other pertinent factor, the architectural characteristics typical of structures in the listed property or district, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the architectural feature involved and its relation to the architectural features of other structures in the immediate neighborhood.

(9) STANDARDS FOR SITE IMPROVEMENTS.

A. Traditional colors and combinations of those colors that are both identified with the origin or the era in which the structure or property was originally built shall be encouraged for exteriors for all new structures to be built, and reconstruction, remodeling and exterior maintenance or existing structures within the historic district.

B. Landscaping, parking, utility or service areas, driveways, walkways and similar improvements should be compatible to each other and to the subject building or structure as well as to adjacent contributing properties, open spaces, green spaces and the overall environment.

C. Fences of wrought iron, stone or wood are encouraged. Privacy fence shall not exceed six (6) feet in height and shall generally be restricted to side and rear yards. Box, chicken wire, chain link and wire fences shall not be allowed.

D. Signs shall be in keeping with the character of the adjacent environment.

E. Portable structures, sheds, yard barns, kennel, or any accessory out buildings should be unobtrusive and compatible with existing structures and neighboring properties.

(10) STANDARDS FOR DEMOLITION OR REMOVAL

A. Demolition of an historic or contributing property or architectural feature constitutes an irreplaceable loss to the quality and character of a listed property or district. No person shall demolish any structure or architectural feature in a listed property or district until a certificate of appropriateness of such demolition has been authorized by the Planning Commission and issued by the Zoning Administrator.

1. An application for a certificate of appropriateness must be made to the Zoning Administrator setting forth the intent to demolish such structure or architectural feature together with a written statement that such structure or feature is not historically or architecturally significant or otherwise worthy of preservation and the reasons the applicant is seeking to demolish the same.

B. A demolition permit shall not be issued unless accompanied by an approved certificate of appropriateness. The Planning Commission may only approve a certificate of appropriateness if:

1. The applicant has given clear evidence that two or more of the following conditions exist:

I) The structure has incurred extensive damage to its basic structural elements such as the roof, walls, and foundation requiring substantial reconstruction and presenting an immediate danger to the public safety as declared by the Chief Building Official.

II) The structure is listed as non-qualifying or is not consistent with other structures in the historic district in terms of historic character, architectural style,

construction material, height, setback or mass.

III) The square foot cost of meeting the minimum building code would exceed the square foot market value of similarly used and improved structures in the historic district.

IV) The structure is contributing and has been declared a public nuisance and its removal will not adversely affect the architectural or historic integrity of the streetscape.

2. The applicant has submitted a rescue plan that mitigates any adverse effects of the proposed removal upon the property, the streetscape, and the historic district through:

I) New construction that is consistent with the Architectural Design Standards and which contributes to the architectural or historic integrity of the historic district.

II) Exterior rehabilitation or restoration of the remaining structure that is consistent with the architectural design standards and which contributes to the architectural or historic integrity of the streetscape.

III) Landscaping the parcel consistent with the Architectural Design Standards, providing for its care as common space for the benefit of the general public and relocating the remaining structure in an appropriate setting or preserving of the salvageable architectural materials.

IV) Posting a performance bond with the Zoning Administrator sufficient to insure completion of the reuse plan or has requested and received a waiver of these requirements from the Planning Commission.

V) If no alternatives or mitigation is possible and the undertaking's benefits in relation to the significance of the property justify demolition as an acceptable loss, the Planning

Commission may consider other appropriate reuse plans.

3. If seeking to demolish an entire structure or major portion thereof, the applicant shall also submit with the application, definite plans for reuse of the site, evidence of commitment for funding of the new project, a time frame for project initiation and completion and an assessment of the effect such plans will have on the character and integrity of the listed property or district.

   I) The Planning Commission will be guided in the decision thereon by balancing the historic, architectural and cultural value of the structure or architectural feature and the purposes of this Section and of the Section pertinent to the subject property against applicant's proof of any unusual and compelling circumstances or substantial economic hardship in retaining the structure or architectural feature and the merit of the replacement project.

   ~~II)~~ Upon the Planning Commission's determination that any such structure or architectural feature is not historically or architecturally significant or otherwise worthy of preservation, a certificate of appropriateness will be issued. The applicant may then apply for and be issued a demolition permit.

(11) CRITERIA TO DETERMINE SUBSTANTIAL ECONOMIC HARDSHIP.

All of the following criteria shall be considered by all applicants and forwarded to Planning Commission to determine existence of a substantial economic hardship:

A. Denial of a certificate will result in a substantial reduction in the economic value of the property.
B. The square foot cost of meeting the minimum building code would exceed the square foot market value of similarly used and approved structures in the historic district as verified by a certified architect or engineer.

C. No reasonable alternative exists consistent with the architectural standards and guidelines for the property.

(12) CRITERIA TO DETERMINE UNUSUAL AND COMPELLING CIRCUMSTANCES.

All of the following criteria shall be considered by all applicants and forwarded to Planning Commission to determine existence of unusual and compelling circumstances:

A. The property has little or no historical and architectural significance.
B. The property cannot be reasonably maintained in a manner consistent with the pertinent architectural standards and guidelines.
C. No reasonable means of saving the property from deterioration, demolition or collapse other than applicant's proposal exists.

(13) FAILURE TO MAINTAIN.

No owner of a structure or appurtenance of a structure in a listed property or district shall by willful action or willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep appropriate to ensure such structure's perpetuation and to prevent its destruction by deterioration. This provision shall be in addition to all other applicable code provisions. The Zoning Administrator shall gather evidence of a violation hereof and shall initiate appropriate action thereon.

(14) CLASS OF ARCHITECTURAL MODIFICATIONS.

A. Major modifications governed by the Architectural Design Standards include any exterior alterations requiring a city permit for any of the following activities:

1. Construction or removal of a building, addition, accessory structures, porch, deck, or patio;
2. Construction or removal of decorative details such as chimneys, latticework, gables, gingerbread, soffits, and shutters;
3. Construction or removal of door and window openings and replacement of windows;
4. Major repairs of exterior surfaces such as abrasive cleaning, siding, or painting of unpainted surfaces;

5. Fencing, signage, or alteration or removal of retaining walls or alteration of out buildings;
6. Major changes in landscaping affecting elements of re-grading, paving and structures.

B. Minor modifications include the following alterations governed by the architectural design standards:

1. Repainting of existing painted surfaces with the same color;
2. Replacement in kind of doors, roof, gutters, and downspouts, awnings and shutters;
3. Repair of decorative detail;
4. Minor repair of exterior surfaces such as caulking, masonry re-pointing and nonabrasive cleaning;

(15) CLASS OF STRUCTURES. All structures and sites within a historic district shall be classified by the Planning Commission as significant, non-qualifying, or contributing.

(16) DEMOLITION WITHOUT APPROVAL.

A. If any party proceeds to remove a significant principal structure prior to the issuance of an approved certificate of appropriateness, a mitigation fee equal to ten (10) percent of the estimated demolition cost as determined by the City shall be levied for each day after notification of said violation until said party files a rescue plan and a performance bond with the Zoning Administrator.

(17) AREA AND BULK REGULATIONS. The lot area and bulk regulations shall be those of the underlying zoning district except as follows:

A. Structure Height. The height of a new principal structure shall not vary more than ten (10) percent from the average height of the existing significant and contributing principal structures on the streetscape.
B. Front Yard. The minimum required front yard shall be within five (5) feet, more or less, of the average existing front yard setback on the block face on which the structure is located.
C. Side Yard on Corner Lot. The side yard on the street side of a corner lot shall be within five (5) feet, more or less, of the average existing front yard setback of the block face on which the side yard is required.

D. Maximum Lot Coverage. The maximum lot coverage shall be the same as the underlying zoning district or three thousand (3,000) square feet, whichever is more, so long as it meets the other provisions of this section.
E. Accessory Building Setbacks. There shall be no minimum required setback from the rear lot line for accessory structures, except as may be required to provide reasonable access thereto.
F. Creation of Small Lots. The creation of lots smaller than those required in the underlying zoning district may be permitted by the Planning Commission for existing buildings and construction of new buildings provided the newly created lot and the proposed structure is in scale with the average lot size and structures of the block on which it is located.
G. Satellite Earth Stations or Dish Antennas. Satellite earth stations or dish antennas shall only be permitted as an accessory structure as regulated herein and provided it is located and screened to eliminate visual impact on the historic district from the street and adjacent properties.

(18) SIGNS.

A. The sign regulations of the underlying zoning districts shall apply to a historic district.
B. Temporary signs displayed as window signs under Section 749.05(i) of the Codified Ordinances are permitted and no certificate of appropriateness is required, provided, they are only displayed for a maximum of twenty-eight (28) days in a calendar year and do not exceed, in the aggregate, four (4) square feet in size.
C. All other short-term or temporary signs are permitted and no certificate of appropriateness is required, provided, they are only displayed for a maximum of seven consecutive days and only one such sign may be displayed.

D. Signs shall be considered exterior modifications and shall be subject to the review of the Planning Commission.
E. Signs shall be in keeping with the character of the adjacent environment. Excessive size and inappropriate placement results in visual clutter and shall be avoided. A good sign should relate harmoniously to exterior building material, texture and color: express a simple, clear message and contain a minimum number of words. Mechanical systems shall be screened by appropriate fence, mound, or planting and are generally prohibited from any front yard.

F. Signage, posters or advertisements placed in or on windows shall not exceed twenty-five (25) percent of any window panel.

(19) OFF-STREET PARKING AND LOADING.

1. For permitted uses within the boundaries of a historic district, off-street parking and loading requirements shall be those set forth in this Zoning Code.
2. Off-street and off-site parking and loading spaces shall be considered modifications to the property on which they are located, potentially affecting the view of the streetscape and shall be subject to the review of the Planning Commission.

(20) CERTIFICATE OF APPROPRIATENESS.

A. In addition to other permits required by this Zoning Code, a certificate of appropriateness assuring compliance with these additional standards is required prior to the beginning of any construction, demolition, exterior modification or maintenance of exterior surfaces in any historic district.
B. A certificate of appropriateness shall remain valid for a period of twelve (12) months from the date of issuance. If such work is delayed for a period exceeding twelve (12) months, the certificate of appropriateness shall automatically expire and any other zoning or building permits issued in conjunction with it shall become void.
C. The Planning Commission may grant, but not exceed, two (2) extensions of the period of validity of a certificate of appropriateness, not to exceed six (6) months each if such request by the owner is at least ten (10) days in advance of the expiration of the certificate of appropriateness. A request for any extension shall set forth reasons for the delay.
D. Applications for a zoning certificate in a historic district shall also be considered an application for a certificate of appropriateness and be submitted to the Zoning Administrator. Such applications shall contain information, which will enable determination of compliance with the rehabilitation standards and land use controls set forth in this Section.

(21) REVIEW BY ZONING ADMINISTRATOR.

The Zoning Administrator shall first review each application for

compliance with all requirements of this Zoning Code except those items enumerated in Section 1143.22(f)(14) of this Zoning Code. If the application is found to be in compliance, the Zoning Administrator shall immediately refer the application and all related materials to the Planning Commission, accompanied by a written statement signed by the Zoning Administrator stating that, "This application has been reviewed for compliance with all requirements of the zoning code except for the additional design standards imposed by the historic district regulations and has been found to comply with same".

(22) REVIEW BY THE PLANNING COMMISSION.

A. The Planning Commission shall review the application for all modifications for conformance with the standards enumerated in Section 1143.22(f)(6) of this Zoning Code and shall approve, modify, or disapprove those items listed as modifications.
B. If an application for modifications is approved, a certificate of appropriateness shall be issued by the Zoning Administrator and the applicant shall be notified of such action in writing within seven (7) days from date of approval.
C. Applications for modifications not approved by the Planning Commission may be appealed to the Board of Zoning Appeals unless withdrawn by the applicant. If appealed to the Board of Zoning Appeals, the Secretary to the Board of Zoning Appeals shall schedule the application for consideration at the earliest possible date, once a complete application has been submitted.

(23) APPEAL OF PLANNING COMMISSION’S DECISION.

If the application is denied, or approved subject to modifications by the Planning Commission, the applicant or any interested party may request a hearing before the Board of Zoning Appeals. Such appeal shall be requested in writing to the Secretary of the Board of Zoning Appeals within fourteen (14) days of the decision by the Planning Commission.

A. The Board of Zoning Appeals review shall be by hearing. The Secretary of the Board of Zoning Appeals shall notify the applicant of the time and place of the hearing not less than seven (7) days before the date of the hearing and written notice of the hearing shall be given to owners of property abutting the applicant’s property and owners of

property directly across any street or alley at leave five (5) days before the hearing for which the application has been submitted and shall publish notice in a newspaper of general circulation at least five (5) days before the hearing. The hearing shall be held within thirty (30) days after the date of receipt of application by the Secretary.

B. The Board of Zoning Appeals shall render its decision in writing approving the application, denying the application, or approving it subject to modification. But no application shall be denied or modified unless a majority of the members of the Board of Zoning Appeals agree to deny or modify the application.

C. The Secretary shall notify the Zoning Administrator in writing within seven (7) days of the action of the Board of Zoning Appeals and issue a certificate of appropriateness if the action of the Board of Zoning Appeals resulted in approval or modification of the application.

D. The Board of Zoning Appeals shall not be required to hear any application which substantively covers a matter on which it has ruled within the preceding six (6) months.

1143.23 FP FLOOD PLAIN OVERLAY DISTRICT.

(a) Purpose. Certain areas of the City are subject to periodic inundation which could result in the loss of life and property, the creation of health and safety hazards, the disruption of commerce and government services, and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. The FP Flood Plain Overlay District is established to protect the community's natural flood storage capacity by regulating the use and development of flood plains, and to notify potential buyers that property is in an area of special flood hazard.

(b) Boundaries. The FP Flood Plain Overlay District shall consist of the low area adjacent to rivers, streams, and watercourses within the City of Troy as designated on the official zoning map; and all areas of special flood hazard established by Section 1125 of the Codified Ordinances of the City of Troy. When a property may be partially within and partially out of the apparent boundary of the FP Flood Plain Overlay District, the Flood Plain Administrator shall interpret the location of the boundary and determine the extent to which these regulations shall apply, in accordance with the provisions of said Section 1125.

(c) Compliance with the Flood Damage Reduction Ordinance. All construction, development, remodeling, change of use, and change of grade of properties in the FP Flood Plain Overlay District shall comply with the standards of Section 1125 of the Codified Ordinances of the City of Troy, as currently enacted and as may be hereafter amended.

(d) Abrogation and Greater Restrictions. These requirements of the FP Flood Plain Overlay District are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Zoning Code and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. If a provision herein is found to be in conflict with Federal or State law, such Federal or State law or regulations shall take precedence over these provisions.

(e) Effect on Other Zoning Districts. The FP Flood Plain Overlay District provides requirements in addition to those of underlying residential zoning districts, non-residential zoning districts, and other zoning districts. The regulations of the underlying zoning district and of any other overlay zoning district shall remain in full effect, except that where provisions conflict, the more stringent restriction shall prevail.

(f) Interpretation. In the interpretation and application of the requirements of the FP Flood Plain Overlay District all provisions shall be considered as minimum requirements and shall be liberally construed in favor of the governing body. They shall not create any entitlements or be considered permissive.

(g) Warning and Disclaimer of Liability. The restrictions for the FP Flood Plain Overlay District are considered reasonable for regulatory purposes, based on scientific and engineering considerations. Unusual flooding or larger floods can and will occur. The boundaries of the FP Flood Plain Overlay District shall not be taken to imply that other lands will be free from flooding or flood damages. These provisions shall not create liability on the part of the City of Troy, any officer or employee thereof, for any flood damages that result from reliance on the Zoning Map or this Zoning Code or any administrative decision lawfully made thereunder.

(h) Duties and Responsibilities of the Zoning Administrator. No Zoning Certificate, Occupancy Certificate, Sign Permit, or any other approval provided for in this Zoning Code shall be issued for any project within the FP Flood Plain Overlay District unless approval has first been obtained by the applicant from the Flood Plain Administrator, in accordance with Section 1125 of the Codified Ordinances of the City of Troy.

1143.24 CITY ADMINISTERED COUNTY ZONING

When property is annexed to the city, the zoning regulations then in effect shall remain in full force and shall be enforced by county or township officials (unless otherwise determined by agreement) until the city shall either officially adopt the existing zoning regulations or new regulations for such territory.

1143.25 DOWNTOWN/RIVERFRONT OVERLAY DISTRICT

(g) Purpose. The "DR-O" Downtown/Riverfront Overlay District is designed to promote revitalization of Downtown Troy and nearby riverfront areas by providing an optional alternative to the regulations of the various underlying conventional Zoning Districts in this overlay district area. It is intended to permit alteration and adaptive reuse of existing buildings, and redevelopment of vacant lands, in accordance with a coordinated plan which can be designed with greater flexibility, and consequently, more creative and imaginative redevelopment of this closely built and oldest area of Troy. The DR-O boundaries are as follows:

Situate in the State of Ohio, County of Miami, and the City of Troy, and more particularly described as follows:

Beginning at a point in the centerline of Harrison Street which intersects with the City of Troy Corporation Line, hereafter referred to as "Corporation Line", which marks the PLACE OF BEGINNING of the Overlay District herein described;

Thence following and along with Corporation Line, Easterly, crossing County Road 25-A and continuing to the Western bank of the Great Miami River;

Thence continuing with the Corporation Line crossing the Great Miami River and proceeding Easterly to the centerline of Riverside Drive;

Thence with the centerline of Riverside Drive in a Southeasterly direction to the intersection with Adams Street and Staunton Road;

Thence Easterly with the centerline of Staunton Road, crossing North Market Street to the intersection with the CSX Railroad;

Thence with the CSX Railroad Southwesterly to the Southwest corner of property owned by the City of Troy, Water Treatment Plant;

Thence Easterly, with the Southern boundary of a tract of land owned by the City of Troy, Water Treatment Plant, to the Northwest corner of an 8.63 acre tract owned by the Miami Conservancy District;

Thence with the Western property line of said 8.63 acre tract to the Southwest corner of said tract;

Thence continuing with the Southern Boundary of said 8.63 acre tract to the Southeast corner of said tract:

Thence proceeding South across the former river channel of the Great Miami River to the Northeast corner of an 8.8 acre tract owned by the City of Troy Board of Park Commissioners, said tract contains the club house of Miami Shores Golf Course;

Thence with the East property line of said 8.8 acre tract to the North bank of the Great Miami River;

Thence with the North bank of the Great Miami river Southeasterly to the centerline of East Main Street (State Route 41) located at the East end of the Broadford Bridge;

Thence Northwesterly with the centerline of East Main Street to the Northeastern property corner of Inlot 6219;

Thence Southwesterly with the Eastern property line of Inlot 6219 to the Southeast corner of said Inlot 6219;

Thence Northwesterly with the Southern boundaries of the following Inlots, 6220, 6221, 6222 and 6223, to the Eastern property line of Inlot 6165;

Thence with the Eastern property line of Inlot 6165 in a Southwesterly direction to the Southeast corner of said Inlot 6165;

Thence along the Southern property line of Inlot 6165 extended in a Northwesterly direction to the center of Floral Avenue;

Thence with the centerline of Floral Avenue in a Southwesterly direction to its intersection with the Southern property line of Inlot 3203 extended;

Thence Northwesterly with the Southern boundaries of the following Inlots, 3203, 3202, 3201 and 3200, to the centerline of Scott Street;

Thence Northeasterly with the centerline of Scott Street to its intersection with the Southern boundary of Inlot 3199 extended;

Thence in a Northwesterly direction with the Southern boundary of Inlot 3199 and continuing Northwestward along the Southern boundary of Inlot 3108 extended to the centerline of Morehead Street;

Thence Southwesterly along the centerline of Morehead Street to its intersection with the Southern boundary of Inlots 1462/1463 extended;

Thence Northwesterly with the Southern boundaries of the following Inlots, 1462/1463, 1461, 1460, 1459 and 1458, extended to the centerline of Ellis Street;

Thence continuing Northwesterly, crossing Ellis Street, with the Southern boundaries of the following Inlots, 1544, 1545, 1546, 1547, 1548 and 1549, to the centerline of Williams Street;

Thence Northwesterly to the Southeast corner of Inlot 4441 and following with the Southern boundary lines of Inlots 4441 and Inlot 4440 to the Southwestern corner of Inlot 4440;

Thence continuing Northwesterly with the Western property line of Inlot 4440 to the Southeasterly corner of Inlot 4439;

Thence Northwesterly with the Southern property line of Inlot 4439, crossing Frank Street to the Southeast corner of Inlot 677;

Thence Northwesterly with the Southern property line of Inlot 677 to its intersection with the Eastern property line of Inlot 676;

Thence with the Eastern property line of Inlot 676 in a Southwesterly direction to the Southeast corner of said Inlot 676;

Thence Northwesterly with the Southern property lines of Inlots 676, 675 and Inlot 674 to the Southwest corner of Inlot 674;

Thence Northeasterly with the Western property line of Inlot 674 to the Southeast corner of Inlot 673;

Thence Northwesterly with the Southern property line of Inlot 673 to the centerline of Counts Street;

Thence Southwesterly with the centerline of Counts Street to its intersection with the Southern property line of Inlot 672 extended;

Thence Northwesterly with the Southern property lines of Inlots 672, 671, 670, and 669, proceeding to the Southwest corner of Inlot 668;

Thence Northeasterly along the Western property line of Inlot 668 to the Southeast corner of Inlot 667;

Thence Northwesterly with the Southern property line of Inlot 667, continuing across Oak Street to the Southeast corner of Inlot 8443;

Thence Northwesterly with the Southern property lines of Inlots 8443 and 8442 to an interior corner of Inlot 8442;

Thence Southwesterly with the Eastern property line of Inlot 8442 to the Southeast corner of said Inlot;

Thence continuing Southwesterly crossing an alley to the Northeastern corner of Inlot 194;

Thence continuing Southwesterly with the Western property line of Inlots 194;

Thence continuing Southwesterly and crossing Race Drive to the Eastern corner of Inlot 2391, which point lies on the Western side of an unnamed alley;

Thence continuing Southwesterly along the Eastern property lines of Inlots 2391, 2392, 2393, 2394, 2395, 2396 to the southeast corner of Inlot 2397;

Thence with the Southern property line of Inlot 2397 in a Northwesterly direction to the centerline of Union Street;

Thence Southwesterly with the centerline of South Union Street to the intersection of East West Street;

Thence West with the centerline of East West Street crossing the main line track of the CSX Railroad to the Northeast corner of Inlot 1256:

Thence in a Southeasterly direction along the Eastern property line of Inlot 1256 to the Southeast corner of said Inlot 1256;

Thence West with the Southern property lines of Inlots 1256, 1255, 1254 and crossing South Crawford Street to the Southeast corner of Inlot 6517;

Thence West with the South property line of Inlot 6517 to the centerline of south Clay Street;

Thence North with the centerline of Clay Street to its intersection with the South property line of Part Inlot 1167, also known as 604 South Clay Street;

Thence West along the South property line of Part Inlots 1167, 1166 and 1165 also known as 604 South Clay Street, to the Southwest corner of property know as 604 South Clay Street;

Thence West from the southwest corner of 604 South Clay Street, crossing an unnamed alley and continuing West along the South property line of 703 South Mulberry Street, which the 703 address contains Part Inlots 1165, 1164 and 1163 to the Southwest corner of said 703 South Mulberry Street;

Thence continuing West crossing South Mulberry Street to the Southeast corner of property known as 704 South Mulberry Street;

Thence West with the South property line of 704 South Mulberry Street property, which address contains Part Inlots 2092 and 2091, to the southwest corner of the property know as 704 South Mulberry Street;

Thence South along the east property line of Inlot 2090 to the Southeast corner of said Inlot 2090;

Thence continuing West to the center of Walnut Street;

Thence West along the South property lines of Inlot 2090 and Inlot 916 to the southwest corner of Inlot 916;

Thence with the centerline of Walnut Street, South to its intersection with the South property line of Part Inlot 914;

Thence West with the North line of an unnamed 10 foot wide alley, same being the South property line of Part Inlot 914, Inlot 7220, Part Inlot 913, Part 912 to the Southwest corner of Part Inlot 912, same being known as 12 East West Street;

Thence North with the West property line of property know as 12 East West Street to the Southeast corner of Part Inlot 911, same being known as 6 East West Street;

Thence West with the South property line of property known as 6 East West Street to the Southwest corner of said property;

Thence North with the West property line of 6 East West Street to the Southeast corner of 2 East West Street being Inlot 10315;

Thence West with the South property line of Inlot 10315, proceeding to the centerline of Maple Street;

Thence North with the centerline of Maple Street to its intersection with East West Street and South and West Market Streets;

Thence Southwest with the centerline of West Market Street to its intersection with Peters Avenue;

Thence Southwest with the centerline of Peters Avenue to the Southeast corner of Part Outlot 105, also known as 126 West Market Street;

Thence Southwest with the South property line of 126 West Market Street to the Southwest corner of said property:

Thence North with the west property line of 126 West Market Street to the Southeast corner of Inlot 4436;

Thence West with the South property lines of Inlots 4436, 4435, 4434, 4435, 8338, 8337, 1314, 1306, 1305, crossing an unnamed alley, continuing West along the South property lines of Inlots 1304, 1303, 1302, 1301, crossing an unnamed alley, continuing West along the south property lines of Part Outlot 167 (comprising of property known as 402 West Market, 408 West Market, 412 West Market and 414 West Market) to the East property line of Part Outlot 166 also known as 424 West Market;

Thence Southwesterly along property know as 424 West Market Street to the Southeast corner of said property;

Thence West with the South property lines of 424 West Market Street and 426 West Market Street (Part of Outlot 166) to the Southwest corner of property known as 426 West Market Street;

Thence Northwesterly along the West property line of 426 West Market Street to the Southeast corner of 428 West Market Street (Part Outlot 166);

Thence West with the South property lines of 428 West Market Street and 434 West Market Street, proceeding to the centerline of Vornholt Street;

Thence North with the centerline of Vornholt Street to Southeast corner of Inlot 2376;

Thence West with the South property lines of Inlot 2376, Inlot 2377 and along the South boundary of an unclaimed 8 foot wide parcel (unnamed access) to the East property line of Inlot 3080;

Thence South along the East property line of Inlot 3080, 516 West Market Street to the Southeast corner of said tract;

Thence West along the South property line of Inlot 3080, comprising of 516 and 520 West Market Street addresses, to the Southwest corner of said Inlot 3080;

Thence Northwesterly along the West property line of Inlot 3080 to the Southeast corner of Inlot 3079;

Thence West along the South property lines of Inlots 3079 and Inlot 3078, continuing to the centerline of South Ridge Avenue;

Thence Northerly with the centerline of South Ridge Avenue crossing West Market Street and continuing Northerly to the intersection of Drury Lane;

Thence East with the centerline of Drury Lane, crossing Madison Street, to the CSX Branch Line Railroad (spur line to the grain elevator north of the City of Troy);

Thence Northerly with the CSX Branch Line Railroad to its intersection with West Main Street;

Thence Southeasterly with the centerline of West Main Street to the intersection of Cedar Street;

Thence Northeasterly with the centerline of Cedar Street to the intersection of West Water Street;

Thence Northwesterly with the centerline of West Water Street to the intersection of Harrison Street;

Thence Northerly with the centerline of Harrison Street to its intersection with the Corporation Line of the City of Troy, same being the PLACE OF BEGINNING of this description.

The above described tract contains approximately 750 acres more or less.

(h) Intent. It is not the intent of this section to require an additional review process for adaptive reuse, renovation, remodeling, or additions to existing buildings when those proposed alterations can conform to the underlying zoning district's conventional standards and requirements. It is the intent of this section that the Downtown/Riverfront site plan review process be applied only in situations where the conventional zoning requirements are inappropriate or unduly restrictive. In many situations, those conventional zoning restrictions will fully satisfy the objectives of the Comprehensive Plan. Therefore, whether or not to grant DR-O site plan approval is within the sound discretion of the Planning Commission. However, any requested departure from the conventional zoning district standards shall require site plan review through the DR-O process.

(i) Objectives. The DR-O site plan review process is intended to permit, in carefully designed site redevelopment projects, a variety of uses that can complement the existing neighborhood development pattern, and to permit the flexible spacing of lots and buildings, the adaptive reuse and preservation of existing structures, the conservation of natural features of

the landscape, and the provision of accessible and enjoyable open spaces to promote the preservation, improvement, and revitalization of Downtown Troy.

(j) Effect on Other Regulations. The DR-O site plan review process shall not supplant or waive any requirement, review, or permit process of any other governmental regulations or the standards of the Wellfield Protection, Floodplain, Historic Preservation, or Historic Landmark Overlay Zoning Districts.

(k) Future Effect of Site Plan Approval. The landowner who applies for this DR-O site plan review process is voluntarily agreeing to exchange the fixed requirements and privileges of conventional zoning for the opportunity to negotiate different requirements and privileges, subject to approval by the Planning Commission pursuant to the procedures set forth herein. In addition to the authority and duties expressly set forth in this Section, the Planning Commission shall have the continuing authority to review, and to approve or deny any further changes in buildings, grounds, easements, covenants, restrictions, and land uses to the approved site redevelopment plan, to assure that the development originally approved is not negatively affected by such changes.

(l) Permitted Uses. In addition to the Permitted, Accessory, and Temporary Uses allowed by a site's underlying conventional zoning district, DR-O site plan approval may allow for other residential, office, retail, industrial, entertainment, and similar uses which at the discretion of the Planning Commission and/or City Council that are compatible with the site redevelopment plan, and complementary to the uses in the existing immediate neighborhood.

(m) Bulk Regulations. Recognizing the long-existing mix of small and large lots in the Downtown Troy area and notwithstanding the requirements of the underlying conventional zoning districts, the Planning Commission and/or City Council may approve a DR-O site redevelopment plan as follows:

(1) Minimum lot size and dimensions less than required by the underlying conventional zoning district.
(2) Maximum building lot coverage of one-hundred (100) percent for all areas under roof.
(3) Maximum lot coverage of one-hundred (100) percent, including buildings, paved areas, and similar constructed elements.
(4) Maximum structure height exceeding the underlying zoning district regulations may be allowable by the Planning

Commission and/or City Council if such height is compatible with the existing structures in the immediate vicinity.

(5) No minimum front yard and no minimum corner side yard requirements, except if such a yard is provided it shall have a minimum dimension of five (5) feet. Cornices, doors, windows, awnings, signs, canopies, and other similar projections shall not extend over any public right-of-way, unless separate street use approval is obtained from City Council.

(6) Minimum side yard of five (5) feet, unless adequate provision, acceptable to the Planning Commission and/or City Council, is made for future maintenance, such as a party wall, cross easements, etc.

(7) No minimum rear yard, if adequate provision, acceptable to the Planning Commission and/or City Council, is made for future maintenance (a party wall, cross easements, etc.) a minimum space of five (5) feet shall be provided if a wall contains doors and is adjacent to a public alley or other public right-of-way. If such a door is used for automobiles, adequate space and sight distances shall be provided for safe vehicle movement onto the right-of-way.

(8) Requirements for transitional yards and landscape buffers between zoning districts may be reduced by the Planning Commission and/or City Council when the site redevelopment includes alternate protections for neighboring residential uses of differing intensity.

(n) Off-Street Parking Regulations. Recognizing the differing on-street parking conditions in various parts of Downtown Troy, site redevelopment plans shall include an analysis of the immediate area, projection of the parking needs of the proposed redevelopment, and a calculation of the parking impact of the proposed uses in accordance with the standards of Chapter 1155. Notwithstanding any available exemptions in the underlying conventional zoning district requirements, such as in the B-3 Zoning District, the Planning Commission and/or City Council may require off-street parking to be provided commensurate with the findings of this site-specific analysis.

(o) Off-Street Loading Area Regulations. Recognizing the difficulty of on-street goods delivery in Downtown Troy, site redevelopment plans shall include an analysis of the trucking and delivery needs of the proposed uses in a site redevelopment plan. The Planning Commission and/or City Council may require additional parking and/or truck loading areas in

accordance with the standards of Chapter 1153 of the Troy Codified Ordinance.

(p) Signage. All signage shall comply with Chapter 749 of the Codified Ordinances of the City of Troy, Ohio. The Planning Commission and/or City Council may consider more or less stringent signage requirements based upon the development while considering requirements from other sections of the Codified Ordinances of Troy, Ohio.

(q) Landscaping Regulations.

(6) All open areas not occupied by buildings, storage, parking, access driveways or loading areas shall be suitably graded, drained, seeded or sodded, and maintained as a grass lawn (unless landscaped with trees, shrubbery, and garden plants).

(7) All required transitional yards shall be landscaped with appropriate buffer materials to provide visual separation from adjacent residential areas. These may include, but are not limited to topographical features, earthen berms, evergreen trees, shrubbery, fencing, stormwater detention/retention basins, or combinations thereof, to be submitted to and reviewed for approval by the Planning Commission and/or City Council as part of the development plan.

(8) Off-street parking and loading areas shall be constructed and landscaped in accordance with Chapters 1153 and 1155 of this Zoning Code.

(9) All other lawn areas shall be landscaped with a sufficient number of suitable trees and shrubs so as to provide an attractive setting for the building(s).

(10) Landscaping elements shall be maintained in appropriate condition for their type and shall be replaced when they die or if their growth is stunted so as to not effectively perform their screening and/or ornamental functions.

(r) Open Space Preservation and Development. One of the purposes of these regulations is to encourage the preservation of natural watercourses and wooded areas, and the attractive development of lawn areas for human enjoyment. With creative planning, often involving the clustering of buildings, these purposes can be very compatible with the developer's desire to achieve an unusually attractive and functional project at a reasonable cost. The City seeks to be a creative partner in achieving these mutual goals.

(s) Pedestrian, Bicycle Circulation. A well designed pedestrian and bicycle circulation system is essential and should be separated as completely and as reasonably as possible from the vehicular street system in order to provide pedestrian and bicycle safety and freedom of vehicular movement.

This system shall be designed to serve the pedestrian and bicycle needs of surrounding neighborhoods as well as the development.

(t) Underground Utilities Required. Unless otherwise deemed by the Planning Commission and/or City Council, each development that is primarily non-manufacturing in character shall provide for uniform underground installation of utilities, including, for example, electricity, telephone, and cable television. In developments that are primarily manufacturing in character, utilities shall be installed as approved by the City. Utility installation and maintenance of facilities shall be in accordance with the requirements and regulations of the City and of the utility authority having the right of installation and maintenance. A development shall not be approved unless adequate assurance is given that adequate public or central water and sanitary sewers will be available at the first occupancy.

(u) Erosion and Sedimentation Control. Unless otherwise approved by the Planning Commission and/or City Council, all developments shall also comply with the regulations contained in Chapter 1125 and sedimentation controls shall be planned and applied according to the following principles:

(a) The smallest practical area of land should be exposed at any one time during development.
(b) When land is exposed during development, the exposure should be kept to the shortest practical period of time.
(c) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
(d) Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.
(e) Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
(f) Permanent final vegetation and structures shall be installed as soon as practical in the development.
(g) The development shall be fitted to the topography and soils so as to create the least erosion potential.
(h) Wherever feasible, natural vegetation should be retained and protected. Developments must conform to Chapter 741 of the Codified Ordinances of Troy, Ohio.

(v) Plan Review Procedures.

(4) Site Plan Review Required.

A. To obtain information regarding the DR-O approval process, requirements, and other information relative to a zoning application, each applicant is highly encouraged to engage in informal consultations with City staff prior to filing an application. The applicant should be prepared to discuss the general concept of the development, with a conceptual plan. Thereafter, City staff should furnish the applicant with written comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his or her preparation of the components of the DR-O zoning application. It is not required that a person requesting a pre-application conference be a legal owner or holder of an equitable interest in the subject property. No statement or representation by a member of the staff shall be binding upon the Planning Commission and/or City Council.

B. No Zoning Certificate or Occupancy Certificate shall be issued for construction, alteration, enlargement, or change of use of any building or structure utilizing the standards and alternate requirements of the Downtown/Riverfront Overlay District until the approval of the Planning Commission as set forth herein is obtained for the specific site redevelopment and/or use plan. The Planning Commission and/or City Council review shall not be required for a change in the operator of the business or a change of owner or occupant, provided the change does not include a change in use of any parts of the grounds and/or building.

C. The plan submitted for the Planning Commission and/or City Council review shall include all of the following:

1. A complete description, in narrative form, of all uses proposed for the property, including expected employment levels, shift operating times, estimated frequency and volume of truck movements, the number and type of vehicles to be kept on the property for use in operations, a description of materials and general processes to be utilized, and all other pertinent facts relating to the proposed operation that are necessary to provide a true and complete understanding of the proposed use.
2. A complete site plan, including locations, sizes and descriptions of all ground surfaces, impervious

surfaces such as paving, buildings, and all other structures. The site plan shall also provide locations and details for all proposed and existing landscaping, utility connections and sizes, fire protection systems and access, details of exterior lighting fixtures and proposed illumination levels throughout the grounds, and details of other accessory uses and/or accessory structures on the grounds including but not limited to stormwater management facilities, trash enclosures, fences, and signs.

3. A complete floor plan of the proposed and/or existing buildings and structures, showing the sizes and proposed specific uses of all rooms and areas; and showing the location and sizes of all windows, doors, and other openings in the walls.
4. Complete elevation views of all exterior sides of all buildings and structures, showing details of construction and materials, windows and doors, exterior lighting fixtures, exterior equipment details and locations, all signs, and other details of exterior construction and proposed usage.
5. Complete roof plans, showing its design and materials, and including the locations and details of any rooftop equipment, including, but not limited to process equipment, HVAC equipment, chimneys, and access or elevator enclosures.
6. The Zoning Administrator may require the plan to be prepared and signed by a registered architect, engineer, surveyor or other licensed professional.
7. The Planning Commission and/or City Council shall review any proposed declaration of restrictions and covenants.
8. Any other information deemed necessary by the Planning Commission and/or City Council for it to complete its review of a submitted plan, including written permission from other governing entities as deemed appropriate.

D. In performing its review, the Planning Commission and/or City Council may request from the applicant any additional information (such as parking and traffic impact studies) it determines necessary to approve a plan. If a plan is not approved within ninety (90) days after its

submittal, it shall be deemed denied, unless an extension is approved by the Planning Commission and/or City Council.

E. Any requested modification of an approved site redevelopment plan including the declaration of restrictions and covenants shall be submitted to the Planning Commission and/or City Council for review and its approval shall be obtained prior to the change being made.

F. Either a zoning certificate holder or the Zoning Administrator may request the Planning Commission and/or City Council review of the Zoning Administrator's interpretation of the requirements of an approved site redevelopment plan.

(5) Architectural Design Requirements for Exterior Building Elevations:

A. The architectural design for all buildings shall be such that the design, materials, massing, shape, and scale of all new or modified principal and accessory structures shall create a unified design on the premises and shall be visually compatible with existing buildings in the vicinity.

B. The architectural design for all structures shall provide for similar siding materials on all sides, rather than creating a front elevation with high quality materials and significantly different materials on the sides and rear, unless specifically approved upon review by the Planning Commission and/or City Council.

C. Accessory elements of the building design, such as dock walls, trash enclosures, and similar appendages, shall be constructed of the same materials as the principal building, unless specifically approved upon review by the Planning Commission and/or City Council.

D. All building equipment, including but not limited to electrical transformers, air conditioning, air handling, and dust control equipment, shall be screened from view with materials consistent with the building materials and design. Such equipment shall be located in areas where noise exposure to adjacent residential zoning district is reduced.

E. Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment from view from adjacent properties and/or public rights-of-way.

F. Building signs and freestanding signs shall be designed to complement the architectural design of the building and grounds.

(6) Engineering Design of the Grounds:

K. All areas of the grounds shall be included in a stormwater management system designed to prevent an increase in stormwater runoff onto adjacent properties. The stormwater management plan, calculations and design details shall be submitted for review and approval shall be obtained from the City Engineer prior to review by the Planning Commission and/or City Council.

L. The stormwater management plan shall also include an analysis of existing stormwater drainage patterns and any "pass-through" over the lot being developed.

M. The site development plan and the stormwater management plan shall provide details of any flood hazard areas identified by the Federal Emergency Management Agency (FEMA), including details of base flood elevations and proposed or existing building floor elevations.

N. Public utility connections including but not limited to water, sanitary sewers, natural gas, electric power, telephone and broadband communication service shall be located so as to provide convenience during maintenance procedures and approval of the size, materials, and location shall be obtained from the appropriate public utility agency prior to review by the Planning Commission and/or City Council.

O. The number of driveways shall be limited as much as possible and the location of all driveways shall be designed to reduce the incidence of conflicting left turns, cut-through traffic, internal circulation conflicts, and adverse impacts on adjacent properties and uses. The location of driveway intersections with public rights-of way shall be

submitted for review by the City Engineer, whose approval shall be obtained prior to review by the Planning Commission and/or City Council. The City Engineer may request the applicant to provide an additional traffic study of an appropriate level, if needed to complete the review of traffic circulation or traffic impacts.

P. Truck docks and truck maneuvering areas shall not be located on the building sides that face adjacent residential zoning districts.

Q. Approval of the proposed site redevelopment plan and any required fire connections or fire lanes shall be obtained from the Fire Chief or designee prior to review by the Planning Commission and/or City Council.

R. Paved pedestrian access paths or yard walks shall be provided to connect to public sidewalks (if available) and to connect between building access doors and parking areas, so as to eliminate pedestrian use of landscaped areas or pedestrian conflict with vehicular driveways.

S. No unenclosed outdoor storage shall be permitted.

T. The City Engineer and/or the Planning Commission and/or City Council may require that off-site improvements be provided by the applicant, depending on the scope of the development.

(4) The Planning Commission and/or City Council shall not be required to hear any application which substantively covers a matter on which it has ruled within the preceding six (6) months.

(w) Plan Review Process.

(1) The Zoning Administrator shall first review each application for compliance with all requirements of this Zoning Code and other pertinent sections of the Codified Ordinances of the City of Troy, Ohio. If the application is found to be in compliance with the underlying zoning district the permit shall be issued. If the Zoning Administrator finds the application does not comply with the requirements of the underlying zoning district, the Zoning Administrator shall deny the application. An application for development within the DR-O may be submitted within twenty days after the denial letter is

issued by the Zoning Administrator. The Zoning Administrator shall refer the DR-O application and all related materials to the Planning Commission at the next scheduled meeting for review pursuant to this Section.

a. The Planning Commission may review but shall not take action at the first meeting the DR-O application appears on an agenda of the Planning Commission. After the DR-O application has been received, the Planning Commission secretary will provide written notice at a minimum of five (5) business days before the second scheduled meeting of the Planning Commission to owners of property abutting the applicant's property and owners of property directly across any street or alley, as they appear on the application. Any party in interest may appear and be heard at the hearing in person or by agent. The proposed development together with such maps which are a part of or referred to in the text of the proposed development, together with the report of the Planning Commission shall be on file with the secretary of the Planning Commission.
b. After the proposed development has been introduced to the Planning Commission and the notices have been mailed out by the secretary of the Planning Commission, the Planning Commission may take the following action at the next scheduled meeting upon review of the application: approve, modify or disapprove those items listed as modifications.
c. The Planning Commission shall review all applications and shall grant, modify, or deny and/or recommend the granting, the denial, or modifications of such applications based upon the following criteria:
    1. To prevent hazards to the health and safety of the public an of all occupants of improved real property.
    2. To assure adequate light, air and convenience of access for all properties.
    3. To promote the delivery of public services such as utilities, streets, refuse collection, emergency medical services, fire and police protection.

4. To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision.
5. To assure, through an appropriate site plan review that the general, district and supplementary regulations of this Zoning Code are being followed in the design of each new site improvement or redevelopment.
6. To minimize adverse effects on traffic safety caused by development and certain land uses.
7. To minimize adverse effects on the environment resulting from development and certain land uses.
8. To facilitate the efficient and economical development and use of land and public facilities.
9. To allocate to each site development, rather than to the public, the maximum feasible portion of the infrastructure and operating costs which arise as a result of that development.
10. To fairly balance the interest of property owners and occupants in continuing their nonconforming land uses against the community interest in achieving full compliance with this Zoning Code.
11. To protect floodways and flood plains from development which increases the general risk of flooding or puts occupants of the development at risk.
12. To preserve and enhance property values.
13. To protect public and private water supplies, both in quality and quantity.
14. To promote the economic vitality of business and industry.
15. To direct particular land uses to the parcels of land best suited for them physically and in terms of access to highways and public services.
16. To enhance the predictability and profitability of private investments made in the City.

17. To continuously improve the aesthetic character of all parts of the City.

d. For all applications, the Planning Commission shall make a formal recommendation to the City Council after a mandatory public hearing, regarding the application by filing the recommendation with the Clerk of Council. The Clerk of Council shall immediately forward the recommendation to the President of Council and City Council. In the event that the City Council takes no action within five business days of the filing of the Planning Commission's recommendation, the recommendation of the Planning Commission shall be adopted and become final. In the event City Council acts upon the recommendation of the Planning Commission, City Council shall act on the recommendation in accordance with Ohio Revised Code Section 713.12 and Chapter 1139 of this Zoning Code.

1145 – PLANNED DEVELOPMENTS.

1145.01 INTENT AND OBJECTIVES.

(a) It is the intent of this Section to accommodate creative and imaginative Planned Developments (hereinafter referred to as PDs) and to permit those innovations in the technology of land development that are in the best interest of the City. In order to accomplish this intent, it is the purpose of a PD District to permit, in a carefully designed development, a variety of uses and/or dwelling types, and to permit the flexible spacing of lots and buildings, the conservation of natural features of the landscape, the provision of accessible and enjoyable open spaces, and the provision of a necessary or desirable complement of community and neighborhood facilities.

(b) In addition to the authority and duties expressly set forth in this Section, the City shall have the continuing authority to review, and to approve or deny changes in buildings, grounds, easements, covenants, restrictions, and land uses within the PD, to assure that the development originally approved is not negatively affected by such changes.

(c) It is the further intent of this Zoning Code that Planned Development zoning be applied only in situations where conventional zoning is inappropriate or unduly restrictive. In many situations, conventional zoning will fully satisfy the objectives of the City's Comprehensive Plan. Therefore, whether or not to grant PD zoning is within the sound discretion of the Planning Commission and City Council.

(d) The landowner who applies for PD zoning is voluntarily agreeing to exchange the fixed requirements and privileges of conventional zoning for the opportunity to negotiate different requirements and privileges, subject to approval by the City Council.

(e) All uses within Planned Development zoning districts are subject to further regulation under Sections 1147 through 1161 of this Zoning Code and as otherwise provided by law, except where different standards are both: (1) approved by the City within the PD approval process; and (2) documented on the final development plan.

1145.02 PERMITTED USES

(a) Planned Developments in any residential district may contain, in addition to those uses that normally would be permitted in the district for which the development is proposed, the following:

(1) Business and personal service uses as permitted in the "B-1" Local Retail District to the extent that they are designed and intended to serve the residents of the Planned Development.

(2) A mixture of types of buildings and structures, such as detached, semi-detached, attached, multi-storied, or any combination thereof.

(b) Planned Developments in the Office-Residential, Office-Commercial or Business Districts may contain a mixture of uses and types of buildings and structures.

(c) Planned Developments in Industrial Districts may contain only those uses that would be permitted in the district for which the development is proposed. The application shall contain an engineering study demonstrating that the proposed industrial uses will comply with the applicable standards imposed by the particular industrial district in which it is proposed to locate the Planned Development.

1145.03 AREA, DENSITY AND LOT REGULATIONS.

(a) Minimum Area for Development. A Planned Development shall contain a minimum of one (1) acre. All land within the development shall be contiguous in that it shall not be divided into segments by a limited access highway or by a tract of land, other than streets or rights-of-way for public or private utility transmission lines, not owned by the landowner of the PD.

(b) Density of Development. A PD should not exceed the gross density permitted in the conventional zoning district most similar in nature and function to the pertinent portion of the PD, with the following exceptions:

(1) All densities are to be determined on the basis of gross dwelling units per acre, excluding such acreage as is used for nonresidential purposes.

(2) Densities may be increased in the net project area where the factors listed herein make a substantial improvement in the PD:

A. Landscaping, streetscape, open spaces and plazas, use of existing landscape, pedestrian way treatment, and residential areas;

B. Setting, visual focus points, use of existing physical features such as topography, view of sun and wind orientation, circulation pattern, physical environment, variation in building setbacks, and building groups (such as clustering);

C. Design features, street sections, architectural styles, harmonious use of materials, parking areas broken by landscape features, and varied use of building types;

D. Common open space exceeding the district requirements; or
E. Availability of contiguous publicly-owned open space, off-street parking, storm water retention basins and other facilities that reduce the need for such facilities within the PD.

(c) Minimum Requirements.

(1) Dwelling unit size, yard setback, type of dwelling unit, frontage and use restrictions, as established by conventional zoning may be waived for PDs, provided that the intent and objectives of the Comprehensive Plan are complied with in the total development plan. Building separation shall be maintained in accordance with the requirements of the Fire Prevention Code and other safety codes of the City and in accordance with good design principles.

(2) Every dwelling unit shall have continuous paved pedestrian access to adequate vehicle parking facilities conveniently located nearby.

~~(d)~~ Perimeter Requirements. If topographical or other barriers within the development do not provide reasonable privacy for existing uses adjacent to the development, the City shall impose either of the following requirements, or may impose both if required by unique circumstances:

(1) Structures located on the perimeter of the development should be set back in accordance with the provisions of the conventional zoning district most similar in nature and function to the portion of the PD in which the structure within the development is situated.

(2) Structures located on the perimeter of the development must be well screened in a manner approved by the City. Screening shall be according to Section 1149.11 of this Zoning Code but may be more or less stringent at the sole discretion of the City if in the best interests of adjacent property owners.

1145.04 INTERIOR STREETS

Interior streets shall be constructed according to City structural specifications, as delineated in the Subdivision Regulations, and properly lighted and maintained to conform to City ordinances. Their minimum paved roadway widths should ordinarily be as delineated in the Subdivision Regulations and in the Thoroughfare Plan. However, approval of interior access streets with different nonstructural dimensions will be considered by the City where the developer can demonstrate substantial compliance with

the Subdivision Regulations and Thoroughfare Plan and receive approval from the City Engineer. Approval of the PD with such differences will constitute lawful approval of a waiver of the Subdivision Regulations and Thoroughfare Plan. Where streets are constructed pursuant to such a waiver, such streets shall be privately owned and maintained, and shall be constructed entirely within a public access easement. All public access easements shall be designated on the preliminary plan and the final development plan.

1145.05 COVENANTS AND RESTRICTIONS

On the final plan, and in the PD's declaration of restrictions and covenants, if one is filed, the following covenants shall appear which establish the rights and responsibilities of the property owner and the City with regard to public access easements, waterways and common areas:

(a) To ensure the public health, safety and welfare of the citizens of the city, private drives constructed within designated public access easements shall be open and accessible to fire, police and other emergency and maintenance vehicles at all times. Streets, curbs, gutters, tree lawns and other improvements within these easements shall be continuously maintained by the owner in good repair and kept free from all obstructions that would impede the free movement of public traffic, including but not limited to ice, snow and parked vehicles. Where necessary, in accordance with a traffic control plan approved by the City Engineer, traffic control devices shall be provided, installed and maintained by the owner. To ensure compliance with traffic control devices in public access easements, the City shall have full power and authority to enforce such controls and to prosecute violators in accord with municipal and state law.

(b) No public access easement shall be blocked for any purpose without prior approval of the City.

(c) In the event that the owner of a public access easement fails to fulfill the obligations set forth in these covenants, conditions and restrictions, the City is hereby authorized, after providing reasonable notice and opportunity for hearing to the owner of the fee interest in the easement area, to take such corrective action as it deems necessary, to charge the fee owner for the entire cost thereof, and in the event of failure of prompt payment, to collect said costs as a special assessment against the property.

(d) The City shall have the permanent and irrevocable right and authority to inspect such interior streets, access easements, waterways, common spaces and improvements thereon as are developed in the PD.

(e) The City of Troy shall have the right, but not the responsibility, to enter upon any Lot in the subdivision to inspect and monitor any storm water detention basin areas or drainage facilities constructed in the subdivision. In the event that the facilities are not properly constructed or maintained, upon the failure of the Developer or the Association to take corrective

action after being duly notified in writing by the City, the City shall have the right, but not the obligation to take whatever action is necessary to correct any improper construction or to maintain storm water detention basin areas and drainage facilities; provided, however, that the Developer and/or the Association shall first have a reasonable period of time, taking into account the urgency of the matter, to take corrective action. Any cost incurred by the City of Troy for such maintenance may be assessed to the Association or, if the Association has ceased to exist, against individual lots in accordance with the Declaration. Storm water drainage restrictions shall run with the land, and shall bind the owners, successors, and assigns unless and until a modification is agreed to and approved by the Council of the City of Troy.

(f) The PD or its Declaration of Restrictions and Covenants that affects the rights and authorities of the City, or maintenance or preservation of common areas, waterways, interior streets, and/or access easements, shall not be amended by the Developer without the City's prior express written consent.

1145.06 COLLECTOR STREETS AND MAJOR THOROUGHFARES.

Collector streets and major thoroughfares shall be designated as such by the developer upon the submission of the preliminary plan. Such designations may be subject to modification by the City so that an efficient circulation system is established in relation to other existing or planned streets in the area. There shall be no direct access from single-family residential lots to a major thoroughfare, and direct access from single-family residential lots to collector streets should be minimized.

1145.07 OFF-STREET PARKING.

There shall be provided outside the public or private right-of-way the minimum number of parking spaces required in Section 1155 of this Zoning Code. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking or service areas may be required through ample use of trees, shrubs, hedges and screening devices. All parking spaces and service drives shall be improved with bituminous, concrete or equivalent surfacing and so graded and drained to properly collect all surface water accumulation within the area. All paved parking areas in PD districts shall be curbed to City street specifications.

1145.08 COMMON OPEN SPACE.

(a) Amount and Character In support of Section 1145.01 above, it is the intent of this section to encourage aesthetically pleasing open space features with both functionality and which adds unique character to a planned development. To that end, a minimum of ten (10) percent of the total acreage in a proposed development permitted by this Section should be dedicated to public and/or private open space or recreation facilities available to all occupants of the PD. Such open space shall be shown on all required plans and should be physically situated so as to be readily accessible, available to and usable by all residents of the PD. Water retention and detention areas may be included in calculating the open space requirements at the sole discretion of the City, provided those areas serve as more than just the basic storm water management needs of the development. The City may reduce the minimum common open space requirement, or waive it for good cause. However, PDs with a residential component shall be less likely to see a waiver of this requirement than PDs without a residential component.

(b) Conveyance and Maintenance. All common open space, shown on the final development plan and recorded in the office of the Recorder of Miami County, must be conveyed by leasing or conveying title, including beneficial ownership, to a corporation, homeowner's association or other legal entity. The terms of such lease or other instrument of conveyance must include provisions satisfactory to the City for guaranteeing:

1. The continued use of such land for its specified purposes;
2. Continuity of proper maintenance;
3. Availability of funds required for such maintenance;
4. Adequate insurance protection; and
5. Recovery for loss sustained by casualty, condemnation or otherwise.

The developer shall provide to the City at the time the final plan is filed for City review and approval, executed legal documents which create the aforesaid guarantees and, in particular, which will restrict the use of common open space to the specified purposes.

1145.09 OPEN SPACE PRESERVATION AND DEVELOPMENT.

One of the principal purposes of these PD regulations is to encourage the preservation of natural watercourses and wooded areas, and the attractive development of lawn areas for human enjoyment. With creative planning, often involving the clustering of buildings, these purposes can be very compatible with the developer's desire to achieve an unusually attractive and functional project at a reasonable cost. The City seeks to be a creative partner in achieving these mutual goals.

1145.10 PEDESTRIAN, BICYCLE CIRCULATION.

A well designed pedestrian and bicycle circulation system is essential and should be separated as completely and as reasonably as possible from the vehicular street system in order to provide pedestrian and bicycle safety and freedom of vehicular movement. This system shall be designed to serve the pedestrian and bicycle needs of surrounding neighborhoods as well as the PD.

1145.11 UNDERGROUND UTILITIES REQUIRED.

Each PD that is primarily non-manufacturing in character shall provide for uniform underground installation of utilities, including, for example, electricity, telephone, and cable television. In PDs that are primarily manufacturing in character, utilities shall be installed as approved by the City. Utility installation and maintenance of facilities shall be in accordance with the requirements and regulations of the City and of the utility authority having the right of installation and maintenance. A PD shall not be approved unless adequate assurance is given that adequate public or central water and sanitary sewers will be available at the first occupancy.

1145.12 EROSION AND SEDIMENTATION CONTROL.

In addition to the regulations outlined in this Section, all developments shall also comply with the regulations contained in Section 1125.

Effective erosion and sedimentation controls shall be planned and applied according to the following principles:

(i) The smallest practical area of land should be exposed at any one time during development.
(j) When land is exposed during development, the exposure should be kept to the shortest practical period of time.
(k) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
(l) Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.
(m) Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
(n) Permanent final vegetation and structures shall be installed as soon as practical in the development.
(o) The development shall be fitted to the topography and soils so as to create the least erosion potential.

(p) Wherever feasible, natural vegetation should be retained and protected. Development of the PD must conform to the City Tree Ordinance (Section 741) that may be in effect at the time the general plan is submitted.

1145.13 ESTABLISHMENT OF PD.

Application for a PD shall be processed through three (3) mandatory steps:

(a) Step 1: Approval of the General Plan. Application for a zoning change to PD shall include a general plan conforming to the requirements of Section 1145.15(d) of this Zoning Code. Approval procedures for Step 1 of the PD process are set forth in Section 1145.16 of this Zoning code. Approval requires action by both the Planning Commission and City Council.
(b) Step 2: Final Development Plan. A final development plan shall be prepared in conformance with the approved general plan and in accordance with the requirements of Section 1145.18 of this Zoning Code. Approval procedures for Step 2 of the PD process are set forth in Section 1145.19 of this Zoning Code. Approval requires action by the Planning Commission.
(c) Step 3: Record Plan. A record plan shall be developed in accordance with the approved final development plan and in accordance with the requirements set forth in Section 1145.20 of this Zoning Code. Approval requires action by both the Planning Commission and City Council.

1145.14 PRE-APPLICATION CONFERENCE RECOMMENDED.

To obtain information regarding the PD approval process, requirements, and other information relative to the PD application, each applicant is highly encouraged to engage in informal consultations with City staff prior to filing an application. The applicant should be prepared to discuss the general concept of the PD, with a conceptual plan. Thereafter, City staff should furnish the applicant with written comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his or her preparation of the components of the PD zoning application. It is not required that a person requesting a pre-application conference be a legal owner or holder of an equitable interest in the subject property. No statement or representation by a member of the staff shall be binding upon the Planning Commission or City Council.

1145.15 GENERAL PLAN SUBMITTAL

(a) Application for PD zoning shall be made by the property owner or his or her authorized agent in the same manner as a request for any other zoning district designation. PD zoning cannot be initiated by the City without the written permission of the property owner.

(b) The General Plan, which shall be set forth in one or more maps or instruments, shall be signed by all owners of property within the project, shall be drawn to scale and shall be signed by an architect, landscape architect, civil engineer, or planner-in-charge authorized to practice in the State. Approval of a Preliminary Plan is a necessary pre-condition to consideration and approval of the Final Development Plan.

(c) All General Plans shall be presented to the City by means of an application in the form prescribed by the City. The City shall charge a fee for processing of the application based on the fee scheduled approved by City Council.

(d) The General Plan shall include:

(1) A declaration by the applicant in which there is furnished:

A. Evidence that the applicant has legal control of the property including a statement of all the ownership and beneficial interests in the property and the proposed development.

B. A general statement regarding the nature, acreage and location of open space and common areas, and descriptive data as to the methods to be employed for guaranteeing its continuity and maintenance;

C. The general location and purpose of all nonresidential structures;

D. For Residential PDs:

1. The areas of the project to be used for single-family dwellings, two-family dwellings, townhouses, garden apartment building and medium and high-rise apartment buildings, indicating for each such area the number of housing units by type and size and the number of bedrooms per unit of each class of housing proposed in any given area;
2. The total population density for the project in number of housing units;

E. Descriptive data concerning the sewer, water and storm drainage facilities within the entity, whether public or private, to whom such facilities are to be dedicated or transferred;

F. A general description of the availability of other community facilities, such as schools, fire and police protection services and cultural facilities, if any, and how these facilities are affected by this proposal; and

(2) Plans drawn at a scale of one (1) inch equals one hundred (100) feet, or less, incorporating the following elements:

A. A general location map, at appropriate scale, of the property and adjacent environs within one-quarter mile indicating City, township, or jurisdictional boundaries; public facilities such as schools, parks, and other public buildings and uses; arterial streets and highways; and major utility easements;
B. An area map showing adjacent property owners, existing zoning at the time of application, existing land uses, and existing streets and highways within two-hundred (200) feet of the parcel;
C. A professionally prepared survey of the property, including boundaries of the property, including a legal description of the metes and bounds of the parcel and the acreage therein, and indicating existing features including public and private streets, alleys, easements, utility lines, general topography, vegetation, and physical features;
D. Existing contours at five (5) foot intervals or less, accompanied by an outline of the grading plans;
E. A site plan indicating approximate areas and arrangement of proposed uses, existing zoning districts, proposed lots and setbacks, and the amount of buildable area within each lot.
    1. In the case of non-residential PDs, a statement identifying the principal types of office, business, and/or mixed-uses that are to be included in the proposed development including the approximate location and intensity of development.
    2. In the case of residential PDs, a statement identifying the density and housing types of the various residential uses within the development.

F. The proposed street system for the project, including designation of arterial and collector thoroughfares agreeable to the City, where such thoroughfares are indicated in the Thoroughfare Plan of the City or where they are otherwise necessary for efficient vehicular circulation. Such street plan shall identify which streets shall be public streets and which shall be private streets or

drives within public access easements, points of ingress and egress, and shall be supported by appropriate and competent traffic studies provided by the applicant;

G. Drainage control, including a plan showing provisions for the control of erosion and sedimentation during and after construction;
H. The location of all main and accessory structures, accompanied by an outline explaining intended heights, coverage and treatment of yards within the project;
I. The location, size and landscaping of the proposed parking lots within the project;
J. Pedestrian circulation features, including all sidewalks, bikeways, and paved areas within the project;
K. Natural features such as wood lots, significant isolated trees (of diameter at breast height of five (5) inches or more), streams, and lakes or ponds;
L. Principal ties to the community at large, with respect to transportation, water supply and sewerage collection and treatment and city plans (i.e., Water and Sewer Master Plans);
M. The general nature and location of public and private utilities and community facilities and services, including maintenance facilities within the project;
N. Recreational and other non-building areas amenities designated within the project;
O. A landscaping plan for the overall project, or at a minimum, for the first phase;
P. Sample elevations for each building type, if known;
Q. A soil interpretive map, indicating the degree of limitation; suitability of existing soils for each area and type of development;
R. Drawings indicating the landscape treatment along existing roadways and entryways into the proposed development.

(3) Common open space information, including:

A. The percentage of acreage of common open space in each part of the project;
B. The arrangement and location of proposed common areas, including proposed parks, playgrounds, school sites, and recreational facilities;
C. Topographical factors affecting common open space; and
D. A statement describing the provision that is to be made for the care and maintenance of open space and recreation facilities within the PD.

(4) A document describing the proposed phasing program for the project for all public improvements, structures, and common facilities. Such document shall identify the separate final development plans to be submitted and describe their sequence and timing.

(5) Where business uses are included, the Commission may require marketing studies, feasibility studies or other appropriate information deemed necessary to evaluate the economic impact on the community of the business use proposed.

(6) The declaration of protective covenants and restrictions that the Developer proposes to implement with this PD.

1145.16 GENERAL PLAN APPROVAL.

(a) The Planning Commission shall review the proposed General Plan and may recommend the General Plan to City Council if it determines that the plan satisfies, at a minimum, all of the following criteria:

~~(1)~~ The General Plan should follow to the maximum extent practicable the Comprehensive Plan for the City, taking into account current facts and circumstances;

(2) An exemption to conventional zoning is justified because the Comprehensive Plan for the City can be more faithfully and reliably implemented by the use of PD zoning;

(3) The General Plan is compatible with the location, topographic and other characteristics of the site and will bear a beneficial relationship with surrounding land uses in terms of noise, smoke, dust, debris, or other nuisances;

(4) The General Plan is carefully designed to support surrounding streets, utilities and other public improvements;

(5) The General Plan represents an efficient and economic use of the land in view of the community's need for a balance of land uses;

(6) All public streets, utilities and services necessary to carry out the General Plan are available to the site, or will be extended or improved by the developer and/or City in time to permit the development to be properly served;

(7) Exception from conventional zoning is warranted by design goals or other criteria and/or the need to provide a variety of development opportunities within the community;

(8) The design of the development protects natural assets such as streams, wood lots, steep terrain, and other critical environments in the City;

(9) Taken as a whole the development of the proposed PD will have a positive effect on the health, safety, and general welfare of the City;

(10) The General Plan appears capable of being implemented by a Final Development Plan which meets all requirements of this Section.

(a) The Planning Commission shall make a formal recommendation to the City Council regarding the proposed General Plan. After receipt of the recommendation, City Council shall act on the recommendation in accordance with Ohio R.C. 713.12 and Section 1139 of this Zoning Code.

1145.17 REVISION OF APPROVED GENERAL PLAN.

The final development plan shall substantially conform to the approved general plan. In the preparation of the final development plan, the applicant shall not materially deviate from the approved general plan or to the related documents. Major changes to the general plan may not be made unless and until a revised general plan is processed and approved in accordance with this Section. Minor changes may be approved by the Planning Commission without submission of the revised general plan to City Council.

1145.18 PD APPLICATION STEP 2: FINAL DEVELOPMENT PLAN.

Before any part of a PD subdivision may be reflected in a Record Plan and recorded, the improvements and uses previously described in an approved General Plan must be merged and detailed in a Final Development Plan. No Final Development Plan shall be considered or approved without formal approval by City Council of the General Plan. Once these approvals have been received, the owner may seek approval for a Final Development Plan for the overall PD or for a phase or phases of the PD. The Final Development Plan shall show all of those items required in the General Plan as well as any additional information requested by the Planning Commission or City Council.

1145.19 FINAL DEVELOPMENT PLAN APPROVAL.

(a) The Planning Commission shall review each final development plan and approve, modify and approve, or disapprove the plan and transmit notice thereof to the applicant within a reasonable time. The Commission shall give the final approval of uses only upon finding that the following requirements are met:

(1) No requirement of this Section, as existing at the time of General Plan approval, is violated by the Final Development Plan.

(2) The Final Development Plan is substantially in accordance with the General Plan that had been previously filed with and approved by the Commission and City Council.
(3) The area reserved for open space and recreation satisfies the provisions of Sections 1145.07 and 1145.08 of this Zoning Code.
(4) Satisfactory progress has been made under any previously approved Final Development Plan with respect to the provision and improvement of indicated open space and recreational facilities.
(5) All areas designated for public acceptance are conceptually satisfactory to the City, including public access easements.

(b) Upon approval of the final development plan by the Commission, the Commission shall:

(1) Furnish the developer with written notice of approval; and
(2) See to it that the Final Development Plan is recorded. The recorded Final Development Plan shall incorporate the approved General Plan by reference. Approval of a Final Development Plan does not obligate the City Council to approve the Record Plan. Planning Commission approval of a Final Development Plan is a necessary pre-condition to consideration and approval of a Record Plan.

1145.20 PD APPLICATION STEP 3: RECORD PLAN.

(a) Within six (6) months of approval of the Final Development Plan for any specific area within the project or for the overall project, a Record Plan for the area shown on the Final Development Plan shall be submitted in accordance with Section 1115 of the Subdivision Regulations.
(b) Documents. At the time record plans are filed with the Planning Commission, the developer shall also file:

(1) Cost estimates for all public improvements in the subdivision plan; and
(2) Other documents and assurances required by the Subdivision Regulations.

(c) Final Approval by Planning Commission. Within sixty (60) days after the Record Plan is filed, with all necessary documents and exhibits, the Commission shall approve, approve and modify or disapprove the Record Plan and forward its recommendation to City Council.

(d) Final Approval by Council. Within ninety (90) days after approval by the Commission of the Record Plan, Council shall approve, modify and approve, or disapprove it.

(e) Recording. Upon Council approval of the Record Plan, the City shall notify the applicant. The developer shall file the Record Plan in the office of the Miami County Recorder. A reproducible copy of the recorded final plat shall be furnished to the City Engineer no later than fifteen (15) days from date of recording. The developer shall record the approved final development plan simultaneously with the record plan.

1145.21 FAILURE TO BEGIN OR CONTINUE PLANNED DEVELOPMENT.

The construction of a subdivision under PD zoning is authorized by a subdivider's agreement between the City and the land owner. This agreement, regardless of its form, is a contract intended to assure the orderly construction of a complete, well planned development. Should the land owner breach this contract by abandoning construction or failing to proceed with the development at the pace agreed upon, the City may be entitled to implement certain remedies as follows:

(a) If a complete record plan approval application is not submitted within six (6) months of the approval of a Final Development Plan, the Final Development Plan shall be null and void. The Commission, for good cause, may extend for consecutive periods of six (6) months or less the time for submitting the record plan application.

(b) If no construction has begun in the PD within six (6) months after the recording of a Record Plan for the overall project or any part thereof, the Record Plan may be vacated by resolution of the City Council and be of no further effect. The Commission, for good cause and in its sole discretion, may extend for periods of up to six (6) months the time for beginning construction.

(c) Should a land owner who has been authorized to develop a PD under this Section, or under any previous PD or PUD regulations of the City, sell or otherwise convey ownership of any part of that PD to another before all planned public improvements such as streets, curb cuts, and utilities are constructed therein in accord with plans and specifications approved by the City, and/or before all lands required for the public use therein have been dedicated to the City, that land owner may be deemed to have abandoned that portion of the PD and to have breached all agreements with the City to the extent that they relate to development of the portion sold. In consideration of whether a PD or portion thereof has been abandoned or breached, the City may, pursuant to a recommendation by the Planning Commission and approval by the City Council, pursue any of the following remedies or any others available to it under the law:

(1) In a situation where the new owner wishes to continue the development of a subdivision, require the new owner to execute a sub divider's contract, performance bond and all other documents and assurances required by the City under the current regulations to guarantee those dedications and public improvements which were not completed by the former owner.

(2) Enforce the sub divider's contract executed by the former owner, if such contract exists.

(3) Withdraw its approval of all plans for that portion of the PD and require any subsequent owner desiring to develop the site to begin with submission of a proposed new General Plan under the current regulations. This remedy may be particularly appropriate when the new land owner intends to be a sub divider of the conveyed property.

(d) In the event that the new owner and the City agree to implement the first alternative, the new owner may proceed in accord with the approved Final Development Plan, under the provisions of this Section. If for any reason the subdivision has not received approval of a General Plan, Final Development Plan and Record Plan, the new owner shall enter the review process set forth in this Section to obtain any approval not obtained by the previous owner. Thereafter, the new owner shall not deviate from the approved plans except through the revision procedures of Section 1145.17 of this Zoning Code, or by requesting and receiving a change of zoning classification.

(e) If an approved Record Plan is vacated as provided herein, notice of such vacation shall be filed in the records of the Miami County Recorder by the Commission, and no development may proceed on any part of the included lands until such time as a new Final Development Plan and Record Plan have been submitted and approved.

1145.22 REVISION OF APPROVED FINAL DEVELOPMENT PLAN.

The Record Plan shall conform to the approved final development plan. The applicant and his or her successors and assigns shall make no alterations, addition or deletions to the approved final development plan or to the related documents. Major changes may not be made unless and until a revised final development plan is processed and approved in accordance with this Section. If a major change materially alters any feature of the project for which a submittal was required for general plan approval, revision of the general plan and review by the City Council shall be required. Minor changes may be approved by the Planning Commission without submission of a revised final development plan.

1145.23 ADMINISTRATIVE REMEDY FOR FAILURE TO CONFORM TO FINAL DEVELOPMENT PLAN

Whenever the Planning Commission finds, in the case of an approved final development plan, that any term, condition or restriction incorporated into the plan is not being complied with or performed, the Planning Commission may rescind and revoke such approval. Notice of intent to revoke shall be served upon the owner(s) by certified mail, return receipt requested and by regular first-class mail, giving opportunity for a hearing before the Planning Commission. Following opportunity for a hearing, revocation may be certified by the Chairman of the Planning Commission upon authorization by a majority of the Commission's membership. Notice of certification of such revocation shall be promptly recorded in the land records of Miami County. This administrative remedy is in addition to all other remedies and penalties for violation of this Zoning Code that are provided for herein or otherwise as a matter of law.

1147 - NON-CONFORMING USES

1147.01 PURPOSE

(a) Recognition of Nonconformities. The districts established by this Zoning Code constitute the proper location for the specific enumerated uses, buildings, and other structures permitted therein. Within such districts, however, there exist nonconformities that were lawful prior to the most current update of the Zoning Code, but that would be prohibited under the terms of this Zoning Code. Future amendments to this Zoning Code may be expected to create additional nonconformities.

(b) Continuance of Nonconformities. The legitimate interests of those who lawfully established these nonconformities are recognized in this Zoning Code by permitting such nonconformities to continue, subject to regulations for and limitations upon their completion, restoration, reconstruction, extension, and substitution. It is recognized, however, that nonconformities substantially and adversely affect the orderly development, maintenance, use, and taxable value of other property in the district, property that is itself subject to the regulations of this Zoning Code. In order to secure eventual compliance with the standards of this Zoning Code, it is therefore necessary to regulate nonconformities strictly and to prevent the re-establishment of nonconformities that have been discontinued.

(c) Classes of Nonconformities. Accordingly, the following sections divide nonconformities into three (3) classes and provide appropriate regulations for each class. These classes are:

(1) Vacant lots smaller than the minimum required by the Zoning Code;

(2) Buildings that comply with the use regulations of this Zoning Code but not with lot size or building bulk limitations; and

(3) Buildings and use which do not comply with the use regulations of Section 1147.05 of this Zoning Code.

1147.02 NONCONFORMING VACANT LOTS IN AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS

(a) Minimum Lot Area for Dwellings. Notwithstanding the limitations imposed by other provisions of this Zoning Code, on a nonconforming lot which complies with Section 1147.02(a)(2) of this Zoning Code, the following may be erected:

(1) In the "A", "A-R", "R-1", "R-2", "R-3", "R-3-B", "R-4", and "R-5" Districts: One (1) single-family dwelling.

(2) In the "R-6" and "R-7" Districts:

A. On a lot with three thousand (3,000) square feet or less of area: One (1) single-family dwelling.
B. On a lot with more than three thousand (3,000) square feet of area but less than six thousand (6,000) square feet of area: One (1) single-family dwelling or one (1) two-family dwelling.

(b) Nonconforming Lot. A nonconforming lot is a lot consisting entirely of a tract of land that has less than the prescribed minimum lot area, width, depth, or combination thereof.

(c) Minimum Side Yards for Dwellings on Nonconforming Lots. When construction of a residential dwelling is permitted by paragraph (a) above, such dwelling shall comply with all regulations applicable to specific residential dwellings permitted and regulated in the district in which the lot in question is located. However, the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

(1) The sum of the widths of the two (2) side yards shall not be less than twenty (20) percent of the width of the lot; nor shall the width of either required side yard be less than ten (10) percent of the width of the lot.
(2) The width of any side yard that adjoins a public street shall not in any event be less than ten (10) feet.

(d) Assembly of Nonconforming Lots. Notwithstanding the previous provisions of this section, the assembly of a group of nonconforming lots and/or portions of nonconforming lots which are adjacent to each other is permissible and the parcel resulting from such assembly may be developed in accordance with the following:

(1) If the assembled parcel of land is still nonconforming as defined in Section 1147.02 (b) of this Zoning Code, then it shall be developed in accordance with Section 1147.02 (a) and (c) of this Zoning Code.
(2) If the assembled parcel of land is no longer nonconforming as defined in Section 1147.02 (b) of this Zoning Code, then it shall be developed in accordance with the applicable regulations of the zoning district which the parcel is located.

(e) Consistency with Established Pattern of Development. When the pattern of development in a block has been established, any development involving nonconforming vacant lots or portions of nonconforming vacant lots shall be consistent with the established pattern of development.

(1) Nonconforming vacant lots and/or portions of nonconforming vacant lots in the same ownership with adjacent developed or vacant lots shall not be sold separately from the adjacent lot and/or portion of lot, such that the resultant parcels conflict with the established pattern.

(2) This section shall not prohibit the sale or development of a parcel that has been in separate ownership from adjoining parcels continuously since the enactment of this Zoning Code, and such development shall comply with paragraphs (a) and (c) of this section.

(f) Lots that are part of a preliminary plan approval prior to a change to the underlying zoning of those lots shall be considered legally non-conforming as long as the preliminary plan is not modified to a degree requiring Planning Commission approval, abandoned or breached.

1147.03 NONCONFORMING VACANT LOTS IN OTHER DISTRICTS.

(a) Permitted Uses on Nonconforming Lots. In any district other than an agricultural and/or residential district, notwithstanding the limitations imposed by other provisions of this Zoning Code, a building designed for any permitted use in such district may be erected on a nonconforming lot, as defined in Section 1147.02 of this Zoning Code.

(b) Required Yards for Uses on Nonconforming Lots. When construction is permitted by paragraph 1147.03 (a) above, such building shall comply with all regulations applicable in the district in which the lot in question is located. However, the width of any required side yard need not be greater than the following:

(1) Minimum side yard shall not be less than ten (10) percent of the lot width.

(2) Total of both side yards shall not be less than twenty-five (25) percent of the lot width.

(3) The width of any side yard that adjoins a public street shall not in any event be less than twelve and one-half (12.5) feet.

1147.04 NONCONFORMING BUILDINGS USED FOR A PERMITTED USE.

A lawfully existing building or structure which contains no nonconforming use, but which does not comply with the applicable lot size requirements, building bulk limitations, or off-street parking requirements, may be continued so long as it remains otherwise lawful. Such buildings or structures which shall include off-street surface

parking lots are referred to in Sections 1147.02 to 1147.05 of this Zoning Code, as "nonconforming buildings" and are subject to the following requirements:

(a) Enlargement, Repair, and Alteration. A nonconforming building or structure may be enlarged, maintained, repaired, or structurally altered. However, no such enlargement, maintenance, repair, or structural alteration shall either create any additional nonconformity or increase the degree of the existing nonconformity of all or any part of such building or structure; and damaged or destroyed buildings or structures shall be subject to the restrictions in division (b) of this section. Conversions for residential purposes shall comply with the lot area requirements applicable to vacant nonconforming lots in Section 1147.02 (a) of this Zoning Code and there shall be no further encroachment upon any bulk regulations that do not comply with those of the district in which the conversion is to take place. The extension or enlargement of a nonconforming building or structure may not occupy ground space suitable and otherwise available for meeting the off-street parking requirements of this Zoning Code.

(b) Damage or Destruction. In the event that a nonconforming building or structure is damaged or destroyed, by any means, to such an extent that the cost of restoring it to the condition in which it was before such damage or destruction exceeds fifty (50) percent of the current replacement cost of the entire building or structure, exclusive of foundations such building or structure shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located.

(c) Moving. No nonconforming building or structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire building or structure shall thereafter conform to the regulations of the district in which it is located after being moved.

(d) Removal. Any building or structure, which is removed, shall not be replaced, unless the entire building or structure shall thereafter conform to the regulations of the district in which it is located.

1147.05 NONCONFORMING USE OF BUILDINGS, STRUCTURES, & LAND.

When the applicable district regulations of this Zoning Code do not allow as a permitted use either a use of part or all of a building or other structure lawfully existing at the time of the adoption of this Zoning Code or amendments thereto, or a use of land not involving a building or structure lawfully existing at the time of the adoption of this Zoning Code or amendments thereto, such existing use may be continued so long as otherwise lawful. Such uses are referred to in Section 1147.01 to 1147.05 of this Zoning Code, as "nonconforming uses" and are subject to the following regulations:

(a) Ordinary Repair and Maintenance.

(1) Work may be done on ordinary maintenance and repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing. However, this paragraph shall not be deemed to authorize any violation of subsections (b) through (j) of this section.

(2) Nothing in this Zoning Code shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure (other than a damaged or destroyed building or other structure subject to the provisions of division (d)) in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders it restoration to a safe condition.

(3) Buildings devoted to nonconforming residential uses in a business or industrial district may be maintained, repaired, improved, modernized or enlarged. However, no increase in the number of dwelling units shall be permitted.

(b) Structural Alteration. No structural alteration shall be made unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which such structure is located except as provided in subsections (c), (d), and (e) below.

(c) Extension and Enlargement. The Board of Zoning Appeals may permit a nonconforming use of a building or structure to be extended, expanded, enlarged, or increased in intensity subject to the following conditions:

(1) A nonconforming use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on the effective date of this Zoning Code or any amendments thereto.

(2) A nonconforming use of land may not be extended, enlarged, or increased in intensity.

(3) Nothing contained in this section shall in any way prohibit a nonconforming use from acquiring additional off-street parking space.

(4) Application for an extension or enlargement in accordance with divisions (c)(1) through (c)(3) shall be noticed and heard in the manner prescribed for variances.

(d) Damage or Destruction. In the event that a nonconforming building or structure is damaged or destroyed, by any means, to such an extent that the cost of restoring it to the condition in which it was before such damage or destruction exceeds fifty (50) percent of the current replacement cost of the entire building or structure, exclusive of foundations such building or structure shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located.

(e) Moving. No building or other structure that is devoted in whole or in part to a nonconforming use, shall be moved in whole or in part for any distance whatever, to any other location on the same lot or any other lot unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being so moved. Moreover, no nonconforming use of land shall be moved, in whole or in part for any distance whatever, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

(f) Change. The Board of Zoning Appeals may permit a substitution for a nonconforming use in a building or structure lawfully existing at the time of the adoption of this Zoning Code subject to the following conditions:

(1) A nonconforming use of land may not be changed.

(2) Application for a substitution in accordance with paragraph (1) shall be noticed and heard in the manner prescribed for appeals.

(g) Discontinuance.

(1) Discontinuance of nonconforming use of land. In the event that operation of a nonconforming use of land is voluntarily discontinued and remains vacant for a period of one hundred eighty-three (183) calendar days, such nonconforming use shall not thereafter be reestablished and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located.

(2) Discontinuance of nonconforming use of buildings or structures. In the event that operation of a nonconforming use of all of a building or other structure is voluntarily discontinued and remains vacant for a period of one hundred eighty-three (183) calendar days, such nonconforming use shall not thereafter be reestablished, and any subsequent use or occupancy of such building or other structure shall conform to the regulations of the district in which it is located.

(h) Change to Conforming Use. In the event that the operation of a non-conforming use of land or building is changed to a conforming use, it shall not revert back to a non-conforming use.

(i) Nonconforming Accessory Uses. No nonconforming accessory use shall continue after the principal use to which it is accessory has been discontinued.

(j) Nonconforming Signs Not Affected By This Section. This section shall not be applied to nonconforming signs.

1149 - SUPPLEMENTARY REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

1149.01 MINIMUM LOT FRONTAGE, DIMENSIONS AND AREA REQUIRED

Except as permitted by other provisions of this Zoning Code, no lot or parcel may be improved with a building or structure unless the front lot line of such lot abuts fully on a publicly dedicated street. Further, no lot or parcel may be improved with a building or structure unless the lot satisfies the frontage and minimum lot dimension and area requirements of the zoning district in which it is located, or satisfies the provisions of a lawfully granted zoning variance.

1149.02 TRAFFIC VISIBILITY AT INTERSECTIONS

In any district on any corner lot, no fence, planting or other obstruction or structure shall be erected or maintained within twenty-five (25) feet of the right-of-way line if it interferes with traffic visibility across the corner. In a case where the Troy Police or Fire Departments identify a traffic visibility problem, this obstruction-free zone may be extended.

1149.03 REDUCTION OF AREA OR SPACE

No lot, yard, court, parking area, or other space shall be reduced in area or dimension, thereby making the area or dimension less than the minimum required by this Zoning Code, and, if already less than the minimum required by this Zoning Code, the area or dimension shall not be further reduced. No part of a yard, court, parking area, or other space provided about or for any building or structure for the purpose of complying with the provisions of this Zoning Code shall be included as part of a yard, court, parking area or other space required under this Zoning Code for another building or structure.

1149.04 PRINCIPAL BUILDINGS PER LOT

There shall be not more than one (1) principal building for each lot. Development requests regarding more than one (1) principal building for each lot shall require approval under an appropriate planned development district.

1149.05 REQUIREMENTS FOR CORNER LOTS

(a) The area of a corner lot shall be twenty (20) percent greater than the minimum area required for an interior lot.
(b) When the principal building is located with its greatest depth on the long side of a corner lot, the required rear yard may be reduced to a minimum of twenty (20) percent of the average lot depth; but in no case shall the

shortest distance, measured horizontally between any part of a building and the rear lot line, be less than twenty (20) feet.

(c) On all corner lots, the principal building shall be considered to have two (2) front yards and, as such, shall be located to observe the minimum front yard setback from each street.

1149.06 YARDS REQUIRED FOR THROUGH LOTS

On a through lot a front yard shall be provided on each frontage equal to the minimum required front yard, except as provided in Section 1149.05 of this Zoning code. There shall be no required rear yard on a through lot.

1149.07 FRONT YARD EXCEPTIONS AND MODIFICATIONS

(a) In Residential and Office-Residential Districts on streets where a front yard more than that required by this Zoning Code has been maintained for existing structures on lots having a frontage of fifty (50) percent or more of the total frontage on one (1) side of that portion of the street lying between two (2) intersecting streets, there shall be maintained a front yard of not less than the average front yard of the existing structures, provided that this regulation shall not be interpreted to require a front yard of more than fifty (50) feet. In Residence and Office-Residence Districts on streets where a front yard less than that required by this Zoning Code has been maintained for existing structures on lots having a frontage of fifty (50) percent or more of the total frontage on one side of that portion of the street lying between two (2) intersecting streets, the front yard need not be greater than the average front yard of the existing structures, provided that this regulation shall not be interpreted to permit a front yard less than the block face average between the two (2) intersecting streets.

(b) In any zoning district where the natural grade of a lot within the required front yard has an average slope, such slope being normal to the front lot line at every point along the line, of such a severity that it is not practicable to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Zoning Code, the garage may be located within the front yard, but not in any case closer than twenty (20) feet to the street lines.

1149.08 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

Architectural features may project into required yards as follows:

(a) <u>In All Yards</u>: Into any required yards:

(1) Open, uncovered patios not over eight (8) inches above the average level of the adjoining ground.
(2) Uncovered terraces and decks not over four (4) feet above the average level of the adjoining ground except that such terraces, porches and patios may not encroach more than ten (10) feet into the required front yard, fifteen (15) feet into the required rear yard, or within three (3) feet of the side property line.
(3) Awnings and canopies.
(4) Steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
(5) Chimneys projecting eighteen (18) inches or less into the yard.
(6) Arbors, trellises, or other landscape features.
(7) Real estate signs.
(8) Fences and walls, subject to the restrictions of Section 521.07 of the Codified Ordinances of the City of Troy, Ohio.
(9) Basement walkout access ways
(10) Bay windows or balconies projecting three (3) feet or less into the required yard.
(11) Overhanging eaves and gutters projecting three (3) feet or less into the required yard.

(b) Rear Yards. Into any required rear yard:

(1) Open, off-street parking spaces.
(2) Accessory buildings or structures as permitted by Section 1151.04 of this Zoning Code.
(3) Fallout Shelters.
(4) Balconies.
(5) Breezeways and open porches.
(6) Recreational and laundry drying equipment.

(c) Side Yards. Open, off-street parking spaces may project into any required side yard, subject to the requirements of Section 1155 of this Zoning Code.

(d) Improvements Required by the Americans with Disabilities Act. Architectural projections required for persons with disabilities that necessitate encroachment into any required yard shall be permitted.

1149.10 SCREENING OF TRASH STORAGE AREAS

Any new or altered use which requires site plan review and has an outdoor trash storage area shall comply with the following requirements:

(a) Any such area shall be limited to normal refuse that is collected on a regular basis and shall be maintained in a neat, orderly, sanitary condition.
(b) In no instance shall any such refuse be visible above the required enclosure.
(c) A decorative masonry wall made of similar materials as the principal structure, having a minimum of six (6) feet but no higher than eight (8) feet in height which shall enclose three (3) sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of the storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete, complete with footers, and shall comply with all local building requirements.
(d) Any such storage area shall be located only in a rear yard and be so located and arranged as to minimize its visibility from adjacent streets and uses. An obscuring gate, which locks, shall be required.
(e) Utilities Areas. Utilities areas containing trash bins, HVAC units, propane tanks, electrical equipment, material storage, and other similar items shall be screened by using a wall, hedge, or other durable landscape barrier of sufficient height and density to prevent direct view from street(s) directly adjoining the property.

1149.11 SCREENING/BUFFERING

It is the purpose of this section to safeguard the health, property, and welfare of the citizens of the City of Troy, and to promote a high quality visual environment by regulating and controlling the design, location, and use of buffer strips to reduce the level of light and noise emanating from certain zoning districts within the City of Troy:

(a) Standards for Buffer Strips. The landscaping materials used in a buffer strip shall be a combination of shrubs, trees, grass and/or other ground cover. The primary landscaping materials used shall be of shrubbery and hedges. Shrubbery and hedges shall be a minimum of four (4) feet in height and spaced to prevent vehicle lights originating in parking areas from shining onto adjacent property. Trees and other planting materials shall be used to compliment the shrubbery and hedges. The maximum spacing between trees shall be forty (40) feet and shall be eight (8) to ten (10) feet in minimum overall height upon planting and which provide shade or are capable of providing shade at maturity. Other materials,

earthen berms, topography, or fencing may be considered or required on the merits of the particular project.

(b) Plans Required for Buffer Strips. A copy of a landscape plan for the buffer strip shall be submitted to the Zoning Administrator at the time of submittal of the application for the zoning permit. The plan shall be drawn to scale, locating the landscaping materials, and providing any other information deemed necessary under this Zoning Code. The Zoning Administrator may request a review of the landscape plan by other City Departments. Approval shall be given only if such landscaping carries out the purposes and standards of this Zoning Code. Modifications to approved plans shall be resubmitted for approval.

(c) Maintenance of Buffer Strips. The property owners and lessee are responsible for the maintenance of all buffer strips.

1149.12 USES NOT SPECIFICALLY MENTIONED

Any use of land, a structure, or a building that is not specifically named as a permitted principal or accessory use within any zoning district shall not be permitted until it is determined by the Zoning Administrator that such use is similar and compatible to those uses expressly permitted within such district. The decision of the Zoning Administrator may be appealed as provided in Section 1137 of this Zoning Code.

1149.13 PROHIBITION OF MEDICAL MARIJUANA CULTIVATION AND PROCESSING

No person or entity shall establish or maintain land, buildings, or premises for the use of medical marijuana's cultivation or processing. For the purposes of this section, "medical marijuana cultivator," and "medical marijuana processor", shall be defined as set forth in Chapter 3796 of the Ohio Revised Code as amended from time to time.

1149.14 PROHIBITION OF MEDICAL MARIJUANA DISPENSARIES

No person or entity shall establish or maintain land, buildings, or premises for use as a medical marijuana dispensary. For the purposes of this section, "medical marijuana dispensary" shall be defined as set forth in Chapter 3796 of the Ohio Revised Code as amended from time to time.

1151 - SUPPLEMENTARY REGULATIONS APPLICABLE TO SPECIFIC USES

1151.01 PARKING AND STORAGE OF RECREATIONAL EQUIPMENT AND VEHICLES.

Recreational vehicles may be stored in the Agricultural, Agricultural-Residential and Residential zoning districts, subject to the following conditions:

(a) No such recreational vehicle, as defined herein and while parked or stored on the zoning lot, shall have fixed (permanent) connections to electricity, water, gas, or sanitary sewer facilities. While on the zoning lot, such recreational vehicle may be used for living or housekeeping purposes for a maximum of seventy-two (72) hours at a time but not more than a total of twenty-one (21) days in any calendar year.

(b) Recreational vehicles parked or stored outside of a garage shall be parked or stored to the rear of the front yard. Front yard parking and storage shall be permitted only if space in the side or rear yard, or access to, is not available and only on the vehicular access driveway or other hard surface parking area. Recreational vehicles parked or stored in the side or rear yard shall be on a hard surface.

(c) Notwithstanding the provisions of sub-section (b) above, recreational vehicles may be parked anywhere on the zoning lot for loading, unloading or maintenance purposes, for a period of not more than seventy-two (72) hours.

(d) Unless parked or stored in a garage, all such recreational vehicles shall be maintained in good repair, in working condition, and shall carry a current year's license or registration.

1151.02 HOME OCCUPATIONS.

(a) Permitted Districts. Home occupations as permitted and regulated by this section shall be permitted in the Agricultural and Residential Zoning Districts. A Home Occupation Permit shall be obtained pursuant to the provisions of this Zoning Code.

(b) Permitted Home Occupations include:

(1) Dressmakers, seamstresses, and tailors.

(2) Artists, sculptors, authors, composers, and teachers or tutors.

(3) Office facilities for architects, accountants, financial planning, investment services, dentists, doctors, insurance agents, lawyers, real estate brokers, sales representative, engineers, professional consulting services, drafting and graphic design services, interior design services, and ministers, priests, rabbis or other clergy.

(4) Day-care with less than six (6) children that do not require a state license to operate.
(5) Beauty and barber services, one (1) chair only.
(6) Data processing, court reporter, stenographer, typing, word processing service, writing, computer programming, telephone answering, switchboard, call forwarding.
(7) Direct sale product distribution (Amway, Avon, Tupperware, etc.), mail order, provided there are no retail sales from site.
(8) Internet sales, trading and information services.
(9) Home cooking and preserving for sale off-site.
(10) Home crafts such as model making, rug weaving, cabinet making or ceramics utilizing a kiln with a capacity of six (6) cubic feet or less.
(11) House cleaning service, laundry, ironing service.
(12) Licensed massage therapist.
(13) Locksmith.
(14) Other similar uses as determined by the Zoning Administrator.

(c) The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations, and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations under any circumstances:
(1) Appliance repair.
(2) Automobile or vehicle repair, automobile or vehicle parts sales, automobile or vehicle painting or detailing, and automobile or vehicle washing service, including businesses working at customers homes.
(3) Beauty and barber services, two (2) or more chairs.
(4) Boarding house, bed and breakfast, time share condominium.
(5) Carpentry.
(6) Ceramics utilizing a kiln with a capacity of more than 6 cubic feet.
(7) Churches, religious instruction.
(8) Commercial Lawn Care
(9) Contracting, masonry, plumbing or painting.
(10) Gift shop.
(11) Health salons, gyms, dance studios, aerobic exercise studios.
(12) Limousine service.
(13) Medical or dental office.
(14) Mortician, hearse service.
(15) Palm reading, fortune telling.
(16) Photography studios.
(17) Private clubs.

(18) Rental equipment businesses.
(19) Restaurants, taverns, food preparation.
(20) Retail sales on site.
(21) Small engine repair.
(22) Tow truck services.
(23) Veterinary uses, including care, grooming, or boarding.
(24) Wedding or bridal shops.
(25) Other similar uses as determined by the Zoning Administrator

(d) Standards. In addition to all of the standards applicable to the zoning district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

(1) No person or persons shall operate a home occupation or be employed thereunder other than a resident of the premises.
(2) The home occupation shall be conducted entirely within the dwelling, and the use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25% of the gross floor area of any dwelling unit shall be used for a home occupation. There shall be no outdoor storage of equipment or materials used in the home occupation.
(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) home occupation sign, if permitted under Section 749 of the Codified Ordinances of the City of Troy, Ohio.
(4) There shall be no sale on the premises of commodities not produced as the result of the home occupation. No wholesale, jobbing, or retail business shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, delivery, sale, or storage of merchandise on or from the premises.
(5) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials shall be used or stored on the site in amounts greater than those normally associated with domestic use.
(6) In no case shall a home occupation be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m.
(7) No advertisement shall be placed in any media containing the address of the property.
(8) Vehicles associated with the home occupation shall be subject to the following:

A. Not more than one (1) vehicle shall be used for the purposes of the home occupation.
B. Such vehicle shall not be larger than a 3/4-ton truck.
C. Deliveries and/or pickups of goods related to the home occupation shall not be made in vehicles other than the vehicle associated with the home occupation.
D. Such vehicle shall not have any permanent advertising of the home occupation but may have magnetic or other temporarily affixed advertising, provided such advertising is removed at all times the home occupation is not open to the public, as set forth in division (6) of this section.

(9) No traffic, including deliveries, shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be off-street and not within a required front yard.

(10) Equipment or processes shall not be used in such home occupations which create noise, vibrations, glare, fumes, odors, or electrical interference detectable outside the dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television receiver off the premises, or cause fluctuations in voltage off the premises. No mechanical or electrical equipment shall be used except normal domestic or household equipment, adding machines, computers, typewriters, or copying machines.

1151.03 OVERNIGHT PARKING OF OVERSIZED VEHICLES

(a) Overnight parking of vehicles over one (1) ton rated capacity, buses or mobile homes shall not be permitted:

(1) As an accessory use in any residential or office district;
(2) As an accessory use in any commercial district, between the front lot line and the front building line; and
(3) As an accessory use in any commercial district within twenty-five (25) feet of any public right-of-way.

(b) Overnight parking of oversized vehicles in any commercial district shall be prohibited unless the vehicles are directly related to the business conducted on the property and are being parked overnight only to make delivery the following morning, subject to the provisions of Sections (a)(1) and (2) above. Oversized vehicles shall not be parked overnight on any vacant property.

1151.04 ACCESSORY BUILDINGS, STRUCTURES AND USES.

(a) The following are permitted accessory uses in the Agricultural, Agricultural-Residential, Residential and Office-Residential District:

(1) Private garages or carports, provided there is a hard-surface access from the public right-of-way, not to exceed the following area:

A. For a single-family and two-family dwelling: One thousand (1,000) square feet.
B. For multiple-family dwellings: Eight hundred (800) square feet per dwelling unit.

(2) A structure for storage incidental to a permitted use, provided that no such structure that is accessory to a residential building shall exceed two hundred fifty (250) square feet in gross floor area.
(3) A guest house (without kitchen facilities) or rooms for guests in an accessory building provided that such facilities are used for the occasional housing of guests of the occupants of the principal building, and not as rental units or for permanent occupancy.
(4) A private swimming pool, bathhouse, and tennis courts.
(5) A child's playhouse.
(6) Statuary, arbors, trellises, barbecue equipment, flagpoles, fences, play equipment, non-mechanical laundry drying equipment, walls, and hedges.
(7) Fallout shelters.
(8) Day-care centers with any number of persons only in conjunction with schools, community centers, churches, chapels, temples, synagogues, or publicly operated facilities.
(9) Satellite earth stations and dish antennas provided they are ground mounted, do not exceed fifteen (15) feet in height, and are located behind a line even with rear of the principal structure in the rear yard as defined by this Zoning Code.
(10) Antennas used by amateur radio operators in the rear yard or side yard beyond the side yard setback line.
(11) Greenhouses, provided that no such structure shall exceed two hundred fifty (250) square feet in gross floor area.
(12) Any other use customarily found in conjunction with and required for full utilization and enjoyment of the principal use and which meets the definition of accessory use.

(b) In an Office-Commercial, Business or Industrial District, any use which is customarily found in conjunction with and required for the full utilization

and economic viability of the principal use which meets the definition of accessory use and which conforms to the applicable standards of the district in which it is located is permitted. However, in no case shall the accessory use or structure be larger than fifty (50) percent of the size of the principal structure, and shall not be taller than the principal structure.

(c) All accessory buildings and structures shall conform to the following bulk regulations:

(1) Accessory buildings and structures shall be set back not less than five (5) feet from the rear lot line.

(2) All accessory buildings and structures shall be set back from the side lot lines a distance equal to the required side yard for the principal use, building, or structure located on the same zoning lot. For lots having a width less than the required width of the district within which the lot is located, the total required for both side yards shall not be less than ten (10) feet, and for any one (1) side yard the required yard shall be not less than three (3) feet, provided it complies with the applicable fire, safety, and building construction codes.

(3) No part of an accessory building or structure shall be located closer than ten (10) feet to any principal building or structure, unless it complies with applicable fire, safety, or building construction codes.

(4) Accessory buildings and structures shall otherwise comply with the bulk regulations applicable in the district in which they are located.

(5) Accessory buildings in a Residence or Office-Residence District shall not exceed the height or size of the principal building or structure or twenty-five (25) feet, whichever is less, except for buildings accessory to an agricultural use.

(6) No accessory building or structure or accessory use shall be permitted in any required front yard or side yard unless it is a permitted obstruction under Section 1149.08 of this Zoning Code.

(d) Standards. All accessory uses, buildings, and structures shall comply with the standards applicable in the zoning district in which they are located and with the following additional use limitations. No accessory building or structure shall be constructed and occupied on any zoning lot prior to the time of the completion of the construction of the principal structure to which it is accessory.

(e) Prohibited Accessory Uses. The following accessory uses are prohibited as outlined below:

(1) Exotic Animals. No person shall own, harbor, keep, breed, sell or import any exotic animal within any zoning district. The term "exotic animal" shall mean any wild animal not

indigenous to Ohio or any reptile not indigenous to Ohio. (Examples: lions, tigers, elephants, alligators, crocodiles, etc.) Additionally, omnivorous and carnivorous Ohio species such as bear, deer, elk, wolf, coyote, fox, turkey, lynx, and bobcat are deemed exotic. Any animal that is commonly sold by a bona fide commercial pet shop is permitted. The above listed animals purchased or adopted and housed on the subject property prior to the adoption of this text amendment are exempted from such prohibition, provided that:

A. A bill of sale or notarized statement that verifies this date is provided.
B. Such exotic animal be confined in a house, building, or other suitable enclosure in such a way that human contact cannot occur with any person other than the owner(s).

Exotic animals may be held for exhibit or use by research institutions and other governmental agencies having legal authority to possess such wild animals, by publicly supported zoos, by circuses or by extensions thereof.

(2) Racing Pigeons. The harboring of racing pigeons shall be prohibited in any residential or office-residential zoning district.

(3) Outdoor Storage. Outdoor storage, unless specifically permitted by the specific zoning district regulations, shall not be permitted in any zoning district.

1151.05 AUTOMOBILE SERVICE STATIONS, AUTOMOTIVE REPAIR GARAGES, AND AUTOMOTIVE AND TRUCK WASHES.

(a) Automotive Service Stations. All automobile service stations shall comply with the following standards:

(1) Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to the accessory uses of sale and installation of lubricants, tires, batteries, accessories, and supplies, incidental washing and polishing, tune-ups and brake repair. Automotive service stations also shall be permitted to sell non-automotive retail items in addition to those goods and services listed above.

(2) No dismantling, wrecking or storage of automobiles, parts, or accessories shall be permitted except as reasonably necessary and incidental to the operations described in Section 1151.05(a)(1) of this Zoning Code.

(3) No storage or rental of utility trailers, trucks, or passenger vehicles shall be permitted.

(4) The entire operation of an automobile service station, except the sale and dispensing of petroleum fuel, shall be within an enclosed building.

(5) In addition to existing landscaping requirements, not less than ten (10) percent of the total lot area of the station shall be landscaped.

(6) Fifty (50) percent of the linear frontage or all of the frontage exclusive of the portions thereof used for driveway approaches, whichever is less, shall be landscaped. The landscaping shall be a combination of lawn and plant material.

(7) Where an automobile service station is located adjacent to a lot in a Residential or Office-Residential District, an effective screen with either a solid fence, solid wall, or dense living hedge not less than six (6) feet in height shall be provided along the common lot line.

(8) No visible appliance for any purpose other than fueling vehicles may be located within twenty (20) feet of the established right-of-way line, or within thirty-five (35) feet of any residential district, except where the appliance is within a building.

(9) On all corner lots, all vehicular entrances to or exits from, and curb openings, shall be set back a minimum of twenty-five (25) feet from the corner property lines extended or from the established right-of- way lines. All curb openings, whether on a corner lot or not, shall not exceed in width the City of Troy engineering standards. There shall be a minimum of twenty (20) feet measured along the property line between any series of driveways. The City reserves the right to further limit the location, size and number of curb cuts in accordance with sound engineering practice and/or to address traffic safety concerns voiced by the Police Department.

(b) Automobile Washes. All automobile washes shall comply with the following standards:

(1) The site plan shall provide for adequate stacking of vehicles both before washing and during the drying process.

(2) The facility shall be designed to prevent dripping of water from washed vehicles onto the street in quantities sufficient to form ice in freezing temperatures, or the facility shall be closed whenever there is a risk of significant icing. Techniques to avoid or minimize drippage onto the public

street may include: lengthy exit drives, traffic "bumps," drains in exit drives, and automated blowers.

(3) Washing bays shall be oriented for the drive-through movement to be parallel to the street.

(4) The Zoning Administrator may require the applicant to submit a credible operational analysis assuring compliance with divisions (1) and (2) of this section.

(c) Automotive Repair Garage. All automobile repair garages shall comply with the following standards:

(1) The entire operation of an automobile repair garage shall be within an enclosed building, and a solid masonry wall or its equivalent, shall be provided on the side of the structure adjacent to or across an alley from any residential district. Where an automobile repair garage is located adjacent to a Residential or Office- Residential District, an effective screen of either a solid fence, solid wall, or dense living hedge not less than six (6) feet in height shall be provided along the common lot line.

(2) The use of equipment that produces noise or waste products shall be confined to an enclosed structure, with suitable provisions to prevent the creation of a nuisance.

1151.06 ESSENTIAL SERVICES.

Essential services, as defined in Section 1133.02 of this Zoning Code, are exempt from the application of this Zoning Code. Therefore, essential services may be conducted as otherwise authorized or permitted by the ordinances, regulations and administrative policies and practices of the City and other applicable law.

1151.07 EXTRACTION OF MINERALS.

The Zoning Administrator shall not grant a zoning permit for mineral extraction unless the proposed use is in accordance with the following requirements:

(a) Submission of Additional Information. Two copies of the following information shall be submitted with the application for a zoning permit and shall include:

(1) The name of the owner or owners of land from which removal is to be made.

(2) The name of the applicant making request for such a permit.

(3) The name of the person or corporation conducting the actual mining operations.

(4) The location, description, and size of the area from which the removal is to be made.

(5) The location of any on-site processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person, or corporation. The processing plant shall be located so as to minimize the problems of dust, dirt, and noise, insofar as reasonably possible.

(6) The type of resources or materials to be removed.

(7) The proposed method of removal and whether or not blasting or other use of explosives will be required.

(8) A general description of the equipment to be used.

(9) A description of the method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. This plan shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.

(b) Operational Standards.

(1) No mining of sand and gravel shall be carried on, or any stock pile placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board of Zoning Appeals, where such is deemed necessary for the protection of adjacent property, except that this distance requirement maybe reduced by the written consent of the owner or owners of abutting property, but in any event, adequate lateral support shall be provided for the abutting property.

(2) In the event that the site of the mining operation is adjacent to the right-of-way of any public street or road, no part of the operation shall take place closer than fifty (50) feet to the nearest line of the right-of-way, except as may otherwise be provided by Ohio R.C. 4152.11.

(3) Any excavated area adjacent to a right-of-way of any public street or road shall be backfilled for a distance of one hundred fifty (150) feet from the right-of-way line.

(4) Fencing or other suitable barrier, including the planting of multiflora rose, shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board of Zoning Appeals, such fencing or barrier is

necessary for the protection of the public safety, and shall be of a type specified by the Board of Zoning Appeals.

(5) All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in a dust- free condition by surfacing or other treatment as may be specified by the Board of Zoning Appeals.

(6) Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line unless the written consent of the adjoining property owner has first been obtained.

(7) The Board of Zoning Appeals is authorized to impose such requirements with respect to providing adequate barriers as it may feel necessary to protect the public safety.

(c) Rehabilitation Requirements. All mined-out areas shall, within a reasonable length of time, be reclaimed and rehabilitated, and the Zoning Administrator may require a bond in a sufficient amount to assure that the rehabilitation and reclamation will be carried out as a condition of permit approval. The Zoning Administrator shall be guided by the following standards with respect to rehabilitation and reclamation of mined-out areas:

(1) All excavation shall be made either to a water-producing depth, such depth to be not less than five (5) feet below the water mark, or shall be graded or backfilled with non-noxious, non-combustible, and nonflammable solids, to secure:

A. That the excavated area shall not collect, and permit to remain therein, stagnant water; or

B. That the surface of the area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

(2) The banks of all sand and gravel excavations in a water-producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical, and the banks shall be restored with vegetation in a manner set forth in division (c)(3) of this section.

(3) Vegetation shall be restored by the spreading of sufficient solid and by appropriate seeding of grasses or planting of

shrubs and trees in all parts of the mining area where the same is not submerged under water.

(4) Proper drainage shall be provided for the mined-out area.

(5) All equipment and structures shall be removed from the mined-out area within six (6) months of the completion of the mining therefrom.

(6) The Board of Zoning Appeals may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public and to encourage the mining and processing of the sand and gravel from the authorized area.

(7) Due to the inherent difficulties in reclaiming and rehabilitating areas from which stone has been quarried, the Board of Zoning Appeals is hereby empowered, in the issuance of a conditional use permit for quarrying operations, to impose such reasonable standards for reclamation as may be necessary to protect the public interest, without unduly restricting the operations of the mine owner.

1151.08 TEMPORARY USES-AUTHORIZATION.

Temporary uses are permitted in each zoning district subject to the applicable regulations of the district in which the use is permitted. A zoning or occupancy certificate shall be obtained pursuant to the provisions of this Zoning Code. The following temporary uses are permitted, subject to the limitations indicated:

(a) Christmas tree sales in any district for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of this Zoning Code. However, no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets.

(b) Contractor's office, trailer, and equipment shed (containing no sleeping or cooking accommodations) accessory to a construction project, only until the issuance of the certificate of occupancy.

(c) Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development, to continue only until the sale or lease of all dwelling units.

(d) Seasonal garden center retail outlets for a period not to exceed ninety (90) consecutive days in any one hundred eighty (180) day period, subject to the following conditions:

(1) Retail sales only, limited to plants in containers and prepackaged garden supplies. No storage or sale of bulk products is permitted.

(2) No portion of the display shall be on or over publicly owned property.

(3) No required off-street parking space or loading area shall be utilized for display, storage or dispensing.

(e) Seasonal sale of farm produce for not more than five (5) months per year. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back from the required front yard at the end of the season during which they are used.

(f) Festival sponsored by nonprofit organizations in any district for a period of only four (4) days. Such use need not comply with the front yard requirements. However, structures or equipment which might block the view of operators of motor vehicles on the public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets, alleys or at points of intersecting ingress or egress.

(g) Tents in any district for permitted uses of that district provided such use is not conducted within a tent for a period of not more than fourteen (14) consecutive days in any ninety (90) day period subject to approval by the Troy Fire Department.

(h) Garage sales, including patio, basement, yard, or block sales, subject to the following requirements:

(1) Hours of Operation. Garage sales may be held from 8:00 a.m. to 8:00 p.m. Items associated with such sales shall not remain outside an enclosed building before or after such sale hours.

(2) Length of Sales. No garage sale may extend for more than three (3) consecutive days (or portion thereof).

(3) Number of Sales. No more than two (2) garage sales per dwelling unit may be held on any such zoning lot in any calendar year.

(4) On-Premise Sign. One (1) non-illuminated sign not exceeding four (4) square feet in size, or more than three (3) feet in height above grade may be displayed on the property where the sale is being held.

(5) Off-Premises Signs. A maximum of two (2) off-premises directional-type signs may be used in conjunction with such garage sale providing they do not exceed two (2) square feet per sign, are limited in number to not more than one (1) such directional sign per collector or arterial type roadway, and are not located in the public right-of-way. All signs shall be removed within twenty-four (24) hours following the conclusion of the garage sale.

(6) Attention-Getting Devices. Balloons, streamers, special lighting, noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale.

(7) No permit is required for garage sales.

(i) An open-air carnival or tent circus, only for a period not exceeding thirty (30) days.

(j) Promotional activities of retail merchants involving the display of goods and merchandise may be conducted outside of enclosed buildings for a period of not more than fourteen (14) days in any three (3) month period. Goods and merchandise that will be used in the promotional activity and are also for sale within the building may be displayed in the area immediately adjacent to the building subject to the following conditions:

(1) No portion of the display shall be on or over publicly owned property.

(2) No required off-street parking space or loading area shall be utilized for such display, storage, or dispensing.

(3) No food or drink shall be dispensed outside the building except in accordance with standards and prior written approval of the Miami County Health Department.

(k) Portable storage units may occupy a lot or premises as a temporary use accessory to a principal permitted use for not more than 30 consecutive days, except for when the portable storage unit is being used to store personal property as the result of a calamity (e.g. fire, flood, or other event where there is significant property damage) or other extenuating circumstances, in which case the Zoning Administrator may extend the time period in accordance with the duration and frequency of the general provisions stated within this section, subject to the following:

(1) Portable storage units shall be located on a hard surface, shall not be located within the public right-of-way, shall not be located nearer than ten feet to any public right-of-way, and shall not be located in a manner that creates a sight distance hazard, or otherwise obstructs vehicular or pedestrian use of a public facility.

(2) A portable storage unit shall not exceed eight feet in height or eight feet in width or 16 feet in length.

(3) Portable storage units shall be securely locked at all times other than during actual loading or unloading of items being stored in the unit.

1151.09 SEXUALLY-ORIENTED BUSINESSES.

Sexually-oriented businesses shall be permitted in the M-2 and M-3 zoning districts, and shall meet all requirements of the zoning district wherein located. Such businesses are also subject to the following standards:

(a) No sexually oriented business shall be established or operated within 750 feet of any of the following:

(1) A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
(2) A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
(3) A boundary of a residence district as defined in this Zoning Code;
(4) A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, a playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreation authorities;
(5) An entertainment business which is oriented primarily towards children or family entertainment; or
(6) The right of way of any divided, limited access highway including Interstate Route 75.

(b) No sexually oriented business shall be established within the radius of one thousand (1,000) feet of any other sexually oriented business or within a radius or one thousand (1,000) feet of any two (2) of the following establishments:

(1) Cabarets, clubs or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
(2) Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
(3) Pawn shops.
(4) Pool or billiard halls.
(5) Coin operated amusement centers.
(6) Dance halls or discotheques.
(7) Massage parlors.

(c) Signs for Sexually Oriented Businesses shall be regulated as follows:

(1) Wall signs:

A. Shall only contain the name of the business establishment.
B. May be illuminated.
C. Shall not exceed twenty-four (24) square feet.
D. Shall not be animated or flashing.

(2) Window or door signs:

A. Shall not be illuminated.
B. Shall not exceed five (5) percent of the surface area upon which such sign is attached.

(3) Electronically changeable copy signs are prohibited.
(4) Exterior lighting shall not be colored and shall be restricted to shades of white.
(5) Exterior lighting shall not be flashing, or changing in color or intensity.
(6) Neon stripes or similar illuminated architectural ornaments are prohibited.
(7) Searchlights or similar promotional devices are prohibited.
(8) Pennants, streamers, banners, hot air or cold-air inflated structures or figures, balloons, and similar architectural ornamentation and/or decorations, which direct the attention of passersby to the premises, are prohibited. These shall include, but not be limited to, abstract paint schemes, multi-colored stripes, murals, steeples, sculptures and topiary landscaping.
(9) All other signs are prohibited.

1151.10 SIGNS.

All signs shall conform to the Sign Code, Section 749 of the Codified Ordinances of the City of Troy, Ohio.

1151.11 VEHICLE SALES AS NON-PRIMARY ACTIVITY

The sale of motor vehicles at locations where motor vehicle sales is not the principal permitted use and activity, shall only be permitted in the OR-1 Office-Residence District, R-1 Single Family Residential District, R-2 Single Family Residential District, R-3 Single Family Residential District, R-4 Single Family Residential District, R-5 Single

Family Residential District, R-6 Two Family Residential District, R-7 Multi-Family Residential District and be subject to the following requirements:

1. Any motor vehicle offered for sale must be located on a hard surface.
2. Any motor vehicle offered for sale must be registered to an individual who is a legal resident of the location where the motor vehicle is being offered for sale.
3. No person shall park said motor vehicle in such a manner as to interfere with or otherwise obstruct traffic visibility.
4. Only one motor vehicle may be offered for sale at the same time.
5. For any sign advertising the sale of a motor vehicle pursuant to this section, the sign shall have a sign area of no greater than 18 inch by 18 inch, and shall have the appearance of being professionally designed and constructed.

1151.12 SNOWMOBILE, OFF-ROAD MOTORCYCLE, AND ALL PURPOSE VEHICLES (ATV/FOUR-WHEELER)

(a) The applicable provisions of this traffic code shall be applied to the operation of snowmobiles, off-road motorcycles, and all-purpose vehicles, except that no snowmobile, off-road motorcycle, or all- purpose vehicle shall be operated as follows:

(1) On any street, highway, limited access highway or freeway or the right-of-way thereof.

(2) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property.

(3) On any land or waters controlled by the State of Ohio, except at those locations where a sign has been posted permitting such operation.

(4) On the tracks or right-of-way of any operating railroad.

(5) While transporting any firearm, bow or other implement for hunting that is not unloaded and securely encased.

(6) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl.

(7) During the time from sunset to sunrise, unless displaying lighted lights as required by R.C. 4519.20 or a substantially equivalent municipal ordinance.

(8) On residentially zoned lots of less than three (3) acres in size.

(b) Snowmobiles, off-road motorcycles, and all-purpose vehicles may be operated on residentially zoned lots of three (3) acres or greater in size located within the City subject to the following conditions:

(1) The owner of the lot must obtain a Zoning Permit from the City for an Established Riding Area.

(2) An Established Riding Area is to be located no closer than one hundred (100) feet from any lot line.

(3) The Established Riding Area is not a commercial and/or for profit venture.

(4) Dust and noise control measures are to be maintained by the owner of the lot containing the Established Riding Area. Dust control measures shall include, but are not limited to:

A. Any unvegetated Established Riding Area must be watered down before, during, and after usage as needed to limit dust.

B. The planting of twelve (12) foot high coniferous trees planted ten (10) feet on center, or the construction of a six (6) foot minimum board on board style fence that completely surrounds the Established Riding Area.

(5) No more than two (2) riders that are unrelated to the immediate household members that reside in the dwelling on the lot may operate a snowmobile, off-road motorcycle, and/or all-purpose vehicle on the lot.

(6) Snowmobiles, off-road motorcycles, and/or all-purpose vehicles may only be operated on the lot during the following times: Monday through Friday, 9:00 am through 7:00 pm; Saturday, 10:00 am through 5:00 pm; and Sunday, noon through 5:00 pm.

(7) Operation of snowmobiles, off-road motorcycles, and/or all-purpose vehicles must cease for a minimum of one (1) hour after every hour of riding.

(8) Operation of snowmobiles, off-road motorcycles, and/or all-purpose vehicles shall be prohibited on either primary or secondary septic sites.

(c) In addition to the above noted requirements, the placement of an Established Riding Area in non-residential zoning districts shall also require a Zoning Permit from the City of Troy.

1151.13 WIRELESS TELECOMMUNICATION FACILITIES

(a) Purpose. The purpose of Section 1151.13 of this Zoning Code is to regulate the placement, construction, and modification of wireless telecommunication facilities and their support structures in order to protect the public health, safety and welfare, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the Miami Valley Region. Specifically, the purposes of such sections are:

(1) To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of the City of Troy.

(2) To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities.

(3) To minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques.

(4) To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.

(5) To avoid potential damage to adjacent properties caused by towers and wireless telecommunications facilities by ensuring such structures are soundly designed, constructed, and modified, are appropriately maintained, and are fully removed.

(6) To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.

(7) To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

(b) Applicability. All towers, antenna support structures, and wireless telecommunication facilities, any portion of which is located within The City of Troy, are subject to Section 1151.13 of this Zoning Code. Except as provided herein, any use being made of an existing tower or antenna support structure on the effective date of this Zoning Code shall be deemed a nonconforming structure and allowed to continue, even if in conflict with the terms of this Zoning Code. Any tower site that has received approval in the form of a zoning or building permit by the City of Troy, but has not yet been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired.

(c) Standards.

(1) Construction Standards. All wireless telecommunication facilities and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally sound and, at a minimum, in conformance with Ohio Basic Building Code.

(2) Natural Resource Protection Standards. The location of the wireless telecommunication facility shall comply with all natural resource protection standards established either in this Zoning Code or in other applicable regulations, including those for flood plains, wetlands, groundwater protection, and steep slopes.

(3) Historic or Architectural Standards Compliance. Any application to locate a wireless telecommunication facility on a building or structure that is listed on a federal, state, or local historic register, or is in a historic district established by the City of Troy, shall be subject to review by the City of Troy Planning Commission to insure architectural and design standards are maintained.

(4) Color and Appearance Standards. All wireless telecommunication facilities shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission, Federal Aviation Administration, and/or by historical or architectural standards imposed under Section 1151.13(c)(3) of this Zoning Code. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the City of Troy.

(5) Advertising Prohibited. No advertising is permitted anywhere upon or attached to the wireless telecommunication facility.

(6) Artificial Lighting Restricted. No wireless telecommunication facility shall be artificially lit except as required by the Federal Aviation Administration.

(7) Co-Location. All wireless telecommunication facilities shall be subject to the co-location requirements set forth in Section 1151.13(d) of this Zoning Code.

(8) Abandonment. All wireless telecommunication facilities shall be subject to the abandonment requirements set forth in Section 1151.13(i) of this Zoning Code.

(9) Setback from Edge of Roof. Any wireless telecommunication facility and its appurtenances permitted on the roof of a building shall be set back one (1) foot from the edge of the roof for each one (1) foot in height of the wireless telecommunication facility. However, this setback requirement shall not apply to antennas that are less than two (2) inches in thickness mounted to the sides of antenna support structures and do not protrude more than six (6) inches from the side of such an antenna support structure. This requirement is subject to change by the City of Troy upon the review of the photo simulation provided in compliance with Section 1151.13(j)(3) of this Zoning Code.

(10) Security Enclosure Required. All towers and equipment shelters shall be enclosed either completely or individually as determined by the City of Troy. The City of Troy and co-locators shall have reasonable access. Fencing shall be required, except no fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.

(11) Existing Vegetation and Buffer Plantings. Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible, if deemed appropriate. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the City of Troy. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.

(12) Access Control and Emergency Contact. "No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of whom to contact in the event of an emergency.

(d) Co-Location Requirements.

(1) Jurisdiction Study of Potential Public Sites. In order to encourage the location of a wireless telecommunication facility on publicly-owned property, the City of Troy shall cooperate with the entity desiring to locate a wireless telecommunication facility in the City to determine if it is feasible to locate such a facility on publicly-owned property.

(2) Exemption from Proof of Co-Location Availability. Persons locating a wireless telecommunication facility upon a publicly-owned property shall be exempted from the requirements herein regarding presentation of proof that co-location is not available. However, persons locating a wireless telecommunication facility on publicly owned property shall continue to be subject to the requirements contained in Section 1151.13(4) below.

(3) Exemption from Certain Requirements. Persons locating a wireless telecommunication facility on a publicly owned property identified by the City of Troy to be suitable for such purposes shall be exempt from the requirements of Sections 1151.13(e) (f) (g), and (h) of this Zoning Code.

(4) Co-Location Design Required. No new tower shall be constructed in the City of Troy unless such tower is capable of accommodating at least three (3) carriers if height is sufficient for coverage.

(5) Technically Suitable Space. Authorization for a tower shall be issued only if there is not technically suitable space

reasonably available on an existing tower or structure within the geographic area to be served.

(6) Application Requirements. With the permit application, the applicant shall list the location of every tower, building, or structure within a reasonably proximity that could support the proposed antenna. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building, or structure within such area. If another communication tower owned by another party within such area is technically suitable, applicant must show that an offer was made to the owner of such tower to co- locate an antenna on a tower owned by the applicant on reciprocal terms within the City of Troy, and the offer was not accepted. If such co-location offer has not been attempted by the applicant, then such other tower is presumed to be reasonably available.

(e) Wireless Telecommunication Facilities in Agricultural Districts. The following wireless telecommunication facilities are permitted as a principal or accessory use upon a lot, subject to the following requirements:

(1) Antenna:

A. Maximum Height. The antenna shall not extend more than twenty (20) feet above the roof of the existing building or top of the existing structure.

B. Separate Equipment Shelter. If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located above ground within any required front or side yard.

C. Vehicular Access. Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.

(f) Wireless Telecommunication Facilities in Agricultural-Residential and Residential Districts.

(1) Prohibited as Permitted-Principal Use. No wireless telecommunication facility is permitted as a principal use upon a lot.

(2) Accessory Use. The following wireless telecommunication facilities are permitted as an accessory use upon a lot, subject to the following requirements:

(3) Antenna. An antenna for a wireless telecommunication facility may be attached to an existing residential building or to an existing nonresidential structure subject to the following conditions:

A. Maximum Height. The antenna shall not extend more than twenty (20) feet above the roof of the existing building or top of the existing structure.
B. Separate Equipment Shelter. If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located above ground within any required front or side yard.
C. Vehicular Access. Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.

(g) Wireless Telecommunication Facilities in Office, Business, and Wellhead Operation Districts. The following wireless telecommunication facilities are permitted as a principal or accessory use upon a lot, subject to the following requirements:

(1) Antenna. An antenna for a wireless telecommunications facility is permitted in the OR-1, OC-1, B-1, B-2, B-3, B-4 and WO Districts, subject to the following requirements:

A. The antenna shall not be attached to a residential structure.
B. Maximum Height. The antenna shall not extend more than twenty (20) feet above the roof of the existing building or top of the existing structure.

(h) Wireless Telecommunication Facilities in Industrial Districts. The following wireless telecommunication facilities are permitted as a principal or accessory use upon a lot, subject to the following requirements:

(1) Tower:

A. Maximum Height. The maximum height of such tower shall be less than the distance of such tower from the nearest property line.
B. Minimum Setback from Property Lines. The minimum setbacks and yard requirements for principal or accessory structures shall apply.

C. Minimum Setback from Residential Structure. No tower shall be located a distance less than its height from a structure used as a residence.

D. Equipment Shelter. The minimum setbacks and yard requirements for principal or accessory structures shall apply and such shelter shall not be located above ground in any required front or side yard.

(2) Antenna: The antenna shall not be attached to a structure unless such structure is four (4) or more stories in height.

(i) Abandonment of Wireless Telecommunication Tower.

(1) Required Notification. All providers utilizing towers shall present a report to City of Troy notifying it of any tower facility located in the City of Troy whose use will be discontinued and the date this use will cease. Such report shall be filed with the City of Troy thirty (30) days prior to the cessation date. If at any time the use of the facility is discontinued for one hundred eighty (180) days, the zoning inspector may declare the facility abandoned. The one hundred eighty (180) day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility shall, upon receipt of a written notice from the Zoning Administrator, to either reactivate use of the facility within one hundred eighty (180) days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the City of Troy will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.

(2) Required Notice to Owner. The City of Troy must provide the tower owner thirty (30) days notice and an opportunity to be heard before the Board of Zoning Appeals before initiating such action to remove or dismantle the facility. After such notice has been provided, the City of Troy shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at that time, or in the alternative, order the demolition of the tower and all appurtenances.

(3) Right to Public Hearing by Owner. The City of Troy shall provide the tower owner with the right to a public hearing before the Board of Zoning Appeals, which public hearing shall follow the thirty (30) day notice required in Section 1151.14(2) of this Zoning Code. All interested parties shall be allowed an opportunity to be heard at the public hearing.

(4) Order of Abatement or Demolition. After a public hearing is held pursuant to Section 1151.14(3) of this Zoning Code, the City of Troy may order the abatement or demolition of the tower. The City of Troy shall require licensee to pay for all expenses necessary to acquire or demolish the tower.

(j) Application and Review Requirements for Wireless Telecommunication Facilities.

(1) Required Information for Applications. All applications for wireless telecommunication facilities, including towers, shall include the information required under this Section.

(2) Plot Plan Required. When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than one inch equals one hundred (100) feet shall be submitted. This plot plan shall indicate all building and land uses within two hundred (200) feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.

(3) Photo Simulations Required. Photo simulations of the proposed wireless telecommunication facility from affected residential properties and public rights-of-way taken at designated locations shall be provided.

(4) Proof Why Nonresidential Tower Location Not Feasible. In applying for authorization to erect a tower within any residential district, the applicant must present sufficient evidence as to why it is not technically feasible to locate such tower in a more appropriate nonresidential zone. City of Troy shall review this evidence. If City of Troy refutes the evidence, then the tower is not permitted.

(5) Technical Necessity. The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There shall be an explanation of why a tower and the proposed site are technically necessary.

(6) Review by Radio Frequency Engineer. A radio frequency engineer, who will support or refute the evidence, shall review the evidence submitted by the applicant.

(7) Land Owner Support and Access. Where the wireless telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and vehicular access is provided to the facility.

(8) Required Site and Landscaping Plan. The applicant shall present a site and landscaping plan showing the following:

A. Specific placement of the wireless telecommunication facility on the site.
B. The location of existing structures, trees, and other significant site features.
C. Type and locations of plant materials used to screen the facilities.
D. The proposed color of the facilities.

(9) Co-Location and Removal Agreement. The applicant shall present signed statements indicating that:

A. The applicant agrees to allow for the potential co-location of additional wireless telecommunication facilities by other providers on the applicant's structure or within the same site location; and
B. The Applicant agrees to remove the facility within one hundred eighty (180) days after its use is discontinued.

(10) Denial by Jurisdiction. Any decision to deny a request to place, construct or modify a wireless telecommunication facility and/or tower shall be in writing and supported by evidence contained in a written record.

1151.14 WIND ENERGY CONVERSION SYSTEMS AND OTHER ALTERNATIVE ENERGY SYSTEMS

(a) Purpose. To regulate the placement, construction, and modification of wind energy conversion systems and other alternative energy systems and their support structures in order to protect the public health, safety and welfare, while at the same time not unreasonably interfering with the development of alternative energy systems.

(b) Applicability. All towers, support structures, and alternative energy systems, any portion of which is located within The City of Troy, are subject to Section 1151.14 of this Zoning Code. Except as provided herein, any use being made of an existing tower or support structure on the effective date of this Zoning Code shall be deemed a nonconforming structure and allowed to continue, even if in conflict with the terms of this Zoning Code. Any tower site that has received approval in the form of a zoning or building permit by the City of Troy, but has not yet been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired.

(c) Standards.

(1) Construction Standards. All alternative energy systems and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally sound and, at a minimum, in conformance with Ohio Basic Building Code.

(2) Color and Appearance Standards. All alternative energy systems shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Aviation Administration. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the City of Troy.

(3) Advertising Prohibited. No advertising is permitted anywhere upon or attached to any alternative energy system.

(4) Artificial Lighting Restricted. No alternative energy system shall be artificially lit except as required by the Federal Aviation Administration.

(5) Abandonment. All alternative energy systems shall be subject to the abandonment requirements set forth in Section 1151.14(g) of this Zoning Code.

(6) Access Control. The base of any tower ladders or other climbing apparatus shall be a minimum of twelve (12) feet above the ground.

(7) Noise. All alternative energy systems shall comply with the noise regulations outlined in Section 1157 of this Zoning Code.

(d) Large Wind Energy Conversion Systems. Large wind energy conversion systems, defined as those producing more than one hundred (100) kilowatts, are permitted in the A Agriculture Zoning District, subject to the following requirements:

(1) Maximum Height. The maximum height of the pole or support structure shall be less than the distance of such pole or support structure from the nearest property line.

(2) Minimum Setback from Property Lines. All elements of a Large Wind Energy Conversion System shall be set back 1.25 times the distance from the ground to the center of the turbine.

(3) Siting. All Large Wind Energy Conversion Systems shall adhere to all Federal and State Regulations including, but not limited to, submittal of an application to the Ohio Power Siting Board and Section 4906 of the Ohio Administrative Code.

(4) Vehicular Access. Vehicular access to the wind turbines or equipment shelter shall be via concrete or asphalt roadways.

(5) Equipment Shelter. The minimum setbacks for principal and accessory structures shall apply and such shelter shall not be located in any required front or side yards.

(6) Uncontrolled Rotation. Both a manual and automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

(e) Small Wind Energy Conversion Systems. Small wind energy conversion systems, defined as those producing less than 100 kilowatts, are permitted in all zoning districts, subject to the following requirements:

(1) Number. No more than one (1) small wind energy conversion system shall be permitted per zoning lot and shall only generate energy for use for or in support of a main building and/or accessory buildings located on the same lot.

(2) Maximum Height. The maximum height of a small wind energy conversion system shall be forty (40) feet, measured from the ground to the center of the turbine.

(3) Minimum Setback from Property Lines. All elements of a small wind energy conversion system shall be setback the same distance from the ground to the center of the turbine from all boundaries of the property, or shall adhere to the side and rear yard setbacks for the district in which it is located, whichever is greater. If a lesser setback is proposed, the City shall require that the small wind energy conversion system and foundation design, taking into consideration the soil conditions at the site, be certified by a State of Ohio Professional Engineer.

(4) Design. The small wind energy conversion system shall be designed with a monopole without guide wires support structure. Lattice towers are prohibited.

(5) Historic District Prohibition. Small wind energy conversion systems shall be prohibited in any Historic Preservation Overlay Districts.

(6) Uncontrolled Rotation. Both a manual and automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

(f) Alternative Energy Source Systems. Alternative energy source systems, such as solar panels, shall be permitted in all zoning districts subject to the following provisions:

(1) Ground-Mounted.

A. Location. Ground mounted systems shall be located in the rear yard of the property, and shall not be located nearer

any lot lines than what is permitted for accessory uses in that district.

B. Screening. Ground mounted shall be screened with landscaping.

(2) Roof-Mounted. Roof mounted systems shall be located so not to be visible from the public right of way fronting the property except as otherwise approved by Planning Commission.

(3) Number. Alternative energy source systems shall only generate energy for use for or in support of a main building and/or accessory buildings located on the same lot.

(g) Abandonment.

(1) Required Notification. All persons utilizing wind energy conversion systems shall present a report to City of Troy notifying it of any tower facility located in the City of Troy whose use will be discontinued and the date this use will cease. Such report shall be filed with the City of Troy thirty (30) days prior to the cessation date. If at any time the use of the facility is discontinued for one hundred and eighty (180) days, the Zoning Administrator may declare the facility abandoned. The one hundred eighty (180) day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility shall, upon receipt of a written notice from the Zoning Administrator, either reactivate use of the facility within one hundred eighty (180) days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the City of Troy will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.

(2) Required Notice to Owner. The City of Troy must provide the tower owner thirty (30) days notice and an opportunity to be heard before the Board of Zoning Appeals before initiating such action to remove or dismantle the facility. After such notice has been provided, the City of Troy shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at that time, or in the alternative, order the demolition of the tower and all appurtenances.

(3) Right to Public Hearing by Owner. The City of Troy shall provide the tower owner with the right to a public hearing before the Board of Zoning Appeals, which public hearing shall follow the thirty (30) day notice required in Section

1151.14(2) of this Zoning Code. All interested parties shall be allowed an opportunity to be heard at the public hearing.

(4) Order of Abatement or Demolition. After a public hearing is held pursuant to Section 1151.14(3) of this Zoning Code, the City of Troy may order the abatement or demolition of the tower. The City of Troy shall require licensee to pay for all expenses necessary to acquire or demolish the tower.

(h) Application and Review Requirements. The following information shall be submitted as part of the Zoning Permit application to the City for a wind energy conversion system or alternative energy system:

(1) Plot Plan. A plot plan at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted. This plot plan shall indicate all building and land uses within two hundred (200) feet of the proposed facility. Aerial photographs and/or renderings may augment the plot plan.

(2) A detailed description of the proposed wind energy conversion system or alternative energy system, to include:

A. Specifications and drawings, including proposed generation capacity, the generator, hub and blade, prepared by the manufacturer or a professional engineer.
B. Proposed height.
C. A line drawing, photograph or equivalent graphic representation of the wind turbine, solar panel or other alternative energy device, including support structure.
D. Structural drawings of the tower, base or foundation, prepared by the manufacturer or a professional engineer.
E. Documentation from the manufacturer that the wind energy conversion system or alternative energy system will not produce noise levels in excess of those permitted by Section 1157 of this Zoning Code.
F. Photographs of the proposed site, including photographs taken from public rights-of-way and neighboring properties if available.

(3) For Large Wind Energy Conversion Systems, documentation that the proposed project is in compliance with all applicable Federal and State regulations. Copies of all regulatory agency permits shall be included in the application.

(4) If a connection to the publicly regulated utility grid is proposed, a copy of the contract between the applicant and the utility verifying that the proposed connection is acceptable, and/or other evidence demonstrating that the

utility is aware of the proposed connection and does not object to said connection.

(5) Any other additional information deemed necessary by the Director.

1151.15 RESIDENTIAL CONVERSIONS

(a) Conversion of Single-Family Dwelling to a Two-Family or Multiple Family Dwelling. An existing dwelling may be converted to contain an additional dwelling unit in the R-6 Two-Family Residential district or additional dwelling units in the R-7 Multi-Family Residential or OR-1 Office-Residential districts, provided there is:

(1) A minimum gross floor area in the dwelling before conversion, exclusive of cellar or basement of two thousand (2,000) square feet.

(2) A minimum of one thousand (1,000) square feet of gross floor area provided for each dwelling unit after conversion.

(3) Before conversion, compliance with all lot size and bulk regulations imposed in the zoning district in which the dwelling is located.

(4) After conversion, compliance with all lot size and bulk regulations imposed in the zoning district in which the dwelling is located.

(5) After conversion, the converted dwelling shall retain the appearance of a single-family dwelling with no major structural alterations to the exterior of the building other than to provide the required means of egress from dwelling units. All fire escapes or stairways leading to a second floor must be completely enclosed within the converted building.

(6) Permit Required. Before any single-family dwelling is converted into a two-family or multi-family dwelling, the property owner shall first obtain a Zoning Permit in accordance to the requirements of Sections 1135.05-1135.08 of this Zoning Code.

(b) Residential Conversion of Industrial Structures.

(1) Purpose. To permit the conversion of older non-residential buildings within the M-2 Industrial District found within the older central built-up core of the community to allow adaptive reuse of older structures within the central portion of the community that have limited or no potential for continued industrial use.

(2) The Planning Commission may permit conversion of non-residential structures to partial residential use subject to the following:

A. All applicable provisions of the Troy Building Code must be followed.
B. The Planning Commission may limit the number of residential units within the structure based upon available parking area, capacity of the road network to accommodate the traffic, utility capacities, and character of the surrounding neighborhood.
C. All dwelling units must have a minimum residential floor area of six hundred (600) square feet.
D. Where at least fifteen (15) dwelling units are provided within a building, which can accommodate recreational use of the roof, a minimum of thirty (30) percent of the roof area shall be designed to provide open space for residents of such building, unless similar space provided elsewhere on the property. For each additional dwelling unit over fifteen (15), an additional one hundred (100) square feet of roof area shall be devoted to open space use, up to a maximum of fifty (50) percent of the total roof area.
E. Prior to authorizing residential use within a structure in the M-2 Industrial Zoning District, the Board of Zoning Appeals may consider the following:
    1 Whether conversion will harm the industrial sector of Troy's economy.
    2 Whether the conversion will preempt space necessary for industrial uses, considering the availability of alternate space for industrial use.
F. Upon the voluntary discontinuance of such residential use in an industrial building for a period of one hundred eighty (180) days no such use shall be reestablished.
G. The conversion of non-residential structures to full residential use shall require Planned Development approval.

1153 - OFF-STREET LOADING AREA REGULATIONS

1153.01 OFF-STREET LOADING.

In any zoning district, every building or structure built, or which is structurally altered, enlarged, or increased in capacity and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles shall be provided with off-street loading berths subject to the following requirements:

(a) All uses greater than five thousand (5,000) square feet in gross floor area, which shall require the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall have one (1) or more off-street loading berths on the basis of:

(1) If less than five thousand (5,000) square feet, no off-street loading berths are required.
(2) One (1) berth for five thousand (5,000) to forty thousand (40,000) square feet.
(3) Two (2) berths for forty thousand one (40,001) to one hundred thousand (100,000) square feet.
(4) One (1) additional berth for each additional one hundred thousand (100,000) square feet.

1153.02 GENERAL STANDARDS AND REQUIREMENTS

(a) Minimum Facilities. Uses for which off-street loading facilities are required by this Zoning Code but which are located in buildings or structures that have a gross floor area that is less than the minimum gross floor area specified in Section 1153.01 of this Zoning Code for which off-street loading facilities are required shall be provided with adequate receiving facilities accessible by motor vehicle from any adjacent alley, service drive, or open space on the same lot.
(b) Location. All required loading berths shall be off-street and shall be located on the same lot as the specific use to be served. No permitted or required loading berth shall be located within a required front yard or side yard. No permitted or required loading space or berth shall be located within forty (40) feet of the nearest point of intersection of any two (2) streets or highways.
(c) Access. Each required loading berth shall be served by appropriate means of vehicular access to a street or alley in a manner that will not unreasonably interfere with traffic movement.
(d) Storage, Repair and Service. No storage, motor vehicle repair work, or service of any kind other than emergency shall be permitted within any required loading berth.

(e) Utilization. Space allocated to a required loading berth shall not be used to satisfy any requirement of this Zoning Code for off-street parking spaces.
(f) Computation. The term "floor area" is used for computation purposes as defined in Section 1155.09 (b) of this Zoning Code.

1153.03 DESIGN AND MAINTENANCE

(a) Size. Unless otherwise specified in this Zoning Code, a required off-street loading berth shall be at least ten (10) feet in width by at least twenty-five (25) feet in length, exclusive of aisle and maneuvering space, and shall have adequate vertical clearance.
(b) Surfacing. All open loading berths, including associated driveways, aisles and circulation areas, shall be graded and improved with bituminous concrete or Portland cement concrete.
(c) Drainage. All loading berths shall be provided with adequate drainage facilities as approved by the City Engineer.
(d) Separation. All open off-street loading areas shall be separated from public street rights-of-way or setback lines that have been established by this Zoning Code by a wall, fence, or similar structure and by a strip of ground at least four (4) feet in width, and a six (6) inch high poured-in-place concrete curb shall be provided on the parking lot side of the four (4) foot width, extending below grade not less than eighteen (18) inches.
(e) Screening. When any open off-street loading area is adjacent to a lot in an Agricultural, Residence or Office-Residence District, or is separated only by a dedicated street or alley, an effective buffer or screen consisting of a solid wall, solid fence, or dense living hedge shall be provided at the lot line to protect the privacy of the adjoining residential uses. Such wall, fence, or hedge shall be not less than six (6) feet in height, except as provided elsewhere in this Zoning Code.
(f) Lighting. Any lighting used to illuminate off-street loading areas shall be equipped with suitable shielding or be so designed as to avoid casting direct light upon any other property located in a Residential District.
(g) Signs. The Director may require the installation of directional signs.
(h) Marking. Designated loading berths shall be marked on the surface of the loading area with paint or permanent marking materials and maintained in clearly visible condition.

1155 - OFF-STREET PARKING REGULATIONS

1155.01 PURPOSE

For the convenience of those who seek to use the facilities of the City, it is essential that adequate parking and loading facilities be available. To prevent traffic congestion that would inconvenience all residents and visitors of the City, it is important that parking and loading facilities be in the orderly flow of traffic. The regulations of this Zoning Code are designed to promote these goals.

1155.02 OFF-STREET PARKING

In every zoning district, every building or structure built, structurally altered, enlarged, increased in capacity, or changed in use, and every land use initiated or extended subsequent to the adoption of this Zoning Code, shall provide off-street parking facilities in accordance with the regulations of this Zoning Code. The provisions of this Zoning Code are exempted for all uses in the "B-3" Central Business District; however, when off-street parking is provided in the "B-3" District, such lots shall meet the applicable standard of this Zoning Code.

1155.03 REQUIRED SPACES

Adequate off-street parking facilities shall be provided to accommodate all motor vehicles of residents or employees, visitors, and customers, and the vehicles used in the conduct of any business enterprise, and no such required off-street parking shall be leased, rented, or otherwise made available on an optional basis so as to allow the tenant of a use to elect not to pay the extra fee which could result in the parking not being available for the use to which it is accessory. Notwithstanding the above provision, in no case shall the number of off-street parking spaces provided be less than the minimum prescribed in this Zoning Code.

1155.04 OFF-STREET RESIDENTIAL PARKING REQUIREMENTS

(a) Single-Family and Two-Family Dwellings. A minimum of two (2) parking spaces for each dwelling unit shall be required. The driveway may be used to accommodate one (1) of the required parking spaces if its design allows the required width and length for such space as set forth in Section 1155.07(b) of this Zoning Code. Parking shall not be permitted in established lawn areas of residential lots.

(b) Multiple-Family Dwellings. Two (2) parking spaces for each dwelling unit.

(c) Hotels and Motels. One (1) parking space for each rental unit, plus one (1) parking space for each three (3) employees, plus such spaces as required

by this Zoning Code for eating places and drinking place, assembly rooms, and affiliated facilities.

(d) Rooming Houses. One (1) parking space for each two (2) roomers or boarders based on the designed capacity of the building plus two (2) spaces for a resident owner or resident manager.

(e) Independent Living Facilities for the Elderly: One (1) parking space for each rooming unit, plus one (1) parking space for each employee or service provider based upon the largest shift.

(f) Parking requirements for structures and uses not specified in this section shall be determined by the zoning administrator based on the requirements for the most comparable structure or use specified.

1155.05 BUSINESS AND INDUSTRIAL USE PARKING REQUIREMENTS

(a) Retail Stores. One (1) parking space for each two hundred fifty (250) square feet of gross floor area unless otherwise provided for herein.

(b) Automobile Service Stations. Six (6) parking spaces, plus one (1) space for each employee based on the maximum number of employees on the largest shift.

(c) Automobile Repair Garages. One (1) parking space per two hundred (200) square feet of gross floor area or six (6) parking spaces, whichever is greater.

(d) Offices, Except Medical and Dental Offices. One (1) parking space for each four hundred (400) square feet of gross floor area.

(e) Medical and Dental Clinics and Offices. One (1) parking space for each four hundred (400) square feet of gross floor area plus one (1) space for each examination or treatment room.

(f) Cartage, Express, Parcel Delivery, and Freight Terminal Establishments. One (1) parking space for each two (2) employees and one (1) parking space for each vehicle assigned to or stationed on the premises.

(g) Eating and Drinking Places. One (1) parking space for each one hundred (100) square feet of gross floor area provided that drive-in eating places shall have at least twenty (20) parking spaces.

(h) Furniture Stores, Appliance Stores, Automobile Salesrooms, and New and Used Car Lots. One (1) parking space for each four hundred (400) square feet of gross floor area and one (1) parking space for each three thousand (3,000) square feet of open lot area devoted to the sale and display of motor vehicles.

(i) Manufacture, Production, Processing, Assembly, Disassembly, Cleaning, Servicing, Testing, or Repairing of Goods, Materials, or Products or Any Other Industrial Establishment. One (1) parking space for each employee based on the working period when the maximum number of employees are employed on the premises, plus one (1) visitor parking space for each ten thousand (10,000) square feet of gross floor area, or portion thereof, plus one (1) space for each vehicle maintained on the premises.

(j) Bowling Establishments. Five (5) parking spaces for each bowling lane, plus such additional space as may be required by this Zoning Code for affiliated uses such as eating and drinking facilities.

(k) Laundromats. One (1) parking space for each three (3) washing or cleaning machines.

(l) Warehouses, Storage, and Wholesale Establishments. One (1) parking space for each (2) employees based on the working period when the maximum number of employees are employed on the premises, plus one (1) parking space for each vehicle maintained on the premises.

(m) Funeral Homes. One (1) parking space for each fifty (50) square feet of gross floor area in public rooms, plus one (1) parking space for each vehicle maintained on the premises, plus one (1) parking space for each employee based on the largest shift.

(n) Barber and Beauty Shops. One (1) parking space for each beauty or barber chair, plus one (1) parking space for each employee based on the largest shift.

(o) Billiard Parlors, Coin-operated Amusement Centers, and Other Minor Assembly Uses without Seats or Bench Seating Spaces. One (1) parking space for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building, or health codes or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater.

(p) Health Studios, Karate Studios. One (1) space for each one hundred fifty (150) square feet of gross floor area.

(q) Adult Entertainment Facilities. One (1) space for each employee plus one (1) space for each person allowed within the maximum occupancy load as established by local, county or state fire, building, or health codes.

(r) Parking requirements for structures and uses not specified in this section shall be determined by the zoning administrator based on the requirements for the most comparable structure or use specified.

(s) Strip Center of Multi-Tenant Buildings. One (1) parking space for every one hundred (100) square feet of gross floor area for buildings ten thousand (10,000) square feet or less, and one (1) parking space for every two hundred (200) square feet of gross floor area for buildings ten thousand and on (10,001) square feet or more.

(t) Parking requirements for structures and uses not specified in this section shall be determined by the zoning administrator based on the requirements for the most comparable structure or use specified.

1155.06 OTHER USES PARKING REQUIREMENTS

(a) Elementary Schools, Nursery Schools, and Junior High Schools, Public or Private. One (1) parking space for each teacher or other employee, plus one (1) parking space for each vehicle maintained on the premises.

(b) High Schools, Public or Private. One (1) parking space for each ten (10) students based upon the maximum number of students attending class on the premises at any one (1) time in any twenty-four (24) hour period, plus one (1) parking space for each teacher or other employee, plus one (1) parking space for each vehicle maintained on the premises.

(c) Hospitals. One and one-half (1-1/2) parking spaces for each hospital bed rounded upwards.

(d) Nursing Homes. One (1) parking space for each five (5) patients, based upon the designed maximum capacity, plus one (1) parking space for each employee or staff member based on the maximum number of employees or staff members on the largest shift.

(e) Libraries, Museums, Art Galleries, Public or Private. One (1) parking space for each three hundred (300) square feet of gross floor area.

(f) Churches, Chapels, Temples, Synagogues, Auditoriums, Gymnasiums, Stadiums, Theaters, Private Clubs, Lodges, and Other Places of Public Assembly. One (1) parking space for each four (4) seats or bench seating spaces based upon maximum seating capacity.

(g) Trade or Commercial Schools. One (1) parking space for each three (3) students, plus one (1) parking space for each teacher or other employee.

(h) Parking requirements for structures and uses not specified in this section shall be determined by the zoning administrator based on the requirements for the most comparable structure or use specified.

1155.07 GENERAL STANDARDS FOR OFF-STREET PARKING AREAS

(a) Utilization. Accessory off-street parking facilities as listed herein shall be solely for the parking of motor vehicles in operating condition of patrons, residents, occupants or employees of such uses.

(b) Size. An off-street parking space shall be a minimum of eighteen (18) feet by nine (9) feet for angular parking, eighteen (18) feet by nine and one half (9-1/2) feet for perpendicular parking, or twenty-two (22) feet by ten (10) feet for parallel parking, exclusive of access drives or aisles, ramps, columns, office, or work areas. Such space shall have a vertical clearance of at least seven (7) feet. Residential drives, access drives, aisles and ramps shall be of usable size and in accordance with acceptable City of Troy engineering standards which permit reasonable access to and from the parking spaces.

(c) Access. Each off-street parking area shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space, and which, except for single-family and two-family residences, does not require a vehicle to back into a street or highway. Such aisle or driveway shall not be used for parking of other vehicles, except that the driveway of a single-family or two-family residence may be counted as one (1) parking space for each dwelling unit. Parking shall not be permitted in established lawn areas.

(d) In A-R, R, and O-R Districts, driveways may be widened in conformance with the following standards:

(1) The terminous shall not be in the required front yard.
(2) Shall not extend fifteen (15) feet wider than driveway.
(3) Shall have a minimum of four (4) feet of landscaped area between extension and adjoining property line.
(4) Shall be hard surfaced with the same material as the driveway.

(e) Required Yards. Structures and buildings containing off-street parking shall be subject to the yard requirements applicable in the district in which located, except as provided herein. Off-street parking areas open to the sky may be located on any yard, except that:

(1) In any Agricultural, Residential, Office-Residential, or Office-Commercial District, off-street parking shall not be located in any required front yard, except that one (1) of the required off-street parking spaces for single-family and two-family residences may be located in the required front yard in an established driveway. Parking shall not be permitted in established lawn areas of residential lots.
(2) In any Agricultural, Residential, Office-Residential, or Office-Commercial District, on a corner lot devoted to a residential use, the off-street parking shall not be located closer to the side lot line bounding a street than one-half (½) the depth of the required front yard.

(f) Location. All parking spaces shall be located in the same zoning districts as the use served or in an adjacent zoning district in which the use served is either a permitted or conditional use. The parking areas shall also be under the same ownership or control and in accordance with the following:

(1) In Agricultural, Residence and Office-Residence Districts on the same lot as the building or use served. If a lot is devoted to a non-residential use and if its front lot line, side lot line, or rear lot line separates the lot from a lot in a residential district, the off-street parking facilities located thereon shall not be closer to such lot line than the minimum front yard depth, side yard width, or rear yard depth prescribed by the development standard for the district.
(2) In Office-Commercial and Business Districts on the same lot as the building or use served or within three hundred (300) feet of the nearest point of the principal structure.

(3) In an Industrial District on the same lot as the building or use served, or within one thousand (1,000) feet of the nearest point of the principal structure.

(g) Time. The parking facilities required under this Zoning Code shall be made available as soon after the time they become required as weather conditions permit, but in no case more than six (6) months after the date of the certificate of occupancy.

(h) Restricted Parking Lots. Restricted parking lots are those lots which do not meet the location standards of Section 1155.07(f) of this Zoning Code.

(1) For lots located in Office-Residence, Office-Commercial, Business or Industrial Districts, an application for a restricted parking lot requires a variance and shall be filed pursuant to the requirements of this Zoning Code.

(2) In addition to meeting the required findings for variances of this Zoning Code, shall comply with the following standards:

A. The parcel of property to be used is located adjacent to an Office-Residential, Office-Commercial, Business or Industrial District in which the use is located or is separated from that district by a distance of not more than fifty (50) feet.

B. The parking lot shall be used solely for the parking of passenger vehicles and shall not be used for repair work, vehicle servicing, loading of any kind, or the erection of advertising signs of any kind on the lot.

C. The parking lot shall be closed between 11:00 p.m. and 7:00 a.m. unless otherwise modified by the Board of Zoning Appeals.

D. All restricted parking lots with ten (10) parking spaces or less shall provide front, rear and side yards that conform to the requirements set forth by the underlying zoning district. The yards shall also contain a solid wall, fence, or dense living hedge of at least four (4) feet in height and one (1) hardy deciduous canopy tree of at least two (2) inches caliper placed no farther apart than twenty-five (25) feet on center in the required yard.

E. All restricted parking lots with more than ten (10) parking spaces shall provide side yards abutting a residential district of at least five (5) feet, plus two (2) additional feet for every ten (10) spaces or part thereof in excess of ten (10) spaces. Front and rear yards shall conform to the requirements of the underlying zoning district. The yard shall also contain a solid wall, fence or dense living hedge

of at least six (6) feet in height or one (1) hardy deciduous canopy tree of at least two (2) inches caliper placed no farther apart than twenty (20) feet on center in the required yard.

F. Where the yard requirements of the district in which the restricted parking lot is located are stricter than those specified in this section, then the stricter yard requirements shall apply in addition to the screening and vegetation requirements specified above.

1. No parking shall be permitted in any required yard.
2. Restricted parking lots with more than twenty-five (25) spaces shall provide a landscaped island of at least forty (40) square feet with a hardy deciduous canopy tree of at least two (2) inches caliper for each twenty-five (25) spaces or part thereof.

G. The Board of Zoning Appeals shall impose such further restrictions as may be deemed necessary and appropriate in order to reduce the adverse effect of a restricted parking lot upon the preservation of the residential character and development of the residence district in which the parking lot is proposed to be located. The Board of Zoning Appeals shall schedule and hold such public hearings as may be necessary to make detailed findings and arrive at specific conclusions with respect to the suitability and applicability of the proposed restricted parking lot.

(i) Handicapped Parking. All parking facilities shall have provisions for the physically handicapped. Such parking spaces shall be located as near as practicable to the entrance(s) of the building and shall comply with the Americans with Disabilities Act (ADA) requirements.

(j) Repair and Service. No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or in association with any off-street parking area.

1155.08 REQUIRED IMPROVEMENTS TO OFF-STREET PARKING AREAS.

(a) Design. Off-street parking space may be open to the sky, or enclosed in a building or structure, either above or below ground level. Off-street parking areas and ingress and egress, shall comply with such design standards relating to curb, driveway width, island width, barriers, and drainage as may be established from time to time by the City Engineer. In no case shall off-street parking spaces or driveways providing access to off-street parking lots, for other than single or two-family residences, be

designed so as to require motor vehicles to back into public streets in order to exit from the off-street parking space or off-street lot.

(b) Surfacing. All open off-street parking areas, including associated driveways, driveway extensions, aisles and circulation areas shall be graded, and provided with a hard surface of bituminous asphalt or Portland cement concrete or with a comparable all weather surface acceptable to the Director.

(c) Separation. All open off-street parking areas shall be separated from public street rights-of-way or setback lines that have been established by this Zoning Code by a wall, fence, or similar structure or by a strip of ground at least ten (10) feet in width, and a six (6) inch high poured-in-place concrete curb shall be provided on the parking lot side of ten (10) foot width, extending below grade not less than eighteen (18) inches. Additionally, all off-street parking areas shall be located a minimum of four (4) feet from adjoining properties.

(d) Screening. When any open off-street parking area containing more than two (2) parking spaces (except parking accessory to a single-family residence) is adjacent to a lot in an Agricultural, Residence or Office-Residence District, or is separated only by a dedicated street or alley, an effective buffer or screen consisting of a solid wall, solid fence, or dense living hedge shall be provided at the lot line to protect the privacy of the adjoining residential uses. Such wall, fence, or hedge shall be not less than six (6) feet in height, except as regulated by Section 521.07 of the Codified Ordinance.

(e) Lighting. If the off-street parking area consists of more than twenty-five (25) parking spaces, it shall be provided with lighting in accordance with Section 1157.06 through 1157.09. Any lighting used to illuminate off-street parking areas shall be equipped with suitable shielding or be so designed as to avoid casting direct light upon any other property located in a residential district.

(f) Signs. The Zoning Administrator may require the installation of directional signs.

(g) Drainage. All open off-street parking areas shall be provided with adequate drainage facilities as approved by the City Engineer.

(h) Interior Design. All parts of open off-street parking areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs, or trees, which shall be continuously maintained.

(i) Marking. Designated parking spaces shall be marked on the surface of the parking area with white paint or permanent marking materials and maintained in clearly visible condition. Other paint, marking, or signs shall be placed in accordance with the Ohio Manual of Uniform Traffic Control Devices and approved by the City Engineer.

(j) Landscape Design. No parking facility shall be constructed or enlarged until a landscape plan for such facility has been reviewed and approved by the Director. City staff may seek the assistance of the City Beautification

Committee in review of such landscape plan. The primary landscaping materials used in such parking facilities shall be trees which shall be eight (8) feet to ten (10) feet in minimum overall height upon planting and which provide shade or are capable of providing shade at maturity.

(1) Shrubbery, hedges and other planting materials may be used to complement the tree landscaping. A guide of planting types deemed acceptable for landscaping purposes is on file in the office of the planning division of the Engineering Division and should be consulted prior to design of any parking facility.

(2) In addition to trees, a wall, hedge, or other durable landscape barrier shall be required. Specific delineation of location and height is found in Section 1155.08 (d) of this Zoning Code. Walls, as defined in this section, shall mean wood slat (vertical, horizontal, or basket-weave), brick, stone, and concrete or masonry, but only if the latter is cement plaster coated. Other materials, earthen berms, or topography may be used or considered on the merits of the particular project.

(3) The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to insure proper growth. In those instances where plant material exists on a proposed parking facility prior to its development, such landscape material may be used to meet the requirement of this Zoning Code.

(4) Interior Requirements. Within interior vehicular use areas ten thousand (10,000) square feet or greater in size, and for each additional ten thousand (10,000) square foot unit or a proportional fraction thereof, a minimum total of five hundred (500) square feet of landscape area shall be provided, irrespective of the peripheral requirements. For individual parking lots with more than five parking spaces, five (5) percent of the vehicular use area, irrespective of the perimeter requirements, shall be devoted to landscaping. Planting which is required for screening along peripheral areas of parking facilities shall not be considered as part of the interior coverage requirement. A minimum of two (2) trees, each a minimum size of one and three-quarters (1-3/4) inches in trunk diameter, shall be provided for each ten thousand (10,000) square foot unit of interior vehicular use area. The minimum distance from a tree to a vehicular use area shall be four (4) feet measured from the trunk of the tree.

(5) The interior landscape area and trees required for each ten thousand (10,000) square foot vehicular use area unit or

fraction thereof shall be located within that vehicular use area unit or fraction thereof. In areas where the Director has determined that the strict application of this Section will interfere with the function of a vehicular use area, the unused portion of the required interior landscaping shall be relocated elsewhere on the property so as to emphasize a landscaping feature.

(6) If in the judgment of the Director it has been deemed appropriate, credit may be received on the interior landscaping plan by preserving existing trees capable of tolerating adjacent construction. In order to maintain any tree deemed eligible for credit, the ground area under and within the drip line of the tree shall be preserved from the trunk out to the edge of the drip line and shall be maintained in either vegetative landscape material or pervious surface cover, except when the Zoning Administrator determines that lesser areas and other ground cover treatment will provide sufficient nourishment for the continued growth of the preserved type of tree. The required number of new trees may be reduced in accordance with the following schedule in exchange for preserving existing trees:

Diameter of Existing Crown Spread of Preserved Trees (*1)	Diameter Tree Trunk of Preserved Tree (*2)	Number of Trees Credited
90 ft. or greater	36 inches of greater	7
60-89 ft.	30-35 inches	6
50-59 ft.	26-29 inches	5
40-49 ft.	20-25 inches	4
30-39 ft.	13-19 inches	3
20-29 ft.	8-12 inches	2
16-19 ft.	4-7 inches	1

(*1) Rounded off to the nearest whole foot.
(*2) Measured to a height of four and one-half (4½) feet above the natural grade and rounded off to the nearest whole inch.

(7) Peripheral Requirements. The width of the peripheral landscape strip of all parking facilities that abut adjoining property that is not street right-of-way shall be governed by applicable sections under Section 1149, buffer strips. In addition, the landscape strip ten (10) feet in width shall be required along all sides of parking facilities that abut street rights-of-way. Such landscape strip shall contain a combination of planting and complementary materials as noted above. Materials that compose the barrier requirement

shall be no more than three (3) feet in height and shall be installed at the edge of the landscape strip most distant from the street right-of-way. One (1) tree shall be planted for each forty (40) feet lineal of the landscape strip at a minimum distance of six (6) feet from the street right-of-way.

1155.09 COMPUTATION

(a) Number of Spaces. When determination of the number of off-street parking spaces required by this Zoning Code results in a requirement of a fractional space, any fraction shall be rounded up and counted as one (1) parking space.

(b) Floor Area. For the purpose of determining off-street parking and off-street loading requirements, floor area shall be defined to be the sum of the gross horizontal floor areas of the building, or structure, as measured from interior of common wall to interior of common wall, which is devoted to a use requiring off-street parking or loading as provided in this Zoning Code.

(c) Collective and Shared Parking. Collective Provision. Off-street parking facilities for separate uses may be provided collectively and the total number of spaces so furnished may be reduced up to fifteen (15) percent of the spaces required for all such separate uses, and provided that all regulations covering the location of accessory parking spaces in relation to the use served are observed. A written agreement covering such collective use shall be filed with the Zoning Administrator.

(d) Employee Parking. Except where otherwise specified, parking spaces required on an employee basis shall be computed based on the maximum number of employees on duty or residing, or both, on the premises at any one (1) time.

1157 - NOISE AND ILLUMINATION REGULATIONS

1157.01 METHODS OF NOISE MEASUREMENT

(a) For the purposes of enforcing the provisions of this Zoning Code, noise shall be measured in dab using a sound level meter, with the measurements taken at the noisiest point within the receiving property.

(b) A dab is the sound pressure in decibels measured using the "A" weighting network on the sound level meter. The sound pressure level, in decibels, of a sound is twenty (20) times the logarithm to the base of 10 of the ratio of the pressure of the sound to a reference pressure of twenty (20) micropascals.

(c) A sound level meter is a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971.

(d) The receiving property is real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

1157.02 EXEMPTIONS FROM NOISE REGULATIONS

(a) The following shall be exempt from the provisions of Section 1157.04, Table I, between the hours or 7:00 A.M. and 10:00 P.M. only:

(1) Sounds created by the discharge of firearms on authorized shooting ranges.
(2) Sounds created by blasting.
(3) Sounds created by the installation of utility services.
(4) Sounds originating from temporary construction sites as a result of construction activity.
(5) Sounds created by firearms in the course of hunting.

(b) The following shall be exempt from the provisions of Section 1157.04, Tables I and II, at all times:

(1) Sounds created by motor vehicles operated on public roads and highways.
(2) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.
(3) Sounds created by surface carriers engaged in interstate commerce by railroad.
(4) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.

(5) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.
(6) Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety or welfare of the community.
(7) Sounds created by the repair of essential utility services.
(8) Sounds originating from officially sanctioned parades and other public events.
(9) Sounds emitted from venting at industrial process facilities during startup only, provided that the startup operation is performed during daytime hours whenever possible.

1157.03 NUISANCE REGULATIONS NOT PROHIBITED

Nothing in these regulations shall be construed as preventing the City from regulating noise from any source as a nuisance. City resolutions, ordinances, rules, or regulations shall not be deemed inconsistent with these regulations.

1157.04 MAXIMUM PERMISSIBLE NOISE LEVELS

(a) No person shall cause or permit noise to intrude into the property of another person that exceeds the levels listed in:

(1) Table I, between the hours of 7:00 A.M. and 10:00 P.M.
(2) Table II, between the hours of 10:00 P.M. and 7:00 A.M.

(b) Between the hours of 7:00 A.M. and 10:00 P.M., the noise in Table I may be exceeded by no more than:

(1) Five (5) dBA for a total of fifteen (15) minutes in any one (1) hour period,
(2) Ten (10) dBA for a total of five (5) minutes in any one (1) hour period, or
(3) Fifteen (15) dBA for a total of thirty (30) seconds in any one (1) hour period.

(c) Between the hours of 10:00 P.M. and 7:00 A.M., the noise limits in Table II may be exceeded by no more than:

(1) Five (5) dBA for a total of ten (10) minutes in any one (1) hour period or

(2) Ten (10) dBA for a total of three (3) minutes in any one (1) hour period.

(d) Impulsive sound (such as sounds with a duration of less than one (1) second, such as from gunfire or punch presses) shall not exceed the levels of Table I (daytime) or Table II (nighttime) by more than five (5) dBA, as measured with the sound level meter on the slow response setting.

(1) Table I. Daytime noise limits-7:00 AM to 10:00 PM

Noise Source	Receiving Property			
	Residential	Office-Residential	Business	Industrial
Business	60 dBA	60 dBA	65 dBA	65 dBA
Residential	60 dBA	60 dBA	65 dBA	70 dBA

(2) Table II. Nighttime noise limits-10:00PM to 7:00 AM

Noise Source	Receiving Property			
	Residential	Office-Residential	Business	Industrial
Business	50 dBA	50 dBA	65 dBA	65 dBA
Residential	50 dBA	50 dBA	65 dBA	70 dBA

1157.05 DEFINITIONS APPLICABLE TO TABLES I AND II

(a) Residential. Shall include all Agricultural, Residential Zoning Districts and Office- Residential Zoning Districts.
(b) Business. Shall include all Office-Commercial and Business Zoning Districts.
(c) Industrial. Shall include all Industrial Zoning Districts.

1157.06 ILLUMINATION REGULATED

There are two (2) characteristics of light which are commonly referred to as glare. One is the illumination or amount of light falling on a unit surface. The other is the intensity of light at the source. Both of these factors are a function of the wattage of a given light source, the type and design of the luminaire, and the height of the light source. The illumination regulations set forth in Section 1157.08 through Section 1157.09 of this Zoning Code, are designed to ensure that no light is emitted above a horizontal line parallel to the ground. In order to achieve total cutoff at ninety (90) degrees, a luminaire shall emit maximum candlepower at an angle not exceeding seventy-five (75) degrees.

1157.07 ILLUMINATION NUISANCE PROHIBITED

No activity on private property shall generate light that creates a nuisance to surrounding properties, as determined by the Zoning Administrator.

1157.08 ILLUMINATION STANDARDS

The following standards are required of all pole-mounted exterior lighting except the outdoor recreational uses specifically exempted in Section 1157.09(d) of this Zoning Code. Many uses have the option of providing a lower post with a non-cutoff type luminaire or a higher pole, up to fifty (50) feet, with a luminaire that totally cuts off light spillover at a cutoff angle smaller than ninety (90) degrees. The maximum height of light post permitted is dependent upon the amount of cutoff provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties.

1157.09 EXTERIOR LIGHTING

Exterior lighting shall meet one of the following standards:

(a) Luminares with No Cutoff:

(1) Residential Properties:

A. Maximum permitted height of fifteen (15) feet.
B. Maximum permitted illumination of two-tenths (0.20) foot-candle.

(2) Non-residential properties:

A. Maximum permitted height of luminaire of twenty (20) feet.
B. Maximum permitted illumination of three-tenths (0.30) foot-candle.

(b) Luminaries With Total Cutoff Angle Greater Than Ninety (90) Degrees:

(1) Residential Properties:

A. Maximum permitted height of luminaire of twenty (20) feet.

B. Maximum permitted illumination of five-tenths (0.50) foot-candle.

(2) Non-residential Properties:

A. Maximum permitted height of luminaire of forty (40) feet.
B. Maximum permitted illumination of two (2.0) foot-candles.

(c) Luminaries with Total Cutoff of Angle Less Than Ninety (90) Degrees. Luminaries with a total cutoff of angle less than ninety (90) degrees and located so the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above ground at the point where the cutoff angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire shall be as follows:

(1) Residential Properties:

A. Maximum permitted height of luminaire of twenty-five (25) feet.
B. Maximum permitted illumination of one (1.0) foot-candle.

(2) Nonresidential Properties:

A. Maximum permitted height of luminaire of fifty (50) feet.
B. Maximum illumination of four (4.0) foot-candles.

(d) Requirements for Stadiums. Because of their unique requirements for providing greater night-time visibility, their need to ensure public safety, and their limited hours of operation; stadiums (which include ball diamonds, playing fields, and tennis courts) are exempted from the exterior lighting standards as specified in (a), (b), and (c) above. A lighting plan for stadiums shall be established at the time that the request for exterior lighting is made. Each lighting plan shall take into consideration the follow standards:

(1) The height of the stadium light shall be the minimum height necessary to provide thirty (30) foot-candles of illumination on the playing surface, but shall not exceed one hundred (100) feet in height. The height of the stadium light may be increased if the resulting illumination will reduce glare and spillover illumination.

(1) The distance from any adjacent residential property to the stadium light pole shall be at least one and one half (1 1/2) the height of the luminaire. Public rights-of-way which fall between a stadium light and adjacent residential property may be used to calculate this minimum distance.

(2) To the maximum extent possible, existing mature vegetation shall be maintained to screen residential properties from affects of stadium lighting.

1159 - ENFORCEMENT AND PENALTY

1159.01 ENFORCEMENT

No person shall erect, construct, alter, repair, or maintain any building, structure, or sign, or use any land in violation of any regulation imposed by the zoning code. In the event of any such violation, or imminent threat thereof, the City, or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other such remedies provide by law, may institute an suit for injunction to prevent or terminate such violation.

1159.02 LEGAL NOTICE OR VIOLATION

Whenever the zoning administrator determines that there has been a violation of any provision of this Zoning Code, the Zoning Administrator shall give legal notice of such violation to the person or persons responsible therefore, and require compliance with this Zoning Code, as hereinafter provided. Such legal notice and requirement shall:

(a) Be put in writing on an appropriate form.
(b) Include a list of violations, refer to the section or sections of the code violated, and specify remedial action which, if taken will effect compliance with the provisions of this Zoning Code.
(c) Specify a reasonable time for performance of the remedial action.
(d) Be served on the owner, occupant, or agent, in person. However, this notice shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the last known mailing address, residence, or place of business. If a registered or certified mail envelope is returned with an endorsement showing that service was refused, the notice may be served by ordinary mail to the last known mailing address, residence or place of business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing. If the registered or certified mail envelope is returned with an endorsement showing that service was unclaimed, the notice may be served by ordinary mail to the last known address, residence or business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing, provided that the ordinary mail envelope is not returned to the postal authorities with any endorsement showing failure of delivery.

(1) The notice and order may, in the alternative, be served by leaving it at the last known residence or place of business in the presence of a family member or other responsible person of suitable age and discretion who shall be informed of the general nature of the contents thereof.

(2) If service is not accomplished by any of the above means, then a notification of the existence of the notice and order may be published at least once in a local newspaper of general circulation.

(e) Any person failing to comply with a legal notice and requirement as herein provided shall be deemed guilty of a misdemeanor and subject to penalties as set forth herein.

1159.03 STOP-WORK ORDER

Whenever it shall come to the attention of the Zoning Administrator that work of any kind is being undertaken contrary to the provisions of the zoning code, the Zoning Administrator shall promptly contact the owner of the premises involved, or to the agent of such owner, or to the person doing the work, explaining why the work being undertaken is contrary to the provisions of this Zoning Code and what actions need to be taken to comply with this Zoning Code. If the property owner does not bring the property into compliance, the Zoning Administrator shall promptly issue a stop work order to the owner of the premises involved, or to the agent of such owner, or to the person doing such work, and shall post at the site of the work a distinctive placard informing the public and all concerned that work at the site has been stopped by official order. Such order may be oral or written, and shall in all cases state the conditions under which work may be resumed. Such order shall also direct the performance of such work as may be necessary to remove any violations of the zoning code.

(a) On receiving the order, the recipient shall immediately cease such work and cause such work to be ceased by all other persons engaged therein. In the event the recipient of an order disagrees therewith, confirmation in writing from the Zoning Administrator may be requested and may then appeal from the order as provided herein, but the appeal shall not be deemed authority to resume such work until the appeal has been heard and favorably acted upon.

(b) Any person who shall violate any order or continue any prohibited work after notice, oral or written, that any order has been issued, shall be liable to the penalties prescribed for misdemeanors.

1159.04 ENTRY AND INSPECTION OF PREMISES

(a) The Zoning Administrator is authorized and directed to make inspections to determine conformance with the provisions of this Zoning Code and the compliance with orders issued pursuant to this section.

(1) For the purpose of making such inspections and upon showing appropriate identification, the Zoning Administrator is authorized to enter, examine, and survey at any reasonable hour all building, structures, dwellings and premises.

(2) The owner or occupant of every building, structure, dwelling, or premises, or the person in charge thereof, shall give the Zoning Administrator free access to such building, structure, dwelling, or premises at any reasonable hour for the purpose such inspection.

(b) No officer, agent, or employee of the City shall be rendered personally liable for any damage that may accrue to persons or property as a result of any act required, or permitted in the discharge of that person's duties under this Zoning Code. Any suit brought against any officer, agent, or employee of the City as a result of any act required or permitted in the discharge of their duties under this Zoning Code shall be defended by the City of Troy Law Director until the final determination of the proceedings therein.

1159.99 PENALTY

A violation of the requirements of this Zoning Code shall constitute a misdemeanor of the fourth degree, punishable as provided in Section 501.99 of the Codified Ordinances of the City of Troy, Ohio and each day such violation is continued shall constitute a separate offense. If the offender has previously been convicted of a violation of this Zoning Code, then a subsequent violation shall constitute a misdemeanor of the third degree, punishable as provided in Section 501.99 of the Codified Ordinances of the City of Troy, Ohio and each day such violation is continued shall constitute a separate offense.