

Unified Development Code (UDC)

TROY OHIO

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Chapter 1101 – Introductory Provisions

Sec. 1101-01, Title

This code shall be formally known as the Unified Development Code (UDC) for the jurisdiction of the City of Troy, Ohio.

Sec. 1101-02, Authority

This UDC is enacted by the City of Troy according to the authority granted in Ohio Revised Code (ORC) Chapters 711 and 713 and other applicable state and federal statutes as amended from time to time.

Sec. 1101-03, Purpose

The purposes of this UDC are to:

A. Combine the City's zoning, subdivision, sign, and other land development ordinances into a single document to reduce redundancy and improve efficiency in the application of the City's regulations;

B. Promote the public health, safety, morals, and general welfare of the City;

C. Guide future growth and development according to the City's most recently adopted comprehensive plan;

D. Provide adequate air, light, access, and privacy and to prevent undue congestion and overcrowding of the land;

E. Protect and conserve the value of land, buildings, and other improvements, and minimize the conflicts among the uses of lands and buildings;

F. To promote the delivery of public services such as utilities, streets, refuse collection, emergency medical services, fire protection, and police protection;

G. Establish reasonable standards of design and minimum requirements for the creation, installation, and improvement of physical facilities that are, or will be, maintained for the benefit of the general public;

H. Prevent the pollution of air and water including the safeguarding of the water table and drainage facilities and the encouragement of wise use and management of natural resources to preserve the integrity, stability, natural beauty, and the value of land;

I. The orderly and efficient layout of land which results in a variety of different housing and building types within the City;

J. To direct particular land uses to the parcels of property best suited for them physically and in terms of access to highways and public services;

K. Administer these regulations by defining the powers and duties of approval authorities, and the manner and form of making, filing, and processing of any application; and

L. Provide for thorough, efficient, and lawful administration of the UDC.

Sec. 1101-04, Effective Date

This UDC is effective upon full adoption by the Troy, Ohio City Council.

Sec. 1101-05, Jurisdiction

This UDC shall apply to land within the jurisdiction as shown on the Official City Limits Map, which is on file in the offices of the City of Troy, and shall apply to newly annexed territory.

Sec. 1101-06, Repeal of Previous City Codes

All previously adopted city ordinances and resolutions in conflict with this UDC are hereby repealed and replaced with the adoption of this UDC and official zoning map, including the following City's Codified Ordinances (numbers referenced are those applicable as of the effective date of this UDC):

A. Part Five, Chapter 521, Sec. 521.07, *Fences*;

B. Part Seven, Chapter 749, *Signs*;

C. Part Eleven, Title One, *Planning*;

D. Part Eleven, Title Three, *Subdivision Regulations;*

E. Part Eleven, Title Five, *Zoning Ordinance*; and

F. Part Thirteen, Chapter 1313, *Historical Troy Architectural District*.

Sec. 1101-07, Transitional Provisions

The following policies apply only to applications and approvals that are in progress at the time of adoption of this UDC:

A. **Pending Applications**. Applications that are received and completed before the adoption of this UDC shall continue their respective process according to the rules and provisions that were in place at the time of filing. This includes applications before the City Council, the Planning Commission (PC), the Board of Zoning Appeals (BZA), as well as applications for Certificate of Zoning Compliances, building permits, or zoning occupancy permits.

B. **Permits Issued**. Any Certificate of Zoning Compliance, building permit, or zoning occupancy permit that was issued before the adoption of this UDC shall remain valid for the timeframe and provisions established by the regulations that were in effect at the time of filing. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. Permits that have expired per the provisions established by the regulations that were in effect at the time of filing and need to be resubmitted shall now be subject to the regulations established by this UDC.

C. **Subdivisions**. Because subdivisions are subject to two (2) phases of approval (preliminary plat and final plat), the following transitional policies shall apply:

    1. *Preliminary Plat*. Any preliminary plat that was approved by regulations that were in place before the adoption of this UDC, that has not expired, and is otherwise still valid under said previous regulations, shall continue its respective process according to the rules and provisions that were in place at the time of filing. If the previous provisions did

not identify an expiration date for preliminary plat approval and an application for final plat (all or in part) has not been received and completed within two (2) years of the adoption of this UDC, then said preliminary plat shall automatically expire two (2) years after the date of the adoption of this UDC.

2. *Final Plat*. As long as the approved preliminary plat for a subdivision remains valid and has not expired, the lot standards, structure standards, and utility standards that were in place at the time the preliminary plat was approved shall apply to the final plat (all or in part) included in the preliminary plat approval.

Chapter 1102 – Zoning Districts

Sec. 1102-01, Zoning District Establishment and Map

A. **Purpose and Applicability.**

1. *Purpose.* The purpose of this chapter is to establish zoning districts that will provide for quality development and that will correspond to the specific purpose statements for each zoning district as set out in Table 1102-5, Base *Zoning Districts and Purposes*.

2. *Applicability*.

   a. *Effect*. The districts set out in this chapter apply to all land, buildings, and structures within the corporate boundaries of the City.

   b. *Zoning Districts*. As of the effective date of the Unified Development Code (UDC), land zoned with a district classification from the previous zoning regulations will be either consolidated into or renamed with a new district classification. The specifics of this consolidation process are shown in Table 1102-4, Zoning *District* Adjustment.

B. **Base Zoning Districts.**

Table 1102-1, Base Zoning Districts	
Name of District	**Abbreviation**
Wellhead Operation	WO
Open Space / Conservation	OS
Agricultural Residential	AR
Low-Density Residential	LR
Traditional Residential	TR
Urban Residential	UR
Multi-Unit Residential	MR
Office – Residential	OR
Neighborhood Commercial	NC
Urban Core	UC
Mixed-Use	MU
General Commercial	GC
Highway Commercial	HC
Light Industrial	LI
Heavy Industrial	HI

C. **Overlay and Special Zoning Districts.**

Table 1102-2, Overlay and Special Zoning Districts	
Name of District	**Abbreviation**
Wellfield Protection Overlay	WP
Historic Preservation Overlay	HPO
Downtown/Riverfront Overlay	DRO
Flood Plain	FP
Gateway Overlay	GO

D. **Planned Unit Development (PUD) Zoning Districts.**

Table 1102-3, Planned Unit Developments	
Name of District	**Abbreviation**
Planned Unit Development – Residential	PUD-R
Planned Unit Development – Commercial	PUD-C
Planned Unit Development - Industrial	PUD-I

E. **Official Zoning Map.**

1. *Generally*. The Official Zoning Map is a geographic coverage layer maintained as part of the City's geographic information system (GIS). Specific boundaries showing precise locations for each zoning district are officially maintained through the GIS electronic file format.

2. *Zoning Map Production*. The Development Code Administrator may authorize the production of printed copies of the Official Zoning Map and shall maintain digital or printed copies of previous versions for historical reference.

3. *Undesignated Property.* It is the intent of this UDC for the entire area within the City to be assigned a zoning district. Should it be determined that there is property within the City that does not have a zoning district assigned to it, then the zoning district of Open Space / Conservation (OS) shall apply. If any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining either side of the vacated area shall be extended automatically to the center of the land vacated, and all land area included in the vacation shall be subject to the appropriate regulations of the extended districts.

4. *Newly Annexed Areas.* Unless otherwise stated in a valid annexation agreement or annexation ordinance, territory that is annexed into the City of Troy after the effective date of this UDC shall be zoned as Open Space / Conservation (OS) District. Nothing in this UDC shall prevent the owner of property within the annexed territory from applying

for a zoning amendment after the effective date of annexation, pursuant to the procedures specified in Sec. 1109-06-D, *Zoning Map Amendments*.

5. *Development Code Administrator Discretion*. The Development Code Administrator shall review all questions concerning the exact location of zoning district boundary lines and make a determination as to the exact location of the boundaries.

6. *Development Code Administrator Referral to the Planning Commission.* If the Development Code Administrator is uncertain about the proper interpretation of the exact location of zoning district boundaries, he or she may refer the matter to the Planning Commission for a final judgment.

7. *Appeal of Zoning Map Interpretation.* An appeal of the Development Code Administrator's or Planning Commission's interpretation may be filed with the Board of Zoning Appeals per Sec. 1109-07-B, *Appeals.*

F. **Parcels of Property with More than One Zoning District.**

1. *Existing Interpretation of Zoning Boundaries.* Parcels of property with more than one zoning district (split zoned parcels) shall be bound by the location of their zoning district boundaries. For example, should the front portion of a split-zoned property be zoned General Commercial (GC), then the front portion of the property shall only be built in conformance with the zoning district regulations of the GC district.

2. *Removal of Split Zoned Boundaries from the Zoning Map.* As of the effective date of this UDC, split zoned properties shall no longer be permitted within the City of Troy.

3. *Public Notice.* All property owners with parcels of property that are split zoned shall be given written notice of the aforementioned process to remove the split zoning district designation approximately three months prior to all parcels becoming zoned with one designation.

Sec. 1102-01, Base Zoning Districts

A. **Base Zoning District Adjustment Table.** Table 1102-4, *Zoning District Adjustment,* demonstrates the connection between the base zoning districts found in this UDC to the previous ordinance's base zoning districts and Future Character Classes identified within the adopted Troy Comprehensive Plan.

Table 1102-4, Zoning District Adjustment

Comprehensive Plan Character Classes	Previous Zoning Classification	Current UDC Zoning Classification
Open Space / Conservation	Wellhead Operation (WO)	Wellhead Operation (WO)
	N/A	Open Space / Conservation (OS)
Agricultural	Agricultural (A)	Agricultural Residential (AR)
	Agricultural Residential (A-R)	

Table 1102-4, Zoning District Adjustment		
Comprehensive Plan Character Classes	**Previous Zoning Classification**	**Current UDC Zoning Classification**
Single-Unit Detached Residential	Single-Family Residential (R-1)	Low-Density Residential (LR)
	Single-Family Residential (R-2)	Traditional Residential (TR)
	Single-Family Residential (R-3)	
	Single-Family Residential (R-3-B)	
	Single-Family Residential (R-4)	Urban Residential (UR)
	Single-Family Residential (R-5)	
Single-Unit Attached Residential	Two-Family Residential (R-6)	Multi-Unit Residential (MR)
Multi-Unit Residential	Multiple-Family Residential (R-7)	
Office-Residential	Office-Residential (OR-1)	Office – Residential (OR)
Neighborhood Commercial	Office-Commercial (OC-1)	Neighborhood Commercial (NC)
	Local Retail (B-1)	
Downtown Mixed Use	Central Business District (B-3)	Urban Core (UC)
Mixed-Use	N/A	Mixed-Use (MU)
Regional Commercial	General Business (B-2)	General Commercial (GC)
	Highway Service Businesses (B-4)	Highway Commercial (HC)
Light Industrial	Planned Office/Industrial (M-1)	Light Industrial (LI)
	Light Industrial (M-2)	
General Industrial	General Industrial (M-3)	Heavy Industrial (HI)

B. **Base Zoning Districts and Purpose of Each District.** The zoning districts, with abbreviations, for the City and the purpose for each zoning district are established in Table 2.5, *Zoning Districts and Purposes*.

Table 1102-5, Base Zoning Districts and Purposes	
District	**The purpose of the district is to provide for:**
Wellhead Operation (WO)	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 facilities.
Open Space / Conservation (OS)	Access to health equipment, sports facilities, nature, and community events. This land can be publicly or privately owned and is not intended to be intensely developed for residential, commercial, or industrial uses.
Agricultural Residential (AR)	Larger plots of land for agricultural and residential uses. Land within these districts includes wide-open spaces and long distances between structures. This land is not meant to be intensely developed.
Low-Density Residential (LR)	Low-density development of residential buildings that are not physically connected to other dwelling units. Some institutional uses may also be accommodated within neighborhoods or within subdivision boundaries.
Traditional Residential (TR)	Low- to medium-density development of residential buildings that are not physically connected to other dwelling units. Some institutional uses may also be accommodated within neighborhoods or within subdivision boundaries.
Urban Residential (UR)	Medium-to-high density development of housing units that may or may not be physically connected by a shared common wall. Developments in these districts may encourage more affordable home ownership.
Multi-Unit Residential (MR)	High-density development of apartments and condos for both sale and rent. These districts should be established near commercial or mixed-use areas and have daily needs within walking distance.
Office Residential (OR)	Transition from residential to commercial uses along City corridors. The district allows for limited but essential services near residential uses where full-scale commercial development is not appropriate. Buildings should look like single-unit detached structures but may operate with a low-intensity commercial use.
Neighborhood Commercial (NC)	A buffer between residential and commercial zoning districts. The district is suitable for buildings originally built as residential buildings on minor arterial or collector streets in the city where commercial demand is available. This district is not suitable for more intense commercial uses, such as large strip centers or malls.
Urban Core (UC)	A variety of land uses serving the downtown area of Troy. Developments in this district should be at a pedestrian scale. High-intensity development with compact blocks and multiple-story buildings are appropriate for this district.

Table 1102-5, Base Zoning Districts and Purposes	
District	**The purpose of the district is to provide for:**
Mixed-Use (MU)	Both residential and commercial uses that correlate in a way that creates a vibrant and walkable development. Most commonly, mixed-use districts allow for first-floor commercial space with upper-story residential or office uses. This district is suitable for areas of primarily commercial development with the potential to diversify and expand with additional residential development.
General Commercial (GC)	Locations within the City to be used primarily to for good and services. This district is more suited to larger-scale commercial businesses serving a wider range of customers. The district is not conducive to automobile-focused commercial land uses.
Highway Commercial (HC)	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.
Light Industrial (LI)	Large buildings on separate lots or multi-unit flexible spaces that encourage national and local job creation in Troy. This district is most suitable for distribution, assembly, and non-intensive manufacturing land uses.
Heavy Industrial (HI)	More intensive industrial land uses as well as structures and activities that support and encourage industrial growth. This district allows for the highest intensity of land use permitted in Troy.
Note – Overlay zoning district purposes are found within Sec. 1102-03, *Overlay Zoning Districts*.	

C. **Land Uses Designations.** The text below is intended to clarify the meaning of key terms as used in Table 1102-6, *Land Use Matrix: Primary Residential Uses,* and Table 1102-7, *Land Use Matrix: Primary Non-Residential Uses*.

D. **Prohibited Uses**. The following land uses are specifically prohibited within the City regardless of the zoning district for which the property in question is located:

1. Adult Use Cannabis Operators;
2. Automobile Fuel Dispensing Station (only prohibited as a primary use – See Accessory Use Table);
3. Casino Gaming Center;
4. Commercial Truck Parking Lot;
5. Manufactured Home;
6. Manufactured Home Park;
7. Manufactured Home Sales;
8. Recreational Vehicle Park and Campground;
9. Skill-Based Amusement Center;
10. Solar-Energy System, Commercial; and

11. Wind Energy System, Commercial.

E. **Permitted Uses.** A land use allowed without any additional use-specific standards and can be approved administratively by the Development Code Administrator. Permitted Uses are shown as a "P" in Table 1102-6, *Land Use Matrix: Primary Residential Uses* and Table 1102-7, *Land Use Matrix: Primary Non-Residential Uses*.

F. **Use Standards.** Additional standards that apply to a specific land use in specific zoning districts as specified by this UDC. Any land use with this designation can be approved administratively, provided the additional use standards are met. Land uses with use standards are shown as a "US" in Table 1102-6, *Land Use Matrix: Primary Residential Uses* and Table 1102-7, *Land Use Matrix: Primary Non-Residential Uses*.

G. **New and Unspecified Uses.**

1. *Authorization of Proposed Use.*

   a. *Development Code Administrator Discretion*. If a proposed use is not specified in either Table 1102-6, *Land Use Matrix: Primary Residential Uses* or Table 1102-7, *Land Use Matrix: Primary Non-Residential Uses*, the Development Code Administrator shall make a determination. This determination shall be documented in writing, as to whether the use is either a subcategory or functionally similar to a specifically identified use.

   b. *Referral to Planning Commission*. Should the Development Code Administrator determines that it is necessary, he or she may refer the determination of whether a use is a subcategory or functionally similar to a specified use to the Planning Commission.

2. *If Not Authorized, Then Prohibited.* If the Development Code Administrator determines that a proposed use is not a subcategory of, or functionally similar to, a listed use in either Table 1102-6, *Land Use Matrix: Primary Residential Uses* or Table 1102-7, *Land Use Matrix: Primary Non-Residential Uses,* then the use is a prohibited use. The Development Code Administrator shall, in writing, document the determination is the proposed use is not a subcategory of, or functionally similar to a use otherwise listed in this UDC. An applicant may appeal the decision of the Development Code Administrator to the Planning Commission.

3. *Decision Criteria.* The following decision criteria shall be evaluated by the Development Code Administrator, or at the Development Code Administrator's discretion, the Planning Commission, to decide whether a proposed use is a subcategory of, or is functionally comparable to, a use specifically identified in either Table 1102-6, *Land Use Matrix: Primary Residential Uses* or Table 1102-7, *Land Use Matrix: Primary Non-Residential Uses*.

   a. The amount of impervious surface;

   b. Regulated air or water emissions;

   c. Noise;

d. Lighting;

e. Dust;

f. Odors;

g. Solid waste generation;

h. Use and storage of hazardous materials;

i. Character of buildings and structures;

j. Nature and impacts of operation;

k. Building and Site Arrangement;

l. Hours of operation;

m. The actual or projected characteristics of the proposed use;

n. The relative amount of site area or floor area and equipment devoted to the proposed use;

o. Relative amount of sales; and

p. The customer type.

H. **Land Use Matrix – Primary Residential Uses and Primary Nonresidential Uses by Zoning District.** Table 1102-6, *Land Use Matrix: Primary Residential Uses*, and Table 1102-7, *Land Use Matrix: Primary Nonresidential Uses,* set out the primary land uses which are either prohibited, permitted, or permitted with additional use standards. For land uses prohibited citywide, see Sec. 1102-01-D, *Prohibited Uses.*

I. **Downtown/Riverfront Overlay District (DRO) Zoning.** When a property is within the DRO boundary Table 1102-9, *Land Use Matrix: Primary Uses: Downtown / Riverfront Overlay District*, is applicable to all land uses not Table 1102-6, *Land Use Matrix: Primary Residential Uses* and Table 1102-7, *Land Use Matrix: Primary Nonresidential Uses*.

Table 1102-6, Land Use Matrix: Primary Residential Uses															
-- = Prohibited; P = Permitted; US = Use Standards															
Land Use	Open Space		Residential						Mixed Use / Commercial					Industrial	
	WO	OS	AR	LR	TR	UR	MR	OR	NC	UC	MU	GC	HC	LI	HI
Single Detached Dwelling	--	--	US	US	US	US	US	US	--	--	--	--	--	--	--
Duplex	--	--	--	--	--	--	US	US	--	--	--	--	--	--	--
Triplex	--	--	--	--	--	--	US	--	--	--	--	--	--	--	--
Townhouse	--	--	--	--	--	--	US	US	--	--	US	--	--	--	--
Multi-Dwelling Residential	--	--	--	--	--	--	P	--	--	--	--	--	--	--	--
Group Home, Foster Care	--	--	US	US	US	US	US	US	--	--	--	--	--	--	--
Group Home, Supportive Care	--	--	US	US	US	US	US	US	--	--	--	--	--	--	--

Table 1102-7, Land Use Matrix: Primary Nonresidential Uses															
-- = Prohibited; P = Permitted; US = Use Standards															
Land Use	Open Space		Residential						Mixed Use / Commercial					Industrial	
	WO	OS	AR	LR	TR	UR	MR	OR	NC	UC	MU	GC	HC	LI	HI
Agricultural Uses	**WO**	**OS**	**AR**	**LR**	**TR**	**UR**	**MR**	**OR**	**NC**	**UC**	**MU**	**GC**	**HC**	**LI**	**HI**
Farm	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--
Nursery	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--
Automobile and Related Service Uses	**WO**	**OS**	**AR**	**LR**	**TR**	**UR**	**MR**	**OR**	**NC**	**UC**	**MU**	**GC**	**HC**	**LI**	**HI**
Automobile Parking (Primary Use)	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P
Automobile Repair, Major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	US
Automobile Repair, Minor	--	--	--	--	--	--	--	--	--	--	--	US	US	--	US
Automobile / Vehicle Sales	--	--	--	--	--	--	--	--	--	--	--	--	US	--	--

Table 1102-7, Land Use Matrix: Primary Nonresidential Uses															
-- = Prohibited; P = Permitted; US = Use Standards															
Land Use	**Open Space**		**Residential**						**Mixed Use / Commercial**					**Industrial**	
	WO	**OS**	**AR**	**LR**	**TR**	**UR**	**MR**	**OR**	**NC**	**UC**	**MU**	**GC**	**HC**	**LI**	**HI**
Automobile Vehicle Rental	--	--	--	--	--	--	--	--	--	--	--	--	US	--	--
Car Wash	--	--	--	--	--	--	--	--	--	--	--	--	US	--	--
Moving Company	--	--	--	--	--	--	--	--	--	--	--	--	--	US	--
Truck Facilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	US
Civic, Institutional, and Health Care Uses	**WO**	**OS**	**AR**	**LR**	**TR**	**UR**	**MR**	**OR**	**NC**	**UC**	**MU**	**GC**	**HC**	**LI**	**HI**
Adult Day Services	--	--	--	--	--	--	--	P	P	--	--	P	--	--	--
Cemetery	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Child Care Center	--	--	--	--	--	US	US	US	US	--	US	US	--	--	--
Correctional Institution	--	--	--	--	--	--	--	--	--	--	--	--	--	--	US
Government Service	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Hospital / Rehabilitative Care	--	--	--	--	--	--	--	--	--	--	--	US	US	--	--
Library	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--
Medical and Dental Office / Clinic	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--
Medical and Diagnostic Laboratories	--	--	--	--	--	--	--	--	P	--	P	P	P	P	P
Museum	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--
Nursing Home	--	--	--	--	--	--	P	--	P	--	--	--	--	--	--
Parks and Recreational Facilities, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--

Table 1102-7, Land Use Matrix: Primary Nonresidential Uses															
-- = Prohibited; P = Permitted; US = Use Standards															
Land Use	**Open Space**		**Residential**						**Mixed Use / Commercial**					**Industrial**	
	WO	**OS**	**AR**	**LR**	**TR**	**UR**	**MR**	**OR**	**NC**	**UC**	**MU**	**GC**	**HC**	**LI**	**HI**
Parks and Recreational Facilities, Private	US	US	US	US	US	US	US	--	--	--	--	--	--	--	--
Place of Public Assembly, Indoor	US	--	US	US	US	US	US	US	P	P	P	P	--	--	--
Schools, Driver Training	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P
Schools, Health and Beauty	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--
Schools, Private	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--
Schools, Public	P	--	P	P	P	P	P	P	P	P	P	P	P	--	--
Commercial Uses	**WO**	**OS**	**AR**	**LR**	**TR**	**UR**	**MR**	**OR**	**NC**	**UC**	**MU**	**GC**	**HC**	**LI**	**HI**
Adult Entertainment Business	--	--	--	--	--	--	--	--	--	--	--	--	--	--	US
Bank, Credit Union, and Financial Services	--	--	--	--	--	--	--	US	P	P	P	P	P	--	--
Barber and Beauty Shops	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--
Commercial Recreation and Amusement Services, Indoor	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
Commercial Recreation and Amusement Services, Outdoor	--	--	--	--	--	--	--	--	--	--	--	US	US	--	--
Grocery	--	--	--	--	--	--	--	US	US	P	P	P	P	--	--
Hardware Store	--	--	--	--	--	--	--	--	P	--	--	US	US	US	--
Heavy Equipment Rental and Sales	--	--	--	--	--	--	--	--	--	--	--	--	--	US	--

Table 1102-7, Land Use Matrix: Primary Nonresidential Uses															
-- = Prohibited; P = Permitted; US = Use Standards															
Land Use	**Open Space**		**Residential**						**Mixed Use / Commercial**					**Industrial**	
	WO	**OS**	**AR**	**LR**	**TR**	**UR**	**MR**	**OR**	**NC**	**UC**	**MU**	**GC**	**HC**	**LI**	**HI**
Hotel	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--
Kennel	--	--	US	--	--	--	--	--	--	--	--	US	--	--	--
Laundromat	--	--	--	--	--	--	--	--	P	--	P	P	P	--	--
Office, General	--	--	--	--	--	--	--	P	P	P	P	P	P	US	--
Personal Services	--	--	--	--	--	--	--	US	P	P	P	P	P	--	--
Restaurant	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--
Retail Sales	--	--	--	--	--	--	--	US	P	P	P	P	P	--	--
Self-Storage, Mini-Warehouse	--	--	--	--	--	--	--	--	--	--	--	--	--	US	--
Studio: art, music, dance	--	--	--	--	--	--	--	US	P	P	P	P	P	--	--
Tattoo Studio	--	--	--	--	--	--	--	--	--	--	--	US	--	--	--
Tavern	--	--	--	--	--	--	--	--	--	P	P	US	US	--	--
Tobacco, Cigarette, and Vape Stores	--	--	--	--	--	--	--	--	--	--	--	US	--	--	--
Veterinary Clinic and/or Service	--	--	US	--	--	--	--	US	US	--	US	US	US	--	--
Industrial and Manufacturing Uses	**WO**	**OS**	**AR**	**LR**	**TR**	**UR**	**MR**	**OR**	**NC**	**UC**	**MU**	**GC**	**HC**	**LI**	**HI**
Adult Use Testing Laboratories	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P
Contractor's Shop	--	--	--	--	--	--	--	--	--	--	--	--	--	US	US
Lumber Store and Yard	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--
Salvage Yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	US
Manufacturing, Heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	US
Manufacturing, Light	--	--	--	--	--	--	--	--	--	--	--	--	--	US	US

Table 1102-7, Land Use Matrix: Primary Nonresidential Uses															
-- = Prohibited; P = Permitted; US = Use Standards															
Land Use	**Open Space**		**Residential**						**Mixed Use / Commercial**					**Industrial**	
	WO	**OS**	**AR**	**LR**	**TR**	**UR**	**MR**	**OR**	**NC**	**UC**	**MU**	**GC**	**HC**	**LI**	**HI**
Manufacturing Training Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P
Mineral Excavation	--	--	--	--	--	--	--	--	--	--	--	--	--	--	US
Warehousing and Storage, Indoor	--	--	--	--	--	--	--	--	--	--	--	--	--	US	US
Transportation, Utility, and Communication Uses	**WO**	**OS**	**AR**	**LR**	**TR**	**UR**	**MR**	**OR**	**NC**	**UC**	**MU**	**GC**	**HC**	**LI**	**HI**
Airport / Heliport	--	--	--	--	--	--	--	--	--	--	--	--	--	US	--
Data Center	--	--	--	--	--	--	--	--	--	--	--	--	--	US	US
Distribution Center	--	--	--	--	--	--	--	--	--	--	--	--	--	US	US
Landfill	--	--	--	--	--	--	--	--	--	--	--	--	--	--	US
Public Transportation Terminal	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--
Wireless Communications Facilities (WCF)	--	--	--	--	--	--	--	--	--	--	--	--	US	--	--

J. **Dimensional Standard Terminology.** The following terms are used in Table 1102-8, *Dimensional Standards* and throughout the UDC. The text below is intended to clarify the meaning of said terms.

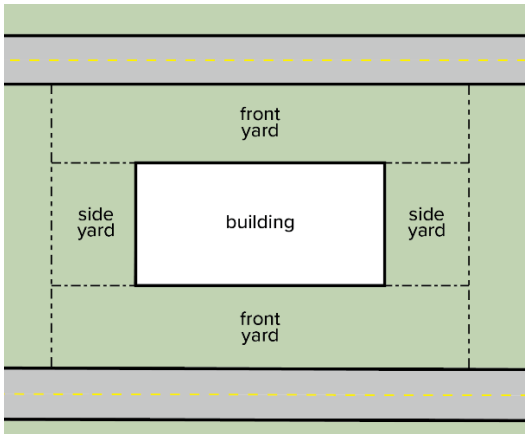
1. *Building Height.* Height is the vertical distance from the average grade surrounding the building or structure to the roof's highest point. Height regulations specified in the various zoning districts shall not apply to chimneys, steeples, spires, or similar structures attached to the primary structure, provided the height of all such structures shall not constitute a hazard to the safe landing and takeoff of aircraft from an established airport or hospital and the maximum height of said chimney, steeple, spire or similar structures is not higher than the twice the zoning district height requirement within said zoning district.

2. *Maximum Impervious Surface.* The maximum impervious surface refers to the total percentage of a property that can be covered with buildings or pavement. The

calculation of impervious surface shall include principal and accessory structures, decks, porches, or steps covered by a roof but shall not include open decks, porches, other structures with no roof, sidewalk, or any other paved surface on the property.

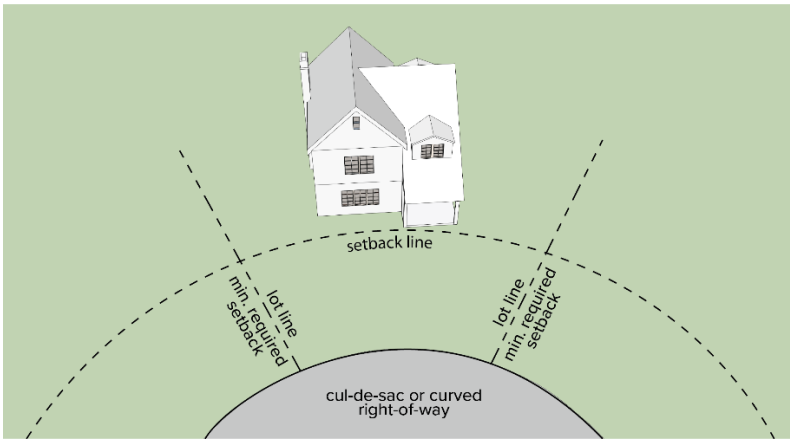
3. *Minimum Lot Width.* The minimum lot width of the property is the horizontal distance between the side property lines, measured at the required front setback line. For lots on curved streets or at the terminus of a cul-de-sac, lot width shall be determined by the chord length of the lot at the minimum building setback line.
4. *Minimum Lot Area*. The minimum area, excluding any right-of-way, for a lot within a specific zoning district.
5. *Minimum Front Setback*. The front setback is measured from the right-of-way to the foundation of the principal building.
6. *Through (Double-Frontage) Lots*. A through lot will have two (2) front setbacks opposite each other and will not have a rear yard setback.

Figure 1102-1, Through Lot Setbacks



7. *Corner lots*. A corner lot will have two (2) front setbacks.
8. *Cul-de-sac or Covered Street.* For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front lot line. The lot width at the front lot line may be reduced to no less than 35 feet, however, the lot width at the front building line shall equal the minimum lot width required in the applicable zoning district.

Figure 1102-02, Cul-de-Sac or Curved Street Lot



9. *Minimum Side Setback*. The side setback is measured from the side lot line to the foundation of the primary building.

10. *Minimum Rear Setback.* The rear setback is measured from the rear lot line to the foundation of the primary building.

11. *Other Lot Configurations*. Where there is an instance of a lot configuration not addressed in the previous sections (e.g. interior, corner, etc.) or where there is an atypical building orientation on any lot, the Development Code Administrator shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required. In addition, the Development Code Administrator shall have the authority to determine appropriate yard locations for accessory structures.

K. **Dimensional Standards Table.** Table 1102-8, *Dimensional Standards,* lists out the dimensional standards for primary structures within each zoning district.

Table 1102-8, Dimensional Standards

Zoning District	Max. Height (A)	Max. Lot Coverage (B)	Min. Lot Width (C)	Min. Lot Depth (D)	Min. Lot Area (E)	Min. Front Setback (F)	Min. Side Setback (G)	Min. Rear Setback (H)
WO	65 ft.	30%	60 ft.	100 ft.	6,000 sq. ft.	25 ft.	10 ft.	30 ft.
OS	40 ft.	25%	50 ft.	100 ft.	5,000 sq. ft.	25 ft.	5 ft.	25 ft.
AR	50 ft.	25%	250 ft.	500 ft.	125,000 sq. ft.	50 ft.	40 ft.	50 ft.
LR	40 ft.	25%	150 ft.	250 ft.	37,500 sq. ft.	50 ft.	25 ft.	50 ft.
TR	40 ft.	40%	80 ft.	150 ft.	12,000 sq. ft.	30 ft.	10 ft.	35 ft.
UR	40 ft.	50%	50 ft.	120 ft.	6,000 sq. ft.	25 ft.	5 ft.	30 ft.

Table 1102-8, Dimensional Standards								
Zoning District	**Max. Height (A)**	**Max. Lot Coverage (B)**	**Min. Lot Width (C)**	**Min. Lot Depth (D)**	**Min. Lot Area (E)**	**Min. Front Setback (F)**	**Min. Side Setback (G)**	**Min. Rear Setback (H)**
MR[7]	40 ft.	50%	50 ft.	120 ft.	6,000 sq. ft.[1]	25 ft.	5 ft.[2]	25 ft.
OR[7]	40 ft.	50%	60 ft.	100 ft.	6,000 sq. ft.[1]	25 ft.	10 ft.[3]	30 ft.
NC	40 ft.	60%	60 ft.	100 ft.	6,000 sq. ft.	25 ft.	5 ft.	25 ft.
UC	75 ft.[4]	N/A	50 ft.	100 ft.	5,000 sq. ft.	N/A	N/A	N/A[5]
MU[7]	65 ft.	N/A	50 ft.	100 ft.	5,000 sq. ft.	N/A	N/A	N/A[5]
GC	65 ft.	80%	70 ft.	100 ft.	7,000 sq. ft.	25 ft.	10 ft.	25 ft.
HC	65 ft.	80%	100 ft.	200 ft.	20,000 sq. ft.	25 ft.	10 ft.	25 ft.
LI	75 ft.[6]	80%	100 ft.	200 ft.	20,000 sq. ft.	25 ft.	20 ft.	25 ft.
HI	75 ft.[6]	80%	100 ft.	200 ft.	20,000 sq. ft.	25 ft.	20 ft.	25 ft.

Notes:

1. 3,000 sq. ft. per dwelling unit for multi-dwelling residential.
2. For three-story buildings, the side setback shall be at least 50% of the building height.
3. If the building height is more than double the min. side setback, the side yard shall be at least 50% of the building height.
4. The height of an individual building may be increased by one floor above the higher of the two adjoining buildings.
5. A rear yard depth of at least 25 ft. is required when abutting a residential zoning district
6. Structure height shall not exceed any of the front, rear, or side setback.
7. Townhouse development is permitted in this zoning district provided that the exterior setbacks of the buildings meet the minimum front setback, minimum side setback, and minimum rear setback of the applicable zoning district. This will then in no way prohibit the development of zero-lot line development on both sides of the townhouse that can then be sold as individual units. The zero lot line in this circumstance is referred to as the interior setback.

L. **Lot Dimensions Requirement.**

1. *Required to Build.* No lot or parcel may be improved with a building or structure unless:

   a. The front lot line of such lot abuts fully on a publicly dedicated street.

   b. The lot satisfies the frontage and minimum lot dimension and area requirements of the zoning district in which it is located, specified in Chapter 1102*, Zoning Districts*, or satisfies the provisions of a lawfully granted zoning variance. See Sec. 1109-07-A, *Variances*.

2. *Minimum Requirements***.**

a. No lot, parcel, 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 UDC. For properties that are already below any minimum requirement of this UDC, the area or dimension shall not be further reduced.

b. Unless specifically stated in this UDC (such as the provisions within Sec. 1105-03-F, *Shared Parking*), calculations for minimum requirements shall only be counted once for each individual property.

M. **Principal Buildings.**

1. *Generally.* There shall be not more than one (1) principal building for each lot.

2. *Exceptions.* Development requests regarding more than one (1) principal building for each lot shall only be permitted through a planned development process. See Sec. 1111-07, *Planned Unit Developments (PUD)*.

a. *Agricultural Exception.* Agricultural buildings that are associated with agricultural use are exempt from the provisions of this section. See Sec. 1112-02, *Definitions for the* definition of an agricultural use. Agricultural buildings typically include silos, barns, etc. These buildings shall comply with the additional standards found in this UDC.

b. *Self-Storage Facility Exception.* Self-storage facilities are exempt from the provisions of this section provided that the buildings comply with the use specific standards found in Sec. 1103-03 (HH.), *Self-Storage, Mini-warehouse.*

N. **Corner Lots.** 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 as specified in *Chapter 1102, Zoning Districts*.

O. **Yards.**

1. *Through Lots*. On a through lot, a front yard shall be provided on each frontage equal to the minimum required front yard. There shall be no required rear yard on a through lot.

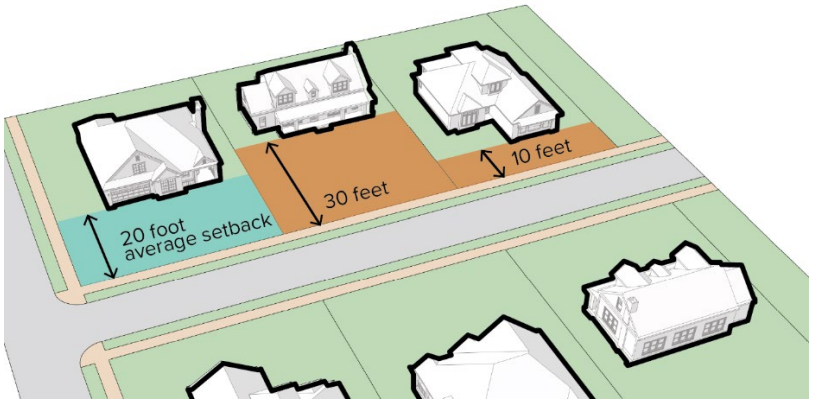
2. *Yards Required for Buildings*. A yard or other open space required for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.

3. *Front Yard Exceptions and Modifications.*

a. *Front Setback Averaging – Standard to be Greater than Zoning District Designation.* In the TR, UR, MR, and OR districts if the primary buildings along the frontage of any street segment located between two intersecting streets has an average setback which is greater in dimension than the minimum front setback established for the zoning district in which the street frontage is located then an average actual distance of all buildings fronting upon such street shall be used as the front setback requirement., provided that this regulation shall not be interpreted to require a front yard of more than fifty (50) feet.

b. *Front Setback Averaging – Standard to be Less than Zoning District Designation.* In TR, UR, MR, and OR districts if the primary buildings along the frontage of any street segment located between two intersecting streets has an average setback which is lesser in dimension than the minimum front setback established for the zoning district in which the street frontage is located then an average actual distance of all buildings fronting upon such street shall be used as the front setback requirement.

Figure 1102-03, Front Yard Setback Averaging



c. *Allowance for Front Yard Garages with Steep Grade.* 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 percent (12%) or less to a private garage conforming to the requirements of this UDC, the garage may be located within the front yard, but not, in any case, closer than twenty (20) feet to the street lines.

4. *Permitted Obstructions in Required Yards.* Architectural features may project into required yards as follows:

   a. *All 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 be 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) Signs, subject to the restrictions in Sec. 1105-05-L, *Projecting Signs*.

8) Fences and walls, subject to the restrictions in Sec. 1105-04-H, of this UDC.

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.

12) ADA Ramps that comply with the Americans with Disabilities Act.

b. *Rear Yards*.

1) Open, off-street parking spaces.

2) Permitted accessory structures.

3) Breezeways and open porches.

c. *Side Yards*. Open, off-street parking spaces may project into any required side yard.

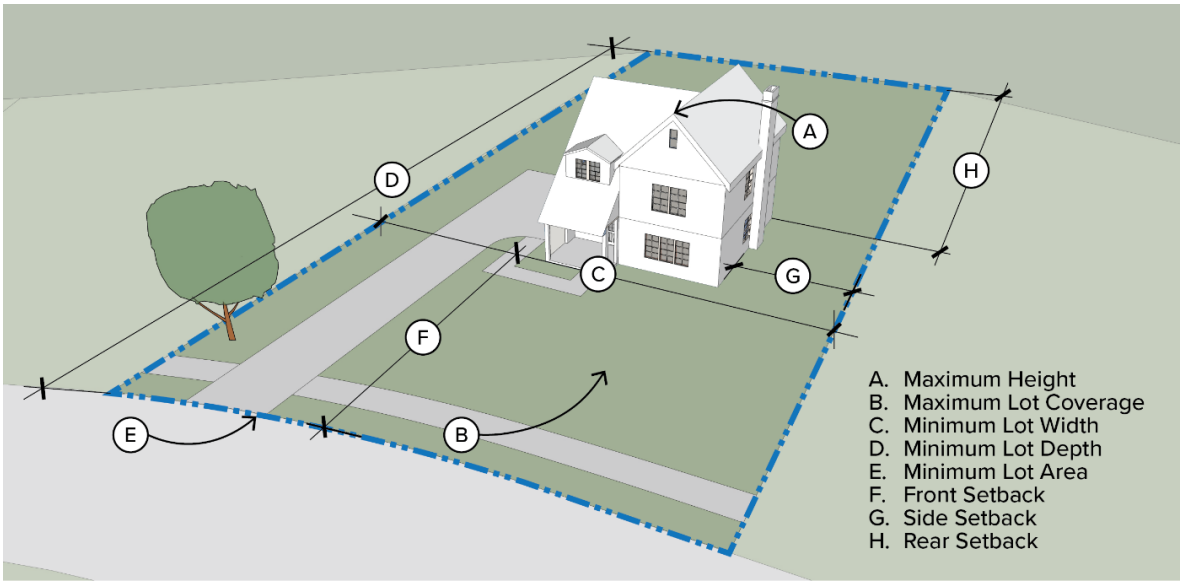
d. *Improvements Required by the Americans with Disabilities Act*. Architectural projections required for persons with disabilities that necessitate encroachment into any required yard shall be permitted.

5. *No Other Reduction Permitted without a Variance or Approval of Planned Unit Development.* No lot, yard, court, parking or other space shall be reduced in area or dimensions other than specified within this Section or any other section of the UDC so as to make said area or dimensions less than the minimum required by this UDC; and, if already less than the minimum requirement by this UDC, said area or dimensions shall not be further reduced. Exceptions to this standard shall only be granted if a reduction is approved as part of a Variance (See Sec. 1109-07-A) or Planned Unit Development (See Sec. 1109-06-E).

P. **Illustrative Examples of Dimensional Standards.**

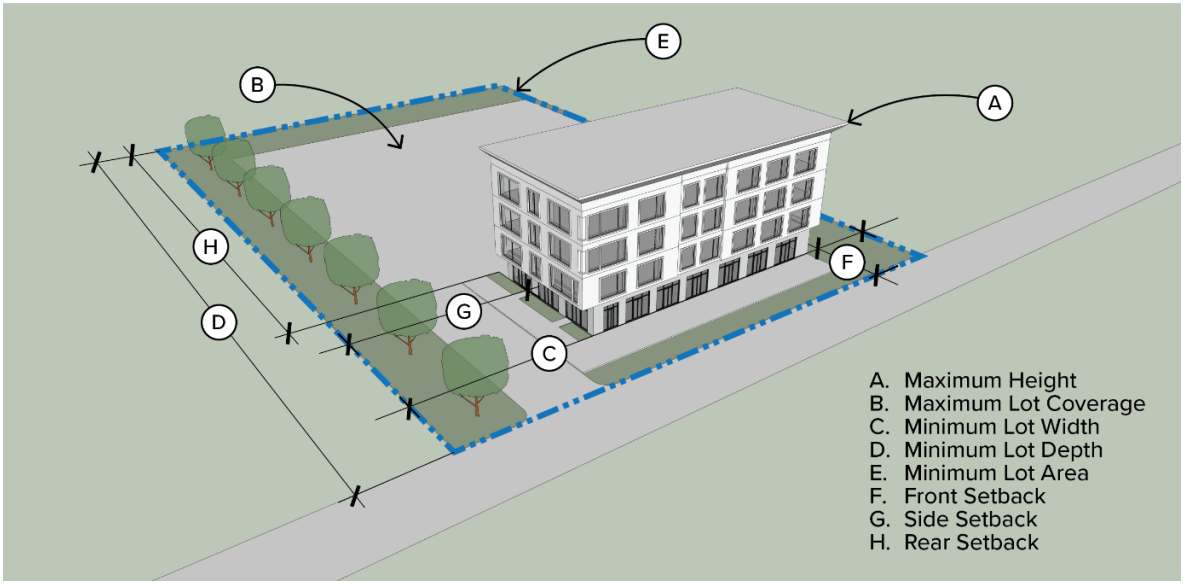
1. Figure 1102-4, *Low-Density Residential (LR) Dimensional Standards*, provides a residential example of how the standards as identified in Table 1102-8, *Dimensional Standards*, are to be interpreted. The letters used in the header row for Table 1102-8, *Dimensional Standards,* correspond directly to letters used in Figure 1102-4, *Low-Density Residential (LR) Dimensional Standards*.

Figure 1102-4 Low-Density Residential (LR) Dimensional Standards



2. Figure 1102-5, *General Commercial (GC) Dimensional Standards*, provides an example of how the standards as identified in Table 1102-8, *Dimensional Standards*, are to be interpreted. The letters used in the header row for Table 1102-8, *Dimensional Standards,* correspond directly to letters used in this Figure 1102-5.

Figure 1102-5, General Commercial (GC) Dimensional Standards



Q. **Allowances for Architectural Features.** Cornices, canopies, eaves, pilasters, sills, or other architectural features may project into a front, side, or rear yard not more than three (3) feet from the required appropriate setback per Table 1102-8, *Dimensional Standards*.

R. **Additional Standards.** The standards of this Chapter are applied in addition to all other standards within this UDC, including but not limited to Chapter 1103, *Primary Use Standards*; Chapter 1105, *Site Standards*; and Chapter 1107, *Subdivision Design Regulations*.

Sec. 1102-03, Overlay Zoning Districts

A. **Applicability.** Overlay zoning districts provide requirements in addition to those of the base districts as set out in Sec. 1102-01, Base Zoning Districts. The regulations of the base zoning districts shall remain in full effect, except where provisions conflict, then the more stringent restriction shall prevail.

B. **Downtown/Riverfront Overlay District (DRO).**

1. *Purpose*. The DRO district is designed to promote the revitalization of Downtown Troy and nearby riverfront areas by providing an optional alternative to the regulations of the various underlying base 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.

2. *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 base standards and requirements. It is the intent of this section that the DRO be applied only in situations where the base zoning requirements are inappropriate or unduly restrictive. In many situations, those base zoning restrictions will fully satisfy the objectives of the Comprehensive Plan. Therefore, whether or not to grant approval of DRO application is within the sound discretion of the Planning Commission. However, any requested departure from the base zoning district standards, with the exception of the addition of an attached accessory dwelling unit (See Sec. 1104-01-E-2, *Attached Accessory Dwelling Unit*) shall require a site plan review through the DRO process.

3. *Objectives.* The DRO 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.

4. *Boundaries*. The boundaries of the DRO district are as shown on the official zoning map.

5. *Land Use Matrix – NC, GC, or LI.* Table 1102-9*, Land Use Matrix: Primary Uses: Downtown / Riverfront Overlay District,* is a land use matrix that identifies the specific zoning districts that limit the permissible land uses when a parcel of property is within the DRO boundaries and the underlying base zoning district is NC, GC, or LI.

a. *Applicability.* When a property is within the DRO boundary Table 1102-9, *Land Use Matrix: Primary Uses: Downtown / Riverfront Overlay District*, is applicable to all land uses not Table 1102-7, *Land Use Matrix: Primary Nonresidential Uses*.

b. *Prohibited Uses.* Uses listed in Table 1102-7, *Land Use Matrix: Primary Nonresidential Uses*, that are not listed in Table 1102-9, *Land Use Matrix: Primary Uses: Downtown / Riverfront Overlay District*, are expressly prohibited within the Downtown / Riverfront Overlay District area for base zoning districts (NC, GC, and LI) of this land use matrix.

Table 1102-9, Land Use Matrix: Primary Uses: Downtown / Riverfront Overlay District			
P = Permitted; -- = Prohibited			
Land Uses	**NC**	**GC**	**LI**
Automobile and Related Uses			
Automobile Parking (Primary Use)	P	P	--
Civic, Institutional, and Health Care Uses			
Child Care Center	P	P	--
Government Service	P	P	P
Library	P	P	--
Medical and Diagnostic Laboratories	P	P	P
Medical and Dental Office / Clinic	P	P	--
Museum	P	P	--
Place of Public Assembly, Indoor	P	P	P
Parks and Recreational Facilities	P	--	--
Schools	P	P	--

Table 1102-9, Land Use Matrix: Primary Uses: Downtown / Riverfront Overlay District			
P = Permitted; -- = Prohibited			
Land Uses	**NC**	**GC**	**LI**
Commercial Uses			
Bank, Credit Union, and Financial Services	P	P	P
Commercial Recreation and Amusement Services, Indoor	--	P	P
Grocery	P	P	--
Hardware Store	P	P	P
Office, General	P	P	--
Personal Services	P	P	P
Restaurant	P	P	--
Retail Sales	P	P	--
Studio: art, music, dance	P	P	--
Tattoo Studios	--	--	--
Veterinary Clinic and/or Service	P	P	--
Industrial and Manufacturing Uses			
Manufacturing, Light	--	--	P
Warehousing and Storage, Indoor	--	--	P
Transportation, Utility, and Communication Uses			
Distribution Center	--	--	P

6. *When Base Zoning Districts are not NC, GC, or LI.* When a parcel of property is in the DRO Overlay and its base zoning district is not the NC, GC, or LI district (meaning that it's base zoning district is either WO, OS, AR, LR, TR, UR, MR, OR, UC, MC, HC, or HI), the DRO may allow for other land uses within the boundary at the discretion of the City Council in a through a process as set out in Sec. 1109-06-H, *Alternative Approval of Land Uses in the Downtown Riverfront Overlay District.*

7. *Development Code Administrator Approval Regardless of Base Zoning District*. Attached accessory dwelling units (ADUs) are permitted with the additional standards of the use regardless of the base zoning district for which they are located. See Chapter 1104, *Accessory and Temporary Use Regulations*.

8. *Dimensional Standards.* Recognizing the long-existing mix of small and large lots in the Downtown Troy area and notwithstanding the requirements of the underlying base zoning districts, the Planning Commission and/or City Council may approve a DRO site redevelopment plan as follows:

    a. Minimum lot size and dimensions less than required by the underlying base zoning district.

    b. Maximum building lot coverage of one hundred percent (100%) for all areas under a roof.

    c. Maximum lot coverage of one hundred percent (100%), including buildings, paved areas, and similar constructed elements.

    d. Maximum structure height exceeding the underlying base 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.

    e. No minimum front yard and no minimum corner side yard requirements, except if such a yard is provided it shall have a minimum setback 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.

    f. 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.

    g. 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.) and 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.

    h. Requirements for 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.

9. *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, a 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 Sec. 1105-03-B, *Required Off-Street Parking*. Notwithstanding any available

exemptions in the underlying base zoning district requirements, such as in the UC 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.

10. *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 Sec. 1105-03-H, *Off-Street Loading*.

11. *Signage*. All signage shall comply with Sec. 1105-05, *Signs*. 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 UDC.

12. *Landscaping Regulations*.

    a. 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/or garden plants).

    b. All required transitional yards shall be landscaped with appropriate buffer materials to provide visual separation from adjacent residential areas in accordance with Sec. 1105-04, *Landscaping, Buffering, and Screening*.

    c. Off-street parking and loading areas shall be constructed and landscaped in accordance with Sec. 1105-03, *Parking, Loading, and Stacking*.

    d. 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.

13. *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.

14. *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.

15. *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 underground unless the overhead

lines are deemed necessary to facilitate the manufacturing use. 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.

16. *Plan Review Procedures.* See Sec. 1109-05-2-B, *Subdivision Development Plan*.

C. **Historic Preservation Overlay District (HPO).**

1. *Historic Districts*. The public interest calls for the preservation and protection of sites and structures within Troy's city limits that have historical, architectural, archeological, and cultural values and serve as visible reminders of the history and heritage of this city, state, and nation. Well-preserved historic buildings and places, attractive residential areas, and orderly business districts add meaning and livability to a city. Hence, to accomplish this, it is necessary to provide a method whereby, with careful consideration for private property rights and only after a thorough analysis of the objectives to be achieved, certain procedures and regulations are established for changes made to significant buildings or neighborhoods.

2. *Intent*. It is the intent of this section to promote and protect the health, safety, cultural, economic, and general welfare of the public through:

   a. The protection, enhancement and use of structures, sites, and areas that are reminders of past eras and events and persons important in local, state, or national history;

   b. The preservation and enhancement of a city of varied architectural styles reflecting the distinct phases of the city's history;

   c. 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;

   d. The development and maintenance of appropriate settings and environment for the aforesaid sites and areas;

   e. The enhancement of Troy's attractiveness to visitors, tourism, and the support and stimulus to the economy thereby provided;

   f. The enhancement of property values, economic development, and neighborhood stability;

   g. The preservation, renovation, and adaptive reuse of the buildings within historic districts for economically productive uses;

   h. The consideration of the broadest possible scope of continuing vitality through private renewal and architectural creativity, within appropriate controls and standards. It is intended to foster a climate in which Troy's historic districts may continue to exist as living, changing commercial and residential areas, not static environments;

i. The protection of the property rights of the owners whose property is declared to be a historic structure or is located in the area designated as a Troy Historic Preservation Overlay (HPO) District; and

j. The encouragement of civic pride in the beauty and notable accomplishments of the past.

3. *Purpose.* The Historic Preservation Overlay (HPO) 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 nonqualifying structures which dominate the vista.

4. *Designation of Overlay District. T*he 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.

5. *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 may be proposed by the Planning Commission. 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.

6. *Boundaries.* In determining the boundaries of the HPO 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 (4) 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 that 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 Sec. 1102-03-B-1, *Purpose,* and by a topographic barrier such as an elevated highway, railroad, river, and/or bridge.

7. *City of Troy Historic Preservation Overlay Design Manual*. The Planning Commission has adopted a *Historic Preservation Overlay Design Manual* to provide a framework of design guidelines that the Planning Commission and staff shall use when reviewing an application for a Certificate of Appropriateness (COA). These design guidelines shall be

used in addition to any applicable standards of the underlying base zoning district standards found in this Chapter and shall consider the United States Secretary of Interior Standards for the Treatment of Historic Properties and the National Register of Historic Places. The Planning Commission shall hold a public hearing to adopt, establish, or alter the *Historic Preservation Overlay Design Manual*.

8. *Ordinary Maintenance.*

   a. Nothing in this Section shall be construed to prevent ordinary maintenance of a structure or appurtenance of a structure in a listed property or district or repair of any exterior feature that does not involve a change in design, material, color, or outer appearance thereof.

   b. The following items are considered ordinary repair and maintenance and do not require a Certificate of Appropriateness:

      1) Minor nonabrasive cleaning that does not damage the historic material;

      2) Minor repair of exterior surfaces such as caulking and masonry re-pointing; and

      3) Replacement of gutters and downspouts with the same color and material as existing. This does not include the replacement of fascia boards or soffits.

   c. Neither the owner of, nor the person, nor an organization in charge of a structure within the district shall, by willful action or willful neglect, fail to provide sufficient and reasonable care, maintenance, and upkeep and permit that structure or landmark to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce a detrimental effect upon the character of the landmark or structure in question, including, but not limited to:

      1) The deterioration of exterior walls or other vertical supports;

      2) The deterioration of roofs or other horizontal members;

      3) The deterioration of exterior chimneys;

      4) The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows and doors;

      5) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions; or

      6) Demolition by neglect as defined in Sec. 1111-08, *Demolition by Neglect*.

   d. This provision shall be in addition to all other applicable code provisions. The Development Code Administrator shall gather evidence of a violation and initiate appropriate action thereon.

D. **Wellfield Protection Overlay District (WP).**

1. *Purpose.* The Well Field Protection Overlay District (WP) 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 intent of this designation is to protect the community's potable water supply against contamination.

2. *Applicability.* 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 provisions of this Section shall apply to all lands shown as being located within the boundaries of the WP 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.

3. *Permitted Uses and Dimensional Standards.* The permitted uses and dimensional standards within the WP shall be those of the underlying zoning district.

4. *Prohibited Uses.* Sanitary landfills, dry wells, landfills comprised of demolition debris or other non-approved matter, and junkyards are prohibited within the WP overlay district.

5. *Boundaries.* The boundaries of the WP district are as shown on the official zoning map.

6. *Best Management Practices and Exemptions*.

    a. *Best Management Practices (BMPs).* To the maximum extent practical, owners and operators within the WP overlay district shall implement best management practices (BMPs) to reduce the risk of release and pollution of the environment. BMPs apply to the use, storage, and production of regulated substances. 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".

        1) BMPs include, but are not limited to, the following:

            a) Treatment techniques,

            b) Operating procedures, and

            c) Practices to control runoff, spills, and leaks.

        2) Spill control measures shall include, but are not limited to, the following:

            a) 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.

            b) Adopting standardized spill response protocols and providing training to employees to help ensure response protocols are enacted if a spill or release occurs.

            c) Drums and other types of containers holding regulated substances shall be stored within secondary containment.

    b. *Containment.* 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.

c. *Exempt Products and Volumes.* The following types of products and volumes are exempt from BMP requirements within the WP overlay district:

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

2) Medical and laboratory research substances used in containers not larger than five (5) gallons in size.

3) Cleaning agents packaged for personal or household use.

4) Construction materials stored at or being transported to a permitted construction site that does not pose the real or present danger of causing contamination.

5) Office supplies packaged for personal or office use.

6) Refrigerants contained in on-site cooling equipment or household appliances, including refrigeration repair service storage vessels.

7) The through transport of a regulated substance, as long as the transporting vehicle is not stopped or parked within the WP overlay district.

8) Properly maintained liquid-filled transformers.

9) 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.

10) Heating oil for residential uses, stored in tanks with a total capacity of less than five hundred (500) gallons per residential lot.

d. *Regulated Substances.* Substances to be regulated, hereinafter referred to as regulated substances, are chemicals and mixtures of chemicals that are health hazards. Regulated substances include:

1) 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.

2) Mixtures of chemicals, which have been tested as a whole and have been determined to be a health hazard.

3) 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 percent (1%) 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 percent (0.1%) or greater of the composition on a weight per unit weight basis.

4) Ingredients of mixtures prepared within the WP overlay district in cases where such ingredients are health hazards but comprise less than one-tenth percent (0.1%) of the mixture (on a weight per unit weight basis) if carcinogenic or less than one percent (1%) of the mixture (on a weight per unit weight basis) if non-carcinogenic.

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

e. *Underground Storage Tanks.* New underground storage tanks (USTs) shall be permitted within the WP overlay district so long as said tanks comply with *OAC 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.

f. *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.

g. *Exemption for Agricultural Chemicals*. This regulation does not restrict the use of agricultural chemicals applied in accordance with best management practices and/or label directions.

7. *Reporting Regulated Substance Spills, Leaks, or Discharges.*

a. *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 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.

b. *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.

c. *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.

d. *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.

8. *Exemption of Regulated Substances*. The Development Code Administrator is authorized to exclude certain regulated substances that pose no threat to groundwater from the provisions of these regulations.

9. *Clean Closure Requirements*. Except in the case of 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.

E. **Gateway Overlay District (GO).**

1. *Purpose*. The purpose of the Gateway Overlay District (GO) is to provide constructive guidance to architects and designers when developing commercial projects in Troy's major thoroughfares. These Guidelines are not intended to limit nor otherwise restrict individual creativity or corporate identity, but rather their intent is to set a minimum expected level of architectural quality in the exterior design of new or remodeled commercial buildings.

2. *Applicability*. None of the regulations contained herein shall be applicable to all commercial development in all instances. They should be applied with consideration for

the surrounding built environment and the needs of the end user, in addition to any formally adopted plans, requirements, standards, or agreements. Exterior modifications to existing commercial and industrial buildings shall not be subject to these Guidelines except those modifications subject to site plan review as defined in Sec. 1109-05-B. These Guidelines shall be subordinate to any architectural standards required by an individual zoning district or adopted planned development.

a. Any façade that is visible from a public right-of-way shall adhere to the standards set forth in this section.

b. Any frontage along Main Street and Market Street (any direction) shall be subject to the standards set forth in this section except those properties located within the Historic Preservation Overlay District Residential and industrial zoned properties are exempt from the provisions of this section.

3. *Boundary*. The boundaries of the GO District are as shown on the official Zoning Map.

4. *Designation of Overlay District*. The Planning Commission may recommend the adoption or modification to the Gateway Overlay District on all eligible areas to the Troy City Council. The boundaries of each such district shall be indicated on the official zoning map.

5. *Building Orientation and Entrances.*

a. Buildings shall generally be parallel to the street they front, unless an alternate orientation is consistent with existing adjacent development along the same block face.

b. The primary building frontage shall incorporate at least one main entrance door.

c. Buildings located at the intersection of two streets may orient a main entrance toward the corner.

d. Service entrances shall not be permitted along any façade that faces a street unless the service entrances have architectural features that disguise it.

e. For buildings that are part of a large-scale development with internal driveways, building may be oriented toward the private driveways in the interior of the development if none of the buildings façades has frontage on a public street.

f. Main Entrances shall be designed to include at least two of the following design features:

1) Canopies/porticos above the entrance;

2) Roof overhangs above the entrance;

3) Entry recesses/projections;

4) Arcades that are physically integrated with the entrance;

5) Raised corniced parapets above the entrance;

6) Gabled roof forms or arches above the entrance;

7) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;

8) Display windows that are directly adjacent to the entrance;

9) Architectural details, such as tile work and moldings, that are integrated in the building structure and design and are above and/or directly adjacent to the entrance; or

10) Similar features that distinguish the entrance as the main entrance.

6. *Building Materials.*

   a. All building facades shall be constructed of the following or combination of materials:

   b. Stone, brick, wood, stucco, cultured stone, cement board, ceramic tile, ceramic block, or exterior insulation finish system (EIFS).

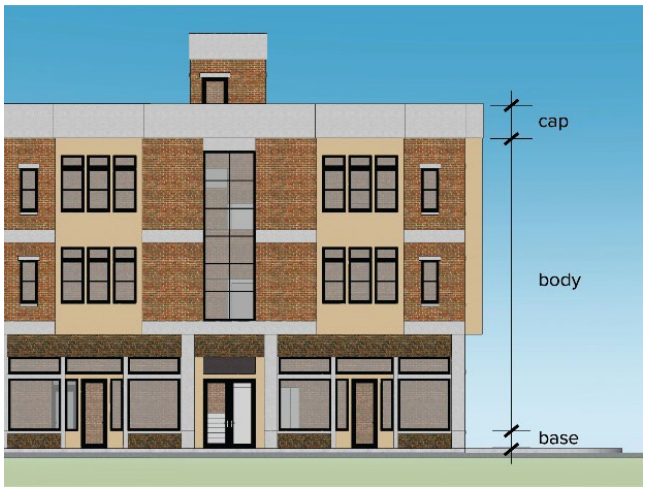
   c. Architectural Metal is permitted, provided that it occupies no more than 10 percent of the façade area and that all fasteners are concealed.

   d. This subsection shall not be construed to prohibit metal roofs, flashing, or high-quality metal siding such as copper, bronze, or other decorative metal as determined by the Development Code Administrator.

7. *Façade Design and Mass.*

   a. All architectural elevations of principal buildings shall consist of a base, a body, and a cap as describe below in Figure 1102-6, *Architectural Features*. The height requirements for the base, body and cap shall apply in the underlying zoning district.

Figure 1102-6, Architectural Features



b. The base shall occupy the lowest portion of the elevation and shall have a height no less than eight percent of the average wall height.

c. The body shall occupy the middle portion of the elevation and shall have a height no less than 60 percent of the average wall height.

d. The cap shall occupy the highest portion of the elevation, excluding the roof, and shall have a height no less than eight percent of the average wall height, not to exceed the height of the base.

e. The cap shall consist of at least one of the following or combination thereof architectural features:

1) A cornice;

2) A parapet;

3) An awning;

4) A canopy; or

5) Eaves

f. The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.

8. *Façade Variation.*

a. All facades that have frontage along a public street that is more than 50 feet in length shall incorporate on of the methods of façade variation identified below at a minimum of every 30 feet along the full length of the façade.

b. *Façade Variation Options.*

1) A wall offset of at least two feet in depth (projections or recesses) and 20 feet in width;

2) A change in building materials or color;

3) A pilaster or pier having a minimum depth of one-foot, minimum width of one foot, and a minimum height of 80 percent of the façade's height.

Figure 1102-7, Façade Variations



c. *Awnings.*

1) Where awnings or canopies are proposed, the awning or canopy shall not conceal architectural features of the building to which it is attached.

2) Awning and canopy colors and materials must complement the colors and materials of the building to which the awning is attached.

d. *Roof Design*. The height of any pitched roof shall not exceed one-half of the overall building height.

e. *Flat Roofs.*

1) When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.

2) Thin parapets that extend more than two feet above the roof and have a depth of less than two feet from the façade surface, are prohibited.

Figure 1102-9, Mechanical Equipment

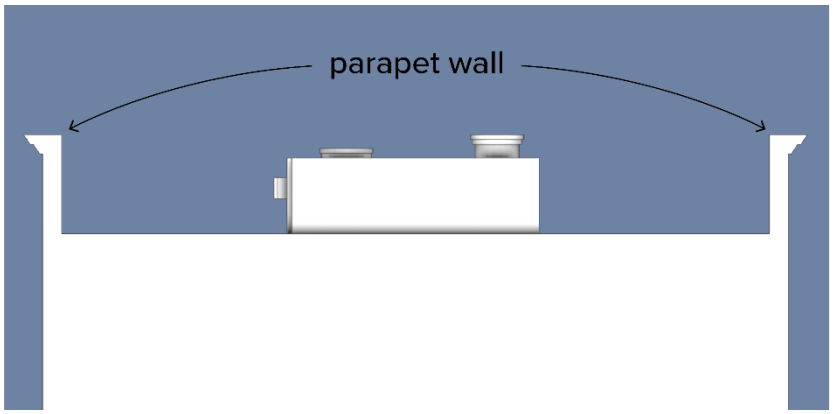


Figure 1102-8, Flat Roofs



f. *Mechanical Equipment.*

1) Wall mounted mechanical, electrical, communication equipment, downspouts, gutters, service doors, and other building-mounted utility fixtures, shall be painted and maintained to match the building or be screened from view.

2) Mechanical equipment such as transformers and HVAC units shall not be located in front yards.

3) All mechanical equipment, including both ground-mounted and roof-mounted equipment, shall be screened from view from adjacent public and private rights-of-way, as well as from all property zoned or used for residential purposes.

4) Screening elements shall include walls (same material and color as principal structure), landscaping, mounds, parapets or enclosures constructed of the same materials used on the majority of the principal structure or any combination.

g. *Monument Signs.*

1) Monument signs shall meet Sec. 1105-05-M, *Monument Signs*.

2) The base of all monument signs associated with a property in a commercial sign district shall be constructed of brick, stone, or concrete which is formed to have a masonry unit or brick appearance. If the primary building features brick, stone, or concrete which is formed to have a masonry unit or brick appearance, the material used on the base of the sign shall match or be complimentary to the building material used on the primary structure. EIFS shall not be permitted to be used on more than 30% of the total façade of the monument.

h. *Incentive for Parking Behind the Primary Structure*. Providing parking behind the primary building is strongly encouraged and incentivized within the GO overlay zoning district. Provided that all required parking is placed behind the primary building a fifteen (15%) increase for the applicable values within Sec. 1105-05, *Signs*, may be granted

F. **Flood Plain (FP) Overlay District.**

1. *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 Flood Plain (FP) 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.

2. *Boundaries*. The Flood Plain (FP) Overlay District shall consist of all areas of special flood hazard as defined by the Federal Emergency Management Agency Flood Maps and illustrated on the Official Zoning Map 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 Development Code Administrator shall interpret the location of the boundary and determine the extent to which the regulations of Sec. 1106-02, *Flood Control Standards,* shall apply.

3. Standards. See Sec. 1106-02, *Flood Control Standards*.

Sec. 1102-04, Planned Unit Development (PUD) District

A. **Purpose.** The purpose of the Planned Unit Development (PUD) District is to provide a means for encouraging ingenuity, imagination and flexibility in the planning and designing of development that would not otherwise be possible with the strict application of this code under a base zoning district. The PUD is designed to allow land planning that responds to the unique characteristic of the site and its surroundings while better fulfilling the needs of both

the community and applicant than conventional zoning and subdivision standards permit. PUDs accomplish this by allowing and encouraging:

1. Flexibility in design and location of structures;
2. A mixture of types of structures and uses on a single development site;
3. An effective use of land to facilitate the more efficient arrangement of buildings, traffic circulation systems and utilities;
4. A development pattern which preserves and utilizes natural topography, geologic features, scenic vistas, trees and other vegetation and which prevents the disruption of natural drainage patterns;
5. A more usable and suitably located area for recreation facilities, open space and other public and common facilities than would otherwise be provided under conventional land development regulations;
6. A development pattern in harmony with surrounding land use and community development objectives outlined in the comprehensive plan;
7. A harmonious design amongst the various elements and uses within the development while mitigating any potential negative impact on surrounding properties; and
8. Increased attention to architectural design that will contribute to the overall character of Troy.

B. **General Provisions.**

1. The applicant must own in fee simple or have an option to purchase all lands within the proposed PUD. The exception to this is if the applicant is the authorized agent for the property owner, in which case, the applicant need not own the lands.
2. Any transfer of land within the development resulting in a change of ownership within the development after an application has been filed shall not alter the applicability of the regulations contained herein provided any new owners authorize the continuation of the PUD process.
3. No certificate of zoning compliances may be issued until the PUD final development plan is approved and a final subdivision plat, if required, has been recorded in accordance with this code.

C. **Land Use Density and Intensity.**

1. Final land use density and intensity of uses shall be subject to approval of the Planning Commission and City Council during the PUD Preliminary Plan review process.
2. There shall be no minimum lot size requirements, however, the application shall demonstrate that the proposed lots are sufficient in size to accommodate stormwater runoff and all the site features (e.g., parking, accessory uses, landscaping etc.) otherwise required by this chapter and code. All residential uses shall have a maximum impervious surface coverage of fifty (50) percent on all lots.

3. In general, the overall gross density of a residential component of a PUD shall comply with the comprehensive plan. Residential densities shall not exceed six (6) dwellings units per gross acre for single-dwelling development, eight (8) dwelling units per acre for two-dwelling residential development, and twelve (12) dwelling units per acre for multi-dwelling development. However, the Planning Commission and City Council may require a lower density to ensure compatibility with the densities of surrounding developments.
4. In the case of a PUD with a mixture of housing types, the preliminary plan shall demonstrate a design where densities adjacent to existing development are similar in density or where some type of buffering is provided to serve as a transition.
5. For nonresidential uses, the overall intensity of development shall be compatible with the recommendations of the comprehensive plan and with the capacity of public streets, drainage facilities, and utilities.
6. The preceding density guidelines may be varied at the discretion of the Planning Commission and the City Council if it can be demonstrated that a variance to a guideline is necessary to achieve an improved site design, that surrounding neighborhoods and public facilities will not be adversely affected, and that a common open space will be provided. In no case shall the approved density in the PUD exceed the maximum permitted density in the underlying zoning district by more than fifteen (15) percent.
7. Where there are mixed-use structures that contain both residential and commercial or commercial and industrial uses, the applicant shall provide information indicating the appropriate use groups for various areas within such structures and type of construction separating them.
8. The location and arrangement of areas with specific uses or densities shall be arranged and distributed so that the development of higher bulk or intensity shall be appropriately balanced by open space and/or a transition to areas of lower bulk or intensity.

D. **Open Space.** All PUD applications shall comply with Sec. 1107-18, *Common Open Space, Parkland, and Fee-in-Lieu*.

E. **Signs.** Signs in the PUD should be of a cohesive design throughout the development to promote continuity.

F. **Landscaping, Buffering, and Screening.** See Sec. 1105-04*, Landscaping, Screening, and Buffering*.

G. **Integration of Close-Knit Factor Offsets.** See Sec. 1105-01-D, *Required Close-Knit Factor Offsets by Zoning District.*

H. **Utilities.** Utilities shall be located completely underground.

I. **PUD Procedural Process.** See Sec. 1109-06-E, *Planned Unit Developments*.

Figure 1102-10, Planned Unit Development (PUD) Example



Chapter 1103 – Primary Use Standards

Sec. 1103-01, Purpose

The purpose of this Chapter is to promote compatibility among land uses by establishing additional standards, where necessary, to ensure that uses permitted can function for the benefit of a property owner without causing a disturbance for neighbors and/or the community at-large.

Sec. 1103-02, Applicability

A. **Generally.** The use standards of this Chapter apply to all land uses set out in Chapter 1102*, Zoning Districts*, that are designated as a permitted use with additional standards (US).

B. **Permitted Uses.** Permitted uses are permitted by right without requiring the additional use standards within this Chapter.

C. **Permitted Uses with Additional Standards.** Permitted uses with additional standards are to be permitted by the Development Code Administrator, provided the specific use standards are met. Land uses permitted with use standards do not require approval by the Board of Zoning Appeals (BZA) or Planning Commission (PC). In the event that the Development Code Administrator determines that special circumstances require additional standards or review by the PC, approval by the PC will be required.

D. **Approval of Uses.** Permitted uses with additional standards shall only be approved if in compliance with all of the requirements of this Chapter and all other relevant chapters of the UDC, including but not limited to Chapter 1105*, Site Standards;* and Chapter 1107*, Subdivision Design Regulations*.

E. **Timing of Compliance.** These standards apply at the time a use is requested for an existing or new structure or when an existing use is proposed to be expanded by more than twenty-five percent (25%) of the gross square footage currently devoted to the use.

F. **Expansion of Use.** This Chapter applies to an expansion of use, whether it is to or within an existing building or in an outdoor area devoted to the use.

G. **Identification of Uses.** Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this UDC.

H. **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 Development Code Administrator that such use is similar to and compatible with those uses expressly permitted within such district. The decision of the Zoning Development Code Administrator may be appealed as provided in Sec. 1109-07-B, *Appeals*.

Sec. 1103-03, Standards

The standards below are applicable to the uses set forth in this Chapter. These standards must be satisfied prior to establishment of any use.

A. **Adult Entertainment Business.**

1. No adult entertainment business shall be established or operated within five hundred (500) feet of any of the following districts, land uses, or thoroughfares:
    a. Place of public assembly, indoor
    b. Schools
    c. Child care centers
    d. Parks and recreational facilities
    e. Any residential zoning district
    f. The right-of-way of any divided, limited-access highway, including Interstate 75.
2. No adult entertainment business shall be established within a radius of one thousand (1,000) feet of:
    a. Another adult entertainment business
    b. Taverns
    c. Alcohol sales (on-site consumption)
    d. Coin operated amusement centers

B. **Airport / Heliport.** Compliance with all FAA Airport Zoning Regulations is required.

C. **Automobile Repair, Major.**

1. *Fully Enclosed*. The entire operation of an automobile repair garage shall be within an enclosed building with suitable provisions to prevent the creation of nuisance.
2. *Adjacent to a Residential District*. A solid masonry wall, or its equivalent, shall be provided on any side of the structure adjacent to or across an alley from any residential district. Where an Automobile Repair, Major is adjacent to a Residential District, a Type C Bufferyard shall be required to be installed. See Sec. 1105-04-D, *Bufferyards*.
3. *Vehicle Parking.*
    a. No automobile shall be parked either within the right-of-way or within ten (10) feet of the right-of-way.
    b. No automobile shall be parked on a neighboring lot to the use includes that adjoining lot is specifically approved for said parking.
    c. No automobile whether operable or inoperable shall be left on the premise for more than one (1) week.
4. *Customer Vehicles.* All customer vehicles in the process of repairs or other work overnight must be stored indoors or otherwise totally screened from view. This provision does not apply to customer vehicles dropped off to be worked on, or customer vehicles waiting to be picked up after the work has been completed.

D. **Automobile Repair, Minor.**

1. *Fully Enclosed*. The entire operation of an automobile repair garage shall be within an enclosed building with suitable provisions to prevent the creation of nuisance.
2. *Adjacent to a Residential District*. A solid masonry wall, or its equivalent, shall be provided on any side of the structure adjacent to or across an alley from any residential district. Where an Automobile Repair, Minoris adjacent to a Residential District, a Type C Bufferyard shall be required to be installed. See Sec. 1105-04-D, *Bufferyards*.
3. *Vehicle Parking*. No automobile shall be parked either within the right-of-way or within ten (10) feet of the right-of-way.
4. *Inoperable Vehicles*. No automobile shall be left on the premise that is inoperable for more than one (1) week.
5. *Customer Vehicles.* All customer vehicles in the process of repairs or other work overnight must be stored indoors or otherwise totally screened from view. This provision does not apply to customer vehicles dropped off to be worked on, or customer vehicles waiting to be picked up after the work has been completed.

E. **Automobile / Vehicle Sales.**

1. All outdoor display areas for rental or sales of vehicles shall:
    a. Be located on an improved hard surface;
    b. Be located in areas that are outside of the minimum required parking spaces for the use;
    c. Be located a minimum of three hundred (300) feet from any residential district or residential use as measured from the closest two (2) points of the property;
    d. Have no cars displayed for sale or rental either in the right-of-way or within ten (10) feet of the right-of-way; and
    e. Include no more than one (1) elevated display that raises the vehicle no more than three (3) feet off the ground.
2. No inoperable vehicles or materials may be stored on-site unless within a fully enclosed building or otherwise totally screened from view.

F. **Automobile / Vehicle Rental.**

1. All outdoor display areas for rental or sales of vehicles shall:
    a. Be located on an improved hard surface;
    b. Be located in areas that are outside of the minimum required parking spaces for the use;
    c. Be located on a minimum of three hundred (300) feet from any residential district or residential use as measured from the closest two (2) points of the property;

d. Have no cars displayed for sale or rental either in the right-of-way or within ten (10) feet of the right-of-way; and

e. Include no more than one (1) elevated display that raises the vehicle no more than three (3) feet off the ground.

f. No inoperable vehicles or materials may be stored on-site unless within a fully enclosed building or otherwise totally screened from view.

G. **Bank, Credit Union, and Financial Services.** In the OR district, the structure in which the use is operating shall be no larger than four thousand (4,000) square feet in gross floor area.

H. **Car Wash.**

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 the 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.

I. **Child Care Center.**

1. The child care center must comply with ORC 5104.

2. No portion of a daycare center site may be located within three hundred (300) feet of gasoline pumps, underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.

3. Child care centers are permitted to be accessory uses to indoor places of public assembly and commercial recreation and amusement services.

J. **Commercial Recreation and Amusement Services, Outdoor.**

1. Amphitheater stages and drive-in screens shall face away from the nearest residential uses (if any residential uses exist within one thousand (1,000) feet and any street of a classification of collector or higher;

2. For activities such as midget auto-track or a go-cart track,

a. If the use is in any way powered by an internal combustion engine, then such shall provide adequate mufflers on all vehicles; and

b. The use as it relates to the renting of small automobiles for amusement purposes is limited to the Heavy Commercial (HC) zoning district; and

3. If the use is located within five hundred (500) feet from a residentially zoned property or residential use, then the commercial amusement shall be prohibited from operating between 11:00 pm and 8:00 AM.

K. **Contractor's Shop.**

1. All on-site storage shall be within an enclosed building.
2. The operator of the building shall not rent storage space to those not operating a licensed business on the premises.

L. **Correctional Institution.** The use shall be:

1. Located no closer than one thousand (1,000) feet from any residential district or use as measured along a straight line from the closest lot lines; and
2. Owned and operated by a public entity.

M. **Data Center.** The use shall:

1. Only be permitted on parcels of property 10 acres or larger; and requires a Planned Unit Development application submitted and follows Sec. 1109-06-E, *Planned Unit Developments.*
2. *Additional Public Hearing*. In addition to the process as outline in Sec. 1109-06-E, the Planning Commission shall hold a mandatory public hearing to hear comments and concerns from the public pertaining to this use.
3. Be at least 1,000 feet from a hospital/rehabilitative care; parks and recreational facilities, private; parks and recreational facilities, public; place of public assembly, indoor; school, private; and school, public, and residential districts.
4. *Setbacks*. All data center operations shall be setback by a minimum of 100' from any property lines. Landscaping and Screening. A landscape buffer is required between data centers and data center accessory uses and any adjoining residential zoning district, protected use, or public roadway. The landscape buffer shall comply with the following requirements:
    a. The landscape buffer shall be at least 40 feet in width and may be part of the minimum setback distance.
    b. Buffer plantings shall consist of native species planted as follows: One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
        1) An eight (8) feet berm shall fully surround the property above the adjacent ground level. The berm shall be covered with an all season natural ground cover.
        2) Fencing. Fences shall be constructed of decorative ornamental steel. Barbed wire and razor wire are prohibited.

3) One (1) deciduous canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2 1/2 inch caliper at the time of planting.

4) One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 1/2 inch caliper at the time of planting for single-stemmed varieties.

5) Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

5. *Noise and Vibration*. A Noise and Vibration Mitigation Plan (NVMP) shall be submitted with the application for a Planned Unit Development. The NVMP shall include a detailed acoustic study showing the amount of noise produced by normal operations and strategies to minimize noise. The decibel level shall not exceed 60 dBA as measured at the property lines for the proposed use. The NVMP shall be prepared by an acoustical engineer and shall otherwise comply with section 1105-07 of this UDC. The NVMP will also require a vibration analysis prepared by a qualified professional that demonstrates that no vibration from the data center or associated equipment will be perceptible to the human sense of feeling beyond the property line.

   a. An as-built acoustic study shall be conducted six (6) months after issuance of the Certificate of Occupancy. An additional as-built sound study may also be required thereafter by the City. If it is determined by the as-built acoustic study there is a violation of the required noise limits of this chapter, it shall be considered a violation of this UDC and corrected as directed by the Development Code Administrator.

   b. The maximum decibel levels specified herein shall not apply during times of power outage; however, the required sound studies shall also evaluate, and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.

6. *Energy Use*. Data centers shall to the maximum extent possible, utilize renewable and/or clean energy for all electrical and cooling needs, either through on-site generation or verifiable power purchase agreements.

   a. A Energy Management Plan shall be submitted with the Planned Development Application that details at a minimum, annual electricity demand, what supply sources will be utilized, energy storage capacity (if applicable) and efforts to maximize use of renewable or clean energy. The Plan shall be prepared by a professional engineer and subject to review and comment by the City. The City shall have the right to require supplemental or amended plans based upon comments by the City prior to any zoning or Planned Unit Development approval. The known impacts on electric rates or availability for other uses directly attributable to the data center project shall be noted.

7. Be determined by the City Engineer to not have an adverse impact on water quantity to the existing water customers within both the City of Troy and Miami County.

8. The Planning Commission shall have the authority to add additional standards to protect the surrounding properties, health, safety, and general welfare.

N. **Distribution Center.** The use shall be located a minimum of three hundred (300) feet from any residential district or use as measured from the closest two (2) points of the property.

O. **Duplex.** The building that houses the use shall be required to have 900 sq. ft. of usable residential floor space regardless of how large the individual units are designed to be provided that all applicable building code provisions are met.

P. **Grocery.** In the NC, UC, and MU districts, the use shall be no larger than four thousand (4,000) square feet in gross floor area.

Q. **Group Home, Foster Care.**

1. *Intent***.** It is the intent of these standards to ensure that residents of group homes are provided with accommodations that are safe, clean, and maintained. Group homes for foster care, mental health care and support, addiction recovery, assistance for the elderly and other supportive care group homes are valuable housing options within the community. Group homes must be sited appropriately to gain the advantages of their location within stable neighborhoods. The planning for siting and location is often conducted by an operator who hires staff to provide direct care and support. Homes are then open to children or adults in crisis or needing supportive care. This section provides minimum standards to prevent unsafe or substandard outcomes for future residents of these homes.

2. *Reasonable Accommodation*. Upon request, the Development Code Administrator is required to provide reasonable accommodation for protected classes under the Fair Housing Act and the Americans with Disabilities Act (ADA) to provide as part of an application to permit this land use the option for the applicant to apply for a reasonable accommodation should the applicant not otherwise meet any of the requirements for this use standard. Should the applicant feel that a reasonable accommodation should have been granted by the City and was not then the applicant does have the right to appeal this decision to a court of competent jurisdiction.

3. *General Group Home Standards (Regardless of Group Home Type)*.

a. Group homes shall comply with the terms of licensing required by the State of Ohio.

b. The Development Code Administrator shall verify details of the home operator's license including, but not limited to, contact information for related state and county agencies issuing or involved with the home's license, any required operations plan, occupancy, and any required community engagement plan, in addition to those details required to determine compliance with the standards of this UDC.

c. An application may be denied on the basis of open complaints, violations, and corrective action required by the State of Ohio affecting the applicant's license.

d. Any certificate of zoning compliance that has been issued on the basis of false representations of the details of a license, intended occupancy, or other relevant details are subject to revocation.

e. Group home operators shall be required to submit accurate and current information prior to transfer of the group home to a new operator.

f. If the applicant is not the owner of the property in which the group is located, then the applicant shall provide a notarized letter from the property owner approving the property for use as a group home.

g. To prevent danger of fire spread and negative health impacts, no foster care group home shall be sited within the same block face, or adjacent to a vacant home boarded, or declared a public nuisance by the City. This standard shall not apply retroactively should a home within this distance fall into this state during the operation of the group home. The Development Code Administrator may provide exceptions to this standard based on the specific circumstances of the home declared a nuisance, or based on other factors seen as relevant, in pursuit of meeting the intent of this standard.

h. The Development Code Administrator shall perform an interior and exterior inspection of a proposed group home prior to the issuance of a certificate of zoning compliance. The purpose of this inspection is to ensure compliance with the property maintenance and occupancy standards within the City's Codified Ordinances. Continued adherence to these standards after the issuance of a certificate of zoning compliance is required to maintain any and all certificates of zoning compliances issued prior to the passage of this ordinance. The Development Code Administrator shall provide for a reasonable period of time for compliance with any violations discovered.

i. Whenever a group home becomes an abandoned use, the structure's use shall no longer be considered a group home and shall the defined within the appropriate residential land use and dwelling type as provided for in Table 1102-6, *Land Use Matrix: Primary Residential Uses*.

j. Group homes of any category shall not be located within 1,000 feet of any other group home, as measured from nearest lot line to nearest lot line. The Development Code Administrator may approve closer siting where two group homes are separated by natural or man-made barriers like steep terrain, waterways, or arterial roadways which mark a more significant physical separation than distance.

k. Group homes shall operate only from a single detached dwelling or may be located in a duplex where the group home operator or a staff member resides in the second dwelling unit as their primary residence. This arrangement within a duplex must include ownership of the structure by the operator or entity who runs the group home.

l. The Planning Commission may permit arrangements of group home in a campus-like setting or other design arrangements not specified by these standards through the approval of a Planned Unit Development. See Sec. 1102-04, *Planned Unit Development (PUD) District*.

m. A group home's total occupancy shall be limited by standards provided by the City's Codified Ordinances.

4. *Foster Care Group Home Type – Specific Standards.*

a. Foster Care Group Homes shall meet all of the requirements of Sec. 404, Occupancy Limitations, of the 2024 International Property Maintenance Code (IPMC), as amended.

b. Nothing within these provisions shall prevent the placement of children or developmentally disabled adults under guardianship of a foster-parent, adoptive parent, kinship caregiver, or parent who is biologically related.

R. **Group Home, Supportive Care.**

1. *Intent***.** It is the intent of these standards to ensure that residents of group homes are provided with accommodations that are safe, clean, and maintained. Group homes for foster care, mental health care and support, addiction recovery, assistance for the elderly and other supportive care group homes are valuable housing options within the community. Group homes must be sited appropriately to gain the advantages of their location within stable neighborhoods. The planning for siting and location is often conducted by an operator who hires staff to provide direct care and support. Homes are then open to children or adults in crisis or needing supportive care. This section provides minimum standards to prevent unsafe or substandard outcomes for future residents of these homes.

2. *Reasonable Accommodation*. Upon request, the Development Code Administrator is required to provide reasonable accommodation for protected classes under the Fair Housing Act and the Americans with Disabilities Act (ADA) and to provide as part of an application to permit this land use the option for the applicant to apply for a reasonable accommodation should the applicant not otherwise meet any of the requirements for this use standard. Should the applicant feel that a reasonable accommodation should have been granted by the City and was not then the applicant does have the right to appeal this decision to a court of competent jurisdiction.

3. *General Group Home Standards (Regardless of Group Home Type)*.

a. Group homes shall comply with the terms of licensing required by the State of Ohio.

b. The Development Code Administrator shall verify details of the home operator's license including, but not limited to, contact information for related state and county agencies issuing or involved with the home's license, any required operations plan, occupancy, and any required community engagement plan, in addition to those details required to determine compliance with the standards of this UDC.

c. An application may be denied on the basis of unresolved violations required by the State of Ohio affecting the applicant's license.

d. Any certificate of zoning compliance that has been issued on the basis of false representations of the details of a license, intended occupancy, or other relevant details are subject to revocation.

e. Group home operators shall be required to submit accurate and current information prior to transfer of the group home to a new operator.

f. If the applicant is not the owner of the property in which the group is located, then the applicant shall provide a notarized letter from the property owner approving the property for use as a group home.

g. To prevent danger of fire spread and negative health impacts, no foster care group home shall be sited within the same block face, or adjacent to a vacant home boarded, or declared a public nuisance by the City. This standard shall not apply retroactively should a home within this distance fall into this state during the operation of the group home. The Development Code Administrator may provide exceptions to this standard based on the specific circumstances of the home declared a nuisance, or based on other factors seen as relevant, in pursuit of meeting the intent of this standard.

h. Whenever a group home becomes an abandoned use, the structure's use shall no longer be considered a group home and shall the defined within the appropriate residential land use and dwelling type as provided for in Table 1102-6, *Land Use Matrix: Primary Residential Uses*.

i. Group homes of any category shall not be located within 1,000 feet of any other group home, as measured from nearest lot line to nearest lot line. The Development Code Administrator may approve closer siting where two group homes are separated by natural or man-made barriers like steep terrain, waterways, or arterial roadways which mark a more significant physical separation than distance.

j. Group homes shall operate only from a single detached dwelling or may be located in a duplex where the group home operator or a staff member resides in the second dwelling unit as their primary residence. This arrangement within a duplex must include ownership of the structure by the operator or entity who runs the group home. No more than one group home shall be located on a parcel of property.

k. The Planning Commission may permit arrangements of group home in a campus-like setting or other design arrangements not specified by these standards through the approval of a Planned Unit Development. See Sec. 1102-04, *Planned Unit Development (PUD) District*.

l. A group home's total occupancy shall be limited by standards provided by the City's Codified Ordinances, or as listed below, with the more restrictive standards being applied.

4. *Supportive Care – Group Home Type.*

a. In the AR, LR, TR, and UR districts, supportive living group homes, as licensed as Class II residential facilities according to Section 5119.34 of the Ohio Revised Code shall

meet all of the requirements of Sec. 404, Occupancy Limitations, of the 2024 IPMC, as amended. .

b. In the AR, LR, TR, and UR districts, supportive living group homes, as licensed as residential facilities under Section 5123.19 of the Ohio Revised Code shall meet all of the requirements of Sec. 404, Occupancy Limitations, of the 2024 IPMC, as amended.

c. In the MR and OR districts, dwellings supportive living group home shall meet all of the requirements of Sec. 404, Occupancy Limitations, of the 2024 IPMC, as amended.

S. **Hardware Store.** Retail-sales drive-throughs shall not be permitted with this use. Loading and unloading zones supporting commercial deliveries are permissible with this use.

T. **Heavy Equipment Rental and Sales.**

1. All equipment stored outside the principal business shall:

   a. Be located on an asphalt or concrete surface;

   b. Not be located on any minimum required parking spaces for the use; and

   c. Located outside of the right-of-way and outside of any required landscaping area.

2. No inoperable materials and /or inoperable equipment are stored on-site, unless within an enclosed building, or otherwise totally screened from view.

3. The use is permitted provided that a Type 3 - Heavy Bufferyard is adjacent to a residential use or residential district. The Type 3 – Heavy Bufferyard (See Table 1105-11, *Bufferyard Types*, is required for this use when next to a residential use or residential district regardless of whether it would otherwise be required per Table 1105-12, *Bufferyard Required*.

U. **Hospital / Rehabilitative Care.** The use shall be at least five hundred (500) feet from a residential use or residential zoning district.

V. **Kennel.**

1. Any building, kennel, or exercise runway for said use shall be located a minimum of one hundred (100) feet from any residential use or district; a place of public assembly, indoor; or a child-care center;

2. Any building, kennel, or exercise runway for said use shall be located a minimum of twenty-five (25) feet from any lot line; and

3. Other than the aforementioned exercise runway, all activities shall be wholly enclosed within a building.

4. A kennel is permitted to be either an accessory use to a veterinary clinic and/or service or a standalone use.

W. **Landfill.**

1. The use shall be located no closer than one thousand (1,000) feet from any residential district or use as measured along a straight line from the closest lot lines; and
2. The refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with the applicable sections of federal law per 40 Code of Federal Regulations (CFR) and ORC Chapter 3734.

X. **Manufacturing, Heavy.**

1. *Screening*. The use shall be fully screened through the use of vegetation, berm masonry, wall, or fence so that it is not visible from any public street or adjacent parcel.
2. *Access*. The use must take access from a collector street or any other higher classification of roadway.
3. *Truck Routing Plan*. A truck routing plan must be created showing the ingress and egress locations to the site.
    a. *Distance Separation*. The use shall be separated from the following uses by at least five hundred (500) feet:
        1) Any residential zoning district or use;
        2) Places of public assembly, indoor;
        3) Child care home;
        4) Child care center;
        5) Hospital / rehabilitative care;
        6) Library;
        7) Museum or gallery; and
        8) Medical / diagnostic laboratory.
    b. *Smoke Generation*. All emissions shall be compliant with the applicable air permit issued pursuant to Ohio Revised Code Chapter 3704 or the Clean Air Act.
    c. *Odor*. No use may release an odor that is detectable at the lot line.
    d. *Toxic Materials*. No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which it occurs.
    e. *Glare and Heat*. No use may cause heat at the property line so intense as to be a public nuisance or hazard. No glare shall be seen from any street or residential area.

Y. **Manufacturing, Light.** All activities shall take place entirely within an enclosed building.

Z. **Marijuana Uses.** All types of marijuana uses are prohibited with the exception of Adult Use Testing Laboratories.

AA. **Mineral Extraction.**

1. *Submission of Additional Information*. Two copies of the following information shall be submitted with the application for a Certificate of Zoning Compliance and shall include:
    a. The name of the owner or owners of land from which removal is to be made.
    b. The name of the applicant making request for such a permit.
    c. The name of the person or corporation conducting the actual mining operations.
    d. The location, description, and size of the area from which the removal is to be made.
    e. 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.
    f. The type of resources or materials to be removed.
    g. The proposed method of removal and whether or not blasting or other use of explosives will be required.
    h. A general description of the equipment to be used.
    i. 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.
2. *Operational Standards.*
    a. No stock pile of materials shall be placed closer than fifty (50) feet to any property line, 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.
    b. 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 *ORC 4152.11*.
    c. 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.
    d. 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 Development Code Administrator, such fencing or barrier is necessary

for the protection of the public safety, and shall be of a type specified by the Development Code Administrator.

e. 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 Development Code Administrator.

f. 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.

g. The Development Code Administrator is authorized to impose such requirements with respect to providing adequate barriers as it is determined necessary to protect the public safety.

3. *Rehabilitation Requirements*. All mined-out areas shall be reclaimed and rehabilitated consistent with Ohio Revised Code Chapter 1513 or 1514, whichever is applicable based on the type of mining operation. The Development Code 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 Development Code Administrator shall be guided by the following standards with respect to rehabilitation and reclamation of mined-out areas:

   a. 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:

   b. That the excavated area shall not collect, and permit to remain therein, stagnant water; or

   c. 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.

   d. 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 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.

   e. Proper drainage shall be provided for the mined-out area.

   f. All equipment and structures shall be removed from the mined-out area within six (6) months of the completion of the mining therefrom.

   g. The Development Code Administrator may impose such other reasonable conditions and restrictions for the land reclamation process 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.

h. Due to the inherent difficulties in reclaiming and rehabilitating areas from which stone has been quarried, the Development Code Administrator is hereby empowered 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.

BB. **Office, General.** In the LI district, this use is permitted only as an accessory to a primary use.

CC. **Parks and Recreational Facilities, Private.** Private parks and recreational facilities shall be in full compliance with Sec. 1107-18, *Common Open Space, Parkland, and Fee-in-Lieu*.

DD. **Personal Services.** In the OR district, the use shall be no greater than four thousand (4,000) square feet in gross floor area.

EE. **Place of Public Assembly, Indoor.**

1. *Traffic Circulation*. Ingress, egress and traffic circulation on the site shall be managed so as to minimize impacts on adjacent properties. No traffic lane shall be located less than twenty (20) feet from any adjacent residential property.

1. *Size*. The primary building shall not exceed 5,000 square feet of gross floor area.

2. *Seating*. The use is limited to no more than 500 seats in the main seating area.

FF. **Retail Sales.** In the OR district, the use shall be no greater than four thousand (4,000) square feet in gross floor area.

GG. **Salvage Yard.**

1. The use shall be located no closer than one thousand (1,000) feet from any residential district or residential use as measured along a straight line from the closest lot lines.

2. Upon receiving an appliance, vehicle, or other material, the battery, lubricants, fluids, coolants, refrigerants, and similar components shall be removed and recycled or disposed of in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials.

3. Combustible material that can be ignited by an ordinary match shall be placed or stored at least ten (10) feet from any fence or structure. No burning of any material shall occur on site.

4. No junkyard shall be used as a dump by the public.

5. No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes. The storing of loose paper and the spilling of flammable or other liquids into the ground, streams, or sewers are prohibited.

6. No portion of the use shall be located within an area designated as a special flood hazard area.

7. The use shall be fully screened through the use of vegetation, berm masonry wall, or fence so that it is not visible from any public street or adjacent parcel.
8. All fencing shall be securely locked unless being actively supervised for ingress or egress.
9. A fire lane of at least fifteen (15) feet in width shall be maintained from the main entrance to a public street throughout the junkyard so that no point of the junkyard shall be more than two hundred (200) feet from a fire lane.

HH. **Self-Storage, Mini-Warehouse.**

1. *Distance to Another Facility*. Self-Storage Facility may not be located within 1000' of another Self-Storage Facility.
1. *Outdoor Storage Prohibited*. All goods and property stored in a Self-Storage Facility shall be stored in an enclosed building. No outdoor storage of boats, RVs, vehicles, etc., or storage in outdoor storage pods or shipping containers is permitted.
2. *Fences and Walls.* Fences and walls including entry gates shall be constructed of high-quality materials and shall be compatible with the design and materials of the building(s) and site. Decorative metal or wrought iron fences are a preferred material. The use of chain link is not permitted on self-storage facilities.
3. *Maximum Lot Size*. The maximum lot size for a parcel with a Self-Storage Facility shall be no more than three (3) acres.
4. *Façade Facing the Public Right-of-Way.* Facades facing the public right-of-way shall be constructed of the following materials:
    a. Stone, brick, wood, stucco, cultured stone, cement board, ceramic tile, ceramic block, or exterior insulation finish systems (EIFS).
    b. Architectural metal is permitted, provided that it occupies no more than ten percent of the façade area and that all fasteners are concealed.
    c. This subsection should not be construed to prohibit metal roofs, flashing, or high-quality metal siding such as copper, bronze, or other decorative metal as determined by the Zoning Development Code Administrator.
5. Self-Storage Facilities shall not be used as a dwelling.

II. **Single Detached Dwelling.** The use shall be required to be a minimum of 900 sq. ft.

JJ. **Solar Energy System, Commercial.**

1. *Structure Standards.*
    a. The height of any ground-mounted solar equipment is limited to fifteen (15) feet, as measured from the natural grade below each panel to the top of each panel at its maximum tilt in the vertical direction.
    b. Roof-mounted SES must provide a Roof Stability Report prior to approval.

c. A clear sight triangle, as defined in Sec. 1105-04-K, must be maintained at all ingress/egress locations.

d. Ground-mounted SES cannot be located over septic field, legal easement, ROW, or City Drain without proper approval; ground-mounted SES must be a minimum of three (3) feet from any easement.

2. *Setbacks*. Setbacks for commercial SES shall be measured from the edge of the SES array, excluding security fencing, screening, or berm.

    1) All ground-mounted SES must be at least one-hundred fifty (150) feet from any property line of a non-participating landowner's property line. Property line setbacks between separate parcels both of which are participating in the project may be waived upon agreement of the landowner(s).

    b. When the solar facilities for a single project encompass multiple parcels, there is no required setback from a property line for the internal property lines in the project.

    c. All ground-mounted SES must be at least one hundred (100) feet from the edge of any public right-of-way.

    d. All ground-mounted SES must be at least two hundred (200) feet from the property line if adjoined by property that is zoned agricultural and has a single- detached dwelling within five hundred (500) feet of the SES.

    e. When the solar facilities for a single project encompass multiple parcels, the SES must be at least one hundred fifty (150) feet from any existing participating dwelling unit.

3. *Decommissioning Plan*. A decommissioning plan shall be provided indicating the method and payment of the anticipated cost of removing the commercial solar energy system at the end of their serviceable life or upon their becoming a discontinued or abandoned use to ensure that the commercial solar energy systems are properly decommissioned. The decommissioning plan shall include, at a minimum, the following:

    a. *Assurance*. Written assurance that the commercial solar energy system will be properly decommissioned upon the expiration of its serviceable life or in the event of its discontinuance or abandonment.

    b. *Cost Estimates*. For all commercial solar energy systems, an estimate of the costs of decommissioning and removing the commercial solar energy system upon the expiration of their useful life or in the event of their discontinuance or abandonment. The cost estimates shall be made by a professional engineer, contractor, or other person with expertise or experience in the decommissioning and removal of commercial solar energy systems.

    c. *Financial Assurances*. The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the commercial solar energy system and restore the site, the following steps shall be followed:

1) For each commercial solar energy system, the applicant, owner, and/or operator shall determine an amount of money equal to the estimated removal and restoration cost.

2) The Development Code Administrator shall independently verify the adequacy of this amount.

3) This money shall be deposited in an escrow account specified by the jurisdiction, which may be an interest-bearing account. Alternatively, a bond may be posted for the amount.

4) *Discontinuation and Abandonment*.

   a) *Abandonment.* All easements and/or leases for the commercial solar energy system shall contain terms that provide financial assurances to the property owner to ensure that the commercial solar energy system is properly decommissioned within one (1) year of the expiration of their serviceable life or in the event of their discontinuance or abandonment.

   b) *Discontinuation.* Any commercial solar energy system shall be considered abandoned and discontinued use after six (6) months without energy production unless a plan is developed by the owner or applicant and approved by the Development Code Administrator outlining the steps and a schedule for returning the commercial solar energy system to service.

   c) *Removal.* An applicant's obligations shall include the removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level. Said work shall be completed within one (1) year of the discontinuation or abandonment of the commercial solar energy system. The restoration of the project area shall result in as near as practicable the condition of the site immediately before the construction of such improvements.

   d) *Written Notices.* Prior to implementing procedures to resolve any alleged failure to comply with the decommissioning plan, the appropriate jurisdictional body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator with a reasonable time period, not to exceed sixty (60) days, to resolve the alleged default(s).

   e) *Costs Incurred by the Jurisdiction.* If the jurisdiction removes a commercial solar energy system and/or appurtenant facilities, it may sell the salvage to defray the costs of removal. Each permittee, by virtue of the issuance of its construction permit or inspection certificate, grants a license to the jurisdiction to enter the property and to remove all commercial solar energy systems and/or appurtenant facilities pursuant to the terms of its approved decommissioning plan.

d. *Nuisances*. Any commercial solar energy system, structure, or portion thereof declared to be unsafe by the Development Code Administrator or Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the approved decommissioning plan.

e. *Access*. The operator of a commercial solar energy system must provide an emergency key box, with keys to the site and equipment lockers on site at the main entrance or an alternative emergency access solution to the site approved by the Development Code Administrator. This emergency key box shall be accessible by the City of Troy Fire Department.

f. *Emergency Contact*. Emergency contact information shall be posted on the SES.

g. *Bufferyards and Fencing.*

1) *Visual Buffers*. A commercial solar energy system shall have a minimum six (6) foot earth berm with heavy buffer, as defined by Table 1105-11*, Bufferyard Types*, along the entire perimeter of the SES property; the bufferyard is to be located outside of required fencing. The existing natural tree growth and natural landforms along the solar energy system perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the Development Code Administrator.

2) *Fencing*. All sites must have a completely fenced perimeter with fencing that is at least six (6) feet in height.

3) *Easements*. If an easement is required for the location of a commercial solar energy system on the property, the easement shall be staked by a licensed and registered Ohio land surveyor so as to provide proof the facility has been constructed within the easement.

4) *Lighting*. Exterior lighting for a commercial solar energy system site shall be limited to that required for safety and operational purposes.

5) *Glare*. Solar panels must be oriented/screened year-round to direct glare away from adjacent properties, structures, and roadways.

6) *Noise*. Cannot exceed noise of fifty (50) decibels measured at the property line.

7) *Utilities*. All electrical wires and utility connections for a commercial solar energy system shall be installed underground, except for transformers, inverters, substations, and controls.

8) *Signage*. Limited to one (1) sign per commercial SES. Sign standards are set forth by the zoning district the SES is located in. An emergency contact sign must be provided at each gate. The SES will be given an address to allow 911 services to

locate it. There will be no advertisement temporary banners signs allowed on SES fencing, but warning signs are allowable per applicable law.

KK. **Studio: Art, Music, & Dance.** In the OR district, the use shall not exceed four thousand (4,000) square feet in gross floor area.

LL. **Tattoo Studio.**

1. The use shall not be located within two-thousand (2,000) feet from another Tattoo Studio use.
2. No more than three (3) Tattoo Studios (as a primary use) shall be permitted within the jurisdiction.
3. Tattoo Studios are expressly prohibited in the Downtown Overlay District (DRO).
4. The establishment shall obtain and maintain all approvals required by the Ohio Department of Health and the Miami County Health District.
5. All tattooing and body piercing activities shall occur entirely within an enclosed building.

MM. **Tavern.** The use shall be located a minimum of five hundred (500) feet from any residential use or district; a place of public assembly, indoor; or a child-care center.

NN. **Tobacco, Cigarette, and Vape Store.**

1. The use shall be located a minimum of five hundred (500) feet from any residential use or district; a place of public assembly, indoor; child-care center, or another Tobacco, Cigarette, and Vape Store.
2. Tobacco, Cigarette, and Vape Stores are expressly prohibited in the Downtown Overlay District (DRO).
3. The use shall not be located within two thousand (2,000) feet from another Tobacco, Cigarette, and Vape Store.

OO. **Townhouse.** The building that houses the use shall be required to have 900 sq. ft. of usable residential space regardless of how large the individual units are designed to be provided that all applicable building code provisions are met.

PP. **Triplex.** The building that houses the use shall be required to have 900 sq. ft. of usable residential floor space regardless of how large the individual units are designed to be provided that all applicable building code provisions are met.

QQ. **Truck Fuel Dispensary.**

1. The use is limited to industrial vehicles meaning that typical automobiles are not permitted to use the facility; and
2. A convenience store or other retail sales establishment is not permitted as an accessory use.

RR. **Truck Washing Facilities***.*

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 the 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.

SS. **Veterinary Clinic and/or Service.**

1. Any building or exercise runway for said use shall be located a minimum of one hundred (100) feet from any residential use or district; a place of public assembly, indoor; or a child-care center;
2. Any building or exercise runway for said use shall be located in a minimum of twenty-five (25) feet from any lot line; and
3. Large animal veterinarian practices are prohibited from operating in the OR, NC, and MU zoning districts.

TT. **Warehousing and Storage, Indoor.**

1. External overhead doors shall not face residential property or a public right-of-way unless screened from view. All driveways within the facility shall be:
    a. Designed to accommodate appropriate fire fighting vehicles and be approved by the fire marshal;
    b. A minimum width of thirty (30) feet; and
    c. Located on an improved hard surface capable of holding striping of parking spaces and fire lanes.
2. Outdoor storage is prohibited*.*

UU. **Wireless Communications Facilities (WCF).**

1. *Applicability.* The standards within this section apply to all WCFs that are located on private property. For regulations pertaining to WCFs and associated structures, see Chapter 921, *Small Cell Facilities and Wireless Support Structures,* of the City's Codified Ordinances.
2. *Standards for All Types.*
    a. *Federal Requirements*. All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agencies of the federal government with the authority to regulate

WCFs. If such standards and regulations are changed, then the owners of the WCF governed by this Section shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.

b. *Radio Frequency Standards*. All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the City, the City may request that the owner or operator of the WCF provide information demonstrating compliance. If such information is not sufficient, in the reasonable discretion of the City, to demonstrate compliance, the City may request that the owner or operator of the WCF submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to the procedures in this UDC. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the applicant.

c. *Signal Interference*. All WCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone, and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement ("signal interference letter") from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the City to monitor interference levels with public safety communications during this process.

d. *Legal Access*. In all applications for WCFs outside of the right-of-way, an applicant shall demonstrate that it owns or has lease rights to the site.

e. *Operation and Maintenance*. To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If, upon inspection, the City determines that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the Development Code Administrator may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense. No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF, and only in accordance with all applicable laws governing such materials.

f. *Abandonment and Removal*. If a WCF has not been in use for a period of three (3) months, the owner of the WCF shall notify the City of the non-use and shall indicate whether reuse is expected within the ensuing three (3) months. Any WCF that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within thirty (30) days of receipt of written notice from the City. If such WCF is not removed within said thirty (30) days, the City may remove it at the owner's expense, and any approved permits for the WCF shall be deemed to have expired.

g. *Camouflage/Concealment*. All WCFs and any related accessory equipment shall, to the maximum extent possible, use concealment design techniques and, where not possible, utilize camouflage design techniques. Camouflage design techniques include, but are not limited to, using materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF into the surrounding natural setting and the built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Design elements shall be compatible with structures and vegetation on the same parcel and adjacent parcels.

    1) Where WCFs are located in areas of high public visibility, they shall, where physically possible, be designed to be concealed, and where not possible to be concealed, to minimize the WCF profile through placement of equipment fully or partially underground, or by way of example and not limitation, behind landscape berms.

    2) A concealment design may include the use of alternative tower structures should the Development Code Administrator determine that such design meets the intent of this Chapter and the community is better served thereby.

    3) All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and towers, shall be constructed of non-reflective materials (visible exterior surfaces only).

    4) No advertising is permitted anywhere on the Wireless Telecommunications Facility (WCF). Signage that identifies the use of the structure is however permitted.

h. *Siting.*

    1) No portion of any WCF may extend beyond the property line.

    2) WCFs shall be required to be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF unless the City approves an alternative design. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or site.

    3) WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below UDC standards.

4) WCFs shall not encroach into any sight triangles, as defined by Sec. 1105-04-K.

5) The location of the Tower and Equipment Shelter and Antenna Support Structure shall comply with all natural resource protection standards established in this UDC, including those for flood plains, wetlands, and steep slopes.

i. *Lighting*. WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

j. *Landscape and Fencing Requirements.*

1) WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the lot or parcel below any applicable standard within this UDC.

2) The site of the WCF shall be landscaped with a buffer of plant materials that effectively screens the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.

3) In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived in whole or in part by the Development Code Administrator.

4) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.

5) No trees larger than four (4) inches in diameter measured at four and a half (4½) feet high on the tree may be removed unless authorized by the Development Code Administrator. To obtain such authorization, the applicant shall show that:

a) Tree removal is necessary; and

a) The applicant's plan minimizes the number of trees to be removed.

b) Any trees removed are replaced at a ratio of two (2) to one (1).

c) Security fencing eight feet in height shall surround the Tower, Equipment Shelter and any guy wires, either completely or individually as determined by the Planning Commission. No barbed or razor wire shall be permitted in residential neighborhoods. The City and co-locators shall have reasonable access. 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.

3. *Standards by WCF Type.*

    a. *Base Stations.*

        1) Base Stations shall be architecturally compatible with respect to attachments and colored to match the building or structure to which they are attached.

        2) The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet.

        3) Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse.

        4) Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall-mounted WCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:

            a) Roof-mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;

            b) Roof-mounted panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and

            c) Other roof-mounted accessory equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed and shall not be permitted on a sloped roof.

    b. *Alternative Tower Structures (ATS) and Small Cell Facilities Located Outside of the Right-of-Way.*

        1) ATS shall be designed and constructed to look like a building, facility, or structure typically found in the area, in order that the WCF is concealed.

        2) Height or size of the proposed ATS or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet.

        3) ATS shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries.

        4) ATS should take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses.

        5) ATS and small cell facilities shall be compatible with the surrounding topography, tree coverage, and foliage.

        6) ATS and small cell facilities shall be designed utilizing design characteristics that have the effect of concealing where technically feasible and generally reducing or eliminating visual obtrusiveness.

7) Visual impacts of the proposed ingress and egress shall be minimized.

c. *Towers*.

1) Towers shall either maintain a galvanized steel finish or, subject to any applicable FAA standards, shall be painted a neutral color (non-contrasting gray or similar) so as to reduce visual obtrusiveness as determined by the City;

2) Tower structures should use existing landforms, vegetation, and structures to aid in concealing the facility from view or blending in with the surrounding built and natural environment;

3) All towers shall be enclosed by security fencing or wall at least six (6) feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material;

4) Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet;

5) Towers should be sited in a manner that is least obtrusive to residential structures and residential district boundaries where feasible;

6) Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;

7) Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

8) Visual impacts of the proposed ingress and egress shall be minimized.

d. *New Towers Permitted Only to Accommodate a Need*. No new Towers shall be permitted unless the applicant demonstrates that no existing WCFs can accommodate the needs that the applicant proposes to address with its Tower application. Evidence submitted to demonstrate that no existing WCFs can accommodate these needs may consist of the following:

1) No existing WCFs are of sufficient height and are located within the geographic area required to meet the applicant's engineering requirements;

2) Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;

3) The applicant's proposed WCF would cause electromagnetic interference with the WCFs on the existing WCFs, or the existing WCFs would cause interference with the applicant's proposed WCF; and

4) The Applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.

e. *Setbacks*. A Tower shall meet the greater of the following minimum setbacks from all property lines:

a) The setback for a principal building within the applicable zoning;

b) Twenty-five percent (25%) of the facility height, including WCFs and transmission equipment; or

c) The Tower height, including antennas, if the tower is adjacent to a residential district or residentially zoned property.

f. *Height*. Towers over forty (40) feet in height shall not be located within one-quarter (¼) mile from any existing tower that is over forty (40) feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.

g. *Right-of-Way*. No Towers shall be permitted in the right-of-way.

h. *Related Accessory Equipment*. Related accessory equipment for all WCFs shall meet the following requirements:

1) All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible;

2) The total footprint coverage area of the WCF's related accessory equipment shall not exceed three hundred and fifty (350) square feet;

3) No related accessory equipment or accessory structure shall exceed twelve (12) feet in height; and

4) Located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the related accessory equipment shall be camouflaged or concealed.

Chapter 1104 – Accessory and Temporary Use Regulations

Sec. 1104-01, Accessory Uses

A. **Purpose.** The purpose of this Section is to promote compatibility among accessory land uses by permitting and prohibiting the locations of specific accessory uses. Additionally, where necessary, additional standards have been written to ensure that the accessory uses that are permitted can function for the benefit of a property owner without causing a disturbance for neighbors and/or the community at-large.

B. **Application**.

1. *Permitted Uses.* Accessory uses are permitted by right provided that the additional use standards as stated in Sec. 1104-01-E, *Accessory Use Standards* are met.

2. *Permitted Uses with Additional Standards.* Permitted uses with additional standards are approved by the Development Code Administrator, provided the specific use standards as stated in Sec. 1104-01-E, *Accessory Use Standards,* are met. In the event that the Development Code Administrator determines that special circumstances require additional standards or review by the Planning Commission (PC), approval by the PC will be required.

3. *Approval of Uses.* Permitted accessory uses with additional standards shall only be approved if in compliance with all of the requirements of this Section and all other relevant chapters of the UDC, including but not limited to *Chapter 1105, Site Standards;* and *Chapter 1107, Subdivision Design Regulations*.

4. *Accessory Uses Not Specifically Mentioned.* Any use of land, structure, or a building that is not specifically named as a permitted principal, accessory, or temporary use within any zoning district shall not be permitted until it is determined by the Development Code Administrator that such use is similar to and compatible with those uses expressly permitted within such district. This decision by the Development Code Administrator may be appealed as provided in Sec. 1109-07-B, *Appeals*.

C. **General Provisions.** Unless otherwise expressly excluded from application elsewhere in this UDC, the following provisions shall be required of all applicable accessory structures and accessory uses.

1. An accessory use or structure shall be incidental to the primary use of the lot and shall not alter the character of the principal use.

2. Accessory uses and structures shall be constructed on the same lot as the principal use that it serves.

3. No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced. In cases where the main or principal structure is demolished, an existing accessory structure shall be allowed to remain on the lot or property without the main structure to which it is supposed to be an accessory on the following conditions:

a. Up to two years, provided the requirements of Sec. 1110-08, *Nonconforming Structures*, are complied with; or

b. A Certificate of Zoning Compliance (See Sec. 1109-04-A) is obtained for the reconstruction of the main or principal structure, the construction of which shall take place within two years. Failure to reconstruct the main or principal structure will be an automatic cause for the removal of the accessory structure at the owner's expense.

4. Gardens and the raising of crops for the personal use of the residents, tenants, or property owners, may be grown in the rear yard, without a permit.

5. An accessory structure that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the site development standards (See Chapter 1105, *Site Standards*) and all other development standards of the applicable zoning district. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by a breezeway or roof.

6. The accessory use regulations of this chapter shall not apply to any public park lands owned by the City of Troy, Miami County, or the State of Ohio.

7. *Height Limit*. Unless otherwise stated, the maximum height of a detached accessory structure shall be 20 feet in all districts except the LI or HI districts, where the maximum height shall be 30 feet. In no case shall an accessory structure exceed the height of the principal building. In agricultural districts, the maximum height of a detached accessory structure is 50 feet.

8. *Size Requirements*. For residential districts, the aggregate square footage of the following accessory buildings and structures shall not exceed more than 25 percent of the total rear yard:

   a. Detached garages and carports;

   b. Detached storage/utility sheds, gazebos, and other similar structures;

   c. Porches and decks;

   d. Ground-mounted solar energy systems;

   e. Swimming pools;

   f. Tennis and other recreational courts; and

   g. Other accessory buildings similar in nature to the above-mentioned structures, as determined by the Development Code Administrator.

9. *Number and Size Requirements*.

   a. Unless expressly stated otherwise within this Chapter of the UDC, accessory buildings and structures in all zoning districts shall be subject to all dimensional standards as provided for in Table 1102-8, *Dimensional Standards*.

b. In all of the open space and residential zoning districts, the area of all swimming pools shall not occupy more than ten (10) percent of the total lot area.

c. In no case shall the sum of all accessory structures listed in Table 1104-1, *Limits of Certain Accessory Structures,* exceed 3,000 square feet on any single lot.

d. Table 1104-1, *Limits of Certain Accessory Structures,* provides a maximum number of structures for the specifically designated structure types.

Table 1104-1, Limits of Certain Accessory Structures		
Garage or Carport (Detached)	One (1)	Maximum area is 1,000 square feet.
Detached Storage/Utility Sheds, Gazebos, and Other Similar Structures	One (1) if a detached garage and carport is located or proposed for the same lot, otherwise there shall be a maximum of two (2)	Maximum area is 250 square feet.
Swimming Pools, Hot Tubs, and Spas	One (1) each	N/A
Tennis and Other Recreational Courts	One (1)	N/A
Other Accessory Structures similar in nature to the above=mentioned structures, as determined by the Development Code Administrator	One (1)	N/A

D. **Land Use Matrix: Accessory Uses.**

1. *Generally.* Table 1104-02, *Land Use Matrix: Accessory Uses and Structures,* sets out the specific requirements for each accessory land use including what land uses are permitted, permitted with use standards, or prohibited within a specific zoning district.

2. *Uses Located within the Principal Building*. Accessory uses that are located within the principal building shall not occupy more than the 25 percent of the total floor area of the principal building. Where there are multiple tenants or dwellings within a single principal building, the maximum percentage of accessory use floor area shall be based on the floor area of each individual dwelling or tenant space.

3. *Setbacks.*

a. Unless an accessory use or structure is specifically permitted in a front yard, then such use or structure shall be set back so that it is not located closer to the street than the front building line of the principal building.

b. Unless otherwise required in this section, all accessory uses and structures shall be set back a minimum of five feet from all side and rear lot lines in residential zoning districts, ten feet in all other zoning districts,

c. In no case shall any accessory uses or structures be located in any recorded utility easement.

d. If required by a municipal building or fire code, then any required setback shall be increased to meet said requirement.

e. No detached accessory structure shall be located less than five (5) feet from the principal building.

f. All accessory buildings in open space or residential zoning districts shall be setback a minimum of 10 feet from all buildings located on adjacent lots. This setback shall be increased to 20 feet for all accessory buildings in mixed use / commercial or industrial zoning districts.

4. *Permitted Accessory Uses.* The following subsection provides details on the usage of Table 1104-2, *Land Use Matrix: Accessory Uses and Structures*.

   a. *Yards Permitted*. Table 1104-02, *Land Use Matrix: Accessory Uses and Structures*, establishes that specific accessory uses and structures shall only be located within the specifically designated yards.

   b. *Certificate of zoning compliance Required.* A "Yes" in the "Certificate of zoning compliance" column shall mean that applicable accessory structure requires a Certificate of Zoning Compliance in order to be constructed.

5. *Prohibited Structures for Accessory Uses*. Except as provided in this UDC, the use of inflatable garages or storage structures, portable carports or garages that are not permanently anchored into a foundation and made of permanent material, temporary structures as defined in Table 1104-3, *Land Use Matrix: Temporary Uses,* portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any zoning district.

6. *Use Standards.* Table cells with a "US" allow for the accessory land use or accessory structure to be permitted provided that use specific standards per Sec*.* 1104-E*, Accessory Use Standards,* are met*.*

Table 1104-2, Land Use Matrix: Accessory Uses and Structures													
-- = Prohibited; P = Permitted; US = Use Standards													
Land Use	**WO OS**	**AR**	**LR TR**	**UR MR**	**OR**	**NC**	**UC MU**	**GC**	**HC**	**LI HI**	**Yards Permitted**	**Use Specific Standards**	**Certificate of Zoning compliance**
Accessibility Ramps	US	US	US	US	US	US	US	US	US	US	Front Side Rear	Sec. 1104-01.E.1.	Yes
Accessory Dwelling Unit, Attached	--	US	--	--	US	US	--	--	--	--	N/A	Sec. 1104-01.E.2.	Yes
Accessory Dwelling Unit, Detached	--	US	--	--	--	--	--	--	--	--	Rear	Sec. 1104-01.E.3.	Yes
Automobile Fuel Dispensing Station	--	--	--	--	--	--	--	US	US	--	Rear	Sec. 1104-01.E.4.	Yes
Basketball Hoops	US	US	US	US	US	US	US	US	US	US	Front Side Rear	Sec. 1104-01.E.5.	No
Beekeeping	--	US	US	--	--	--	--	--	--	--	Rear	Sec. 1104-01.E.6.	Yes
Detached Storage/Utility Sheds Gazebos, and other Similar Buildings	US	US	US	US	US	US	US	US	US	US	Rear	Sec. 1104-01.E.7.	Yes
Drive-In Facility	--	--	--	--	--	--	--	US	US	--	Side Rear	Sec. 1104-01.E.8.	Yes
Drive-Thru Facility	--	--	--	--	--	--	--	US	US	--	Side Rear	Sec. 1104-01.E.9.	Yes
Electric Vehicle (EV) Charging Station	--	--	--	--	--	US	US	US	US	US	Front Side Rear	Sec. 1104-01.E.10.	Yes
Essential Services	P	P	P	P	P	P	P	P	P	P	Front Side Rear	N/A	Yes
Fences and Walls [1]	US	US	US	US	US	US	US	US	US	US	Side Rear	Sec. 1105-04.I	Yes

Table 1104-2, Land Use Matrix: Accessory Uses and Structures													
-- = Prohibited; P = Permitted; US = Use Standards													
Land Use	**WO OS**	**AR**	**LR TR**	**UR MR**	**OR**	**NC**	**UC MU**	**GC**	**HC**	**LI HI**	**Yards Permitted**	**Use Specific Standards**	**Certificate of Zoning compliance**
Garage or Carport	--	US	US	US	--	--	--	--	--	--	Rear	Sec. 1104-01.E.11.	Yes
Home Occupation	--	US	US	US	--	--	--	--	--	--	N/A	Sec. 1104-01.E.12.	Yes
Loft Residential	--	--	--	--	--	US	US	US	--	--	N/A	Sec. 1104-01.E.13.	Yes
Micro-Unit	--	--	--	--	--	--	P	--	--	--	N/A	N/A	Yes
Outdoor Dining	--	--	--	--	--	US	US	US	US	--	Front Side Rear	Sec. 1104-01.E.14.	Yes
Outdoor Display and Sales	--	--	--	--	--	--	--	US	US	--	Rear	Sec. 1104-01.E.15.	Yes
Outdoor Storage	--	--	--	--	--	--	--	--	US	--	Rear	Sec. 1104-01.E.16.	Yes
Patios, Porches, and Decks (Uncovered)	US	US	US	US	US	US	US	US	US	US	Front Side Rear	Sec. 1104-01.E.17.	Yes
Raising of Small Outdoor Animals	--	US	--	--	--	--	--	--	--	--	Rear	Sec. 1104-01.E.18.	Yes
Scoreboard	US	US	US	US	US	US	US	US	US	--	Side Rear	Sec. 1104-01.E.19	Yes
Short-Term Rental	--	--	--	--	US	US	US	--	--	--	N/A	Sec. 1104-01.E.20.	Yes
Skill-Based Amusement Machine	--	--	--	--	--	--	--	US	US	--	N/A	Sec. 1104-01.E.21.	Yes
Solar Energy System, Accessory	US	US	US	US	US	US	--	US	US	US	Rear	Sec. 1104-01.E.22.	Yes
Swimming Pool	--	US	US	US	--	--	--	--	--	--	Rear	Sec. 1104-01.E.23.	Yes
Tattoo Studios	--	--	--	--	--	--	--	US	--	--	N/A	Sec. 1104-01.E.24.	Yes

Table 1104-2, Land Use Matrix: Accessory Uses and Structures													
-- = Prohibited; P = Permitted; US = Use Standards													
Land Use	**WO OS**	**AR**	**LR TR**	**UR MR**	**OR**	**NC**	**UC MU**	**GC**	**HC**	**LI HI**	**Yards Permitted**	**Use Specific Standards**	**Certificate of Zoning compliance**
Tennis and Other Recreational Courts (Outdoor)	P	P	P	P	P	--	--	--	--	--	Rear	N/A	Yes
Trampoline	--	US	US	US	US	--	--	--	--	--	Rear	Sec. 1104-01.E.25.	No
Treehouse	--	US	US	US	US	--	--	--	--	--	Rear	Sec. 1104-01.E.26.	No
Truck Parking (Large Trucks)	--	--	--	--	--	--	--	--	--	US	Rear	Sec. 1104-01.E.27.	Yes
Vending Kiosk	--	--	--	--	US	US	US	US	US	--	Front Side Rear	Sec. 1104-01.E.28.	Yes
Wind Energy System, Accessory	--	--	--	--	--	--	--	--	--	--	--	--	--
Note: 1. Fences are permitted pursuant to the requirements of Sec. 1105-04-I, *Fencing*, and all other requirements found within this UDC.													

E. **Accessory Use Standards.** In addition to the requirements of the Table 1104-2, *Land Use Matrix: Accessory Uses and Structures*, and Sec. 1104-01-C, *General Provisions,* the following specific land use standards are required.

1. *Accessibility Ramps.*

   a. *Placement of Ramps*. Ramps that provide access to buildings for the disabled are allowed including when said ramps are placed into a setback provided that said ramps do not encroach on a public sidewalk, easement, right-of-way, or street.

   b. *ADA Requirements.* Ramps shall comply with the requirements of the Americans with Disabilities (ADA) Act.

2. *Accessory Dwelling Unit, Attached.*

   a. *Area*. Minimum area of the use shall be at least two hundred fifty (250) square feet.

   b. *Addressing*. Properties with an approved attached accessory dwelling unit shall be required to maintain a separate unit number from the primary dwelling unit.

   c. *Quantity*. No more than one (1) attached accessory dwelling shall be permitted per primary dwelling unit.

d. *Lawfully Constructed*. The attached accessory dwelling unit shall only be allowed on lots where an existing single detached dwelling unit is legally conforming as defined by this UDC.

e. *Ownership*.

1) The attached accessory dwelling unit shall not be under separate ownership from the primary structure.

2) The owner of the property must live in the primary structure.

f. *Driveway*. The attached accessory dwelling shall utilize the existing driveway that serves the primary dwelling.

g. *Sanitation*. Connections to the sanitary sewer system shall be required to accommodate the use. The use of septic systems to support an accessory dwelling unit is prohibited.

h. *Building Code Compliance*. The use shall meet all requirements to be a livable dwelling unit in accordance with the adopted Miami County building codes as determined by the Miami County Department of Development.

i. *Entrance*. The entrance to the attached ADU shall not face the front yard.

3. *Accessory Dwelling Unit, Detached.*

a. *Lot Area.* A detached accessory dwelling unit shall only be permitted on lots that meet or exceed (one-half) .5 acres.

b. *Area*. Minimum area of the use shall be two hundred twenty (220) square feet. Maximum area of the use shall be fifty percent (50%) of the primary dwelling unit or eight hundred (800) square feet, whichever is less.

c. *Accessory Structures*. An accessory dwelling shall not be permitted to have its own accessory structures.

d. *Addressing*. Properties with an approved accessory dwelling shall maintain a single physical address with separate "unit" number associated with each of the units in accordance with the rules of the applicable postmaster.

e. *Architecture and Building Materials*. Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling unit.

f. *Quantity*. No more than one (1) accessory dwelling (shall be permitted per primary dwelling unit.

g. *Lawfully Constructed*. The accessory dwelling unit shall only be allowed on lots where an existing single-detached dwelling unit is a legal conforming structure as defined by this UDC.

h. *Ownership*. The accessory dwelling unit shall not be under separate ownership from the primary structure.

i. *Driveway*. The accessory dwelling shall utilize the existing driveway that serves the primary dwelling.

j. *Sanitation*. Connections to the sanitary sewer system shall be required to accommodate the use. The use of septic systems to support an accessory dwelling unit is prohibited.

k. *Height*. Maximum height of a detached accessory dwelling shall be twenty-five (25) feet or the height of the primary dwelling unit, whichever is less.

l. *Location*. A detached accessory dwelling must be located behind the front façade of the primary residential structure, in the buildable area of the side yard or the rear yard and subject to all setback requirements.

4. *Automobile Fuel Dispensing Station.*

a. The primary use of the principal structure must consist of at least 10,000 square feet of enclosed floor area. The floor area shall be devoted to fifty-one (51%) of a grocery, or restaurant use.

b. The fuel station must be owned or operated by, or in direct partnership with, the grocery or restaurant use located on the same lot within the same principal structure.

c. The canopy and all associated fuel dispensing pumps shall be located in the rear yard of the principal building unless determined by the Planning Commission, that safe maneuverability of the site cannot be achieved. Evidence of this maneuverability shall be demonstrated by a Traffic Impact Study provided by the applicant. The City reserves the right to conduct its own Traffic Impact Study for verification. Relationship to Principal Use. A automobile fuel dispensing station approved in conjunction with a principal use shall be considered an accessory component of that development and shall not constitute a separate principal use. If the principal use permanently ceases operation, is abandoned, or otherwise vacates the site, the approval for the automobile fuel dispensing station shall automatically terminate. Fuel sales shall cease, and all fueling related components shall not be reopened unless a principal use meeting the requirements of this Code is established on the site and all required zoning approvals are obtained.

d. *Accessory Structure Design*. Any canopies, kiosks, or related structures shall be architecturally integrated with the principal building and meet all applicable design standards of the district.

e. *No Standalone Signage*. Freestanding signage identifying the fuel station shall not be permitted separate from the signage of the primary use(s) . This provision in no way prohibits the display of gasoline prices as required by federal law.

f. *No Repair Services*. No vehicle repair, washing, or servicing shall be permitted in association with the accessory fuel station use.

g. Space for overnight parking, overnight accommodations, or the inclusion of showers within the building shall be prohibited.

h. The Automobile Fuel Dispensing Station shall not be located within two-thousand (2,000) feet of another automobile fuel dispensing station.

5. *Basketball Hoops*. Movable basketball hoops shall not be located in rights-of-way or be so located as to require play in any right-of-way.

6. *Beekeeping.*

   a. A maximum of two (2) hives shall be permitted on lots zoned LR, TR, and UR.

   b. There shall be no limit on the number of hives permitted in the AR District.

   c. All hives shall be located only within rear yards, setback at least five (5) feet from the rear lot line and meet the side yard setback as determined by the established zoning district and establish a flyaway barrier adjacent to the hive(s). The flyaway barrier shall consist of a 6' high wall, fence, dense vegetation, or a combination thereof. The flyaway barrier shall comply with the City of Troy Fence Code Requirements.

   d. All hives shall be faced toward the principal structure on the lot.

   e. The owner of the hive(s) must be a resident in a dwelling located on the same lot on which the hive(s) are registered.

   f. Each colony shall be maintained in movable frames not to exceed the standard 9-5/8-inch depth 8-10-inch frame hive body with no more than three (3) supers.

   g. All beekeepers shall annually register and maintain their hives as set forth in the Ohio Revised Code, Chapter 909: Apiaries. Every hive shall bear the owner's Apiary identification number on the base or box in a location that can be seen without moving or lifting of the hive.

   h. An adequate supply of fresh water shall be maintained on the same lot within fifteen (15) feet from the hive to prevent bees from congregating at other sources of water on nearby properties.

   i. Beekeeping equipment shall be maintained in good condition, including keeping hives painted.

   j. The City reserves the right to revoke beekeeping privileges when conditions create an immediate danger to the residents living on or directly adjacent to a property with said bees as determined by the Development Code Administrator.

   k. Africanized bees shall not be kept in the City of Troy.

7. *Detached Storage/Utility Sheds, Gazebos, and other Similar* Buildings*.*

   a. *Size*. The maximum area of the use shall be 250 square feet.

   b. *Height*. The maximum height of the accessory use shall not exceed seventy-five (75) percent of the principal building on said lot or 25 feet, whichever is greater.

   c. *Location of Use Prohibited on Easement*. The location of said accessory use shall be prohibited from being placed on top of any easement.

8. *Drive-In Facility.* The use shall be located no closer than one hundred (100) feet from any residential district or use as measured along a straight line from the closest lot lines.
9. *Drive-Thru Facility*. The use shall be located no closer than one hundred (100) feet from any residential district or use as measured along a straight line from the closest lot lines.
10. *Electrical Vehicle (EV) Charging Station.*
    a. *Structural Requirement.* The use must be affixed to a permanent foundation.
    b. *Utility Connections.* The use shall have appropriate utility connections, such as electricity and water, and these connections must meet all City requirements.
    c. *Waterproof.* The use shall be weatherproof and designed to prevent electrical hazards.
11. *Garage or Carport.*
    a. *Permanent Building Materials Required.* All garages and carports shall be made of permanent building materials. Temporary garages and carports and those made of temporary materials such as canvas are prohibited.
    b. *Size*. The maximum size of a detached garage or carport is 1,000 square feet.
12. *Home Occupation*.
    a. No person shall operate a home occupation or be employed thereunder other than a resident of the premises.
    b. The use shall be conducted entirely within the dwelling and not more than 25 percent of the gross floor area of the dwelling unit shall be used as a home occupation.
    c. Outside storage of equipment and materials is prohibited.
    d. 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. No wholesale, gig-work, 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.
    e. 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.
    f. 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.
    g. Vehicles associated with the home occupation shall be subject to the following:
        1) Not more than one vehicle shall be used for the purposes of the home occupation;
        2) The vehicle used for the home occupations shall not be larger than Class 3 vehicle as defined by Federal Highway Administration 13-Category Rule Set.

3) With the exception of public and private mail carriers and typical home delivery services (such as UPS and Amazon) 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.

4) Such vehicle shall not have any permanent advertising of the home occupation but may have magnetic or other temporarily affixed advertising.

5) 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.

6) 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.

13. *Loft Residential.*

    a. Unless in the Urban Core (UC) district, a separate refuse and recycling area is required for the use in addition to first floor primary use of the building.

    b. Entrances whether by lobby, elevator, or stairs are permitted on the first floor of the building and the service areas for the first-floor use shall not interfere with said entrance for the use of loft residential.

    c. For any new construction or substantial improvement that adds a second or additional floors to the building consistent architectural treatment of the second and subsequent floors is required to match the existing first floor.

    d. The minimum size of each loft residential dwelling unit is three-hundred (300) sq. ft.

14. *Outdoor Dining.*

    a. Outdoor dining shall not be located within two hundred (200) feet of any existing residential use or residential zoning district. Outdoor dining within the UC district shall be exempt from this requirement pursuant to the requirements in b., below.

    b. The use of a public sidewalk for outdoor dining is prohibited in all zoning districts except the Urban Core (UC) district. Any property owner wanting to conduct outdoor dining on a public sidewalk in the UC district shall apply for permission using the applicable provisions of Chapter 717, *Use of Public Sidewalks*, of the City's Codified Ordinances.

15. *Outdoor Display and Sales.*

a. *Accessory Use*. The outdoor display area involves items for sale by a business that is located within a permanent structure or a designated area on the same site.

b. *Attached to Principal Building*. An outdoor display area that is attached to a principal building is permitted if the outdoor display area is:

1) Adjacent to a wall of a principal structure;

2) Configured as a walled and/or decoratively fenced area that is architecturally integrated into the principal building;

3) If covered, the display area shall be covered with a roof structure that is architecturally integrated into the primary building, except that nursery areas may be covered by greenhouse roofing, screening, or another cover material that is appropriate for protecting plant stock;

4) Within the buildable area of the site formed by the required setbacks;

5) Not larger than 15 percent of the gross floor area of the principal building; and

6) Not located in areas that are required or used for parking, loading, or vehicular circulation.

c. *Required Parking Spaces.* The accessory use shall not take up any parking space that is required per Table 1105-3, *Off-Street Parking Requirements*. The accessory use may however be placed on parking spaces that are above the minimum required per Table 1105-3, *Off-Street Parking Requirements*.

d. *General Commercial (GC).* In the GC district the accessory use shall:

1) Take up no more than 10% of lot area;

2) Be located directly adjacent to the building; and

3) Be screened from the right-of-way using a medium landscaping buffer (Type 2) per Table 1105-11, *Bufferyard Types*.

16. *Outdoor Storage.*

a. *Surfacing*. All outdoor material storage areas, including access aisles, driveways, and maneuvering areas, shall be composed of an all-weather surface.

b. *Placement*. An outdoor storage area shall:

1) Be located to the rear or side yard of the primary structure: and

2) Not abut any residential or mixed-use district.

c. *Maneuvering of Inventory*. The site shall be of adequate size, shape, and design to ensure:

1) All maneuvering of inventory will be contained on site;

2) All on-site maneuvering shall occur without encroaching onto adjacent properties or rights-of-way;

3) All inventory will be stored in a manner that will not interfere with the designed vehicle flow of the lot or interfere with fire vehicle access; and

4) Inventory will not be maneuvered in off-street parking lots or access drives.

d. *Buffering and Screening*. Outdoor storage areas shall be screened from the public right-of-way and from adjacent properties with a heavy landscaping buffer (Type 3) per Table 1105-11, *Bufferyard Types*.

17. *Patios, Porches and Decks (Unenclosed and Uncovered).* The use shall be built to the structural requirements of the adopted building codes.

a. Unenclosed and uncovered patios, porches, and decks not over four (4) feet above the average level of the adjoining ground except that such patios, porches and decks may not encroach more than ten (10) feet into the front yard setback, fifteen (15) feet into the required rear yard setback, or within three (3) feet of the side property line.

b. If the patios, porches, and decks are over four (4) feet above the average level of the adjoining ground, the patios, porches, and decks shall comply with the principal building setbacks of the underlying zoning district. This section shall apply to any patios, porches, and decks that are covered and/or enclosed.

18. *Raising of Small Outdoor Animals.*

a. All chickens and livestock shall be kept within a fully enclosed fence.

19. *Scoreboard*

a. Maximum display area of a scoreboard shall be three hundred (300) square feet.

b. Maximum height shall be thirty (30) feet.

c. A scoreboard must be set back a minimum of twenty-five (25) feet from all property lines.

d. All scoreboards shall be oriented so that any light is directed away from adjacent properties.

e. Illumination may be included, and shall meet the following requirements

1) An automatic dimming sensor (ambient light and/or photocell) is provided

2) Lighting must not cause glare onto adjacent properties or roadways

3) No flashing or rapid animation is included. Lighting must have a minimum dwell time of ten (10) seconds between transitions

f. Accessory signage may be included on the scoreboard so long as all accessory signage does not occupy more than 25% of the scoreboard.

20. *Short-Term Rental.*

a. *For Properties in the MU and UC Districts.* The use shall only be permitted in conjunction with the land use loft residential. All requirements as found within Sec. 1104-01-E-13, *Loft Residential*, are applicable to this land use.

b. *Certificate of zoning compliance of Compliance Required.* A certificate of zoning compliance is required by Sec. 1109-04-A, *Certificate of Zoning Compliance* of this UDC, prior to establishing a short-term rental land use.

21. *Skill-Based Amusement Machine.*

a. All of the applicable requirements of ORC Chapter 2915.01 shall be met.

b. A maximum of five (5) skill-based amusement machines are permitted on a single parcel of property.

22. *Solar Energy System (SES), Accessory.*

a. *Roof-Mounted SES. Solar energy systems shall be located in the least visibly obtrusive location where they would be functional and subject to the following requirements: All solar energy systems shall have a non-reflective coating to minimize glare*

1) Roof-mounted solar energy systems shall be installed on the same plane of the roof material (flush mounted) or shall be made a part of the roof design.

2) Roof-mounted solar energy systems shall not extend above the ridgeline of the roof to which they are attached and they may not extend below the roof line.

3) Mounting brackets and panels for roof-mounted solar energy systems shall not extend more than 8 inches above the roof surface and shall be covered in a manner architecturally compatible with the building to which is attached to minimize visibility from the right-of-way or adjoining properties.

4) All building-mounted solar energy systems shall be installed in a manner so they have a rectangular configuration.

5) Wiring and other appurtenances associated with roof-mounted solar energy systems shall be installed in a manner not visible from the right-of-way.

a) Roof penetration shall be used to conceal electrical wiring and electrical components from the public right-of-way.

6) Solar energy systems shall be located in a manner that provides a three (3) foot wide clear access pathway from the eave to the ridge for each roof where panels are located.

7) Panels shall be located in one general area on the same roof plane.

8) Panels installed on a roof facing the public right-of-way shall not exceed 25 percent of that roof area.

9) Solar energy systems may be mounted on flat roofs provided there is a parapet wall or other architectural feature that screens the view of the panels. Such

panels may be mounted on an angle provided they do not extend more than five feet above the roof surface.

10) Solar energy systems located on the roof shall provide, as part of their permit application, evidence of design review and structural certification signed by an engineer.

11) Solar energy systems shall be accessory to a principally permitted use. Solar panels are not permitted on a vacant lot

b. *Ground-Mounted SES*.

1) *Location*. Ground mounted systems shall be located in the rear yard of the property and shall not be located nearer to any lot lines than what is permitted for accessory uses in that district.

2) *Screening*. Ground mounted systems shall be screened with a dense living hedge to minimize visibility from adjoining properties.

3) *Height*. The maximum height of any solar panels shall not exceed eight (8) feet from the average level of the adjoining ground.

4) *Area*. Ground mounted solar systems shall not exceed 25% of the rear yard and shall not exceed the square footage of the principal structure.

5) *Accessory*. Ground mounted solar systems shall be accessory to a permitted principal use. Ground mounted solar systems shall not be installed on a vacant lot.

c. *Wall-Mounted SES*. Wall-mounted SES are prohibited.

d. *Nuisances*. Any accessory solar energy system, structure, or portion thereof declared to be unsafe by the Development Code Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal. See Chapter 523, *Nuisance Abatement Code*, of the City's Codified Ordinances.

23. *Swimming Pool.*

a. *Building Requirements*. Swimming pools use shall be built with:

1) A fully enclosed barrier at least forty-eight (48) inches in height that surrounds the pool; and

2) An active and operating filtration system; and

b. *Vacancy Requirement*. Upon the principal use becoming vacant, the pool shall be drained within 30 days. The pool water shall not be discharged onto any neighboring properties.

24. *Tattoo Studios.*

a. Tattoo Studios are allowed in the GC district (except the Downtown Riverfront Overlay) as an accessory use to a barber and beauty shop. Additionally, the use shall comply with the following:

1) The establishment shall obtain and maintain all approvals required by the Ohio Department of Health and the Miami County Health District.

2) All tattooing and body piercing activities shall occur entirely within an enclosed building.

3) There is no limit on the number of facilities that may be permitted as accessory use to a barber and beauty shop under this section of the UDC. The accessory use permitted in this scenario does not count towards the limitation on primary uses for a tattoo studio as identified in Section 1103-03 (LL.)

25. *Trampoline.*

a. *Level Ground and Anchoring*. The accessory use must be placed on level ground with adequate anchoring to prevent tipping.

b. *Location on Easement Prohibited*. The location of said accessory use shall be prohibited from being placed on top of any easement.

c. *Removal if Structurally Unsafe*. Trampolines shall be removed from the property if deemed unsafe or structurally compromised.

26. *Treehouse.*

a. *Structural and Safety Requirements*.

1) The accessory use shall be securely anchored to a healthy, structurally sound tree;

2) Materials and load bearing capacity shall be consistent with the Miami County, Ohio Building Code requirements for decks; and

3) Railing shall be installed for any platform higher than five feet above the ground.

b. *Use and Occupancy*.

1) Residential occupancy shall be prohibited; and

2) No plumbing or electrical service is permitted.

27. *Truck Parking (Large Trucks).*

a. *Proximity to Residential Properties.* The use shall be located no less than one hundred (100) feet from the property line of an adjacent residential use or zoning district.

b. *Long-Term Storage.* Storage of inoperable, unregistered, or unused large trucks shall be for no more than seventy-two (72) hours. Storage of trucks for longer than seventy-two (72) hours shall be permitted only within the accessory land use of “outdoor storage”.

c. *Screening.* Parking areas for large trucks must be screened from public streets and adjacent properties by a solid fence or screen that is at least six (6) feet high.

d. *Size of Parking Areas.* Parking areas must be designed to accommodate truck-turning radii and prevent backing movements onto public streets.

28. *Vending Kiosk.*

a. *Structural Requirement.* The use must be affixed to a permanent foundation.

b. *Size.* The use shall be no larger than 250 square feet.

c. *Utility Connections.* The use shall have appropriate utility connections, such as electricity and water, and such connections shall meet all City requirements.

d. *Weatherproof.* The use shall be weatherproof and designed to prevent electrical hazards.

Sec. 1104-02, Temporary Uses

A. **Purpose.** The purpose of this Section is to promote compatibility among accessory land uses by permitting and prohibiting the locations of specific temporary uses. Additionally, where necessary, additional standards have been written to ensure that the temporary uses that are permitted can function for the benefit of a property owner without causing a disturbance for neighbors and/or the community at-large.

B. **Application.**

1. *Permitted Uses.* Permitted temporary uses are permitted by right without requiring the additional use standards within this Section.

2. *Permitted Uses with Additional Standards.* Permitted uses with additional standards are approved by the Development Code Administrator, provided the specific use standards as stated in Sec. 1104-01, *Accessory Uses,* are met. In the event that the Development Code Administrator determines that special circumstances require additional standards or review by the Planning Commission (PC), approval by the PC shall be required.

3. *Approval of Uses.* Permitted temporary uses with additional standards shall only be approved if in compliance with all of the requirements of this Section and all other relevant chapters of the UDC, including but not limited to *Chapter 1105, Site Standards;* and *Chapter 1107, Subdivision Design Regulations*.

4. *Temporary Uses Not Specifically Mentioned.* Any use of land, a structure, or a building that is not specifically named as a permitted principal, accessory, or temporary use within any zoning district shall not be permitted until it is determined by the Development Code Administrator that such use is similar to and compatible with those uses expressly permitted within such district. The decision of the Zoning Development Code Administrator shall be in writing and may be appealed as provided in Sec. 1109-07-B, *Appeals*.

C. **Land Use Matrix: Temporary Uses.**

Table 1104-3, Land Use Matrix: Temporary Uses													
-- = Prohibited; P = Permitted; US = Use Standards													
Land Use	**WO OS**	**AR**	**LR TR**	**UR MR**	**OR**	**NC**	**UC MU**	**GC**	**HC**	**LI HI**	**Yards Permitted**	**Use Specific Standards**	**Certificate of Zoning compliance**
Construction Buildings and Structures	--	US	US	US	US	US	US	US	US	US	Front Side Rear	Sec. 1104-02.D.1	Yes
Construction Dumpsters	--	US	US	US	US	US	US	US	US	US	Side Rear	Sec.1104-02.D.2	Yes
Construction Yard	--	US	US	US	US	US	US	US	US	US	Front Side Rear	Sec. 1104-02.D.3	Yes
Roadside Agricultural Produce Stands	--	P	--	--	--	--	--	--	--	--	Front Side Rear	N/A	Yes
Special Event	US	US	US	US	US	US	US	US	US	US	N/A	Sec. 1104-02.D.4	Yes
Temporary Storage Pods	--	US	US	US	US	US	US	US	US	US	Front Side Rear	Sec. 1104-02.D.5	Yes

D. **Temporary Use Standards.**

1. *Construction Buildings and Structures.*
   a. All buildings shall set back at least ten (10) feet from all lot lines;
   b. The building may not be used as a residence; and
   c. The building shall be removed prior to the issuance of a certificate of occupancy for the last building as detailed on an approved site plan.
2. *Construction Dumpsters.*
   a. The dumpster shall be set back at least ten (10) feet from all lot lines;
   b. The dumpster may not obstruct any required parking lot requirements;
   c. All refuse from the site shall be contained within the dumpster and screened appropriately to ensure that all refuse is not removed by either wind or wildlife; and
   d. The dumpster shall remain in its temporary location for no more than 30 days.
3. *Construction Yard.*

a. The use shall be on a parcel proposed for development or a parcel immediately abutting a parcel being developed; and

b. The use shall be screened and fully enclosed so that access to the site is permitted only to construction personnel.

c. All materials associated with the use shall be removed no later than five (5) days after project completion.

4. *Special Event.*

a. An applicant for a special event shall submit a plan of operation which at a minimum satisfies the following:

1) *Location*. The size of the site shall be large enough to accommodate the expected attendance in a manner that is safe for the site, neighborhood, street, or other infrastructure.

2) *Hours*. The hours of the special event shall be limited to 7:00 AM to 9:00 PM on weekdays and 8:00 AM to 10:00 PM on weekends.

3) *Duration No special event permit shall be issued for the same parcel in excess of* four (4) times per calendar year and shall be limited to no more than five (5) consecutive days, not including set-up and tear-down.

4) *Operational Requirements*. The City may request that a building code inspection occur prior to the event that could include a review of parking, security, noise trespass, and accessibility.

5) *Traffic and Parking*. A plan for routing traffic to the property and the location of parking shall be submitted with the application.

6) *Lighting*. All outdoor lighting associated with the special event shall be turned off by 10:00 PM.

7) *Licensure*. Documentation of any required federal, state, or local permits or licenses shall be required to be submitted with an application.

b. If the special event involves use of public sidewalks, the applicant shall meet all the applicable requirements of Chapter 717, *Use of Public Sidewalks*.

5. *Temporary Storage Pods.*

a. *Timeframe*. The use shall be limited to a maximum duration of thirty (30) days.

b. *Size*. The maximum size shall be eight (8) feet wide, sixteen (16) feet long, and eight (8) feet tall.

c. *Number Permitted*. Residential properties may have only one temporary storage pod at a time. Commercial properties may have only two storage pods at a time.

d. *Location*. Pods shall not obstruct fire lanes, emergency access routes, utility connections, or cause a reduction in the number of required parking spaces per Table 4-1, *Off-Street Parking Requirements*.

e. *Signage*. Pods shall not display advertising or commercial signage beyond the manufacturer's branding.

f. *Aesthetics*. Pods must be well-maintained, free of rust, graffiti, or visible damage.

g. *Securely Closed*. Pods shall be securely closed to prevent unauthorized access or pest infestations.

Chapter 1105 – Site Standards

Sec. 1105-01, Close-Knit Factor Offsets

A. **Purpose.** The specific number of close-knit factors offsets required by Table 1105-1-D, *Required Close-Knit Factor Offsets by Zoning District*, and the specific offset options available by Table 1105-2, *Close-Knit Factor Offset Options*, are established to ensure that new development is compatible with the close-knit fabric of the City of Troy as identified in the City of Troy Comprehensive Plan.

B. **Applicability.** The approval of all applications per Sec.1109-08-B, *Major Subdivision Review Procedures*; Sec. 1109-08-A, *Minor Subdivision Review Process,* and Sec. 1109-06-D, *Zoning Map Amendments (Rezoning),* are contingent upon the close knit factor offsets and options per Table 1105-1, *Required Close-Knit Factor Offsets by Zoning District*, and Table 1105-2, *Close-Knit Factor Offset Options*, unless waived by the Development Code Administrator as set out in Sec. 1109-04-F, *Waiver, Close-Knit Factor*. Close-knit factor offsets shall be identified before recording a final plat of subdivision or approving a zoning map amendment application. All identified close knit factor offsets shall be encapsulated in a development agreement.

C. **Findings**. The close-knit factor offset system is being enacted to implement the goals and objectives of both the City's Comprehensive Plan and the City's Park and Recreation Master Plan.

D. **Required Close-Knit Factor Offsets by Zoning District.** The number of close-knit factor offsets required for a property within each zoning district shall be in accordance with the close-knit factor number as shown Table 1105-1, *Required Close-Knit Factor Offsets by Zoning District*, and within the City's Comprehensive Plan and its associated required number of offsets.

Table 1105-1, Required Close-Knit Factor Offsets by Zoning District

Zoning Districts	Close-Knit Factor Number	Required Number of Offsets
OS	5	0
AR	1	0
LR	2	3
TR	2	3
UR	4	1
MR	3	2
OR	5	0
NC	4	1
UC	5	0

Table 1105-1, Required Close-Knit Factor Offsets by Zoning District		
Zoning Districts	**Close-Knit Factor Number**	**Required Number of Offsets**
MU	4	1
GC	3	2
HC	2	3
LI	2	1
HI	1	1
PUD-R	2	3
PUD-C	3	2
PUD-I	2	1

Table 1105-2, Close-Knit Factor Offset Options		
Zoning Districts	**Offset Equivalency Factor**	**Close-Knit Factor Offset Options**
Agricultural and Residential Districts (AR, LR, TR, UR, MR)	1	• Interconnecting bike trail system • Community Garden • Dog park • Creative alternative as approved by the Planning Commission
	2	• Neighborhood park • 10 feet wide public street frontage multi-purpose trail • Dedicated homeowner association-owned park space • Community clubhouse or pavilion • Interconnecting bike trail system throughout the development • Creative alternative as approved by the Planning Commission
	3	• Install a new park amenity in a City-Owned Facility • Construct a three-mile portion of a proposed regional trail • Construct or complete street cross-section • Outdoor concert stage or venue • Creative alternative as approved by the Planning Commission

Table 1105-2, Close-Knit Factor Offset Options		
Zoning Districts	**Offset Equivalency Factor**	**Close-Knit Factor Offset Options**
Non-Residential Districts (OR, NC, UC, MU, GC, HC, LI, HI)	1	• Dog park • Dedicated public park space • Creative alternative as approved by the Planning Commission
	2	• Install a minimum 10-foot-wide multi-purpose trail along the public street frontage • Install shade or solar panels over off-street parking spaces • Creative alternative as approved by the Planning Commission
	3	• Interconnecting bike trail system throughout the development • Install a new park amenity in a City-Owned Facility • Construct a three-mile portion of a proposed regional trail designated on the complete streets and trails map of the Comprehensive Plan or Parks and Recreation Master Plan • Construct or donate the equivalent of a complete street cross-section for one mile of an identified complete street section. • Outdoor concert stage or venue • Creative alternative as approved by the Planning Commission

E. **Close-Knit Factor Offset Table Details.**

1. *Generally*. Applicants shall select from the list of offsets options established in Table 1105-1, *Close-Knit Factor Offset Options*, based on the specific zoning district where their property is located.

2. *Offset Equivalency Factor.* Due to the amount of cost incurred by the applicant and benefit received by the community, certain offsets are given a higher equivalency factor as set out in Table 1105-2, *Close-Knit Factor Offset Options*. For example, should a specific zoning district require two offsets per Table 1105-1, *Required Close-Knit Factor Offsets by Zoning District,* and the applicant selects an item to complete within the close-knit factor offset options with an equivalency of two (2), then the requirement would be satisfied.

3. *Offsets.* The offset identified in Table 1105-2, *Required Close-Knit Factor Offsets* are defined as:

   a. *Multi-Purpose Trail Along Public Frontage.* A minimum ten (10) foot wide paved multi-purpose trail shall be constructed within or immediately adjacent to the public right-of-way only along those portions of the development site that directly abut an existing or planned public street, conforming to the following minimum requirements:

1) The trail shall be required only along the public street frontage of the subdivision; and

2) Shall not be required along internal private streets or interior lot lines.

b. *Interconnecting Internal Trail System.* A continuous internal pedestrian and bicycle circulation system shall be provided such that each residential unit is located within six hundred (600) feet walking distance of a trail or sidewalk connection. At a minimum, the trail system includes the following:

1) Constructed of a hard surface (asphalt or concrete) with a minimum width of eight feet;

2) Seating areas spaced out every half mile; and

3) Includes the entire length of the public street front on which the residential development's main access point is located.

c. *Complete Street Frontage.* A complete street cross-section shall be constructed along those portions of the development site that directly abut an existing or planned public street right-of-way, or along a proximate segment of a priority complete street identified in the Official City of Troy Comprehensive Plan. When the development site is not immediately adjacent to such a street, the offset is permitted if the following conditions apply:

1) Be located within one mile (1) of the development site; and

2) Constitute a logical, contiguous segment of a priority complete street corridor, as determined by the Planning Commission.

3) Complete street improvements shall be permitted on public streets identified as priority complete streets in the official City of Troy Comprehensive Plan and shall not apply to internal subdivision streets, private streets, alleys, or interior circulation roads.

d. *Neighborhood Park.* A minimum of 0.5 acres shall be provided as an HOA-owned neighborhood park. The new neighborhood park will, at a minimum, contain the following:

1) Seating areas with benches;

2) One open lawn area;

3) One piece of play equipment or similar feature;

4) Shade structures or features;

5) One Shade tree for every 5,000 square feet of park; and

6) Centrally located and accessible via sidewalks or trails.

e. *Community Garden.* A minimum of 2,000 square feet shall be dedicated to a community garden, featuring defined planting areas and access to water. The area of

each individual planting bed must be a minimum of four feet by eight feet, for a total planting area of 32 square feet, and raised 12 inches above the surrounding grade by a retaining wall.

f. *Dog Park.* A dog park eligible to count as a close-knit factor offset shall be not less than and contiguous area of 0.5 acres and meet contain the following amenities:

   1) The entire perimeter will be surrounded by a five-foot-tall non-opaque fence;

   2) Seating area;

   3) Waste station; and

   4) Water resources.

g. *Community Clubhouse or Pavilion.* A minimum 1,200 square foot enclosed clubhouse or 1,500 square foot open-air pavilion with a concrete floor shall be provided for community-focused events and minimally include the following amenities:

   1) Electrical outlets; and

   2) A minimum of five ADA accessible picnic tables or other permanent seating furniture.

h. *Community Event Space.* A community event space is a deliberately planned, publicly accessible gathering area that accommodates organized neighborhood or community events, such as markets, performances, meetings, or celebrations, and minimally includes the following:

   1) A minimum contiguous area of 5,000 square feet;

   2) At least 70 percent of the space shall be flat (maximum slope of 2 percent);

   3) The space shall have a minimum clear dimension of 40 feet in at least one direction (to prevent narrow or leftover spaces);

   4) Fixed seating areas;

   5) Electrical service suitable for temporary event use;

   6) Pedestrian-scale lighting;

   7) Shade provided by trees or structures;

   8) Paved or reinforced surface suitable for temporary staging or vendor booths;

   9) Direct adjacency to a pavilion, clubhouse, or performance area; and

   10) Trash and recycling receptacles.

   11) Ownership of this community event space shall:

      a) Be owned and maintained by the HOA;

      b) Remain open to the public; and

c) Be subject only to reasonable rules of use, posted hours, and event scheduling procedures established by the HOA.

i. *Outdoor Concert Stage or Venue.* A permanent or semi-permanent stage that minimally includes:

1) Electrical service sufficient to host outdoor events, movies, and concerts;

2) Seating or lawn areas that are designed to accommodate a minimum of 100 people, designed to provide views for all event attendees;

3) Permanent or designated restroom areas;

4) Areas for permanent or temporary concessions and food services.

5) The concert venue or stage may be owned by the development ownership group or by the City of Troy, depending on the location of the new facility.

j. *Alley-Loaded Housing.* A minimum of fifty percent (50%) of residential units shall be served by rear alleys.

k. *Enhanced Architecture.* Buildings shall incorporate at least three architectural enhancements such as façade articulation, higher-quality materials, porches or balconies, or enhanced rooflines.

l. *Shaded or Solar-Covered Parking.* A minimum of seventy percent (70%) of off-street parking spaces shall be shaded by tree canopy or solar panel canopies.

m. *Regional Trail Construction.* Construction of three (3) linear miles of a proposed regional trail identified in the adopted City of Troy Comprehensive Plan. The trail shall remain publicly accessible.

n. *Play and Recreation Facility/Amenity Donations.* Eligible facility donations valued at $50,000 or more shall be as follows:

1) Inclusive/all-abilities playground structure

2) Destination playground feature

3) Large climbing net

4) Multi-story play tower

5) Nature-play elements with engineered surfacing

6) Splash pad or water play feature

7) Trailhead improvements, including:

8) Paved access

9) Seating

10) Bike racks

11) Wayfinding signage

12) Fitness stations installed along an existing trail
13) Large park pavilion or shelter
14) New electrical service to help provide an existing park with electrical hookups
15) Permanent performance stage or amphitheater element
16) Stage platform
17) Integrated seating or lawn terracing
18) Park plaza or hardscape gathering space
19) Decorative paving
20) Seating walls
21) Lighting and power
22) Pickleball courts (2–4 courts)
23) Basketball Courts
24) Donations to improve existing sports courts or fields as part of a city park redevelopment project
25) Paving and striping of parking lot areas
26) New or fencing repairs
27) Lighting
28) Multi-use sport court (Basketball, futsal, and inline hockey)
29) Synthetic turf multi-purpose field
30) Landscape and Environmental Enhancements
31) Significant tree planting program
32) Large-caliper trees
33) Irrigation system replacement
34) Formal garden or plaza feature
35) Shade structures
36) Plaza areas for public use, complete with hard surfaces for walking and seating areas
37) Permanent seating of furniture
38) Public art installation integrated into a park or downtown
39) Permanent restroom building
40) The following are not eligible items for this close-knit factor offset:

a) Benches or picnic tables alone

b) Trash cans or bike racks alone

c) Landscaping without hardscape or utilities

d) Donated equipment without installation

e) Maintenance-only items (seal coating, repainting, etc.)

F. **Creative Alternative**. An alternative improvement that provides equal or greater public benefit than the listed offsets may be approved by the Planning Commission. The proposal shall include a written narrative, cost estimate, and explanation of how the alternative supports the Close-Knit Factor.

1. *Findings Required*.

   a. A creative alternative may be approved by the Planning Commission when an applicant demonstrates that the proposed improvement provides an equal or greater public benefit than the listed offset options within the applicable equivalency factor.

   b. By preponderance of the evidence, the creative alternative approach selected must advance the goals of the City's Comprehensive Plan and Park and Recreation Master Plan and weigh the impacts of said decision against private property rights.

2. *Minimum Value Standard*. A creative alternative shall meet or exceed the minimum estimated construction value associated with the selected offset equivalency factor as follows:

   a. Equivalency Factor 1: Minimum $25,000 improvement value

   b. Equivalency Factor 2: Minimum $75,000 improvement value

   c. Equivalency Factor 3: Minimum $150,000 improvement value

   d. The Planning Commission may require a third-party cost estimate prepared by a licensed professional engineer, landscape architect, architect, or contractor.

3. *Public Benefit Criteria*. The Planning Commission shall approve a creative alternative only upon finding that the proposed improvement:

   a. Provides permanent and publicly accessible benefit;

   b. Advances at least one adopted goal, strategy, or priority project identified in the City of Troy Comprehensive Plan, Parks and Recreation Master Plan, or Complete Streets and Trails Plan;

   c. A creative alternative is not eligible if it meets on of the following:

      1) A required improvement of this UDC; or

      2) A landscaping, site improvement required in *Chapter 1105 – Site Standards*, *Chapter 1107 – Subdivision Design Standards*, or general maintenance activities.

4. *Location Requirements*. The creative alternative shall be located:

a. On-site;

b. Within one-mile of the development site; or

c. At a City-identified priority location as designated in an adopted plan.

5. *Documentation Required*. The applicant shall submit the following:

a. Written narrative describing the improvement and public benefit;

b. Detailed cost estimate;

c. Site plan or construction exhibit; and

d. Maintenance and ownership provisions.

6. *Approval Authority*. Approval of a creative alternative requires an affirmative finding by the Planning Commission that the proposal meets the intent and equivalency requirements of this Section.

7. *Feasibility Limitation.* The Planning Commission may deny a creative alternative if a listed offset option of equivalent value is reasonably feasible.

G. **Waiver.** A waiver of the close-knit offset factors is permitted is limited circumstances. See Sec. 1109-04-F, *Waiver, Close-Knit Factor*.

Sec. 1105-02, Architectural Standards

A. **Industrial Districts***.* The following architectural standards apply in the LI and HI districts.

1. *Visual Unity and Compatibility*. 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.

2. *Metal.* Metal shall only be used for industrial buildings provided that the metal panels are of 26 gauge, or thicker, that have the appearance of masonry or stucco. These panels are commonly referred to as R-Panels.

3. *Siding.*

a. *Consistent Siding Material*. The architectural design for all structures shall provide 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.

b. *Permitted Siding Materials*. Brick, textured concrete masonry, reinforced concrete panels, stucco, EFIS (exterior finish and insulating systems), and stone shall be permitted as siding materials.

c. *Prohibited Siding Materials*. Sheet metal, corrugated metal, vinyl siding, aluminum siding, and plain concrete block shall not be permitted unless the entire façade is not visual from a public right-of-way.

4. *Necessary Equipment and Services.*

    a. *Accessory Elements*. 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.

    b. *Accessory Equipment*. All building equipment, including but not limited to electrical transformers, air conditioning, air handling, and dust control equipment, shall be screened from street view with materials consistent with the overall building materials and design. Such equipment shall be located in areas where noise exposure to any adjacent residential zoning district(s) is reduced.

    c. *Roof-Mounted Mechanical Equipment*. 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.

Sec. 1105-03, Parking, Loading, and Stacking

A. **Purpose and Applicability.**

1. *Purpose.* The purpose of this Section is to ensure that:

    a. Adequate off-street parking is provided;

    b. Standards are established for the functional design of off-street parking facilities;

    c. Sufficient parking is provided in nonresidential areas that are near residential neighborhoods, so that the character and quality of life in the residential neighborhoods are protected from overflow parking;

    d. Adequate loading areas are provided that do not interfere with the function of other vehicular use areas; and

    e. Adequate stacking areas are provided to ensure safe and efficient circulation within sites that contain drive-in or drive-through uses.

2. *Applicability.*

    a. In every zoning district, with the exception of the UC 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 UDC shall provide off-street parking facilities in accordance with the regulations of this UDC.

    b. The requirements set for in this Section 1105-03 shall not apply to the UC district; however, when off-street parking is provided in the UC district, such parking spaces shall meet the applicable standards of this Section, with the exception of number of parking spaces required per Table 1105-3, *Off-Street Parking Requirements.*

B. **Required Off-Street Parking.**

1. The number of required parking spaces shall be calculated based on the required number of parking spaces for the land use as specified in Table 1105-3, *Off-Street Parking Requirements*.

2. The variables used for parking calculations are measured as follows:

   a. *Per Dwelling Unit (DU).* The phrase "per DU" means that the number of parking spaces is calculated based on the number of dwelling units.

   b. *Per Bedroom (BR).* The phrase “per BR” means the number of parking spaces is calculated based on the number of bedrooms.

   c. *Gross Square Feet.* The phrase “gross square feet” means the total amount of square footage within a building or buildings.

   d. *Licensed Capacity*. This phrase refers to the occupancy noted on the Certificate of Occupancy and/or Maximum Capacity Card.

   e. *Common Area*. The phrase “common area” means the total indoor area of a building that is available to all residents in a facility.

   f. *Usable Floor Area.* The phrase “usable floor area” means the total square footage within a building that is open to the public.

Table 1105-3, Off-Street Parking Requirements	
Land Use	Parking Spaces Required
PRIMARY RESIDENTIAL USES	
Single Detached Dwelling	One (1) spaces per DU
Duplex	One (1) spaces per DU
Triplex	One (1) spaces per DU
Townhouse	One (1) spaces per DU
Multi-Dwelling Residential	Three-quarters (.75) spaces per DU
Group Home, Foster Care	Parking standard based on unit type above + 1 space per employee
Group Home, Supportive Care	Parking standard based on unit type above + 1 space per employee
PRIMARY NON-RESIDENTIAL USES	
Agricultural Uses	
Farm	One (1) space per six hundred and fifty (650) gross square feet; if there is no building then one (1) space per employee on the largest shift.
Nursery	One (1) space per five-hundred (500) gross square feet of retail space; if there is no retail space then ten (10) parking spaces shall be provided.
Automobile and Related Service Uses	
Automobile Repair, Major	Two (2) spaces per bay

Table 1105-3, Off-Street Parking Requirements	
Land Use	Parking Spaces Required
PRIMARY RESIDENTIAL USES	
Automobile Repair, Minor	Two (2) spaces per bay
Automobile / Vehicle Sales	One (1) space per five hundred (500) gross square feet
Automobile Vehicle Rental	One (1) space per five hundred (500) gross square feet
Car Wash	One (1) space per two and a half (2.5) bays for self-service vehicle washes (not including the service bays); one (1) space per unattended automated wash; three (3) spaces per attended, automated wash with detail or hand-finishing services
Moving Company	One (1) space per five hundred (500) gross square feet
Truck Facilities	One (1) space per five (5) pump stations, plus two (2) spaces per service bay, plus one (1) space per five hundred (500) gross square feet for an attached convenience store.
Civic, Institutional, and Health Care Uses	
Adult Care Services	One (1) space per four hundred (400) gross square feet
Cemetery	One (1) space per four (4) acres
Child Care Center	One (1) space per every five (5) licensed-capacity occupants
Correctional Institution	One (1) per every employee on the largest shift plus one (1) per every twenty-five (25) inmates at licensed capacity
Hospital / Rehabilitative Care	One (1) spaces per every • exam or outpatient/inpatient bed, • procedure/operating room, • laboratory or recovery room, • three (3) employees on the largest shift
Library	One (1) space per four hundred (400) gross square feet
Medical and Diagnostic Laboratories	One (1) space per six hundred and fifty (650) gross square feet
Medical and Dental Office / Clinic	One (1) space per four hundred (400) square feet of gross floor area
Museum	One (1) space per four hundred (400) gross square feet
Nursing Home	One (1) space per sleeping unit plus one (1) space per six hundred and fifty (650) square feet of common area
Place of Public Assembly, Indoor	One (1) parking space per every eight (8) licensed-capacity occupants
Parks and Recreational Facilities, Public	One thousand (1,000) square feet of indoor or outdoor play area

Table 1105-3, Off-Street Parking Requirements	
Land Use	Parking Spaces Required
PRIMARY RESIDENTIAL USES	
Parks and Recreational Facilities, Private	One (1) per one thousand (1,000) square feet of indoor or outdoor play area
Government Service (Police, Fire, Emergency Medical Services)	One (1) space per every four hundred (400) square feet, plus one (1) per vehicle stored on-site plus one (1) per employee
Schools (elementary and middle schools)	1 space per classroom
Schools (high school and adult education)	1 per 5 students
Commercial Uses	
Adult Entertainment Business	One (1) space per three hundred (300) square feet of gross floor area
Adult Use Testing Laboratories	One (1) space per two hundred and fifty (250) square feet of gross floor area
Bank, Credit Union, and Financial Services	One (1) space per six hundred (600) gross square feet
Commercial Recreation and Amusement Services, Indoor	One (1) space per four hundred (400) gross square feet
Commercial Recreation and Amusement Services, Outdoor	One (1) space per one and one-third (1.33) acre
Grocery	One (1) space per five hundred (500) gross square feet
Hardware Store	One (1) space per five hundred (500) gross square feet
Heavy Equipment Rental and Sales	One (1) space per two hundred and fifty (250) square feet of usable floor area in offices, waiting area, and customer service area plus one (1) per rental vehicle
Hotel	One-half (0.5) space per guest room
Kennel	One (1) space per every sixteen (16) cages, plus one (1) per employee on the largest shift
Laundromat	One (1) space per four hundred (400) square feet
Manufactured Home Sales	One (1) space per two hundred and fifty (250) square feet of gross floor area
Office, General	One (1) space per six hundred (600) gross square feet
Personal Services	One (1) space per every station, chair, or activity area or one (1) per four hundred (400) square feet, whichever is greater
Restaurant	One (1) space per two hundred (200) square feet dining area
Retail Sales	One (1) space per five hundred (500) square feet of gross floor area
Self-Storage, Mini-Warehouse	One (1) space per one hundred (100) units

Table 1105-3, Off-Street Parking Requirements	
Land Use	Parking Spaces Required
PRIMARY RESIDENTIAL USES	
Studio: art, music, dance	One (1) per four hundred (400) square feet
Tavern	One (1) space per three hundred (300) square feet of gross floor area
Tobacco, Cigarette, and Vape Stores	One (1) space per five hundred (500) square feet of gross floor area
Veterinary Clinic and/or Service	One (1) space per four hundred (400) gross floor area
Industrial and Manufacturing Uses	
Contractor's Shop	One (1) space per four hundred (400) square feet of gross floor area, plus one (1) per six hundred and fifty (650) square feet of storage yard
Crematorium	One (1) space per employee on largest shift
Salvage Yard	One (1) space per four (4) acres
Manufacturing, Heavy	One (1) space per two thousand (2,000) gross square feet
Manufacturing, Light	One (1) space per two thousand (2,000) gross square feet
Mineral Excavation	One (1) space per employee on largest shift
Warehousing and Storage, Indoor	One (1) space per two thousand (2,000) gross square feet
Transportation, Utility, and Communication Uses	
Airport / Heliport	One (1) space per six hundred and fifty (650) gross square feet of the terminal
Distribution Center	One (1) space per six hundred and fifty650) gross square feet
Landfill	One (1) space per four (4) acres
Public Transportation Terminal	One (1) space per four hundred (400) gross square feet
Wireless Communications Facilities (WCF)	One (1) space per employee on largest shift

C. **Surfacing and Striping.**

1. *Surfacing.*

   a. 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.

2. *Striping***.** 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.

D. **Parking Lot and Parking Space Dimensions.**

1. *Size.*

a. *Minimum Width and Length*. An off-street parking space shall be a minimum width of nine (9) feet and a minimum length of eighteen (18) feet, except parallel parking spaces which shall have a minimum length of twenty-two (22) feet.

b. *Vertical Clearance*. All parking spaces shall have a vertical clearance of at least seven (7) feet.

c. *Parking Space Dimensions*. The following standards of Table 1105-4, *Minimum* Parking *Space Dimensions*, shall apply. The only permitted angles of parking that required are as shown below (0 degrees, 30 degrees, 45 degrees, 60 degrees, or 90 degrees).

Table 1105-4, Minimum Parking Space Dimensions

Angle of Parking Relative to Circulation Aisle	Minimum Circulation Aisle Width	One- or Two-Way Circulation
0 degrees (parallel parking)	12 feet	One[1]
30 degrees	12 feet	One[1]
45 degrees	14 feet	One[1]
60 degrees	18 feet	One[1]
90 degrees (perpendicular parking)	22 feet	Two[2]

Notes:

1. Two-way circulation is permitted provided that the minimum circulation width is 22 feet.
2. One-way circulation is not permitted in conjunction with 90 degrees (perpendicular parking).

2. *Aisles and Driveways*. Residential drives, access drives, aisles, and ramps shall be of usable size and in accordance with the City of Troy Construction Standards which permit reasonable access to and from the parking spaces.

3. *Design.*

a. Off-street parking space may be open to the sky or enclosed in a building or structure, either above or below ground level.

b. Off-street parking areas and ingress and egress shall comply with the applicable design standards for curbs, driveway widths, island widths, barriers, and stormwater in accordance with the City of Troy Construction Standards.

c. In no case shall off-street parking spaces or driveways providing access to off-street parking lots, except for single detached dwellings, duplexes, triplexes, and

townhouses, 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.

4. *Separation.*

   a. All open off-street parking areas shall be separated from public street rights-of-way or setback lines that have been established by this UDC 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.

   b. All off-street parking areas shall be located a minimum of four (4) feet from adjoining properties.

E. **Parking for Persons with Disabilities**. All parking facilities shall have provisions for persons with disabilities. 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. The number of required ADA parking spaces are outlined in Table 1105-5, *ADA Parking Space Standards,* or as amended from time to time.

Table 1105-5, ADA Parking Space Standards

Total Spaces in Parking Lot	ADA Parking Spaces Required
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 – 200	6
201 – 300	8
301 – 400	12
Over 400	12 spaces + 2 additional spaces for every 250 or a fraction thereof over 400

F. **Shared Parking**.

1. *Parking Reduction.* Shared parking allows a reduction in the total number of required parking spaces when a property is occupied by two or more uses that typically do not experience peak use of parking areas at the same time.

2. *Example of Shared Parking.* An example of a site where shared parking is applicable is provided below in Figure 1105-1, *Shared Parking Illustration*. The example shown below in this illustrative is only one example of where the site design lends itself to the use of shared parking.

Figure 1105-1, Shared Parking Illustration



3. *Calculation of Reduced Parking for Specific Land Uses.* When any structure is used for two or more uses that are listed in Table 1105-6, *Shared Parking Demand*, below, the minimum total number of required parking spaces may be determined by the following procedures, which are followed by Table 1105-7, *Illustrative Shared Parking Reduction Calculation Examples*, showing an example of how to calculate shared parking reductions.

    a. Determine the minimum parking requirements for each use category in Column (A) as if it were a separate use;

    b. Multiply the sum of the required parking spaces for each use by the corresponding percentages for each of the five time periods set forth below in Table 1105-6, *Shared Parking Demand*;

    c. Calculate the total for each time period; and

    d. Select the column with the highest total to find the required number of shared spaces.

Table 1105-6, Shared Parking Demand

Use Category	Weekday		Weekend		Night: Weekday and Weekend (midnight to 6am)
	Day (6am to 6pm)	Evening (6pm to midnight)	Day (6am to 6pm)	Evening (6pm to midnight)	
Multi-Dwelling Residential	60%	90%	80%	90%	100%
Office, General	100%	10%	10%	5%	5%
Retail Sales	60%	90%	100%	70%	5%
Hotel	75%	100%	80%	100%	100%

Table 1105-6, Shared Parking Demand					
Use Category	Weekday		Weekend		Night: Weekday and Weekend (midnight to 6am)
	Day (6am to 6pm)	Evening (6pm to midnight)	Day (6am to 6pm)	Evening (6pm to midnight)	
Restaurant	50%	100%	80%	100%	10%
Commercial Recreation and Amusement Services, Indoor	40%	100%	100%	100%	10%

Table 1105-7, Illustrative Shared Parking Reduction Calculation Examples[1]					
Use Category	Weekday		Weekend		Night (midnight to 6am)
	Day (6am to 6pm)	Evening (6pm to midnight)	Day (6am to 6pm)	Evening (6pm to midnight)	
Multi-Dwelling Residential: 40 spaces (for 25 DU)	60% x 40= 24	90% x 40 = 36	80% x 40= 32	90% x 40 = 36	100% x 40= 40
Office, General: 86 spaces (for 30,000 square feet)	100% x 86 = 86	10% x 86 = 9	10% x 86 = 9	5% x 86 = 5	5% x 86 = 5
Retail Sales: 100 spaces (for 20,000 square feet)	60% x 100 = 60	90% x 100 = 90	100% x 100 = 100	70% x 100 = 70	5% x 100 = 5
Column totals:	170[2]	135	141	111	50

EXAMPLE: A parking lot in the GC zoning district provides parking for an apartment with 25 dwelling units, 30,000 square feet of general office space, and 20,000 square feet of retail space. Separately, these uses would require a minimum of 227 parking spaces. However, using the shared parking calculation they only require 170 spaces.

The largest number, 170, is the number of parking spaces required. This example is a 25 percent reduction compared to individual calculations.

4. *Alternative Shared Parking Proposal.* A development or adjacent developments may propose a shared parking area (with a combination of land uses that does not meet the mix as provided in Table 1105-6, *Shared Parking Demand*, if it provides a minimum of fifty percent (50%) of the required spaces for each use and the Development Code Administrator approves the shared parking area.

a. *Location*. Parking on another lot shall be within five hundred (500) feet of the lot occupied by the use for which they are required.

b. *Approval Requirements*. All off-site and shared parking space arrangements are subject to the approval of the Development Code Administrator. Approvals shall be based on the determination that the use of off-site and/or shared parking will include appropriate pedestrian connections and will provide an adequate number of parking spaces and future parking area expansion options for the uses involved.

c. *Different Demands*. Two (2) or more uses for which the normal hours of operation do not overlap may share parking either on or off-site (example: a place of public assembly, indoor, may share its parking lot with a business, or with apartments located on upper floors of adjacent businesses).

d. *Required Documentation*. Permanent documentation of any off-site and/or shared parking agreement shall be signed by all involved property owners and shall be recorded with the Miami County Recorder. This recordation shall include but is not limited to the following items: maintenance, snow removal, dissolving the agreement and establishing alternate parking, ownership, and liability.

G. **Site Access.**

1. *Connection between Driveway and Public Right-of-Way*. Each off-street parking area shall open directly upon an aisle or driveway consistent with the City of Troy Construction Standards. With the exception of single detached dwellings, duplexes, triplexes, and townhouses, the entrance and exit onto the public right-of-way shall not require a vehicle to back into said public right-of-way.

2. *Parking Lots*. Driveway entrances and exits to parking lots shall be located in compliance with the Access Control Standards of the City of Troy Construction Standards.

3. *Cross Access*. Where feasible cross access between two adjoining properties that have a commercial use shall be provided. The feasibility shall be based on traffic safety and safe maneuverability of the site as determined by the Development Code Administrator and/or City Engineer.

H. **Off-Street Loading.**

1. *Number of Required Spaces*. In any zoning district, except the UC, land use that requires the receipt and distribution of large materials or merchandise shall have the appropriate number of loading berths based on square footage as specified in Table 1105-8, *Required Off-Street Loading Spaces*:

Table 1105-8, Required Off-Street Loading Spaces	
Square Feet of Gross Floor Area	**Minimum Required Spaces**
0 to 5,000	None
5,001 to 40,000	1

Table 1105-8, Required Off-Street Loading Spaces	
Square Feet of Gross Floor Area	**Minimum Required Spaces**
40,001 to 100,000	2
Each additional 100,000	1 additional

2. *Location.*

   a. All required off-street loading spaces shall be off-street and shall be located on the same lot as the specific use to be served.

   b. No permitted or required loading space shall be located within front yard or side yard.

   c. No permitted or required loading space shall be located within forty (40) feet of the nearest point of intersection of any two (2) streets or highways.

3. *Access*. Each required off-street loading space 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.

4. *Storage, Repair, and Service*. No storage, motor vehicle repair work, or service of any kind other than emergency shall be permitted within any required off-street loading space.

5. *Off-Street Parking Requirements.* Space allocated to a required off-street loading space shall not be used to satisfy any requirement of this UDC for off-street parking spaces including, but not limited to the requirements of Table 5-3, *Off-Street Parking Requirements*.

6. *Size.* Unless otherwise specified in this UDC, a required off-street loading space 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 a vertical clearance of at least fourteen (14) feet.

7. *Surfacing.* All off-street loading spaces, including associated driveways, aisles, and circulation areas, shall be graded and improved with bituminous concrete or Portland cement concrete.

8. *Drainage.* All off-street loading spaces shall be designed based upon a finding by the City Engineer that the loading spaces adequately removes storm drainage as approved by the City Engineer.

9. *Screening.* When any open off-street loading area is adjacent to a lot in the AR, SR, SU, UR, MR, and OR districts 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 UDC.

10. *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.

11. *Striping and Marking.* Designated off-street loading spaces shall be marked on the surface of the loading area with paint or permanent marking materials and maintained in clearly visible condition.

I. **Stacking Requirements.** All non-residential uses shall provide stacking spaces for vehicles at drive-in and drive-through facilities consistent with the following requirements.

1. *Dimensions*. Each stacking space shall have a minimum dimension of twenty (20) feet in length by ten (10) feet in width.

2. *On-Site Parking Areas*. The location of stacking spaces shall avoid interference with on-site parking areas. The lane(s) containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.

3. *Pedestrians*. Pedestrian walkways should not pass through a stacking space area unless there is no alternative. Pedestrian walkways shall be clearly marked through pavement striping or a stamped pattern or texture.

4. *Required Number of Spaces*. Uses that include drive-through service or a car wash shall not have fewer than the following number of stacking spaces:

    a. *Drive-Through Restaurants.*

        1) If two (2) service windows are provided (one for payments and one for pick-up):

            a) Four (4) stacking spaces located before each menu board;

            a) Four (4) stacking spaces between the menu board and the first window (including the position at the first window); and

            b) Two (2) spaces between the first window and the second window (including the position at the second window).

        2) If one (1) service window is provided (for both payments and pick-up):

            a) Six (6) stacking spaces located before each menu board; and

            c) Five (5) stacking spaces between the menu board and the service window.

        3) *Car Wash*: Two (2) stacking spaces per drive-through station;

        4) *Other Commercial Uses*: Three (3) stacking spaces per drive-through station.

        5) *Stacking Requirement Graphic*: An illustrative graphic which shows the requirements for a drive-through restaurant with two (2) service windows as described in Sec. 1105-03-I-4-a-1, is shown below in Figure 1105-2, *Stacking Requirements*.

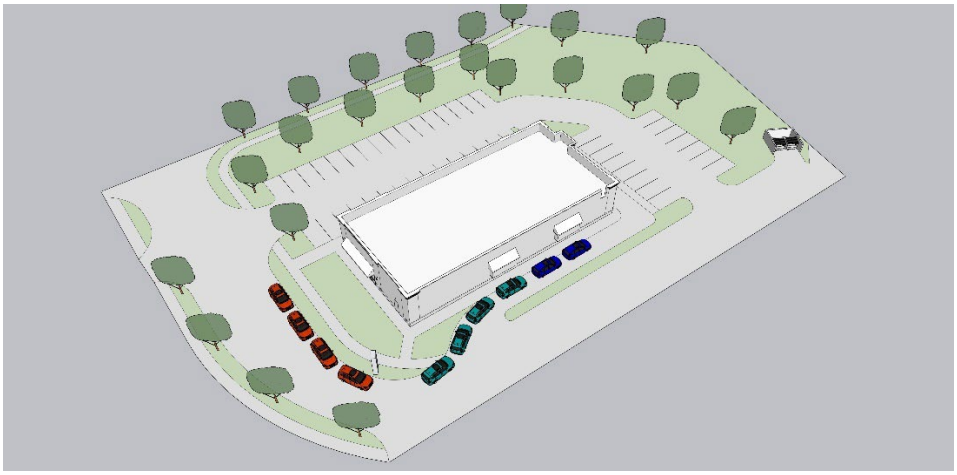
5. *Design.*

    a. Stacking lanes shall be clearly marked and shall not interfere with on-site or off-site traffic circulation.

b. Stacking areas shall not be located between the façade of a building and the public street upon which the building fronts.

c. Stacking lanes shall be designed with an abutting eight (8) foot or more wide bypass lane.

Figure 1105-2, Stacking Requirements



6. *Overnight Parking of Commercial Vehicles.*

a. *Residential Zoning Districts.* No Class A or Class B commercially licensed vehicle requiring a commercial driver's license (CDL) to operate shall be parked or stored within the AR, LR, TR, UR, MR, or OR Districts except when the vehicle is:

1) Parked within an enclosed private garage;

2) Delivering or receiving property on the premises; or

3) Rendering services to persons occupying the premises.

b. *Mixed Use / Commercial and Industrial Districts.* Class A or Class B commercially licensed vehicle requiring a commercial driver's license (CDL) to operate shall be parked or stored within the NC, UC, MU, GC, HC, LI, or HI zoning districts for a maximum of six (6) hours per day and said vehicle shall have an electrical connection to a building on the property for the duration of time where the vehicle is parked if auxiliary power is needed to support onboard equipment.

Sec. 1105-04, Landscaping, Buffering, and Screening

A. **Purpose and Applicability.**

1. *Purpose*. The purposes of the landscaping, buffering, and screening regulations are to:

a. Provide a proper utilization of landscaping as a screen or buffer between particular land uses;

b. Increase compatibility between neighboring land uses; and

c. Minimize noise, air and/or visual pollution and artificial light glare.

2. *Applicability.*

   a. *All Zoning Districts*. The standards of this section apply to all zoning districts unless otherwise stated.

   b. *Compliance Required*. A site shall be brought into compliance with the standards established in this section when either of the following occurs:

      1) The primary use of the parcel changes; or

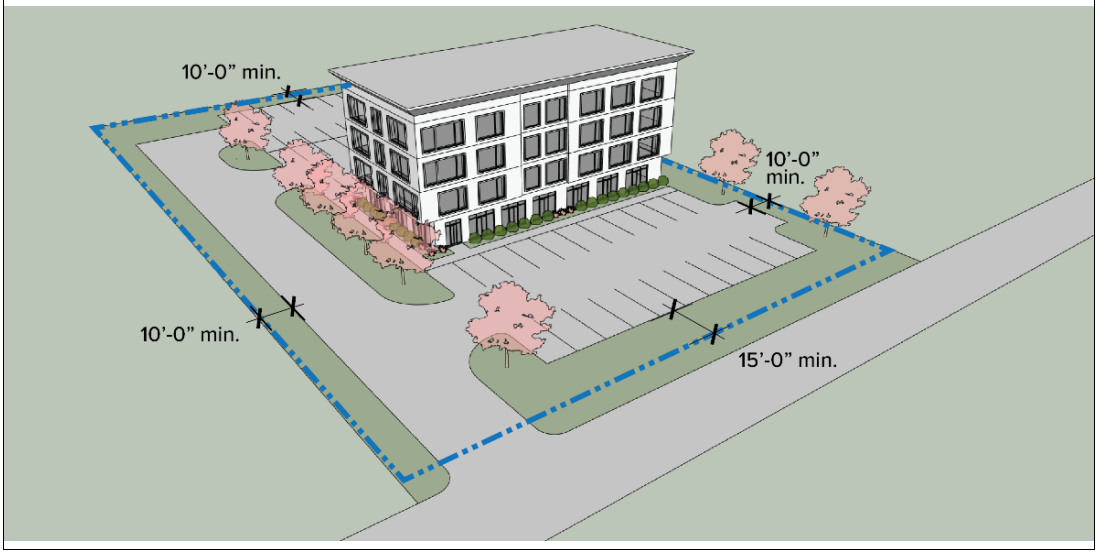
      2) The impervious surface coverage of the lot increases by more than twenty percent (20%).

3. *Natural Vegetation shall be Maintained*. When preparing and reviewing site and/or development plans, preliminary plans, and final plans, natural vegetation areas shall be preserved wherever it is feasible to do so. Streets, lots, structures, and parking areas should be laid out to avoid unnecessary destruction of heavily wooded areas.

4. *Parking Lot Landscaping.* No parking facility shall be constructed or enlarged until a landscape plan for such facility has been reviewed and approved by the Development Code Administrator based upon the standards set forth herein.

5. *Perimeter Landscaping Area.* All parking lots shall be surrounded by a minimum of a ten (10) foot wide perimeter landscaping area and separated from all planned and existing public right-of-way unless a cross-access easement is provided at the discretion of the Development Code Administrator. The perimeter landscaping width shall be a minimum of fifteen (15) feet for all front yards notwithstanding the foregoing. See Figure 1105-3, *Parking Lot Landscaping*.

Figure 1105-3, Parking Lot Landscaping



6. *Primary Landscaping Materials.* 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.

7. *Acceptable Planting Types.* Shrubbery, hedges, and other planting materials may be used to complement the tree landscaping. The City of Troy Guide to Recommended and Prohibited Plants should be consulted prior to design of any parking facility.

8. *Planting Areas*. The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to ensure 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 UDC.

9. *Stormwater.* Planting medians shall be designed to reduce stormwater issues created by the impermeable surface of the parking lot. All applicable requirements of Sec. 1106-01, *Stormwater Management,* shall be strictly enforced.

10. *Required Landscape Area.* 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.

11. *Minimum Required Plantings.* A minimum of two (2) trees, each a minimum size of one and three-quarters (1-1/2) 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.

B. **Preserved Tree Credits**. If it is determined by the Development Code Administrator 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 Development Code 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:

Table 1105-9, Preserved Tree Credits		
Diameter of Existing Crown Spread of Preserved Trees	**Diameter Tree Trunk of Preserved Tree**	**Number of Trees Credited**
90 ft. or greater	39 inches or 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

C. **Development Landscaping.**

1. *Subdivision Entrance Landscaping*. The developer should provide an attractive landscaped entrance, as well as a structure(s) consisting of stone, brick, or combination thereof, for all subdivisions which comprise ten (10) more acres or thirty (30) or more dwelling units. The requirement of a gateway or its components may be waived by the Development Code Administrator where insufficient land is available or for other good cause.

2. *Front Yard Requirements*. All front yard space shall be landscaped by lawns, shrubbery, trees or other plantings and maintained in a neat and orderly state.

3. *Foundation Landscaping.*

   a. *Applicability*. This provision applies to all primary structures.

   b. *Plantings Required.* The number of shrubs or ornamental trees listed below, in Table 1105-10, *Minimum Foundation Landscaping*, are required in addition to landscape materials that may be required by parking lot planting, screening, and bufferyard planting specified in other parts of this section.

Table 1105-10, Minimum Foundation Landscaping		
Frontage Street Pavement Width	**Front Facades**	**Side & Rear Facades**
Eighty (80) feet or less	Three (3) shrubs	One (1) shrub or ornamental tree per every thirty (30) lineal feet
More than eighty (80) feet	One (1) shrub or ornamental tree per every twenty (20) lineal feet	One (1) shrub or ornamental tree per every forty (40) lineal feet

   c. *Placement*. Foundation plantings shall be planted along all four (4) sides of the foundation (excluding drive-throughs, loading docks, and the front door) and be located as follows.

1) *Shrubs*. Within six (6) feet of the foundation.

2) *Ornamental Trees. Within ten (10) feet of the foundation.*

D. **Bufferyards**. The following bufferyard requirements shall apply to all zoning districts.

1. *Responsibility*. The developer or owner of the subject property is required to install and maintain a bufferyard on their own parcel when the adjacent parcel is already developed. If the adjacent parcel is undeveloped, a bufferyard is not required on the subject property.

2. *More Intensive Bufferyard May Apply*. If a subject property develops or redevelops in a zoning district where an existing buffer on an adjacent property no longer meets the bufferyard requirement, the subject property shall install a new buffer on their property that meets the more intensive bufferyard requirement.

3. *Bufferyards*. Bufferyards shall be located along the lots outside perimeter, parallel to and extending along one hundred percent (100%) of side and rear property lines, as indicated in Table 1105-12, *Bufferyards Required*. Bufferyard widths are in addition to required setbacks. Bufferyards shall not be placed in the public right-of-way.

4. *Use and Possession.*

   a. *Water or Drainage Areas*. Bufferyards may contain natural water amenities or areas established for drainage if planting requirements are still satisfied.

   b. *Parking and Loading Areas*. Neither parking nor loading is allowed within any required bufferyard area.

   c. *Overlap with Easements*. Bufferyards may overlap with drainage and utility easements, but required plantings shall not be placed within an actual drainage and/or utility easement.

   d. *Recreational Use*. Bufferyards may be used for passive recreation. A bufferyard may contain pedestrian or bicycle trails provided that the total width of the bufferyard is not reduced, and all other regulations of this UDC are met. In no event, however, shall permanent structures be permitted in bufferyards.

   e. *Plant Arrangement*. Plant material shall be installed within the bufferyard such that views between properties, noise, and other impacts from conflicting land uses are disrupted.

   f. *Substitution for Pre-Existing Trees*. The Development Code Administrator may lessen the requirements of the bufferyard standards by twenty percent (20%) due to unique site conditions or features that prevent the appropriate and healthy installation of the trees. These site conditions or features may include existing vegetation, such as pre-existing trees, that exceed the bufferyard requirements in size and quantity or topography that shields the adjacent property in a more thorough way than the bufferyard requirements.

g. *Properties on the Exterior of the Municipal Limits*. If a new use borders a jurisdiction outside of the corporate limits of Troy, the bufferyard used shall be based on the current land use in that adjacent jurisdiction.

h. *Buffering from the Right of Way.* All commercial land uses and all uses built on commercially zoned properties shall be required to provide a type 1 bufferyard along their street frontage.

i. *Fences and Walls in Bufferyards*. Fences and walls shall be a minimum of six (6) feet tall and opaque. Fences shall be constructed of wood or vinyl. Walls shall be brick or stone construction. Any fence or wall shall be located at least fifteen (15) feet from the property line, and the required landscaping shall be planted between the fence and the property line.

j. *Berms in Bufferyards*. Berms shall be constructed of earth and must be completely contained inside the bufferyard. The slope of the berm must be completely on the subject property, and the base must be at least three (3) feet from the property line. A berm shall not exceed five (5) feet at its peak. No berm shall have slopes in excess of three horizontal units to one vertical unit (3:1 slope). Required landscaping may be planted on the berm.

Table 1105-11, Bufferyard Types

Type	Minimum Buffer Width	Landscaping Required per 100 Linear Feet
1 – Light Buffer	Setback + 5’	1 shade trees + 1 ornamental or 1 evergreen trees
2 – Medium Buffer	Setback + 7.5’	2 shade trees + 1 evergreen trees or 10 shrubs
3 – Heavy Buffer	Setback + 15’	2 shade trees + 6’ tall opaque screen (fence or wall) or 3’ tall berm + 20 shrubs or 2 evergreen trees

Table 1105-12, Bufferyard Required

Zoning Districts		Subject Property														
		WO	**OS**	**AR**	**SR**	**SU**	**UR**	**MR**	**OR**	**NC**	**UC**	**MU**	**GC**	**HC**	**LI**	**HI**
Adjacent Property	**WO**	--	--	--	--	--	--	--	1	2	--	2	2	3	3	3
	OS	--	--	--	--	--	--	--	1	2	--	2	2	3	3	3
	AR	--	--	--	--	--	--	1	1	2	--	2	2	3	3	3
	SR	--	--	--	--	--	--	1	1	2	--	2	2	3	3	3
	SU	--	--	--	--	--	--	1	1	2	--	2	2	3	3	3

Table 1105-12, Bufferyard Required																
Zoning Districts		Subject Property														
		WO	OS	AR	SR	SU	UR	MR	OR	NC	UC	MU	GC	HC	LI	HI
	UR	--	--	--	--	--	--	1	1	2	--	2	2	3	3	3
	MR	--	--	1	1	1	1	--	1	2	--	2	2	3	3	3
	OR	1	1	1	1	1	1	1	--	2	--	2	2	3	3	3
	NC	2	2	2	2	2	2	2	2	--	--	2	2	3	3	3
	UC	2	2	2	2	2	2	2	2	2	--	2	2	3	3	3
	MU	2	2	2	2	2	2	2	2	2	--	--	2	3	3	3
	GC	2	2	2	2	2	2	2	2	2	--	2	--	2	2	2
	HC	2	2	2	2	2	2	2	2	2	--	2	2	--	2	2
	LI	2	2	2	2	2	2	2	2	2	--	2	2	2	--	2
	HI	3	3	3	3	3	3	3	3	3	--	3	3	3	3	--

k. *Examples of Bufferyard Types*. Set out in Figure 1105-4, *Example of Bufferyard Types*, are the illustrative examples of the different bufferyard types.

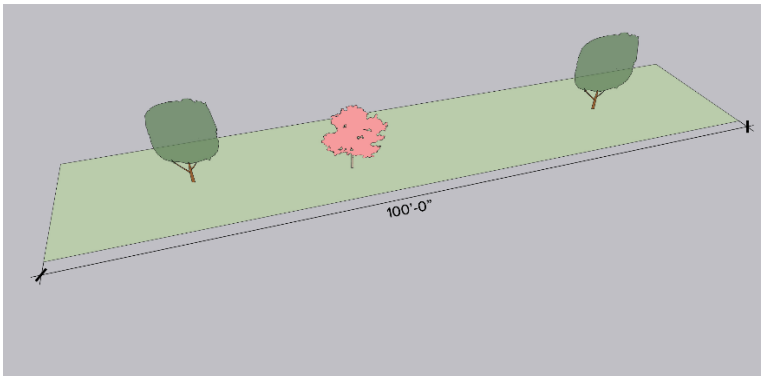
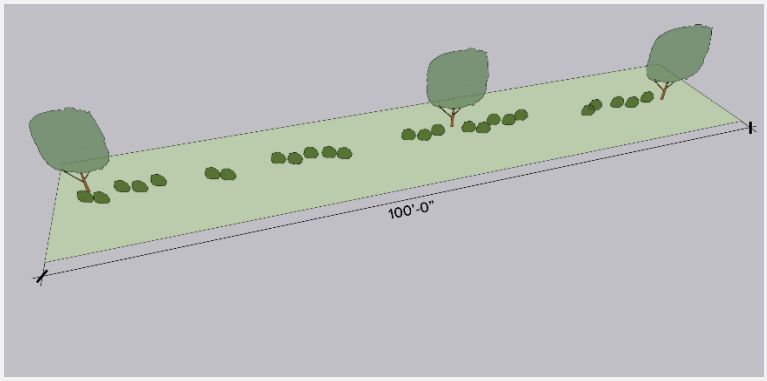
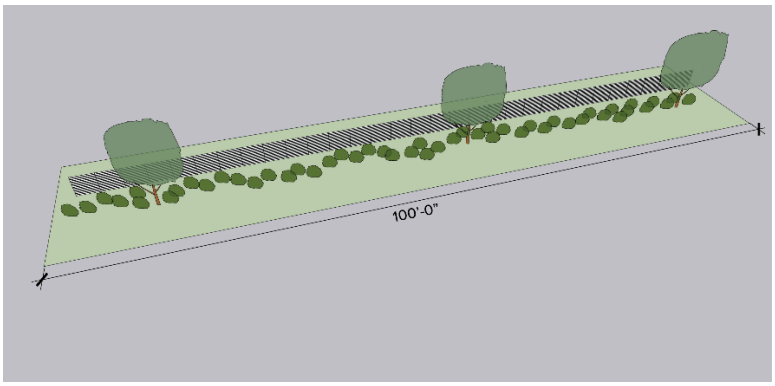
Figure 1105-4, Example of Bufferyard Types	
Bufferyard Type	**Illustrative Example**
Light	
Medium	

Figure 1105-4, Example of Bufferyard Types	
Bufferyard Type	**Illustrative Example**
Heavy	

E. **Materials**. Landscape materials utilized in meeting the requirements of this section shall complement the form of existing trees and plantings, as well as the general design and architecture of the developed area. The type of sun or shade should be considered in selecting plant materials. Artificial plants are prohibited. All landscape materials shall be living plants and shall meet the following requirements:

1. *Deciduous Trees*. Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above the ground) of at least two (2) inches immediately after planting shall be required.
2. *Recommended Tree Species*. The City of Troy Guide to Recommended and Prohibited Plants shall be consulted for a list of recommended tree species.
3. *Evergreen Trees*. Evergreen trees shall be a minimum of three (3) feet high with a minimum caliper of one (1) inch immediately after planting.
4. *Shrubs and Hedges*. Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to the requirements of this chapter within four (4) years after planting.
5. *Grass or Ground Cover*. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns and may be sodded or seeded. In swales or similar areas subject to erosion, nets or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. Ground cover consisting of rocks, pebbles, sand, or similar materials may only be approved in circumstances where only twenty-five (25%) of front yard contains said materials.

F. **Screening**. Any new or altered use which requires site plan review and has an outdoor trash storage area shall comply with the following requirements:

1. 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.

1. In no instance shall any such refuse be visible above the required enclosure.

2. 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.

3. 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.

4. The surface under any such storage area shall be constructed of concrete, complete with footers, and shall comply with all local building requirements.

5. 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.

Figure 1105-5, Dumpster or Recycling Container



G. **Roof-Mounted Equipment Screening**. Any new or altered use which requires site plan review and has updated equipment located on a roof of a building shall be screened in accordance with the following:

1. Equipment must be screened on the roof edge side by a parapet wall or other type of screen that is at least 6 inches higher than the topmost point of the equipment being screened.

2. The screening must be at least 75% opaque.

3. The screening will be treated as an extension of the principal building and must meet all standards of the underlying district.

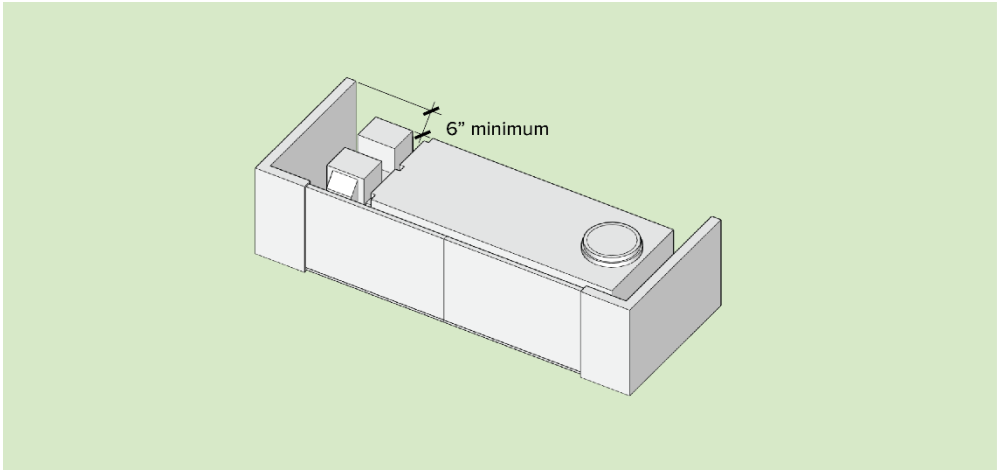
Figure 1105-6, Roof-Mounted Equipment Screening



H. **Ground-Mounted Equipment Screening**. Any new or altered use which requires site plan review and has ground mounted equipment shall be screened in accordance with the following:

1. Ground-mounted equipment must be located between the building and the rear lot line with no public or customer view of the equipment unless it is screened meeting the standards below.
2. Equipment must be screened on three (3) sides by a masonry wall with finishing similar to the principal structure that is at least six (6) inches higher than the topmost point of the equipment being screened.
3. Access gates must be provided on the fourth side and must also be at least 6 inches higher than the topmost point of the equipment being screened.
4. The Development Code Administrator may accept an alternate landscaping plan that meets the objectives to screen ground mounted equipment.

Figure 1105-7, Ground-Mounted Equipment Screening



I. **Fencing.** A fence may be erected, placed, or maintained, upon a lot, subject to the following conditions:

1. Fences may only be erected upon a zoning lot where a principal structure has been established, with the exception of the Agricultural (A) zoning district.
2. No person or owner of a property shall erect, construct, or allow to remain any fence charged with electrical current.
3. No person or owner of a property shall erect, construct, or allow to remain any fence consisting of barbed wire fence which abuts or is adjacent to any public street or sidewalk. This subsection does not prevent the placement and use of not more than three strands of barbed wire on top of a fence other than a barbed wire fence, provided that such strands are not less than seventy-two (72) inches from the ground and the fences within the LI and HI zoning districts. The rolling of barbed wire is prohibited. Barbed wire may be erected and maintained as provided in Chapter 971 of the Ohio Revised Code.
4. No person or owner of a property shall erect, construct, or allow to remain any fence constructed of corrugated metal, chicken wire, rabbit wire, rope, string, fabric, razor wire, or similar materials subject to deterioration from the effects of weather. This subsection does not prevent the placement and use of corrugated metal fencing within the HI zoning district only. This section shall apply in the Agricultural (AG) district to external fences and not internal fences that do not create a border with a neighboring property.
5. No person or owner of a property shall erect, construct, or allow to remain any fence constructed of discarded materials such as shipping crates or pallets; or of tires, stacked tires or automobile parts, or stacked building materials, salvaged garage doors, or similar new or used materials.

6. After the effective date of this legislation, no person or owner of a property shall erect or construct a fence with a height greater than forty-two (42) inches above the ground level within a front yard setback as defined in this UDC or within a corner side yard of a corner lot, or within a rear yard of a through lot except in the case of double frontage lots where no access is permitted to the more heavily traveled roadway. Only decorative, open-style fences such as wrought iron or picket shall be permitted within a front yard setback.
7. After the effective date of this legislation, no person or owner shall construct a chain link fence at a height of more than four (4) feet or a privacy fence at a height of more than six (6) feet, two (2) inches, above the ground level, except a fence located within a front yard setback as defined by this UDC, or within a corner side yard of a corner lot, or within a rear yard of a through lot except in the case of double frontage lots where no access is permitted to the more heavily traveled roadway. In the case of a privacy fence, there shall be a gap of two (2) inches from the bottom of the fence to the ground to allow for drainage. In the LI and HI districts, the maximum height of any type of fence shall be eight (8) feet.
8. No person or owner shall fail to maintain any fence in good repair. Missing or broken parts; rotted or deteriorated wood parts; or collapse of a part of a fence; or leaning of a portion of a fence by more than ten (10) degrees from vertical shall be prima facie evidence of a violation of this subsection.
9. After the effective date of this legislation, except in the case of dual-faced fences or walls, all supporting posts must be located on the side facing the interior of the property upon which they are located and may exceed the height of the posts next to the fence or wall height by no more than six (6) inches.
10. All approved chain link fences shall remain open. No chain link fence shall be erected or constructed in a front yard. The installation of slats made of vinyl, aluminum, or any other material shall be prohibited.
11. Nothing in these regulations shall prevent a person or owner from repairing or maintaining an existing fence that is not in compliance with the subsections above, with a fence at the same location on the lot and maintaining the same height and material previously used.
12. There shall be no more than one (1) fence between adjacent property owners on or adjacent to the adjoining property lines. A second fence shall be allowed only upon the following conditions:
    a. Provide or restrict access to or screen a swimming pool or hot tub, or
    b. Provide a dog run or kennel enclosure in the rear yard, or
    c. On a drainage easement line or utility easement line with written approval from the City Engineer.
13. No fence shall be erected unless it contains at least one (1) access gate.

14. Privacy fences, once erected, shall be maintained and repaired with similar materials. Continuous portions of the fence shall consist of the same materials. Continuous portions are defined as sections of fencing that are connected until separated by a corner.

15. It is the sole responsibility of the applicant for a fence permit to determine the property line.

16. Private swimming pools, hot tubs, and spas containing water more than twenty-four (24) inches in depth shall be completely surrounded by a fence or barrier at least four (4) feet in height above the finished ground level measured on the side of the barrier away from the pool. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, and all gates or doors opening through such enclosure shall be designed to permit locking and shall be kept located when the pool is not in actual use or is left unattended. This requirement shall be applicable to all new swimming pools or hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a minimum depth of twenty-four inches of water. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier. Above-ground swimming pools with ladders/steps that can be removed or locked to prohibit access shall be exempt from the provisions of this section. Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

17. No fence shall be constructed unless the owner or erector of such fence receives a fence permit. Applications for such a permit shall include a drawing showing the shape and dimension of the property upon which the fence is being erected; height, location, type of material of the proposed fence; the location of all buildings on the lot; and any other information deemed necessary by the Planning Division. The Development Code Administrator shall collect the established fee for the permit and the provide the application form, which shall require each applicant to certify that the fence does not encroach upon another owner's lot or parcel of land. The City shall furnish inspection as it deems necessary to determine that the fence is constructed in accordance with plans submitted for the permit and the requirements of this section. Any inspection provided shall not be construed to mean that the City has determined that the fence is on the appropriate lot, nor relieve any property owner of their duty imposed by law.

18. All fences, except fences located within the AR district, shall be placed upon the lot lines, or as near as practicable, unless the rear lot line abuts a public right-of-way, with the exception that fences may be allowed to intrude into the required rear and side yards to provide for enclosure for the fenced in area. Fences located in the front yard setback are not required to be on the property line.

J. **Installation and Maintenance.**

1. *Generally*. Plants and other landscape material shall be maintained to match the approved landscaping requirements of the approved development plan and shall use

landscape industry best practices for trimming, mulching, fertilizing, watering and treatment against disease and pests.

1. *Responsibility*. The owner of the property shall be responsible for the continuous proper maintenance of all required landscaping materials and shall keep them free from refuse and debris and in a healthy, growing condition at all times.

2. *Inspection*. A site is subject to landscape inspection by the Development Code Administrator at the time of installation and at any time in the future, to confirm the accuracy of the installation, the health of plant materials and the maintenance of the approved landscape portion of a development plan.

K. **Traffic Visibility at Intersections.** No fence, wall, hedge, tree, shrub, sign, or other object which obstructs site lines and elevations between two and one-half (2½) and eight (8) feet above the street shall be placed, planted, or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points thirty-five (35) feet from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. The same site line limitations as stated in this section shall apply to any area within ten (10) feet of the intersection of a street right-of-way line with the edge of any driveway pavement or alley line. See Figure 1105-8, *Vertical Site Lines and Horizontal Site Lines*.

Figure 1105-8, Vertical Site Lines and Horizontal Site Lines

Vertical Site Lines

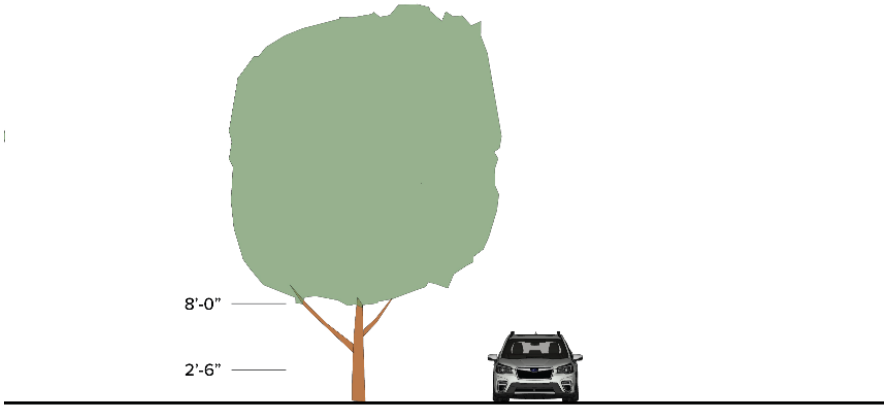
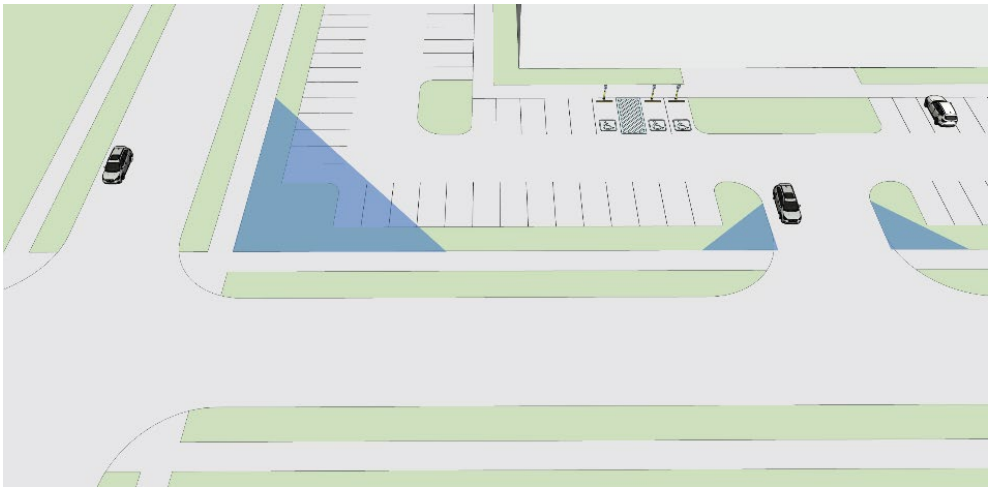


Figure 1105-8, Vertical Site Lines and Horizontal Site Lines	
Horizontal Site Lines	

Sec. 1105-05, Signs

A. **Purpose.** The purpose of this section is to:

1. Preserve and protect the public health, safety, and welfare of the physical development of the city;
2. Provide a means of communication, identification, and advertising in a manner that will not detract from existing business, residential investment, or traffic and pedestrian safety;
3. Provide sufficient communication for new signage while ensuring that increased signage does not lead to visual clutter, thus reducing the effectiveness of the individual messages and, in some cases, rendering individual signs useless;
4. Provide legible and appropriate signage that is not distracting to motorists, and is constructed and maintained in a structurally sound and attractive condition;
5. Promote signage that is compatible with the use of the property for which it is located and;
6. Create sign regulations that are content-neutral with appropriate time, place, and manner restrictions that are not based on the message, viewpoint, subject matter, or communicative display of the content displayed.

B. **Applicability.**

1. *Required Conformance*. No person shall erect, place, establish, paint or add any sign, or cause a sign to be located within the City of Troy unless all provisions of this UDC have been met.

2. *Permit Required*. To ensure compliance with the provisions of this UDC, a sign permit shall be required for each sign (including all types of temporary and permanent signs) unless specifically exempted by this UDC.
3. *Permit Required for Alteration*. A sign initially approved for which a permit has been issued shall not be modified, relocated, altered, or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, relocated, altered, or replaced if any such design element constituted a basis for approval of such sign unless an amended or new permit is obtained consistent with these regulations.
4. *Specific Situations Requiring Sign Permit*. The following specific situations shall require a sign permit:
    a. Installation of a new sign.
    b. A change of the face of a sign.
    c. Moving or enlarging of a sign.
5. *Specific Situations Not Requiring a Sign Permit*. The following specific situations shall not require a sign permit:
    a. The repainting, repairing, changing of parts and preventive maintenance of signs.
    b. A change in the message on a changeable copy sign.
    c. Repainting of supports and sign area provided no change in sign message.
6. *Expiration of Sign Permit*. Any sign permit shall expire if the sign for which the permit has been issued is not fully constructed within one hundred eighty-three (183) days from the date of issuance of the permit.
7. *Lapse of Sign Permit*. A sign permit shall lapse automatically if the Certificate of Zoning Compliance for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the activity on the premises for which the sign permit was issued is discontinued for a period of one hundred eighty-three (183) days or more.

C. **General Regulations.**

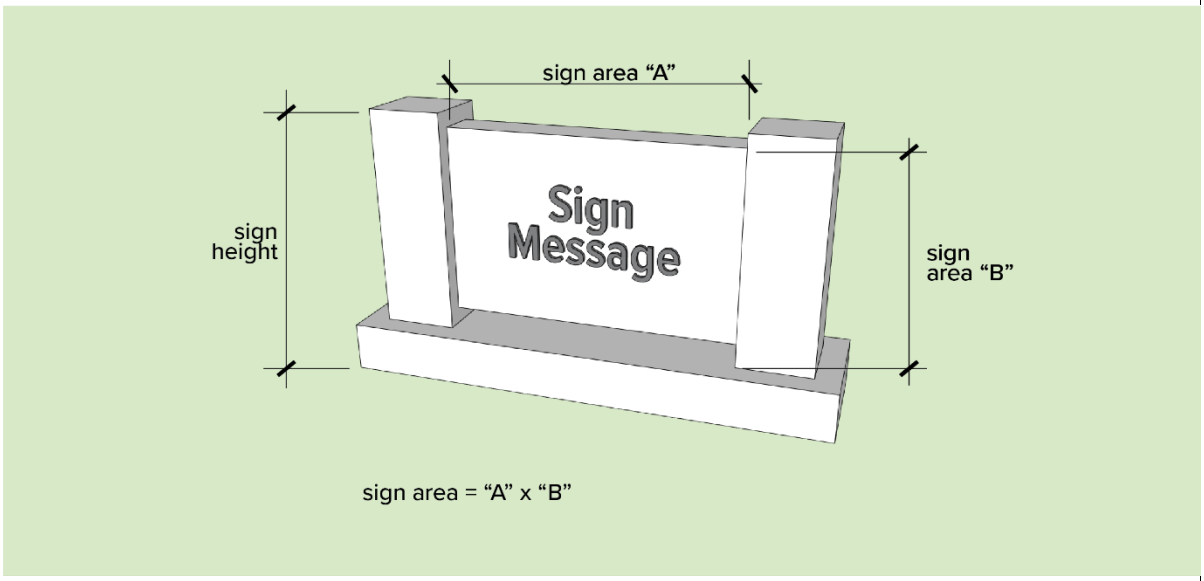
1. All signs with a commercial message shall be professionally manufactured, or of equivalent quality.
2. All sign supports shall be an integral part of the sign design.
3. The construction, erection, safety, and maintenance shall comply with all applicable building and electrical codes.
4. No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.
5. All signs shall maintain a minimum clearance over pedestrian and vehicular ways, as required by the adopted building code.

6. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.
7. The required maximum measurements for the sign types listed below shall be aggregated to provide a maximum amount of overall signage.
8. All signs shall be subject to the clear vision triangle standards established in Sec. 1105-04-K, *Traffic Visibility at Intersection*.
9. Electric signs and all permanent signs involving structural requirements of the building code shall be installed, repaired, altered and serviced only by a contractor licensed to perform such tasks.
10. Permanent signs shall be fabricated with rigid materials that are of good quality and good durability.
11. Temporary signs shall be durable and weather-resistant, and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.

D. **Computation of Sign Area and Sign Height**. The following standards shall control the computation of sign area and sign height:

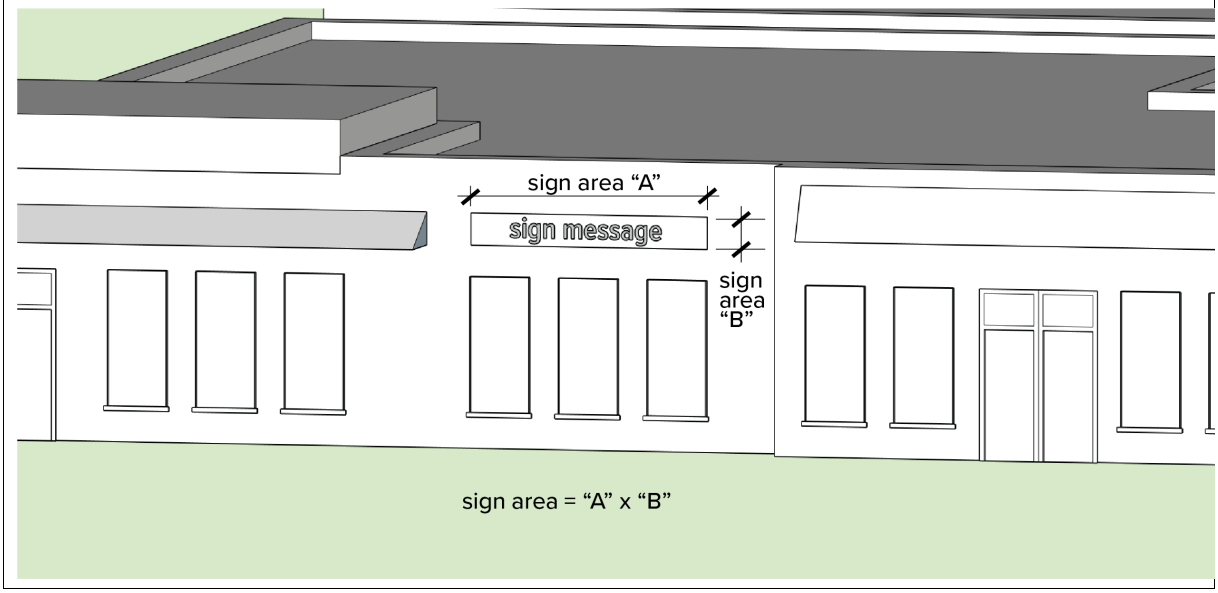
1. For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface. See Figure 1105-9, *Illustration of Sign Area and Height Computation for a Monument Sign*.

Figure 1105-9, Illustration of Sign Area and Height Computation for a Monument Sign



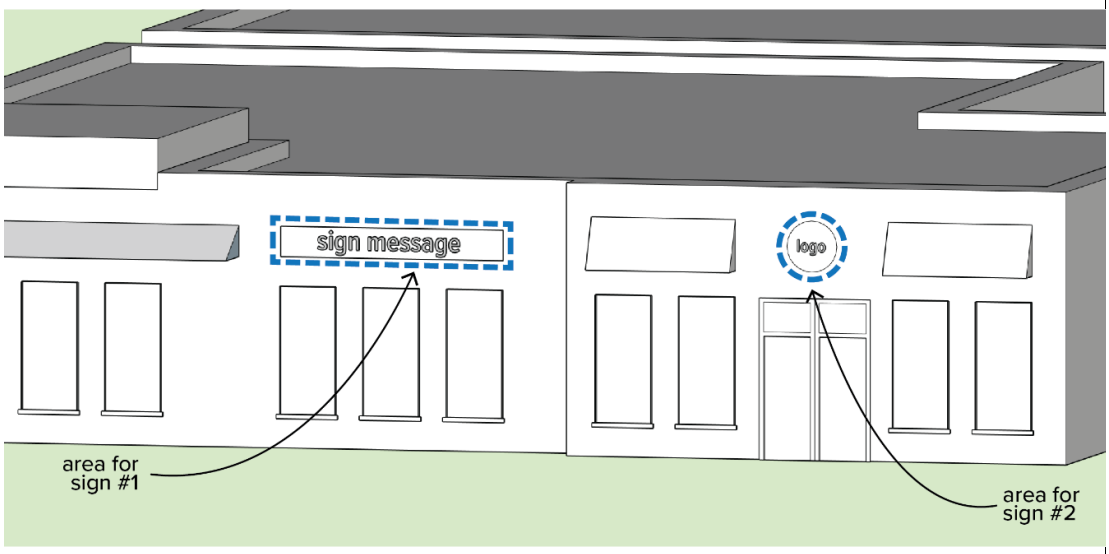
2. For sign copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See Figure 1105-10, *Illustration of Sign Area for a Wall Sign.*

Figure 1105-10, Illustration of Sign Area for a Wall Sign



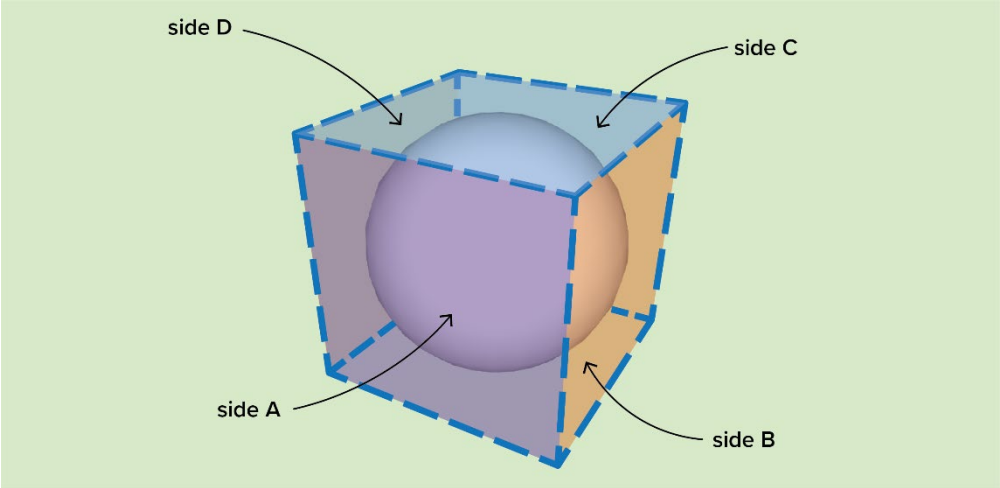
3. For a sign which is composed of separate structural elements (e.g., sign cabinets, channel lettering, etc.) to form a single sign, where the elements are separated by more than six inches of open space, the sign area of each individual sign structure shall be calculated separately. If the elements are six inches or closer, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of all structures. See Figure 1105-11, *Illustration of a Sign Area Calculation for Multiple Wall Signs*.

Figure 1105-11, Illustration of a Sign Area Calculation for Multiple Wall Signs



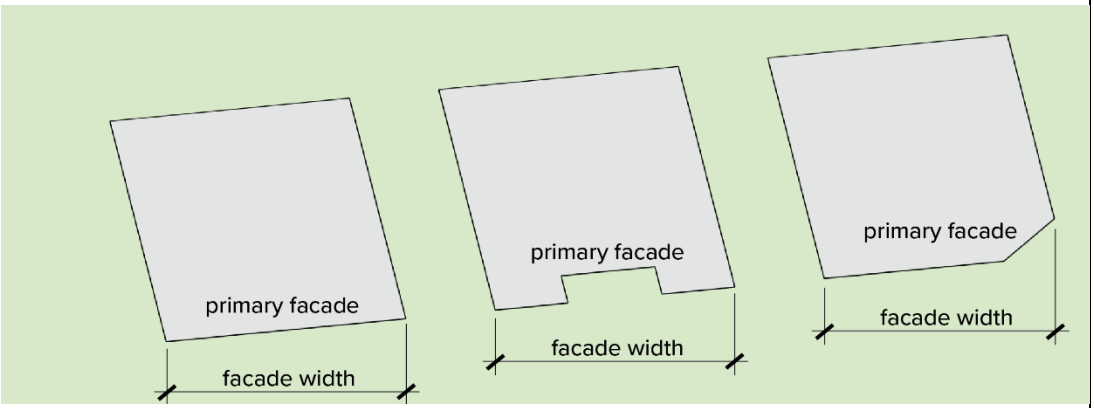
4. In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area shall be calculated by adding together the vertical sign faces of all four faces of the smallest cube encompassing the sign and dividing that area by one-half. See Figure 1105-12, *Sign Area of a Three-Dimensional Sign*.

Figure 1105-12, Sign Area of a Three-Dimensional Sign



5. When two identical sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.
6. The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the Development Code Administrator.
7. The height of a sign shall be determined by measuring the vertical distance between the top part of the sign to the elevation of the ground beneath the sign, excluding additional elevation added by the creation of berming or mounding.
8. Where the maximum sign area is based on street frontage, the calculation to be used shall be based on street frontage of the lot on which the sign is to be located.
9. The calculation of the width or lineal measurement of the façade shall be the measurement of the façade between two side facades. The calculation shall be based on viewing the façade that is visible from a 90-degree angle (i.e., straight on), regardless of façade insets, offsets, or angles. See Figure 1105-13, *Illustration of Façade Width Measurement on Varied Façade Shapes*.

Figure 1105-13, Illustration of Façade Width Measurement on Varied Façade Shapes



10. The dimension of the front lot line that abuts a public street shall be used to calculate the sign area for freestanding signs. In determining the permitted sign area for a freestanding sign on a corner lot, the average of the two lot frontages shall determine the size of the sign.

11. *Computation of Height of Building Signs.* The height of an awning, canopy, projecting, wall, or window sign shall be determined by measuring the vertical distance between the top part of a sign panel or individual letter or characters, whichever is highest, to the elevation of the ground underneath such sign. See Figure 1105-14, *Calculation of Sign Height*.

Figure 1105-14, Calculation of Sign Height



12. *Structural Support Included in Sign Height*. Any material whose major function is to provide structural support for a sign shall be considered part of the sign for purposes of determining sign height.

E. **Prohibited Signage**. The following types of signs are prohibited in all zoning districts:

1. Signs obstructing free and clear vision as defined by Sec. 1105-04-K, *Traffic Visibility at Intersections*.
2. Signs imitating or resembling official traffic control devices or signs or governmental signs or signals, unless otherwise approved by the Development Code Administrator.
3. Signs imitating or resembling emergency lights.
4. Portable changeable copy signs.
5. Signs placed on or over any public right-of-way or on public lands (unless placed by a public entity), including, but not limited to, signs placed in curb lawns or public parks or signs attached to trees, utility poles, public benches, or street lights, unless placed by a public entity or expressly permitted by this section.
6. Vehicle signs.
7. Aerial signs.
8. Any functional or structural sign type or classification that is not clearly identified, defined, and permitted by this chapter.
9. Abandoned signs.
10. Roof Signs

F. **Exempt Signs.** The following signs are allowed without a sign permit, and are not required to be included in the determinations of the allowable number, type, or area of signs pursuant to this UDC, but these signs are not exempt from building permit approval if an electrical or building permit is required by the Building Code:

1. *Governmental Signs*. The following signs may be erected or constructed without a permit but may be subject to additional regulations under this section. Where a sign is erected pursuant to a state statute, regulation, or a court order, the sign may exceed the size standards of this chapter or otherwise deviate from the standards set forth in this chapter to the extent that the statute or court order expressly requires the larger size or other deviation. In all other respects, such signs shall conform to the standards of this chapter:
    a. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;
    b. Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;
    c. Signs required by a state or federal statue or regulation;

d. Signs required by an order of a court of competent jurisdiction;

e. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use; and

f. Signs installed by a transit company with a franchise or other right to operate in the City of Troy, Ohio, where such signs are installed along its routes and bearing no commercial message other than such message is necessary to identify the use.

2. *Official Flags*. Official flags of the United States, the State, the Municipality, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed one hundred (100) square feet in area and shall not be flown from a pole the top of which is more than fifty (50) feet in height. These flags must be flown in accordance with protocol established by federal law.

3. *Monuments, Cornerstones, and Historical Markers*. Cornerstones, headstones, and commemorative plaques or historical markers placed by recognized historical agencies.

4. *Decorations*. Temporary displays of a patriotic, religious, charitable, or civic character with no commercial message, including holiday lights and decorations that are erected for customary periods of time.

5. *Works of Art*. Works of art that do not include a commercial message, logo, or trademark and do not contain any property identification message.

6. *Incidental Sign.* Such signs shall have an aggregate area not to exceed two and one-half (2.5) square feet at each entrance and shall be attached to a permanent structure.

7. *Internal Signs.* Signs that cannot be viewed from outside the property and located so as not to be legible from any public right-of-way or from any adjacent property, including any signs in interior areas of shopping centers, commercial buildings and structures, stadiums, and similar structures of a recreational nature.

G. **Murals.**

1. *Administrative Approval.* Murals, as defined within this UDC, are permitted within the city provided that they are 300 sq. ft. or less and a sign permit is obtained through the Development Code Administrator. The criteria that the Administrator shall use is to determine whether or not the standard as provided within the definition of mural is met.

2. *Planning Commission Approval.* Murals, as defined within the UDC above 300 sq. ft. may be permitted with approval of the Planning Commission. The criteria that the Administrator shall use is to determine whether or not the standard as provided within the definition of mural is met.

H. **Maintenance of Signs.**

1. *Routine Maintenance.*

a. Routine maintenance does not require a permit.

b. All signs shall be maintained free of peeling paint or paper, sun fading, staining, rust, faded or worn letters, or other conditions that impair the legibility of such signs.

c. The premises on which ground signs are erected shall be kept free of all debris, long grass, and weeds by the owner of the sign.

2. *Public Hazard*. Any signs permitted by the provisions of this article, including all supports, braces, guys, and anchors, must be maintained in conformance with this Sec. 1105-05, *Signs*, and in such a manner as not to cause a hazard to the public. Notwithstanding the provisions of this chapter, if any existing sign is found, upon inspection, to constitute a hazard to public safety, such sign shall be subject to immediate removal by order of the City, with the costs associated with such removal assessed to the owner of the property.

I. **Permitted Signs by Zoning District.** Table 1105-13, *Permitted Permanent Sign Matrix*, shows what signs are permitted in each zoning district provided that all of the standards of this Sec. 1105-05, *Signs,* are also met and a valid permit is issued.

Table 1105-13, Permitted Permanent Sign Matrix

Sign Type	Zoning District														
	WO	OS	AR	LR	TR	UR	MR	OR	NC	UC[1]	MU	GC	HC	LI	HI
Canopy Signs	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P
Directional Signs	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P
Projecting Signs[1]	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P
Monument Signs	--	--	--	--	--	P	--	P	P	P	P	P	P	P	P
Freeway-Oriented Signs	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--
Wall Signs	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P
Window Signs[1]	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P
Fuel Dispensing Equipment Signs	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
Subdivision Identification Sign	--	--	P	P	P	P	P	P	--	--	--	--	--	--	--
Menu Board Signs	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--

J. **Canopy Signs**.

1. *Sign Standards.* All canopy signs shall be affixed flat to the surface thereof and shall not extend vertically or horizontally beyond the limits of the canopy.

Figure 1105-15, Canopy Signs



Table 1105-14, Canopy Signs			
Zoning District	**Maximum Number**	**Maximum Sign Area**	**Maximum Height**
WO	Prohibited Sign Type		
OS			
AR			
LR			
TR			
UR			
MR			
OR			

Table 1105-14, Canopy Signs			
Zoning District	**Maximum Number**	**Maximum Sign Area**	**Maximum Height**
NC	1 per face of the awning, canopy, or marquee[1]	65% of side faces of awning, canopy, or marquee and 40% of front face of awning, canopy, or marquee[1]	Shall not extend above the bottom of the 2nd floor windowsill or if there is no window on the second floor then two (2) feet above the location of the second story floor[1]
UC			
MU			
GC			
HC			
LI			
HI			
Notes: 1. See Table 1105-28, *Maximum Building Sign Area Allowance*, to determine if a more stringent standards is required based on specific circumstances.			

2. *Ground Clearance*. Awnings, canopies, and marquees extending over the public right-of-way must have at least eight (8) feet of clearance between the bottom of the sign and the ground

3. *Minium Setback*. Not applicable.

K. **Directional Signs.**

1. *Sign Standards*. Table 1105-15, *Directional Signs*, shows the limitations for directional signs within each zoning district.

Figure 1105-16, Example Directional Sign

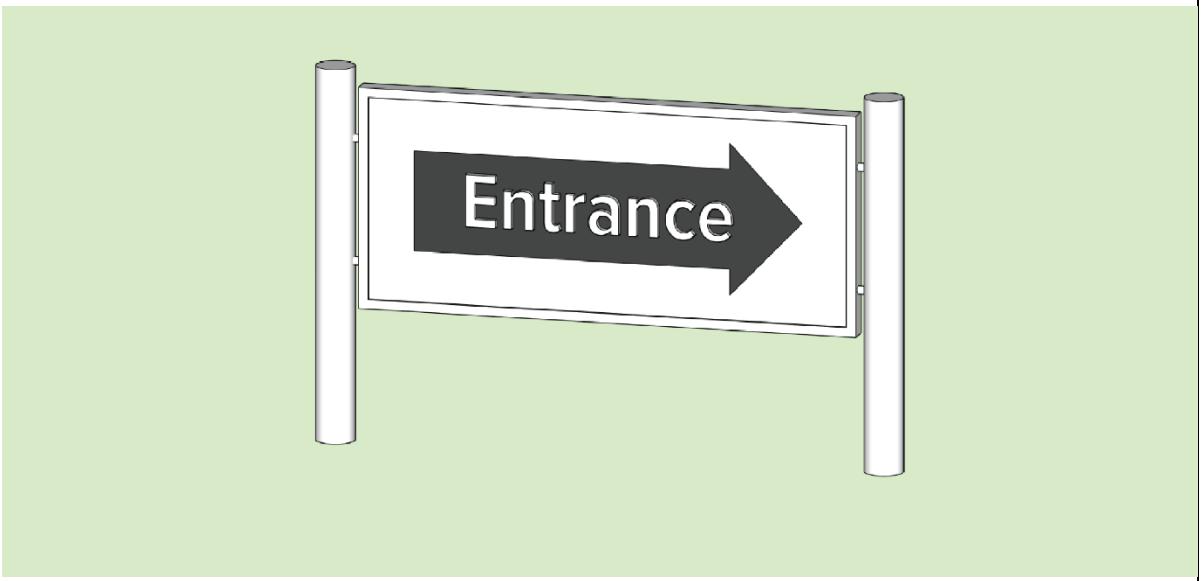


Table 1105-15, Directional Signs				
Zoning District	**Maximum Number**	**Maximum Sign Area**	**Maximum Height**	**Minimum Setback**
WO	Prohibited Sign Type			
OS				
AR	2	8 square feet	4 feet	3 feet from any property line
LR				
TR				
UR				
MR				
OR				
NC				
MU				
GC				
HC				
LI				
HI				

L. **Projecting Signs**.

1. *Sign Standards.* Table 1105-16*, Projecting Signs,* shows the limitations for projecting signs within each zoning district.

Figure 1105-17, Example Projecting Sign



Table 1105-16, Projecting Signs			
Zoning District	**Maximum Number**	**Maximum Sign Area**	**Maximum Height and Projection**
WO	Prohibited Sign Type		
OS			
AR			
LR			
TR			
UR			
MR			
OR			
NC	1 per business[1]	12 square feet[1]	See Table 1105-17, *Maximum Projection for Projecting Signs*
UC			
MU			
GC			
HC			
LI			
HI			
Notes: 1. See Table 1105-28, *Maximum Building Sign Area Allowance*, to determine if a more stringent standards are required based on specific circumstances.			

2. *Height Above Grade*. The bottom of a projecting sign may not be less than ten (10) feet above grade.

3. *Horizontal Projection*. A projecting sign may project horizontally from a building or structure as shown below:

Table 1105-17, Maximum Projection for Projecting Signs[1]	
Height of Base of Sign Above Grade	**Maximum Projection**
10’ to less than 15’	6.5 feet
15’ to less than 20’	8.5 feet
20’ to less than 25’	9.0 feet
25’ to less than 30’	9.5 feet
30’ and over	10 feet
Notes: 1. See Table 1105-28, *Maximum Building Sign Area Allowance*, to determine if a more stringent standards is required based on specific circumstances.	

4. *Height Above Wall or Parapet.* No projecting sign shall extend above the wall or parapet of any building to which it is affixed.

5. *Indemnification Agreement for Projecting Signs in the Right-of-Way.* See Sec. 717.14, *Indemnification,* of the City of Troy Codified Ordinances.

M. **Monument Signs**.

1. *Sign Standards*. Table 1105-18, *Monument Signs*, shows the limitations for monument signs within each zoning district.

Figure 1105-18, Monument Signs



Table 1105-18, Monument Signs

Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Minimum Setback
WO	Prohibited Sign Type			
OS				
AR				

Table 1105-18, Monument Signs				
Zoning District	**Maximum Number**	**Maximum Sign Area**	**Maximum Height**	**Minimum Setback**
LR	Prohibited Sign Type			
TR				
UR	1 per place of public assembly	¼ square foot per lineal foot of building frontage, not to exceed seventy-five (75) square feet	8 feet	10 feet from ROW, 20 feet from another property line.
MR	Prohibited Sign Type			
OR				
NC	1	½ square foot per lineal foot of building frontage, not to exceed 100 square feet	8 feet	10 feet from ROW, 20 feet from another property line
MU				
GC[1]				
HC[1]				
LI				
HI				
Note 1: For any property with a principal building of 10,000 square feet or larger, that has an active accessory use on said property, the accessory use shall be permitted no more than 50% of the sign area that is permitted for the primary use. Additionally, where federal law requires signage, an additional 25% of the total sign allowance is permitted. Such signage shall be oriented below the principal use signage.				

2. *Additional Signage.* No lot shall have both a monument sign and a Freeway-Oriented Sign located on it.

3. *Minor Variations to Required Steet Frontage Spacing.* The Development Code Administrator may permit up to a five percent (5%) variation in the street frontage spacing requirements for freestanding ground signs if conflict with driveways, natural barriers, trees, and utility equipment is unavoidable.

4. *Landscaping Required for Permanent Monument Signs*. The base of all permanent ground signs shall be completely surrounded by a single continuous area effectively landscaped in accordance with the following standards and maintained in good condition at all times:

    a. *Edge*. The edge of such required landscaped area shall be a minimum of thirty (30) inches from the edge of the sign or any edge of the sign structure.

b. *Curb*. Where the required landscaped area adjoins a paved surface accessible to vehicular traffic, a raised concrete curb suitable to prevent the encroachment of vehicles shall be required. The minimum horizontal distance between the face of any required curb and any part of such sign shall be thirty (30) inches.

c. *Living Plantings Required*. All permanent ground signs shall incorporate at least two (2) square feet of landscaping for each linear foot of sign length around the base of the sign. Landscaping may include a mix of natural non-living elements such as boulders, fountains, or water features, and or mulch of bark with a minimum of twenty-five percent (25%) of the ground level containing a live ground cover, not including grass. Mature plant height should not block the sign message or obstruct the sightlines of motorists or pedestrians.

5. *Changeable Copy Lettering*. Table 1105-19, *Integrated Changeable Copy Signs*, shows the limitations for changeable copy lettering within each zoning district. The changeable copy lettering is only permitted through the monument sign regulations of this subsection of the UDC.

Table 1105-19, Integrated Changeable Copy Signs

Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Minimum Setback
WO	Sign type not permitted			
OS				
AR	1	Fifty (50) percent of the allowable monument sign area per Table 1105-18, *Monument Sign*	Fifty (50) percent of the allowable monument maximum height per Table 1105-18, *Monument Sign*	Fifty (50) percent of the allowable monument minimum setback per Table 1105-18, *Monument Sign*
LR				
TR				
UR				
MR				
OR				
NC				
UC	Sign type not permitted			
MU	1	Fifty (50) percent of the allowable monument sign area per Table 1105-18, *Monument Sign*	Fifty (50) percent of the allowable monument maximum height per Table 1105-18, *Monument Sign*	Fifty (50) percent of the allowable monument minimum setback per Table 1105-18, *Monument Sign*
GC				
HC				
LI				
HI				

6. *Manual Changeable Copy Lettering*. All changeable copy lettering shall be enclosed and locked securely in clear glass or plastic casing.

7. *Electronically Controlled Lettering*. All electronically controlled lettering shall be in accordance with the following requirements:

    a. *Illumination.*

        1) Undue brightness is prohibited. For the purpose of enforcing this provision, "undue brightness" will be construed to mean illumination of a white portion of the sign in excess of the intensity levels: Day: five thousand (5,000) nits, Night: one thousand (1,000) nits.

        2) To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic changeable lettering, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above and the intensity level is protected from end-user manipulation by password-protected software.

    b. *Message Display*. All electronically controlled changeable copy lettering shall have each message appear for no less than twenty (20) seconds.

    c. *Illusion of Movement*. All electronically controlled changeable copy signs must show the entire message at one time without displaying characters that are scrolling, moving, or exhibit the illusion of movement.

    d. *Business Identification Signs with Integrated Electronically Controlled Changeable Copy Signs*.

        1) Freestanding Business Identification signs may have an electronically controlled changeable copy sign as part of the sign.

        2) All electronically controlled changeable copy signs shall be integrated with a larger identification sign and shall be located at the bottom of said sign.

        3) The electronically controlled changeable copy sign component of a sign may comprise no more than fifty percent (50%) of the sign's total sign face area.

8. *Historic Preservation Overlay*. Changeable copy signs are not permitted in the historic preservation overlay district.

9. *Prohibition on Buildings.* No changeable copy signs (manual and electronic) are permitted to be installed on a building’s façade and must be integrated into a legally permitted freeway-oriented sign or monument sign.

N. **Freeway-Oriented Signs.** Table 1105-20, *Freeway-Oriented Signs*, shows the limitations for Freeway-Oriented Signs within each zoning district.

Figure 1105-19, Freeway-Oriented Sign



Table 1105-20, Freeway-Oriented Sign

Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Minimum Setback
WO	Prohibited Sign Type			
OS				
AR				
LR				
TR				
UR				
MR				
OR				
NC	1	150 square feet per sign face (300 square feet total)	60 feet above the elevation of the centerline of the nearest traffic lane	25 feet from ROW and 15 feet from another property line
MU				
GC				
HC				
LI	Prohibited Sign Type			
HI				

1. *Location.* Freeway-Oriented Signs must be located within one thousand (1,000) feet of any vehicular ramp of an interstate highway. Freeway-Oriented Signs shall be on the same zoning lot as the business it is advertising.
2. *Landscaping for Freeway-Oriented Signs.* The base of all Freeway-Oriented Signs shall be completely surrounded by a single continuous area effectively landscaped in accordance with the following standards and maintained in good condition at all times:
    a. *Edge.* The edge of such required landscaped area shall be a minimum of thirty (30) inches from the edge of the sign or any edge of the sign structure.
    b. *Curb.* Where the required landscaped area adjoins a paved surface accessible to vehicular traffic, a raised concrete curb suitable to prevent the encroachment of vehicles shall be required. The minimum horizontal distance between the face of any required curb and any part of such sign shall be thirty (30) inches.
    c. *Living Plantings Required.* The landscaped area shall include living plantings aesthetically located and maintained. The use of concrete, asphalt, stone, or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.
3. *Additional Signage*. No lot shall have both a monument sign and a Freeway-Oriented Sign located on it.

O. **Wall Signs.**

Figure 1105-20, Wall Signs



1. *Painted Wall Signs.* Painted wall signs are prohibited shall not be painted directly on a building or wall.
2. *Depth from Wall Surface.* Wall signs shall not extend more than twelve (12) inches from the wall of the structure upon which it is mounted.

3. *Vertical Inclination.* Wall signs may be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall, around projections or ornamental features. However, no part of such sign, except the thickness thereof, shall extend beyond the lines of said projection in any direction.

4. *Encroachment into Right-of-Way.* Wall signs shall not extend more than three (3) inches beyond any property line abutting on public right-of-way where the sign is less than ten (10) feet above the right-of-way immediately below the sign or part thereof.

5. *Extension Beyond Ends of Wall Surface.* No wall sign shall extend beyond the ends of the wall on which it is attached.

6. *Extension Above Wall Surface.* A wall sign shall not extend above the top of the wall upon which it is mounted.

P. **Window Signs.** Table 1105-21*, Window Signs,* shows the limitations for window signs within each zoning district.

Figure 1105-21, Window Signs



Table 1105-21, Window Signs		
Zoning District	**Maximum Number**	**Maximum Sign Area**
WO	Prohibited Sign Type	
OS		
AR		
LR		
TR		
UR		
MR		
OR	1 per window	50% of each window area
NC		
UC		25% of each window area
MU		50% of each window area
GC		
HC		
LI		
HI		

Q. **Fuel Dispensing Equipment Signs.** A maximum of two (2) square feet of sign area shall be permitted on each of the two (2) sides of each fuel-dispensing unit containing one (1) or more fuel-dispensing nozzles. This restriction does not apply to any sign required by law.

R. **Subdivision Identification Signs.** Table 1105-22, *Subdivision Identification Signs*, shows the limitations for subdivision identification signs within each zoning district.

Table 1105-22, Subdivision Identification Signs				
Zoning District	**Maximum Number**	**Maximum Sign Area**	**Maximum Height**	**Minimum Setback**
WO	Prohibited Sign type			
OS				
AR	1 per subdivision entry along an arterial or collector thoroughfare	24 square feet	8 feet	10 feet from ROW
LR				
TR				
UR				
MR				
OR				

Table 1105-22, Subdivision Identification Signs				
Zoning District	**Maximum Number**	**Maximum Sign Area**	**Maximum Height**	**Minimum Setback**
NC	Prohibited Sign Type			
MU				
GC				
HC				
LI				
HI				

S. **Menu Board Signs.**

1. *Sign Standards.* Table 1105-23, *Menu Board Signs*, shows the limitations for menu board signs within each zoning district.

Table 1105-23, Menu Board Signs				
Zoning District	**Maximum Number**	**Maximum Sign Area**	**Maximum Height**	**Minimum Setback**
WO	Prohibited Sign Type			
OS				
AR				
LR				
TR				
UR				
MR				
OR				
NC				
MU				
GC	One (1) primary and One (1) preview per drive-thru lane	Primary = 36 sq. ft. Preview = 20 sq. ft.	Primary = 7 ft. Preview = 6 ft.	10 ft.
HC				
LI	Prohibited Sign Type			
HI				

2. *Location*. Menu board signs:

a. Must be located adjacent to the drive-through lane and oriented toward on-site traffic only; and

b. Shall not be placed within the required landscaping buffers or sight-distance triangles, as defined in Sec. 1105-04-K.

3. *Design Standards.*

a. Menu board signs shall be constructed of durable, weather-resistant materials.

b. The design shall be consistent with the architectural style and color palette of the original building.

T. **Master Sign Program.**

1. *Purpose*. The purpose of a master sign program is to allow for a unified presentation of signage for all parcels proposed for development while also allowing for flexibility, when needed, to provide for unique situations.

2. *Applicability*. An approved master signage program shall only be applicable to signage within a multi-tenant development that exceeds 1,000 square feet of gross floor area.

3. *Standards for all Master Sign Programs*. Standards and permissions of master sign programs are as follows:

a. *Generally*. Subject to compliance with a master sign program that is approved according to the flexibility criteria set out in this section, signs that are proposed to the Planning Commission as part of a master sign plan may deviate from the standards of this section in terms of the:

1) Types and numbers of signs allowed;

2) Maximum sign area; and

3) Materials and illumination standards [including electronically controlled changeable copy signs].

b. *Prohibited Signs and Sign Elements*. Prohibited signs and sign elements are not eligible for inclusion in a master sign program unless specifically indicated in this section.

c. *Architectural Theme*. All signs shall be architecturally integrated into or complementary to the design of the buildings and character of the site and shall use similar and coordinated design features, materials, and colors. The master sign program shall establish an integrated architectural vocabulary and cohesive theme for the parcel(s) proposed for development.

1) *Uniform Signs in Multi-Use Developments*. Wall signs displayed by two (2) or more businesses using common parking facilities shall be uniform in construction (e.g., channel letters, plaques) and lighting (e.g., direct, indirect).

2) *Conditions of Approval*. The Development Code Administrator, Planning Commission, or City Council, as applicable, may impose reasonable conditions on the master sign plan relating to the design, materials, locations, placements or orientations, and sign specifications that are not related to the content of the signs or the viewpoints of the sign users, to ensure continuing compliance with

the standards of this section and the approved master sign plan. See Sec. 1109-04-C, *Sign Permit.*

U. **Temporary Signs**. Temporary signs on private property shall be allowed per Table 1105-25, *Temporary Signs*, and upon the issuance of a temporary sign permit unless heretofore specifically exempted from such permit within this Sign Code. All temporary signs shall conform to the following conditions:

1. *Term*. A temporary sign may be placed upon a zoning lot during each calendar year for up to twenty-eight (28) days. These 28 days may be split into a maximum of four (4), seven (7) day increments.
2. *Number*. Only one (1) temporary sign permit will issued at a time. A maximum of four (4) permits shall be issued per calendar year.
3. *Illumination*. Temporary signs shall not be illuminated, unless otherwise specifically permitted within this UDC.
4. *Location*. Temporary signs shall not be placed on the roof of a building or structure.
5. *Maximum Area*. The maximum area of any temporary sign shall not exceed a total of twenty-four (24) square feet, except where a temporary sign is placed on a building setback one hundred fifty (150) feet or more from the public right-of-way, then the temporary sign shall not exceed a total of forty-eight (48) square feet.

Table 1105-24, Temporary Signs

Sign Type	Zoning District														
	WO	OS	AR	LR	TR	UR	MR	OR	NC	UC	MU	GC	HC	LI	HI
Attention Seeking Signs	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Easel Board Signs	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--
Ground	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P
Wall	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P
Yard	--	--	P	P	P	P	--	P	P	--	--	--	--	--	--

6. *Temporary Easel Board Signs.* See Section 717.06 of the Codified Ordinances of the City of Troy.
7. *Temporary Ground Signs.* Table 1105-25*, Temporary Ground Signs,* shows the limitations for temporary wall signs within each zoning district.

Figure 1105-22, Temporary Ground Signs



Table 1105-25, Temporary Ground Signs

Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Duration
WO	Prohibited Sign Type			
OS				
AR	One (1) per lot	24 square feet	8 feet	The length of the construction project. The signs must be removed after a zoning certificate of occupancy is obtained.
LR				
TR				
UR				
MR				
OR				
NC				
UC				
MU				
GC				
HC				
LI				
HI				

8. *Temporary Wall Signs.* Table 1105-26*, Temporary Wall Signs,* shows the limitations for temporary wall signs within each zoning district.

Figure 1105-23, Temporary Wall Signs



Table 1105-26, Temporary Wall Signs

Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Duration
WO	Prohibited Sign Type			
OS				
AR				
LR				
TR				
UR				
MR				
OR				
NC	1 per occupant per frontage	24 square feet	Not to extend above the building roofline	28 days per a consecutive twelve (12) month period. The 28 days may be split into four (4) seven (7) day increments.
UC				
MU				
GC				
HC				
LI				
HI				

9. *Temporary Yard Signs.* Table 1105-27*, Temporary Yard Signs,* shows the limitations for temporary yard signs within each zoning district.

Figure 1105-24, Temporary Yard Signs



Table 1105-27, Temporary Yard Signs

Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Duration
WO	Prohibited Sign Type			
OS				
AR	2 per residential lot	6 square feet	4 feet	N/A
LR				
TR				
UR				
MR	Prohibited Sign Type			
OR	2 per residential lot	6 square feet	4 feet	N/A
UC[1]				
NC				
MU	Prohibited Sign Type			
GC				
HC				
LI				
HI				
Notes:	For the purposes of this table, a residential lot in the UC District means that the principal use of the lot is a single unit dwelling or two-unit dwelling.			

V. **Maintenance.**

1. *Routine Maintenance.*

    a. Routine maintenance does not require a permit regardless of whether a property is conforming or non-conforming.

    b. All signs shall be maintained free of peeling paint or paper, sun fading, staining, rust, faded or worn letters, or other conditions that impair the condition of such signs.

    c. The premises on which ground signs are erected shall be kept free of all debris, long grass, and weeds by the owner of the sign.

2. *Public Hazard*. Any signs permitted by the provisions of this article, including all supports, braces, guys, and anchors, must be maintained in conformance with this article and in such a manner as not to cause a hazard to the public. Notwithstanding the provisions of this chapter, if any existing sign is found, upon inspection, to constitute a hazard to public safety, such sign shall be subject to immediate removal by order of the City, with the costs associated with such removal assessed to the owner of the property.

3. *Removal of Abandoned Signage.* Sign and sign structures shall be considered abandoned and shall be removed when:

    a. The sign no longer identifies or advertises a business located on the property. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.

    b. The sign has a message or display that is unreadable, obsolete, or is no longer functional as advertising or identification; or

    c. The sign structure is no longer used to support or hold a sign.

W. **Signs Permitted in Historic Districts.**

1. *Limitations on Projecting Signs.*

    a. Projecting signs shall have a minimum clearance of ten (10) feet above the sidewalk and a maximum height of fifteen (15) feet above the sidewalk.

    b. Projecting signs shall not overhang the public right-of-way. except over a pedestrian sidewalk the UC district, and then only to a maximum of four (4) feet.

    c. In addition to any other requirements of this section, as a condition of issuing a permit for the sign, the applicant must comply with the following:

        1) File with the Zoning Administrator a certificate of insurance for Commercial General Liability coverage with a minimum limit of one million dollar ($1,000,000) per occurrence for bodily injury, personal injury and property damage issued by an insurance company authorized to do business in the State of Ohio and acceptable to the City, conditioned to indemnify and save harmless the City from acts or damages. If Commercial General Liability Insurance with a general aggregate limit is used, either the general aggregate limit shall apply

separately to this sign/location or the general aggregate limit shall be twice the required occurrence limit. On the coverage the City of Troy shall be listed as an additional insured, using the language required by the City of Troy, Ohio.

2) Execute an agreement to indemnify, defend, and hold harmless the City from any and all damages, judgments, costs or expenses which the City may incur or suffer by reason of the granting of such permit or which may result by reason of the granting of such permit or which may result from the construction or maintenance of such projecting sign. The requirement to enter into a hold harmless agreement shall be required of any subsequent owner(s) as a condition of the permit to use the right-of-way for the overhanging sign.

3) The policy shall not be cancelled, except after thirty (30) days' prior written notice has been provided, mailed to the Zoning Administrator, 100 S. Market Street, Troy, Ohio, 45373. Prior to the actual policy expiration, the owner must provide a certificate with a new carrier.

4) All certificates shall be kept current and reissued each policy year while the sign is still present.

2. *Sign Construction.* The sign face may be constructed using rigid and opaque materials such as wood, composition wood, metal or MDO board. The use of translucent materials such as certain types of plastics, vinyl, glass, plastic film, fiberglass, or the use of corrugated plastic or paper, cardboard, or foam shall be prohibited.

3. *Illumination.* Except for permitted window signs under Sec. 105-05-W-5, *Window Signs*, no sign shall be internally illuminated. Only external artificial light sources directing light to the sign face that shall conform to the following shall be permitted:

   a. The color of any artificial lights used shall be white or amber.

   b. Light fixtures shall be positioned in a manner that focuses light onto the sign face to prevent glare to person's off-premise and to shield the fixture lens or bulb from public view.

4. *Changeable Copy Signs.* No sign shall utilize changeable letters.

5. *Window Signs.*

   a. No more than twenty-five percent (25%) of any window panel shall be covered by permanent and/or temporary window signs.

   b. Permitted internally illuminated window signs:

      1) A sign that identifies the business name shall not be internally illuminated.

      2) Only a window sign may be internally illuminated.

      3) A property cannot have more than two internally illuminated window signs in addition to an exempt internally illuminated incidental sign under Sec. 1112-02 and Sec. 1105-05.F.7 of this UDC.

4) No internally illuminated window sign shall be larger than four (4) square feet in size.

5) The total square footage of all internally illuminated window signs shall not exceed seven (7) square feet.

6) On a property with windows on multiple frontages, one (1) additional internally illuminated window sign, not to exceed three (3) square feet in size, may be erected but only in the window of that additional frontage.

7) Internally illuminated window signs shall be subject to all other regulations of this UDC.

6. *Architectural Review.*

a. All permanent signs within the City's Historic Districts shall be subject to architectural review by the Planning Commission. In determining whether to grant approval, the Commission shall base its decision upon the following sections:

1) The sign is appropriate in scale to the building with which it is associated.

2) The sign is appropriate in design to the architectural style or period of the building with which it is associated.

3) The colors selected for the sign are compatible with the building with which it is associated.

4) The sign is located so as to reasonably minimize adverse aesthetic effects on the architectural design of the building with which it is associated.

b. Application for architectural review by the Planning Commission shall be made simultaneously with the application for the sign permit. Applications shall be on the form prescribed by the City, accompanied by a dimensioned scale drawing or dimensioned photograph of the sign indicating its typographic style, graphics, colors, supporting structure and other visual detail.

X. **Maximum Building Sign Area Allowance.** Table 1105-28, *Maximum Building Sign Area Allowance*, sets out the maximum building sign area requirements for specific circumstances within throughout the city. These requirements are in addition to any other requirements that exists within this portion of the UDC – Sec. 1105-05, *Signs*.

Table 1105-28, Maximum Building Sign Area Allowance

Building Type	Commercial Districts	Industrial Districts	Commercial Uses in a Residential District
Buildings with Multiple Tenant Spaces[1]	1.5 square foot of sign area per lineal foot.	2 square feet of sign area per lineal foot.	.5 square foot of sign area per lineal foot.
Buildings with Single Tenant Occupancy			

Table 1105-28, Maximum Building Sign Area Allowance			
Building Type	**Commercial Districts**	**Industrial Districts**	**Commercial Uses in a Residential District**
Buildings with Frontage along Interstate 75[2]	.5 square foot of area per lineal foot.	.5 square foot of area per lineal foot.	N/A
Multiple-Story Buildings[3]	.5 square foot of area per lineal foot.	.5 square foot of area per lineal foot.	N/A

Notes:

1. The ratio shall be applied to each lineal foot of building façade width assigned to each individual tenant.
2. For buildings with frontage along Interstate 75, an additional .5 square foot of area per lineal foot is permitted for that specific frontage along the interstate. At no point shall the additional square foot allowance exceed 75 square feet.
3. No point shall the additional square foot allowance for multiple story buildings exceed 50 square feet.

Sec. 1105-06, Lighting

A. **Purpose and Applicability.**

1. *Purpose.* The purpose of this Sec. 1105-06 is to provide regulations for outdoor lighting that will:

   a. Permit the use of outdoor lighting that does not exceed the minimum levels specified for nighttime safety, utility, security, productivity, enjoyment, and commerce;

   b. Minimize adverse off-site impacts of lighting, such as light trespass, and obtrusive light;

   c. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources; and

   d. Conserve energy and resources to the greatest extent possible.

2. *Applicability.*

   a. Unless specifically exempted within this UDC or required by state or federal law, all outdoor lighting within the City limits must comply with the requirements of this UDC.

   b. The following are not regulated by this Section:

      1) Lighting within the public right-of-way for the principal purpose of illuminating streets or roads;

      2) Temporary lighting used by law enforcement, fire, and other emergency services;

      3) Lighting required by law to be installed on motor vehicles;

      4) Lighting for public monuments and public statuary, provided the lighting does not constitute a hazard to the operation of motor vehicles upon a public street;

5) Lighting solely for signs;

6) Temporary lighting for theatrical, television, performance areas and construction sites, provided the lighting does not constitute a hazard to the operation of motor vehicles upon a public street;

7) Underwater lighting in swimming pools and other water features; and

8) Temporary lighting and seasonal lighting, provided that individual lamps are less than seven (7) watts and forty-five (45) lumens.

B. **Lighting Design.**

1. *Generally.* All lighting shall be shielded so the source of illumination (bulb or direct lamp image) is not visible from the property line. This reduces glare and interference with boundary streets and adjacent properties. No lamp shall extend past the housing of a light fixture.

2. *Light Fixture Type.* Light fixtures shall be “full cut-off” fixtures that:

   a. Limit lighting that is visible or measurable at the property line;

   b. Providing lighting to be of constant intensity; and

   c. Reflected or shielded so as not to:

      1) Be of excess brightness;

      2) Cause glare hazardous to pedestrians or drivers;

      3) Create any public or private nuisance; or

      4) Unreasonably interfere with an adjacent property owner’s right to enjoy their property.

3. *Cut-Off Requirements.*

   a. *Full Cut-Off*. Except as otherwise allowed, all lighting (including, but not limited to vehicle use areas, canopies, security, walkway, landscaping, signs, outdoor display areas, and building) shall have one hundred percent (100%) of its output below one hundred and eighty (180) degrees from a vertical line through the fixture.

   b. *Adjacent to Residential Use or District*. All lighting fixtures that are mounted on a building wall facing a property line adjacent to a residential property line or public right-of-way boundary shall be fitted with a "house side shielding" reflector on the side facing the residential property line or public right-of-way.

   c. *Flags and Statutes*. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

4. *Maximum Fixture Height.*

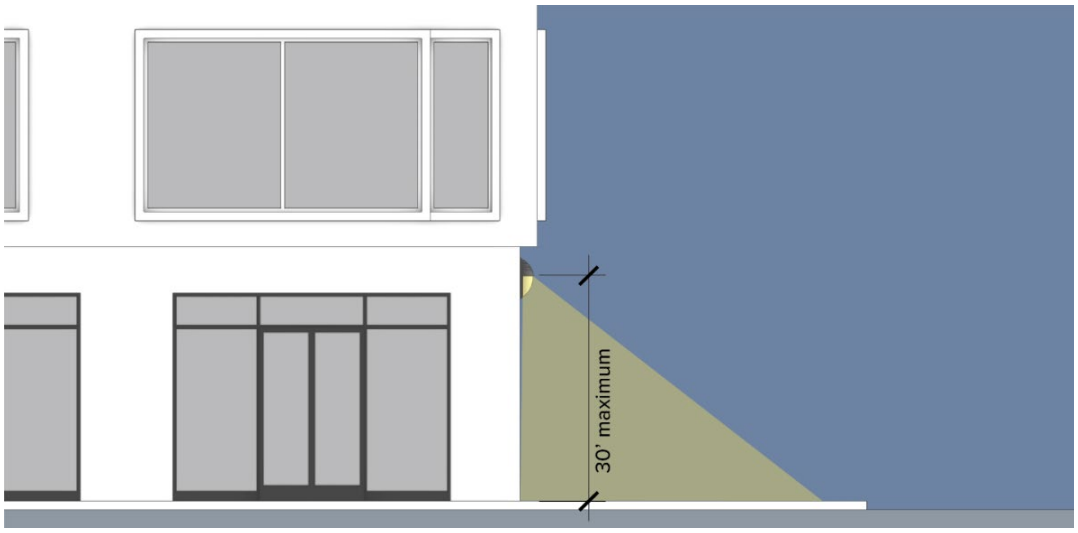
a. *Freestanding Fixtures.* No freestanding light fixture shall be greater than thirty (30) feet in height except for outdoor recreation facilities lighting.

b. *Fixtures Mounted on Residential Buildings and Accessory Structures.* Fixtures that are mounted on residential buildings or accessory structures shall not be located higher than sixteen (16) feet or above the lowest point of the roof eave, whichever is lower.

c. *Fixtures Mounted on Nonresidential Buildings.* Fixtures that are mounted on nonresidential buildings shall not be located above the highest point of the roofline of any building.

d. *Full Cut-Off Fixtures.* Full cut-off fixtures shall have a maximum height of thirty (30) feet. See Figure 1105-25, *Full Cut-Off Light Fixtures*.

Figure 1105-25, Full Cut-Off Light Fixtures



C. **Illuminance.**

1. *Generally*. The following standards are required of all pole-mounted exterior lighting except the uses that are exempted above in Sec. 1105-06-A-2-b or the outdoor stadium requirements (as applicable) below in Sec. 1105-06-C-4, *Requirements for Stadiums*.

2. *Maximum Height Dependent on Amount of Cutoff*. 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.

3. *Exterior Lighting Standards.* Exterior lighting shall meet one of the following standards:

Table 1105-29, Exterior Lighting Standards				
Cutoff and Angle	Residential Properties		Non-residential Properties	
	Max Height	Max Illumination	Max Height	Max Illumination
Luminaires with No Cutoff	15 feet	0.2 foot-candle	20 feet	0.3 foot-candle
Luminaries with Total Cutoff Angle Greater than 90 Degrees	20 feet	0.5 foot-candle	40 feet	2 foot-candle
Luminaries with Total Cutoff Angle Less than 90 Degrees	25 feet	1 foot-candle	50 feet	4 foot-candle

4. *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, but are not limited to ball diamonds, playing fields, and tennis courts) are exempted from the exterior lighting standards as specified above. A lighting plan for stadiums shall be established at the time that the request for exterior lighting is made. A lighting plan for stadiums shall be a component of a subdivision development plan. See Sec. 1109-05-B*, Subdivision development plan.* Each lighting plan shall take into consideration the follow standards:

   a. 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.

   b. The distance from any adjacent residential property to the stadium light pole shall be at least one and one half (1½) 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.

   c. To the maximum extent possible, existing mature vegetation shall be maintained to screen residential properties from the effects of stadium lighting.

Sec. 1105-07, Noise

A. **Purpose and Applicability.**

1. *Purpose*. The purpose of this Sec. 1105-07, *Noise*, is to promote the public health, safety, and welfare by regulating excessive and unnecessary noise within the city. This Section is intended to protect residents, businesses, and visitors from noise disturbances that may interfere with the peaceful enjoyment of property, disrupt community life, or negatively impact environmental quality.

2. *Applicability*. The noise requirements of this Sec. 1105-07, *Noise*, shall apply to all locations within the municipal limits of Troy unless expressly stated as such.

B. **Noise Standards.**

1. *Methods of Noise Measurement.*

a. For the purposes of enforcing the provisions of this UDC, 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 ten (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.

2. *Exemptions from Noise Regulations.*

a. The following shall be exempt from the provisions this Sec. 1105-07, *Noise*, between the hours of 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.

b. The following shall be exempt from the provisions of this Sec. 1105-07, *Noise*, 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.

3. *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.

4. *Maximum Permissible Noise Levels.*

   a. No person shall cause or permit noise to intrude onto the property of another person that exceeds the levels listed in Table 5-13, *Maximum Permissible Noise Levels*.

   b. Between the hours of 7:00 A.M. and 10:00 P.M., the noise in Table 1105-30, *Maximum Permissible Noise Levels*, 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 1105-30, *Maximum Permissible Noise Levels*, 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 1105-30, *Maximum Permissible Noise Levels*, by more than five (5) dBA, as measured with the sound level meter on the slow response setting.

Table 1105-30, Maximum Permissible Noise Levels

Noise Source	Receiving Property			
	WO, OS, AR, LR, TR, UR, & MR	OR & NC	UC, MU, GC, & HC	LI & HI
Daytime (7:00 A.M. to 10:00 P.M.)				
Non-Residential Property	60 dBA	60 dBA	65 dBA	65 dBA
Residential Property	60 dBA	60 dBA	65 dBA	70 dBA

Table 1105-30, Maximum Permissible Noise Levels				
Noise Source	Receiving Property			
	WO, OS, AR, LR, TR, UR, & MR	OR & NC	UC, MU, GC, & HC	LI & HI
Nighttime (10:00 P.M. to 7:00 A.M.)				
Non-Residential Property	50 dBA	50 dBA	65 dBA	65 dBA
Residential Property	50 dBA	50 dBA	65 dBA	70 dBA

Chapter 1106 – Environmental Management

Sec. 1106-01, Stormwater Management

A. **Purpose and Applicability.**

1. *Purpose***.** The purpose of this Chapter is to:

   a. Protect the land and water resources of the City by establishing standards to achieve a level of soil erosion and stormwater control that will minimize and abate the degradation of land and water resources and damage to public and private property resulting from earth-disturbing activities;

   b. Assure that those involved in earth-disturbing activities minimize both soil erosion and the volume and rate of stormwater runoff from their sites;

   c. Preserve to the extent practicable the natural drainage characteristics of the site and take into consideration the need to construct, repair, and/or replace enclosed, subsurface storm drain systems;

   d. Assure that stormwater controls are incorporated into site planning and design at the earliest possible stage and that all stormwater management practices are properly designed, constructed, and maintained;

   e. Prevent unnecessary stripping of vegetation and loss of soil and require prompt re-vegetation and stabilization to the site following earth-disturbing activities;

   f. Reduce the need for costly maintenance and repairs to roads, embankments, ditches, water resources, wetlands, and stormwater management practices;

   g. Encourage the construction of stormwater management practices that serve multiple purposes, such as flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation; and

   h. Preserve to the maximum extent practicable natural infiltration and groundwater recharge.

2. *Applicability.*

   a. This section shall apply to both the development and redevelopment of land proposed for the following:

      1) Residential, institutional, commercial, office, and industrial purposes, including subdivision and land development proposals for non-agricultural uses in rural areas.

      2) Recreational facilities, non-agricultural water impoundments, and waterway construction or improvement.

      3) Public infrastructure uses, including transportation and utilities.

4) Any earth-disturbing activity within critical and sensitive natural areas, including floodplains, highly erodible lands (HEL), and wetlands.

b. This section does not apply to earth-disturbing activities associated with agricultural land uses.

c. *Subdivision Development Plan.* Any development requiring a subdivision development plan as described in *Sec. 1109-05-B, Subdivision Development Plan.*

B. **Performance Standards.**

1. *All Erosion and Sediment Kept on Site.* Erosion and sedimentation caused by accelerated wind or stormwater runoff over the site due to earth-disturbing activities shall be stabilized and confined to the boundaries of the development site.

2. *Structural and Nonstructural Best Management Practices.*

a. Nonstructural stormwater management practices shall be used to the maximum extent practicable. Such practices may include but are not limited to preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction, and designation of tree preservation areas.

b. Nonstructural and structural stormwater management practices shall be designed in accordance with the requirements and standards specified in this section or by the City Engineer.

c. Structural and nonstructural stormwater management practices shall be placed in easements and recorded on the property deeds on which they are located and shall remain unaltered unless first approved by the City Engineer.

d. Specific types of structural stormwater management practices, including detention and retention facilities, shall be designed and constructed to meet both stormwater detention requirements for flood control and water quality protection requirements as approved by the City Engineer.

3. *Stream and Wetland Riparian Buffers*. The site owner or applicant shall leave an undisturbed riparian buffer on both sides of and/or surrounding water resources, except for crossings and other riparian areas and wetland impacts approved by the City Engineer, when demonstrated by the applicant that the impacts of the proposed crossing or wetland impacts are offset elsewhere on-site. Buffer width will be determined by Ohio Environmental Protection Agency Rainwater and Land Development manual, Section 2.5, *Stream Setback Area*.

4. *Channel Protection*. To protect stream channels from instability and erosion during and after construction activities, temporary and permanent runoff control practices shall be designed and constructed as defined in the latest edition of *Rainwater and Land Development*.

5. *Temporary Stabilization of Disturbed Areas and Soil Stockpiles.*

a. A temporary vegetative cover shall be established on disturbed areas as specified in the NPDES Construction Activity General Permit Number #OHC000004 or current permit.

b. Application practices shall include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Soil stabilization measures should be appropriate for the time of year, site conditions, and estimated time of use.

c. Topsoil removed shall be stored on-site and shall be stabilized with quick-growing plants or other means so that it is protected from wind and water erosion. Topsoil shall be maintained in a usable condition for sustaining vegetation and reused on the site. Temporary vegetation shall also be maintained.

6. *Permanent Stabilization.*

   a. A permanent vegetative cover shall be established on disturbed areas as specified in the NPDES Construction Activity General Permit Number #OHC000004 or current permit.

   b. Permanent vegetation shall not be considered established until a ground cover is achieved which is mature enough to control soil erosion and will survive severe weather conditions.

7. *Cut And Fill Slopes*. Cut and fill slopes shall be designed, constructed, and stabilized in a manner which will minimize erosion. Consideration should be given to the length and steepness of the slope, the soil type, the upslope drainage area, groundwater conditions, and other applicable factors. If, after final grading, excessive erosion takes place, additional slope stabilizing measures will be required by the owner, developer, or builder until the problem is corrected. The following guidelines are provided to aid in developing an adequate design.

   a. Roughened soil surfaces are generally preferred to smooth surfaces on slopes.

   b. Diversions should be constructed at the top of long, steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.

   c. Concentrated stormwater should not be allowed to flow down cut or fill slopes unless contained within an adequate channel, flume, or slope drain structure.

   d. Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.

8. *Protection of Adjacent Properties and Public Right-of-Ways*. Properties, public rights-of-way, and thoroughfares adjacent to the site of an earth disturbing activity shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer at the perimeter of the site, by installing perimeter controls such as sediment barriers, filters, dikes, sediment basins, or by a combination of such measures.

9. *Sediment Control Structures.*

a. Sediment control structures shall be used to control erosion and trap sediment on a site remaining disturbed for more than fourteen (14) days. Such structures may include, but are not limited to, silt fences, storm drain inlet protection, sediment basins, and diversions or channels which direct runoff to a sediment basin. All sediment control practices must be capable of ponding runoff in order to be considered functional.

b. Sediment control structures shall be constructed as a first step in grading and be made functional before earth-disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched as soon as the installation is complete. Sediment control structures shall be functional throughout the course of earth-disturbing activity until the site is stabilized with permanent vegetation.

c. Sheet flow runoff from the site shall be intercepted by silt fence or diversions. A silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Table 1106-1 below.

Table 1106-1, Maximum Drainage Area to Silt Fence

Maximum drainage area (in acres) to 100 linear feet of silt fence	Range of slope for a particular drainage area (percent)
0.5	< 2%
0.25	≥ 2% but < 20%
0.125	≥ 20% but < 50%

d. Stormwater diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes, or berms, may receive stormwater runoff from areas up to ten (10) acres.

e. Whenever stormwater detention is required, the stormwater runoff from the site shall pass through a sediment basin or other suitable sediment trapping facility before discharge to a receiving water body. The City Engineer may require sediment basins or traps for smaller disturbed areas where deemed necessary.

10. *Stabilization of Waterways and Outlets*. All on-site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow without creating erosion. Methods adequate to prevent erosion shall also be provided at the outlets of all pipes and paved channels.

11. *Storm Sewer Inlet Protection*. All storm sewer inlets shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

12. *Working In or Crossing Watercourses.*

a. All activities shall be kept out of watercourses to the extent possible. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during

construction to minimize erosion. The channel (including bed and banks) shall be restored to its original cross-section and all disturbed area stabilized immediately after in-channel work is completed.

b. Where a watercourse will be crossed regularly during construction, a temporary stream crossing shall be provided, used for the shortest practical period, removed following site construction, and restored as described in these Subdivision Regulations.

13. *Maintenance and Removal of Temporary Measures.*

    a. All temporary erosion and sediment control practices shall be maintained and repaired to assure continual performance.

    b. All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall have the final grade re-established and be permanently stabilized to prevent further erosion and sedimentation.

14. *Control of Construction Site Debris and Wastes*. All owners, applicants, contractors, and developers shall control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste on construction sites and shall keep streets and gutters clear of all sediment and debris from the site.

15. *Use, Safety, and Maintenance of Stormwater Practices.*

    a. Stormwater management practices shall be designed for the ultimate use of the site and function safely with minimal maintenance.

    b. If an inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

16. *Inspection of Stormwater Controls Required by the Developer.*

    a. All on-site control practices shall be periodically inspected by the City Engineer to ensure proper function and to identify failures.

    b. On-site and off-site discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.

    c. Detailed records of inspections shall be maintained for three (3) years following the final stabilization of the site.

17. *Accessibility of Easements.* All permanent stormwater management measures shall have easements sufficient to cover the facility and to provide access for inspection and maintenance as determined by the City Engineer.

18. *Status of Standards*. The standards identified in this Section are general guidelines. Each application shall be reviewed on a case-by-case basis, and some may require additional

and more stringent requirements, while others may have individual requirements waived by the City Engineer.

C. **Calculations.**

1. Calculations for the design of stormwater management facilities shall demonstrate the following for each subdrainage unit:

   a. The peak rate of runoff from the critical storm and all more frequent storms occurring on the site does not exceed the peak rate of runoff from a one (1) year frequency, twenty-four (24) hour storm occurring on the same site under pre-development conditions.

   b. Storms of less frequent occurrence than the critical storm, up to the 100-year storm shall have its peak runoff rates no greater than the peak runoff rates from equivalent storms under pre-development conditions. Consideration of the 1, 2, 5, 10, 25, 50, and 100-year storms in design and construction will be considered meeting this standard.

2. Calculation of a critical storm for each subdrainage unit of the site shall be determined as follows:

   a. Calculate the total volume of runoff from a one (1) year frequency, twenty-four (24) hour storm occurring on the development area before, during, and after development by appropriate hydrologic methods, using Natural Resources Conservation Service Urban Hydrology for Small Watersheds, Technical Release 55, latest edition.

   b. From the volumes determined above, determine the percentage increase in volume of runoff due to the proposed development, and using this percentage, select the twenty-four (24) hour critical storm from this table. Use Table 6-2, *Runoff Increases*, to determine the critical storm for peak rate control.

Table 1106-2, Runoff Increases

% equal to or greater than	% less than	The critical storm for peak rate control
--	10	1 year
10	20	2 years
20	50	5 years
50	100	10 years
100	250	25 years
250	500	50 years
500	--	100 years

3. *Approvals*. The City Engineer shall approve or reject any calculation method based on its technical validity for the given situation.

4. *Exceptions*. Exceptions to requiring permanent on-site runoff control on the site may be considered by the City Engineer provided the applicant can prove that:

a. The intent and standards of this Section for runoff control can be best achieved by the utilization of off-site stormwater control facilities.

b. Runoff from the site can be conveyed to off-site stormwater facilities in a manner and by means which satisfies or surpasses the standards of this Section.

c. The applicant has ownership of or the right to use the off-site facility in question.

Sec. 1106-02, Flood Control Standards

A. **General Provisions.**

1. *Statutory Authorization*. ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens.

2. *Findings of Fact*. The City has special flood hazard areas that are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to flood loss. These regulations are intended to minimize the threat of such damages and to achieve the purposes of Sec. 1106-02-A-3, *Purpose,* below.

3. *Purpose*. It is the purpose of these regulations to promote the public health, safety, and general welfare, and to:

a. Protect human life and health;

b. Minimize expenditure of public money for costly flood control projects;

c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. Minimize prolonged business interruptions;

e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in areas of special flood hazard;

f. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;

g. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

h. Minimize the impact of development on adjacent properties within and near flood-prone areas;

i. Ensure that the flood storage and conveyance functions of the floodplain are maintained;

j. Minimize the impact of development on the natural, beneficial values of the floodplain;

k. Prevent floodplain uses that are either hazardous or environmentally incompatible; and

l. Meet community participation requirements of the National Flood Insurance Program.

4. *Methods of Reducing Flood Loss*. In order to accomplish its purposes, these regulations include methods and provisions for:

   a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;

   b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

   c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

   d. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,

   e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

5. *Lands to Which These Regulations Apply*. These regulations shall apply to all special flood hazard areas within the jurisdiction of the City as identified in Sec. 1106-02-6, *Basis for Establishing the Areas of Special Flood Hazard*, including any additional areas of special flood hazard annexed by the City.

6. *Basis for Establishing the Areas of Special Flood Hazard*. For the purposes of these regulations, the following studies and/or maps are hereby adopted by reference and made a part of this section:

   a. Flood Insurance Study Miami County, Ohio and Incorporated Areas and Flood Insurance Rate map Miami County, Ohio and Incorporated Areas both effective August 2, 2011, or its latest edition.

   b. Other studies and/or maps which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways, or delineation of other areas of special flood hazard.

   c. Any hydrologic and hydraulic engineering analysis authored by an Ohio registered Professional Engineer, which then has been approved by the Floodplain Administrator.

   d. Any revisions to the aforementioned maps and/or studies, including any Letter of Map Change issued by FEMA, are hereby adopted by reference and declared to be a part of this section.

e. Any flood easement owned by, or dedicated by plat or deed to, the City, Concord Township, Staunton Township, Miami County, the State of Ohio, and/or the Miami Conservancy District.

f. Any Floodplain Overlay District identified on the City Zoning Map.

g. Such maps and/or studies are on file at the City of Troy, City Hall, 100 South Market Street, Troy, Ohio.

7. *Warning and Disclaimer of Liability*. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

B. **Use and Development Standards.** The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Sec. Sec. 1106-02-A-6, *Basis for Establishing the Areas of Special Flood Hazard*, and Sec. 1109-05-A-9-a of this UDC:

1. *Use Regulations.*

a. *Permitted Uses*. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City may be permitted, provided they meet the provisions of these regulations.

b. *Prohibited Uses*. The following uses are prohibited in any special flood hazard area:

1) Private water supply systems regulated under Section 3701 of the Ohio R.C.

2) Infectious waste treatment facilities regulated under Section 3734 of the Ohio R.C.

3) Storage of explosives.

4) Storage of material or equipment that, in time of flooding, could become buoyant and, therefore, pose an obstruction to floodwater flow in identified floodway areas.

5) New construction of any residential or nonresidential structures in the floodway portion of any special flood hazard area.

2. *Water and Wastewater Systems*. The following standards apply to all water supply, sanitary sewerage, and waste disposal systems not otherwise regulated by the ORC:

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

b. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

c. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

3. *Subdivisions and Large Developments.*

a. All subdivision designs shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

d. For all subdivision proposals and other proposed developments containing fifty (50) or more lots or five (5) or more acres, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for any areas of special flood hazard.

e. The applicant shall submit technical data to FEMA as required by Sec. 1109-05-A-8-a when a hydrologic and hydraulic analysis is conducted that generates base flood elevations as required by Sec. 1106-02-B-3 and subsequently submitted to the Floodplain Administrator.

4. *Residential Structures.*

a. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring and for construction materials resistant to flood damage shall be considered to have been satisfied provided that said structure is built to the City's Building Code.

b. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

c. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including the basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available, the structure shall have the lowest floor, including the basement, elevated

at least two (2) feet above the highest adjacent natural grade. Support structures and other foundation members shall be certified by a registered professional engineer or registered architect to have been designed and constructed in accordance with ASCE 24, Flood Resistant Design and Construction.

e. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:

   1) Be used only for the parking of vehicles, building access, or storage; and

   2) Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or

   3) Have a minimum of two (2) openings on different walls having a total net area not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one (1) foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

f. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.

g. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of this Sec. 1106-02, *Flood Control Standards*.

h. Where flood protection elevation data are not available, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

i. Each new residential site shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the flood protection elevation, and such escape route shall lead directly out of the floodplain area.

5. *Nonresidential Structures.*

   a. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet the requirements of Sec. 1106-02-B-4 (a-c) and (e-i).

b. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including the basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

1) Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;

2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

3) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Floodproofing Certificate, that the design and methods of construction are in accordance with subsection (1) and (2) listed above.

c. Where flood protection elevation data are not available, the structure shall have the lowest floor, including the basement, elevated at least two (2) feet above the highest adjacent natural grade.

d. Each new nonresidential site shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the flood protection elevation, and such escape route shall lead directly out of the floodplain area.

6. *Accessory Structures*. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing a floor area of no more than six hundred (600) square feet. Such structures must meet the following standards:

a. They shall not be used for human habitation;

b. They shall be constructed of flood-resistant materials;

c. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood waters;

d. They shall be firmly anchored to prevent flotation;

e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and

f. They shall meet the opening requirements of Sec. 1106-02-B-4-e-3 of this UDC.

7. *Recreational Vehicles*. Recreational vehicles must meet at least one of the following standards:

a. They shall not be located on sites in special flood hazard areas for more than one hundred eighty (180) days in any twelve (12) month period, or

b. They must be fully licensed and ready for highway use, or

c. They must meet all standards of Sec. 1106-02-B-4, *Residential Structures*, of this UDC.

8. *Above Ground Gas or Liquid Storage Tanks*. All above-ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

9. *Assurance of Flood Carrying Capacity*. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to ensure that the reduction of the flood-carrying capacity of watercourses is minimized:

    a. *Development in Floodways.*

        1) In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or

        2) Development in floodway areas causing increases in the base flood elevation may be permitted, provided all of the following are completed by the applicant:

            a) Meet the requirements to submit technical data in Sec. 1109-05-A-8-a, *Requirement to Submit New Technical Data*, of this UDC;

            b) An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

            c) Certification that no structures are located in areas which would be impacted by the increased base flood elevation;

            d) Documentation of individual legal notices to all impacted property owners within and outside the city, explaining the impact of the proposed action on their property; and

            e) Concurrence of the Mayor and the Board of Miami County Commissioners.

    b. *Development in Riverine Areas with Base Flood Elevations but No Floodways.*

        1) In riverine hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than one (1) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,

        2) Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one (1) foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

a) An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible; and

b) All other requirements of this Sec. 1106-02-B-9, *Assurance of Flood Carrying Capacity*, have been met.

c. *Alterations of a Watercourse*. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique, or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1) The bankfull flood-carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the bankfull flood-carrying capacity of the watercourse will not be diminished.

2) Adjacent cities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood-carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

4) The applicant shall meet the requirements to submit technical data in Sec. 1109-02-A-8-a, *Requirement to Submit New Technical Data,* of this UDC when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

d. *Compensatory Storage Required for Fill*. Fill within a special flood hazard area shall result in no net loss of floodplain storage volume. The volume of the loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of new flood storage by excavation or other compensatory measures at or adjacent to the development site.

10. *Fill*. The following standards shall apply to all fill activities in special flood hazard areas:

a. Fill sites, upon which structures will be constructed or placed, must be compacted to ninety-five percent (95%) of maximum density obtainable with the Standard Proctor Test method or an equivalent method approved by the Floodplain Administrator.

b. Fill for elevating structures shall extend at least twenty (20) feet laterally from the structure in order to establish a stable building pad.

c. Fill slopes shall not be steeper than one (1) foot vertical to two (2) feet horizontal.

d. Adequate protection against erosion and scour shall be provided for all fill slopes. When velocities exceeding five (5) feet per second are expected during an occurrence of the base flood, rock protection or armoring with stone shall be provided. When velocities of five (5) feet per second or less are expected during an occurrence of the base flood, protection may be provided by dense vegetative cover.

e. Fill shall be composed of clean granular or earthen material. Demolition debris, trash, garbage, and other solid waste materials shall not be used as fill.

f. All fill projects shall comply with this Sec. 1106-02-B-9, *Assurance of Flood Carrying Capacity*, of the UDC.

11. *Storage of Materials*. Outdoor storage of material or equipment not otherwise prohibited in Sec. 1106-02-B-1-b, *Prohibited Uses*, shall be firmly anchored to prevent flotation.

Sec. 1106-03, Utility Standards

A. **Drainage Requirements.** All proposed subdivisions shall have a storm system designed to serve the area being developed. It shall be compatible with any adjacent storm drainage system. The storm drainage system shall be designed in such a manner so as to minimize the effects on all downstream properties. A stormwater management plan (See 1109-08-C, *Stormwater Management Plan*) shall show the general suitability of the proposed development to support a stormwater management system.

B. **Public Sanitary Sewer System.**

1. *Connection to City System*. Where a new subdivision is located within the City, each lot shall be provided with a connection to the City sanitary sewer system. All sanitary sewer lines in a subdivision shall be installed by the developer with the developer paying for all sanitary sewer lines including the cost of manhole and manhole installation.

2. *Sewer Specifications*. Materials and specifications for the design and construction of City sanitary sewage system as required by this section shall be in accordance with the standards and specifications of the City of Troy. Minimum allowable size of sanitary sewer lines shall be eight (8) inches in diameter.

3. *Sewer Easements*. Sewers installed outside the public right-of-way shall reside in an easement having a minimum width of twenty (20) feet [ten (10) feet each side of the sewer]. Private sewer laterals installed within said easement shall extend to the edge of the easement.

4. *Extension to Development Boundaries*. All sewers shall be extended to the upstream boundary of the property or development being served except in those areas where the discretion of the City Engineer determines the natural or planned topography makes it unreasonable to plan for later extensions of the sewer.

5. *Oversizing.* Should the City determine that a sanitary sewer line larger than the minimum size is necessary for the benefit of the City and not for the benefit of the subdivision, the City shall pay the cost of such sanitary sewer line materials in excess of the minimum size. The City shall pay for the reasonable labor costs of the construction in excess of the labor costs for the installation of twelve (12) inches in diameter. Should the City determine that a sanitary sewer line be installed deeper than necessary for the benefit of this subdivision, the City shall pay the reasonable labor costs of the construction in excess of the labor costs for the installation of the deeper sanitary sewers.

C. **Public Water System.** Where a public water supply is available, as determined by the City, every lot in the subdivision shall be provided with a connection. The developer shall bear the cost of installing all water lines inside the subdivision and the lines to extend the water source that may be located outside the subdivision.

1. *Water Main Specifications*. Water mains in residential areas shall be eight (8) inches minimum, and water mains in commercial/industrial areas shall be ten (10) inches minimum unless specifically authorized by the City Engineer.

2. *Fire Hydrants*. Fire hydrants shall be installed at the cost of the developer throughout the subdivision with a maximum distance between such hydrants of five hundred (500) feet in residential zones and three hundred (300) feet in commercial or industrial zones.

3. *Water Easements*. Water mains installed outside the public right-of-way shall be located in an easement having a minimum width of fifteen (15) feet (seven and one-half (7.5) feet each side of the waterline). Private water services installed within said easement shall extend to the edge of the easement.

4. *Extension to Development Boundaries*. Water mains must be extended to the development boundary along each public roadway within or adjacent to the development. Other items may be required when extending to the existing system such as replacement of the fire hydrant or adding an additional valve to the system.

5. *Oversizing*. Should the City determine that a water line larger than the minimum size is necessary for the benefit of the City and not for the benefit of the subdivision, the City shall pay the cost of such water line materials in excess of the minimum size. The City shall pay for the reasonable labor costs of the construction in excess of the labor costs for the installation of twelve (12) inches in diameter.

Chapter 1107 – Subdivision Design Regulations

Sec. 1107-01, Purpose and Application

A. **Purpose.** These regulations are adopted to:

1. Establish standard requirements, conditions, and procedures for the design and review of subdivisions;
2. Provide for the orderly subdivision of land;
3. Encourage the wise use and management of land and natural resources throughout the City;
4. Ensure that adequate public infrastructure, facilities and services are available concurrent with development;
5. Encourage a beneficial relationship between the uses of land and circulation of traffic throughout the City, and to provide for the proper location and design of streets; and
6. Provide adequate utility systems to support the future needs of the system; and
7. Promote efficient and logical placement of utility structures so as to promote the public health, safety morals and general welfare of the City.

B. **Applicability**. The developer of a subdivision shall dedicate all land required for rights-of-way, and shall furnish and install all required improvements serving the subdivision or development. All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with the Comprehensive Plan, water and sewer plans and any other applicable plans or policies of the City of Troy.

C. **Conformity to Development Plans, Zoning, Engineering, and Fire Standards.**

1. The arrangement, character, extent, width, grade and location of all streets shall conform to the City's most recently adopted Comprehensive Plan, Official Thoroughfare Plan, Complete Streets Plan and, any other officially adopted policy document, and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Official Thoroughfare Plan, the arrangement and other design standards of streets shall conform to this chapter.
2. Any plans or documents submitted for subdivision or development approval shall comply with the City's standard drawings and specifications and subsequent amendments on file in the office of the Development Code Administrator.

D. **Sale of Land in Subdivisions, Start of Construction, and Permitting.**

1. No owner, or authorized agent, of any land who is an applicant to subdivide their property shall transfer, sell, agree to sell or negotiate to sell any land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any

construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations.

2. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

3. The Development Code Administrator shall not issue certificate of zoning compliances for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.

E. **Disclaimer of Liability.** The City shall not be responsible for maintaining any subdivision improvements until such time as the City has accepted such improvements, which includes all public improvements with the exception of sidewalk on unimproved lots. Improvements are considered accepted by the City when a maintenance guarantee is accepted. Prior to such date, the City shall not be responsible for any injuries or damage sustained by any person or property in connection with such subdivision improvements.

F. **Relation to Other Laws.** The provisions of these regulations shall supplement any and all laws of the State of Ohio, resolutions, motions or any legislation by Council or the Planning Commission, or any and all rules and regulations promulgated by authority of such law or resolution, relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

Sec. 1107-02, General Design Standards

A. **General Suitability of Land for Development**. If the City Engineer, for Minor Subdivision Plats, or the Planning Commission or City Council, for Major Subdivision Plats, find that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography or inadequate water supply, wastewater treatment facilities, transportation facilities, or such other conditions as may endanger health, life or property, and if, from investigations conducted by the public agencies concerned, it is determined that, in the best interest of the public, the land should not be developed for the subdivision proposed, the City Engineer , Planning Commission, or City Council shall not approve the land for the purpose unless adequate methods are advanced by the developer for solving the problems that will be created by the development of the land.

B. **Topography, Floodplain Areas, Wetlands, and Natural Areas.**

1. Natural amenities (including views, mature trees, creeks, riparian corridors, rock outcrops, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.

2. All subdivisions of land and installation of public improvements involving areas subject to flooding, as defined by National Flood Insurance Program Maps and Data, shall conform

to all applicable floodplain regulations and the requirements of adopted regulations involving the City's participation in the National Flood Insurance Program.

3. The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.
4. Floor elevations of all buildings shall be carefully studied in relation to existing topography, proposed street grades, existing trees and other pertinent site features.

C. **Subdivision Names**. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the City. The City shall have final authority to designate the name of the subdivision.

D. **Street Trees**. Street trees shall be provided in accordance with the following:

1. The applicant or owner has the option of installing street trees within the public right-of-way. However, the placement of trees within a given plat must be approved by the City Engineer to be installed within the right-of-way.
2. All trees selected and planted shall be subject to approval of plant materials by the City Engineer.
3. No tree shall be planted directly over, under or within 10 feet of a utility line.
4. The minimum space between trees is:
    a. Forty-five (45) feet for large shade trees;
    b. Thirty-five (35) feet for medium trees; and
    c. Twenty-five (25) feet for ornamental trees.
5. The recommended maximum spacing of all street trees is sixty (60) feet.
6. If a developer elects the City's standard street sections, only ornamental or medium trees may be used. Where the developer elects to dedicate additional right-of-way to accommodate larger planting strips between the curb and sidewalk, larger trees may be used for street trees. A minimum of five feet shall be dedicated.

E. **Traffic Control Devices**. The developer shall provide all traffic control devices for the proposed development, including, but not limited to, traffic signals, signs, pavement markings and the like. Refer to the Ohio Manual of Uniform Traffic Control Devices (OMUTCD) for details of the devices to be used, and, in some cases, warrants for their use.

F. **Debris and Waste**. No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land or left or deposited on any lot or street at the time of the zoning compliance inspection. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time base asphalt is installed Additionally, at no point shall any Debris and Waste be present on site for more than six (6) months.

G. **Monuments and Markers**.

1. Permanent monuments shall be accurately set and established at the change of direction of all outside boundary lines of the plat, at intersections of those boundary lines with all street lines, at the beginning and end of all curves, at points of curves where the radius or direction changes and at other points necessary to definitely establish all lines of the plat, including those outlining individual lots.
2. Permanent lot corner markers shall be set at the corner of all lots and where bearings change along a lot line.
3. Monuments and lot corner markers shall meet State of Ohio Minimum Standards for Boundary Surveys.

Sec. 1107-03, Lots

A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites that can accommodate a structure and required setbacks in the applicable zoning district. Lots shall also be arranged so that all lots will have frontage on a public street or road and will provide building sites properly related to topography and the character of surrounding development. Lots may abut a private street in a PUD in accordance with Section 1107.14.

B. Excessive depth in relation to width shall be avoided unless authorized by the Planning Commission. A proportion of not less than three (3) to one (1), nor more than three and one-half (3-1/2) to one (1) shall normally be considered as appropriate.

C. The lots shall be more or less rectangular in form; triangular, elongated, or other shapes that restrict its use as a building site shall be avoided to the maximum extent feasible unless the applicant can demonstrate special circumstances requiring irregular lots to the Planning Commission.

D. All side lot lines shall be at right angles to street lines and radial to curved street lines except where the Planning Commission determines that a variation to this rule will provide a better street and sublot layout.

E. Double frontage (through) lots shall not be permitted except to limit access upon heavily traveled thoroughfares or to adjust to special or unusual circumstances.

F. Corner lots shall be of sufficient width to permit the required building set-back line for each street the lot abuts.

G. Typically, flag (panhandle) lots or double frontage (through) lots shall be discouraged and may only be approved through the variance process as established in Sec. 1109-07-A, Variances.

H. Drainage lots are permitted to deviate from the underlying zoning district regulations provided that a detention basin and/or retention basin is located a lot and is actively maintained by a fully functioning HOA.

Sec. 1107-04, Blocks

A. The arrangement of blocks shall be to accommodate lots and building sites of the size and character required for the zoning district as set forth in this UDC.

B. Subdivisions shall be designed with blocks of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway, arterial street, or railroad right-of-way. Such blocks shall have a minimum length of six hundred (600) feet and a maximum length of one thousand two hundred (1,200) feet. In reviewing the subdivision plat, the Planning Commission can modify these requirements for blocks that will be located adjacent to nonresidential uses or where there are unusual topographic or natural features.

C. Where a subdivision adjoins a major thoroughfare, the block shall be oriented so that there will be the fewest points of direct ingress and egress along such major thoroughfare as possible

D. Irregularly shaped blocks, those intended for cul-de-sac or loop streets, and those containing interior parks or playgrounds, may be approved if properly designed and located.

Sec. 1107-05, Cul-De-Sacs, Dead Ends, and Fire Apparatus Access Roads

Cul-de-sacs, Dead Ends, and Fire Apparatus Access Roads shall be in accordance with the International Fire Code that is adopted by Troy Codified Ordinances.

Sec. 1107-06, Lighting

A. Generally. Lighting shall be Light Emitting Diode (LED) lights on poles served by underground utilities. Lighting shall be spaced to promote nighttime safety for pedestrians and per industry standards. Lighting shall also be consistent with any City regulation which may be administratively adopted under the authority provided by these regulations. Under these regulations, a developer shall choose street lights or post lamps. The chosen lighting options shall be shown on the final record plat.

B. Street Lights. Street Lights are owned and served power by the City of Troy. The height and spacing of a subdivision's street lights may vary, depending on factors such as lot size, density, right-of-way width and setback requirements. In general, residential subdivisions street lights range from fourteen (14) feet to eighteen (18) feet in height and spaced 200 feet to 300 feet apart. Street lights must be installed as soon as possible and before the final asphalt is placed.

C. Post Lamps. Post lamps shall be owned and served power by the private property. Post lamps shall be located a minimum of eight (8) foot above grade within five (5) feet of the right-of-way. The post lamp shall be operated by photo cells and hard wired. Post lamp shall be maintained as operational and illuminated. The City has the right to install standard street lighting if post lamps are not maintained.

Sec. 1107-07, Traffic Impact Studies

A. Traffic Impact Studies (TIS) can be a valuable planning tool for the City. When requested by the City Engineer, a traffic impact study allows the City to better understand the impact a proposed development will have on adjacent roads, intersections, and site access driveways before the Planning Commission or City Council approves the development. This type of planning provides the ability to make modifications to the proposed plans and/or plan for the mitigation of the traffic impact prior to the development being constructed. Studies shall be commissioned by the City to a Traffic Engineer approved by both the City and the developer and paid for solely by the developer.

B. Important questions that may be answered by a TIS:

1. Are the number of access points the minimal necessary to serve the project without negatively impacting the flow of traffic along arterial streets?
2. Are the proposed access points a sufficient distance from intersections to minimize conflicts?
3. Are proposed access points adequately spaced from other access points along the street?
4. Should left turns be restricted by signs, channeled driveways, or the installation of a median?
5. Have other methods of access, such as shared driveways, frontage roads or access off a side street been evaluated?
6. Is the sight distance adequate at proposed access points?
7. Are deceleration lanes necessary?
8. Is the throat length at the driveway sufficient to minimize conflicts within the site?
9. Can trucks and waste-hauling vehicles easily access the site and circulate to and from loading areas?
10. Is the design sensitive to pedestrian or bicycle needs?

C. The TIS guidelines presented in this section will perform the following functions:

1. Establish standards of study;
2. Ensure that important traffic concerns are addressed;
3. Provide staff with a check list for the review process;
4. Promote an increased understanding of traffic impact issues for those involved in the development process.

D. A full or partial TIS will be required for any proposed development when the City Engineer has determined, after receiving input from the subdivision review staff, that a proposed development will impact street capacity and/or generates safety concerns, or when a proposed development will generate one hundred (100) or more added new peak hour trips

to or from the site during the adjacent roadway's peak hours or the development's peak hour.

E. The use of the one hundred (100)-vehicle threshold is reasonable because in an hour an additional one hundred (100) vehicles can:

1. Change the level of service at an intersection;
2. Require the addition of turn lanes to accommodate site traffic while not impacting through traffic;
3. Lead to a need for additional traffic control measures such as stop signs, blinking lights, and/or traffic signalization;
4. For residential developments, 100 peak hour traffic trips are likely to be generated by:
    a. One hundred fifty (150) single-detached dwelling homes;
    b. Two hundred forty five (245) apartments; or
    c. Two hundred ninety five (295) town home condominiums.
5. For commercial development, one hundred (100) peak hour traffic trips are likely to be generated by:
    a. A fifteen thousand (15,000) square foot shopping center;
    b. A thirty seven thousand (37,000) square foot medical/dental office;
    c. A fifty five thousand (55,000) square foot general office building;
    d. A one hundred fifteen thousand (115,000) square foot light industrial use;
    e. A two hundred fifty thousand (250,000) square foot manufacturing use;
    f. A eighty five thousand (85,000) square foot research and development facility;
    g. A four thousand four hundred (4,400) square foot bank with a drive-thru;
    h. A convenience store with five (5) gasoline pumps; or
    i. A five thousand two hundred (5,200) square foot restaurant with a drive-through window.
6. In some cases, a proposed development may generate fewer trips than the threshold indicated above, but a safety or capacity issue in the area of the proposed development may require a full or partial impact study for the following reasons:
    a. High accident intersection or section of roadway;
    b. Proximity of proposed site drives to other site drives or intersections;
    c. Sensitivity of adjacent neighborhoods;
    d. Existing or projected level of service of street(s) adjacent to the proposed development which is unacceptable;

e. High traffic volumes on adjacent roadway(s) that may impact movement into and out of the site.

Sec. 1107-08, General Street Design

A. The arrangement, character, width, grade, construction and location of all streets shall conform to the comprehensive plan, or other applicable street plans for the City that are in effect at the time of final plat submission.

B. The street layout shall provide access to all lots and parcels of land within the subdivision.

C. When a proposed development is adjacent to or contains a state highway, the developer and the Planning Commission should seek information from the Ohio Department of Transportation as to the status of such highway in reference to width and direction and also to access of such highway.

D. Access control at major arterials and highways shall be taken into consideration in the design of the subdivision plat. The City and/or ODOT have the right to define and limit access along major arterials or highways.

E. The developer shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance or alignment of such streets in conformity with the comprehensive plan or other applicable street plans.

F. The class of streets in a new subdivision shall be not less than the required minimum classification established in this UDC. The street and alley arrangement shall not cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

G. Residential local streets shall be designed to discourage through traffic but offset streets shall be avoided whenever possible.

H. Where practical, the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas in all directions of the proposed development.

I. Where adjoining areas are not subdivided or developed, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets where street connections can be made to the adjacent land)

J. When developing along one side of an existing or planned street or roadway which is included on the Official Thoroughfare Plan or an approved preliminary site plan, the developer shall be responsible for sidewalk, curb, pavement widening to thoroughfare width on his or her side. All necessary adjustments to existing pavement, extension of water main, sanitary sewer, and storm drainage for the street in accordance with current design standards. Where sight distance problems or other engineering requirements make it imperative, the pavement adjustment responsibility shall include the replacement of as much as the entire existing pavement as required by the City Engineer.

K. A street that is not constructed to City standards shall not be accepted by the City for dedication as a public street.

Sec 1107-09, Street Names, Signs, and Numbering

A. Street names shall be selected that will not duplicate or be confused with the names of existing streets in the City of Troy and in the fire service area irrespective of modifying terms such as street, avenue, boulevard, etc. Streets that are or will eventually be continuations of existing or platted streets shall be named the same. Street names shall be included on the preliminary plat and final plat.

B. When a new street is a direct extension of an existing street, the name shall remain the same.

C. The developer, at its own expense, shall install traffic control devices within the subdivision and where subdivision streets connect with existing streets in accordance with the recommendations of the traffic impact study. These devices shall meet all applicable standard as established by the City. Signs shall be reviewed by the Development Code Administrator prior to installation.

D. Addresses shall be assigned by the City in accordance with the current numbering system.

Sec. 1107-10, Marginal Access Streets

Whenever a subdivision has frontage upon a major thoroughfare, the Planning Commission may require that the plat layout shall provide for a local residential street with the required width as of Table 1107-01, Minimum Street Right-of-Way Widths, that is parallel and adjacent to the thoroughfare to provide access to abutting lots. When provision is made for a marginal access street, the developer will not be required to provide improvements on the adjacent thoroughfare.

Sec. 1107-11, Angle of Intersection

The angle of intersection between minor streets and major streets shall not vary more than ten degrees from a right angle. All other streets shall intersect each other as near to a right angle as possible, and no intersection of streets at angles of less than sixty degrees shall be permitted.

Sec. 1107-12, Rounding of Property Corners

A. At all street intersections, the corner of property lines shall be rounded by a radius of not less than fifteen (15) feet.

B. In a nonresidential district, a cut-off corner may be substituted in place of a circular arc.

C. Where two alleys intersect or an alley intersects with a street, an eight-foot cutoff shall be provided.

Sec. 1107-13, Private Streets and Reserve Strips

A. Private streets shall not be permitted except as provided below in approved PUDs.

B. Reserve strips shall not be approved except where their control is definitely placed in the City or County under conditions approved by the Planning Commission.

Sec. 1107-14, Private Streets in PUDs

A. The PUD developer shall demonstrate that any proposed private streets are necessary to create a superior design or eliminate a practical hardship.

B. No more than twenty (20) dwelling units shall be served by a single entrance from a public street to a private street.

C. Where pavement widths are less than 30 feet, guest parking spaces shall be provided at a rate of one-half (0.5) spaces per dwelling unit in addition to the requirements of Table 1105-3, *Off-Street Parking Requirements*.

D. The pavement width of private streets and minimum turning radius shall be implemented in accordance with the most recent standards of the City Fire Department for accommodation of emergency vehicles;

E. The pavement design is determined adequate to handle the projected traffic without resurfacing for fifteen (15) years;

F. The private street shall comply with all storm water drainage requirements applicable to a public street; and

G. The developer shall demonstrate that adequate provision has been made for the long-term maintenance of private vehicular areas. This shall be evidenced in either the developer's agreement and/or the HOA covenants and restrictions.

Sec. 1107-15, Street Types

A. Street right-of-way widths shall be in conformity with the Official Thoroughfare Plan, where applicable, and shall be not less than the following:

Table 1107-01 Minimum Street Right-of-Way Widths

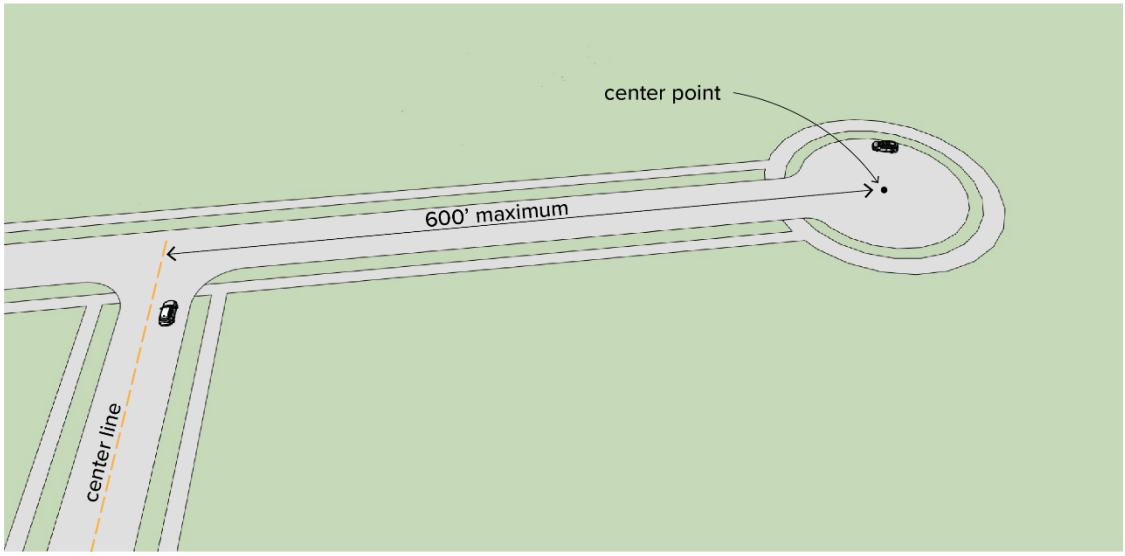
Street Type	Minimum Right-of-Way Width[1]
Arterial	80-100 Feet
Collector	60 Feet
Residential (Local)	50 Feet
Cul-de-sac	50 Feet
Cul-de-sac terminus[2]	48 Feet Pavement Radius
Crosswalk	10 Feet

Table 1107-01 Minimum Street Right-of-Way Widths	
Street Type	**Minimum Right-of-Way Width[1]**
[1]For detailed design, see City Construction Standards Sec. 300-2, *Typical Sections and Asphalt Pavement Composition.*	
[2]Reference Appendix D of the 2011 Ohio Fire Code	

B. Where there are unusual topographical or other physical conditions, the Planning Commission may require a greater or lesser right-of-way width than that indicated in this section.

C. **Cul-de-Sacs**. The maximum length of a cul-de-sac shall be six hundred (600) feet. Each cul-de-sac shall be provided with a turnaround having a minimum right-of-way radius of fifty feet.

Figure 1107-1, Cul-de-Sac



D. **Alleys**. Public dedicated alleys shall not be permitted in residential districts except in special situations as determined by the Planning Commission. Dead-end alleys shall not be permitted.

E. **Improvements.**

1. All streets and thoroughfares shall be graded to the full width of the right-of-way, including side slopes.

2. All pavement widths and surfaces shall conform to the dimensions and specifications in the standard construction drawings and the Official Thoroughfare Plan.

Sec. 1107-16, Dedicated Sidewalks, Walkways, and/or Shared Use Paths

A. Sidewalks of not less than five (5) feet in width shall be provided on both sides of all newly dedicated streets. Curb ramps shall comply with all ADA and other Federal and State regulations are to be provided.

B. Dedicated walkways, and/or shared use paths not less than ten (10) feet wide, shall be required to provide proper pedestrian access to schools, playgrounds, shopping centers and other facilities between lots of a subdivision for properties that are on the corridors that have been designated as Complete Streets per the City's Complete Street Policy.

C. In addition to the above, dedicated sidewalks, walkways, and/or shared use paths shall be provided in accordance with the Complete Streets section as reference by the Comprehensive Plan.

Sec. 1107-17, Landscaping and Berms

A. **Gateways**. Subdivisions shall provide gateway features as established in Sec. 1105.04.C.1, *Subdivision Entrance Landscaping*.

B. **Individual Lot Standards**.

1. Each lot shall be finished with seed or sod.

2. Lots which require the backs of homes to face a street shall be discouraged. However, such lots may be approved if they are screened from the adjacent street by a Type 3 Buffer. See Table 1105-11, *Bufferyard Types*.

Sec. 1107-18, Common Open Space and Parkland, and Fee-in-Lieu

A. **Layout Consistent with Plan Parks**. The subdivision layout should conform to the City's Comprehensive Plan and Parks and Recreation Master Plan and any other officially adopted long-range plans of the City.

B. **Three Percent Allotment**. Where deemed appropriate by the Planning Commission, common open space consisting of at least three percent (3%) of total acreage proposed for development, which is suitably located for future use as parks, playgrounds, and/or other recreational purposes for local or neighborhood use, shall be provided for in the proposed subdivision.

C. **Development Options**. The Planning Commission may agree to accept common open space in lieu of public parkland or fees-in-lieu-of. If such open space is not dedicated to the City, it shall be reserved for the common use of all property owners in the proposed subdivision by covenant on the final record plat or in individual deeds. Such common open space shall be maintained and operated by a Homeowners or Property Owners Association that shall be created pursuant to Sec. 1107-21, *Homeowners or Property Owners Associations*. Where no open space is provided and no public parkland is dedicated, the developer shall pay fees-in-lieu of. All requirements of the ORC Chapter 5312 shall be followed in conjunction with these development options.

D. **Calculation and Components of Common Open Space**.

1. *Water Retention and Detention Areas.* Any portion of the water retention or detention areas that are in excess of the design requirements in the stormwater regulations may be included in calculating the common open space requirement; provided those needs serve more than just the basic stormwater needs of the development.

2. *Streets and Parking.* Common open space does not include streets, alleys, off-street parking or loading areas, or other facilities dedicated by the developer for public use.

3. *Structures and Improvements*. Common open space shall be substantially free of structures but may contain such improvements as are approved by the Development Code Administrator and that are appropriate for the recreation of residents of the subdivision.

E. **Public Parkland**. Land dedicated as public parkland shall be left free of all building debris and shall be landscaped in accordance with Sec. 1102-03-B-12, *Landscaping Regulations*.

Sec. 1107-19, Utilities

A. **Water.**

1. *General Regulations.*

a. Where an approved public water supply is available to the subdivision as determined by the City, each lot within the subdivision shall be provided with a connection to such water supply.

b. All water lines shall be designed and constructed in accordance with the City Construction Standards.

c. The Developer shall bear the cost of installing all water lines inside the subdivision and the lines to extend the water source that may be located outside the subdivision.

2. *Water Main Specifications*.

a. Water mains in residential areas shall be eight (8) inches minimum, and water mains in commercial/industrial areas shall be ten (10) inches minimum unless specifically authorized by the Development Code Administrator.

b. Fire hydrants shall be installed at total cost of the developer throughout the subdivision with a maximum distance between such hydrants of five hundred (500) feet in residential zones and three hundred (300) feet in commercial or industrial zones.

c. Water mains installed outside the public right-of-way shall be located in an easement, granting access to the City, having a minimum width of fifteen (15) feet (seven and one-half (7.5) feet each side of the waterline). Private water services installed within said easement shall extend to the edge of the easement.

d. Water mains must be extended to the development boundary along each public roadway within or adjacent to the development. Other items may be required when

extending to the existing system such as replacement of the fire hydrant or adding an additional valve to the system.

e. Should the City determine that a water line larger than the minimum size is necessary for the benefit of the City and not for the benefit of the subdivision, the City shall pay the cost of such water line materials in excess of the minimum size. The City shall pay for the reasonable labor costs of the construction in excess of the labor costs for the installation of a water line twelve (12) inch in diameter.

B. **Sanitary Sewer.**

1. Where a new subdivision is located within the City, each lot shall be provided with a connection to the City sanitary sewer system. All sanitary sewer lines in subdivision shall be installed by the developer with the developer paying for all sanitary sewer lines including the cost of manholes and manhole installation.

2. Materials and specifications for the design and construction of City sanitary sewage system as required by this section shall be in accordance with the standards and specifications of the City of Troy. Minimum allowable size of sanitary sewer lines shall be eight (8) inches in diameter.

3. Sewers installed outside the public right-of-way shall reside within an easement having a minimum width of twenty (20) feet (ten (10) feet each side of the sewer and granting access to the City). Private sewer laterals installed within said easement shall extend to the edge of the easement.

4. All sewers shall be extended to the upstream boundary of the property or development being served except in those areas where the discretion of the Development Code Administrator determines the natural or planned topography makes it unreasonable to plan for later extensions of the sewer.

5. Should the City determine that a sanitary sewer line or system larger than the minimum size is necessary for the benefit of the City and not for the benefit of the subdivision, the City shall pay the cost of such sanitary sewer line or system materials in excess of the minimum size. The City shall pay for the reasonable labor costs of the line or system construction in excess of the labor costs for the installation of a sewer line twelve (12) inch in diameter. Should the City determine that a sanitary sewer line be installed deeper than necessary for the benefit of this subdivision, the City shall pay the reasonable labor costs of the construction in excess of the labor costs for the installation of the deeper sanitary sewers. Sewer systems include but not limited to lift-stations, force mains, etc.

C. **Storm Drainage and Storm Water Retention.**

1. The drainage system for each subdivision shall be designed based on the City's current adopted design criteria for storm drainage as specified in the City Construction Standards, *Section 600 Storm Drainage*, and Section 1106-1, *Stormwater Management*, of this UDC.

2. Where water detention is required to meet these standards, the water detention area shall not be part of any street.

3. Water may be detained in specifically constructed water detention/retention ponds.

D. **Electric, Telephone, and Cable Television Installation.** The installation, construction and expansion of electric, telephone, cable television and/or all new services for subdivisions shall generally be placed underground (See Chapter 921, *Small Cell and Wireless Support Structures*, of the City of Troy Codified Ordinances) subject to the following conditions and exceptions:

1. Transmission lines are exempt from this section. Transmission lines are defined as those lines constructed between generating stations and substations.

2. Temporary overhead services of electric and telephone utilities shall be allowed, provided that all permanent electric, telephone and cable television services within and adjacent to a new subdivision or commercial and industrial use shall be underground. For purposes of this section, "temporary overhead service" means:

   a. Service necessary for immediate public convenience and necessity and constructed to serve only on an interim basis until permanent underground services can be installed; or

   b. Service which, in order to reach a new subdivision or commercial or industrial use, must be extended from existing overhead service through undeveloped parcels of land not included in the subdivision or commercial or industrial use.

3. For purposes of this section, services adjacent to new subdivisions and commercial and industrial uses may be above grade. Such services shall include, but not be limited to:

   a. Overhead wires extending across the public right of way from existing overhead service to such new subdivisions and commercial and industrial uses; and

   b. Adjacent overhead services within the property submitted for subdivision approval that existed prior to the filing of a preliminary plat.

E. **Easements.**

1. Utility Easements of at least ten(10) feet in width with at least five (5) feet on each side or rear lot line shall be provided as required for public utilities, such as gas, electric, telephone, cable television, storm and sanitary sewers, water or other mains, or for surface drainage swales. Easements of greater width may be required along or across lots as necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.

2. *Drainage Easements*. Shall encompass all watercourse and surface drainage swailes within a subdivision.

3. *Specific Use Easements*. May be identified as applicable in the development and water sewer as identified in subsections A, *Water*, and Subsection B, *Sanitary Sewer*.

Sec. 1107-20, Stormwater Management

See Section 1106-01, *Stormwater Management*.

Sec. 1107-21, Homeowners or Property Owners Associations

A. **Homeowners Association Required to Maintain Properties**. As of the effective date of this UDC, Homeowner associations (HOA) are required to provide the maintenance functions within a subdivision for all common open space and stormwater management infrastructure.

B. **City Has Limited Right of Approval**. The City shall have a limited right of approval concerning the incorporation documents for a homeowners' association (HOA) that are proposed to be enacted. This right of approval is limited only to the items specifically listed in subsection (D) below which directly affects the City.

C. **No Dispute Intervention**. The City will not seek to intervene in purely private disputes pertaining to a private covenant, condition, or restriction.

D. **Review of Agreement**. The Developer shall submit to the City Attorney all proposed HOA incorporation documents to ensure that the following provisions are included in a format that is acceptable to the City:

1. All items that are required by either or any additional conditions of approval, which may include specific rights of enforcement being granted to the City.
2. Membership in the HOA shall be mandatory for all owners of property in the subdivision or condominium.
3. Dues are payable to the HOA at regular intervals.
4. The property owners' HOA has lien rights with respect to unpaid dues.
5. The HOA has a perpetual existence.
6. The HOA has all responsibilities for the maintenance of common open space and other facilities provided for benefit and enjoyment of members.
7. The HOA has the capacity to sue and be sued.
8. Plats and subdivision development plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of common open spaces, recreational areas and other communally owned facilities.
9. An HOA or other similar management entity shall be organized as a nonprofit corporation with automatic membership in the HOA when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the HOA. The HOA shall also be responsible for liability insurance, local taxes, and the maintenance

of all commonly held facilities through the use of a pro-rata formula for all property owners.

E. **Approval**. Approval of any HOA shall occur in conjunction with the processes set out in Sec. 1109-06-D, *Zoning Map Amendment (Rezoning)*, and Sec. 1109-06-E, *Planned Unit Development*.

Chapter 1108 – Administrative Bodies

Sec. 1108-01, Purpose and Applicability

A. **Purpose.** The purpose of this Chapter is to set out the development review bodies that are responsible for the administration of this UDC. This Chapter describes the roles and responsibilities and general rules of procedure of each body involved in the land development review process. The City's decision-making bodies and officials have the responsibility for implementing and administering this UDC as described in this Chapter.

B. **Applicability.**

1. *City Council.* The provisions of Sec. 1108-02-A, *City Council,* are intended to establish the City Council's role with respect to decisions about individual properties pursuant to this UDC. No part of this UDC restricts or limits any other powers that are granted to the City Council by Federal law, Ohio Revised Statutes, or the City's Codified Ordinances.

2. *Other Administrative Bodies.* The provisions of this Article that relate to other bodies are representative of the authority that the City Council has delegated to them with respect to application and enforcement of this UDC.

3. *No Implied Limitation.* The provisions of this Article shall not be a limitation regarding the conduct of Boards, Councils, and Commissions where additional responsibilities or authority are set out elsewhere in this UDC, the City's Codified Ordinances, or through policies adopted by the City Council, or by a Board, Council, or Commission as approved by the City Council.

Sec. 1108-02, Bodies Established and Authorized

A. **City Council.**

1. *Establishment and Membership.* See Chapter 111, *Council,* of the City of Troy's Codified Ordinances and Exhibit "A" to Ordinance 1-78 of the City of Troy, OH which sets outs the Rules of Council.

2. *Approval Authority.* City Council shall have the final authority to approve:

a. An entirely new UDC (Sec. 1109-06-B);

b. Text amendments to this UDC (Sec. 1109-06-C):

c. Zoning Map Amendments (Rezoning) (Sec. 1109-06-D);

d. Planned Unit Developments (Sec. 1109-06-E);

e. Annexation (Zoning of Annexed Land) (Sec. 1109-06-F);

f. Alternative Approval of Land Uses in the Downtown Riverfront Overlay District (Sec. 1109-06-H); and

g. Any other approval designated as such within this UDC that is permitted by the ORC.

3. *Public Notice and Public Hearing.* Before any ordinance, measure, regulation, or amendment may be passed or recommended for adoption by the City Council, thirty (30) days' notice of the time and place of the public hearing shall be given in accordance with ORC 713.12, Zoning Regulations Notice and Hearing.

B. **Planning Commission.**

1. *Establishment.* Pursuant to ORC 713.01 the City of Troy has established a Planning Commission who shall have powers in accordance with Chapters 711 and 713 of the ORC and shall have on its members within this body that correspond to the requirements of the ORC.

2. *Approval Authority*.

   a. *Final Authority.* Planning Commission shall have the final authority to approve:

      1) A new Comprehensive Plan for the City (See Sec. 1109-06-A);

      2) Certificate of Appropriateness (COA) - Major (See Sec. 1109-06-G);

      3) Major Subdivision Preliminary Plat (See Sec. 1109-08-B);

      4) Major Subdivision Final Plat (See Sec. 1109-08-D); and

      5) Any other approval designated as such within this UDC that is permitted by the ORC.

   b. *Recommendations to City Council.* Planning Commission shall have the power to make official recommendations to City Council on:

      1) The adoption of a new UDC (See Sec. 1109-06-B);

      2) Text amendments to the UDC (See Sec. 1109-06-C);

      3) Zoning Map Amendments (Rezoning) (See Sec. 1109-07-D);

      4) Planned Unit Developments (See Sec. 1109-07-E);

      5) Annexation [Rezoning of Annexed Land] (See Sec. 1109-6-F); and

      6) Any other approval designated as such within this UDC that is permitted by the ORC.

3. *Duties and Powers.* The Planning Commission shall have, but not be limited to, the following duties and powers.

   a. To provide plans, methods and rules and regulations for administering and regulating land use and development with the City of Troy.

   b. To call in and consult with experts or engineers in arranging and planning the future development of the City.

   c. Powers related to the administration and modification of this UDC which are given to it by the Ohio Revised Code (ORC), except as restricted by lawful ordinance, and such other powers as the City Council may lawfully delegate to it from time to time.

d. Formulate and transmit recommendations to the City Council pursuant to any decision of the UDC as provided for by this Chapter.

4. *PC Meetings, Public Records, Quorum, and Actions.*

   a. The Planning Commission shall adopt, from time to time, such rules, procedures and regulations as it may deem necessary to implement the provisions of this UDC.

   b. The Planning Commission shall elect a Chairman who shall serve a two (2) year term.

   c. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact. Four (4) members of the Planning Commission shall constitute a quorum.

   d. The meetings of the Planning Commission and its records shall be subject to the requirements of the Ohio Open Meeting Act.

5. *PC Processes for All Application Types.*

   a. *Pre-Application Conference*. Before applying for any Planning Commission process, an applicant shall schedule a required pre-application meeting with the Development Code Administrator, which may be held in person or virtually (video conference). This step allows the applicant to discuss the procedures for approval with the Development Code Administrator as well as the requirements and regulations for development. The Development Code Administrator shall have the authority to waive this requirement, provided that the applicant is someone who has been through the City's process prior.

   b. *Application*. The applicant shall submit the appropriate official application in complete form. A complete application includes all the required supporting documentation in addition to the official application form and fees.

   c. *Public File*. Once the Development Code Administrator determines that an application is complete and in proper form, they shall assign a file number and create a public file.

   d. *Additional Information*. The Development Code Administrator or the Planning Commission may require additional information to be provided at the expense of the applicant, to enable review and assessment of the application. Such additional information may include traffic impact studies paid for by the applicant by a company that is approved by the City.

   e. *Appeals*. Any decision of the Planning Commission may be appealed to the Board of Zoning Appeals.

C. **Board of Zoning Appeals.**

1. *Establishment.* The Board of Zoning Appeals (BZA) is established as the Appeals Board for this UDC.

2. *Authority.* The BZA shall have the authority to make final decisions for:

   a. Appeals (See Sec. 1109-07-B);

   b. Variances (See Sec. 1109-07-A); and

c. Any other approval designated as such within this UDC that is permitted by the ORC.

3. *Membership.*

   a. *Seven Members.* The BZA shall consist of seven (7) members who shall be residents of the City, appointed by the Mayor and approved by the City Council. One (1) member of the Appeals Board shall be a member of the City Planning Commission.

   b. *Term of Office.* The term of office of the members of the BZA shall be for five (5) years. Vacancies shall be filled for the unexpired term of the member whose place has become vacant.

   c. *Removal of Members*. Three (3) consecutive unexcused absences or failure to attend a majority of meetings in a twelve (12) month period or loss of qualification shall mean that said member can be removed from their position immediately instead of waiting until the end of the term. The Mayor shall have the power to remove any member of the BZA for cause and after a public hearing.

4. *Officers.*

   a. The BZA shall elect its own chairperson and vice-chairperson, who shall serve for one (1) year.

   b. The Development Code Administrator shall act as Secretary to the BZA and shall maintain permanent and current records of the UDC, including, but not limited to, all maps, amendments, variances and appeals; and the applications submitted and the records and/or minutes of said hearings.

5. *Duties.*

   a. The BZA shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this UDC.

   b. City Staff shall provide such clerical, technical, and consulting assistance as may be required by the BZA and other City officials in the exercise of their duties relating to the UDC.

6. *BZA Authority.* The BZA 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 UDC by the Development Code Administrator, subject to the procedure and standards set out in this UDC.

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

   c. To hear and decide appeals and requests for variances from the flood plain requirements as provided for in this UDC 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 UDC.

7. *BZA Meetings, Public Records, Quorums, and Actions.*

    a. *Meetings.*

        1) Meetings of the BZA shall be held at the call of the chairperson and at such other times as the BZA may determine.

        2) The chairperson, or acting chairperson, may administer oaths and compel the attendance of witnesses.

        3) A quorum shall consist of four (4) members.

        4) All meetings of the BZA shall be open to the public.

    b. *Minutes and Records.* The BZA 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 Development Code Administrator and shall be a public record.

8. *Recommendations by Development Code Administrator.*

    a. The Development Code Administrator may provide assistance, advice, and counsel to BZA, including making recommendations as deemed appropriate.

    b. Should the Development Code Administrator make a recommendation, the Development Code Administrator shall provide "findings" of fact.

9. *Decisions of the Board of Zoning Appeals.*

    a. The vote of four members of the BZA shall be necessary to reverse any appeal, order, requirement, decision, or determination of the Development Code Administrator or to grant a variance from the requirement(s) of this UDC that is permitted by law.

    b. All decisions and findings of the BZA, 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 ORC Chapter 2506.

10. *Required Votes.*

    a. The affirmative vote of four (4) members shall be required to sustain an appeal.

    b. The affirmative vote of four (4) members shall be required to approve a variance.

D. **Development Code Administrator.**

1. *Authority.* The Development Code Administrator shall have the authority to make final decisions for the approval of:

    a. Minor Subdivisions (See. Sec. 1109-08-A);

    b. Certificate of Appropriateness (COA) – Minor (See. Sec. 1109-06-G);

    c. Certificate of Zoning Compliance (See Sec. 1109-04-A);

    d. Sign Permit (See Sec. 1109-04-C);

e. Temporary Use Permit (See Sec. 1109-04-D);

f. Zoning Verification Letter (See Sec. 1109-04-E); and

g. Close Knit Factor Waiver (See Sec. 1109-04-F).

h. Any other approval designated as such within this UDC that is permitted by the ORC.

2. *Duties*. For the purposes of this UDC, the Development Code Administrator shall have the following duties:

   a. Seek assistance from the Office of the City Engineer, any other internal department, or any external department whenever additional information is necessary for the Development Code Administrator to effectively fulfill its responsibilities under this UDC;

   b. Enforce the provisions of this UDC and take such steps as may be necessary to remedy conditions found in violation. Such steps include ordering, in writing, the discontinuance of illegal uses or work in progress, and directing cases of noncompliance to the appropriate City official(s) for action;

   c. Coordinate the submittal and processing of applications pursuant to this UDC;

   d. Collect all designated fees as established for Certificate of Zoning Compliances, variances, appeals, and other procedures authorized by this UDC;

   e. Make and keep all records as necessary and appropriate including records of issuance and denial of Certificate of Zoning Compliances and receipt of complaints of violation of this UDC and action taken on same;

   f. Inspect any buildings or lands to determine whether any violations of this UDC have been committed or exist;

   g. Advise the Planning Commission of other matters pertaining to the enforcement of this UDC and transmit applications and records pertaining to amendments, conditional uses, and other procedures over which the Planning Commission has jurisdiction;

   h. Keep the Board of Zoning Appeals advised of all matters pertaining to appeals, variances and transmit all applications and records; and

   i. Other duties directly pertaining to the enforcement of this UDC that may be assigned by City Council.

3. *Supplementary Procedures and Forms*. The Development Code Administrator shall have the authority to devise and promulgate procedures, and forms as they may deem necessary to implement this UDC, provided that such procedures and forms are not in conflict with the regulations of this UDC or any other provision of law.

4. *Relief From Personal Liability*. The Development Code Administrator, and any officer or employee who acts in good faith and without malice in the discharge of his duties during enforcement of this UDC is relieved of personal liability subject to the provisions of Chapter 2744 of the Ohio Revised Code.

5. *Compliance with the UDC*. All departments, officials, and public employees of the City that are vested with the duty or authority to issue certificates or licenses shall conform to the provisions of this UDC and shall issue no certificate or license for any use, building, or purpose if the same is in conflict with any provision of this UDC.

6. *Void Certificates and Licenses*. Any certificate or license issued in conflict with the provisions of this UDC is unauthorized, shall be void from the beginning, and shall have no legal force or effect.

E. **City Engineer.**

1. *Authority.*

   a. Floodplain Development Permit (Sec. 1109-05-A)

   b. Subdivision development plans (See Sec. 1109-05-B); and

   c. Stormwater Management Plan (Sec. 1109-05-C).

   d. Any other approval designated as such within this UDC that is permitted by the ORC.

2. *Duties and Responsibilities of the Floodplain Administrator*. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

   a. Serve in the capacity of the City's Floodplain Administrator.

   b. Evaluate applications for permits to develop in special flood hazard areas.

   c. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

   d. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.

   e. Inspect buildings and lands to determine whether any violations of these regulations have been committed.

   f. Make and permanently keep all records for public inspection necessary for the administration of these regulations, including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.

   g. Enforce the provisions of these regulations.

   h. Provide information, testimony, or other evidence as needed during variance hearings.

   i. Coordinate map maintenance activities and FEMA follow-up.

   j. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

F. **Technical Review Committee.**

1. *Generally*. The Technical Review Committee (TRC) shall be an informal group of staff and consultants who shall provide the following services:

    a. Review the requirements of the UDC as those requirements relate to each application that is submitted;

    b. Formulate staff recommendations in conjunction with the Development Code Administrator;

    c. Rectify review comments between city departments and referral agencies; and

    d. Provide cohesive and timely review of applications.

    e. The TRC does not have the power to grant a variance or change zoning classification.

2. *Meetings*. TRC meetings shall be convened by the Development Code Administrator as necessary.

G. **City Beautification Committee.**

1. *Membership.*

    a. *Membership Number*. The City Beautification Committee (CBC) shall be composed of thirteen (13) members.

    b. Appointments and Terms of Membership.

        1) The CBC shall be appointed by the Mayor with the concurrence of Council.

        2) In consecutive years, seven (7) members shall be appointed for two (2) year terms and six (6) members shall be appointed for two (2) year terms as the two-year term of each member expires.

    c. *Residence Requirements*. At least a majority of the members of the committee shall be residents of the City and the balance shall be either residents of either Concord or Staunton Townships in Miami County, Ohio.

2. *Duties*. The duties of the CBC shall be to:

    a. Study and develop proposals and plans for the beautification of the City;

    b. Make recommendations to the Planning Commission and City Council for the implementation of such proposals and plans;

    c. Perform such other duties as may be assigned by Council.

3. *Consultation with Experts*. The City Beautification Committee may call in and consult with experts and architects in developing beautification proposals and plans for the City pursuant to their duties as listed above.

4. *Tree Board*. The City Beautification Committee shall operate as the City Tree Board pursuant to Chapter 741 of the City's Codified Ordinances.

Chapter 1109 – Permits and Procedures

Sec. 1109-01, Purpose and Application

A. **Purpose.** The purpose of this Article is to set out all the City's development approval procedures in one place and to standardize them to the maximum practicable degree.

B. **Applicability.**

1. All sections within this Chapter apply to all land development activity that requires a final decision from City staff, City Council, Planning Commission, or another Board or Committee denoted in Chapter 8, *Administrative Bodies*.

2. An applicant shall follow the applicable procedures contained in this Chapter for the specific type of approval that is sought. The specific zoning classification approval as defined herein shall be made by the Development Code Administrator.

Sec. 1109-02, Table of Permits and Approvals

A. **Generally**. Procedures for obtaining approval pursuant to this UDC are summarized in this Section.

B. **Applications and Procedures**. Each application or permit required by this UDC is spelled out in the below table.

Table 1109-1
Table of Permits and Approvals

Permit/Plan	Required For	Timing	Exceptions	Decision Responsibility	Cross-Reference
Administrative Applications					
Certificate of Zoning Compliance	All site improvements and modifications. Additionally, any change in use, new use established, or change in business name,	Prior to Site or Construction Work or Change in Use	N/A	Development Code Administrator	Sec. 1109-04-A
Zoning Occupancy Permit	Using/Occupying a Structure for the First Time, Change of Use in the Building, Modifications to Layouts in Previously Used Buildings	See Sec. 1109-04-B	N/A	Development Code Administrator	Sec. 1109-04-B

Table 1109-1 Table of Permits and Approvals					
Permit/Plan	**Required For**	**Timing**	**Exceptions**	**Decision Responsibility**	**Cross-Reference**
Administrative Applications					
Sign Permit	All Permanent and Temporary Signs	Prior to Installation	Face Replacement and Routine Maintenance	Development Code Administrator *(Planning Commission decision for signs in a historic district)*	Sec. 1109-04-C
Temporary Use Permit	All Temporary Uses Established	Prior to Site Preparations / Construction / use	Garage Sale(s)	Development Code Administrator	Sec. 1109-04-D
Zoning Verification Letter	Verifying a Site is Usable for an Intended Use and / or Verification a Site Complies with Adopted Zoning Standards	Prior to Purchase or Development Proposal	N/A	Development Code Administrator	Sec. 1109-04-E
Waiver, Close-Knit Factor	A waiver from the requirements of the Close-Knit Factor Requirements	Prior to Administrative Approval of Close-Knit Factor Offsets	N/A	Development Code Administrator	Sec. 1109-04-F
Certificate of Appropriateness, Minor	COA approvals that are a minor alteration	Prior to Site Work	Major COA	Development Code Administrator	Sec. 1109-04-G
City Engineer					
Floodplain Permit	Any Work Within or Adjacent to identified special flood hazard area	Prior to the Commencement of Construction	N/A	Floodplain Administrator	Sec. 1109-05-A
Subdivision Development Plan	All Land Development Proposals	Prior to Disturbance of Any Earth	N/A	City Engineer	Sec. 1109-05-B

Table 1109-1 Table of Permits and Approvals					
Permit/Plan	**Required For**	**Timing**	**Exceptions**	**Decision Responsibility**	**Cross-Reference**
Administrative Applications					
Stormwater Management Plan	Any Person or Persons Seeking Approval for an Earth-Disturbing Activity	Prior to the Disturbance of Any Earth	See Note #1.	City Engineer	Sec. 1109-05-C
Legislative Applications					
Comprehensive Plan Adoption	Long-term Growth and Service Goal Setting	As Needed	N/A	Planning Commission	Sec. 1109-06-A
UDC Adoption	Establishing Minimum Standards, Procedures, and Allowable Property Uses	As Needed	N/A	City Council	Sec. 1109-06-B
UDC Text Amendment	Modifying uses, standards, procedures, or other codified regulations	Prior to Amending the UDC	NA	City Council	Sec 1109-06-C
Zoning Map Amendment (Rezoning)	Changing the Applicable Zoning on a Parcel or Parcels	Prior to a Change in Land Use	N/A	City Council	Sec 1109-06-D
Planned Unit Development	Creating a Unique, Tailored Zoning Entitlement for Land Development	When Application is Received	N/A	City Council	Sec 1109-06-E
Annexation (Rezoning of Annexed Land)	Expanding the City of Troy Jurisdictional Boundaries / Including Additional Parcels within the City	When Application is Received	N/A	City Council	Sec 1109-06-F
Certificate of Appropriateness, Major	COA approvals that are a major alteration	Prior to Site Work	Minor COA	Planning Commission	Sec. 1109-06-G

Table 1109-1 Table of Permits and Approvals					
Permit/Plan	**Required For**	**Timing**	**Exceptions**	**Decision Responsibility**	**Cross-Reference**
Administrative Applications					
Alternative Approval of Land Uses in the Downtown Riverfront Overlay District	Approval of land uses within the DRO that are not permitted in an underlying base zoning district	Prior to a Change in Land Use	N/A	City Council	Sec. 1109-06-H
Wireless Communications Facilities Permit	Approval of all Wireless Communication Facilities	Prior to approval of the land use	N/A	City Council	Sec. 1109-06-I
Quasi-Judicial Applications					
Variances	Deviations from the Standards of the UDC	Notice Required Ten (10) Days Prior to Public Hearing	N/A	Board of Zoning Appeals	Sec 1109-07-A
Appeals	Appeals to any decision made by the Floodplain Administrator, the Development Code Administrator, or the Planning Commission	Filed within Thirty (30) days after an official decision by the Development Code Administrator or Floodplain Administrator	Recommendations made by the Planning Commission that are ultimately decided upon by the City Council	Board of Zoning Appeals	Sec. 1109-07-B
Subdivision Applications					
Minor Subdivision Plat	Subdivision of Property	Prior to Developing a Minor Subdivision	Major Subdivision Plat	City Engineer	Sec. 1109-08-A

Table 1109-1 Table of Permits and Approvals					
Permit/Plan	**Required For**	**Timing**	**Exceptions**	**Decision Responsibility**	**Cross-Reference**
Administrative Applications					
Major Subdivision Plat	Subdivision of Land and Prior to Submission of Detailed Construction Drawings of all Subdivision Improvements	Prior to Developing a Major Subdivision	Minor Subdivision Plat	City Council	Sec 1109-08-B
Note: 1. Single Parcel Development or Development Affecting No More Than 1 Acre, or the Structure is Not Located Within One Hundred (100) feet of Sensitive Natural Areas, or the Activity Will Not Modify the Existing Site Drainage Pattern, Drainage Structure, Drainage Tiles, or Drainage Easements.					

Sec. 1109-03, Review and Referral

A. **Applicability.** All of the procedures within this Sec. 1109-03, *Review and Referral*, shall apply to all plans and permits listed within Table 1109-01, *Table of Permits and Approvals,* with the following exceptions:

1. Sec. 1109-06-A, *Comprehensive Plan Adoption*;
2. Sec. 1109-06-B, *UDC Adoption;*
3. Sec. 1109-06-F, *Annexation*; and
4. Sec. 1109-07-B, *Appeals.*

B. **Pre-Application Conference.**

1. *Purpose.* The purpose of a pre-application conference is to familiarize the applicant with the submittal requirements and review procedures, including all applicable standards and any known constraints, hazards, or special conditions associated with the subject property.
2. *Applications Requiring a Pre-Application Conference.* Sec. 1109-06-E-2, denotes the development review applications that require a pre-application conference by including this Section number in the "Procedure Reference" column.
3. *Concept Plan.* The applicant may submit a concept plan established as a basis for discussion prior to or at the pre-application conference. The concept plan shall be of sufficient detail to accurately convey the character, location, parcel size, and the size and scale of the proposed development. The applicant may submit additional materials at his or her discretion.
4. *Requested Submittals.* At or following the pre-application conference, the Development Code Administrator may request that the applicant provide additional materials at the

time of application submittal as may be necessary to permit the informed exercise of judgment under the decision criteria for the application.

5. *Disclaimer.* Outcomes of the pre-application conference shall not imply, in whole or in part, any final decision on the application.

6. *Continuing Review Process*. After the pre-application conference has occurred, applications that require such a conference may subsequently undergo the processes established in Sec. 1109-06-E-2.

C. **Filing of Application**.

1. *Generally*. Every application for development approval required by this UDC shall be submitted on a form approved by the responsible official, along with the corresponding application fee.

2. *Forms*. Every development review application required by this UDC shall be submitted in a format and in numbers established by the Development Code Administrator and shall include the corresponding application fee that is established by the Council.

3. *Form Updates*. The responsible official shall promulgate and periodically revise forms for each type of application required by this UDC.

4. *Information Required*. Application forms shall include specific information that is required to process each type of application. The specific information requirements shall be established and periodically revised by the responsible official, and have the purpose of facilitating:

   a. The evaluation of applications for compliance with the standards of this UDC; and

   b. The administration of this UDC.

5. *Fees.* An application under this UDC for a certificate of zoning compliance, appeal, variance, zoning occupancy permit, planned development, text or map amendment, or other administrative or quasi-judicial action may require payment of a fee.

   a. Fees shall be specified by the City Council by separate ordinance or schedule of fees.

   b. The appropriate fee shall be paid to the City with the application. No application shall be deemed substantially complete unless the application is accompanied by the applicable fee(s).

   c. There shall be no fee in the case of applications filed by the City Council or by the Planning Commission.

   d. Should a project begin prior to payment of fees, the fees shall then be doubled.

   e. The fees charged under this UDC shall be in addition to any other fees that may be imposed under other applicable ordinances of the City.

   f. The fees imposed by this UDC 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 Development Code Administrator and others. Therefore, fees are not refundable regardless of the outcome of the application.

6. *Deadlines*. The Development Code Administrator may establish periodic application submittal deadlines that will be created on a yearly basis to show specific deadline dates.

7. *Continuing Review Process*. Complete applications shall subsequently undergo the processes established in Sec. 1109-03-E, *Completeness Review of Applications.*

D. **Simultaneous Processing of Applications.** Whenever two applications for review and approval are required under this code, the Administrative Officer shall determine the order and timing of review. The Administrative Officer may authorize a simultaneous review of applications so long as each application satisfies all requirements for the applicable applications.

E. **Completeness Review of Applications**. The Development Code Administrator is authorized to review all applications submitted in accordance with the provisions of this UDC to ensure that such applications are complete prior to being transmitted to the relevant reviewing body or bodies.

1. *Determination of Application Completeness*. The Development Code Administrator shall determine that an application is complete if the applicant has submitted all of the forms, maps, fees, and such other submission materials required for the corresponding application. If the Development Code Administrator determines that an application is complete, the application shall then be processed according to the procedures and timelines set forth in this code.

2. *Notice of Deficiency and Correction Period*. If the Development Code Administrator determines that an application is deficient, the Development Code Administrator shall deliver a written notice to the applicant setting forth the application's specific deficiencies within fourteen (14) business days. Upon the delivery of such notice, the consideration of the merits of the application shall be suspended until the applicant addresses the deficiencies set forth therein. If the applicant fails to correct the deficiencies, within 90 days of the date of the written notice, the applicant's original filing fee shall be forfeited and the incomplete application shall be deemed incomplete and withdrawn.

3. *Relief*. The Development Code Administrator may grant one extension of not more than 60 days beyond the 90-day correction period, if, after the receipt of the written notice, an applicant can demonstrate just cause for such extension with credible evidence.

F. **Staff Review**.

1. *Final Decision or Distribution*. After completeness determination, the Development Code Administrator shall provide a staff report, according to the review responsibilities of Sec. 1109-3, *Summary of Procedures*:

a. *Review and Comment*. Review the application and provide comments to the applicant, which may include required revisions;

b. *Review and Decide*. Review and make a final decision on the application; or

c. *Distribute*. Distribute the application to the appropriate administrative body.

2. *Comments.* During the application review, the Development Code Administrator may provide comments from administrative bodies, where applicable, to the applicant. The applicant may revise and resubmit the application with requested changes.

3. *Administrative Recommendation or Decision*. Promptly after submittal of a complete application that addresses the comments provided pursuant to subsection B above (or, after finding that no revisions are required):

a. *Administrative Applications*. If the application is for a review procedure addressed in Sec. 1109-04, *Administrative Applications*, then the City staff member denoted in Table 1109-3, *Summary of Procedures Table*, shall approve, conditionally approve, or deny the application, as appropriate. Applications receiving approval may subsequently undergo the processes established in Sec. 1109-03-G, *Inactive Applications*.

b. *Legislative, Quasi-Judicial, and Subdivision Applications*. If according to Table 1109-2, *Required Notice*, the application requires a public meeting or public hearing prior to a final decision, then the applicable City staff member shall forward a recommendation to the next administrative body who will consider it for further recommendation or final decision.

4. *Continuing Review Process*. Applications requiring a public meeting or hearing shall subsequently undergo the processes established in Sec. 1109-03-H, *Public Notice and Public Meetings*.

G. **Inactive Applications.**

1. *Generally*. Applicants shall diligently pursue the completion of development projects. This Section extinguishes applications that become inactive due to applicant inaction.

2. *Voiding of Inactive Applications.*

a. *Process to Inactivity*. An unapproved application becomes inactive after 45 days from receiving review comments if the applicant fails to completely address the City's comments and allow further processing of the application, unless the Development Code Administrator determines that the applicant is actively pursuing action to address such comments. If the Development Code Administrator makes such determination, then the application will become inactive 90 days after the date of receipt of the comments if the applicant fails to completely address the comments.

b. *Void*. Inactive applications will automatically expire and become null and void without further notice 30 days after the date when they became inactive if the applicant fails to take action or to request an extension of time.

3. *Extension of Time.*

a. Prior to the expiration of an inactive plat, the application may be extended for up to six months upon written request of the applicant for cause only; and

b. If the City amends this Chapter or adopts other regulations during the period of time when the application was inactive, the application shall:

1) Not be subject to compliance to the new regulations until the original application is considered to be voided; and

2) The application shall be subject to the new regulations and ordinances if the period of time to request an extension lapses.

c. An inactive application shall expire after a six-month extension lapses and if an extension was not requested.

4. *Effect of Expiration*. Applications that expire pursuant to this Section are automatically null and void without further notice or action by the City.

5. *Letter of Determination*. If the Development Code Administrator makes a determination that the application has become inactive, the Development Code Administrator must provide written notice of this determination to the applicant.

H. **Public Notice and Public Meetings.**

1. *Generally*.

a. *Open to Public.* All public hearings shall be open to the public except as otherwise provided in ORC 121.22. However, not all decisions require public hearings.

b. *Notice by Mail*. When required, mailed notice shall be provided to each owner, at the last known tax mailing address on file with the Miami County Auditor.

c. Table 1109-2, *Required Notice*, sets out the specific notice requirement for each type of application where notice is required.

d. If the requirements of this UDC conflict with the requirements of the ORC, shall comply with the ORC and any stricter requirements of the UDC.

2. *Applicability*. Public Notice of public hearings required by this UDC shall be provided as required by Table 1109-2, *Required Notice* and/or the ORC.

Table 1109-2 Required Notice

Review Body	Type of Public Hearing	Types of Notice Required	
		Publication Notice	Mailed Notice
Planning Commission	Annexation	30 Days Prior to Hearing	20 Days Prior to Hearing
	Planned Unit Developments	30 Days Prior to Hearing	20 Days Prior to Hearing
	Text Amendments	30 Days Prior to Hearing	20 Days Prior to Hearing
	Zoning Map Amendments	30 Days Prior to Hearing	20 Days Prior to Hearing
Board of Zoning Appeals	Variances	Not Less Than 5 Days Prior or More Than 20 Days Prior to Hearing	5 Days Prior to Hearing

Table 1109-2 Required Notice			
Review Body	Type of Public Hearing	Types of Notice Required	
		Publication Notice	Mailed Notice
	Appeals	Not Less Than 5 Days Prior or More Than 20 Days Prior to Hearing	5 Days Prior to Hearing

I. **Continuances and Withdrawals.**

1. *Continuances*. Requests for continuance of any proceeding called for in this UDC may be granted at the discretion of the administering body holding the meeting. If granted, the applicant shall pay all additional costs associated with the rescheduling of the proceeding.

2. *Withdrawal*. Any application may be withdrawn, either in writing or on the record during the proceeding before the recommendation or decision is made.

J. **Successive Applications.**

1. *Generally.* It is the policy of the City of Troy not to hear successive applications for the same approval after an application is denied. The limitations of this Section prevent the consideration of successive applications.

2. *Time Required Between Substantially Similar Applications.* The City shall not approve any application that is substantially similar to an application that was denied six months prior.

3. *Appeal.* The Development Code Administrator's determination that an application is substantially similar to a denied application is subject to administrative appeal.

K. **Summary of Review Procedures**. Table 9-3, *Summary of Review Procedures* summarizes the review procedures involved in the development proposal process. Detailed information about general procedures and applications are further discussed in this article.

Table 1109-3 Summary of Review Procedures							
General Review Procedures	Procedure Reference	Administrative Applications	Legislative		Quasi-Judicial		
			UDC Text Amendment	All Others	Interpretation	Variance	Appeals
Pre-Application Conference	Sec 1109-03-A	No	Yes	Yes	No	No	No
Filing of Application	Sec 1109-03-B	Yes	Yes	Yes	Yes	Yes	No
Application Completeness	Sec 1109-03-E	Yes	Yes	Yes	No	Yes	No
Staff Review	Sec 1109-03-F	Yes	Yes	Yes	Yes	Yes	Yes

Table 1109-3 Summary of Review Procedures							
General Review Procedures	Procedure Reference	Administrative Applications	Legislative		Quasi-Judicial		
			UDC Text Amendment	All Others	Interpretation	Variance	Appeals
Inactive Applications	Sec 1109-03-G	Yes	No	No	No	Yes	Yes
Public Notice and Public Meetings	Sec 1109-03-H	No	Yes	Yes	Yes	Yes	Yes
Continuances and Withdrawals	Sec 1109-03-I	No	No	Yes	Yes	Yes	Yes
Successive Applications	Sec 1109-03-J	Yes	No	No	No	Yes	Yes
TABLE NOTES: "Yes" = General Review Procedure Required; "No" = General Review Procedure Not Required							

Sec. 1109-04, Administrative Applications

A. **Certificate of Zoning Compliance.**

1. *Certificate of Zoning Compliance Required.*

   a. Until a Certificate of Zoning Compliance has been obtained from the Development Code Administrator a material change in the use may not be initiated:

   b. Failure to timely obtain a Certificate of Zoning Compliance from the Development Code Administrator before changing a use, is a violation of this UDC and punishable under Chapter 1111, *Enforcement*.

   c. 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 UDC.

2. *Application for Certificate of Zoning Compliance.*

   a. *Forms.* Each application for a Certificate of Zoning Compliance shall be made on forms provided by the City.

   b. *Site Plan Required.* Each application for a Certificate of Zoning Compliance shall be accompanied by a site 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) A scale drawing in duplicate with north indication arrow;

4) Shape and dimensions of the lot, including the square footage;

5) 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);

6) Building setback lines, including distance of structure from back of curb;

7) The relative difference of elevation between the curb and the top of the foundation;

8) Information on the final grading, (arrows), which shows the disposal of surface drainage in the vicinity of the structure;

9) 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;

10) Lot number, subdivision name, section, town, range, city, county and state;

11) 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

12) Name of street and label right-of-way distance;

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

14) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this UDC.

c. *Signature.* The Development Code Administrator may require the site plan to be prepared and signed by a registered architect, engineer, surveyor, or other licensed professional.

3. *Issuance of Certificate of Zoning Compliance; Period of Validity.*

a. *Application Response.*

1) Certificate of Zoning Compliances shall be issued, refused, or commented upon within ten (10) working days after the date of application.

2) In the case of a denial, written notice of reasons shall be given to the applicant.

3) A Certificate of Zoning Compliance shall contain the information in Sec. 1109.04.A.3.

b. *Failure to Begin or Complete Work.*

1) *Failure to Begin*.

a) If the work described in any Certificate of Zoning Compliance has not begun within six (6) months from the date of issuance, said Certificate of Zoning Compliance shall expire

a) Written notice of expiration and revocation shall be given to applicant.

2) *Failure to Complete*.

a) If the work described in any Certificate of Zoning Compliance has not been substantially completed within one (1) year of the date of issuance, said Certificate of Zoning Compliance shall unless an extension is granted.

b) Written notice of expiration and revocation shall be given to the applicant, together with notice that further work as described in the canceled Certificate of Zoning Compliance shall not proceed unless and until a new Certificate of Zoning Compliance has been obtained or an extension granted.

c. *Abandoned Work.*

1) 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 Certificate of Zoning Compliance shall become invalid.

2) 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.

B. **Zoning Occupancy Permit**.

1. *Generally*. A Zoning Occupancy Permit shall be obtained from the Development Code Administrator certifying that the proposed use or occupancy complies with all provisions of the UDC. For residential structures, the Certificate of Zoning Compliance shall also serve as the Zoning Occupancy Permit.

2. *Applicability.* A Zoning Occupancy Permit is for zoning purposes only. Specifically, a Zoning 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.

C. **Sign Permit.** The following procedures shall govern the application for and the issuance of sign permits for all permanent and temporary signs, requiring a temporary sign permit, allowed under this UDC:

1. *Owner or Agent to Secure Sign Permit*. Prior to a sign being placed, constructed, erected, or modified on a zoning lot, the owner of such lot shall secure a sign permit prior to such construction, placement, erection, or modification of such sign. Sign permits shall be issued for individual zoning lots. The property owner shall maintain in force, at all times, a sign permit for such sign.

2. *Applications*. All applications for sign permits of any kind shall be submitted to the Development Code Administrator on an application form provided by the City of Troy. An application for the construction, creation, or installation of a new sign or modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign. Each type of sign shall be on separate applications. At the time of application, an approved Zoning Occupancy Permit must be on file with the City of Troy for the zoning lot.

3. *Signs in the Historic District.* All signs within the historic district shall require approval by the Planning Commission using the standards found within Sec. 1105-05-W, *Signs Permitted in Historic Districts.*

4. *Fees*. Each application for an individual sign permit shall be accompanied by the applicable fees, which shall be established by the Troy City Council from time to time by resolution

5. *Action*. Within twenty (20) days of the submission of a complete application for a sign permit, the Development Code Administrator shall either:

    a. Issue the sign permit if the sign conforms with the requirements of this UDC; or

    b. Reject the sign permit if such sign fails to conform to the requirements of this UDC. In case of rejection, the Development Code Administrator shall. If the Development Code Administrator rejects the sign permit, the applicant may appeal the rejection to the Board of Zoning Appeals pursuant to this UDC.

6. *Building Permit*. After obtaining a sign permit from the City, the owner or agent shall contact the Miami County Building Regulations Department to apply for and obtain all necessary building permits for the sign construction or installation.

7. *Inspections*. The Development Code Administrator is authorized to make inspections to determine conformance with the provisions of this UDC and the compliance with orders issued pursuant to this section.

D. **Temporary Use Permit.** Temporary uses are permitted in each zoning district subject to the applicable regulations of the district in which the use is permitted. A zoning permit or a Certificate of Zoning Compliance shall be obtained pursuant to the provisions of this UDC. Until a Certificate of Zoning Compliance has been obtained from the Development Code

Administrator, the use of land, buildings, or structures for temporary uses shall not be commenced.

E. **Zoning Verification Letter.** Formal verification of the zoning for select parcel(s) may be requested from the City of Troy. The purpose of a Zoning Verification Letter is to verify the existing zoning district applied to a property on City letterhead to be used in property transfers or other property research. A Zoning Verification Letter does not authorize the identified parcel(s) to be used or developed in any way, only validating the existing zoning designation.

F. **Waiver, Close-Knit Factor.**

1. *Criteria for Waiver.* Compliance with the applicable close-knit factor offsets, per Sec. 1105-01, *Close Knit Factor Offsets*, may be waived by the Administrator provided that one of the following circumstances are met:

   a. The subdivision application is less than one acre;

   b. The residential subdivision is nine units or less; or

   c. A pre-existing condition creates a significant financial hardship, such as but not limited to:

      1) Extension areas of natural features or existing environmentally sensitive areas;

      2) Environmental remediation;

      3) Existing building demolition;

      4) Brownfield sites or superfund sites;

      5) Extensive earthwork due to conditions;

      6) The demolition of an existing building;

      7) Any excessive cost associated with a requirement to bring an existing structure into compliance with the Americans with Disabilities Act; or other City of Troy Code of ordinances, such as the building or fire codes.

      8) The proposed development is part of a master plan, prior subdivision, or planned unit development that has already provided close-knit factor amenities,

2. *Documentation of Financial Hardship.* If the applicant seeks a waiver from close-knit factor compliance, they will need to provide sufficient documentation of the financial hardship, remediation costs, and a development pro.

Sec. 1109-05, City Engineer

A. **Floodplain Development Permit**.

1. *Generally.* It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially

within, or in contact with any identified special flood hazard area, as established in Sec. 1106-02-A-6, *Basis for Establishing the Areas of Special Flood Hazard*, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

2. *Application Required***.**

   a. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with a special flood hazard area.

   b. The floodplain development permit application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose.

   c. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location.

   d. Floodplain development permit applications shall include:

      1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

      2) Elevation of the existing, natural ground where structures are proposed.

      3) Elevation of the lowest floor, including basement, of all proposed structures.

      4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with and provide enforcement of these regulations.

      5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

         a) Floodproofing certification for non-residential floodproofed structure as required in Sec. 1106-02-B-5, *Nonresidential Structures*.

         b) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Sec. 1106-02-B-4-e of this UDC are designed to automatically equalize hydrostatic flood forces.

         c) Description of any watercourse alteration or relocation that the flood-carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Sec. 1106-02-B-9-c, *Alterations of a Watercourse*.

d) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one (1) foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Sec. 1106-02-B-9-b, *Development in Riverine Areas with Base Flood Elevations but No Floodways*.

e) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Sec. 1106-02-B-9, *Assurance of Flood Carrying Capacity*.

f) Generation of base flood elevation(s) for subdivision and large-scale developments as required by Sec. 1106-02-B-3, *Subdivisions and Large Developments*.

g) Volumetric calculations demonstrating compensatory storage have been provided as required by Sec. 1106-02-B-9-d, *Compensatory Storage Required for Fill*.

6) The application fee for a Floodplain Development Permit shall be as listed in the Schedule of Fees adopted by the City.

3. *Review and Approval of a Floodplain Development Permit Application.*

a. *Review.*

1) After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Sec. 1109-05-A-2, *Application Required*, has been received by the Floodplain Administrator.

2) The Floodplain Administrator shall review all floodplain development permit applications to ensure that all necessary permits have been received from those federal, state, or local governmental agencies from which prior approval is required.

3) The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

b. *Approval*. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance

unless the permitted activity has been substantially begun and is thereafter pursued to completion.

4. *Inspections*. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

5. *Post-Construction Certifications Required*. The following as-built certifications are required after a floodplain development permit has been issued:

    a. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

    b. For all development activities subject to the standards of Sec. 1109-05-A-8-a, *Requirement to Submit New Technical Data,* of this UDC, a Letter of Map Revision.

6. *Revoking a Floodplain Development Permit.*

    a. development activity does not conform to the terms of the application and permit granted.

    b. In the event of the revocation of a permit, an appeal may be taken to the BZA.

7. *Exemption from Filing a Development Permit*. An application for a floodplain development permit shall not be required for:

    a. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading).

    b. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the O.A.C. Chapter 3701.

    c. Major utility facilities permitted by the Ohio Power Siting Board under ORC Chapter 4906.

    d. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Ohio R.C. Chapter 3734.

    e. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

    f. Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

8. *Map Maintenance Activities*. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City and Miami County flood maps, studies, and other data identified in Sec. 1106-02-

A-6, *Basis for Establishing the Areas of Special Flood Hazard*, accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

a. *Requirement to Submit New Technical Data.*

1) For all development proposals that impact floodway delineations or base flood elevations, the Floodplain Administrator shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

a) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

b) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

c) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Sec. 1106-02-B-3, *Subdivisions and Large Developments*.

2) It is the responsibility of the applicant to have technical data, required in accordance with Sec. 1109-05-A-8-a, *Requirement to Submit New Technical Data*, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

3) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

a) Proposed floodway encroachments that increase the base flood elevation; and

d) Proposed development which increases the base flood elevation by more than one (1) foot in areas where FEMA has provided base flood elevations but no floodway.

4) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Sec. 1106-02-B,10, *Fill,* of this UDC.

b. *Right to Submit New Technical Data*. The Floodplain Administrator may request changes to any of the information shown on an effective FIRM that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing and signed by the Mayor of the City and may be submitted at any time.

c. *Annexation / Detachment*. Within two (2) years after a flooding occurrence, the Floodplain Administrator shall notify FEMA in writing when the boundaries of the City have been modified by annexation or the community has assumed authority over an area or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that future FIRMs accurately represent boundaries, the Floodplain Administrator shall include within such notification a copy of a map of the City suitable for reproduction, clearly showing the new corporate limits or the new area for which the City has assumed or relinquished floodplain management regulatory authority.

9. *Data Use and Flood Map Interpretation*. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

   a. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

   b. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

   c. When Preliminary Flood Insurance Rate Maps and/ or Flood Insurance Study have been provided by FEMA:

      1) Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided by FEMA for the purposes of administering these regulations.

      2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.

   d. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sec. 1109-07-B, *Appeals*.

   e. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an

elevation profile, floodway data table, established high water marks, etc.) shall take precedence.

10. *Substantial Damage Determinations*. Damages to structures may result from a variety of causes, including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

    a. Determine whether damaged structures are located in special flood hazard areas;

    b. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

    c. Make a reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction. Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

B. **Subdivision Development Plan.**

1. *Generally.* Any person seeking approval of a land development proposal listed in this UDC shall develop and submit a subdivision development plan to the City Engineer for review who shall distribute the copies of the plan to additional staff such as the Development Code Administrator as necessary.

2. *Subdivision Development Plan Requirements*. Each applicant shall provide information that details the location of the area proposed for development, the site in relation to its general surroundings, predevelopment site conditions, existing characteristics of the site, and the extent of proposed earth disturbing activities. At a minimum the subdivision development plan shall include the following elements:

    a. The actual dimensions of the lot, including easements;

    b. The exact size and location of all buildings existing on the lot;

    c. The proposed subdivision development plan, which shall include the following:

        1) A scale drawing in duplicate with a north indication arrow;

        2) Shape and dimensions of the lot, including the square footage;

        3) 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);

4) Building setback lines, including the distance of the structure from the back of the curb;

5) The relative difference of elevation between the curb and the top of the foundation;

6) Information on the final grading (arrows), which shows the disposal of surface drainage in the vicinity of the structure;

7) 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;

8) Lot number, subdivision name, section, town, range, city, county, and state

9) All existing structures located on the property, including distances from these structures to existing property lines. Examples: pools, sheds, decks, fences, detached garages; and

10) Name of the street and label right-of-way distance;

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

12) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this UDC.

13) The City Engineer may require the subdivision development plan to be prepared and signed by a registered architect, engineer, surveyor, or other licensed professional.

3. *Review Criteria*.

   a. That the application complies with all applicable provisions of this code and the applicable zoning district; and

   b. That the application complies with all approved plans, conditions or other development reviews and approvals issued under this code, including but not limited to variances, and subdivision development plan reviews.

4. *Decision Options*. Following review, the City Engineer shall:

   a. Approve the subdivision development plan; or

   b. Conditionally approve the subdivision development plan pending additional information and/or the incorporation of required changes; or

   c. Reject the subdivision development plan; or

   d. Require the submission of a Stormwater Management Plan (SMP) based on written findings of the City Engineer.

C. **Stormwater Management Plan (SMP).**

1. *Generally*. An applicant or persons seeking approval for an earth-disturbing activity listed below shall prepare an SMP and shall submit it concurrently with a subdivision development plan.

2. *Earth-Disturbing Activities*. Earth-disturbing activities include, but are not limited to the activities listed below:

    a. Activities disturbing greater than or equal to one (1) acre, or less than one (1) acre, if part of a larger common plan of development or sale;

    b. Activities that require the extension of public utilities (such as roadways, water mains, sanitary sewer mains, or storm sewers);

    c. Activities that will modify an existing or approved drainage way, drainage structure, or drainage easement; or

    d. Activities that will channelize, straighten, or modify a watercourse within the identified 100-year floodplain (studied and unstudied).

3. *Exemptions*. An applicant seeking approval to construct a structure shall be exempted from the requirement for a subdivision development plan and an SMP, provided they meet all of the following:

    a. Construction takes place on one (1) parcel;

    b. Any earth-disturbing activity will not affect more than one (1) acre of the development site at a time;

    c. The structure is not located within one hundred (100) feet of a sensitive natural area;

    d. Any earth-disturbing activity will not modify the general existing site drainage pattern, drainage structure, drainage tiles, or drainage easements; and

    e. *One of the following:*

        1) Specifications are obtained and followed for controlling potential off-site stormwater and erosion impacts from small lot building sites as required by the City Engineer, or

        2) The parcel is part of an overall development plan which has received approval of an SMP, and the developer certifies that they will comply with said plan.

    f. An exemption as defined above does not exempt any person from the other provisions of this section or liability for their activities.

4. *Requirements of SMP.*

    a. *Best Management Practices (BMPs).*

        1) SMPs are intended to provide information on all soil erosion and runoff control activities and Best Management Practices (BMPs) to be used and incorporated on the site both during and after site development.

2) The information in a BMP should include, but is not limited to, site grading, stormwater management facilities and practices, erosion and runoff control information, maintenance plans, and other measures that focus on managing the effects of earth-disturbing activities that occur as a result of site development.

b. *Performance Standards*. Each SMP shall provide a site design that meets or exceeds the requirements of this Section and provides practical treatment for both water quality and quantity of stormwater from the site. SMPs generally need to address:

1) *Erosion and Sediment Control*. Providing measures to ensure that earth-disturbing activities at the site during and after development will be managed in a manner that will not result in increased erosion or sedimentation from the site resulting in impacts to water quality and that meet the Performance Standards in these regulations and meet water quality controls consistent with the requirements of the NPDES Construction Activity General Permit #OHC000004 or current permit.

2) *Runoff Control*. Providing measures to ensure that the quantity of surface water runoff from the development site during and after construction will mimic the pre-development conditions and meet the Performance Standards.

c. *Submittal Requirements*. If an SMP is required as per this UDC, such plan shall specifically include all the following:

1) The minimum elements required per Sec. 1109-05-B, *Subdivision Development Plan*; and

2) The contents of the Stormwater Pollution Prevention Plan (SWP3) required by the Ohio EPA's NPDES Construction Activity Permit #OHC000005 or current permit and incorporated herein by reference. This plan may be submitted as developed for the Ohio EPA. The contents of the Ohio EPA's SWP3 include, but are not limited to:

a) A description of prior land uses at the site.

b) Existing data describing the soils on the site and, if available, the quality of any discharge from the site.

c) A determination of runoff coefficients for both the pre-construction and post-construction site conditions.

d) For all large earth disturbing activities (involving the disturbance of five (5) or more acres of land or disturbance of less than five (5) acres, but part of a larger common plan of development or sale which will disturb five (5) or more acres of land), a description of post-construction BMP(s) chosen and designed to detain and treat a water quality volume (WQV) equivalent to the volume of runoff from a 0.75-inch rainfall; (see Ohio EPA Construction Activity Permit for methodology).

e) For all small earth disturbing activities (which disturb one (1) or more, but less than five (5) acres of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land), a description of measures that will be installed during the development process to control pollutants in stormwater discharges that will occur after construction operations have been completed.

f) An implementation schedule which describes the sequence of major construction operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and stormwater management practices or facilities to be employed during each operation of the sequence.

g) For subdivided developments, where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.

h) A detailed description of the stormwater controls to be incorporated and how this meets or exceeds the appropriate Performance Standards. This shall include the identification of which entity (developer, contractor, or owner) is responsible for implementation of each individual control (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization).

i) A detailed maintenance plan that describes procedures (e.g. inspections) needed to ensure the continued performance of control practices. Such plans must ensure that pollutants collected within structural post-construction practices be disposed of in accordance with local, state, and federal regulations.

j) A Site Map that includes:

   (1) Limits of earth-disturbing activity of the site including associated off-site borrow or spoil areas.

   (2) Soil types on the site, including locations of unstable or highly erodible soils.

   (3) Existing and proposed contours. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres.

   (4) Existing and planned locations of buildings, roads, parking facilities, and utilities.

   (5) The location of all erosion and sediment control practices, including areas likely to require temporary stabilization during site development.

(6) Sediment and stormwater management basins noting their sediment settling volume and contributing drainage area.

(7) Permanent stormwater management practices to be used to control pollutants in stormwater after construction operations have been completed.

(8) Areas designated for the storage or disposal of solid, sanitary, and toxic wastes, including dumpster areas, cement truck washout areas, and vehicle fueling and maintenance.

(9) The location of designated construction entrances where vehicles will access the site.

(10) The location of any in-stream activities, including stream crossings.

3) Copies of pertinent Notices of Intent (NOI), permits, public notices, and letters of authorization must be included with SMP submissions. These may include, but are not limited to, Ohio EPA NPDES Permits authorizing stormwater discharges associated with construction activity, Ohio EPA Phase II Stormwater Permits, Section 401 and 404 Clean Water Act Permits, Ohio EPA Isolated Wetland Permit, and Ohio Dam Safety Law Permits.

4) Each SMP shall include an evaluation of pre-development conditions together with during and post-development impacts that quantifies the volume and rate of runoff from the site by subdrainage areas. This evaluation shall be prepared according to methods prescribed in the latest edition of Rainwater and Land Development or other approved sources. The evaluation shall:

a) Show delineation and sequence of subdrainage units which comprise the area proposed for development.

b) Indicate the hydraulic length of slope per individual subdrainage unit and the length of the natural or manmade watercourse which accommodates the surface runoff from each subdrainage unit.

c) Indicate, within the legend, the average percent slope, erosion factor (K), and runoff curve number (CN) per individual subdrainage unit for a 24-hour storm of a one (1)-year frequency.

d) Include a hydrograph for a 24-hour storm of the critical frequency to be controlled, and all calculations made pertinent to evaluating the effects of the proposed development on the pre-development runoff conditions of the site.

5) Compliance with the supplemental requirements set forth in Sec. 1106-01-C, *Calculations*.

d. *Critical Areas with Sensitive Resources*. Stormwater discharge to critical areas with sensitive resources (e.g. wetlands, steep slopes, scenic river designation, or recharge

areas) may be subject to additional criteria or may need to utilize or restrict certain stormwater practices.

5. *Plan Submission, Review, and Action.*

    a. The applicant is encouraged to have a pre-submission meeting with the City Engineer.

    b. Submission of two (2) sets of the SMP and other supporting data required by these regulations to the City Engineer completes the applicant's responsibilities and initiates the review process.

    c. The SMP shall be reviewed by the City Engineer to:

        1) Verify background information furnished by the applicant and evaluate the proposed development in relation to existing site conditions; and

        2) Assess the SMP in relation to the Performance Standards and requirements of this section.

    d. Upon submission of the SMP, the City Engineer shall complete a review of the SMP within thirty (30) days, provided that the applicant has submitted all information required.

    e. The City Engineer shall either:

        1) Approve the SMP as submitted by the applicant;

        2) Conditionally approve the SMP and require the submission of additional and/or revised information by the applicant, in order to fully meet the intent and standards of this Section; or

        3) Disapprove the SMP.

    f. Revisions to conditionally approved SMPs shall be prepared and submitted by the applicant to the City Engineer for review.

    g. Action by the City Engineer approving or disapproving the SMP is a final order for purposes of judicial review.

6. *Maintenance.*

    a. The developer of any subdivision with a stormwater system must provide the City with written evidence of a perpetual maintenance agreement and the manner in which it is to be funded.

    b. An acceptable method of maintenance is through an incorporated Homeowners or Property Owners Association, with the ability to maintain storm sewer facilities outside the right-of-way.

    c. A copy of the Association's documents shall be submitted to the City Engineer for review to assess financial responsibility prior to being recorded.

7. *Ownership and Maintenance of Stormwater Facilities.*

a. In cases where a stormwater control facility is proposed on a single lot of private property, the City Engineer may approve an inspection and maintenance agreement. This agreement shall bind all current and subsequent owners of land served by the stormwater facility.

b. In the case where a stormwater control facility is proposed involving multiple private lots, inspection and maintenance agreements shall be approved before the City accepts the final plat of the proposed subdivision. This agreement shall bind all current and subsequent owners of land served by the stormwater facility.

c. All inspection and maintenance agreements shall do the following:

    1) Designate the party responsible for the maintenance of all stormwater management facilities and practices including mowing, landscaping, debris pick-up, and requiring that all inlet and outlet structures are free of obstructions and in good repair. For subdivisions, unless otherwise approved by the City, a responsible party shall be an entity of common ownership (e.g. Land/Homeowner's Association) within the proposed subdivision. Each parcel sold in the proposed subdivision shall require continued membership in the Land/Homeowners Association.

    2) Prohibit alterations of all stormwater management facilities, when not authorized by the City Engineer.

    3) Provide adequate access to all stormwater management facilities for inspection by the City Engineer and corrective actions by the owner or the City.

d. All stormwater management facility easements shall be set forth on the final plat, prior to approval by the City, and a reference shall be made to the entity or individual responsible for their maintenance.

e. The owner or developer shall submit a set of as-built plans of all stormwater facilities and improvements to the City.

f. The following conditions shall apply to all drainage easements:

    1) Easements shall be approved by the City Engineer prior to approval of the final plat and shall be recorded with said plat.

    2) Unless otherwise required by the City Engineer, drainage easements shall be no less than ten (10) feet wide, plus the width of the stormwater facility.

    3) Those lots that contain and/or are crossed by a drainage easement shall have the following restriction - "Any lot area reserved for drainage purposes, shall at all times be kept free of any obstructions to the flow of water. No improvements or modifications within the identified drainage easement area will be allowed without the written approval of the City Engineer. Maintenance of the drainage easement area, stormwater control facility, and ditches shall be the responsibility of the owner of the lot on which these facilities or ditches are located."

4) Sheds shall not be built in drainage easements. Landscaping mounds or other obstructions to the flow of water shall not be built in drainage easements. Fences shall not be built perpendicular to the flow of water, through a drainage easement. Grass clippings or debris shall not be permitted to accumulate in drainage easements.

Sec. 1109-06, Legislative Applications

A. **Comprehensive Plan Adoption**. After giving public notice in accordance with Sec. 1109-03-H, *Public Notice and Public Meetings,* the Planning Commission is responsible for the final decision as to whether to adopt a new UDC for the City.

B. **UDC Adoption**. After giving public notice in accordance with Sec. 1109-03-H, *Public Notice and Public Meetings*, the City Council is responsible for the final decision as to whether to adopt a new UDC for the City.

C. **UDC Text Amendments.** See ORC Sec. 713.12 and City Council Procedures.

D. **Zoning Map Amendments (Rezoning).**

1. *Application for Amendment.*

a. When any owner of property in the City proposes a zoning map amendment (rezoning), an application for such amendment shall be filed with the Development Code Administrator.

b. The Development Code Administrator shall also have the option of proposes a zoning map amendment provided that the owner of the property is notified via certified mail of the proposed rezoning.

c. The application shall be in such form and contain such information as shall be prescribed from time to time by the Development Code Administrator, but shall in all instances contain the following information:

1) The applicant's name and address;

2) The reason for seeking a change and the wording of the proposed amendment;

3) The name and address of the property owner(s) and/or their representatives;

4) The legal description of the land proposed to be reclassified;

d. A site plan prepared by a registered engineer, surveyor, or architect drawn to such scale as to clearly show;

1) 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

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

3) 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.

2. *Applicant Opportunity to be Heard.* 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.

3. *Public Hearing.* The Planning Commission may hold a public hearing if it determines that such a hearing is necessary and appropriate to properly evaluate the proposed amendment and to arrive at recommendations with respect to the approval or disapproval of the amendment. See Sec. 1109-03-G, *Public Notice and Public Meetings*, for the specific procedures for holding said meeting.

4. *Report*. The report of the Planning Commission shall:

   a. Provide a summary of the present zoning classification, the proposed zoning classification and the reason(s) for seeking such reclassification;

   b. State whether the change in classification would be consistent with the intent and purpose of this UDC;

   c. State 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;

   d. State 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 to attain compatibility with the uses permitted on other property in the immediate vicinity;

   e. State 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;

   f. State 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; and

   g. State whether the proposed amendment would correct an error in the application of this UDC as applied to the subject property.

5. *Close-Knit Factor – Connection to Zoning Map Amendments.*

   a. *Generally*. Properties that have applied for a zoning map amendment (rezoning) shall comply with the requirements of the zoning district for which they are being rezoned to.

b. *Zoning Map Amendment (Rezoning) First in Time*. On any development where a close-knit factor offset is required after the rezoning, the rezoning shall occur first in time. The close-knit offsets act as additional site standards that are required of the applicant.

E. **Planned Unit Developments.**

1. *PUD Review Process.*

a. Step 1: All applications shall be preceded by a pre-application conference pursuant to this chapter.

b. Step 2: Preliminary Development Plan and Zoning Map Amendment as described in Section 1109-06.E.4, below.

c. Step 3: Final Development Plan as described in Section 1109-06.E.5, below

d. All applications that are not within a PUD Zoning District shall include a separate application for a rezoning.

e. All applications for PUD review shall be required to submit both a PUD Preliminary Plan and PUD Final Development Plan. Preliminary and final plans may be submitted and approved simultaneously where an application is for a tract or tracts of land that have a minimum acreage of five acres in total project area.

2. *Pre-application Conference.*

a. Prior to submitting a PUD application, all potential applicants shall meet with the Development Department and any other City department which may have an interest in the project as determined by the Zoning Development Code Administrator.

b. The purpose of the pre-application conference shall be to discuss the proposed development, review submittal requirements, and discuss compliance with the provisions of this Code prior to the submission of an application.

c. No action can be taken by the staff until the applicant submits an actual application and/or plan to the City pursuant to the requirements of this Code. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff that occur prior to the date applicant submits an actual application and/or plan including, but not limited to, any informal meetings with City staff, boards, any pre-application conferences or meetings, are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

3. *PUD Submittal Procedure.* Creating a PUD requires a rezoning. As such, the application requirements of Sec. 1109-06-D, *Zoning Map Amendments*, are required to be satisfied when applying for a PUD. For the purposes of a PUD application, all property owners must sign the application for the City to accept the request and start the rezoning process.

4. *PUD Review Procedure.*

a. *Application (Preliminary Development Plan and Zoning Map Amendment)*. The applicant shall submit an application in accordance with applicable requirements of this Code.

b. *Preliminary Development Plan and Zoning Map Amendment*:

1) The PUD Preliminary Development Plan approval procedure involves a zoning map amendment to rezone the subject property to a PUD with an approved PUD Preliminary Development Plan.

2) The procedure for this stage shall comply with the requirements of Chapter 1109, *Permits and Procedures*, regarding zoning map amendments.

3) The Planning Commission shall review the PUD Preliminary Development Plan and make a recommendation to City Council to approve, approve with modifications, or deny the application. The recommendation shall be made based on review of the application using the criteria contained in this chapter.

4) The Planning Commission may, in its recommendation to City Council, require that the PUD Final Development Plan be submitted in stages corresponding to different units or elements of the development. It may do so only upon information assuring completion of the entire development in accordance with the PUD Preliminary Development Plan and phased development schedule.

5) In accordance with the zoning map amendment review process, City Council shall hold a public hearing on the Preliminary Development Plan and PUD zoning map amendment and decide to approve, approve with modifications, or deny the application using the criteria contained in this chapter. If the application is approved, the area of land involved shall be rezoned as a PUD with a related, approved PUD Preliminary Development Plan.

6) In making its recommendations or decisions, the Planning Commission and/or City Council may impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards. In so doing, the Planning Commission and/or City Council may permit the applicant to revise the plan and resubmit it as a PUD Preliminary Development Plan within 60 days of such action. Such resubmission shall be made to the board that imposed such conditions.

c. *Final Development Plan Review.*

1) Within one year after the approval of the PUD Preliminary Development Plan, the applicant shall file a PUD Final Development Plan for the entire development, or when submitting in stages, as recommended by the Planning Commission and/or approved by City Council during the PUD Preliminary Development Plan review, for the first phase of the development.

2) If more than one year passes from the date of approval of the PUD Preliminary Development Plan and the final PUD development plan has not been submitted

for approval or a request for an extension not to exceed one year has not been granted by City Council, the PUD Preliminary Development Plan shall be deemed expired and the applicant must resubmit such Preliminary Development Plan. In no case shall a PUD Preliminary Development Plan be valid for more than two years. After the PUD Preliminary Development Plan has expired, the PUD zoning designation shall remain in place, but no development shall be authorized unless the property owner, or authorized agent, submits a new PUD Preliminary Development Plan for review pursuant to this chapter, or submits an application for a zoning map amendment to a base zoning district.

3) Preliminary subdivision plat approval may occur concurrently with the PUD Final Development Plan approval.

4) An applicant shall submit a PUD Final Development Plan for review. Such plans shall be submitted to the Development Code Administrator for review by the Planning Commission at its next regularly scheduled meeting, or at a special meeting.

5) The Planning Commission and City Council will review the PUD Final Development Plan to determine whether it conforms to all substantial respects to the previously approved PUD Preliminary Development Plan and to all other applicable standards of this Code.

6) If submitting plats for subdivision review simultaneously with the PUD Final Development Plan, the plats shall be subject to all applicable subdivision standards and requirements including the applicable review process.

7) The Planning Commission may hold a public hearing and the City Council shall hold a public hearing on the PUD Final Development Plan to decide to approve, approve with modifications, or deny the application using the criteria contained in this chapter.

8) In its decision, the City Council may impose such conditions of approval as are in its judgment necessary to ensure that the intent of the UDC is maintained and compliance is achieved with the Comprehensive Plan. In so doing, the City Council may permit the applicant to revise the plan and resubmit it as a PUD Final Development Plan within 60 days of such action. Such conditions shall be made a part of the terms under which the development is approved. No Certificate of Zoning Compliance will be issued in this instance. Any violation of such conditions shall be deemed a violation of this UDC and subject to the provisions in Chapter 1111, *Enforcement*.

5. *Certificate of Zoning Compliance*

   a. *Issuance*. A certificate of zoning compliance shall not be issued until the lot, or applicable subdivision has been fully recorded in the office of the Miami County Recorder's Office and public improvements have been installed in accordance with the applicable subdivision regulations.

b. *Time Limit.*

1) Any PUD Final Development Plan shall be valid for a period of two years after the date of approval by the Planning Commission. If no development has begun (development being defined as the start of construction of the required public/private improvements as shown on the approved PUD Final Development Plan for one or more phases of the project) in the PUD within two years from the date of approval, such approval shall lapse and be of no force and effect.

2) Two one-year extensions of the time limit set forth in Subsection (1) hereof, may be granted by the Planning Commission The developer/owner shall apply for an extension and shall state the reason for the extension.

3) If an approved PUD Final Development Plan lapses as provided in Subsection (1) hereof, the originally approved PUD Preliminary Development Plan shall also be considered void. Notice of such lapse shall be filed by the Planning Commission and forwarded to the City Council.

4) Voiding of the PUD preliminary and Final Development Plans shall not rezone the property. After such plans are voided, the Planning Commission, City Council, or property owners may initiate a rezoning to a base zoning district in accordance with Chapter 1109, *Permits and Procedures*, or the property owner, or their agent, may resubmit a PUD Preliminary Development Plan in accordance with the procedures of this chapter.

6. *Waiver of Standards.*

a. In order to encourage ingenuity, imagination and flexibility in the design of PUDs and prevent unnecessary hardships, the Planning Commission may choose to waive specific standards cited in the Planned Unit Development provisions in this chapter. By motion, the Planning Commission may waive specific standards based on one of two following findings:

1) The waiver will allow for improvement in overall design of the development and will enhance the proposal's compliance with the general criteria for approval in this chapter; or

2) The waiver will remedy a standard causing practical difficulty or unnecessary hardship to the property owner. The difficulty or hardship caused is due to exceptional circumstances applying to the property but not caused by the owner. The waiver is necessary for preservation of substantial property rights possessed by others in the same PUD District. After the waiver is approved, the development will continue to comply with the PUD standards as shown in Sec. 1102-04, *Planned Unit Development (PUD) District*.

b. The applicant shall identify each requested waiver at the time of application and explain in writing how the waiver meets one of the two findings. Prior to making an overall recommendation regarding the PUD application, the Planning Commission

shall, by motion, accept or reject the requested waiver. Any recommendation of the Planning Commission shall be by a simple majority of the full membership of Planning Commission.

c. If the waiver is denied by the Planning Commission, any applicant whose property is included in the development proposal may appeal to Council within ten days of the decision of the Planning Commission. City Council shall take no final action on an overall application during this ten-day period unless the application waives his right to appeal. After Council has held a public hearing upon the waiver, it may overrule the denial by the Planning Commission, but only by a three-fourths vote of the full membership of City Council.

7. *Changes to Approved PUDs.*

a. A PUD shall be constructed and completed in accordance with the approved PUD Final Development Plan and all supporting data. The PUD Final Development Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the planned unit development as set forth therein.

b. Any request to change or otherwise modify the approved PUD Final Development Plan as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.

8. *Major Changes.*

a. Major changes to a PUD require the prior approval of the Planning Commission and the City Council in the same process that is used to review of the PUD Preliminary Development Plan. The Zoning Development Code Administrator shall have the authority to determine if a proposed change is a major change. Such changes include, but are not limited to:

1) Expansion of the PUD project beyond the original tract coverage;

2) Removal or subtraction of land from the original tract coverage; and

3) Proposed changes that will result in an increase in residential dwelling units of more than 5 percent of the total dwelling units proposed or an aggregate increase of more than 10 percent in nonresidential square footage.

b. Changes that require the approval of only the Planning Commission include, but are not limited to, the following:

1) Changes in the site plan relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the PUD; and

2) Amendments to the conditions that were attached to the PUD Preliminary Development Plan or PUD Final Development Plan approval.

9. *Minor Changes.*

    a. Minor changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved PUD Preliminary Development Plan and which are essentially technical in nature, as determined by the Planning Commission.

    b. Examples of minor changes include, but are not limited to, change in the intensity of lighting, changes in the size and location of water and sewer lines within approved easements and changes in the location and number of fire hydrants.

10. *Limitation on Resubmission.* Whenever an application for a PUD has been denied, no application for the same area or any portion thereof shall be filed by the same applicant within six months after the date of denial unless there has been a substantial change to the proposed application.

11. *Revocation.*

    a. In the event of a failure to comply with the approved plan or any prescribed condition or approval, including failure to comply with the stage development schedule, the Planning Commission may, after notice and hearing, revoke the approval of the PUD Preliminary or Final Development Plan. The Planning Commission shall at the same time recommend whether to maintain the PUD zoning district or the rezoning of the properties to another zoning district.

    b. The revocation shall become final thirty days after Council passes an ordinance to rezone the property to a non-PUD zoning category or a decision by the Planning Commission to revoke the approved plans but retain the PUD zoning.

    c. Where the PUD zoning remains without an approved PUD Preliminary Development Plan or a PUD Final Development Plan, the property owner or agent shall be required to submit a new PUD Preliminary Development Plan in accordance with the review procedures of this chapter or submit an application for a zoning amendment if the PUD zoning is desired to be replaced.

12. *Recording.*

    a. The developer shall submit the original drawing of the final record plat and all required fees and bonds to the City within 180 days of City Council approval or the final approval is null and void unless an extension.

    b. The developer shall record the plat, at their own expense, with the Miami County Recorder within 30 days from the receipt of the original drawing and all required fees and bonds. A copy of the Recording shall then be delivered to the Development Department.

13. *General Review Criteria.* All PUD applications shall be reviewed based on the following general criteria and the applicable review body shall consider such criteria when making recommendations and decisions regarding PUD applications:

a. The proposed development is in conformity with the goals, policies, and any applicable recommendations of the City of Troy Comprehensive Plan;

b. The proposed development meets the intent and spirit of the Zoning Ordinance and all other applicable City ordinances.

c. The development provides an environment of stable character that promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development, utilizing adequate buffers where necessary.

d. The proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation and natural drainage patterns of the site;

e. The proposed development maximizes the opportunity for privacy within residential areas and minimizes nuisances between residential areas and other land uses;

f. The proposed development, while compatible with its surroundings, provides a more diverse environment for living, shopping and/or working than would be possible under strict application of the standard minimum design requirements of other districts provided within this UDC;

g. The proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities such as fire and police protection, schools, water supply and wastewater disposal due to excessive population densities;

h. The proposed development is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

i. The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which shall be imposed on them by the proposed development, and the proposed streets and parking areas within the site are adequate to serve the proposed arrangement of land uses;

j. The proposed development minimizes pedestrian, bicycle, and vehicle conflicts;

k. The proposed development provides a higher quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing zoning and subdivision requirements;

l. The proposed development contains such proposed covenants, easements, association bylaws and other such provisions as may reasonably be required for the public health, safety, and welfare;

m. The proposed development is designed in such a way that each individual section of the development as well as the total development, can exist as an independent section

capable of creating an environment of sustained desirability and stability or that adequate assurance has been provided that such an objective shall be attained;

n. The proposed development can be substantially completed within the period of time specified in the schedule of development submitted by the developer; and

14. *Review Criteria for the PUD Final Development Plan.* In addition to the General Review Criteria above, the following criteria shall serve as conditions that should generally be satisfied before the approval of the PUD Final Development Plan:

a. Where common open space is required, appropriate arrangements have been established to ensure the reservation of common open space as indicated on the PUD Preliminary Development Plan and PUD Final Development Plan. If deemed necessary by City Council during the PUD Preliminary Development Plan review process, City Council may require the applicant to post bond to ensure the successful and proper reservation of open space, the PUD Final Development Plan shall also contain adequate requirements for the continued maintenance of common open spaces.

b. Appropriate agreements with the applicant have been made to ensure the proper completion of public improvements in compliance with Chapter 1107, *Subdivision Design Regulations*.

c. The proposed PUD Final Development Plan for the individual section(s) of the overall PUD is consistent in contents (building location, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved PUD Preliminary Development Plan;

d. Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained;

e. That any exception from the design standards provided in the PUD Preliminary Development Plan is warranted by the design and amenities incorporated in the detailed PUD Final Development Plan;

f. That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development; and

F. **Annexation (Zoning of Annexed Land).**

1. *Initial Zoning*. Land that is annexed into the City of Troy subsequent to the effective date of this UDC shall initially be zoned as Open Space / Conservation (OS) unless another zoning district is specifically stated within an annexation agreement with the developer.

2. *Permanent Zoning.*

a. Within three (3) months from the official date of annexation as completed by the City Council, the Planning Commission shall present a zoning plan for the annexed territory to the City Council.

b. The zoning plan may be submitted prior to annexation.

c. The zoning plan shall consider the recommendations of any Comprehensive Plan for the area.

d. Nothing precludes the Planning Commission from providing a recommendation of OS zoning, however other zoning districts may be more suitable.

e. In the circumstance where a permanent zoning process does not occur as stated above with three (3) months, then the permanent zoning shall become the OS district or as stated with an annexation agreement.

3. *Annexation Agreements*. All annexation agreements can have as part of the agreement non-binding a zoning district classification recommendation, however, a final zoning district selection cannot be completed until after a public hearing and the requirements of the subsection above have been satisfied.

4. *Owner Initiated Rezoning.* Nothing in this section shall prevent the owner of property within the annexed territory from applying for a zoning amendment after the effective date of annexation, pursuant to the procedures specified in Sec. 1109-06-D, *Zoning Map Amendment (Rezoning)*.

G. **Certificate of Appropriateness.**

1. In addition to other permits required by this UDC, a Certificate of Appropriateness (COA) is required prior to any construction, demolition, exterior modification or maintenance of exterior surfaces in any historic district unless specifically exempted by this UDC in accordance with Sec. 109-06-G-5-l, *Emergency Measures*, of the UDC.

a. *Initiation*. An application for a COA may be initiated by an owner of the property that is the subject of the application, or an agent authorized by the owner to file the application.

b. *Application*. Applications for a zoning certificate in a historic district shall also be considered an application for a COA and shall be submitted to the Development Code Administrator. Such applications shall contain information, which will enable the determination of compliance with the rehabilitation standards and land use controls set forth in this Section.

1) Agents being authorized by the property owner shall provide a written notice of authorization with the application. If authorization is not provided, the application shall be deemed incomplete by the Development Code Administrator.

2) *Complete Application Determination*:

a) An application shall be regarded as complete when all required information has been provided in a form, in such numbers, and in a manner (digital or hard copy) as established by the Development Code Administrator and made available to the public.

b) The Development Code Administrator shall make a determination of the completeness of an application within ten (10) business days of the application filing.

c) If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.

d) If an application is determined to be incomplete, the Development Code Administrator shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the Development Code Administrator determines that the application is complete.

e) The City shall not be required to process an incomplete application, forward an incomplete application to the Planning Commission, or be subject to any required timelines of review for incomplete applications.

f) If the applicant fails to correct all deficiencies and submits a complete application within 60 days of the notice provided by the Development Code Administrator, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn.

g) The Development Code Administrator may grant one 60-day extension if just cause, as solely determined by the Development Code Administrator, is shown by the applicant.

h) No reconsideration of an incomplete application shall occur after expiration of the 60-day period, and an applicant in need of further development approval under the UDC shall, pursuant to all of the original requirements of Sec. 1109-06-G, *Certificate of Appropriateness,* submit a new application, and submit a new filing fee.

i) If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

2. *Classification of Decision by Scope of Work Table*.

Table 1109-4 Classification of Decision by Scope of Work Table		
Classification of Decision by Scope of Work	**Planning Staff Decision**	**Planning Commission Decision**
Type of Work	**Minor Alteration**	**Major Alteration**
Architectural Work		
Installation or relocation of new pre-fabricated outbuilding or new structure 140 square feet or less	**X**	

Table 1109-4 Classification of Decision by Scope of Work Table		
Classification of Decision by Scope of Work	**Planning Staff Decision**	**Planning Commission Decision**
Type of Work	**Minor Alteration**	**Major Alteration**
New structure greater than 140 square feet		X
Demolition		
Significant principal structure		X
Non-Significant principal structure		X
Significant accessory structure		X
Non-Significant accessory structure	X	
Additions to Principal Structures		
Additions to substantial spaces such as rooms		X
Addition of front or side decks, porches, patios		X
Addition of rear patio, decks, or porches	X	
Additions to Accessory Structures		
Additions to significant accessory structures		X
Additions to non-significant accessory structures	X	
Windows and Doors		
Replacement of original windows and original street-facing doors on significant structures		X
Replacement of non-original and non-contributing windows and doors, and non-street facing doors	X	
Modification or installation of window and door openings facing the street		X
Modification or installation of window and door openings not facing the street	X	
Modification, installation, or replacement of storm windows or storm doors	X	
Alteration or new construction of storefronts		X

Table 1109-4 Classification of Decision by Scope of Work Table		
Classification of Decision by Scope of Work	**Planning Staff Decision**	**Planning Commission Decision**
Type of Work	**Minor Alteration**	**Major Alteration**
Other		
Work items not listed here that are deemed by staff to be substantial in nature, precedent setting, not addressed by the local review criteria, or not in conformance with the criteria.		**X**
Work items not listed here that are deemed by staff to be minor in nature, that do not alter the historic character of the building or	**X**	

3. *Review by the Development Code Administrator*.

   a. The Development Code Administrator shall first review each application for compliance with all requirements of this UDC.

   b. The Development Code Administrator may distribute the application to other City departments and outside agencies to solicit comment on the proposed COA application

   c. The Development Code Administrator shall act on the application:

      1) The Development Code Administrator may approve or deny the application for minor modifications as per the Classification of Review by Scope of Work Table

      2) In all cases, the Development Code Administrator shall have the authority to forward an application to the Planning Commission.

      3) Within 45 days, the Development Code Administrator shall forward the completed application to the Planning Commission for major modifications.

4. *Review by the Planning Commission*.

   a. Within 45 days after a COA application is forwarded to the Planning Commission, the Commission shall review the application for all major modifications as set forth in Table 1109-4, Classification of Review by Scope of Work Table and any application that is forwarded by the Development Code Administrator.

   b. The Planning Commission shall review the COA application for conformance with the standards set forth in this Section of the UDC and shall consider the Architectural Design Standards for the Treatment of Historic Properties and the National Register of Historic Places. After completion of the aforementioned review the Planning Commission shall approve, approve with modifications, table, or deny the application for modifications.

c. If an application for modifications is approved, COA shall be issued by the Development Code Administrator, and the applicant shall be notified of such action in writing within seven (7) days from date of approval.

d. Applications for modifications not approved by the Planning Commission may be appealed to the Board of Zoning Appeals provided that the appeal is filed with the Development Code Administrator within ten (10) business days after the Planning Commission decision. 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.

e. *Determining the Significance of a Structure*.

1) When making decisions or recommendations about changes to structures in the HP-O District, the Planning Commission shall have the authority to make a determination of the historical significance of the structure based on this Section.

2) For structures that the Planning Commission finds that are not historically significant, the Appeals Board may relax or waive the standards or guidelines found in this Chapter or Guidelines.

3) The Planning Commission shall determine whether a structure or site is historically significant by meeting at least four (4) of the following criteria:

a) Value as a reminder of the cultural or archaeological heritage of the city, state, or nation;

b) Location as a site of a significant local, state, or national event;

c) Identification with a person or persons who significantly contributed to the development of the city, state, or nation;

d) Identification as the work of a master builder, designer, or architect whose individual work has influenced the city, state, or nation;

e) Value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance;

f) Example of an architectural style or period;

g) Contribution to the historical nature of the overall site; and/or

h) Character as a contributing element in the Historic Preservation Overlay District.

5. *Certificate of Appropriateness - Demolition, Removal or Moving of Structure*.

a. General. The demolition of a historic or contributing property, or the moving of a structure, can have a significant impact on the character and quality of the historic district by removing an integral part of the historic area fabric; elimination of a part of the City of Troy's history; and generally altering the nature of the district for the future.

No person shall demolish any structure or move a structure in a listed property or district until a COA of such demolition or movement has been authorized by the Planning Commission and a permit is issued by the Development Code Administrator.

b. No demolition, removal, or moving of structure proposal will be granted without a:

   1) Submission of an application that sets forward the requirements as listed below in subsections (2-4).

   2) Mandatory pre-application meeting with development staff before the item is included on a Planning Commission agenda;

   3) Detailed reuse plan; and

   4) Detailed plan of preserving any remaining exterior architectural features and/or historical features of the structure.

c. The applicant shall submit a detailed reuse plan that mitigates any adverse effects of the proposed removal upon the property, the streetscape, and the historic district through:

   1) New construction that is consistent with the Guidelines.

   2) Exterior rehabilitation or restoration of the remaining structure that is consistent with the Guidelines.

   3) Landscaping the parcel consistent with the Guidelines, providing for its care as common space for the benefit of the general public, and/or relocating the remaining structure in an appropriate setting or preserving of the salvageable architectural materials.

   4) Posting a financial guarantee in accordance with Sec. 1109-06-G-5-c with the Development Code Administrator sufficient to ensure completion of the reuse plan or has requested and received a waiver of these requirements from the Planning Commission.

   5) 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 and or relax any of these requirements.

d. Prior to acting on an application for removal or demolition of a significant principal structure, the Planning Commission shall hold a public hearing within thirty (30) days after the submittal of a completed application.

e. Owners of property contiguous to the applicant's property, and owners of property directly across any street or alley shall be notified of the time, date and place of the public hearing no later than five (5) days before the public hearing.

f. The Planning Commission may delay determination of the application for a period of no more than one-hundred and twenty (120) days upon a finding that the property is

of such architectural/historical significance that alternatives to demolition may be feasible. In the event that action upon such application is delayed, the Planning Commission may take necessary steps as it deems necessary to preserve the property. Such steps may include but shall not be limited to consultation with civic groups, public agencies and interested citizens.

g. The Planning Commission shall only approve a COA for demolition if the application meets one of two conditions: 1) the application satisfies criterion 1 below; or criterion 2and either 3 or 4 or both.

   1) The Planning Commission finds that the structure subject to the application is not historically significant or non-qualifying per Sec. 1109-06-4-e, *Determining the Significance of a Structure*, Planning Commission shall state the basis for such determination and shall be required to make a formal determination that the proposed demolition, removal of an architectural feature, or movement of a structure will not harm or reduce the historical significance of the site on which it is located or the historic district as a whole.

   2) The cost of repairs exceeds the average of the appraised values of the building and there is no reasonable economic viability for the property as it exists or as it might be rehabilitated. Evidence of economic non-viability shall include:

      a) Two (2) estimates from licensed and bonded contractors depicting the cost of proposed demolition;

      b) Two (2) appraised values of the property by two (2) licensed appraisers for the following conditions:

         (1) The property's current condition;

         (2) After completion of the proposed demolition;

         (3) After the rehabilitation of the existing property for continued use by providing sales for the previous six (6) months for at least three comparable properties. If there are no sales for the previous six (6) months of comparable properties, sales for the previous year of comparable properties may be used; and

         (4) If the property is an income-producing property, the valuation must include the rent scheduled and anticipated income after such rehabilitation, and the same for at least three comparable properties to substantiate the information provided for the property in question.

      c) Two (2) estimates from licensed and bonded architects, contractors, or appraisers experienced in historic rehabilitation as to the cost to rehabilitate the building to the point of which a principally permitted use or a reasonable profit can be realized from the property in underlying zoning district, including, but not limited to, bringing a structure up to code, so that it can be

occupied, that is, not necessarily its “highest and best use”, preferred use, or a restoration project.

d) Evidence illustrating significant damage or structural issues pertaining to the structure that would present a specific infeasibility towards the use or occupation of the structure, as it currently exists, or an economic infeasibility towards the preservation, rehabilitation, restoration, or reconstruction of the structure.

e) Evidence illustrating the property owner and/or applicant have actively marketed the property and structure for sale for the purposes of maintenance, preservation, restoration, or reconstruction, and not demolition. The property owner and/or applicant has provided detailed documentation demonstrating marketing efforts such as Requests for Proposals (RFPs) or an MLS listing. The property owner and/or applicant shall provide detailed information supporting this claim, such as:

(1) Length of time the property was marketed or for sale and response to the marketing efforts;

(2) Lack of interest in continued maintenance, preservation, restoration, or reconstruction of the property; and/or

(3) Cost of rehabilitation of structure compared to estimated property value post-rehabilitation.

f) Evidence demonstrating that the applicant sought additional funding sources through local foundations, state, and/or federal grants, i.e. tax credits.

g) In the event that the Planning Commission determines that the applicant engaged in demolition by neglect, the Planning Commission shall notify the Development Code Administrator to proceed with the notice requirements and enforcement procedures set forth in this code. Sec. 1109-06-G-5.k, *Demolition by Neglect*, of this UDC.

3) That the property proposed for demolition is inherently inconsistent with other properties in between two intersecting streets on the same block of the Historic District. For example, it may have been built at a time outside of the period of significance of the Historic Preservation Overlay District.

4) That the property proposed for demolition contains minimal features of architectural and/or historical significance due to any of the following:

a) Significant loss of original architectural features.

b) Significant loss of decorative or other architectural features that contribute to a historic structure and historic district.

c) Compounding alterations and changes to the structure that renders original architecture and historic significance lost or indeterminable.

d) The structure contains no historic architectural features (i.e. modern buildings or modem additions to a historic structure).

h. If the Planning Commission approves a COA for demolition of a principal structure, or movement of a principal structure, the applicant shall be subject to additional bonds or sureties as established below:

1) For demolitions, the applicant shall be required to submit a financial guarantee in a form acceptable to the City that will guarantee:

a) The safe demolition of the applicable structure;

b) The approved reuse plan;

c) Necessary protections to prevent damage to any adjacent properties;

d) Clean-up of the site after demolition; and

e) Installation, upgrades, or repairs of any infrastructure improvements on the site that are necessary for future construction on the site per the approved plans.

2) The guarantee shall be in such an amount as the Planning Commission determines to be reasonably necessary to complete the demolition of the structure, ensure the protection of surrounding properties, and ensure the clean-up of the site.

3) The financial guarantee shall be an obligation for the faithful performance of any and all work approved by the Planning Commission, or its duly authorized representative, regarding any demolition and reconstruction project approved under this Section.

4) The financial guarantee shall contain the further condition that should the applicant fail to complete all work and improvements required to be done by the applicant within 12 months or an alternative timeframe approved by the Planning Commission, the City may, at its option, cause the demolition to be completed, all required work to be done, and necessary improvements constructed at the expense of the applicant.

5) The parties executing the guarantee shall be firmly bound for the payment of all necessary costs therefore.

6) The guarantee may take the form of a bond, cash deposit, or an irrevocable letter of credit as further outlined in this subsection.

7) Guarantees shall be for the benefit to the City of Troy and be acceptable the City's Law Director.

8) The guarantee, or portion thereof, shall not be released until the Development Code Administrator, or the Planning Commission determines that the demolition

has been completed in conformance with the plans and specifications approved by the Planning Commission.

9) The applicant shall be in default of the guarantee when one (1) of the following conditions exists:

a) The demolition, as approved by the Planning Commission, has not taken place within the time period set forth in the COA, and the applicant has failed to establish reasonable cause for such delay to the satisfaction of the Planning Commission and has not received an extension of time.

b) The applicant has not undertaken the demolition in accordance with the minimum standards specified by these regulations, and the applicant is unwilling to modify and upgrade said demolition and subsequent construction within a six-month time period in order to be in compliance with the provisions of these regulations.

i. *Types of Guarantees.*

1) *Bond*.

a) A bond in the amount determined in accordance with this Section shall be filed with the City of Troy.

b) The bond may be in the form of a surety bond or a cash bond of the kind approved by law for securing deposits of public money.

c) The bond shall be executed by the applicant as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the State of Ohio.

2) *Irrevocable Letter of Credit*. The applicant may provide an irrevocable letter of credit from a bank or licensed financial institution to the approval of the Planning Commission. This letter shall be deposited with the City, and shall certify the following:

a) The creditor guarantees funds in an amount equal to the cost, as estimated in accordance with this subsection. In the case of failure on the part of the applicant to complete the specified demolition within the required time period, the creditor shall pay to the

b) City immediately and without further action such funds as are necessary to finance the completion of that demolition, up to the limit of credit stated in the letter.

c) This irrevocable letter of credit may not be withdrawn or reduced in amount until released by Planning Commission

3) *Cash*.

a) The applicant shall provide a certified check for the amount of the guarantee, payable to the City of Troy.

b) When the demolition is complete, the City shall issue a check for the released amount based on this subsection.

c) The City shall not be responsible for paying interest for the period of time the City retains the guarantee.

4) *Liability Insurance*.

a) Any applicant who receives an approved COA for the demolition of a structure or the moving of a structure shall, before any work begins, obtain and maintain in full force and effect, at all times during the period of demolition or moving, commercial general liability and automobile liability insurance coverage against claims for injuries to persons or damages to property arising out of the acts or omission of the applicant, or any of his or her contractors, subcontractors, agents, or employees in connection with the demolition or moving of the structure.

b) At a minimum, the following is required for all liability insurance policies:

1) The policies shall protect the City from any liability for any accident, negligence, failure of the applicant or contractors, or any other liability whatsoever, relating to the construction or maintenance of the subdivision and related public improvements.

2) The policies shall be effective during all demolition or moving activities related to the approved COA.

3) The policies shall cover, or be endorsed to list the City, its officials, employees and volunteers as additional insureds. The coverage shall be primary and non-contributing as respects the City, its officials and employees.

4) The commercial general liability coverage shall be on the “occurrence” basis with limits acceptable to the City’s Law Director.

5) The automobile liability coverage shall be for “any auto” with limits acceptable to the City’s Law Director.

6) Insurance is to be placed with insurance companies authorized to do insurance with a minimum AM Best rating of A: VII, unless otherwise acceptable to the City’s Law Director.

7) An applicant who receives an approved COA for demolition shall provide the City’s Law Director with documentation, including but not limited to certificates(s) of insurance, verifying compliance with the specifications herein. The City reserves the right to require complete copies of

insurance policies, including endorsements, required by these specifications, at any time.

j. *Time Limit***.**

1) A Certificate of Appropriateness shall remain valid for a period of six (6) months from the date of issuance. If such work is delayed for a period exceeding six (6) months, the COA shall automatically expire and any other Certificate of Zoning Compliance issued in conjunction with it shall become void.

2) The Planning Commission may grant extensions for major modifications, but shall not exceed, two (2) extensions of the period of validity of a COA, not to exceed six (6) months each, if such request by the owner is submitted at least ten (10) days in advance of the expiration of the COA. A request for any extension shall set forth reasons for the delay.

3) The Development Code Administrator may grant extensions for minor modifications, but shall not exceed, two (2) extensions of the period of validity of a COA, not to exceed six (6) months each, if such request by the owner is submitted at least ten (10) days in advance of the expiration of the COA. A request for any extension shall set forth reasons for the delay.

k. *Demolition by Neglect.*

1) Demolition by neglect shall mean any failure in the maintenance and repair of any site or structure within the Historic District, which results in any of the following conditions:

a) The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or

b) Deterioration of the foundations, exterior walls, roofs, chimneys, doors, windows, or other exterior wall elements such as siding, wood walls, brick, plaster, or mortar, the lack of adequate waterproofing, or the deterioration of interior features, to the extent that such deterioration adversely affects the character of the Historic District or could reasonably lead to irreversible damage to the structure.

c) Irreversible damage shall mean the physical deterioration or structural failure of a foundation, exterior wall, roof, chimney, or other primary structural component of a building that meets any one of the following:

(1) The component has lost its load-bearing or weather-resistant function, or its structural integrity has been compromised such that partial or complete collapse of the component is reasonably foreseeable;

(2) The deterioration or damage to the component cannot be corrected through repair, reinforcement, or in-kind replacement using generally accepted construction or historic preservation methods; or

(3) The original historic material or fabric of the component has been destroyed or lost to a degree that it cannot be repaired or conserved, such that any restoration would necessarily require full replacement of the component rather than repair of the existing material. Deterioration that is solely cosmetic, or that remains correctable through ordinary maintenance, repair, or replacement-in-kind of the affected component, does not constitute irreversible damage for purposes of this UDC.

2) Demolition by neglect is prohibited. In the event that the Planning Commission finds a situation that may be classified as demolition by neglect, the Planning Commission shall notify the Development Code Administrator to proceed with the notice requirements and enforcement procedures set forth in this code.

l. *Emergency Measures.* Nothing in this Section shall prevent the construction, reconstruction, alteration, restoration, or demolition of any feature which the Chief Building Official or Fire Chief shall certify that the reconstruction, alteration, restoration, or demolition is required by public safety because of unsafe or dangerous conditions.

m. *Off-Street Parking and Loading*.

1) For permitted uses within the boundaries of the Historic Preservation Overlay District, off-street parking and loading requirements shall be those set forth in this UDC.

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.

H. **Alternative Approval of Land Uses in the Downtown Riverfront Overlay District.** In addition to the permitted, accessory, and temporary uses allowed by a site's underlying base zoning district, properties within the DRO may have other land uses approved provided that:

1. The overlying zoning district is either AR, LR, TR, UR, MR, OR, UC, MU, HC, or HI;

2. A subdivision development plan (See Sec. 1109-05-B, *Subdivision development plan*) is submitted as part of the application;

3. The Planning Commission recommends that the property be granted the additional use provided that the use requested is consistent with the requirements of Sec. 1109-06-D-4, *Report*.

4. After a positive recommendation from the Planning Commission, the City Council deems the proposed use and associated subdivision development plan complementary and compatible to the uses in the existing immediate neighborhood.

I. **Wireless Communications Facilities Permit.** No new Wireless Communication Facility (WCF) shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant, reviewed, and approved by the City in accordance with this UDC. All WCFs shall be reviewed pursuant to the following procedures:

1. *Purpose.* This section is adopted pursuant to ORC Chapters 303 and 519, and is intended to ensure that applications for Wireless Communications Facilities (WCFs) are reviewed in a manner consistent with:

    a. The Telecommunications Act of 1996 ((47 U.S.C. § 332(c)(7)); and

    b. Applicable Federal Communications Commission (FCC) rules and orders.

2. *Submittal Requirements.* Each applicant for a WCF shall be required to submit a Certificate of Zoning Compliance prepared in accordance with Sec. 1109-04-A, *Certificate of Zoning Compliance*, of the UDC. In addition, each applicant shall submit the following information.

    a. Completed Land Use Application Form;

    b. Submittal Fee;

    c. Inventory of Existing Sites [See Subsection I(2), below];

    d. Signal Interference Letter (See Sec. 1103-03-UU-2-c, *Signal Interference*); and

    e. Any other information deemed necessary by the Administrator to determine compliance with this Chapter.

3. *Inventory of Existing Sites.*

    a. *Narrative and Map*. Each applicant for a WCF shall provide to the Administrator a narrative and map description of the applicant's existing or then currently proposed WCFs within the City, and outside of the City within one mile of its boundaries. In addition, the applicant shall inform the City generally of the areas of the City in which it believes WCFs may need to be located within the next three years.

    b. *Inventory List*. The inventory list should identify the site name, site address, and a general description of the facility (e.g., rooftop antennas and ground mounted equipment). This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the City. Rather, it is an attempt to provide a mechanism for the City and all applicants for WCFs to share general information, assist in the City's comprehensive planning process, and promote collocation by identifying areas in which WCFs might be appropriately constructed for multiple users.

    c. *Distribution of Application Examples*. The Administrator may share such information with other applicants applying for an approval under this Chapter or other organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. *Abandonment and Removal.* Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF, including related accessory equipment, that is abandoned or is unused for a period of twelve (12) months.

5. *Decision Timeframe.* As required by the FCC, all WCF applications shall be reviewed by the City with a final decision to be made within 150 days for new towers and 90 days for collocations.

6. *Decision to be Provided to the Applicant in Writing.* Any decision to approve, approve with conditions, or deny an application for a WCF shall be in writing, supported by substantial evidence in a written record that cites the specific sections of the UDC that have not been satisfied, and shall be provided to the applicant within 10 days of the decision. If the approval is for a concealed WCF, the written decision shall specifically identify that the WCF is a concealed facility.

7. *Compliance with Applicable Law.* Notwithstanding the approval of an application for collocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in this UDC and the City's Code of Ordinances, and any other applicable regulations. In addition, all WCF applications shall comply with the following:

    a. Any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;

    b. Easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;

    c. Be maintained in good working condition and to the standards established at the time of application approval or as otherwise required by applicable law; and

    d. Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten days from the time of notification by the City or after discovery by the owner or operator of the Site.

8. *Compliance Report.* Upon request by the City, the applicant shall provide a compliance report within forty-five (45) days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, applicable City requirements and standard regulations.

Sec. 1109-07, Quasi-Judicial Applications

A. **Variances.** Any person believing that the development standard regulations would result in an unnecessary hardship may file an application for a variance.

1. *Authorized Types of Variances*. Variances from the regulations of this UDC shall be granted by the BZA only in accordance with the standards set out in this Section of the UDC and may be granted only in the following circumstances:

    a. To vary the applicable standards per Table 1102-8, *Dimensional Standards*;

    b. To vary the applicable off-street parking and off-street loading requirements in Sec. 1105-03-B, *Required Off-Street Parking*; and

c. To vary the applicable sign regulations (only for location and placement; not for sign area) as set forth in Sec. 1105-05, *Signs*.

d. To vary the applicable floodplain regulations provided the variance criteria requirements of Sec. 1109-07-A-6, *Variance Criteria*, and all other provisions of federal law have been satisfied.

2. *Variances of Land Uses Prohibited*. In no case shall the BZA grant a variance of the land use requirements as set forth in Table 1102-6, *Land Use Matrix: Primary Residential Uses*; Table 1102-7, *Land Use Matrix: Primary Nonresidential Uses*; Table 1104-2, *Land Use Matrix:* Accessory *Use Matrix*, *Accessory Uses and Structures* and Table 1104-3, *Land Use Matrix: Temporary Uses*.

3. *Application for a Variance.*

a. *Applicant*. Any owner or agent of property for which a variance is sought shall make an application for a variance by filing it with the Development Code Administrator, who upon receipt of the variance shall transmit it to the BZA.

b. *Minimum Application Requirements*. Such application at a minimum shall contain the following:

1) Name, address, and telephone number of the applicant;

2) Legal description of the property including the parcel map;

3) Description of the variance sought;

4) Reason for the variance request; and

5) The applicable application fee as listed in the schedule of fees adopted by the City.

6) A description of the property that includes the following:

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

b) A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the neighborhood or zoning district;

c) A statement showing that the special conditions and circumstances do not result from the actions of the applicant;

d) A statement showing that the granting of the variance is necessary to the preservation and enjoyment of substantial property rights;

e) 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

f) Such other information regarding the appeal as may be pertinent to appropriate action by the Board of Zoning Appeals.

7) A plot plan drawn to 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.

4. *Recommendation of the Development Code Administrator.* The Development Code Administrator shall provide findings of fact and make recommendations to the BZA.

5. *Public Hearing and Notice.*

a. The BZA shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Development Code Administrator.

b. 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.

c. 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.

d. The BZA 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.

6. *Variance Criteria*. Regardless of the type of variance at issue, a variance shall only be issued after a public hearing where the BZA evaluates said variance and makes a determination that practical difficulties exist with respect to the property in question that would render strict application of the UDC inequitable. In determining whether practical difficulties exist sufficient to warrant a variance, the BZA shall consider and weigh the following factors:

a. Whether the property in question 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;

d. Whether adjoining properties would suffer a substantial detriment as a result of the variance;

e. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

f. Whether the property owner purchased the property with knowledge of the zoning restriction;

g. Whether the property owner's predicament can be alleviated through some method other than a variance;

h. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

i. Whether the practical difficulty asserted by the applicant does not frequently appear in nearby properties or commonly occurring within the City;

j. Whether the practical difficulty was created by the acts or omission of any current legal or equitable owner;

k. Whether approval of the requested variance will materially damage the public health, safety, morals, convenience, comfort, prosperity, or general welfare of the community;

l. Whether the requested variance would create any material advantage to the applicant; and

m. Whether the variance requested is the minimum necessary to alleviate any practical difficulty created by the literal language of this UDC.

6. *Floodplain Variances. Variance Criteria*. In reviewing floodplain variance applications, the BZA shall consider as specified in Sec. 1109-07-A-6, *Variance Criteria*, and the following factors:

   a. The danger that materials may be swept onto other lands to the injury of others;

   b. The danger to life and property due to flooding or erosion damage;

   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

   d. The importance of the services provided by the proposed facility to the community;

   e. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

   f. The necessity for the facility of a waterfront location, where applicable;

   g. The compatibility of the proposed use with existing and anticipated development;

   h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;

l. A showing of good and sufficient cause;

m. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant;

n. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws;

o. A determination that the structure or other development is protected by methods to minimize flood damages; and

p. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

7. *Sign Standard Variances*.

a. *Variance Criteria*. In reviewing sign variance applications, the BZA shall consider and make findings of fact on all evaluations, relevant factors, and standards as specified in Sec. 1109-07-A-6, *Variance Criteria*, and the following factors:

1) A variance for the location of the sign only may be granted by the BZA where the strict interpretation of this chapter would create an unusual and unnecessary hardship on the property owner or occupant due to the unique location or physical characteristics of the property;

2) Such variance would not adversely affect the public interest in any substantial manner; and

3) The relevant physical characteristics of the property were not caused by a current or previous owner or occupant.

b. *Prohibited Types of Sign Variances*. The BZA shall not have the authority to approve any sign with a message area exceeding that permitted by this UDC. Only changes to the placement or location of a sign shall be granted by the BZA.

c. *Illegal Existing Signs*. In the event that a sign is established in violation of any provision of this chapter, no application for a variance allowing such sign shall be accepted, processed, or reviewed by the BZA while the illegal sign remains in place.

8. *Fence Standard Variances*. Variances from the regulations of this section shall be granted by the BZA only in accordance with the standards as specified in Sec. 1109-07-A-6, *Variance Criteria*, and may be granted only in the following instances, and in no others:

   a. To vary the applicable setback requirements, or

   b. To vary the applicable height regulations.

9. *Conditions in Connection with a Variance*. 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 this UDC 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 UDC.

10. *Period of Variance Validity*. No variance granted by the BZA shall be valid for a period longer than six (6) months from the date on which the BZA grants the variance, unless within such six (6) month period, either a Certificate of Zoning Compliance is obtained and construction, moving, or remodeling of a structure is started; or a Zoning Occupancy Permit is obtained and a use commenced. The BZA may grant a maximum of two (2) extensions not exceeding six (6) months each, upon written application without notice of hearing.

11. *Extensions*. If the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, the Certificate of Zoning Compliance 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.

12. *Variances to a PUD Application Prohibited*. Planned Unit Development (PUD) applications are the exclusive jurisdiction of the Planning Commission and City Council. A variance can not be sought for a PUD because of the flexible nature of the approval process. See Sec. 1109-06-E, *Planned Unit Developments*.

13. *Procedure at Hearings*. Hearings shall be conducted in accordance with the rules and procedures established by the Board of Zoning Appeals for appeals of decisions of the Development Code Administrator and for variances from the provisions of the UDC.

14. *Decisions and Records.* The BZA 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 BZA shall maintain complete records of all actions of the BZA with respect to applications for variances.

15. *Timeline to Refile Variance*. Following disapproval by the BZA of an application or request for a variance, no subsequent application requesting the same variance shall be filed by

the applicant, whether or not the same person, firm, or corporation, until the expiration of twelve (12) months after disapproval.

16. *Appeal to the Court*. 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 ORC Chapter 2506.

B. **Appeals.**

1. *Applicability*. An appeal may be made regarding any administrative decision made in the administration and enforcement of this UDC, including administrative decisions by the Development Code Administrator or the Planning Commission. An appeal may not be made to the BZA when the Planning Commission is making a recommendation to City Council as part of a legislative action, such as a zoning text or map amendment.

2. *Initiation.* Appeals shall only be initiated by the applicant or an owner of property contiguous to the applicant's property, or an owner of property directly across any street or alley, from any order, decision, determination or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this UDC.

3. *Timeline for Appeals*. Appeals to the BZA shall be filed within thirty (30) days from the decision, determination, or interpretation by the Development Code Administrator or the Planning Commission, by filing a written notice of appeal and returned to the office of the Development Code Administrator. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Development Code Administrator shall transmit to the members of the BZA all of the papers constituting the record upon which the decisions being appealed were based.

4. *Stay of Proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed unless the Development Code Administrator certifies to the BZA, after notice of appeal has been filed with the Development Code Administrator, that by reason of facts stated in the certificate a stay would, in the Development Code 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 BZA, or by a court of competent jurisdiction on application.

5. *Hearing.* The BZA 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 contiguous to 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. The appellant may appear and be heard at the hearing in person, by agent, or by attorney.

6. *Review Criteria.* A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or

determination fails to comply with either the procedural or substantive requirements of this UDC.

7. *Decision.* The BZA shall, hear and review the decision appealed, and render their 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.
8. *Records.* The Secretary of the BZA shall maintain complete records of all actions of the Appeals Board with respect to appeals.
9. *Authority.* The Appeals Board shall have the authority to establish and adopt rules of procedures for the conduct of the hearing.

Sec. 1109-08, Subdivision Applications

A. **Minor Subdivision Review Procedures.**

1. *Purpose.* The purpose of the minor subdivision process is to facilitate minor subdivisions of less than five lots, lot splits, and transfer of land between properties as an administrative process.
2. *Applicability.*
    a. Whenever the division of a parcel of land shown as a unit on the preceding tax list and duplicate of real and public utility property is proposed along an existing public street, not involving the opening, widening or extension of any street or road, not contrary to any zoning, flood damage prevention, or Health Department regulations, not involving the subdivision of previously platted land, and involving not more than five lots, including the original tract, the division may be submitted to the Development Code Administrator for a minor subdivision approval.
    b. Where land is proposed to be transferred between two existing platted lots and where the resulting lots shall still comply with the site development standards of the applicable zoning district, such application may be submitted to the Development Code Administrator for a minor subdivision approval.
3. *Minor Subdivision Approval Procedures.* The procedures for a minor subdivision shall proceed as follows:
    a. *Step 1 – Application.* An applicant shall prepare and submit to the Development Code Administrator a minor subdivision application that includes:
        1) A survey drawn by a registered professional surveyor, meeting minimum State surveying standards;
        2) Legal descriptions for the proposed minor subdivision; and
        3) A completed application form together with such fees as specified by the Development Code Administrator.
    b. *Step 2 – Review by Development Code Administrator.* The Development Code Administrator shall make a decision on the application for a minor subdivision within

14 days following the date of application. The Development Code Administrator shall use the review criteria per Sec. 1109-08-A-4, *Minor Subdivision Criteria*:

c. *Step 3 – Authorization by the Development Code Administrator.* A minor subdivision approval shall not be deemed approved unless signed by the Development Code Administrator and recorded.

d. *Step 4 – Recording.* After approval of the minor subdivision by the Development Code Administrator, the approved conveyance shall be filed for recording in the Miami County Records Office within 14 days. The applicant shall obtain the conveyance from the Development Code Administrator and record with the Miami County Records Office. An electronic copy shall be provided back to the Development Code Administrator with two (2) days following the recording. A minor subdivision shall not be deemed approved until the conveyance has been recorded.

4. *Minor Subdivision Criteria.* In order to approve a minor subdivision, the Development Code Administrator shall determine the following:

a. That the minor subdivision complies with all applicable provisions of this code; and

b. That the minor subdivision complies with all other applicable regulations and plans of the City.

B. **Major Subdivision Review Procedures.**

1. *Purpose.* The purpose of the City of Troy subdivision review and approval is to facilitate the subdivision of more than five parcels of land in accordance with the regulations set forth herein.

2. *Applicability.* This section shall apply to any subdivision of land that is not defined as minor subdivision. A preliminary plan shall not be required for a single phased development where a plat or replat includes the development in its entirety; provided however, a preliminary plan shall be required for a planned unit development.

3. *Major Subdivision Approval Procedures.* The subdivision of land shall proceed as follows:

a. *Step 1 – Pre-Application Meeting.* An applicant shall engage in informal discussions with the Development Code Administrator prior to the submission of an application for a subdivision approval. The purpose of these meetings is to discuss the proposed subdivision's adherence to the subdivision design standards and close-knit factor offsets set forth in this chapter and Sec. 1105-01, *Close-Knit Factor Offsets*. To facilitate the review of a proposed subdivision, the applicant shall present a conceptual drawing to staff at the pre-application meeting. It is understood that any statement or representation by the City staff shall not be binding.

b. *Step 2 – Application and Submission of Preliminary and/or Final Plat.*

1) Following a pre-application meeting, the applicant shall submit an application together with a preliminary or final plat, as applicable, in conformance with the subdivision standards set forth in this section and Sec. 1105-01, *Close-Knit*

Factor Offsets. The required fees must be submitted to the Development Code Administrator for confirmation of completeness pursuant to the standards set forth herein and transmittal to the Planning Commission for review. Following receipt of such application materials, the Development Code Administrator shall circulate the preliminary plan for comment and within 14 working days of receipt return the preliminary plan to the applicant for any necessary revisions.

2) The developer may submit a Preliminary Plan with an application for review and tentative approval prior to the formulation and submittal of final record plat. The Preliminary Plan is reviewed for the developer's benefit and at his discretion, and its submission does not constitute a formal subdivision review pursuant to Section 711.09 of the Ohio Revised Code. With the submission of the Preliminary Plan, the applicant waives any right for an approval due to the passage of time under Section 711.09 of the Ohio Revised Code. Preliminary plan review is the recommended procedure. Fees shall be paid upon the submission of the Preliminary Plan per the amount established by the fee schedule and adopted by City Council.

3) If developers choose not to utilize the process set forth in above, the developer shall submit a complete design, meeting all requirements of these subdivision regulations, which shall include, but not be limited to, the Preliminary Plan, Final Record Plat, stormwater management system design, construction drawings, performance guarantee, dedication of any easements, close-knit factor offsets incorporated in the final plat, and must be prepared by a registered surveyor or engineer.

4) A preliminary plan shall be prepared by a registered engineer or surveyor and include all of the information as required by UDC.

c. *Step 3 – Planning Commission Recommendation to City Council.*

1) *Preliminary Plan Review.*

a) *Approval Timeline.* Preliminary Plan Review (If applicable) shall be conducted within thirty (30) days of the date of application the Planning Commission shall review the application at its next regular meeting and approve, modify, or deny the Preliminary Plan.

b) *Review Criteria.* In reviewing and making decisions on Preliminary Plans, the Planning Commission shall take into consideration the following criteria:

(1) That the subdivision plan complies with all applicable provisions of this code;

(2) That the subdivision plan does not conflict with other regulations, the comprehensive plan, or other adopted plans and policies of the City;

(3) That public facilities, including but not limited to streets, water, sanitary and storm sewers will be adequate to support and service the area of the

proposed subdivision, and that definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;

(4) That the proposed subdivision will not result in an isolated subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;

(5) That the developer has allowed sufficient area to meet the requirements for open space, if applicable;

(6) That the developer has taken every effort to ensure that the public health, safety, and welfare are perpetuated by the proposed subdivision; and

(7) That the developer has incorporated in the proposed subdivision the recommendations described in the approved traffic impact study, when such study is required, that are determined necessary by the Planning Commission or the Development Code Administrator.

(8) That the developer has submitted a letter of intent to comply with the close-knit factor offsets upon completion of the final plat.

2) *Planning Commission Final Plat Review.*

a) *Approval Timeline*. Final Plat Review shall be conducted within thirty (30) days of the date of application, the Planning Commission shall review the application at its next regular meeting and approve, modify, or deny the Final Plat.

b) *Review Criteria*. In reviewing and making decisions on Final Plats, the Planning Commission shall take into consideration the following criteria:

(1) That the proposed subdivision complies with the preliminary plan review criteria established above;

(2) That the final plat complies with all applicable provisions of this code;

(3) That the final plat and construction drawings substantially complies with all specific requirements, the purposes, intent and basic objectives of the preliminary plan, and any commitments made or conditions agreed to with approval of the preliminary plan, and any applicable regulations in this code.

(4) That the final plat is in full compliance with the approved preliminary plan, where applicable.

(5) The developer agrees to the close-knit factor offsets as evidenced by an authorized development agreement in accordance with Sec. 1105-01, Close-Knit Factor Offsets, of the UDC.

d. *Step 4 – City Council Approval.* The requirements and processes as set out above in Sec. 1109-08-B-3-c, *Step 3 – Planning Commission – Recommendation to City Council,* shall be repeated for this City Council App

C. **Effect of Approval of Preliminary Plan.**

1. Approval of the preliminary plan shall be effective for a maximum period of twenty-four months after the date of approval or after the date of the most section (final plat), whichever is greater, unless an extension is granted by the Planning Commission.
2. Approval of the preliminary plan does not constitute acceptance of the subdivision but merely authorizes the developer to proceed with work on the final plat.
3. Receipt of approval is authorization for the applicant to prepare detailed plans and specifications for the minimum improvements required per Chapter 1107, Subdivision Design Requirements, and to prepare the final plat.

D. **Recording Final Plats.**

1. Upon approval of the final record plat, as applicable, by Planning Commission, City Council or the Development Code Administrator, the Record Plan shall be recorded with the Miami County Recorder within 15 days. It is the responsibility of the developer to record the record plat and provide the City's Authorized Agent with an electronic copy.

E. **Information to be contained on the Preliminary Plan.**

1. Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision of the City;
2. The name and address of the owner of record, and the name, address, telephone number of the developer and the engineer, surveyor, planning consultant or landscape architect for the project;
3. The graphical scale, date of drawing submitted, and the north arrow;
4. The boundaries accurate in scale of the tract to be subdivided with names of adjacent property owners or subdivisions;
5. The locations, right-of-way widths and names of all existing or platted streets, easements, railroads, or other public ways within or adjacent to the tract, and other important features such as, existing permanent buildings, tree mass, watercourses, railroad lines, corporation lines, township lines, pipelines, pole lines, high tension lines, bridges, contours/grading, ponds, section lines, wetlands, etc.;
6. The zoning districts, existing and proposed use of property and proposed building setback lines with dimensions. In some cases, rear and side yard setback lines, buffer strips (including planting details), or building footprints may be required;
7. The layout, proposed names and right-of-way widths of all proposed streets, alleys, sidewalks and easements (including but not limited to water, sanitary sewer, stormwater and drainage). Such proposed names shall not be so similar to the name of other streets

as to cause confusion, or be considered, in the discretion of the Development Code Administrator, to be inappropriate.

8. Where a newly constructed street will extend an existing street, the existing street name shall be used rather than assigning a different name to the new section.
9. The layout, numbers and approximate dimensions of proposed lots and the total number of lots for the proposed subdivision.
10. All parcels of land temporarily reserved or intended to be dedicated for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition, or limitations of such reservation indicated.
11. The location of existing sewers, water mains, culverts, 100-year drainage routes/boundaries, and other utilities or structures, above or below ground, with the tract and immediately adjacent thereto with pipe sizes and grades.
12. The location and approximate sizes of proposed water, sewer and stormwater lines, culverts, adequate drainage outlets, and other drainage structures (including basins) immediately adjacent thereto.
13. The total acreage of the proposed subdivision.
14. Cluster mailboxes shall be shown in accordance with the United States Postal Service (USPS) latest regulations.
15. A vicinity sketch showing the subdivision as it relates to the surrounding area at any scale.
16. A statement of intent to comply with the Close-Knit Factor Offsets in accordance with Sec. 1105-01, *Close-Knit Factor Offsets,* of this UDC.

F. **Information to be Contained on the Final Plat.**

1. The final record plat shall be clearly and legibly drawn by a registered surveyor or engineer. The size of the plat shall be 18 x 24 inches and shall be drawn to an appropriate scale. The material used shall be mylar with permanent ink. An additional electronic pdf copy shall also be provided the mylar.
2. The final record plat shall contain the following information, unless not applicable:
    a. The name of the subdivision: such name shall not be so similar to the name of another subdivision as to cause confusion, or be considered, in the discretion of the Development Code Administrator, to be inappropriate.
    b. The information shown on the final record plat shall be consistent with preliminary plan stipulations and improvements as indicated on the improvement drawings.
    c. The final record plat shall contain the minimum information required by O.R.C. 711.01 through 711.04 inclusive, and shall also contain the following information:
        1) All plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate

survey in the field, which shall be balanced and closed with an error of closure not to exceed 1 to 10,000.

2) The exact location and the width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.

3) Bearings and distances to nearest established street bounds, recorded boundaries, or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any recorded boundary or other established survey or corporation lines shall be accurately monumented and named.

4) The accurate location and material of all permanent reference monuments.

5) The exact layout of the subdivision including:

a) Street and alley lines. Their names, bearings, length along centerlines, angles of intersection and widths, including widths along the line of any obliquely-intersecting street.

b) The lengths of all arcs, radii, points of curvature and tangent bearings, chord bearings and chord lengths.

c) The location of all easements and rights-of-way must be shown in such a manner to be re-established in the field. Deed book and page shall be referenced on any existing easement of record.

d) The location of all lot lines with dimensions in feet and hundredths, and bearings in degrees, minutes and seconds

d. The accurate outline of all property that is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivisions, with the purpose indicated thereon.

e. All easements, including utility and drainage, shall be shown.

f. Front setback lines as established by the appropriate zoning district and any other setback lines or street lines established by public authority, and those stipulated in the deed restrictions.

g. Boundaries of all areas affected by varying private restrictions and a description of those restrictions.

h. Names and locations of adjoining subdivisions and location and ownership of adjoining un-subdivided property, as well as the identification of deed book and page.

i. Names and addresses of the owner of record, the names, addresses, and phone numbers, for the developer, the engineer, surveyor and/or consultant.

j. A vicinity sketch showing the subdivision as it relates to the surrounding area at any scale.

k. A superimposed plan of the subdivision at a scale of 300 feet to the inch shall be drawn on the final plat and shall also show the section of the subdivision in which the developer wishes to be recorded. This sketch shall also show all street rights-of- way.

l. The total acreage of the subdivision, total acreage from each original lot, total area (in acres and square feet) of each lot created, the total linear feet of newly dedicated rights-of-way (ROW) as well as area of that ROW.

m. Stubbed streets shall be located on the plat to give adjoining un-subdivided property access. These streets shall also be labeled as “Street to be extended in the future” at the discretion of the Planning Commission.

n. the location of the 100-year floodplains, wetlands, and rights-of-way for proposed highways which are journalized, etc. within the subdivision or abutting its borders.

o. The minimum opening and/or minimum basement elevations and curb elevations (low side, top of curb) for new structures should also be stated on the final plat in order to keep them above the 100-year floodplain as determined by a flood study prior to planning.

p. 100-year drainage routes are to be labeled on the final plat.

q. Acknowledgment of the owners and witnesses before an officer authorized to take acknowledgment of deeds (Notary), which officer shall certify his or her official act on the plat.

r. Subordination of Liens that has the bank or whoever holds title to the mortgage on the property must sign the final record plat.

s. List all reference surveys used;

t. Deed book and page by which the owner acquired said property;

u. The surveyor’s signature and seal or stamp and certification to a field survey;

v. The error of closure of a survey may not be greater than 1:10,000;

w. The location and size of all existing visible site structures and improvements;

x. The location of street lights and post lamps shall be shown on the final record plat.

y. Cluster mailboxes shall be shown in accordance with the United States Postal Service (USPS) latest regulations.

3. The following notes shall be contained on the final plat:

a. *Dedication Statement.* "The undersigned, being all the owners and lien holders of the land herein replatted, do hereby accept and approve this replat, to the dedication of the right-of-way of as shown hereon, and do hereby voluntarily consent to said execution. The title acquired by Deed Book # and Page #."

b. *Certification Statement.* Certification by a registered surveyor to the effect that:

1) The plat represents a survey made by the surveyor and that all monuments indicated final subdivision plat requirements thereon actually exist and their location, size and material are correctly shown; and

2) All requirements of these Subdivision Regulations have been fully complied with.

c. *General Notes.*

1) "This street to be extended in the future" shall be added to streets where future expansion is planned.

2) "We, the City Council for the City of Troy, Miami County, Ohio do hereby approve and accept the dedication of land for the streets as shown on this plat of _____ (name of subdivision), Section _____, Book _____, this _____day of _____, _____(month), (year)."

3) "The dedication of land for the streets as shown on this plat was reviewed and approved by the Planning Commission for the City of Troy on the _____day of _____, _____(month), (year)."

d. *Public Access Easement*. In the event that the City Engineer has required or approved one or more public access easements within the subdivision, the final record plat and labeled as public access easements on the final record plat, and the following notation shall be provided on the final plat:

1) "All areas designated as Public Access Easements shall be subject to the following covenants:

2) "Public Access Easements are dedicated to the public access and use. This grant shall run with the land in perpetuity."

3) "To ensure the public health, safety and general welfare, 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. The pavement, curb, and gutter of private drives within Public Access Easements shall be continuously maintained by the property owner in good repair and kept free of all obstructions which would impede the free and safe movement of traffic, including but not limited to ice, snow and parked vehicles. If required by the City, the owner shall prepare a traffic control plan for review and approval. Traffic control devices shall be provided and installed in accord with the approved plan and by the owner. The City of Troy shall have full power and authority to enforce such controls and to prosecute violations in accord with the laws of the City and State as it would in any other public right-of-way."

4) "No Public Access Easement may be blocked without the prior written approval of the City of Troy."

5) "In the event that the owner of any Public Access Easement fails to fulfill the obligations set forth in these covenants, the City of Troy is hereby authorized,

after providing reasonable opportunity for notice and hearing to the property owner, to take such corrective action as it deems necessary, to charge the owner for the entire cost thereof, and in the event of failure of payment for more than thirty days, to collect such costs as a special assessment against the property without further notice to or approval by the owner."

e. *Utility Easement.* Utility easements are provided for other public uses as designated and shall be used for the construction, maintenance, and operation of electric, gas, water, sewers, stormwater drains, open channels, cable television, telephone and for any public or quasi-public utility or function, conducted, maintained or performed by ordinary methods beneath or above the surface of the ground, together with the right of ingress and egress over and across lots to and from said easements. No buildings or other structures may be built within said easements, nor may the easement area be physically altered so as to:

   1) Reduce the clearance of either overhead or underground facilities;

   2) Impair the land support of said facilities;

   3) Impair the ability to maintain the facility; or

   4) Create a hazard.

f. *Drainage Notes.*

   1) "The City of Troy does not accept any [private] drainage easements shown on this plat. The City of Troy is not obligated to maintain or repair any channels or installations in said easements. The owner of the lot shall maintain the easement area of each lot and all improvements in it continuously. Maintenance of all improvements within the [private] drainage easements shall be the responsibility of the as provided for in the declaration and in accordance with the standards and specifications of the City of Troy. Within the easement area, no structure, planting or other material shall be placed or permitted to remain which may obstruct, retard, or change the direction of the water flow. "The City of Troy 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 this subdivision."

   2) "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 stormwater detention basin area 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, lot owner, 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 stormwater detention basins areas and drainage facilities; provided, however, that the Developer, lot owner, and/or 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 there is no Association, or the association has ceased to exist, against individual lot owner. These restrictions shall run with the land, and shall bind the owners, successors, and assigns

G. **Dedication Procedures.** Prior to, or simultaneously with, the submission of a final record plat for Council approval, the developer shall also do the following:

1. Submit a fully executed developer's contract in the form prescribed by the City.
2. Submit a performance guarantee satisfactory to the City. The following forms of guarantee are always acceptable:
    a. A performance bond issued by a surety licensed by the State of Ohio.
    b. A cash bond.
    c. A letter of credit in a form and amount acceptable to the City.
    d. An executed escrow agreement in a form acceptable to the City.
    e. In lieu of providing a performance guarantee, the developer may elect to construct the public improvements and private improvements within common areas after receiving approval of the construction plan, but before approval of the final record plat. In such event, the developer shall obtain and pay for all plan reviews and inspections required by these regulations before applying for approval of the final record plat.
3. Submit executed deeds for all dedications and easements not to be accomplished within the final record plat.
4. Submit a certificate of title by a licensed attorney to the City, which shows the ownership of all lands to be dedicated to the public and that the title thereof is free and unencumbered. If the title is not free and unencumbered, then two (2) requirements shall be met:
    a. If a mortgage exists on the property which is dedicated to the public, a release of mortgage must be filed with the County Recorder's office. Otherwise, the bank or whoever holds title to the mortgage on the property must sign the final record plat.
    b. If an easement of record exists through any proposed right-of-way that is to be dedicated to the public, that easement must either be subordinated to the City or vacated.
5. Submit to the City the mylar drawing of the subdivision that shall be signed and stamped by a registered surveyor.
    a. All owners and mortgage holders’ signatures must be notarized and dated.
    b. All public parkland shall be dedicated, including any ingress/egress easements necessary for access to the park.

The developer must pay all review fees outstanding with the Ci

Chapter 1110 – Nonconformities

Sec. 1110-01, Purpose

A. Regulations for uses, lots, signs, and site standards that are granted nonconforming status due to the enactment of this UDC or due to the continuance of a nonconformity before this UDC's adoption.

Sec. 1110-02, Applicability

A. **Continuance of Nonconformities**. The legitimate interests of those who lawfully established these nonconformities are recognized in this UDC 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, and use of other property in the district, property that is itself subject to the regulations of this UDC. In order to secure eventual compliance with the standards of this UDC, it is therefore necessary to regulate nonconformities strictly and to prevent the re-establishment of nonconformities that have been discontinued.

B. **Effect of UDC Enactment**. Any use, lot, sign, or structure that does not meet the standards of this UDC shall be deemed to be a nonconformity provided that the use, lot, sign, or structure was lawfully constructed or established at the time of the enactment of this UDC.

C. **Effect of UDC Amendments**. The provisions of this chapter shall apply to any use or standard that may become nonconforming due to any amendment of this UDC passed after the original effective date.

D. **Effect of Nonconforming Standards**. The specific types of nonconformities identified in Sec. Section 1110-03, *Types of Nonconformities*, below, will have different standards that may apply only to that type of nonconformity, to a combination of nonconformity types, or all nonconformities.

E. **Illegal Uses**. Illegal uses existing at the time of the effective date that this UDC is enacted shall not become legal due to the enactment of this UDC.

Sec. 1110-03, Types of Nonconformities

The types of nonconformities established in this UDC include but are not limited to nonconforming uses; nonconforming lots; nonconforming signs; nonconforming site standards; and nonconforming structures.

Sec. 1110-04, Nonconforming Uses

A. **Recognition of Nonconformities**. The zoning districts established by this UDC constitute the proper location for specific land uses in accordance with Table 1102-6, *Land Use Matrix: Primary Residential Uses*, and Table 1102-7, *Land Use Matrix: Primary Nonresidential Uses*. Within such districts, however, there exist nonconforming uses that were lawfully permitted

prior to the most current update of the UDC, but that would now be prohibited under the current terms of this UDC.

B. **Continuance of Nonconformities**. The legitimate interests of those who lawfully established these nonconformities are recognized in this UDC 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 UDC. In order to secure eventual compliance with the standards of this UDC, it is therefore necessary to regulate nonconformities strictly and to prevent the re-establishment of nonconformities that have been discontinued.

C. **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 UDC 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.

D. **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 (E), (F), and (G) below.

E. **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 shall be noticed and heard in the manner prescribed for variances.

F. ***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.

G. ***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.

H. ***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.

I. ***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 (180) 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 (180) 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.

J. **Change to Conforming Use**. In the event that the operation of a nonconforming use of land or building is changed to a conforming use, it shall not revert back to a nonconforming use.

K. **Nonconforming Accessory Uses**. No nonconforming accessory use shall continue after the principal use to which it is accessory has been discontinued.

L. **Existing Residential Uses in the Mixed Use and Commercial Zoning Districts***.* Buildings devoted to nonconforming residential uses in a mixed use and/or commercial district (OR,

NC, UC, MU, GC, and HC) may be maintained, repaired, improved, modernized or enlarged. However, no increase in the number of dwelling units shall be permitted.

Sec. 1110-05, Nonconforming Lots

A. **Nonconforming Lot Provisions Regardless of Zoning District.**

1. *Combination of Lots to Increase Conformity.* Where a property owner owns one (1) or more lots abutting a nonconforming lot, the lots shall be combined to create fully conforming lots prior to any other development application submittal for the property. Or, if full conformity is not possible, the lots in question shall still be combined if the combination increases the degree of conformity.

2. *Permitted Development on a Nonconforming Lot.* Where, at the time of adoption of this UDC, lawful lots of record exist which would not be permitted to be created by the regulations imposed by this UDC, and the lots cannot be combined pursuant to Sec. 1110-05-A-1, *Combination of Lots to Increase Conformity*, above, the lot may be developed so long as an exception can be used from either Sec. 1110-05-B-2, *Minimum Side Yards for Dwellings on Nonconforming Lots*, or Sec. 1110-05-B-3, *Nonconforming Vacant Lots in Open Space, Commercial, Mixed-Use, and Industrial Districts.*

B. **Nonconforming Vacant Lots in Agricultural and Residential Zoning Districts.**

1. *Minimum Lot Area for Dwellings.* On a nonconforming lot, the following may be developed provided that the reduced setback requirements of subsection (b) below are met:

   a. In the Agricultural Residential (AR); Low-Density Residential (LR); Traditional Residential (TR); and Urban Residential (UR) - One (1) single detached dwelling.

   b. In the Multi-Unit Residential (MR): On a lot with three thousand (3,000) square feet or less of area: one (1) single detached dwelling.

   c. On a lot with more than three thousand (3,000) but less than six thousand (6,000) square feet of area: one (1) single detached dwelling or one (1) duplex.

2. *Minimum Side Yards for Dwellings on Nonconforming Lots.* When construction of a residential dwelling is permitted by this UDC, 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:

   a. The sum of the widths of the two (2) side yards shall not be less than twenty percent (20%) of the width of the lot; nor shall the width of either required side yard be less than ten percent (10%) of the width of the lot.

   b. The width of any side yard that adjoins a public street shall not in any event be less than ten (10) feet.

3. *Nonconforming Vacant Lots in Open Space, Commercial, Mixed-Use, and Industrial Districts*.

a. *Permitted Uses on Nonconforming Lots*. In the Wellhead Operation (WO), Open Space / Conservation (OS), Office Residential (OR), Neighborhood Commercial (NC), Urban Core (UC), Mixed-Use (MU), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) zoning districts a building designed for any permitted use stated in Chapter 2, *Zoning Districts* may be erected on a nonconforming lot provided that the reduced setback requirements of Sec. 1110-05-B-3-b, *Required Yards for Uses on Nonconforming Lots*, below are met.

b. *Required Yards for Uses on Nonconforming Lots.* When development is permitted by this UDC such building shall comply with all dimensional standards of the zoning district regulations (See Table 2.9, *Dimensional Standards*) 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 percent (10%) of the lot width.

c. Total of both side yards shall not be less than twenty-five percent (25%) of the lot width.

d. 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.

Sec. 1110-06, Nonconforming Signs

A. **Provisions for Continuance**. Nonconforming signs may continue. However, such non-conforming sign shall lose its nonconforming status and must be brought into compliance with this UDC or be removed if any of the following occur:

   1. The sign is altered in any way in structure or size;
   2. The sign is relocated;
   3. The sign becomes an obsolete sign for more than one hundred eighty (180) days;
   4. The sign is damaged to an extent greater than fifty percent (50%) of the estimated replacement value; or
   5. The sign creates a hazard to vehicular and pedestrian traffic as determined by the Development Code Administrator.
   6. The repainting or refacing of existing nonconforming signs, including a face change, where there are no structural changes shall not be considered an alteration within the meaning of this section. Such work shall not require a Sign Permit.

B. **Maintenance and Repair.** All existing non-conforming signs shall be kept in a state of good repair, good working order, and in a safe condition, free from fading, peeling paint, broken, cracked or missing faces, rotting/decaying supporting structures or frames, improperly or partially function lighting fixtures, or other aesthetically displeasing characteristics as determined by the Development Code Administrator.

C. **Removal of Nonconforming Element**. If an element of a sign that causes the sign to be nonconforming is removed, it shall not be replaced, except with a conforming element.

D. **New Sign Installation**. The installation of any new sign is prohibited on a site while an illegal sign remains in use with the exception of the UC District.

E. **Illegal Signs are not Nonconforming Signs**. Any sign not lawfully existing prior to the enactment of this UDC and which could not be erected in accordance with the provisions of this UDC shall not be deemed to attain any legal status by the enactment of this UDC. A sign that meets this description shall be referred to as illegal and the necessary enforcement procedures per Chapter 1111, *Enforcement*, shall be used to require the sign to be removed.

F. **Iconic Sign Exemption in the UC District**. Iconic Signs that possess historic, architectural, cultural, artistic, or community significance shall be exempt from the provisions of this chapter subject to the following eligibility criteria as approved by the Planning Commission:

1. The sign represents a unique or noteworthy example of sign design, craftsmanship, materials, lighting, or construction.
2. The sign serves as a recognized visual landmark or community identifier.
3. Removal of the sign would diminish the historic or cultural character of the surrounding area.
4. The Planning Commission shall have the authority to designate a Iconic Sign based on the eligibility criteria.
    a. An Iconic Sign designation does not authorize:
        1) Enlargement of the sign area.
        2) An increase in sign height.
        3) Relocation.
        4) Additional Sign Faces
        5) Conversion to digital display.
        6) Any alteration that would otherwise take away from the historic, architectural, cultural, artistic, or community significance as determined by the Planning Commission.

Sec. 1110-07, Nonconforming Site Standards

A. **Generally**. For this Chapter, nonconforming site standards shall include compliance with all of the standards found within Sec. 1105-03, *Parking, Loading, and Stacking*; and Sec. 1105-04, *Landscaping, Buffering, and Screening*.

B. **Increases in Nonconformity**. No legal nonconforming site feature shall be altered, removed, or otherwise modified in a manner that increases the amount of nonconformity. Site features may be modified in a manner that maintains or lessens the extent of the nonconformity.

C. **Property Redevelopment**. The removal and replacement of the primary structure on a lot that requires shall require all site features to be brought into compliance with all requirements of this UDC.

D. **Use and/or Structure Expansion**. If the use of, and/or the structure present on a property is expanded the corresponding site features shall be required to be modified to an extent that is proportional to the expansion.

Sec. 1110-08, Nonconforming Structures

A. **Generally**. 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.

B. **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 (D) of this section. Conversions for residential purposes shall comply with the lot area requirements applicable to vacant nonconforming lots in Section 1110-05-B. 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.

C. **Safe Condition of Structure**. Nothing in this UDC shall be construed to prevent the strengthening or restoring to a safe condition of a building or other structure unless the structure is at such a level that destruction is required per Sec. 1110-04-F, *Damage or Destruction*.

D. **Damage or Destruction**.

1. *Generally.* 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, such building or structure shall not be restored unless it meets all existing requirements of this UDC.

2. *Residential Building Less than 900 Square Feet.* Residential buildings that are located in a residential zoning district (AR, LR, TR, UR, MR, or OR) and lawfully built prior to the effective date of this UDC may be rebuilt regardless of the level of damage or destruction that has occurred.

E. **Structure Relocation**. 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 zoning district in which it is located after being moved.

F. **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.

Chapter 1111 – Enforcement

Sec. 1111-01, Enforcement

A. **Purpose**. This Chapter:

1. Establishes the procedures that the City may use to assure compliance and enforcement of the provisions of this UDC; and

2. Sets out the remedies and penalties that the City may use to correct violations. The provisions of this Chapter are intended to encourage the voluntary correction of violations.

B. **Applicability.**

1. *Compliance Required.* No person may use, occupy, or develop land, buildings, or other structures, or permit the use, occupancy, or development of land, buildings, or other structures except in accordance with all the provisions of this UDC. This includes the subdivision of property which shall be approved by the Planning Commission in accordance with the provisions of this UDC and filed with the Miami County Recorder.

2. *Continuation of Prior Enforcement Actions.* Nothing in this UDC shall prohibit the continuation of previous enforcement actions undertaken by the City according to the regulations in effect before the effective date of this UDC. Enforcement actions initiated before the effective date of this UDC, and subsequent amendments, may be continued to completion or settlement under the terms of the regulations in effect before the effective date of this UDC.

C. **Inspections and Investigations.**

1. *Required.* The Development Code Administrator, and other City officials, are authorized and directed to make such inspections and investigations as are necessary to determine compliance and/or enforcement of this UDC.

2. *Right of Entry.*

a. *Generally*. The Development Code Administrator shall have the power to ask the owner of the property for entry at reasonable times to inspect and investigate conditions relating to the enforcement of this UDC.

b. *Commonly Owned Properties*. For properties that are commonly owned, approval to enter the property shall only be required by one of the commonly owned property owners.

c. *Warrant*. Should the owner of a property refuse an inspection, the Development Code Administrator may apply for a warrant from a judicial officer to determine compliance with the UDC.

d. *Safety Exception for Warrant*. Permission for right-of-entry by a property owner is not required should the Development Code Administrator perceive a safety risk to occupants of a structure or potential collapse of the structure itself.

e. *Injunction*. No person shall erect, construct, alter, repair, or maintain any building or structure or use any land in violation of any zoning ordinance or regulation enacted pursuant to ORC 713.06 to ORC 713.12, inclusive, of the Revised Code, or Section 3 of Article XVIII, Ohio Constitution. In the event of any such violation, or imminent threat thereof, the municipal corporation, or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction pursuant to ORC 713.13 to prevent or terminate such violation.

3. *Relief From Personal Liability*. The Development Code Administrator or any officer or employee who acts in good faith and without malice in the discharge of his duties during enforcement of this UDC is relieved of personal liability subject to the provisions of Chapter 2744 of the Ohio Revised Code.

D. **Complaints.**

1. *Filing*. Whenever a violation of this UDC occurs, or is alleged to have occurred, any person may file a complaint with the Development Code Administrator. Complaints may also be filed anonymously through a verbal discussion with the Development Code Administrator.

2. *Investigation*. The Development Code Administrator shall investigate the complaint, and may refer the matter to the Planning Commission, BZA, or Law Director for review.

Sec. 1111-02, Stop-Work Order

A. **Development Code Administrator Responsibility**. Whenever it shall come to the attention of the Development Code Administrator that work of any kind is being undertaken contrary to the provisions of the UDC, the Development Code 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 UDC and what actions need to be taken to comply with this UDC.

B. **Issuance of Stop Work Order**. If the property owner does not promptly bring the property into compliance after the notification provision as stated in subsection (A), the Development Code Administrator shall promptly issue a stop work order to the owner of the premises involved, or to the agent of such owner, the occupant of said property, or to the person doing such work.

C. **Contents and Location of Stop Work Order.**

1. The stop work order is effective whenever the Development Code Administrator either directly states to the owner of the premises that they are now under a stop work order or when the notification is received in writing. However, should a stop work order be

given orally, a written copy of the order shall be created in accordance with subsections C.2. and C.3. below.

2. The stop work order be posted at the work site with a distinctive placard informing the public and all concerned that work at the site has been stopped by official order.

3. The stop work order state the conditions in writing under which work may be resumed by directing the performance of such work as may be necessary to remove any violations of the UDC.

D. **Stop Work Recipient Responsibilities**. After receiving a stop work order, the recipient shall immediately be responsible for work to be ceased by all other persons engaged in the project. In the event the recipient of a stop work order disagrees, said recipient has a right to appeal per Sec. 1109-07-B, *Appeals*. An appeal does not grant the appellant the opportunity to continue work on the property prior to the appeal being heard.

E. **Failure to Comply with Stop Work Order**. 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 as stated in Sec. 501.99 of the UDC.

Sec. 1111-03, Notice of Violation

A. **Generally**. Whenever the Development Code Administrator determines that there has been a violation of any provision of this UDC, the Development Code Administrator shall give legal notice of such violation to the person or persons responsible to alert said persons that the violation shall be removed or corrected within a reasonable amount of time.

B. **Legal Notice Requirements.** Legal notice shall:

1. Be put in writing on an appropriate form with the

   a. Violation or violations applicable;

   b. The section or sections of the code violated; and

   c. The specific remedial action which, if taken, will create compliance with the provisions of this UDC; and

2. Specify a reasonable time for performance of the action to correct the violation of the UDC.

C. **Methods of Service**. The legal notice shall be served through one of the following options:

1. On the owner, in person;

2. By leaving notice at the last known residence or place of business in the presence of a family member or other adult of sound mind who shall be informed of the general nature of the contents of said notice;

3. By leaving notice at the location of where the violation has occurred on a conspicuous place on the property with a copied mailed to the tax address of the Miami County Auditor.

4. By certified mail or certified electronic mail to the owner or occupant to their 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 or unclaimed, the notice may be served by ordinary mail to the owner or occupant's last known mailing address, residence or place of business. The mailing shall be evidenced by a certificate of mailing. 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;

5. *Additional Service or Notice to the Occupant and/or Tenant*. In addition to the four methods of service listed above, nothing in this UDC precludes the Administrator of serving an occupant and/or tenant of the property with additional notification.

6. *Legal Notice Provided that Option #1 through #3 are Exhausted.* The City reserves the right to provide notice through publication in a local newspaper of general circulation only if the means of providing notice in subsections (1 – 4) are fully exhausted.

7. *Failure to Comply with Legal Notice.* Any person failing to comply with a legal notice of violation and any associated requirement to correct said violation shall be deemed guilty of a fourth-degree misdemeanor and subject to penalties as set forth in Sec. 501.99 of the City's Codified Ordinances.

Sec. 1111-04, Remedies

A. **Cross Reference.** See City of Troy Civil Offense Ordinance.

B. **Fine***.* Any person who violates any of the provisions of this UDC, fails to fully comply with any of the requirements, including but not limited to building, reconstructing, or structurally altering any building or site without approval shall be fined separately for each offense according to City Code Sec. 501.99. Each day a violation(s) and/or noncompliance exists shall constitute a separate offense.

C. **Appeal***.* If a person believes that a ticket received is an incorrect interpretation of the UDC by the Development Code Administrator or any other city official, then said person may file an administrative appeal of the decision for a hearing to be set with the Board of Zoning Appeals (BOZA). See Sec. 1109-07-B, *Appeals*. A person who elects to file such an appeal shall do so with the Development Code Administrator within ten (10) business days after issuance of a citation. Any monetary fines shall be stayed until a decision on the appeal is made. A person who files the appeal within the aforementioned timeframe shall pursue the approval of the appeal in an expeditious fashion.

D. **Petition for Variance, Rezoning, or Other Means***.* If applicable, a person who receives a ticket may apply for a variance, conditional use permit, rezoning, or other means provided by this UDC to correct the violation for which they be cited. A person who elects to file such an application shall do so with the Development Code Administrator within ten (10) business days after issuance of a ticket. Any monetary fines shall be stayed until a decision on the application is made. A person who applies within the aforementioned timeframe shall pursue the approval of the application in an expeditious fashion.

Sec. 1111-05, Sign Violations

A. **Threat to Public Safety**. The Development Code Administrator may remove a sign immediately and without the notice requirements of Sec. 1111-03, *Notice of Violation*, if the condition of the sign presents an immediate threat to the safety of the public. In the case of the removal of a sign, the City shall hold the sign for a maximum of fifteen (15) days. After the completion of the 15 days the City shall have the right to dispose of said sign(s).

B. **Cost Borne by Owner**. Any cost associated with signs removed pursuant to the provisions of this UDC shall be reimbursed by the owner of said sign.

Sec. 1111-06, Zoning Violations

A. **Failure to Obtain a Required Certificate or Approval**. Failure to obtain a Certificate of Zoning Compliance or other approval as required by specific sections of this UDC shall be a violation of this UDC and punishable under Sec. 1111-10, *Remedies and Penalties*.

B. **Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates**. Certificate of Zoning Compliance or other approvals issued on the basis of plans, plats, and/or applications authorize only the use and arrangement of structures. Any use, arrangement, or construction not in conformance with a specific approval shall be deemed a violation of this UDC, and punishable under Sec. 1111-10, *Remedies and Penalties.*

Sec. 1111-07, Planned Unit Developments

A. **Enforcement Options for Failure to Begin or Continue.** The construction of a subdivision under PUD 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:

1. *Failure to Submit Record Plan.*

    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.

    b. The Planning Commission, for good cause, may extend for consecutive periods of six (6) months or less the time for submitting the Record Plan application.

2. *Failure to Begin Construction.*

    a. If no construction has begun in the PUD 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.

    b. The Planning Commission, for good cause and in its sole discretion, may extend for periods of up to six (6) months the time for beginning construction.

3. *Sale Prior to Completion.*

a. Should a land owner who has been authorized to develop a PUD under this Section, or under any previous PUD regulations of the City, sell or otherwise convey ownership of any part of that PUD 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 PUD and to have breached all agreements with the City to the extent that they relate to development of the portion sold.

b. In consideration of whether a PUD 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 remedy available to it under the law.

c. In a situation where the new owner wishes to continue the development of a subdivision, requires the new owner to execute a subdivider'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.

d. Enforce the subdivider's contract executed by the former owner, if such contract exists.

e. Withdraw its approval of all plans for that portion of the PUD 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 subdivider of the conveyed property.

4. *Continuation by New Owner.*

a. 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.

b. 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.

c. The new owner shall not deviate from the approved plans except through the revision procedures outlined in this UDC, or by requesting and receiving a change of zoning classification.

5. *Vacation of Record Plan*. 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 Planning 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.

B. **Administrative Remedy for Failure to Conform to Final Development Plan.**

1. 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.

2. 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 the opportunity for a hearing before the Planning Commission.

3. Following the 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.

4. Notice of certification of revocation shall be promptly recorded in the land records of Miami County.

5. This administrative remedy is in addition to all other remedies and penalties for violation of this UDC that are provided for herein or otherwise as a matter of law.

Sec. 1111-08, Demolition by Neglect

See Sec. 1109-06.G.5.k., *Demolition by Neglect*, of the UDC.

Sec. 1111-09, Stormwater and Drainage

A. **Right of Entry**. The City shall have the right, but not the responsibility, to enter upon any lot in the subdivision to inspect and monitor any stormwater detention basin areas or drainage facilities constructed in the subdivision.

B. **Negligent Construction and/or Negligent Maintenance**. In the event that the facilities are not properly constructed or maintained, upon the failure of the Developer or the responsible party 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 stormwater detention basin areas and drainage facilities; provided, however, that the Developer and/or the responsible party shall first have a reasonable period of time, taking into account the urgency of the matter, to take corrective action. Any costs incurred by the City of Troy for such maintenance may be assessed to the responsible party or, if the responsible party has ceased to exist, against individual lots in accordance with the declaration.

C. **Regulations Run with the Land**. Stormwater 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.

D. **Complaints**. The Development Code Administrator shall investigate any complaint related to earth-disturbing activities covered by this section.

E. **Owner Responsibilities.**

1. All construction site stormwater controls on the site shall be inspected at least once every seven calendar days and within twenty-four (24) hours after any storm event greater than one-half inch of rain per twenty-four (24) hour period. The site owner and/or applicant shall assign certified inspection personnel experienced in the installation and maintenance of erosion and runoff controls to conduct these inspections to ensure that all stormwater control practices are functional, that all provisions of the SMP and this regulation are being met, and whether additional control measures are required.
2. The site owner shall maintain for three (3) years following the final stabilization of the site a record summarizing inspection, names(s) and qualifications of personnel making the inspections, the date(s) of inspections, major observations relating to the implementation of the SMP and a certification as to whether the site is in compliance with the SMP and identify any incidents of non-compliance.

F. **City Inspections.**

1. All development sites are subject to inspection by the City to ensure compliance with the approved Subdivision development plan or SMP.
    a. After each inspection, a status report shall be prepared and distributed to the appropriate person(s).
    b. If it is found that the operations are being conducted in violation of the approved Subdivision development plan or SMP, a stop work order may be issued until the identified violations cease.
    c. After the issuance of a stop-work order, but before the imposition of any fines, the applicant shall have the opportunity to request a hearing before the Director of Public Service and Safety or his designee to show cause why work should not be stopped. A hearing shall be scheduled at the time that a written request for such a hearing is made to the Director of Public Service and Safety or his designee.
    d. Following the issuance of a stop-work order, the Director of Public Service and Safety or his designee shall determine if and when the development may proceed. Any determination by the Director of Public Service and Safety or his designee pursuant to this section is a final order for purposes of judicial review.
2. *Penalties Subsequent to Issuance of Stop-Work Order.*
    a. Subsequent to the issuance of a stop work order, one or more of the following penalties may be imposed.
        1) If the earth-disturbing activity involves a subdivision, the applicable penalties (including fines) provided for in the subdivision regulations of the City shall apply.

b. The Development Code Administrator may enter the site and make any modifications necessary to correct the situation involving excessive erosion or sedimentation and place the cost of such corrective actions on the tax duplicate of the owner.

c. The Development Code Administrator may request the legal representative of the City to seek an injunction or other appropriate relief to abate excessive erosion or sedimentation and secure compliance with this Section. In granting such relief, the court may order the construction of sediment control improvements and/or the implementation of other control measures and/or fines or any other relief the court determines.

Sec. 1111-10, Remedies and Penalties

A. **Fourth Degree Misdemeanor**. Whoever violates or fails to comply with or permits or causes any person in his or her employ to violate or fail to comply with any of the provisions of this UDC, shall be upon proper notice be guilty of a fourth-degree misdemeanor for each offense.

B. **Separate Offense for Each Day Committed**. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

C. **Public Nuisance**. In addition, or in the alternative, a person who violates or fails to comply with or permits or causes any person in his or her employ to violate or fail to comply with the provisions of this UDC shall be deemed to be creating a public nuisance, and the creation thereof may be enjoined, and maintenance thereof may be abated by legal action.

D. **Property Owner Liability**. The property owner shall be held liable for any person, tenant, guest, or occupant who violates any of the provisions of this UDC.

E. **Injunction.** The City's Law Director may institute a suit for an injunction in any court of competent jurisdiction to restrain a person from violating the provisions of this UDC or to declare a public or private nuisance that is effectively non-repairable be abated in an appropriate manner including but not limited to the removal of any structure within the jurisdiction that is deemed to be a public or private nuisance.

Chapter 1112 – Rules of Interpretation and Definitions

Sec. 1112-01 Rules of Interpretation.

A. **Provisions are Minimum Requirements.** In the interpretation and application of the UDC, the provisions of this UDC shall be held to be the minimum requirements for the protection of the health, safety, comfort, convenience, and general welfare of the residents of the City.

B. **Measurement of Distance.** Unless otherwise expressly stated, distances specified in this UDC are to be measured as the length of an imaginary straight line joining those points.

C. **Conflicting Provisions.**

1. *Greater Restriction Applies.* Where this UDC imposes a greater restriction upon the use of a building, structure, or premises than is imposed or required by such existing provisions of law, the provisions of this UDC shall control. Should there be determined to be a conflict between two provisions within the UDC, then the stricter provision shall apply.

2. *Private Agreements.* It is not the intent of this UDC to interfere with, abrogate, or amend any existing easements, covenants, or other private agreements between parties. Where a private agreement imposes a greater restriction than is imposed by this UDC, enforcement of those private restrictions shall be between the parties. The City shall not enforce any private agreement.

3. *Text, Tables, and Illustrations.* In the case of any conflict of meaning or implication between

   a. The text of this UDC and any illustrations within the UDC, the text shall control.

   b. The text of this UDC and a table within the UDC, the text shall control.

   c. A table within this UDC and an illustration within the UDC, the table shall control.

D. **Administration.** The Development Code Administrator shall have the primary responsibility of administering the UDC within the City of Troy. However, whenever a provision requires a city employee to do some act or perform some duty, it is to be construed to authorize the employee to delegate a subordinate to perform the required act or duty, unless the terms of the provision specify otherwise.

E. **Other Requirements.** Nothing in this UDC shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the city, the state, or any federal agency.

F. **Statutory Changes.** If any Ohio Revised Code (ORC) cited in this UDC has been amended, this UDC shall be deemed amended in reference to that new or revised provision of law.

G. **Severability.** If any provision or provisions of this UDC, 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 court 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 UDC shall continue to be fully effective.

H. **Defined Terms.**

1. *UDC Terms.* Specific words and terms relative to this UDC are as defined in Sec. 1112-02, *Definitions*.
2. *Code of Ordinance Terms.* Words not defined in this UDC but defined in other parts of the City's Code of Ordinances shall be deemed to have the meaning provided in the City's Code of Ordinances.
3. *Other Terms.* Words not defined in this UDC or in any other part of the City's Code of Ordinances shall have the most appropriate meaning provided in a dictionary of common usage.

I. **Additional Rules of Interpretation.**

1. The use of the terms “including,” “such as,” or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.
2. The term “and” indicates that all items being referred to are connected, inclusive, and applicable. The term “or” indicates that one or more of the items being referred to shall apply.
3. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and vice-versa.
4. Words used in the plural number include the singular and vice-versa.
5. The term “building” includes a “structure”; a “building” or “structure” includes any part of the building. A structure is, however, not necessarily a building.

Sec. 1112-02 Definitions.

ABANDONED USE. A specific land use as identified within this UDC that is no longer used for the purpose for which it was originally permitted within this UDC. A land use becomes abandoned when it is not used in the capacity it was permitted 180 days.

ACCESSIBILITY RAMP. A constructed incline designed to provide safe and equitable access for individuals with mobility impairments, including those using wheelchairs, walkers, or other assistive devices that complies with applicable accessibility standards, such as the Americans with Disabilities Act (ADA), to facilitate entry to buildings, sidewalks, or other public and private spaces.

ACCESSORY DWELLING UNIT, ATTACHED. A dwelling unit that is structurally attached to a principal building that has separate kitchen facilities, separate common areas, and separate exterior access. The accessory dwelling unit shall be no larger than 1/3rd the size of the principal dwelling unit. Apartments on the second floor of a building where the first floor and principal use of the building is for commercial purposes are not included within this definition.

ACCESSORY DWELLING UNIT, DETACHED. A secondary dwelling unit on the same parcel of property that does not have a wall, roof, or another structural component in common with the primary structure on the property. The accessory dwelling unit shall be no larger than one-half 1/2 the size of the principal dwelling unit. This also includes, but is not limited to, guest houses. This term does not include dwelling units within the definition of loft residential.

ACCESSORY STRUCTURE. Any structure that is customarily incidental and subordinate in area, extent, or purpose to the principal building, structure or use that it serves, and is located on the same zoning lot as the principal building, structure, or use.

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.

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.

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.

ADULT DAY SERVICES. A facility, licensed by the State of Ohio, that offers a social environment for older adults, and which provides planned activities while also providing professional care. This use operates during normal business hours and individuals will attend based on a day/week, hours/day schedule.

ADULT ENTERTAINMENT BUSINESS. A business that is defined as either an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, massage parlor, semi-nude model studio, or sexual encounter center.

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.

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.

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.

ADULT USE CANNABIS OPERATORS. Any use that can be defined as either a level I adult use cultivator, a level II adult use cultivator, a level III adult use cultivator, an adult use processor, and an adult use dispensary.

ADULT USE CULTIVATOR. A person licensed pursuant to either Ohio Revised Code (ORC) Section 3780.12 or Section 3780.13, as amended from time to time, and any rules promulgated to cultivate adult use cannabis as authorized.

ADULT USE DISPENSARY. A person licensed pursuant to ORC Section 3780.15, as amended from time to time, and any rules promulgated thereunder to sell adult use cannabis as authorized.

ADULT USE PROCESSOR. A person licensed pursuant to ORC Section 3780.14, as amended from time to time, and any rules promulgated thereunder to manufacture adult use cannabis as authorized.

ADULT USE TESTING LABORATORY. An independent laboratory located that has been issued a license by the division of cannabis control to have custody and use of adult use cannabis for scientific purposes and for purposes of instruction, research, or analysis.

ADVERSE EFFECT. An occurrence or condition which includes but is not limited to destruction or alteration of all or part of a property; isolation from or alteration of a property's surrounding environment; or neglect of a property resulting in its deterioration or destruction.

AFRICANIZED BEE. Any hybrid of the honey bee species Apis mellifera that possesses genetic lineage from African subspecies, including Apis mellifera scutellata, and that demonstrates behavioral characteristics consistent with Africanized honey bees, including but not limited to excessive defensiveness, a propensity to attack in large numbers when disturbed, frequent swarming or absconding, or other traits that pose an elevated risk to public health and safety.

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 UDC;
c. The feeding of garbage to animals, or the operation or maintenance of a commercial stockyard or feed yard.

AIRPORT / HELIPORT. Any area of land or water designed and set aside for the landing and take-off of aircraft.

ALCOHOL SALES, ON-SITE CONSUMPTION. The retail sale of beer, wine, or other alcoholic beverages for on-premise consumption.

ALCOHOL SALES, OFF-SITE CONSUMPTION. The retail sale of beer, wine, or other alcoholic beverages for off-premise consumption.

ALLEY. A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.

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.

ANTENNA SUPPORT STRUCTURE. Any building or other structures other than a tower that can be used for location of wireless telecommunications facilities.

APPEAL. A request for a review of the interpretation of any provision of this UDC.

APPLICANT. Any person that applies for a permit pursuant to this UDC. This person shall be either the owner or lessee of the property for which the permit is being applied for or be a duly authorized representative of said owner.

APPLICATION. The process by which an applicant submits a request and indicates a desire to be granted a permit under the provisions of this UDC. 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.

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.

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.

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.

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.

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.

AS-BUILT PLANS. A drawing that represents a true location of what is being measured or what has already been built in the field, such as water and sewer lines.

ASSURANCE OF COMPLETION. A contract secured by a performance bond or other guarantee or security satisfactory to the City Council, guaranteeing completion of public improvements which are required by this UDC.

AUTOMOBILE FUEL DISPENSING STATION. A retail outlet for the dispensing of vehicular fuels to the general public.

AUTOMOBILE / VEHICLE SALES. The use of any building, land area, or both for the display and sale of new or used automobiles, which may include light trucks or vans, motorcycles, trailers or recreational vehicles, and where any vehicle preparation or repair work is conducted solely as an accessory use.

AUTOMOBILE / VEHICLE RENTAL. The use of any building, land area, or both for the rental of new or used automobiles, which may include light trucks or vans, motorcycles, trailers or recreational vehicles. Vehicle preparation or repair work is not permitted as an accessory use as part of this primary use.

AUTOMOBILE PARKING LOT (PRIMARY USE). Any area other than a street, driveway, or alley primarily used for the parking of motor vehicles, with or without a fee. This definition includes parking garages.

AUTOMOBILE REPAIR, MAJOR. An establishment primarily engaged in the repair or maintenance of motor vehicles including trucks, trailers, and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul.

AUTOMOBILE 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.

AWNING. See “Sign, Canopy”

BANK, CREDIT UNION, AND FINANCIAL SERVICES. Commercial banks, savings and loan associations, credit unions, brokerage offices, and other similar financial institutions, including check cashing establishments and payday loan businesses. This includes cash advance businesses.

BANNER. See Banner Sign.

BARBER AND BEAUTY SHOPS. A commercial establishment providing personal grooming and cosmetic services to the public, including but not limited to hair cutting, hair styling, hair coloring, shampooing, shaving, beard trimming, manicures, pedicures, facials, waxing, and other similar services. Such establishments do not include medical or surgical cosmetic procedures.

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.

BASE (100-YEAR) FLOOD ELEVATION (BFE). The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988 and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

BASEMENT. That portion of a building which is partly or completely below grade.

BASKETBALL HOOP. A fixed or portable structure consisting of a backboard, hoop, and net, designed for recreational or athletic use in playing basketball.

BEEKEEPING. One or more hives or boxes occupied by bees (hives or boxes include colonies), but does not include honey houses, extraction houses, warehouses, or appliances.

BERM. A continuous raised earthen mound with a flattened top and sloped sides capable of supporting live landscaping materials.

BIKE TRAIL. Segregated facilities such as roads, tracks, paths, or other marked lanes designated for use by bicyclist and pedestrians where motorized vehicles are prohibited.

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.

BLOCK FACE. A single side of a dedicated street running from street to street including parcels and public right-of-way.

BOND. An agreement by a developer with the City for an established construction cost for any incomplete work of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications that have been approved by the City.

BUFFER. A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Construction activities in this area are restricted or prohibited.

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.

BUILDING MATERIALS STORE. The retail sale, rental, or lease of construction materials, including but not limited to lumber, cement, roofing materials, and other related products. This type of store may include outdoor storage and display of products and provide designated loading and unloading zones for customers to facilitate the transportation of bulky items.

BUILDING PAD. A building site prepared by artificial means, including but not limited to grading, excavation, or filling, of any combination thereof.

BUILDING FRONTAGE. The total width of all sides of an enclosed building which faces a public right-of-way, measured by lines perpendicular to, or on the radius of, the public right-of-way. When the building is located on a parcel not abutting a public right-of-way, building frontage shall be determined with reference to abutting private drives.

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.

BUILDING SETBACK. The minimum linear distance between a sign, building, or structure and the right-of-way line of a public street or the side lot line of an adjacent parcel.

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.

CAR WASH. Any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation (e.g., as an accessory use to an automobile fueling or charging station, automobile sales, rental, and service), or as a stand-alone operation, of any type, on a commercial basis. The term automobile wash and automobile laundry are included within this definition.

CASINO GAMING CENTER. A facility where legal gambling is conducted, including the operation of games of chance such as slot machines, table games, electronic gaming devices, and other licensed gaming activities, in accordance with applicable state and

federal regulations. This facility may include accessory uses customarily incidental to its operation—such as restaurants, bars, entertainment venues, retail spaces, parking structures, conference areas, and lodging—provided these are located on the same premises and supportive of the primary gaming use.

CEMETERY. Land used or intended to be used for the burial of deceased humans and/or animals.

CERTIFICATE OF APPROPRIATENESS. A certificate issued by the Planning Commission or Zoning Administrator indicating that the proposed change, alteration or demolition of a historic building or structure within a historic site or district, is in accordance of the provisions of this Chapter and Guidelines.

CERTIFICATE OF ZONING COMPLIANCE. That document signed by the Zoning Development Code Administrator which certifies that the use to be made of a particular property is a permissible use according to the terms of the UDC.

CHANNEL. A natural or artificial water course 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.

CHILD CARE CENTER. A facility that temporarily assumes responsibility for persons aged thirteen and younger other than those related to the residents of the premises. Such responsibility shall consist of administering to the needs of those persons aged thirteen and younger during any part of a twenty-four-hour day for a period of two (2) consecutive days. The child care center must comply with ORC 5104. This includes day-care centers.

CHILD CARE HOME. A child care facility that is operated by a party who resides at the dwelling unit and that complies with ORC 5104 as a type A or type B family day-care home.

CITY. The City of Troy, Ohio.

CITY COUNCIL. The Council of the City of Troy, Ohio.

CITY ENGINEER. The Engineer of the City of Troy, Ohio or duly authorized representative.

CODIFIED ORDINANCES. The Codified Ordinances of City of Troy, Ohio, as amended from time to time.

COMMERCIAL MESSAGE. A sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

CO-LOCATION WIRELESS TELECOMMUNICATIONS. The use of a wireless telecommunication facility by more than one wireless telecommunications provider**.**

COMMERCIAL RECREATION AND AMUSEMENT SERVICES, INDOOR. Uses that provide commercial amusement indoors. Indoor amusement includes but is not limited to bowling alleys and pool rooms; indoor sports arenas; movie theaters and live theaters; indoor skating rinks (ice or roller); video arcades; and coin-op machines such as pinball.

COMMERCIAL RECREATION AND AMUSEMENT SERVICES, OUTDOOR. Uses that provide commercial amusement outdoors. Outdoor commercial amusement uses include but are not limited to outdoor arenas or stadiums (such as amphitheaters, drive-in theaters, sports stadiums, concert facilities, rodeos, and racing facilities); amusement parks or theme parks; country clubs; fairgrounds; golf courses; miniature golf establishments; golf driving ranges; water slides; and batting cages. This use does not include recreational vehicle parks.

COMMON OPEN SPACE. A parcel of land or an area of water or combination of both land and water, within a site designated and intended for the use and enjoyment of the residents of a specific subdivision that is privately and collectively owned by the residents of said subdivision.

COMMUNITY GARDEN. Privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

COMPREHENSIVE PLAN. The long-range plan for the desirable use of land within and around the incorporated limits of the City as officially adopted and as amended from time to time.

CONCEPT 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.

CONDITIONAL LETTER OF MAP REVISION (CLOMR). A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

CONSTRUCTION BUILDINGS AND STRUCTURES. A building used for project management proposes during a construction project.

CONSTRUCTION DUMPSTERS. Temporary dumpsters at a construction site for the disposal of garbage during a construction site.

CONSTRUCTION YARD. An area used temporarily to stage construction of a site or infrastructure and may include storage of materials and associated activities only for the duration of the construction project.

CONTRACTOR'S SHOP. An area used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor. This definition excludes temporary contractor storage associated with the site of an ongoing construction project. This includes a contractor's yard, carting, express, hauling, or storage yards.

CONVERSION. Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or rooming units.

CORRECTIONAL INSTITUTION. A place of confinement for persons who have broken the law, are awaiting trial, or have been convicted of criminal offenses.

COUNTY. County of Miami, State of Ohio.

COUNTY ENGINEER. The Engineer of Miami County, State of Ohio.

COVENANT. A written agreement, promise, or pledge.

CREMATORIUM. A location containing a properly installed, licensed, or certified apparatus intended for cremating human or animal remains.

CRITICAL STORM. A storm which is calculated by means of the percentage increase in volume of runoff by a proposed activity or development area. The critical storm is used to calculate the maximum allowable stormwater discharge rate from a site.

CROSSWALK. Any portion of a street or road, whether at an intersection or elsewhere, which is identified for pedestrian crossing by lines, pavement or other markings on the surface.

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.

CULVERT. A closed conduit for the passage of surface drainage under a street, driveway or other embankment.

CUT. An excavation. The difference between a point on the original grade and a designated point of lower elevation on the final grade.

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.

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.

CUTOFF CORNER. A truncated corner at the intersection of two street lines created by a line joining points located a specified distance from the intersection of the street right-of-way lines or lot lines.

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.

DATA CENTER. A facility or portion of a facility used primarily to house computer systems, servers, data storage equipment, network and telecommunications equipment, and associated mechanical, electrical, cooling, and backup power systems for the processing, storage, transmission, hosting, or management of digital data and information. A data center may include accessory administrative offices, security, and equipment maintenance areas, but does not include a general office use, call center, broadcasting studio, or light industrial use except as accessory to the principal data center use.

DECORATIVE FENCE. A fence with material composed of iron or steel that is forged or fabricated into ornamental shapes and patterns.

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

DENSITY, GROSS. The number of dwelling units per acre of the total land to be developed.

DENSITY, NET. The number of dwelling units 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.

DETACHED GARAGE OR CARPORT. A building or structure, that is detached from the primary structure and that is used or designed to be used for the parking and storage of vehicles.

DETENTION BASIN. An impoundment area created by construction an embankment, excavating a pit, or both, for the purpose of temporarily storing stormwater.

DETENTION FACILITY. A detention or alternative structure designed to temporarily store stormwater runoff and gradually release the stored water at a controlled rate.

DETENTION STRUCTURE. A permanent structure that provides temporary storage for water runoff. Detention Structures are expected to be dry under normal conditions.

DEVELOPER. The owner or owners 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.

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.

DEVELOPMENT CODE ADMINISTRATOR. The City of Troy Director of Public Service and Safety, or designee, who is responsible for administering and enforcing this UDC.

DEVELOPMENT PLAN. A detailed engineered drawing of a commercial, industrial, institutional, or residential development project, showing proposed buildings and structures with typical elevation, existing site conditions, and proposed improvements with sufficient detail for agency review, approval, and subsequent construction.

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.

DIMENSIONS. Geometric measurements in length and width which denote a physical area (i.e., a lot or street right-of-way).

DIRECT RECHARGE AREA. That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

DISTRIBUTION CENTER. 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. This includes railroad stations, depots, train yards, classification yards, and team tracks.

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.

DITCH. An open channel either excavated or natural for the purpose of drainage or irrigation.

DRIVE-IN FACILITY. A commercial establishment where customers remain in their vehicles to place and receive orders, and where food and beverages are delivered to the vehicle. These facilities typically include drive-thru lanes, parking spaces for customers, and designated areas for food preparation and pickup.

DRIVE-THROUGH FACILITY. An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

DRIVEWAY. Hard surfaced vehicular paths for vehicles leading from the improved street or road to a garage or house.

DUPLEX. A residential building designed and used for two separate dwelling units, having the appearance of a single unit detached dwelling unit. Each unit has direct access to the outside and shall accommodate occupants living independently of each other.

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.

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.

EARTH DISTURBING ACTIVITY. Any grading, excavation, filling, or other alteration of the earth's surface where natural or manmade ground cover is destroyed.

EASEMENT. A grant by a property owner to an individual, group of individuals, organizations, or any other legal entity, to cross property lines to accommodate vehicle sight distances, street maintenance, the placement of stormwater drainage, watercourses, sewer, water, natural gas, electric, telephone, cable television, or other specified purpose.

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.

ELECTRIC VEHICLE (EV) CHARGING STATION. Any building, land area, premises or portion thereof, where electricity is sold to allow for the continued usage of an electric vehicle. Light maintenance activities such as minor repairs may be conducted and convenience goods or services may be offered.

ENGINEER. Any person registered to practice professional civil engineering by the State Board of Registration as specified in Ohio Revised Code (ORC) 4733.14.

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.

ESCORT AGENCY. A person or business association that for a fee, tip, or other consideration, furnishes, offers to furnish, or advertises to furnish, escorts as one of its primary business purposes.

ESCROW AGREEMENT. A written agreement, which is a form of performance guarantee, that defines the basic obligations of money (or other valuables) to be deposited in escrow, and how the escrow is to be released.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of improved public streets and/or underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, video service providers, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, provided that no such use is not already provided for within an existing land use definition within this UDC.

FAÇADE. The face or front of a structure of any vertical surface thereof adjacent to a public way.

FARM. Land used for growing of usual farm products and/or raising of usual farm poultry and farm animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

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

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.

FENCE. A vertical barrier constructed of wood, metal, vinyl, wire, or other approved materials, designed to enclose, screen, or separate areas of land. A fence may be open or semi-opaque in character, allowing partial visibility through the structure. For the purposes of this UDC, a fence is distinguished from a wall by its lighter construction and its non-masonry materials. Fences may be used to provide delineation of property boundaries, control access, or offer a visual buffer between differing land uses, but are not intended to function as a fully opaque or noise-mitigating barrier unless specifically required by this UDC.

FILL. Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the resulting grade conditions. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

FINAL DEVELOPMENT PLAN. Any PD application that fulfills the requirements of Step 2 in the Planned Development approval process of this UDC.

FINAL RECORD PLAT. A plat of a subdivision which, when approved by the City and filed with the Count Recorder, creates legal lots which may be sold by the developer without further City approval, and dedicates streets, easements and other lands to the public use. Also known as a Record Plan typically a map or plan drawn to scale of one or more parcels, tracts, or subdivisions of land, showing, but not limited to, boundaries, corners, markers, monuments, easements and other rights.

FLAG. A piece of fabric or other flexible material, typically rectangular, that is attached along one edge to a pole, staff, or cord and is designed to move freely in the wind. A flag displays colors, patterns, symbols, or emblems representing an official government, organization, or institution.

FLOOD. A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

FLOOD FRINGE. That portion of the flood plain outside the floodway.

FLOOD INSURANCE RATE MAP (FIRM). An official map on which FEMA has delineated the areas of special flood hazard.

FLOOD INSURANCE STUDY (FIS). The official report in which FEMA has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

FLOODPLAIN. The land adjacent to a body of water that has been or may be hereafter covered by floodwater.

FLOODPLAIN ADMINISTRATOR. The Director of Public Service and Safety or his designee who administers and implements the floodplain regulations.

FLOOD PROTECTION ELEVATION. The base flood elevation plus two (2) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the base flood elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.

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.

FREEBOARD. A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and hydrologic effect of urbanization in the watershed.

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.

FLOOR AREA RATIO (FAR). 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.

FOOTCANDLE. A unit of illumination equal to the amount of light received on a one-square-foot surface from a uniform source of light one foot away. Footcandle measurements shall be taken vertically at the property line using a calibrated light meter, with readings expressed as maintained illumination levels.

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.

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.

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.

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 UDC.

GOVERNMENT SERVICE. A local government facility for the conduct of public administration, public safety, and emergency services, including fire and police protection services, emergency medical and ambulance services, and any administrative offices connected to the use.

GROCERY. An establishment wherein the following are offered for sale, fresh fruits; fresh vegetables; bakery, meat, poultry, and fish products; frozen foods; along with processed and prepackaged food. These products are intended for home preparation and consumption. These establishments may also offer other home care and personal care

products and are substantially larger and carry a broader range of merchandise than convenience stores.

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.

GROUP HOME, FOSTER CARE. A residential facility use in a dwelling that provides room, board, personal care and supervision to foster children in a group setting. This term includes residential facilities licensed under O.R.C. Section 5103. Facilities providing the services and functions of Emergency Housing, Protective Care Facilities, or Transitional Housing as defined in this code shall not be considered foster care group homes. This term does not include “foster homes” as defined in O.R.C. Section 5103.02.

GROUP HOME OPERATOR. Also, “residential facility operator.” The person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license and/or certificate of zoning compliance.

GROUP HOME, SUPPORTIVE CARE. A residential facility use in a dwelling, that provides room, board, personal care and supervision for its residents. This term includes any of the following definitions: a Class II residential facility for individuals recovering from alcohol or drug addiction or requiring mental health support as defined by the Ohio Revised Code (O.R.C.) Section 5119; and a residential facility for individuals with developmental disabilities as defined by O.R.C. Section 5123. Within the home, residents function in a family-like setting. Facilities providing the services and functions of Emergency Housing, Protective Care Facilities, or Transitional Housing as defined in this code shall not be considered supportive care group homes.

GUIDELINES. The document adopted by the Troy Planning Commission "The Historic Preservation Overlay Design Guidelines. 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 Architectural Design Standards are intended to be construed to be compatible with each other. standards are intended to be consistent with each other.

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.

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.

HARDWARE STORE. A retail establishment that sells a variety of tools, fasteners, keys, locks, hinges, chains, plumbing supplies, electrical supplies, cleaning products, housewares, and other small items used in construction and home maintenance. This type of store does

not include outdoor storage and display of products and does not sell large raw materials such as lumber, which necessitates the need for loading and unloading zones for customers.

HEAVY EQUIPMENT RENTAL AND SALES. Industrial products which may be sold or rented to industrial or commercial users or the repair and/or servicing of industrial or commercial machinery, equipment, or products. This includes lawnmower sales.

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.

HISTORIC STRUCTURE. Any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminary determined by the US Secretary of the Interior as meeting the requirements for individual listings on the National Register; or
b. Certified or preliminarily determined by the US Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
c. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
d. Individually listed on the inventory of historic places maintained by the City, which is certified by the Ohio Historic Preservation Office.

HOME OCCUPATION. Any activity carried out for financial 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.

HOSPITAL / REHABILITATIVE CARE. A building or structure containing beds for at least four (4) patients and allowing for overnight or continuous care, diagnosis, and treatment of human ailments.

HOTEL. A building in which lodging is provided or offered to the public for compensation and which is open to transient guests.

HOUSE TRAILER. See Mobile Home.

HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS. An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

IMPROVEMENT. Provision of street pavement, curbs, gutters, sidewalks, sanitary sewer, drainage facilities, water services, street lights, flood control, utility lines, landscaping, and such other facilities as may be required for subdivision and development of land under the requirements specified in this UDC.

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.

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.

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.

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. This includes rescue missions.

LANDFILL. A solid waste disposal facility consisting of an area of land used for the disposal of any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service.

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

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.

LARGE ANIMAL VETERINARIAN. A facility or practice primarily engaged in the medical care and treatment of large animals, such as livestock (cattle, horses, sheep, goats, pigs) and other farm animals. This includes services such as diagnosis, treatment, surgery, and preventive care. The facility may include examination rooms, surgical suites, animal holding areas, and administrative offices.

LAUNDROMAT. A commercial establishment providing washing, drying, or ironing machines for hire to be used by customers on the premises.

LEGIBLE. A sign or message that can be understood by a person with at least an eighth-grade education. Where these Regulations require a determination of "legibility," the standard shall be based on the eyesight of an adult eligible to receive an Ohio driver's license (wearing corrective lenses if required by such license). Where the height of the person is material to the determination, the person shall be presumed to be more than five feet and less than six feet tall.

LETTER OF CREDIT. A letter from a bank guaranteeing that payment will be received on time and for the correct amount as form of a performance guarantee. In the event that the letter of credit is unable to cover payment, the bank will be required to cover the full or remaining amount.

LETTER OF MAP CHANGE (LOMC). An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are divided into the following categories:

LETTER OF MAP AMENDMENT (LOMA). A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate map and establishes that a specific property is not located in a special flood hazard area.

LETTER OF MAP REVISION (LOMR). A revision based on technical data that, usually due to manmade changes, shows changes to the flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

LEVEL 1 ADULT USE CULTIVATOR. A person who has a certificate of operation as either a level I cultivator or a level I adult use cultivator and who is licensed pursuant to ORC Chapter 3780 and any rules promulgated thereunder to cultivate adult use cannabis as authorized, and either person may operate up to one hundred thousand square footage of space designated as the cultivation area in the application which may be increased if a request for expansion is approved by the division of cannabis control.

LEVEL 2 ADULT USE CULTIVATOR. A person who has a certificate of operation as a level II cultivator or a level II adult use cultivator and who is licensed pursuant to ORC Chapter 3780 and any rules promulgated thereunder to cultivate adult use cannabis as authorized, and either person may operate up to fifteen thousand square footage of space designated as the cultivation area in the application which may be increased if a request for expansion is approved by the division of cannabis control.

LEVEL 3 ADULT USE CULTIVATOR. A person licensed pursuant to ORC Chapter 3780 and any rules promulgated thereunder to cultivate adult use cannabis as authorized.

LIBRARY. A publicly operated facility housing a collection of books, magazines, or other material for use by the general public.

LISTED PROPERTY. Any structure, group, district, or site so designated by the City pursuant to the City's Historic Preservation Overlay Districts.

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.

LOFT RESIDENTIAL. A dwelling unit or units within a building located on the second or higher floors where the first floor and principal use of the building is for commercial purposes. The number of units on the second and subsequent floors are not limited by this UDC but may be limited by the provisions of the Miami County, OH adopted building code in terms of room size and dwelling size.

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.

LOT AREA. The total horizontal surface area within the lot's boundaries.

LOT, CORNER. 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.

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.

LOT DEPTH. The average distance measured from the front lot line to the rear lot line.

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.

LOT, INTERIOR. A lot other than a corner lot with frontage on only one street.

LOT LINES. Lot boundary lines.

LOT LINE, 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.

LOT LINE, 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.

LOT LINE, SIDE. A lot line that is neither a front lot line nor a rear lot line.

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.

LOT, THROUGH. A lot other than a corner lot with frontage on more than one street.

LOT WIDTH. The distance between the side lot lines measured along the front building line.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

MAINTENANCE GUARANTEE. An agreement by a developer with the City, for a dollar amount determined by the City's Authorized Agent, which is based upon construction cost. The Maintenance Guarantee is an assurance against any deficiencies which might develop over a predetermined period of time in the physical improvements which have been constructed within a subdivision.

MAJOR SUBDIVISION.A division, or lot split, of a parcel or lot of land into more than five (5) buildable lots or more that requires a final record plat be approved by the Planning Commission as specified in O.R.C.711.131.

MANUFACTURED HOME. A building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards. Manufactured homes must meet the standards and definition of ORC 3781.06.

MANUFACTURED HOME PARK. A development constructed primarily for manufactured homes, with continuing local management and special facilities for common use by residents. Typically, the land or lots upon which the manufactured homes are located will not be owned by the resident of the individual manufactured home. Unless an express legal exception is made, all dwelling units within this use shall meet the requirements of a "manufactured home" as defined within this UDC.

MANUFACTURED HOME SALES. A business engaged in the sales or rental of manufactured homes.

MANUFACTURING. The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product.

MANUFACTURING, HEAVY. Establishments involved in the processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects; or a use engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

MANUFACTURING, LIGHT. Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage.

MANUFACTURING TRAINING FACILITY. A training facility offering instruction in one or more skilled or semiskilled trades or occupations. This may include overnight dwelling units as an accessory use.

MAP. A scaled drawing of a parcel or a subdivision of land.

MAXIMUM CAPACITY CARD. A placard issued by the building or fire code official indicating the maximum number of occupants permitted within a building, room, or assembly area based on applicable building, fire, and life-safety regulations.

MEDICAL AND DENTAL OFFICE / CLINIC. A use where medical, dental, psychiatric, psychological, chiropractic, and/or other outpatient services are performed.

MEDICAL AND DIAGNOSTIC LABORATORIES. A facility that is used for the express purpose of the design, fabrication, and repair of dental and optical goods, and / or a laboratory where tests are performed on biological specimens in order to obtain information about the health of a patient.

MEDICAL MARIJUANA CULTIVATION AND PROCESSING. See Chapter 3796 of the ORC.

MEDICAL MARIJUANA DISPENSARY. See Chapter 3796 of the ORC.

MICRO-UNIT. A residential dwelling unit that is only permitted within the UC or MU district and may be as small as 150 sq. ft. The use may be part of a mixed-use building where the first floor of the use is residential and where the second or subsequent floors may have more than one dwelling unit within this definition.

MINERAL EXCAVATION. Any use that uses heavy machinery to extract minerals from the earth. This use may include blasting and a quarry.

MINOR ARTERIAL. A street intended to collect and distribute traffic in a manner similar to principal arterial streets, except that these streets service minor traffic-generating areas such as community-commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches, and offices, and/or designated to carry traffic from collector streets to the system of principal arterial streets.

MINOR SUBDIVISION. A division of a parcel or lot of land into five (5) buildable lots or less that does not therefore require a final record plat to be approved by the Planning Commission as specified in O.R.C. 711.131. A minor subdivision does not require the opening, widening or extension of any street, it may be submitted to the Development Code Administrator for approval without a preliminary plan, provided, however, that a cumulative total of no more than five (5) lots shall be permitted on one (1) parcel of land without a replat.

MOBILE FOOD TRUCK. Any motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed, or stored and used to sell and dispense food to the consumer that holds all requisite health department, business, and resale licensures to sell food and beverages.

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. For purposes of this UDC, a mobile home is a dwelling unit that is built at a lower standard than the definition of “manufactured home.”

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. This term includes any roadway, building, structure, vehicle, or enclosure used or intended for used as a part of the facilities of such park.

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.

MONOPOLE. A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.

MONUMENT. Permanent concrete or metal marker used to establish boundary lines of the subdivision and points of change in street alignments. Monuments shall comply with the Ohio Administration Code (OAC) 4733-37-03.

MOVING COMPANY. A business engaged in the packing, loading, transportation, unloading, or temporary storage of household goods, personal property, office furnishings, or similar items for residential or commercial customers. This use may operate associated offices, dispatch facilities, and vehicle parking areas and may include self-service and full-service operations. This use does not include the land uses of distribution center, warehousing and storage, indoor, self-storage, mini-warehouse, or retail sales.

MULTI-DWELLING RESIDENTIAL. A building designed or used as a residence and containing separate cooking facilities, for four or more occupants living independently.

MURAL. An artistic work of expression that shows no intent to advertise a product or service that would garner an individual or a group of persons any level of financial gain. Said artistic work of expression is typically one that is painted onto a building wall or any other external structure and intended to be highly visible within the community.

MUSEUM. An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). A federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the federal government will make flood insurance available within the community as a financial protection against flood loss.

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the initial effective date of the City's FIRM or for properties subsequently annexed, the initial date of the Miami County's FIRMs; and includes any subsequent improvements to such structures.

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 size limitations or off-street parking requirements.

NONCONFORMING LOT. A lot existing at the time of enactment of this UDC or any subsequent amendments which does not conform to the dimensional standards of the zoning district in which it is located.

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 UDC.

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.

NON-STORMWATER DISCHARGES. Sources of discharged water that are substantial contributors of pollutants of an MS4 permitholder, such as: water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated groundwater infiltration (infiltration is defined as water other than wastewater that enters the sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include and is distinguished from inflow); uncontaminated pumped groundwater; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; water from crawlspace pumps; footing drains; lawn water; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire-fighting activities. These non-storm water discharge sources are authorized unless the Ohio EPA has determined and notified the development in writing otherwise.

NON-STRUCTURAL CONTROLS. Stormwater runoff control and treatment techniques that use natural measures to control runoff and/or reduce pollution levels, and do not require extensive construction efforts and/or do promote runoff control and/or pollutant reduction by eliminating the runoff and/or pollutant source. Examples include minimizing impervious area, buffer strips along streams, and preserving natural vegetation.

NUDE, NUDITY, 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.

NURSERY. Land, structures, or a combination thereof for the storage, cultivation, and transplanting of live trees, shrubs, or plants offered for retail or wholesale sale, including products used for gardening and landscaping. Products made through hydroponic farming are included within this definition.

NURSING HOME. The use of a site for one or more dwelling units designed and marketed specifically for the elderly, persons with physical disabilities, or both. This includes convalescent and extended care facilities and adult day care facilities (i.e., an establishment that specializes in providing necessary care, shelter, and nursing services and services to those unable to be fully responsible for themselves).

OCCUPANCY MAXIMUM. The maximum number of occupants permitted within a designated space, typically a dwelling unit or a unit of commercial space.

OCCUPANT. A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence. An occupant may also refer to a business operating regularly from a commercial unit.

OFFICE, GENERAL. The business office of a person or persons engaged in providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services. Offices carry on no retail trade with the public and maintain no stock of goods for sale to customers. This term does not include facilities used for governmental offices.

ONE-YEAR CAPTURE AREA. The area around the public water supply well fields delineated by the one-year travel time contour.

OPEN SPACE. An open area that may be on the same lot with a building. The area may include, along with the natural environmental features, improvements such as swimming pools, tennis courts, playgrounds, ball fields and other recreational facilities that the City deems permissive. Streets, stormwater structures, structures for habitation and the like shall not be included.

OUTDOOR DINING. That portion of a restaurant with tables located on the sidewalk or other open area in front of or adjoining the restaurant premises.

OUTDOOR DISPLAY AND SALES. The placement of products or materials for sale outside of a retail or wholesale sales establishment.

OUTDOOR STORAGE. The keeping, in an unenclosed area, of personal or business property, goods, wares, including vehicles, inventory or merchandise that are not for immediate sale, in the same place, for a period of more than seventy-two hours. This land use differs from outdoor display and sales in that the products are not being placed outside with the intent to sale said products to the general public.

OWNER. An individual, group of individuals, organization or any other legal entity having sufficient proprietary interest in land sought to be subdivided under requirements specified in this UDC.

PARCEL. Any legally described piece of land created by a partition, subdivision, deed or other instrument recorded with the appropriate entity or agency. Parcel is synonymous with Lot.

PARK. An area of land containing pasture, woods, lakes, and/or open space which is used for public or private recreational purposes.

PARK AMENITY. Any feature, facility, or improvement within a public or private park that enhances its usability, accessibility, or enjoyment for visitors. These amenities may include, but are not limited to, playgrounds, picnic areas, benches, walking trails, restrooms, athletic fields, water features, landscaping, lighting, and other recreational or supportive infrastructure designed to serve the community.

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.

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.

PARKS AND RECREATIONAL FACILITIES, PUBLIC. A site with indoor and/or outdoor facilities and/or structures that house community recreation activities owned, operated, or leased for operation by a public or quasi-public entity.

PARKS AND RECREATIONAL FACILITIES, PRIVATE. A site with indoor and/or outdoor facilities and/or structures that house community recreation activities owned, operated, or leased for operation by a private entity.

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.

PEAK RATE OF RUNOFF. The maximum rate of runoff for any 24-hour storm of a given frequency.

PENNANT. A string of shaped, brightly colored pieces of fabric, vinyl, plastic or other material, with or without a message or logo, intended to attract attention.

PERSON. Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or not-for-profit.

PERSONAL SERVICES. An establishment primarily engaged in providing services generally involving the care of the person; his or her apparel; or household items including but not limited to health studios and clubs; photo studios; seamstress and tailor; pet grooming; locksmiths; upholstery shop, not involving furniture manufacturing; blueprinting, photocopying, photo finishing services; catering services; sales offices and service centers; small appliance repair; radio and television repair; computer repair; and bicycle repair.

PERMITTED USE. Any use specifically allowed in a zoning district subject to the restrictions applicable to that zoning district without any additional use standards as provided in Chapter 3, Primary Use Standards, of this UDC.

PERMEABLE PARKING SURFACE. A parking area constructed of materials designed to allow stormwater to infiltrate into the ground, including but not limited to pervious concrete, porous asphalt, permeable pavers, reinforced turf systems, or similar engineered surfaces. When permeable, the parking surface shall be installed and maintained in accordance with applicable stormwater management standards and shall not include compacted gravel, bare soil, or other materials that do not provide measurable infiltration.

PET GROOMING. A facility engaged in the manicuring, bathing, clipping, and styling of pets.

PLACE OF PUBLIC ASSEMBLY, INDOOR. A building where people assemble for civic, educational, religious, or cultural purposes. This use includes event facilities, meeting halls, fraternal organizations, places of worship, dance halls, community centers, and private clubs.

PLANNING COMMISSION. The Planning Commission of Troy, Ohio.

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.

POTABLE WATER. Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.

PRE-DEVELOPMENT CONDITION. Site condition as it existed prior to any manmade alterations and/or activities.

PRELIMINARY PLAN. A tentative proposal for the subdivision of land that may include information related to roads, lighting, landscaping, natural features, access, soil erosion, and stormwater management submitted in map form to the Planning Commission for a decision set forth in this UDC.

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.

PRINCIPAL BUILDING. A building where the primary use of the lot is located; ordinarily the largest building on the lot.

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.

PROTECTIVE CARE FAMILY. A facility owned or operated by an agency or an individual authorized by the appropriate governmental licensing agency to provide housing, food, treatment or supportive services to: persons who have been assigned by a court to a protective environment in lieu of placement in a correctional institution; to individuals who have been institutionalized and released from the criminal justice system; or to individuals who have alcohol or drug problems or severe mental or emotional disturbances and who require the protection of a supervised group setting. This term shall include Class I residential facilities as defined in Ohio Revised Code Section 5119.34.

PUBLIC TRANSPORTATION TERMINAL. A facility that receives and discharges passengers at which facilities and equipment required for the transit provider's operation are provided.

PUBLIC WAY. An alley, avenue, boulevard, bridge, expressway, freeway, highway, land, parkway, recreational trail, right-of-way, road, sidewalk, street, tunnel, viaduct, walk, or other way in which the general public or public entity have a right of travel, or which are dedicated for travel purposes, whether improved or not.

RAISING OF SMALL OUTDOOR ANIMALS. The practice of keeping and breeding small animals such as chickens, rabbits, ducks, and other small livestock.

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.

RECONSTRUTION. 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.

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 Design Regulations and of Step 3 in the Planned Development approval process of this UDC.

RECREATIONAL TRAIL. A path for recreational uses for pedestrians, cyclists and other recreational uses. Motorized vehicles are prohibited.

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.

RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS. A parcel in single ownership on which two (2) or more recreational vehicle (RV) sites and/or camping sites are located, established, or maintained for occupancy by recreational vehicles or camp units as temporary living for recreation, education, or vacation purposes. This includes, but is not limited to, a trailer camp.

REFUELING STATION, COMMERCIAL TRUCK. Any building, land area, premises, or portion thereof, where petroleum-based fuels or other petroleum products are sold for commercial trucks, and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted, and convenience goods or services may be offered.

REGISTERED ARCHITECT. A person registered to engage in the practice of architecture under the provisions of sections ORC 4703.01 to 4703.19.

REGISTERED PROFESSIONAL ENGINEER. A person registered as a professional engineer under ORC 4733.

REGULATED STRUCTURE. Any building or structure for which a governmental permit is required for construction, installation, or maintenance.

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).

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.

REPLAT. A new recording of a previously recorded subdivision in which the purpose is to modify some portion of the originally final record plat.

RESERVE STRIP. A strip of land reserved or retained by the owner or subdivider for the purpose of controlling access to or from adjoining property, a street, or a public right-of-way.

RESTORATION. The act or process of accurately depicting the form, features, and character of a property as it was 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.

RESTAURANT. A business establishment where food and beverages are prepared, served, and consumed primarily within the principal building. This use differs from the land use term “tavern” in that less than fifty (50) percent of the businesses sales are from alcoholic beverages.

RETAIL SALES. Stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods. This includes stores engaged in the retail sale of products such as: florists, gift shops, apparel stores, drug stores, jewelry stores, art and school supplies stores, books, camera and photo supplies stores, candy and confectionary shops, hobby shops, leather goods and luggage stores, office supplies and stationery stores, optical goods stores, radio and television sales, service, and repair, variety stores, auction sales, bakeries, cigar, cigarettes, and tobacco stores, department stores, pet stores and supplies, and package liquor, beer, and wine stores.

RETENTION STRUCTURE. A permanent structure that provides for the long-term storage of runoff of water. Retention Structures retains a permanent pool of water.

RIDING ACADEMY. The use of land for personal and/or group lessons to designed to give students the opportunity to learn how to ride large animals such as a horse.

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.

ROUNDABOUT. A means of traffic control encouraging continuous slow-moving traffic flow as opposed to stopping traffic through the use of signs or signalization.

ROADSIDE AGRICULTURAL PRODUCE STAND. A small, sometimes temporary or seasonal establishment from which a farmer, gardener, or other person sells, delivers, or peddles any fruits, vegetables, flowers, berries, butter, eggs, fish, milk, poultry, meat, or other farm produce or edibles produced or manufactured by such person.

SALVAGE YARD. A place or a business that owns junk and/or salvage, and is operated to store, buy, or sell said junk and/or salvage. This includes scrap and used metal storage and reclamation.

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

SCHOOL, DRIVER TRAINING. A facility or institution primarily engaged in providing instruction and training to individuals in the operation of motor vehicles. This includes classroom instruction on traffic laws, road safety, and driving techniques, as well as practical, behind-the-wheel training. The facility may include driving simulators, designated driving practice areas, and administrative offices.

SCHOOL, HEALTH AND BEAUTY. An educational facility primarily engaged in providing instruction and training in the fields of health, wellness, and beauty. This includes programs such as cosmetology, esthetics, massage therapy, and other related disciplines. The facility may offer classroom instruction, practical training areas, and specialized equipment necessary for hands-on learning. The use of the property is specifically for educational purposes related to health and beauty and may include administrative offices, student services, and retail areas for educational supplies.

SCHOOL, PRIVATE. A private institution for children or adults devoted to learning. Playground equipment, athletic fields, athletic stadiums, cafeterias, gymnasiums, parking (including bus parking), and libraries are considered valid accessory use of this land use definition. This use does not include health and beauty schools or driver training schools.

SCHOOL, PUBLIC. A public institution for children or adults devoted to learning. Playground equipment, athletic fields, athletic stadiums, cafeterias, gymnasiums, parking (including bus parking), and libraries are considered valid accessory use of this land use definition.

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.

SEDIMENT BASIN. A barrier, dam or other facility built to reduce the velocity of water in order to settle and retain sediment.

SELF-STORAGE, MINI-WAREHOUSE. A structure containing separate, individual, and private storage spaces of varying sizes that are rented for varying periods of time and whose

tenants have access to such space for the purpose of storing and removing personal property.

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.

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.

SENSITIVE NATURAL AREA. Land or water areas characterized by unique, fragile, or high-value environmental features, including but not limited to wetlands, riparian corridors, floodplains, steep slopes, highly erodible soils, mature woodlands, critical habitat, and similar resources, where alteration may result in significant adverse impacts to water quality, habitat, drainage patterns, or ecological function.

SETBACK. The unobstructed, unoccupied open area between the foundation or base of a structure and the lot line on which the structure is located.

SETBACK, INTERIOR. A setback that allows only in the construction of townhouses which permits the development of zero-lot line developments.

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.

SHORT-TERM RENTAL. A residential building or structure that accommodates lodgers for compensation for a period of 29 consecutive days or less.

SIDEWALK. That portion of the road right-of-way outside the roadway which is improved to a width of five (5) feet or more for the use of pedestrian traffic. See the definition for Walkway in these regulations.

SIGN. A name, identification, description, including non-commercial content, display, illustration, usually including alphabetic or numeric characters, which is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land or affixed to the inside or outside of a door or window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN AREA. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. The area of a sign having more than one (1) display surface shall be computed as the total area of the exposed exterior display surface area.

SIGN, ABANDONED. A sign that no longer identifies, advertises, or relates to an existing business, product, service, activity, or use occurring on the premises where the sign is located.

SIGN, AERIAL. A balloon or other airborne flotation device that may or may not include feather banners, pennants, streamers, or other similar items that easily move with the wind and that are tethered to the ground or to a building or other structure that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered.

SIGN, AWNING. A sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building. A marquee or a canopy is not an awning.

SIGN, BANNER. A sign of lightweight fabric or similar non-ridged material that is mounted with no enclosing framework.

SIGN, BUILDING. A sign that is attached to, mounted on, or painted on a building. This includes awning signs, canopy signs, marquee signs, projecting signs, and wall signs.

SIGN, CANOPY. A sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area. An awning or a marquee is not a canopy.

SIGN, CHANGEABLE SIGN. A sign or portion thereof, designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign.

SIGN, CONSTRUCTION. A sign indicating the title and basic information regarding a project and indicating the names of architects, engineers, contractors and similar persons or firms involved in the design, construction and/or financing of the structure or project.

SIGN, DEVELOPMENT INDENTIFICATION. A sign which, by means of symbol or name, identifies a shopping center, commercial or industrial park, or other development that may contain a mixture of residential, commercial, and/or industrial uses.

SIGN, DIRECTIONAL. A sign directing vehicular and/or pedestrian movement into, within, and/or out of a premise.

SIGN, DRIVE-THROUGH. A sign designed to instruct customers or users in automobiles regarding specific products or services offered on the site or in the building, or regarding methods of payment accepted, or for receiving orders for products or services.

SIGN, ELECTRONICALLY CONTROLLED CHANGEABLE COPY SIGN. A sign or portion thereof that displays electronic information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.

SIGN FACE. The surface of the sign upon, against or through which the message of the sign is exhibited.

SIGN, FREESTANDING. A sign independently supported by the ground or mounted on a supporting structure that is placed on or anchored in the ground and is independent from any building.

SIGN, FREEWAY-ORIENTED. A sign located within one thousand (1,000) feet of any ramp of an interstate highway.

SIGN, FUEL DISPENSING EQUIPMENT. A sign attached to, painted on, or otherwise integrated with fuel-dispensing equipment, including signs located on the pump island or dispenser housing.

SIGN, GROUND. A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than thirty (30) inches clearance from the bottom of the sign to the ground below.

SIGN HEIGHT. The vertical distance from the uppermost point used in measuring the area of the sign to the ground immediately below such point or to the level of the upper surface of the nearest curb or a street or alley (other than a structurally elevated roadway) whichever measurement permits the greatest elevation of the sign.

SIGN, IDENTIFICATION. A sign which, by means of symbol or name, identifies the area or premises where such sign is located or to which it is affixed.

SIGN, INCIDENTAL. A sign containing no commercial message and typically erected to identify address, entrances, exits, restrooms, hours, days of operation, public utility locations, emergency address and telephone numbers, etc., and one (1) internally illuminated window sign to indicate that the business is “open”. These examples are not given by way of limitation; an incidental sign can contain any noncommercial message, in accordance with Section 749.05.

SIGN, INSTITUTIONAL. A sign, which by symbol or name, identifies an institutional use permitted within a residential zoning district and may also provide the announcement of services or activities to be held therein.

SIGN, ILLEGAL. A sign that is not a nonconforming sign, is not expressly permitted, and/or exempt from the provisions of this UDC.

SIGN, ILLUMINATED. A sign that is lighted by one (1) or more of the following artificial light sources:

a. *External*. A separate light source from the sign face or cabinet directed so as to shine on the sign face or exposed lights or neon tubes on the sign face.

b. *Internal*. A light source concealed within the sign structure.

SIGN, INTERNAL. A sign that is not intended to be viewed from outside the property and located so as not to be legible from any public right-of-way or from any adjacent property, including any signs in interior areas of shopping centers, commercial buildings and structures, stadiums, and similar structures of a recreational nature. Also included in such definition is a sign inside a building more than three (3) feet inside any window or door and any sign not attached to a window or door that is not legible from a distance of more than five (5) feet beyond the lot line of the zoning lot or parcel on which such sign is located.

SIGN, MARQUEE. A sign that is attached to, in any manner, or made a part of any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

SIGN, MOVING. Any sign which in part or in total rotates, revolves, or otherwise is in motion.

SIGN, NEON. A sign formed from neon lamps containing neon gas.

SIGN, NONCONFORMING. A sign lawfully existing prior to the enactment of the sign provisions of this UDC or any appropriate amendment thereto, but which could not be erected in accordance with such provisions or amendment.

SIGN, OBSOLETE. A sign that no longer advertises or identifies a bona fide business or product sold.

SIGN, OFF-PREMISE. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than where such sign is located.

SIGN, ON-PREMISE. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located.

SIGN, PERMANENT. A sign made of materials that are intended to last for more than a short period of time and intended for more than short term use, and such sign is attached to a building, attached to a structure, or is attached to the ground in some manner.

SIGN, PORTABLE. A sign that is movable, is not permanently attached to either the ground, a building, or a permanent structure, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. A portable sign includes any sign supported by a chassis that is designed to be easily moveable; any sign designed to be transported by means of wheels or skids. This definition excludes any lightweight "A-frame" base or any sign made out of other moveable items including, but not limited to, balloons, banners, flags, and umbrellas.

SIGN, PROJECTING. A sign attached to or supported by a building or structure in such a manner that it extends more than twelve (12) inches.

SIGN, ROOF. Any sign erected upon, displayed upon or supported by the roof of a building or structure.

SIGN, SPECIAL EVENT. A temporary sign, the function of which is to announce a special event on the site.

SIGN STRUCTURE. A structure specifically intended for supporting or containing a sign.

SIGN, SUBDIVISION IDENTIFICATION. A sign which, by means of symbol or name, identifies a subdivision.

SIGN, TEMPORARY. A sign which is placed for a time period of no more than twenty-eight (28) days in a calendar year, intended to announce temporary events, and is not attached to a building, to a structure, or into the ground in a permanent manner, such sign usually being constructed of poster board, cardboard, masonite, plywood or plastic material and mounted to wood, metal, wire or rope frames or supports.

SIGN, VEHICLE. Any sign attached to or painted on a vehicle parked and legible from the public right-of-way, unless said vehicle is used for transporting people or materials in the normal day-to-day operations of the business.

SIGN, WALL. A sign that is affixed to or attached to the wall of the building or other structure and which extends not more than twelve (12) inches from the face of such wall.

SIGN, WARNING. Any sign indicating the danger of a situation that is potentially dangerous.

SIGN, WINDOW. A sign that is affixed, painted on, or attached to the inside glass of a window or displaced within twelve (12) inches of the inside surface of a window designed and intended to allow those inside or outside the structure to view into or out of the building through the window.

SINGLE-DETACHED DWELLING. A detached dwelling unit with kitchen and sleeping facilities, designed for single occupancy and located on a single lot.

SKILL-BASED AMUSEMENT CENTER. A building that contains five or more functioning and active skill-based amusement machines that is held open to the public.

SKILL-BASED AMUSEMENT MACHINE. A mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes that are consistent with the specific detailed requirements of ORC Chapter 2915.01, *Gambling Definitions,* Subsection UU, *Skill-Based Amusement Machine***.**

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.

SINGLE-DETACHED DWELLING. A detached dwelling unit with kitchen and sleeping facilities, designed for single occupancy and located on a single lot.

SINGLE ROOM OCCUPANCY. A housing type consisting of one room, often with cooking facilities and with private or shared bathroom facilities. This term shall not include hotels/motels or bed and breakfast establishments. See “Transitional housing.”

SOLAR ENERGY SYSTEM, ACCESSORY. A method for generating electric power from solar that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.

SOLAR ENERGY SYSTEM, COMMERCIAL. A panel(s) or other solar energy system designed to absorb the sun's rays as a source of energy for generating electricity or heating or for

incidental sale to a utility when that equipment is accessory to a principally permitted use of the property.

SPECIAL EVENT. A temporary, short-term use of property, signage, or promotional devices occurring outside of a permanent building and not otherwise included as a permitted or accessory use.

SPECIAL FLOOD HAZARD AREA. Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by FEMA on FIRMs, in Flood Insurance Studies, on Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

SPECIFIED ANATOMICAL AREAS. The cleft of the buttock, anus, male or female genitals, or the female breast.

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.

START OF CONSTRUCTION. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

STEEP SLOPE. A slope over 15% or greater grade, which is characterized by increased run-off, erosion and sediment hazards.

STOP-WORK ORDER. An order issued which requires that all work on the site must cease except work associated with bring the site into compliance with the approved SWP3 or Subdivision development plan.

STORAGE / UTILITY SHED, DETACHED. A subordinate structure or building used primarily for storage purposes.

STORMWATER MANAGEMENT. Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

STORMWATER MANAGEMENT PLAN (SMP). The written document that meets the requirements of these subdivision regulations and that sets forth the plans and practices to be used to minimize stormwater runoff from a site and to safely convey or temporarily store and release post-development stormwater runoff at an allowable rate to minimize flooding and erosion.

STORMWATER POLLUTION PREVENTION PLAN (SWP3). The document required by the Ohio EPA for compliance with its NPDES Construction Activity General Permit #OHC00000 or current permit. A SWP3 is required as part of the City's Stormwater Management Plan described above and in this UDC.

STORM FREQUENCY. The average period of time (in years) within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

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.

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.

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.

STREET, COLLECTOR. A street that serves or is designed to serve as the connection from local streets to arterial streets. This type of street typically serves travel of primarily intracity trips rather than trips statewide. There are major collector and minor collector streets, with the distinction between the two types determined by capacity and traffic volume.

STREET, DEAD-END. A local street open at one end only and without a special provision for a vehicle turn-around.

STREET, FRONTAGE. The distance between the side lot lines measured along the front building line.

STREET JOG. An offset of two or more streets at their intersection where the centerlines of at least two of the street segments are not in alignment with one another on opposing sides of the intersection.

STREET, HALF. A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

STREET, LOCAL. A street that is designed and constructed to provide access to individual lots.

STREET, PRIVATE. Any street right-of-way that is not dedicated to public use, and which is maintained by a private entity, such as a property owners' association.

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.

STRUCTURAL CONTROLS. Any manmade facility, structure, or device that is constructed to provide temporary storage and/or treatment of stormwater runoff. Examples include retention and detention basins, rock check dams, swales, and constructed wetlands.

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.

STUDIO: ART, MUSIC, DANCE. A place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsperson, including persons engaging in the application, teaching, or performance of fine arts such as but not limited to drawing, vocal or instrumental music, painting, sculpture, and writing.

SUBDIVISION. The division of any parcel of land into two or more parcels for the purpose, whether immediate or future, of transfer of ownership; or the improvement of one or more parcels of, and involving the division or allocation of land for the opening, widening or extension of any street or streets, the creation of open spaces for common use by abutting properties, or easements for extension and maintenance of public utilities.

SUBDIVISION DEVELOPMENT PLAN. The written document, or set of plans, that meets the requirements of this Section that provides information on the location of the area proposed for development, the site in relation to its general surroundings, and existing characteristics of the site, including limits of activities.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two (2) separate occasions during any ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

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.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. When the combined total of all previous improvements or repairs made during the life of the structure equals or exceeds fifty percent (50%) of a structure’s market value, those improvements are collectively considered a substantial improvement. This term includes

structures which have incurred "substantial damage", regardless of the actual repair work performed. Substantial improvement does not, however, include:

a. Any improvement to a structure with is considered “new construction;”
b. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
c. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SURROUNDING NEIGHBORHOOD. All the principal residential buildings within 250 feet, measured in all directions from the subject property lines.

SURVEYOR. Any person registered to practice as a professional surveyor in the State of Ohio as specified in ORC 4733.

SWALE. A low lying stretch of vegetated land which gathers and carries surface water.

SWIMMING POOL. An above- or below-ground structure that is filled with water and used for swimming.

TATTOO STUDIO. A location where tattooing and body piercing is performed.

TAVERN. An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may also be available for consumption on or off the premises. Fifty (50) percent or more of the business’s sales shall be from alcoholic beverages.

TEMPORARY STORAGE POD. A portable, self-contained storage unit designed for short-term use, typically placed on a residential, commercial, or industrial property for the temporary storage of personal or business belongings.

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.

TEMPORARY VEGETATION. Short term vegetative cover such as oats, rye, or wheat, used to stabilize the soil surface until final grading and installation of permanent vegetation.

TENNIS AND OTHER RECREATIONAL COURTS (OUTDOOR). A designated outdoor area developed and maintained for the purpose of playing tennis or other similar recreational sports, including but not limited to pickleball, basketball, and volleyball. Such courts may be located within public parks, private clubs, residential developments, or commercial recreational facilities. These courts may include associated amenities such as fencing, lighting, seating, and landscaping, provided they comply with applicable zoning regulations

THOROUGHFARE PLAN. The Official Thoroughfare Plan, a part of the Comprehensive Plan, as adopted, and as amended from time to time, by the City of Troy, Miami County, Ohio, establishing the general location and official right-of-way width of streets in the City, and which is on file in the City Building.

TOBACCO, CIGARETTE, AND VAPE STORE. A retailer whose business exclusively or primarily involves the sale of tobacco products, vape products, and related goods.

TOWER. For the purposes of the wireless telecommunication facility regulations within this UDC, 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.

TOWNHOUSE. A single dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to the roof and with open space on at least two sides. Townhouses, or townhomes, are dwelling units that share a common wall at the lot line and that are on separate lots.

TRANSITIONAL HOUSING. A facility managed by a public or nonprofit agency that provides housing as well as supportive services, such as job training, health care, child care, counseling, and living skills training to victims of economic hardship, abuse or neglect. This term shall include Single Room Occupancy facilities. This term shall also include Class III residential facilities as defined in Ohio Revised Code Section 5119.34.

TRAMPOLINE. A recreational apparatus consisting of a strong fabric sheet or mat stretched over a metal frame and supported by springs or elastic bands, designed to provide a rebounding surface for jumping and acrobatic activities. Trampolines may be installed as standalone structures or incorporated into recreational facilities, residential properties, or commercial establishments.

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.

TREEHOUSE. A structure constructed above ground level and supported by one or more trees, designed for recreational purposes. The use shall only be an accessory structure and is subject to the requirements of this UDC.

TRIPLEX. A detached residential structure containing three individual dwelling units, each with direct access to the exterior and a common wall.

TRUCK PARKING (LARGE TRUCKS). The parking or short-term storage of one or more large trucks as a use that is subordinate and incidental to a lawful principal use on the same lot. Truck Parking includes the standing, staging, or temporary holding of semi-tractors, semi-trailers, box trucks, dump trucks, or other heavy commercial vehicles.

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.

UNDEVELOPED PROPERTY. A parcel upon which no building has been erected.

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.

VARIANCE. A grant of relief from the requirements of this UDC which permits construction in a manner that would otherwise be prohibited by this UDC, which may be granted only by the Board of Zoning Appeals.

VEHICULAR RAMP. A sloping surface that provides access between two different elevations for the use of vehicles. The start of a vehicular ramp begins when the lane used for the elevation change veers away from the lane that continues straight.

VENDING KIOSK. A self-service, interactive device that is located on the outer side of a principal building (or as a stand-alone unit outside and independent of the principal building), which is accessible to the general public for the purposes of dispensing product or information.

VERTICAL VISIBILITY. The minimum unobstructed distance between the top of an object four inches (4") high placed on the centerline of a street and another point on the centerline of the same street located 4.5 (four and one half) feet above the surface thereof.

VETERINARY CLINIC AND/OR SERVICE. Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injury of household pets.

VICINTIY MAP. A small map that is located on the subdivision final record plat, which sets forth by dimensions or other means the relationship of the proposed subdivision to nearby developments or landmarks and community facilities within the City in order to better locate and orient the area in question.

VIOLATION. The failure of a structure or other development to be fully compliant with these regulations.

WALKWAY. A public or private way intended for pedestrian, bicycle or other non-motorized vehicular use only, whether along the side of a road or connecting properties. See the definition for Sidewalk in these regulations.

WALL. A vertical, solid, and permanent structure constructed of durable materials such as masonry, stone, concrete, brick, or comparable materials, erected for the purpose of providing a visual screen, physical separation, security, or buffering between adjoining properties or land uses. A wall is typically opaque, designed to block views and mitigate impacts such as noise, lighting, or incompatible activities. For the purposes of this UDC, a wall is distinguished from a fence by its solid construction and is required where a more substantial barrier is necessary to protect or separate differing land uses.

WAREHOUSING AND STORAGE, INDOOR. A business establishment primarily engaged in the storage of merchandise, goods, and materials, not including "self-storage mini-warehouse."

WATERCOURSE. Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course either

continuously or intermittently and including any adjacent area which is subject to inundation by reason of overflow of flood water.

WATERSHED. The total drainage area contributing runoff to a single point.

WELL FIELD. A tract of land that contains a number of wells for supplying water.

WETLANDS. Surface areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. For further definition see the 1987 or most recent Corp of Engineers Wetland Delineation Manual.

WHOLESALE SALES. The sale of goods, merchandise, and commodities for resale by the purchaser.

WIND ENERGY SYSTEM, ACCESSORY. The use of land for generating electric power from wind that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.

WIND ENERGY SYSTEM, COMERCIAL. The use of land for generating power by use of wind, utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment.

WIRELESS COMMUNICATIONS FACILITIES (WCF). A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including, without limitation, directions, omni-directions and parabolic antennas, base stations, support equipment, small cell facilities, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this UDC.

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.

YARD, FRONT. A yard that extends across the front of a lot between the side lot lines, and being the minimum horizontal distance between the front lot line and the main building or the extension thereof, not including the usual steps and entryway.

YARD, REAR. A yard that extends across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the main building or the extension thereof, not including the usual steps and entryway.

YARD, SIDE. A yard that is located between the main building and the side lot line and extending from the front yard line to the rear yard line.

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.

ZONING OCCUPANCY PERMIT. A permit issued in accordance with the UDC to the occupant of a commercial or industrial building.

ZONING MAP. The Official Zoning District Map of the City as described in this UDC.