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ARTICLE 1 GENERAL PROVISIONS

SECTION 1.01 AUTHORITY

The Board of Township Trustees of Troy Township, Wood County, Ohio, in accordance with enabling legislation for township zoning as provided in Chapter 519 of the Ohio Revised Code, as amended, hereby adopts the following Zoning Resolution for Troy Township, Wood County, Ohio, by regulating, in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of building and other structures, including tents, cabins, and trailer coaches, percentages of lot area which may be occupied, set back building lines, sizes of yards, courts and other open spaces, density of population, uses of buildings and their structures including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township, and may establish reasonable landscaping standards and architectural standards excluding exterior building materials. For all these purposes, the board may divide all or any part of the unincorporated area of the township into districts and zones of such number, shape and area as are deemed best suited to carry out said purposes, providing a method of administration and prescribing penalties and proceedings for the administration and enforcement of this Resolution. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

SECTION 1.02 PURPOSE

This Resolution is adopted for the purpose of protecting and promoting public health, safety, convenience, comfort, prosperity, and general welfare; and facilitating adequate but economical provision of public improvements.

SECTION 1.03 INTERPRETATION AND CONFLICT

- 1.03.01 Interpretation. In interpreting and applying the provisions of this Resolution, the regulations set by this Resolution within each district shall be held to be the minimum requirements which promote the stated purposes of this Resolution and shall apply uniformly to each class or kind of structure or land, except as herein provided.
- 1.03.02 Conflict of Rules. It is not intended by this Resolution to interfere with or abrogate or annul any resolution rules or regulations previously adopted or issued and not in conflict with any of the provisions of this Resolution; nor is it intended by this Resolution to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided however, that where this Resolution imposes a greater restriction upon the use of buildings premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other resolutions or agreements, the provisions of this Resolution shall control.

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SECTION 1.04 VALIDITY

If any article, section, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

This Resolution shall become effective from and after the date of its approval and adoption as provided by law.

SECTION 1.05 APPLICATION

This Resolution shall apply to the entire portion of the unincorporated area of Troy Township, Wood County, State of Ohio.

The following uses shall be exempt from the provisions of the resolution pursuant to ORC 519:

- 1.05.01 Land Used for Agricultural Purposes. The use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes or land on which such buildings or structures are located is exempt from zoning districts established by this Resolution except as regulated in Section 7.01.01 (Regulation of Land Used for Agricultural Purposes).
- 1.05.02 Public Utility. The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroads for the operation of its business or the use of land for essential services shall be permitted in all districts established by this Resolution and no Zoning Permit shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad.
- 1.05.03 The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.
- 1.05.04 The use of land shall not be prohibited for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas is used pursuant to ORC 1509.03.

SECTION 1.06 COMPLIANCE WITH REGULATIONS REQUIRED

After the effective date of this Resolution and subject to the provisions of Article 11 (Nonconforming Lots, Structures and Uses) and any amendments hereto, the regulations set forth or referred to in the district regulations in which a building, structure or lot is located; and all other applicable regulation of this Resolution shall be complied with as follows:

- 1.06.01 No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located.

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- 1.06.02 No building, structure, or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located.
- 1.06.03 No yard or other open space existing about any building or structure shall be so reduced in area or dimension as to make it less than the minimum required by this Resolution.
- 1.06.04 No lot held under one ownership at the time of the effective date of this Resolution shall be reduced or subdivided in any manner below the minimum area and yard provisions required by this Resolution.
- 1.06.05 No yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Resolution shall be considered as providing a yard or open space for any other building or structure, and no yard or other open space on one lot shall be considered as providing a park or open space for a building or structure on any other lot.
- 1.06.06 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building on one lot except as specifically provided in Section 11.03.02(g).
- 1.06.07 Variances to these regulations in specific cases may be authorized by the Board of Zoning Appeals in accordance ORC 519.14 and 519.15 with the procedures and provisions specified in Section 12.06 (Variances).

ARTICLE 2 DEFINITIONS

SECTION 2.01 WORD USAGE

For the purposes of these regulations and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter.

- 1.01.01 Words used in the present tense include the future;
- 1.01.02 Words in the singular number include the plural number and vice versa;
- 1.01.03 The words "shall" and "will" are mandatory and not directory, and the word "may" is permissive.
- 1.01.04 The words "used for" include "designed for" and vice versa;

SECTION 2.02 DEFINITION OF TERMS OR WORDS

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

ACCESSORY SOLAR ENERGY SYSTEM.¹ An area of land or other area used for a solar collection system to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

ACCESSORY USE OR STRUCTURE. A use or detached structure (such as a garage) which is customarily incidental and subordinate to the main use of the land or principal building on the lot. E.g., Any structures restricted to residential use shall not be an accessory use. The office of a professional and hobby workshops not conducted for compensation shall be deemed accessory use. In commercial, institutional and industrial areas, parking lots are accessory uses.

ADVERTISING SIGN. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises.

AGRICULTURE. "Agriculture" shall include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production, the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage, any combination of the foregoing; the processing, drying, storage, and marketing of

¹ Amended 3/24/2021 by Resolution 02-2021 (effective 4/23/2021)

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agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

AGRICULTURE IMPLEMENT SALES AND RENTAL. The sale or rental of new or used agricultural implements and equipment to be displayed for sale on the premises.

ALL-TERRAIN VEHICLES. Self propelled motor vehicles designed for off-road usage on land and/or water, including, but not limited to, snowmobiles, dirt-bikes, 3-wheel/4-wheel ATV's, and water ski-scooters.

ALLEY. A strip of land, generally to the rear of a parcel or property, dedicated for public use which affords only a secondary means of access to the property or parcel abutting thereon.

ALTERATION. Any change to a structure which does not involve a structural change.

ANIMAL CARE FACILITIES. Structures, buildings, or enclosures used for grooming, medical treatment, care and temporary housing of animals, receiving treatment, with temporary housing being limited to 48 hours. Uses include but not limited to pet grooming, pet boarding, veterinary clinics and animal hospitals.

APARTMENT. A room or suite of rooms intended, designed, or used as a residence by a single family.

APPLICANT. The land owner or his authorized representative, who requests a zoning permit as authorized by this Resolution.

APPLICATION. Written request for a change in zoning classification or use authorization as provided for under this Resolution.

AREA OF BUILDING. The number of square feet included within the outside walls excluding porches, breezeways, and terraces.

AVERAGE FINISHED GRADE LEVEL. The average of the grade of the ground at all corners of a building or other structure.

BALCONY. A railing enclosed platform projecting from the outer wall of a building.

BASEMENT. A story partly or wholly underground and having more than one-half of its clear height below the average level of the adjoining ground. A basement shall not be considered a story for purposes of height measurement, or in determining the permissible number of stories.

BILLBOARD OR POSTER PANEL. Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from said display.

BOARD. The Zoning Board of Appeals of Troy Township.

BOARD OF TOWNSHIP TRUSTEES. The board of Township Trustees for Troy Township, Wood County, Ohio.

BOARDING HOUSE. A building or portion thereof, other than a hotel where meals, or lodging and meals for three (3) or more persons are provided for compensation.

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BOAT STORAGE. The storage of boats, similar watercraft and marine equipment.

BOTTOMLESS. Less than complete opaque covering of male or female genitals, pubic area or buttocks.

BUILDING. Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

BUILDING, ACCESSORY. See “Accessory Use or Structure”

BUILDING AREA. The space remaining on a lot after the minimum open-space requirements (coverage, yards, setbacks) have been met.

BUILDING, COMMUNITY. A building used by public or private non-profit agencies or organizations which provide social, educational and recreational activities and services to a neighborhood or community.

BUILDING COVERAGE. The amount of land covered or permitted to be covered by a building measured on a horizontal plane at mean grade level and excluding uncovered porches, terraces and steps.

BUILDING, FRONT LINE OF. The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

BUILDING HEIGHT. The vertical distance measured from the average finished grade level to, in the case of a flat roof, the level of the highest point of the roof, or, in the case of pitched roofs, to the mean level between the eaves and the highest point of the roof.

BUILDING LINE. A setback line for a principal building on a platted lot.

BUILDING, MAIN. A building in which is contained the principal use of the lot.

BUILDINGS, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which said building is situated.

BUSINESS SERVICES. Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or business.

BUSINESS SIGN. A sign which directs attention to the business or profession conducted or to the principal products sold upon the premises.

CAMPER VEHICLE. A motor vehicle with overnight accommodations for camping or travel.

CAMPGROUNDS. Land used or intended to accommodate two or more recreational vehicles, tents, or other individual camping units to be used as temporary housing for recreational purposes.

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

CHILD DAY CARE HOME, TYPE A. A permanent residence of the administrator licensed under ORC 5104 in which child day care or publicly funded child day care is provided for seven (7) to twelve (12) children at one time or for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age.

CHILD DAY CARE HOME, TYPE B. A permanent residence of the provider regulated by ORC 5104 in which child day care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two years of age at one time. This type of home shall be considered a residential use of property permitted in all zoning districts in which residential uses are permitted.

CHILD DAY CARE CENTER. Anyplace that provides day care or publicly-funded day care to thirteen (13) or more children at one time or anyplace that is not the residence of the licensee or administrator where child day care is provided to seven (7) to twelve (12) children at one time.

CHIMNEY.² The flue or flues that carry off exhaust from an Outdoor Furnace, firebox or chamber.

CLINIC, MEDICAL. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together or professionals licensed to practice the healing arts. Any building or other structure devoted to the diagnosis, treatment and care of out-patients.

CLUB. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for social, literary, political, educational or recreational purposes primarily for the exclusive use of members and their guests, but not primarily for profit or to render a service which is customarily carried on as a business.

COMMISSION. The Zoning Commission of Troy Township.

COMMERCIAL VEHICLE. Heavy machinery equipment, dump trucks, tractor and trailer rigs either as one unit or separately, vehicles having more than two axles on the road, and similar vehicles not ordinarily used for personal transportation.

CONDITIONAL USE. A use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board only when there is a specific provision for such conditional use made in this Resolution. A conditional use is not a nonconforming use.

COURT. An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

COURT, INNER. An inner court is any court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.

² Amended 4/25/2012 by Resolution 06-2012 (effective 5/25/2012)

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COURT, OUTER. An outer court opens onto a required yard, street, or alley. The width of an outer court is the minimum horizontal dimension measured in the same general direction as the yard, street, or alley upon which the court opens. The depth of an outer court is the minimum horizontal dimension measured at right angles to its width.

COVENANT. A private legal restriction on the use of land contained in the deed to property or otherwise formally recorded.

CUL-DE-SAC. A short street having one end open to traffic and being terminated by a vehicle turn-around.

COTTAGE. Building designed and/or constructed for seasonal occupancy only.

DAY CARE FACILITIES. A place other than the permanent residence, which administers to the needs of children or adults providing social, rehabilitation recreational, or educational activities on a daily basis with no provisions for residential care. Uses include, but are not limited to adult day care, child day care, rehabilitative care and nursery schools.

DENSITY. A unit of measurement representing the number of dwelling units per acre of land.

DENSITY, GROSS. The number of dwelling units per acre of total land to be developed including right-of-ways.

DENSITY, NET. The number of dwelling units per acre excluding right-of-ways.

DISH ANTENNA (EARTH STATION) - An accessory structure combination of:

- a) an antenna or dish antenna designed to receive communication or other signals from orbiting satellites;
- b) a low level noise amplifier (LNA) located at the focal point of the receiving antenna which magnifies and transfers the signal; and
- c) a coaxial cable which carries the signal into the interior of the building.

DISTRICT. An area or section of the township within which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, the requirements for off-street parking and the intensity of use are uniform.

DOMINANT TENEMENT. See "Tenement, Dominant."

DRIVE-UP. Establishment or facilities where goods or services are provided from windows or in drive through areas to customers in cars or to the cars, and where the cars are temporarily stopped or standing and which commonly does, or could involve a lineup of cars waiting in line for such goods or services. Current examples of drive-up developments included but are not limited to car washes, drive-up windows at banks and at fast food restaurants.

DWELLING. Any building or portion thereof which is designed and constructed with materials customarily used for residential structures used exclusively for residential purposes containing

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one or more dwelling units, and requires a resident building permit from the appropriate authority. The word "dwelling" includes the word "residence."

DWELLING, MULTIPLE-FAMILY. A building arranged, designed, and constructed with materials customarily used for residential structures to be occupied by three or more families living independently of each other and having independent and separate living areas, including apartment houses, apartment hotels, flats and group houses.

DWELLING, SINGLE-FAMILY. A dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single family.

DWELLING, TWO-FAMILY. A detached or semi-detached dwelling containing two (2) dwelling units and designed for or occupied exclusively by two (2) families living independently of each other

DWELLING UNIT. A room or group of rooms designed for residential occupancy with cooking facilities for a single family and occupied by a single family unit. There may be one (1) or more "dwelling units" within a single building.

E-CLASS WOOD BURNER.³ An Outdoor Furnace that has been approved by the EPA.

EASEMENT. A grant by the property owner of the use of a part of the property by the public, a corporation or persons for specific purposes.

EXTRACTION INDUSTRY. The removal of soil, sand, gravel or minerals from land or water for purposes of resale or use in the commercial operation of a business or the production of a good or service.

FAMILY. One or more persons who live together in one dwelling unit and maintain a common household, whether or not related to each other by birth or marriage. A "family" may also include domestic servants and gratuitous guests.

FARM MARKET. A commercial enterprise accessory to an agricultural use where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

FARM RECREATION ENTERPRISE. Farms, where part of the premises are adapted for use as recreation activities, including picnicking, paintball, sports areas, fishing waters, camping, scenery and nature recreation areas, hunting areas, hunting preserves and watershed projects.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls or from the centerline of walls separating two (2) buildings. "Floor area" shall not include: basement space, elevator and stair bulkheads, attic space, terraces, breezeways and open porches and uncovered steps.

FOOD PROCESSING. The preparation or processing of food products.

³ Amended 4/25/2012 by Resolution 06-2012 (effective 5/25/2012)

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FORESTRY. The growing and care of trees for commercial purposes, including the cutting and marketing of timber.

FRONTAGE. All the property on one side of a street between two intersecting streets (crossing or terminating), measured at the public right-of-way line, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

GARAGE, PRIVATE. A detached accessory structure or portion of a principal building designed or used for the storage of not more than four (4) motor vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle, which shall not exceed a one-ton capacity.

GARAGE, STORAGE. A building or portion thereof designed or used exclusively for storage of motor driven vehicles, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

GARBAGE INCINERATOR OR DUMP. A facility for dumping, storing, burying, reducing, disposing of, or burning garbage or items specified in the Code.

GAS STATION, SERVICE STATION. Any premises used for supplying gasoline and oil, at retail direct to the customer, including accessories, parts and minor services or repair for motor vehicles, but not including body or fender work, painting or major motor repairs. Storage tanks shall be located completely within lot lines and underground.

GLARE.⁴ The effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GREENHOUSE. A building or structure enclosed with glass or other glazing used for the cultivation and production of plants.

GROSS LEASABLE AREA. The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces. It is all that area on which the tenants pay rent; it is the area producing income abbreviated GLA.

GROUP ADULT CARE FACILITY. Any residence, facility, institution, hotel, congregate housing project, or similar facility licensed pursuant to ORC 3722 that provides accommodations and supervision to three (3) to sixteen (16) unrelated adults, at least three (3) of whom are provided: assistance with activities of daily living; assistance with self-administration of medication; or preparation of special diets pursuant to the instructions of a physician or a licensed dietitian.

GROUP FOSTER HOME. A private residence certified by the State of Ohio in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four (24) hours a day. Any certified foster home shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted.

⁴ Amended 3/24/2021 by Resolution 02-2021 (effective 4/23/2021)

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GROUP MR/DD RESIDENTIAL FACILITY. A residential facility licensed under ORC 5123.19 or otherwise regulated by the Department of Mental Retardation and Developmental Disabilities that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six (6) but not more than sixteen (16) persons with mental retardation or a developmental disability.

HEALTH CARE CLINICS. A health care facility which provides for diagnosis and treatment services on an emergency or outpatient basis with no provisions for residential care.

HOME PROPERTY BUSINESS. ⁵ An accessory use which is an activity, profession, occupation, service, craft or revenue-enhancing hobby which is incidental and subordinate to the use of the premises as a single family dwelling and is conducted entirely within the dwelling unit, or other outbuilding on the site by a conditional use permit without any significant adverse effort upon the surrounding neighborhood.

HIGHWAY, MAJOR. A street or road of considerable continuity and used primarily as a traffic artery for inter-communication among large areas.

HOSPITAL. A health care facility which provides for diagnostic, medical, surgical or psychiatric treatment and care. It may include but not limited to related facilities for educational and training facilities for health professionals. Any building or other structure containing beds for at least four patients and devoted to the diagnosis, treatment or other care of human ailments.

HOTEL. A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office normally supervised by a person in charge at all hours. As such, it is open to the public as distinguished from a boarding house, a lodging house, or an apartment which are herein defined. A building, or any part of a building which contains living and sleeping accommodations for transient occupancy and has a common entrance or entrances.

INDUSTRIALIZED UNIT. An assembly of materials or products comprising all or part of a total structure assembled in a factory and built in compliance with the Ohio Basic Building Code, which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes the structure or part of a structure, except for preparations for its placement and meets the definition of Industrialized Unit under O.R.C. 3781.10(H).

INSTITUTION. A building or land occupied by a non-profit corporation or a non-profit establishment for public use.

INSTITUTIONAL HEALTH CARE FACILITIES. A public or nonprofit institution which provides for residential health care and maintenance for mental health or developmentally disabled persons.

JUNK STORAGE AND/OR SALES. Two or more unlicensed vehicles, or any lot, land or structure, or part thereof, used primarily for the collection, storage and/or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage, or salvaging of machinery or vehicles not in operating condition, and/or for the sale of parts thereof.

⁵ Amended 12/19/2012 by Resolution 16-2012 (effective 01/18/2013)

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JUNK YARD. An open area where waste, scrap metal, paper, rags, or similar materials are brought, sold, exchanged, stored, packed, or handled, including building wrecking yards, but excluding uses taking place entirely within an enclosed building. This definition also includes recycling centers.

KENNEL. Any lot or premises on which five (5) or more dogs, more than three (3) months of age, are kept for boarding purposes, or for other commercial purposes excluding animal husbandry.

LABORER, SEASONAL. An individual employed only during the growing and/or harvesting or processing of agricultural products and whose place of employment is primarily on the premises on which the product is grown.

LOADING SPACE. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access. A space within the principal building or on the same lot therewith, providing for the standing, loading, or unloading of trucks. Such space shall have direct usable access to a street or alley. Where such loading space has been provided, an additional space lying alongside, contiguous to and not separated from the first such loading space need not be wider than twelve feet.

LODGING HOUSE. As herein defined is a building other than a hotel where lodging three or more persons is provided for compensation pursuant to previous arrangement and not to anyone who may apply.

LOT. A plot or parcel of land occupied by or legally capable of being occupied by a building and/or accessory structures and to include such open yard areas as are required by this Resolution and having its principal frontage upon a public street or place.

LOT, MINIMUM AREA OF. The total horizontal area within the boundaries of a lot exclusive of all rights-of-way of any access easement, alley, public or private street. The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

LOT, CORNER. Any lot at the junction of and abutting on two or more intersecting streets.

LOT, COVERAGE. The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

LOT FRONTAGE. The horizontal distance of the boundary line of a lot abutting a street or road right-of-way. On corner or through lots, the street or building address shall be considered frontage.

LOT, INTERIOR. Any lot other than a corner lot.

LOT LINE, FRONT. For an interior lot, a "front lot line" is a road right-of-way line. On a corner lot, the road right-of-way line having the least dimension shall be considered the "front lot line".

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LOT LINE, REAR. Any lot line, other than the road right-of-way line, which is parallel to the front lot line or within forty-five degrees of being parallel to the front lot line.

LOT LINE, SIDE. A "side lot line" is any lot line which is not a front lot line or a rear lot line.

LOT OF RECORD. A lot which is part of a subdivision, the map of which has been recorded in the Office of the County Recorder or Auditor of Wood County, Ohio; or a parcel of land described by metes and bounds, the description of which has been recorded in the Office of the County Recorder.

LOT, THROUGH. A lot which has frontage on a public road at both the front and rear of the lot.

LOT WIDTH. The horizontal distance between the side lot lines, measured at right angles to the lot depth at the legally established building setback line.

MAJOR STREET. A dedicated street within Wood County which has been classified as a dual highway, dominant major street, a major street, a secondary major street, or a main county road on the Official County Highway Plan.

MAIN BUILDING. (See "Building, Principal")

MANUFACTURED HOME. A single family dwelling unit fabricated in an off-site facility, which contains a mobile-component designed and maintained in condition for transportation to the site at which it is to be located for occupancy, except for minor and incidental unpacking and assembly operations, and placement on jacks or other foundation, and connected to essential public utilities. Such unit falls under the definition of Manufactured Home in Section 4501.01 of the Ohio Revised Code and is in conformance 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 HOME PARK. Any site, lot, field, or tract of land upon which two (2) or more manufactured homes which contain a mobile component or mobile homes used for human habitation are parked, either free of charge or for revenue purposes, which shall include any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such Manufactured Home Park; and falling within the definition of "Manufactured Home Park" in the Ohio Revised Code 3733.01.

MANUFACTURING. Any production or industrial process, including food processing, which combines one or more raw materials or components into a product, or which changes the nature of the materials entering the process.

MANUFACTURING, GENERAL. Any manufacturing or industrial process including food processing and plant product processing, except that which is incident to agricultural operations on an individual's property holdings, which by the nature of the materials, equipment and process utilized are not objectionable by reason of odor, noise, vibration, cinders, gas, fumes, dust, smoke, refuse matter or water carried waste.

MANUFACTURING, RESTRICTED. Any manufacturing or industrial processing which by the nature of the materials, equipment and process utilized are to a considerable measure clean, quiet and free of any objectionable or hazardous element. Restricted manufacturing/industrial

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uses shall include the industrial uses listed below and any other uses which are determined to be of the same general character: drugs, jewelry, musical instruments, sporting goods; processing and assembly of glass products, small household appliances, electronic products and parts for production of finished equipment; research and testing laboratories; printing and engraving plants.

MARINE SALES AND SERVICE. The sale and service of watercraft and marine equipment.

MASSAGE THERAPY BUSINESS. An establishment or place licensed by the state to provide massage therapy services.

MOBILE COMPONENT. An element of a dwelling unit which permits mobility by containing a wheeled chassis as an integral structural element.

MOTOR COURT OR MOTEL. A building or group of buildings used for the temporary residence of motorists or travelers.

MOTOR VEHICLE SERVICE STATION. Any premises used for supplying gasoline and oil, at retail direct to the customer, including accessories, parts and minor services or repair for motor vehicles, but not including body or fender work, painting or major motor repairs.

MOTOR VEHICLE SALES AND RENTAL. The sale or rental of new and used motor vehicles, motorcycles, recreational vehicles, trailers, or travel trailers, to be displayed and sold on the premises and accessory services.

MOTOR VEHICLE SALVAGE. The dismantling, wrecking and/or salvage of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

MOTOR VEHICLE SALVAGE YARD. Any place where two (2) or more motor vehicles not in running condition or parts thereof are stored in the open, in a fenced area, or in a partially enclosed building, and are not being restored to operation, or any land used for wrecking, storing and/or salvage of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating conditions.

NATURAL WOOD.⁶ Wood that has not been painted, varnished or coated with similar material, has not been pressured treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

NEW OUTDOOR FURNACE.⁷ An Outdoor Furnace that is first installed, established or constructed after the effective date for Outdoor Furnace.

NONCONFORMING USE. A building or land lawfully occupied by a use at the effective date of this Resolution, or amendment thereof, which does not conform after the passage of this Resolution, or amendment thereof, with the use requirements of the district in which it is situated or the development standards of this Resolution by reason of restrictions on area, height, yards, its location on the lot, bulk, or other standards concerning the structure for the District in which such "nonconforming use" is located.

⁶ Amended 4/25/2012 by Resolution 06-2012 (effective 5/25/2012)

⁷ Amended 4/25/2012 by Resolution 06-2012 (effective 5/25/2012)

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NUDE OR NUDITY. The showing, representation, or depiction of human male or female genitals, pubic area or buttocks, with less than complete opaque covering of any portion thereof, or female breasts with less than a complete opaque covering or any portion thereof below the top of the nipple, or of covered male genitals in a discernible turgid state.

NUISANCE. Anything, condition, practice, or conduct that endangers health and safety, or is unreasonably annoying, unpleasant, obnoxious, or offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life (e.g., excessive or noisy vehicular traffic, dust, glare, and smoke.) A “nuisance” shall include any “attractive nuisance” which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot (e.g., this includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may provide a hazard for inquisitive minors).

NURSERY, PLANT MATERIALS. Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises or wholesale including products used for gardening or landscaping.

NURSERY SCHOOL. A school designed to provide day-time care or instruction for two (2) or more children and operated on a regular basis. "Nursery School" is synonymous with the term "Day Care Center". An occupied dwelling unit shall not be considered a nursery school.

NURSING HOME. A home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services, but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care as evidenced by a certificate of need.

OFF-STREET PARKING SPACE. An off-street space available for the parking of one motor vehicle and having an area of not less than two hundred square feet, exclusive of passageways, driveways and other maneuvering area appurtenant thereto and giving access thereto. Such space shall have direct access to a street or alley.

OFFICES FOR PROFESSIONAL ACTIVITIES. The use of offices, including clinics, and related space for such professional services as are provided by doctors, dentists, lawyers, architects and engineers.

OUTDOOR FURNACE. ⁸ Any equipment, device, appliance or apparatus or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to product heat or energy used as a component of a heating system providing heat for any interior space or water source. The Outdoor Furnace would be considered an accessory use to the main building.

PARCEL. An area of land shown as a unit or contiguous units on the County Auditor's map.

PARKING AREA. An open, unoccupied space used or required for use for parking of automobiles exclusively.

⁸ Amended 4/25/2012 by Resolution 06-2012 (effective 5/25/2012)

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PARKING LOT. Any off-street area or structure which contains one or more parking, vehicular storage, loading or stacking spaces for commercial, institutional recreational or industrial use, whether free or for compensation; or contains five (5) or more parking spaces for any residential use

PARKING SPACE. An area available for the parking of one (1) motor vehicle and having an area of not less than one hundred and seventy-one (171) square feet exclusive of passageways, driveways and other maneuvering area appurtenant thereto and giving access the principal building or in an accessory structure, or unenclosed, having an area of not less than two hundred (200) square feet exclusive of driveways.

PERFORMANCE BOND OR SURETY BOND. An agreement by a subdivider or developer with the Township for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PERMANENT FOUNDATION. A permanent masonry, concrete or locally approved footer or foundation, to which a dwelling or manufactured or mobile home may be affixed.

PERMANENTLY SITED MANUFACTURED HOME. A manufactured home that meets all of the following criteria:

- a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- b) The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 900 square feet, excluding garages, porches, or attachments;
- c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch minimum eave overhang, including appropriate guttering;
- d) The structure was manufactured after January 1, 1995;
- e) The structure is not located in a manufactured home park.

PERSON. The word "person" includes a firm, partnership, or corporation as well as an individual.

PERSONAL SERVICES. Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repairing, barber shop, beauty parlors, and similar activities.

PHASE 2 MODEL.⁹ An Outdoor Furnace that has been approved by the EPA and has met EPA emission level and has the proper qualifying label and hang tag.

PLANNED UNIT DEVELOPMENT. An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment

⁹ Amended 4/25/2012 by Resolution 06-2012 (effective 5/25/2012)

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under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

PLANNING COMMISSION. Wherever Planning Commission or County Planning Commission is referred to, it shall be the Wood County Planning Commission.

PLANT CULTIVATION. The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses.

PLAT. A map or drawing of a tract or parcel of land.

PLAT REQUIRED. When more than five (5) parcels are created from one parcel or a new road is dedicated.

PLATTING. Platting shall mean the platting for residential development in accordance with Wood County Subdivision Rules and Regulations.

POND. A body of water used to provide water for livestock, fish and wildlife, swimming, fire control, crop and orchard spraying, or personal water supply and aesthetic landscape water feature. A minimum pond size is 1/3 acre.

PORCH. Wherever mentioned is a roofed open area, projecting from the front, side or rear wall of a building.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES).¹⁰ An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

PROFESSIONAL ACTIVITIES. Professional services provided by doctors, dentists, lawyers, architects and engineers.

PUBLIC NUISANCE. A nuisance that unreasonably interferes with a right that is common to the general public and not merely some particular person. A thing may be a nuisance in one place, which-is not so in another; therefore the situation or locality of the nuisance must be considered.

PUBLIC SERVICE FACILITIES. The erection, construction, alteration, operation or maintenance of a utility or service by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewage services. Though exempted from township zoning, this term refers to structures, buildings, transmission, distribution, or collection systems, which are used to provide and maintain public utilities. Uses include by not limited to railroad, electric, gas, water and sewer, and telephone systems and other uses which meet the definition of public utility under ORC 4905.03.

¹⁰ Amended 3/24/2021 by Resolution 02-2021 (effective 4/23/2021)

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PUBLIC USE(S). Public parks, schools and administrative, cultural and service buildings, police and fire stations, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.

QUARRY. Any land from which rock, stone, gravel, sand, earth or mineral is removed, or excavated for the purpose of disposition away from the immediate premises. However, this shall not include excavation necessary for the actual foundations of any building, structure or pond, for which a Zoning Permit has been issued.

RECREATION FACILITIES-COMMERCIAL. Recreational facilities open to the public, established and operated for a profit, including but not limited to commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar enterprises.

RECREATIONAL FACILITIES -- NON-COMMERCIAL. Private and semi-private recreational facilities which are not operated for commercial gain, including but not limited to private country clubs, riding clubs, golf courses and other private noncommercial recreation areas and facilities or recreation centers including private community swimming pools.

RECREATIONAL FACILITIES-RESTRICTED COMMERCIAL. Recreational facilities open to the public, established and operated for a profit and restricted to bowling alleys, swimming pools, ice skating rinks, miniature golf and similar recreation activities requiring limited land area.

RECREATION VEHICLE.¹¹ A vehicle designed to be used primarily for recreation purposes, including temporary sleeping quarters or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pick-up campers, travel trailers and tent trailers.

RESEARCH ACTIVITIES. Research, development, and testing related to such fields as chemical pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside said building.

RESIDENCE OR RESIDENTIAL. A "residence" or "residential" shall include a building, or any part of a building, which contains dwelling units for permanent occupancy. "Residences" therefore include all one-family and multi-family dwellings. However, "residences" do not include: transient accommodations, as in transient hotels, motels, tourist cabins, and trailer camps; and that part of a building which is used for any non-residential uses, except accessory uses for residences, in a building containing both residences and other uses; and institutional uses, as in rest homes, nursing homes, homes for the aged, orphanages and other institutional residential uses.

RESIDENTIAL FLOOR AREA. The area of a dwelling devoted to living purposes, including stairways, halls, and closets, but excluding porches and space used for a garage or carport.

RESTAURANT. A private or public eating establishment which provides for the preparation and serving of food.

¹¹ amended /12/2001 by Resolution 1-2001 (effective 3/14/2001); amended 8/8/2001 by Resolution 1-2001 (effective 9/9/2001)

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REST HOME. A home which provides personal assistance to persons who, by reason of age, infirmity, are dependent upon the service of others.

RETAIL STORE. A store selling commodities, not processed on the premises, direct to the public.

RIGHT-OF-WAY. Land which is set aside for streets, alleys, easements, utilities or other physical improvements.

ROAD. Refer to Streets.

ROADSIDE STAND. A temporary structure designed or used for the display or sale of agricultural and related products.

SCHOOL BUS STORAGE FACILITY. Land, buildings and structures devoted primarily to the maintenance, storage and fueling of school busses, their equipment and material.

SELF SERVICE STORAGE FACILITY. Any real property designed and used for the purpose of renting or leasing individual storage spaces for the storage of personal property.

SEMI-PUBLIC USES. Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature. Services and facilities which are provided to the public that are privately owned and controlled. These might include but are not limited to churches, parochial schools, hospitals, and other educational, religious or philanthropic organizations and telecommunication facilities.

SERVIENT TENEMENT. See "Tenement, Servient."

SET BACK BUILDING LINE. Line perpendicular to the set back distance at the specified distance. A line established by zoning, platting or other legal means on a lot a specified distance from and parallel to the lot line to restrict the encroachment of buildings on the lot line.

SET BACK DISTANCE. The minimum horizontal distance between the road right of-way and the building line.

SEXUAL ACTIVITY. The non-obscene act, display, or depiction of any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:

- a) Casual touching of human genitals, pubic region, buttocks, or female breasts;
- b) Simulated human masturbation, cunnilingus, fellatio, sexual intercourse, or sodomy where the genitals cannot be seen.

SEXUAL ANATOMICAL AREAS. The showing of less than completely and opaquely covered human genitals, pubic region, vulva, buttocks, anus, anal cleft, or the lower portion of the female breast below the highest point of the areola, but not including any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola or nipple is not exposed in whole or in part.

SEXUAL EXCITEMENT. The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

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SEXUALLY ORIENTED BUSINESS. An establishment having as its primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material.

SEXUALLY ORIENTED CABARET / MOTION PICTURE THEATER. An auditorium, bar, concert hall, movie house, nightclub, restaurant, indoor or outdoor theater, or similar business establishment which, for any form of consideration, is regularly used or utilizes fifteen (15) percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to sexually oriented material as defined in this section in a seating area exceeding one hundred fifty (150) square feet. Entertainment or presentations may include on-site live performances, such as exhibitions, dance routines, gyrational choreography, strippers (male or female), female impersonators, lingerie modeling, or lingerie dancers; or other adult media including films, motion pictures, computer files or software, laser discs, video cassettes, DVD's, slides, and similar photographic reproductions or media.

SEXUALLY ORIENTED MATERIAL. Media, matter, visual representations, performances, or services distinguished or characterized by the emphasis on sexual anatomical areas or sexual activities. Such materials may include any one or more of the following: books, magazines, newspapers, periodicals, pamphlets, posters, prints, pictures, photographs, slides, transparencies, figures, images, descriptions, motion picture films, previews, trailers, video cassettes, compact discs, laser discs, DVDs, computer files or software, phonograph records, tapes, or other printed matter, visual representations, tangible devices or paraphernalia designed for use in connection with specified sexual activities, plays, shows, skits, dances, exhibitions, or any service capable of arousing prurient or scatological interests through sight, sound or touch.

SEXUALLY ORIENTED MEDIA / NOVELTY STORE. An establishment which utilizes fifteen (15) percent or more of its retail selling area for any form of consideration for the purpose of retail sale or rental, or display by coin or slug-operated, electronically, or electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices, or both; books, magazines, periodicals or other visual representations, films, tapes and cassettes, instruments, devices, or paraphernalia which are distinguished by their emphasis on sexually oriented materials, as defined herein.

SEXUALLY ORIENTED MOTEL. A hotel, motel, or similar business establishment that offers accommodation to the public for any form of consideration which provides patrons with close-circuit television transmissions, films, motion pictures, laser discs, videocassettes, DVDs, slides, or other photographic reproductions that are characterized by the depiction or description of sexually oriented materials; and which: a) Has a sign visible from the public right-of-way that advertises the availability of sexually oriented materials along with room rentals; or b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

SEXUALLY ORIENTED MOTION PICTURE DRIVE-IN THEATER. An open air drive-in theater which is regularly used or utilizes fifteen (15) percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to sexually oriented material as defined in this section.

SEXUALLY ORIENTED NUDE ENCOUNTER CENTERS. An establishment that for any form of consideration, offers activities or physical contact between male and female persons and/or

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persons of the same sex in a private or semi-private area when one or more of the persons displays or exhibits sexual anatomical areas or performs sexual activities, including wrestling or tumbling, lap dancing, body painting and sex therapy counseling for couples by a licensed.

SEXUALLY ORIENTED NUDE MODELING STUDIOS FOR PAINTING OR PHOTOGRAPHY.

An establishment where a person who exhibits sexual anatomical areas is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A Nude Model Studio shall not include a proprietary school licensed by the State of Ohio or a College, Community College, or University supported entirely or in part by public taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a College, Community College, or University supported entirely or partly by taxation, or in a structure, provided such institution meets all of the following criteria: a) There is no sign visible from the exterior of the structure and no other advertising that indicates a person exhibiting specified sexual anatomical areas is available for viewing; and b) In order to participate in a class a student must enroll at least three days in advance of the class; and c) No more than one person exhibiting sexual anatomical areas as specified herein is on the premises at any one time.

SEXUALLY ORIENTED OBSCENE MATERIAL / OBSCENITY. Any sexually oriented material or performance that when considered as a whole and judged with reference to ordinary adults is "obscene" if it contains a series of displays or descriptions of sexual anatomy or activities, extreme or bizarre acts of violence, or bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake, or in a way that inspires disgust or revulsion in persons with ordinary sensibilities, or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose. Obscene sexually oriented material shall include any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:

- a) Human male genitals, open female labia, or the female breast areola in a discernibly turgid state of sexual stimulation or arousal;
- b) Fondling, rubbing, penetration, or other erotic touching or display of human genitals, pubic region, buttock, anus, or female breasts;
- c) Actual sexual activity, normal or perverted, including human masturbation, the penetration of any orifice with a male penis or sex toy, sexual intercourse, sodomy, cunnilingus, fellatio, bestiality, or sadomasochistic activities or other extreme or bizarre violence, cruelty, or brutality used to arouse lust;
- d) Excretory functions, actual or simulated, including urination, defecation, ejaculation, or the aftermath of ejaculation.

SEXUALLY ORIENTED PARTICIPATORY STRIPTEASE LINGERIE MODELING. An establishment where a patron purchases an item of clothing worn by a model which is removed and delivered on the spot.

SEXUALLY ORIENTED SPAS SUCH AS MASSAGE PARLORS. An establishment not operated by medical professionals or licensed massage therapists which for a fee, tip, or other consideration advertises to furnish, offers to furnish, or furnishes as its primary business a massage, bath, sauna, exercise equipment, shower, or hot tub service, and which includes

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sexually oriented material or engages in or offers to engage patrons in specified sexual activities, or activities commonly associated with a sexually oriented encounter center.

SEXUALLY ORIENTED TOUCHING AND ENCOUNTER BUSINESSES. Sexually oriented businesses that frequently, if not always, involve a form of prostitution which is illegal in Ohio. As specified in Section 6.14.02(b) (Prohibited Uses), such businesses include: "sexually oriented motels," "sexually oriented nude encounter centers", "sexually oriented nude modeling studios for painting or photography or "participatory striptease lingerie modeling," "sexually oriented spas such as massage parlors not operated by medical professionals or certified massage therapists," and "sexually oriented viewing booths."

SEXUALLY ORIENTED VIEWING BOOTHS. Any booth, cubicle, stall, or compartment less than or equal to one hundred fifty (150) square feet in area that is primarily designed, constructed, or used to hold or seat patrons therein, who are charged a fee or some other form of consideration for viewing sexually oriented materials, such as live entertainment, motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROM, books, magazines, or periodicals).

SEWAGE DISPOSAL-COMBINED. An approved sewage disposal system which provides for a combined collection and disposal of sewage from a group of residential, commercial or industrial buildings.

SEWAGE DISPOSAL-INDIVIDUAL. A septic tank installation on an individual lot which utilizes an anaerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health or sanitation officials having jurisdiction.

SEWAGE DISPOSAL SYSTEM - ON-SITE. A septic tank installation on an individual lot which utilizes an anaerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SIGN. Any structure or part thereof or any device attached to a structure or painted or represented on a structure on which lettered, figured, or pictorial matter is displayed or used for the purpose of bringing the subject matter to the attention of the public. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. A "sign" includes any billboard, but does not include any flag, badge, or insignia of any governmental agency or of any charitable, religious, educational, or similar organization.

SITE PLAN. A scaled drawing of a proposed project showing, among others, the location of property lines, building locations, drives, walkways, parking areas, fencing and screening, setbacks, and signs as required by this Resolution.

SLUDGE. A solid or near solid by-product of sewage treatment or industrial waste treatment.

SOCIAL ACTIVITIES. The use of land and buildings for clubs, fraternal organizations, veterans organizations and similar social purposes. This does not include such uses as credit unions or business offices.

Article 2 Definitions

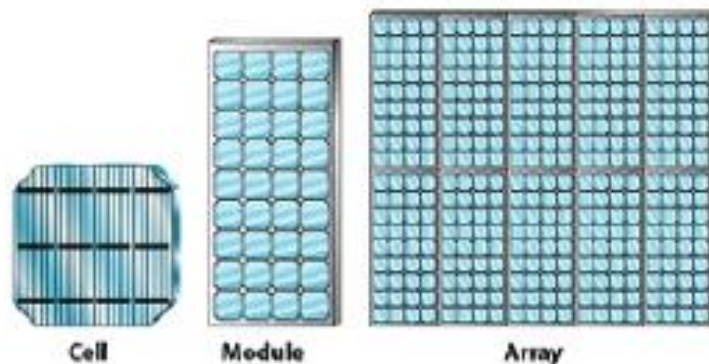
SOLAR ARRAY.¹² A grouping of multiple solar modules with purpose of harvesting solar energy.

SOLAR CELL.¹³ The smallest basic solar device with generates electricity when exposed to light.

SOLAR ENERGY.¹⁴ Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY RELATED EQUIPMENT.¹⁵ Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

SOLAR MODULE.¹⁶ A grouping of solar cells with the purpose of harvesting solar energy.



SOLAR PANEL.¹⁷ That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in heating or cooling, for water heating and/or for electricity.

SPECIALIZED ANIMAL RAISING AND CARE. The use of land and buildings for the raising and care of fur-bearing animals such as rabbits and domestic pets; and the stabling and care of horses, animal kennels, or birds of a similar nature.

STORY. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF. A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

¹² Amended 3/24/2021 by Resolution 02-2021 (effective 4/23/2021)

¹³ Amended 3/24/2021 by Resolution 02-2021 (effective 4/23/2021)

¹⁴ Amended 3/24/2021 by Resolution 02-2021 (effective 4/23/2021)

¹⁵ Amended 3/24/2021 by Resolution 02-2021 (effective 4/23/2021)

¹⁶ Amended 3/24/2021 by Resolution 02-2021 (effective 4/23/2021)

¹⁷ Amended 3/24/2021 by Resolution 02-2021 (effective 4/23/2021)

Article 2 Definitions

STREET. A public or private thoroughfare thirty (30) feet or more in width, measured from the right-of-way lines. For the purposes of this Resolution, the word "street" shall include the words "road" and "highway" which affords the principal means of access to abutting property.

STREET GRADE. The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street at the midpoint of the lot shall be taken as the street grade.

STREET LINE, RIGHT-OF-WAY LINE. A dividing line separating a lot, tract or parcel of land.

STREET WIDTH. The horizontal distance between the side lines of a street, measured at right angles to the side lines.

STRUCTURE. ¹⁸ A structure or building is anything erected, constructed or reconstructed on a foundation or on posts, piles, blocks, skids, sills, or any other support elements whether such foundation, posts, piles, blocks, skids, sill, or other support elements are or are not permanently located in or attached to the soil.

STRUCTURAL ALTERATION/CHANGE. Any change in the supporting members of a building such as bearing walls or partitions, columns, beams, girders, and/or substantial changes in the roof or exterior walls, except for such repairs as may be required for the safety of the building; or any change to a building which alters the volume of the building by increasing or decreasing the footprint of the building. This does not include repainting, reroofing or the residing of the building's exterior.

SUBORDINATE STRUCTURE OR LAND USE. A secondary structure or land use established in conjunction with, clearly subservient to, and compatible with the principal permitted uses or structures authorized under zoning regulations applicable to the property.

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

SWIMMING POOL. An enclosure, temporary or permanent, above or below ground, containing water to be used for bathing, wading or swimming, which shall be able to contain 18 inches minimum depth of water.

TECHNICAL SERVICE. Any activity conducted for gain which renders technical service to residential, commercial and industrial consumers. Such services include but are not limited to: testing laboratories, construction trade offices and storage facilities, and wholesale suppliers of construction/building materials.

TENEMENT, DOMINANT. A zero lot line development adjoining property benefiting from a side yard easement.

TENEMENT, SERVIENT. A zero lot line development property providing a side yard easement.

TOURIST HOME. A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

¹⁸ Amended 8/8/2001 by Resolution 01-2001 (effective 9/9/2001)

Article 2 Definitions

A building where temporary lodging is offered to the public, for compensation, in no more than three rooms and for not more than six adults.

TOWNSHIP. Troy Township, Wood County, Ohio.

TOPLESS. The showing of a female breast with less than a complete opaque covering of any portion hereof below the top of the nipple.

TRANSPORTATION-FOR-HIRE. A business with not more than three commercial vehicles or trailers on a parcel of land.¹⁹

TRUCK STOP. A business which caters primarily to the needs of the trucking industry by offering fuel, dining facilities, gift shops, emergency repair, or similar type services.

TRUCKING TERMINAL. An area and structure designed and primarily used as a terminus of trucks for the purpose of hauling materials, where consignment property is loaded, unloaded, transferred or housed.

TRUSTEES, BOARD OF. The Board of Trustees of Troy Township, Wood County, Ohio.

TRAILERS, UTILITY. Any small trailer drawn by a motor vehicle used for the occasional transport of personal effects, camping equipment or boats.

USE. Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied.

USED CAR LOT. Any lot on which two (2) or more motor vehicles in operating condition are offered for sale or display to the public.

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

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

WAREHOUSE. A building or structure used for the storage of goods, materials or equipment.

YARD. An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purposes of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building shall be used.

¹⁹ Amended 10/28/2020 by Resolution 9-2020 (effective 11/27/2020)

Article 2 Definitions

YARD, FRONT. A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the edge of the street right-of-way and the principal building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR. A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than the projections of uncovered steps or unenclosed balconies or unenclosed porches.

YARD, SIDE. A yard between the principal building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the principal building or any projections thereto.

ZERO LOT LINE DEVELOPMENT. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line. See graphic in Section 5.01.07 (Zero Lot Line Development)

ZONING BOARD OF APPEALS. Board of Appeals of Troy Township, Wood County, Ohio.

ZONING PERMIT. The document issued by the Zoning Inspector authorizing the use of the land or building.

ZONING COMMISSION. The Zoning Commission of Troy Township, Wood County, Ohio.

ZONING DISTRICT MAP. The Zoning District Map or maps of the township together with all amendments subsequently adopted.

ZONING INSPECTOR. The Zoning Inspector or his authorized representative appointed by the Board of Trustees. The agent appointed by the Township Trustees, who is responsible for the administration of the Township Zoning regulations and required inspections for zoning compliance.

ARTICLE 3 ESTABLISHMENT OF DISTRICTS AND DISTRICT MAP

The Township is hereby divided into districts under five (5) general categories which shall be known as: "Agricultural District," "Residential District," "Commercial District," "Industrial District" and "Planned Unit District."

SECTION 3.01 "A-1" AGRICULTURAL DISTRICT

The Agricultural District is to provide for agricultural and agriculturally related uses, essential public facilities and services such as public buildings, schools, railroads, public utilities. This may include some commercial activities which are an integral part of agriculture, such as roadside stands or structures used for the sale of agricultural produce or products and/or nursery and greenhouse sales area; churches and other related nonprofit public service facilities. Intense residential development is discouraged. However, where both public water and public sanitary sewers are available, the district allows low density residential development on large lots, in a neighborhood setting, with minimal intrusion of non-residential uses.

SECTION 3.02 "R-1" SUBURBAN RESIDENTIAL DISTRICT

The R-1 District allows low density residential development which lacks community water and sewerage services and includes land with topography conditions that are best suited for low density development.

SECTION 3.03 "R-2" RESIDENTIAL DISTRICT

The R-2 District allows relatively low-density residential development which has, or can logically be developed with group water and sewerage facilities.

SECTION 3.04 "R-3" RESIDENTIAL DISTRICT

The R-3 District allows medium density residential development which has ready access to most community services. Includes land with little or no topographical problems. Community water and sewerage facilities are required.

SECTION 3.05 "R-4" RESIDENTIAL DISTRICT

The R-4 District allows moderately high-density residential development conveniently accessible to all community services and major traffic arteries.

SECTION 3.06 "R-5" SPECIAL RESIDENTIAL DISTRICT

The R-5 District Allows elderly and handicapped citizens' residential development sites conveniently accessible to shopping, medical, public transportation facilities and major traffic arteries.

Article 3 – Establishment of Districts and District Map

SECTION 3.07 "C-1" NEIGHBORHOOD COMMERCIAL DISTRICT

The purpose of the Neighborhood Commercial is to provide for the sale of convenience goods and personal services in a unified development center, with common ingress and egress points, signage, and parking. Retail and service establishments in this district cater to consumers who live within a 1-mile radius of the site. Neighborhood Commercials are normally located at the intersection of collector streets and secondary roads. The site of such a district is normally less than 10 acres in size. The gross leasable floor area in a unified development is less than 50,000 square feet. To prevent congestion, neighborhood retail and service uses include only those enterprises which normally employ less than ten (10) persons.

SECTION 3.08 "C-2" COMMUNITY RETAIL COMMERCIAL DISTRICT

The purpose of the Community Retail District is to provide for the development of retail and service establishments which, in addition to catering to the community residents' and workers' daily needs for convenience goods and services, also include establishments offering comparative-type shopping facilities. A Community Retail District may be located at the intersection of major roads and/or expressways, or along major roads. Businesses in a Community Retail District cater to consumers who live within a 1-to-4-mile radius of the site. The site should be between 10 and 40 acres in size. The gross leasable floor area should be between 50,000 and 100,000 square feet. A Community Retail District should have common ingress and egress points, uniform signage and shared parking.

SECTION 3.09 "C-3" OFFICE RESEARCH COMMERCIAL DISTRICT

The purpose of the Office Research District is to provide for the development of professional or business office or offices and any scientific research laboratory, provided no products are sold on the premises and that all research activities shall comply with the performance requirements specified in Section 5.03 (General Performance Standards) of this Resolution. This district serves as a transition zoning district between higher intensity commercial districts and both residential and industrial zoning districts. Additional uses may be permitted in the Office Research District subject to the approval of a conditional use request by the Board of Zoning Appeals.

SECTION 3.10 "C-4" INTEGRATED COMMERCIAL DISTRICT

The purpose of the Integrated Commercial District is to provide for areas adaptable for planned shopping centers with uses restricted to the types normally included in such developments.

ARTICLE 3 ESTABLISHMENT OF DISTRICTS AND DISTRICT MAP

SECTION 3.11 "C-5" HIGHWAY COMMERCIAL DISTRICT¹

The purpose of the Highway Commercial District is to accommodate wholesale and service uses at a greater intensity than that which is permitted in the Neighborhood Commercial and the other Commercial Business Districts. The intent of the Highway Commercial district is not only to service the needs of the immediate community, but also to attract residents from

¹ Amended 2/9/2022 by Resolution 02-2022 (effective 3/11-2022)

Article 3 – Establishment of Districts and District Map

surrounding areas, and to have immediate access to US 20, US 23, SR 163 and SR 582 on parcels five (5) acres or larger. For illustration purposes, Highway Business District uses include gas stations, building trades and services, and semi-truck and trailer sales and services.

SECTION 3.12 “I-1” LIGHT INDUSTRIAL DISTRICT

The purpose of the Light Industrial District is to provide for certain industries of a light manufacturing character to locate in planned areas of the Township. So that such uses may be integrated with land uses, such as commercial and residential uses, limitations are placed upon the degree of noise, smoke, glare, waste and other features of industrial operations so as to avoid adverse effects. It is further intended that these light industrial uses act as a transition between heavier industrial uses and non-industrial uses and do not necessarily require railroad access or major utility facilities.

SECTION 3.13 “R-PUD” PLANNED RESIDENTIAL DISTRICT

The purpose of the “R-PUD” Planned Residential District shall be: for conserving land in residential subdivisions through more efficient allocation of private lots and multi-family dwelling units; for promoting efficiency in providing public utility services; and for receiving the benefits of new techniques of community development and renewal.

SECTION 3.14 “B-PUD” PLANNED BUSINESS DISTRICT

The purpose of this “B-PUD” zoning district is to encourage development of a blend of compatible commercial and industrial uses on parcels of five (5) acres or more that is responsive to the natural and environmental assets of a site and to encourage imaginative and innovative site planning in a planned park setting and to encourage the rural integrity of the district until the land is developed. Development in this district will provide for the convergence of industrial office and limited commercial uses developed in a park-like setting with excellent architectural design with easy vehicular access, but discourage congestion and haphazard development of the district. Rezoning to B-PUD Planned Business District shall be encouraged for all Commercial “C” and Industrial “I” District developments of five (5) acres or more.

SECTION 3.15 DISTRICT MAP

- 3.15.01 The location and boundaries of the districts are shown upon the map which is made a part of this Resolution, which map is designated as the “District Map.”
- a) The District Map and all the notations, references, and other information shown thereon are a part of this Resolution and have the same force and effect as if the District Map and all the notations, references, and other information shown thereon were all fully set forth or described therein, the original of which District Map is properly attested and is on file with the Troy Township Clerk.
 - b) No amendment to this Resolution which involves matter portrayed on the District Map shall become effective until after such change and entry has been made on said map.

Article 3 – Establishment of Districts and District Map

- c) No changes of any nature shall be made on the District Map or matter shown thereon except in conformity with the procedures set forth in this Resolution.
- d) Regardless of the existence of purported copies of the District Map which may from time to time be made or published, the official District Map shall be located in the office of the township clerk and shall be the final authority to the current zoning status of township land and water areas, buildings and other structures.

3.15.02 Replacement. In the event that the District Map becomes damaged, destroyed or lost, the Board of Trustees, after receiving recommendations from the Township Zoning Commission may by resolution adopt a new District Map which shall supersede the prior District Map. The new District Map may correct drafting or other errors or omissions in the prior District Map, but no such corrections shall have the effect of amending the original resolution or subsequent amendments thereof.

SECTION 3.16 DISTRICT BOUNDARIES

3.16.01 Description. The district boundary lines on the District Map are intended to follow either streets or alleys or lot lines; and where the districts designated on the map are bounded approximately by such street, alley, or lot lines, the street or alley or lot shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the map. In the case of un-subdivided property, the district boundary lines shall be determined by the use of the scale appearing on the District Map or by dimensions. In the case of the vacation of a street, alley, water course or other right-of-way, the abutting zoning classification on each side thereof shall automatically be extended to the centerline of said vacated street, alley, water course or right-of-way.

3.16.02 Exceptions. In the cases of parks, cemeteries and navigable waters, the boundary shall be deemed to coincide with the boundary line of the park, cemetery, or the centerline of the channel of the navigable water.

ARTICLE 4 PERMITTED AND CONDITIONAL USES

SECTION 4.01 USE DESIGNATIONS IN THE LAND USE MATRIX

The following table provides a list of all land uses permitted and conditionally permitted in each of the Zoning Districts established in the Township. [Note: The R-PUD District is not indicated in the table as this is a “generic” name for the District. When an R-PUD is authorized, its name will be associated with a specific Agricultural or Residential District. The permitted and conditional uses specified for the associated district controls the land uses allowed within the R-PUD District (e.g., permitted and conditional uses within an R-2 PUD are the same as those listed for the R-2 District).

4.01.01 Explanation of Matrix Organization and Symbols. The land uses listed in the first column of the Land Use Matrix are grouped by the following types of uses: agricultural uses, residential uses, public and semi-public uses, commercial uses, industrial uses, and accessory uses. The remainder of the columns each represents a Zoning District established in this Code. Where a row containing a specified land use intercepts a Zoning District column:

- a) The letter “P” shall specify that the land use is a permitted use in that Zoning District. A permitted use shall require ministerial review by the Zoning Inspector, unless Site Plan review is required by the Zoning Commission pursuant to Section 13.04 (Site Plan Review).
- b) The letter “C” shall specify the land use is a Conditional Use in that Zoning District subject to Conditional Use review by the Board of Zoning Appeals pursuant to Section 12.04; and
- c) ¹
- d) Uses not specifically listed for a Zoning District or which are not interpreted to be included categorically under this article shall not be permitted.

4.01.02 Interpretation of Land Uses. The interpretation of uses given in categorical terms shall be as defined in Article 2 (Definitions) and as otherwise reasonably interpreted by: the Zoning Inspector upon ministerial review; the Zoning Commission upon Site Plan or Development Plan Review; the Board of Zoning Appeals upon Conditional Use Review or appeal; or by action of the Zoning Commission and the Board of Trustees upon amendment to the Zoning Resolution.

- a) The presumption established by this Article is that uses of land recognized by the Township are addressed within at least one established zoning district in the Township’s planning jurisdiction. Therefore, because the list of land uses set forth in the Land Use Matrix cannot be all-inclusive, those uses that are listed may be interpreted to include other similar uses as determined by the Zoning Inspector.

¹ Amended 4/25/2018 by Resolution 2-2018 (effective 5/25/2018)

Article 4 – Amendments

- b) The Land Use Matrix shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is located on land in other zoning districts.
- c) Mixed Uses. Whenever a mixed-use development could fall within more than one use classification in the Land Use Matrix, the classification that most closely and most specifically describes the development shall control. When a mixed-use development comprises two (2) or more principal uses where any of the principal uses is a conditional use, then Conditional Use review shall be undertaken for the entire mixed-use development.

SECTION 4.02 LAND USE MATRIX

ADD C-5²

Zoning Districts Land Use	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>I-1</u>	<u>B-PUD</u> Article 14
4.02.01 <u>Agricultural Uses</u>													
Agriculture (ORC 519.01) – Article 7 Supplementary Land Use Regulations	P	P	P	P	P	P	P	P	P	P		P	P
Farm Markets (See Section 7.04) (ORC 519.21C)	P	P	P	P	P	P	P	P	P	P		P	P
Spreading of non-toxic sludge for legitimate agricultural use, pursuant to Section 7.13	P	P	P	P	P	P	P	P	P	P		P	P
4.02.02 <u>Residential Uses</u>	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>I-1</u>	<u>B-PUD</u> Article 14
Dwelling, Single Family	P	P	P	P									
Dwelling, Two Family (Subject to Site Plan Review)			P	P		P							
Dwelling, Multiple Family (Subject to Site Plan Review)				P	P	P							
Group adult care facility for three (3) to five (5) unrelated adults pursuant to ORC 3722.03 (See Section 7.07)	P	P	P	P	P	P							
Group adult care facility for six (6) to sixteen (16) unrelated adults pursuant to ORC 3722.03 (See Section 7.07)				C	C	P							
Group foster home pursuant to ORC 5103.0318 (See Section 7.07)	P	P	P	P	P	P							
Group MR/DD residential facility for one (1) to eight (8) persons pursuant to ORC 5123.19(N) (See Section 7.07)	P	P	P	P	P	P							
Group MR/DD residential facility for between nine (9) and sixteen (16) persons pursuant to ORC 5123.19(O) (See Section 7.07)				C	C	P							
Manufactured Home Park, as defined in Article 2 and regulated by ORC 3733					C								

² Amended 2/9/2022 by Resolution 2-2022 (effective 3/11/2022)

Article 4 – Amendments

Zoning Districts Land Use	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>I-1</u>	B-PUD Article 14
Nursing Home ³				C	C	P							
4.02.03 <u>Public/Semi-Public Uses</u> (Subject to Site Plan Review)	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>I-1</u>	B-PUD Article 14
Cemetery/Memorial Gardens	C												
Child Day Care Home, Type B	P	P	P	P	P	P							
Child Day Care Home, Type A				C	C	P							
Child Day Care Center ⁴				C	C	C	P	C				P	
Farm Recreation Enterprise (See Section 7.05)	C												
Institutional Health Care Facility								C					
Mortuary							C	P				P	
Nursery School ⁵				C	C	C	P	C				P	
Public Service Facilities	P	P	P	P	P	P	P	P	P	P		P	P
Public Uses	P	C	C	C	C		P	P				P	
Recreational Facilities, Non-Commercial				C	C	C	C						
Semi-Public Uses (as defined herein)	C	C	C	C	C		P	P				P	
4.02.04 <u>Commercial Uses</u> (Subject to Site Plan Review)	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>I-1</u>	B-PUD Article 14
Agricultural Implement Sales & Service								C			C		
Animal Care Facilities	C						C	C					
Boat Storage								C			C		
Building Material Supplies/ Storage								C			P		
Entertainment Facilities													C
Equipment Rental											C		
Financial/Insurance Services							P	P				P	
Health Care Clinic					C	C	C						
Kennel (See Section 7.09)	C						C	C					
Manufactured Home Sales								C			C		
Marine Sales & Service								C			C		
Motor Vehicle Body Shop								C			C	P	
Motor Vehicle Sales & Rental								C			C		
Motor Vehicle Service Station							C	P			P	P	
Non-Public Utility Electrical Substation High Voltage Transformers & Distribution Facility (A) ⁶													
Offices									P				P
Offices for Professional Activities				C	C	C	P	P	P			P	
Personal Services							P	P	P			P	
Printing and Publishing								P	C		C	P	

³ Amended 4/25/2018 by Resolution 2-2018 (effective 5/25/2018) C-1 Blank

⁴ Amended 4/25/2018 by Resolution 2-2018 (effective 5/25/2018)

⁵ Amended 4/25/2018 by Resolution 2-2018 (effective 5/25/2018)

⁶ Amended 2/9/2022 by Resolution 2-2022 (effective 3/11/2022)

Article 4 – Amendments

Zoning Districts Land Use	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>I-1</u>	<u>B-PUD Article 14</u>
Public Garage								C			C		
Recreational Facilities, Commercial							C	C			C		
Restaurant/Lounge							C	P	C		P	P	C
Retail Businesses: All Types – Remove⁷													
Retail Businesses: Community Retail								P			P	P	
Retail Businesses: Malls										C ⁸	P		
Retail Businesses: Neighborhood Retail							P	P			P	P	
Retail Businesses: Shopping Centers										P	P		
Self Service Storage Facility							C	C			C		
Sexually Oriented Business (See Section 7.14)												P	
4.02.05 <i>Industrial Uses</i> (Subject to Site Plan Review)	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>I-1</u>	<u>B-PUD Article 14</u>
Any industrial use provided that no noxious or offensive activity shall be carried on within this district, nor shall anything be done which is injurious, dangerous or offensive to the neighborhood by reason of excessive emission of odor, dust, smoke, gas, noise, fumes, flame or vibration.												C	P
Asphalt Manufacturing or Mixing ¹⁰													C
Bakeries												C	P
Blast Furnaces													C
Bottling or Packaging of Cleaning Compounds, Polishes, Seeds, etc.												C	P
Breweries ¹¹												C	P
Brick and Tile Manufacturing													P
Carpenter and Cabinet Making Shops												C	P
Cement and Cinder Block Manufacturing												C	P
Chemical Plants (manufacturing and storage) ¹²												C	P
Cold Storage Plants												C	P
Commercial Grain Elevator	C												P
Confection Manufacturing												C	P
Creameries												C	P
Dental, Surgical and Optical Goods Manufacturing												C	P
Distilling of Bones, Fat, Glue, or Gelatin Manufacturing ¹³													P

⁷ Amended 2/9/2022 by Resolution 2-2022 (effective 3/11/2022)

⁸ Amended 2/9/2022 by Resolution 2-2022 (effective 3/11/2022)

⁹ Amended 2/9/2022 by Resolution 2-2022 (effective 3/11/2022)

¹⁰ Amended 4/25/2018 by Resolution 2-2018 (effective 5/25/2018)

¹¹ Amended 4/26/2007 by Resolution 2-2007 (effective 5/26/2007)

¹² Amended 4/26/2007 by Resolution 2-2007 (effective 5/26/2007)

¹³ Amended 4/26/2007 by Resolution 2-2007 (effective 5/26/2007)

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Zoning Districts Land Use	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>I-1</u>	<u>B-PUD Article 14</u>
Dry Cleaning and Carpet Cleaning												C	P
Electric and Gas Service Buildings												C	P
Fertilizer Mixing and Manufacturing												C	P
Food Processing													P
Food Products Manufacturing												C	P
Gas Storage and Manufacturing													P
General Manufacturing													P
Jewelry Manufacturing												C	P
Junk Yards, Automobile Graveyards, or Places for the Collection of Scrap Metal or Junk for Salvage Purposes ¹⁴												C	
Laboratories									P			C	P
Laboratories for Research and Testing									C			C	P
Laundries												C	P
Metallic Powder Works ¹⁵													P
Musical Instruments												C	P
Non-Public Utility Electrical Substation High Voltage Transformers & Distribution Facility (A) ¹⁶													
Office, Computer and Accounting Machines												C	P
Pattern Making Shops												C	P
Pharmaceutical Product Manufacturing												C	P
Printing, Engraving and Book Binding Shops												C	P
Produce Processing Facility												C	P
Racing Facilities ¹⁷													P
Sand and Gravel Extraction ¹⁸													
Saw Mills												C	P
Slaughter Houses ¹⁹													
Small Electronic Products and Scientific Instruments												C	P
Small Glass Products												C	P
Small Household Appliances												C	P
Smelting ²⁰													
Soda Water and Soft Drink Bottling												C	P
Sporting Goods												C	P
Stockyards ²¹													P
Stone Quarries ²²													
Toiletries and Cosmetic Manufacturing												C	P

¹⁴ Amended 4/26/2007 by Resolution 2-2007 (effective 5/26/2007)

¹⁵ Amended 4/26/2007 by Resolution 2-2007 (effective 5/26/2007)

¹⁶ Amended 2/9/2022 by Resolution 2-2022 (effective 3/11/2022)

¹⁷ Amended 4/25/2018 by Resolution 2-2018 (effective 5/25/2018)

¹⁸ Amended 4/25/2018 by Resolution 2-2018 (effective 5/25/2018)

¹⁹ Amended 4/25/2018 by Resolution 2-2018 (effective 5/25/2018)

²⁰ Amended 4/25/2018 by Resolution 2-2018 (effective 5/25/2018)

²¹ Amended 4/25/2018 by Resolution 2-2018 (effective 5/25/2018)

²² Amended 4/25/2018 by Resolution 2-2018 (effective 5/25/2018)

Article 4 – Amendments

Zoning Districts Land Use	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>I-1</u>	<u>B-PUD Article 14</u>
Tool, Die, Gauge and Machine Shops Manufacturing Small Parts												C	P
Transport and Trucking Terminals													P
Warehousing									C			C	P
Warehousing, Transfer, Terminal, Storage, and Loft Buildings, including the distribution of the items so handled												C	P
Wholesale Businesses													P
Wind Turbines ²³	C	C	C	C	C	C	C	C	C	C		C	C
4.02.06 <u>Accessory Structures and Uses</u>	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>I-1</u>	<u>B-PUD Article 14</u>
Accessory uses or structures customarily incidental to the principal permitted use on a property which it pertains to or depends upon for its existence	P	P	P	P	P	P	P	P	P	P		P	P
Accessory structure devoted to human occupancy													
Accessory Solar Energy Systems ASES ²⁴	P	P	P	P	P	P	P	P	P	P		P	P
Home Occupations (See Section 7.08)	P	P	P	P	P								
Non-traditional accessory structures, including but not limited to semi-truck trailers, box trucks, and cargo containers used by the air, rail, shipping, and land transportation industries ²⁵													
Outdoor Advertising	P						P	P	P	P		P	P
Ponds (See Section 7.11)	C ₂₆	C	C	C	C	C	C	C	C	C		C	C
Principal Solar Energy Systems PSES ²⁷	C						C	C	C	C		C	C
Structure for Temporary Housing for Seasonal Worker (See Section 7.17)	C												
P = Permitted Use C = Conditional Use Blank = Prohibited Use													

(A) – Applicable to all zoning districts for facilities located on separate parcels that are non-contiguous or separated by a public road from primary facility serviced.

²³ Amended 8/25/2021 by Resolution 10-2021(effective 9/24/2021)

²⁴ Amended 3/24/2021 by Resolution 02-2021 (effective 4/23/2021)

²⁵ Amended 8/8/2001 by Resolution 01-2001 (effective 9/9/2001)

²⁶ Amended 5/31/2006 by Resolution 10-2006 (effective 6/30/2006)

²⁷ Amended 3/24/2021 by Resolution 02-2021 (effective 4/23/2021)

ARTICLE 5 DEVELOPMENT STANDARDS

This article addresses general development standards for all development. The articles which follow provide specific development regulations and requirements for various types of developments and principal and accessory land uses. See Article 6 (Planned Unit Developments), Article 7 (Supplementary Land Use Regulations), Article 8 (Landscaping Requirements), Article 9 (Off-Street Parking and Loading), Article 10 (Sign Regulations), and Article 11 (Nonconforming Lots, Structures, and Uses).

SECTION 5.01 GENERAL LOT STANDARDS

- 5.01.01 Each lot shall adjoin a street meeting the minimum requirements of the platting authority.
- 5.01.02 Additional Lot Width and Depth Requirements
 - a) Lots less than five (5) acres shall have the minimum lot width specified in Section 5.04 (Development Standards Matrix), and shall be no more than three (3) feet deep for each foot of width.
 - b) All lots of five (5) acres or more shall have a minimum lot width of 225 feet, and shall not be subject to a maximum depth requirement. ¹
 - c) The depth and width of all yards shall be measured perpendicular to the lot line.

SECTION 5.02 GENERAL BUILDING STANDARDS

- 5.02.01 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building on one lot except as specifically provided in Section 5.02.04(e) (More than One Main Use on a Parcel).
- 5.02.02 Construction Standard. All structures shall meet construction requirements of the Wood County Building Regulations required by ORC 519.212 and ORC 3781.06 and comply with federal codes (HUD) for manufactured homes. A dwelling located in a manufactured home park shall meet all requirements of ORC Chapter 3733 and any regulations set forth in the Ohio Administrative Code.
- 5.02.03 Foundation Required. All buildings and dwellings 200 square feet and above² not located in a manufactured home park shall be affixed to the land upon a properly engineered, permanently-sited foundation system that meets the manufacturer's installation requirements and applicable state and Wood County Building Regulations.
 - a) A properly engineered foundation system is one that provides adequate support of the dwellings vertical and horizontal loads and transfers these and other

1 Amended 2/12/2001 by Resolution 01-2001 (effective 3/14/2001)

2 Amended 10/28/2020 by Resolution 8-2020 (effective 11/27/2020)

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imposed forces, without failure, from the dwelling to the undisturbed ground below the frost line.

- b) All structures shall have all towing apparatus, wheels and exposed chassis, if any, removed before occupancy of any kind is permitted.

5.02.04 Placement on Lot. All permanently sited single family dwellings, permanently sited manufactured homes, and other structures shall meet the minimum lot areas, minimum setbacks, and maximum height limitations for the particular district in which it will be located or as otherwise specified in this Resolution.

- a) Corner Lots and Through Lots. Corner lots and lots having frontage on more than one (1) street shall provide the minimum front yard requirements on each street.
- b) Traffic Visibility across Corner Lots. No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30) feet from their point of intersection.
- c) Front Yard Variation. In "R-2" or "R-3" Districts, when fifty percent (50%) of the developed frontage in one block on one side of the streets has front yards that are greater or less than the minimum front yard required, any building to be erected thereon shall not project beyond the average of the existing front yards, except that a minimum front yard of fifteen feet shall be maintained in all instances. This exception shall not apply in rural areas where density of development is less than one (1) family per acre.
- d) Setback of Building on Principal Highways. Notwithstanding the provisions of this Section, no building or accessory structure on lots fronting on any State, Federal or major highway shall be located within 100 feet in any "A-1", "R-1", "C-3", "C-4" or "I-1" District, or within 75 feet in any "R-2", "R-3", "R-4" or "C-1" and "C-2" District, from the edge of the existing right of way of such highway or from the edge of any proposed right of way on any map adopted by the Ohio Department of Transportation. Where there is no officially established public right of way for a road open to the public, all building shall be set back at least sixty (60) feet from the center line of the traveled roadway.
- e) More Than One (1) Main Use on a Parcel. Within any zoned district, except in an "R-1," "R-2," or "R-3" District, the placement of more than one (1) principal building on a lot, when all of the buildings are intended to be operated as a single enterprise and the lot and all portions of it are owned, leased, or under option by a single party, is subject to the following conditions:
 - 1) The yard requirements shall apply along all edges of the lot, but shall not be required for the internal arrangement of the buildings on the lot.
 - 2) Height, bulk, and lot area per dwelling unit shall apply as in the case of one principal building located on a lot.

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- 3) An application for the placement of more than one (1) principal building on a lot shall be accompanied by a Site Plan and referred to the Zoning Commission for review.

5.02.05 Height Exceptions

- f) **Buildings.** The height of a building specified as maximum height under Section 5.04 (General Development Standards by District) may be exceeded for public and semi-public buildings, office, industrial, and apartment buildings provided the required front, side and rear yards are increased by one (1) foot for each foot of additional building height. Approval of the Fire Chief and the Board of Zoning Appeals will be required to exceed the height limits of Section 5.04 (General Development Standards by District).
 - 1) No institutional and apartment buildings shall exceed a maximum height of sixty (60) feet.
 - 2) No industrial building shall exceed a maximum height of seventy-five (75) feet.
- g) **Structures.** Height regulations of buildings shall not apply to telecommunication towers, monuments, architectural spires, bell towers, water or fire towers, chimneys, cooling towers, or silos, except where the height of such structure will present a hazard to the safe landing and takeoff at an established airport.

5.02.06 Architectural Projections. Open structures such as porches, canopies, balconies, platforms, carports and covered patios and similar architectural projections, shall be considered a part of the building to which attached and shall not project into the required minimum, front, side, or rear yard.

5.02.07 Landscaping. All required landscaping, buffering, and screening pursuant to Article 8 (Landscaping Requirements) shall be met.

5.02.08 Off-Street Parking. Off-street parking shall be provided according to Article 9 (Off-Street Parking and Loading).

5.02.09 Utilities. Buildings must be approved for and be permanently connected to all required utilities and meet applicable requirements for water and sewer disposal as determined by the Wood County Board of Health.

- a) New or renovated dwellings, commercial buildings, and industrial buildings will be required to obtain a septic tank and well permit (if required) from the Wood County Health Department before a Zoning Permit and an occupancy permit are issued.
- b) Only one (1) building shall be permitted to utilize a single private, on-site waste disposal (septic tank and leach field) and water well system.
- c) All electric power lines (not including transformers or enclosures containing electric equipment which may be pad mounted), telephone, gas distribution, and

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cable television lines, constructed after the effective date of this Article shall be placed underground in accordance with the specifications and policies of the respective utility service providers.

SECTION 5.03 GENERAL PERFORMANCE STANDARDS

No land or building shall be used or occupied for commercial, industrial or non-residential purposes which produces any dangerous, injurious noxious or otherwise objectionable element or condition which could adversely affect the adjacent land nor pose a threat to the public health, welfare and safety of persons at the site or external to it. Such uses permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following standards. Environmental standards will be maintained for air quality, water quality and solid waste disposal as required by the Ohio Environmental Protection Agency and the Ohio Department of Health.

- a) Glare and Heat. No direct glare or reflected lights, which are visible from other properties outside the industrial or commercial district, shall be permitted.
- b) Vibration and Noise. Noises deemed objectionable to adjacent and nearby properties if determined a nuisance by the Township Trustees, shall not be permitted. It shall be unlawful for any person, or entity, to knowingly generate or knowingly permit to be generated, any unreasonable noise, sound or vibration associated with such noise or loud sound. For purposes of this regulation, a noise, sound or vibration shall be unreasonable if such noise, sound or associated vibration is both:
 - 1) Audible or perceptible, at a distance which is equal to, or exceeds, the lessor of:
 - i.) One hundred (100) feet from the source of the noise, sound or vibration; or
 - ii.) Fifty (50) feet from any boundary line of the property from which the noise, sound or vibration emanates.
 - 2) Likely to cause annoyance or inconvenience to persons of ordinary sensibilities.
- c) Smoke, Dust, Particulates and Odors. The emission of smoke, dust, particulates or odors, which are objectionable or pose a threat to the health and safety of the surrounding area shall not be permitted. Compliance shall be in accordance to Air Quality Standards of the State of Ohio as administered by the Ohio Environmental Protection Agency. All roadways internal to the site will be paved to minimize dust.
- d) Radiation or Electromagnetic Disturbance. No device or material that generates hazardous radiation or causes electromagnetic disturbances to nearby areas shall be permitted.

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- e) *Electrical and Telecommunication Facilities*. All electrical and telecommunication facilities should be hidden from view of adjoining properties and roadways and where feasible will be placed underground.

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SECTION 5.04 GENERAL DEVELOPMENT STANDARDS BY DISTRICT ³

The following table establishes the yard, area, lot coverage and height requirements for all districts. All setback measurements are made from the right-of-way or lot lines except where otherwise stated.

	Type of Dwelling	Minimum Lot Requirements			Minimum Dwelling Area (sq ft)	Max. Height		Minimum Yard Setbacks			
		Minimum Lot Area	Lot Area Per Dwelling Unit	Lot Width (ft) [See §4.01.02]		Stories	Feet	Front Yard (ft)	Either Side Yard (ft)	Sum of Side Yard (ft)	Rear Yard (ft)
A-1	Single Family*	30,000 sq ft	30,000 sq ft	150	1,500	2.5	35	50	20	40	75
	Single Family**	1 acre	1 acre	150	1,500	2.5	35	50	20	40	75
R-1	Single Family*	20,000 sq ft	20,000 sq ft	100	1,500	2.5	35	50	10	25	60
	Single Family**	30,000 sq ft	30,000 sq ft	150	1,500	2.5	35	50	20	40	70
R-2	Single Family*	15,000 sq ft	15,000 sq ft	85	1,200	2.5	35	40	10	25	40
	Single Family**	22,500 sq ft	22,500 sq ft	135	1,200	2.5	35	40	10	25	50
R-3	Single Family	10,500 sq ft	10,500 sq ft	75	1,200	2.5	35	35	8	20	35
	Two Family	15,600 sq ft	7,800 sq ft	120	1,700	2.5	35	35	8	20	35
R-4	Single Family	7,800 sq ft	7,800 sq ft	65	1,200	2.5	35	35	6	16	30
	Two Family	10,000 sq ft	5,000 sq ft	90	1,700	2.5	35	25	6	16	30
	Multi Family	n/a	3,000 sq ft	90	Efficiency: 500 1 BR: 650 2 BR: 900 3 BR: 1,200 4 BR+: 1,500	3	45	25	15	30	30
R-5	Special	3 acres	2,000 sq ft	n/a		3	45	25	15	25	6
R-PUD	See Section 6.01 (Residential Planned Unit Developments)										
C-1	n/a	n/a	n/a	150	1,000	2	35	75	10	20	20
C-2	n/a	n/a	n/a	150	1,000	2	35	75	10	20	20
C-3	n/a	n/a	n/a	150	1,000	2	35	75	10	20	20
C-4	n/a	n/a	n/a	150	1,000	2	35	75	10	20	20
I-1	n/a	n/a	n/a	150	1,000	2	35	75	30	60	30
B-PUD	See Section 6.02 (Business Planned Unit Developments)										

Footnotes to table:

* with off-site utilities ** with on-site utilities

³ Amended 2/12/2001 by Resolution 01-2001 (effective 3/14/2001)

SECTION 5.05 ACCESSORY STRUCTURES AND USES

5.05.01 No accessory structure may occupy a lot prior to the point of construction where the principal building is framed and roof completed.

5.05.02 Yard Requirements

- f) Accessory structures shall not be located in any front yard nor in the side yard of a corner lot when that yard faces a street or road.
- g) Accessory structures shall not be permitted to be located in the side yard of any parcel less than one (1) acre in net area.
- h) Accessory structures shall have a minimum setback of fifteen (15) feet from all lot lines, and ten (10) feet from the principal building.⁴
- i) An accessory structure may occupy not more than thirty (30) percent of a required rear yard.
- j) An accessory structure shall meet the Wood County Health Department required setbacks from septic systems.

5.05.03 Height. Accessory structures erected in "R" and "C-1" districts shall not exceed twenty (20) feet in height. All other accessory structures shall comply with height limitations specified in this Article.

5.05.04 Approval Procedure. The Zoning Inspector shall make an initial determination at the time application is made that any proposed accessory structure is authorized by this Zoning Resolution. A determination that a proposed structure is a prohibited non-traditional accessory structure may be appealed to the Zoning Board of Appeals. All other matters related to placement of an accessory structure shall be in accordance with this Resolution.

⁴ Amended 8/8/2001 by Resolution 01-2001 (effective 9/9/2001)

ARTICLE 6 PLANNED UNIT DEVELOPMENTS

SECTION 6.01 "R-PUD" RESIDENTIAL PLANNED UNIT DEVELOPMENTS

Subdivision developments proposed in "A" or "R" Districts may be rezoned to "R-PUD" residential planned unit developments at the option of the developer. When such amendment is approved, the new zoning district name shall be a combination of the original district name followed by the term "PUD" (e.g, "R-2 PUD"). Upon Zoning Commission approval of the Final Development Plan for the residential planned unit development, all residential planned unit developments shall be platted in accordance with applicable Wood County subdivision rules and regulations.

6.01.01 Minimum Subdivision Size

- a) The minimum area for a R-PUD Planned Residential Development shall be two (2) net acres. Net acres being defined as gross parcel acreage less public or private rights-of-way.
- b) The Zoning Commission may recommend and the Township Trustees may approve a proposed Planned Unit Development which has an area less than two (2) acres for development sites which are isolated by natural or man-made barriers or by existing development so that additional land is not available for inclusion in the new development.

6.01.02 Minimum Common Green Space and/or Recreation Areas. No less than ten thousand (10,000) sq. ft. or ten (10) percent of the net parcel acreage, whichever is greater, none of which shall be part of any required yard setback, shall be allocated to consolidated common green space and/or recreation areas.

- a) Preservation in Perpetuity. Such open space land or recreational facilities shall be prohibited from further subdivision or other development by deed restriction, conservation easement, or other agreement in a form acceptable to the Troy Township Legal Advisor and duly recorded in the office of the Recorder of Deeds of Wood County.
- b) Ownership. Subject to such permanent restriction as set forth above, such open space land or recreational facilities may be held by the individual members of a Condominium Association as tenants-in-common, may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity, or may be owned by Troy Township (at the option of the Township), a land trust, or other conservation organization or similar entity approved by the Township, or may remain in private ownership. Where ownership is held by an association, the association's bylaws or code of regulations must specify the following requirements:
 - 1) Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.

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- 2) The Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.
- c) Transfer of Conservation Easements. Upon the recommendation of the Zoning Commission and with the permission of the Troy Township Trustees, the owner(s) of the open space land or recreational facilities may, in accordance with the provisions of ORC 5301.67-70, grant a conservation easement to any of the entities listed in ORC 5301.68 acceptable to the Township, provided that the provisions of the conservation easement are acceptable to the Township and the conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

6.01.03 Density Computation (Density-Neutral Formula).

- a) The maximum number of dwelling units permitted shall not exceed the number of units permitted in the zoning district replaced by the residential planned unit development, unless this number is reduced by site size and shape, allowances for roads, environmental impacts of floodplains, wetlands, and water bodies, Wood County subdivision requirements, or other applicable regulations.
- b) The maximum number of dwelling units permitted in the development shall be calculated by dividing the net residential acreage by the minimum lot area per dwelling unit as shown under Section 5.04 (General Development Standards by District). For purposes of this calculation, net residential acreage equals eighty (80) percent of the gross parcel acreage and gross parcel acreage is the total parcel area excluding public rights-of-way or flood plain.

6.01.04 Lot, Height, and Yard Requirements

- a) For an A-1 PUD or an R-PUD, the lot, height, and yard dimensional requirements for the district replaced by the R-PUD under Section 5.04 (General Development Standards by District) shall be used to guide lot, height, and yard development in the R-PUD District. To allow for required common green space and/or recreation areas and to provide maximum flexibility for the development of residential lots, the lot and yard dimensional requirements may be reduced to a maximum of thirty-three and one-third (33-1/3) percent.
- b) zero lot line development shall comply with the lot, height, and yard dimensional requirements of Section 6.01.07 (Zero Lot Line Developments).
- c) Minimum Perimeter Yard Setback. A yard setback shall be maintained along all perimeter parcel boundaries of the Residential Planned Unit Development of not less than twenty-five (25) feet.

6.01.05 Maximum Impervious Surface Area in Subdivision. No more than forty (40) percent of gross parcel acreage shall be devoted to coverage by buildings, street pavement, motor vehicle driveway pavement, and parking area pavement.

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6.01.06 Dwelling Arrangement. In developments where single-family or two-family dwellings are mixed with multi-family dwellings, the dwellings along the perimeter of the development must be arranged progressively in relation to the type of uses in the abutting area. For instance, when the abutting use is multi-family, commercial, or industrial land uses, then proposed multi-family uses shall be arranged to buffer proposed single-family or two-family dwellings. Conversely, when the abutting use is single-family or two-family dwellings, then single-family or two-family dwellings shall buffer the abutting area from multi-family dwellings.

6.01.07 Zero Lot Line Developments. Zero lot line development may be utilized in a R-4 PUD or R-5 PUD Zoning District. The following additional regulations shall apply:

- a) To provide maximum flexibility for the development of residential lots, the dimensional requirements under Section 5.04 (General Development Standards by District) may be reduced no less than the following dimensions:

Minimum Lot Size and Building Height				
Type of Dwelling	Minimum Lot Area Per Dwelling Unit	Minimum Lot Width Per Dwelling Unit	Maximum Height Of Buildings	
			Stories	Feet
Single or Two Family	5,000 sq. ft.	45 feet	2	35
Multi Family	2,400 sq. ft.	24 feet	2	35
Minimum Yard Setback				
Type of Dwelling	Front Yard *	Rear Yard	Side Yard	
			Either Side *	Sum Of Side Yards
Single or Two Family	30 ft	5 ft	0 to 10 feet	10 feet *
Multi Family	30 ft	5 ft	0 to 10 feet	10 feet *
* applies to each end unit				

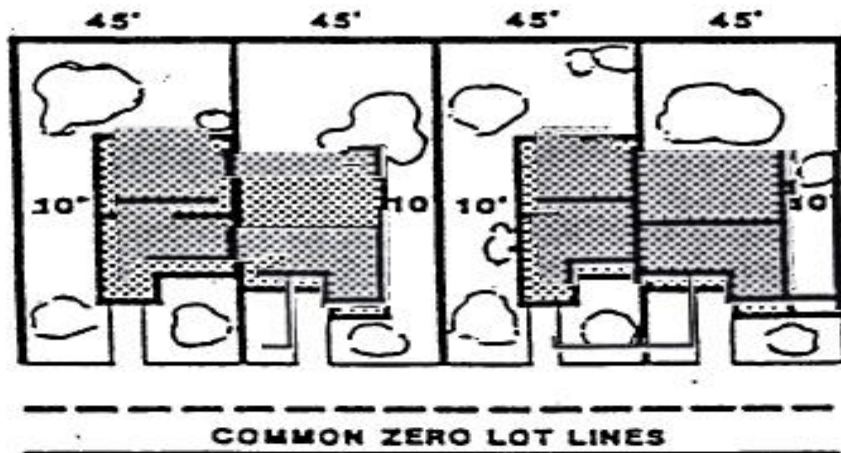
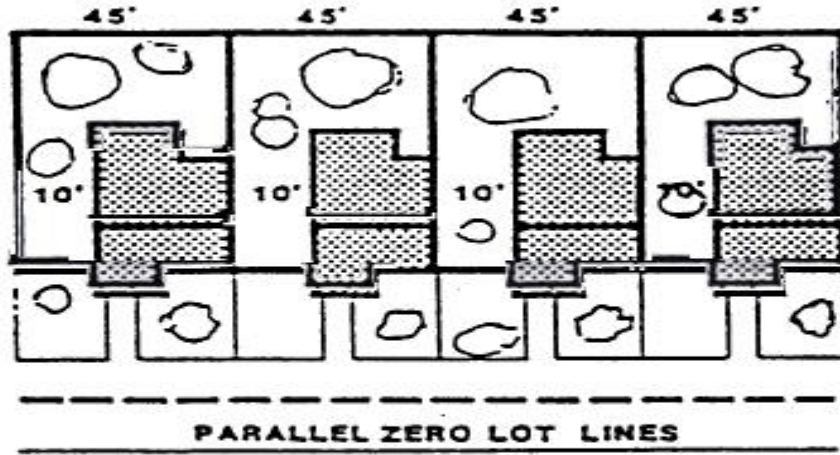
- b) Deed Restrictions Required. Lots proposed for zero lot line developments shall require deed restrictions of record to be placed on each proposed site and all adjacent lots which gives the owner notice that any development adjacent to a structure proposed with a zero-foot setback shall either attach to the common wall of the zero lot line development or provide a minimum side yard of ten (10) feet.
- c) Minimum Yard Area Per Dwelling. The minimum yard area exclusive of structures is six hundred (600) square feet.
- d) Maximum Lot Coverage. Maximum lot coverage of structures shall not exceed seventy (75) percent of each lot.

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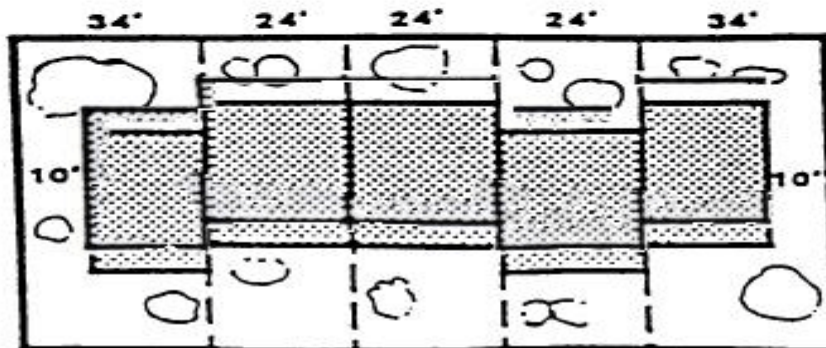
- e) Walls of structures along the zero lot line setbacks must not contain any windows, doors, or openings of any kind.
- f) The side yard setback opposite the zero lot line setback shall be no less than ten (10) feet and shall contain no permanent structures.
- g) The provisions of the following shall govern as to the rights and obligation and occupants of lots respecting side yard easements. For purposes of definition, the "servient tenement" is defined as the property providing a side yard easement. The "dominant tenement" is defined as the property adjoining benefiting from the easement.
 - 1) A five (5) foot maintenance easement shall exist along all zero lot lines exclusive of lots that share a common zero lot line wall.
 - 2) Lots subject to this easement will be set forth as an appropriate reservation grant in the deed to the dominant tenement.
 - 3) The easement shall be maintained by the owners or occupants of the servient tenement as open space, landscaping or as a garden and shall be retained in a manner not to restrict its use by the owners occupants of the dominant tenement.
 - 4) The owners or occupants of the dominant tenement shall have a limited, nonexclusive right of use and occupy the side yard easement for purposes of maintenance, repair, or replacement of the structure. Ingress and egress will be provided without limitation for these purposes. Owners and occupants of the dominant tenement shall be responsible for all damage to the servient tenement that may restrict the use and enjoyment of the side yard. This responsibility extends to maintenance of the exterior walls of the structure that shall be maintained and retained in a manner compatible with the servient tenement.
 - 5) The owners and occupants of the servient tenement shall be limited to the use of the easement for purposes described in Paragraph (d)(4) of this section. The owner or occupant of the servient tenement shall be responsible for any damage to the structure of the dominant tenement which is caused by the negligence of the owner or occupant of the servient tenement or by persons entering on the servient tenement with consent of the owner or occupant.

EXAMPLES OF ZERO LOT LINE DEVELOPMENT

Single or Two Family Units



Multi Family Units



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SECTION 6.02 “B-PUD” BUSINESS PLANNED UNIT DEVELOPMENTS ¹

Subdivision developments proposed in “C” or “I” Districts may be rezoned to “B-PUD” Planned Business Districts at the option of the developer. Upon Zoning Commission approval of the Final Development Plan for the Planned Business District, the developer shall have the development platted in accordance with applicable Wood County subdivision rules and regulations.

The following general development standards are established to ensure that areas zoned B-PUD are developed as a high-quality business and industrial center with a park-like environment.

6.02.01 Minimum Subdivision Area. A Planned Business District development project shall require a parcel size of five (5) acres or more for the subdivision.

6.02.02 Building and Impervious Area Coverage. The maximum coverage of all buildings, including accessory structures, and all impervious areas, such as parking and loading areas shall not exceed seventy (70) percent of the gross lot area.

6.02.03 Building and Structure Heights. Buildings and structures up to fifty (50) feet in height are allowed without special condition. Building and structures may exceed fifty (50) feet provided that:

- a) The site will have a maximum building floor area/lot area ratio of 2:1 (i.e., the total floor area within all buildings will not exceed twice the total lot area).
- b) All required yards shall be increased by one (1) foot for each one (1) foot building and structure height more than fifty (50) feet.
- c) No site plan shall be approved which includes buildings and structures more than fifty (50) feet in height unless approved by the fire chief of the Township.

6.02.04 Yard Setbacks. All buildings and structures shall meet the following yard setbacks:

a) Front Yards

- 1) For all property that has a front lot line that adjoins a state or federal highway, the minimum front yard shall be fifty (50) feet from the front lot line or right-of-way. In the case of a corner lot, both yards fronting on any public street shall be a minimum of fifty (50) feet.
- 2) For all property that has a front line that does not adjoin a state or federal highway, the minimum front yard shall be forty (40) feet from the front lot line. In the case of a corner lot, both yards fronting on any public street shall be a minimum of forty (40) feet.

- b) Side & Rear Yards. No building or structure shall be permitted within twenty-five (25) feet, nor any parking area within five (5) feet of any side or rear property line. All accessory structures shall be located at least twenty-five (25) feet from

¹ Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

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any side or rear lot line, and may not be located closer to a road right-of-way than the principal structure.

- 6.02.05 B-PUD Underground Utilities. All electric power lines (not including transformers or enclosures containing electric equipment which may be pad mounted), telephone, gas distribution, and cable television lines, constructed after the effective date of this Article shall be placed underground in accordance with the specifications and policies of the respective utility service providers.
- 6.02.06 B-PUD District Landscaping Requirements. Lots within the B-PUD District shall satisfy all landscaping requirements pursuant to Article 8 (Landscaping Requirements)
- 6.02.07 B-PUD District Off-Street Parking and Loading Requirements. No building or structure shall be erected or structurally altered, or any use of property changed unless adequate off-street parking and loading spaces have been provided in accordance with Article 9 (Off-Street Parking and Loading Requirements).
- 6.02.08 B-PUD District Signs. All signs must meet the requirements of Article 10 (Signs).
- 6.02.09 Access Control Requirements. As part of the site plan review process, access shall be reviewed relative to the distance from other drive approaches and from roadway intersections. The preferred method of providing access to parcels is to minimize or eliminate driveways by using service road, rear access road, or shared driveways. The Zoning Commission may require that driveways be moved, combined, realigned, or eliminated to reduce the potential for accidents.
- a) Limits on Number of Driveways. For parcels with continuous frontage under one hundred (100) feet, one (1) driveway is permitted for ingress and egress. In the case of a corner lot, this driveway should be located on the street with the lower traffic volume. For parcels with more than one hundred (100) feet of frontage, a second driveway may be permitted following completion of a traffic impact study.
- b) Traffic Impact Study. Where a single development, individual use, expansion or change of existing use that would require site plan approval results in generating one hundred (100) or more peak hour trip ends (as defined by the Institute of Transportation Engineers' (ITE) Trip Generation Manual), a Traffic Impact Study shall be prepared by a qualified professional engineer at the developer's expense. This study is required to document the development's impacts on internal and external circulation and vehicular safety. The traffic impact study shall investigate the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations, etc., to protect the safety of the traveling public. The traffic impact study shall include the following elements:
- 1) A description of the site and study area.
 - 2) Anticipated development of adjacent parcels.
 - 3) Trip generation and distribution, including a description of all assumptions used to generate findings of trip distribution.
 - 4) Modal split (if applicable).

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- 5) Traffic assignment resulting from the development.
 - 6) Projected future traffic volumes.
 - 7) An assessment of the impact that would result from driveway alternatives.
 - 8) Recommendations for site access and transportation improvements needed to maintain traffic flow within and past the site at an acceptable and safe level of service.
 - 9) An evaluation of the effects the proposed development will have on the level of service and roadway capacity.
- c) Conditional Approval of Driveways. As part of the site plan review process, the Zoning Commission may approve a specific driveway or require a shared drive approach, location with the condition:
- 1) That an agreement be first entered into between the property owner and the Township requiring that if a service road is constructed in the future, or if the opportunity for a shared driveway should present itself with development of adjacent property, one or more approved driveways shall be closed and measurements taken to utilize such service road or shared drive.
 - 2) For signal improvements, turn lanes, restrictions on turning movements, limited direction driveways, or other requirements to ensure safe and efficient traffic movement.
- d) Construction of Service Roads. Based on the findings of the Traffic Impact Study and consideration given at the site plan review proceedings, a service road may be required, such improvement shall be constructed by the developer of the involved property before any occupancy or use permit is granted.
- 6.02.10 Additional Access Control Measures for Parcels with Frontage on State Route. In addition to the requirements stated in this Article, parcels with frontage and proposed access onto a state route shall be required to submit proof of approval and any conditions made part of ODOT access management approval.
- 6.02.11 B-PUD Supplementary Land Use Regulations ²
- a) All supplementary land use must meet the requirements of Article 7 (Supplementary Land Use Regulations).

² Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

ARTICLE 7 SUPPLEMENTARY LAND USE REGULATIONS

The following standards and conditions shall apply to land uses authorized pursuant to Article 4 (Permitted and Conditional Use Regulations).

SECTION 7.01 AGRICULTURAL USES

7.01.01 Regulation of Land Used for Agricultural Purposes. A parcel used for agricultural purposes as defined by ORC 519.01 is subject to the following agricultural use restrictions when it has the following characteristics:

- a) The parcel is within a platted subdivision approved under O.R.C. 711.05, 711.09 or 711.10, or in any area consisting of fifteen (15) or more lots approved under O.R.C. 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road.
- b) Parcels of One Acre or Less. When the parcel has an area of one (1) acre or less and meets the requirements of Paragraph (a):
 - 1) Buildings and structures incident to the use of land for agricultural purposes shall meet front, side, and rear setbacks and shall be constructed in a design and of materials which harmonize to existing residential, commercial, or industrial structures on the property. Such buildings shall not exceed thirty-five (35) feet in height, and shall not exceed one-eighth (1/8) of the total area of the parcel.
 - 2) Agricultural Uses Not Involving Animals. With the exception of fruit trees, agricultural uses not involving animals are permitted so long as they are not extended into the front setback for the district in which the parcel is located and do not exceed more than thirty-three and one-third (33-1/3) percent of the total open space of such parcel.
 - 3) Animal and Poultry Husbandry
 - i. The breeding, raising or maintaining of farm animals such as horses, pigs, cows, sheep, goats, or similar large livestock is prohibited on lots of one (1) acre or less.
 - ii. Animal husbandry of other animals raised for sale or for their meats, skins or other byproducts are conditional uses subject to approval by the Board of Zoning Appeals. The Board shall consider:
 - Size of the lot or parcel.
 - Type and number of animals
 - Size area devoted to the above animal uses
 - Feed and waste management plan
 - Location and type of animal housing

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- iii. Structures incident to housing farm animals shall not be permitted within fifty (50) feet of a dwelling or an adjacent property line.
- c) Parcels Greater than One Acre but Less than Five Acres. When the parcel has an area larger than one (1) acre but does not exceed five (5) acres and meets the requirements of Paragraph (a), agricultural uses are permitted subject to application for and approval of a conditional use permit therefore by the Board of Zoning Appeals:
- 1) Building and structures accessory to the agricultural use of the property shall meet front, side, and rear setbacks for the district, shall not exceed thirty-five (35) feet in height, shall not exceed one-eighth (1/8) of the total area of the parcel.
 - 2) Animal and Poultry Husbandry. When at least thirty-five (35) percent of the lots of the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under ORC 4503.06, dairying, pasturage and animal husbandry of animals raised for their meats, skins or other byproducts are conditional uses subject to approval by the Board of Zoning Appeals.
 - i.) The Board shall consider:
 - Size of the lot or parcel;
 - Type and number of animals;
 - Size area devoted to the above animal uses;
 - Feed and waste management plan;
 - Uses of adjacent properties;
 - Location and type of animal housing.
 - ii.) Farm animals or structures incident to housing farm animals shall not be permitted within fifty (50) feet of a dwelling or an adjacent property line
 - iii.) Any dairying and animal and poultry husbandry which existed prior to thirty-five (35) percent of the lots being developed, shall be considered a nonconforming use of land and building or structures pursuant to ORC 519.19.
- 7.01.02 Section 7.01.01 does not apply to agriculture, buildings or structures and dairying and animal and poultry husbandry on lots greater than five (5) acres.
- 7.01.03 This provision excludes structures with incidental and minimal use for the above listed purposes and provides that structure is used primary for agricultural uses as defined in Section 2.02 of the definitions.

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SECTION 7.02 DISH ANTENNAS

- 7.02.01 Any dish antenna in any Residential District:
- a) Shall be located toward the rear of the lot;
 - b) Shall be at least ten (10) feet from any principal buildings;
 - c) Shall have rear and side property line setbacks equal to or greater than the height of the proposed structure; and
 - d) In the case of a corner lot, shall not project beyond the front yard required or existing on the adjacent lot.
- 7.02.02 Where a dish antennae is proposed to be independently supported, it shall not exceed fifteen (15) feet in height.
- 7.02.03 Where a dish antenna is proposed to be mounted on the roof of a building, it shall not extend more than fifteen (15) feet above the highest point of the roof of the building which it serves.

SECTION 7.03 EXTRACTION INDUSTRIES

- 7.03.01 Removal. The removal of soil, sand and gravel, and or minerals shall not exceed twenty-five (25) percent of the total surface area of a parcel. All extraction industries in the removal of products shall meet the requirements of Surface Mining and Reclamation 1514.10 ORC.
- 7.03.02 Refilling. The refilling of an area which has been excavated for the extraction of soil, sand and gravel shall be considered waste disposal and shall meet the requirements set forth by the Wood County Board of Health for solid waste disposal under 3734.05 ORC.

SECTION 7.04 FARM MARKETS

- 7.04.01 General. Farm markets shall be permitted where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by a market operators within a normal crop year.
- 7.04.02 Building. The maximum area of any building, structure, or produce stand used for produce sale or storage shall be two hundred (200) square feet. There shall not be more than one (1) such structure per lot.
- 7.04.03 Setback. To allow for safe ingress and egress of vehicles and temporary parking, no building, structure, produce stand, or vehicle used for produce sale or storage shall be closer than twenty (20) feet of any road right-of-way. All other required setbacks for the Zoning District shall be maintained.

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- 7.04.04 Access Management. Farm Markets shall conform to access management requirements as required by ODOT along state routes or Wood County Access Management Requirements.
- 7.04.05 Parking. Adequate off-street parking shall be provided for a minimum of four (4) vehicles. Farm Markets which offer drive-through service shall provide a minimum of four (4) vehicle stacking spaces. Off-street parking areas and access drives shall be maintained in an all-weather, dust-free condition.
- 7.04.06 No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

SECTION 7.05 FARM RECREATION ENTERPRISE

7.05.01 General Requirements

- a) All proposed Farm Recreation Enterprises will require a conditional use permit from the Board of Zoning Appeals.
- b) All proposed Farm Recreation Enterprises shall submit a site plan in conformance with Section 13.04 (Site Plan Review) when making application for the Conditional Use Permit.
- c) The applicant must assure that the proposed activity will not disrupt the neighboring property owners or tenants.
- d) A Farm Recreation Enterprise will be temporary in duration (two years or less). An extension of a duration equal to but not greater than the initial permit period may be granted by the Zoning Inspector; provided notice of such requests for extension shall be mailed at the applicant's expense, to adjacent property owners and if any of said owners object to granting of said extension, within thirty (30) days of mailing, then the Board of Zoning Appeals shall conduct a public hearing to consider said request for an extension.

SECTION 7.06 FENCING

7.06.01 General

- a) No fence shall be allowed within the required road right-of-way.
- b) Fences in an "A-1" or "R" District may not exceed four (4) feet in height in the required front yard nor exceed six (6) feet in height in any remaining yards.
- c) Fences in a "C" or "I" District may not exceed four (4) feet in height in the required front yard nor exceed seven (7) feet in height in any remaining yards except as required under Section 8.02 (Landscape Buffer Strips Required).
- d) Fences may be placed on the property line provided that fences are placed no closer than two (2) feet to a fire hydrant.

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- 7.06.02 Corner Lot. No fence, structure or planting screens shall be created or maintained within thirty (30) feet of the corner (point of intersection of the two (2) streets rights-of-way) at a height exceeding two (2) feet above curb or street grade.

SECTION 7.07 GROUP HOME REGULATIONS

It is the purpose of this Section to regulate the location, operation, and maintenance of group homes, as defined herein. It is the intent of the Township to provide for the assimilation of these homes in stable and suitable neighborhoods so that the living environments of their residents are conducive to the well-being of their residents. Group homes shall comply with the following criteria:

- 7.07.01 Licensing. No group home shall be established, operated or maintained on any premises unless authorized by the issuance of a Zoning Permit in accordance with the provisions of the Zoning Resolution. In addition, a group home shall not be permitted to be constructed or operated until the agency, or institution operating such a home meets the certification, licensing, or approval requirements of the appropriate State or County and local certifying agencies.
- 7.07.02 Building, Fire, Health and Safety Standards. A group home shall meet building, fire, health and safety standards as set by State and local laws and regulations applicable to such a facility.
- 7.07.03 Types of Dwellings. Group homes shall be established in detached single-family dwellings, two-family, multiple family dwellings, or structures, or portions thereof, converted entirely to group home use.
- 7.07.04 Residential Character. All group home structures in residential districts shall maintain a residential character and remain unaltered from its residential character. The design of a proposed new structure and any proposed remodeling of existing structures shall be feasible for permitted uses in the district in the event that the group home is discontinued, and will not be detrimental to the area because of substantial differences in exterior design or site development.
- 7.07.05 Off-Street Parking. Group homes must ensure that adequate off-street parking is provided for hired or volunteer staff in addition to the requirements of Section 9.03.03 (Minimum Parking Spaces Required).
- 7.07.06 Signage. No signs shall be erected by group homes for the purposes of identification except a permitted street address sign.
- 7.07.07 Separation. In order to limit the excessive concentration and to reduce any negative impact on neighborhoods within the Township, no group home shall be permitted within eight hundred (800) feet of the boundary lines of the property on which another group home in the Township is located.

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SECTION 7.08 HOME PROPERTY BUSINESS ¹

7.08.01 General Requirements. Generally, residential uses shall be separate from commercial or other nonresidential uses. However, Troy Township recognizes that some nonresidential uses in a home are desirable. The home property business may be allowed as a conditional use requiring Zoning Board of Appeals approval in all residential and agricultural districts where it is clearly incidental and secondary to the use of the property for residential purposes, and does not change the character thereof. The home property business shall be subject to the following conditions:

- 1) Permit Required
 - a) No Home Property Business shall be permitted until an application for a Home Property Business Conditional Use Permit is reviewed and approved by the Zoning Board of Appeals.
 - b) A Home Property Business Conditional Use Permit shall be issued only to a resident of the premises in which the Home Property Business is to be conducted. If the resident rents the premises, the resident shall provide evidence of written permission from the premises' owner as part of the the permit application.
 - c) Home Property Business Conditional Use Permits shall not be transferable, shall not run with the land, and shall expire upon the sale, transfer, or lease of the property to a new owner or tenant.

2) Prohibited Home Property Business

The following uses and activities shall not be permitted as or conducted as a Home Occupation/In the Home Business:

- a) Funeral Homes
 - b) Hotels & Motels
 - c) Professional offices of physicians, dentists, or other medical related services
 - d) Vehicles or equipment sales/rental
 - e) Veterinary facilities and/or small animal clinics
- 3) The use of the dwelling unit for the Home Property Business shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
 - 4) No more than two (2) persons other than members of the family residing on the premises shall be engaged in such occupation.
 - 5) There shall not be a change in the outside appearance of the building or outside storage appearance of the building or premises.
 - a) No outside activity or operations or outside storage of stock-in-trade or other materials incidental to the home occupation.
 - b) One (1) non-illuminated sign – Refer to Section 10 of the Resolution regarding signs

¹ amended 8/22/2012 by Resolution 12-2012 (effective 9/21/2012)

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6) Parking

- a) A Home Property Business shall provide off-street parking area adequate to accommodate all needs created by Home Property Business in addition to the requirements for the principal use of the premises.
- b) Required off-street parking to service the Home Property Business shall not be permitted in the front yard of the dwelling, other than the driveway.

7) Traffic Impact

A Home Property Business shall not generate traffic in greater volumes than would normally be expected for agricultural or residential area.

- 8) No equipment or process shall be used in such home occupation which is noxious, offensive, or hazardous by reason of hours of operation, vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, glare, fumes, odors, heat, humidity, radiation, or electrical interference detectable to the normal senses of the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage of the premises.

SECTION 7.09 KENNELS

7.09.01 General Requirements

- a) Minimum lot area shall be two (2) acres.
- b) Buildings, pens or enclosures used for short term commercial boarding of dogs and cats shall be a minimum of fifty (50) feet from all property lines and/or any dwelling unit.
- c) Suitable fencing or landscaping shall be installed around pens and/or enclosures used for short term commercial boarding of dogs and cats.
- d) Hours of operation shall be between 8:00 a.m. and 7:00 p.m. for all days of the week.
- e) Advertising signs shall be in accordance with Article 10 (Signs).
- f) On-site parking shall be provided in accordance with Article 9 (Off-Street Parking and Loading).

SECTION 7.10 OPEN STORAGE AND DISPLAY OF MATERIAL AND EQUIPMENT

The open storage and display of material and equipment incident to permitted or conditional non-residential uses shall be permitted provided the area used for open storage and display is screened by means of walls, fences or plantings. In no case shall this storage be maintained beyond the front building line. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. Notwithstanding the requirements of [Section 8.02](#) (Landscape Buffer Strip Required), in lieu of such wall or fence, a strip of land not with an evergreen hedge or dense

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planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

SECTION 7.11 PONDS AND BORROW PITS

7.11.01 Pond Applications

- a) All ponds are a permitted accessory use and require a zoning permit. The Zoning Inspector shall inspect ponds as provided in Section 1302.06. A pond plan shall be submitted to the Troy Township Zoning Inspector.

Ponds are now a permitted use not a conditional use. ²

- b) Delete ³

7.11.02 Pond Area and Design Requirements

- a) Ponds other than ponds which are aesthetic landscape features shall only be located on lots that meet or exceed two (2) net acres of land.

b) Setbacks

- 1) A pond shall have sixty (60) feet minimum setback from any roadway right-of-way centerline or behind the front building line whichever is greater.
- 2) A minimum setback of twenty (20) feet from all property lines.⁴
- 3) A pond shall be located no closer than fifty (50) feet to a septic tank, or leach field. Pond location and related redistribution of extracted soil, shall be in compliance with the Wood County Health Regulations for on-site septic disposal.
- c) Minimum pond surface area shall be one-third (1/3) acre. Maximum surface area shall not exceed twenty-five (25) percent of the net acreage of the parcel. ⁵Aesthetic landscape ponds shall not exceed (two hundred) 200 square feet in water surface area.
- d) The side slope of the pond shall be horizontal to vertical as a ratio of three-to-one (3:1) except where a beach is desired. This ratio shall be maintained to a minimum depth of ten (10) feet. ⁶
- e) Beach areas may be sloped no less than at a horizontal to vertical ratio of ten-to-one (10:1) and shall not exceed twenty-five (25) percent of the pond surface area.

² Amended 11/11/2015 by Resolution 08-2015 (effective 12/11/2015)

³ Amended 2/12/2001 by Resolution 1-2201 (effective 3/14/2001 & amended 11/11/2015 by Resolution 8-2015 (effective 12/11/2015)

⁴ Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014)

⁵ Amended 2/12/2001 by Resolution 1-2001 (effective 3/14/2001)

⁶ Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014)

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- f) Embankment, earth berm, or disturbance from pond construction shall not be higher than six (6) feet from the original undisturbed grade level. Fill dirt may be hauled off site. The natural grade of land shall remain undisturbed within fifteen (15) feet of any property line.⁷
- g) To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage from pond development, then diverted to a suitable outlet or drainage ditch. Tile Lines encountered in construction should be properly removed and rerouted around the pond.⁸
- h) All ponds in an “R” District must be enclosed by a fence in accordance with Section 7.06 (Fencing). If a pond proposed for other districts is deemed to pose a safety hazard because of the density of development in the vicinity of the parcel, the Township may require fencing be installed as specified under Section 7.06 (Fencing).
- i) All proposed ponds shall conform to the additional requirements of:
 - 1) Natural Resources Conservation Service (NRCS) specifications and recommendations for ponds.⁹
 - 2) Section 5.03 (General Performance Standards);
- j) Refilling. The refilling of an area which has been excavated for the development of a pond shall be considered waste disposal and shall meet the requirements as set forth by the Wood County Board of Health for solid waste disposal under 3734.05 O.R.C.
- k) Seed exposed soil areas to a common lawn mixture.¹⁰
- l) Maintenance: After completion, a pond shall be properly maintained and supervised by the property owner so that it will not become danger or nuisance to area resident.¹¹

23 Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014) diagram on next page

7 Amended 01/08/2014 by Resolution 01-2014 (effective 2/17/2014)

8 Amended 1/08/20104 by Resolution 01-2014 (effective 2/07/2014)

9 Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014)

10 Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014)

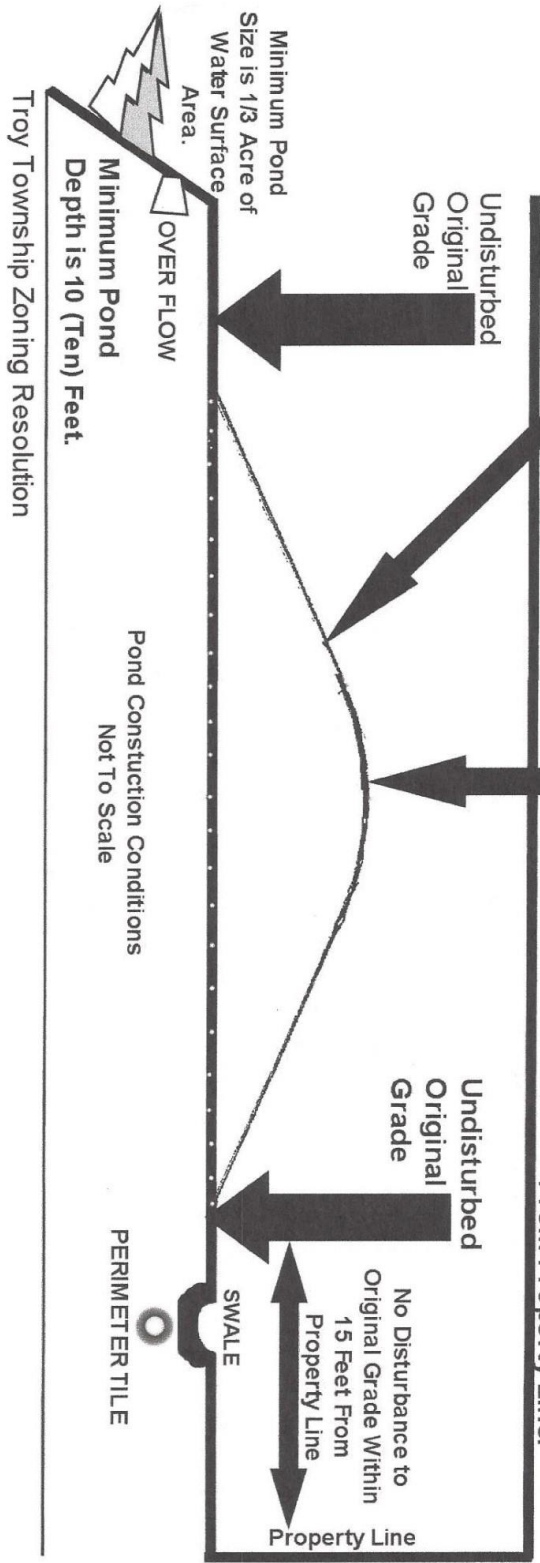
11 Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014)

POND CONSTRUCTION CONDITIONS

Maximum Height of Earth Berm or Disturbance From Pond Construction Shall Not Be Higher Than 6 (six) Feet Above Original Undisturb Grade Level.

Earth Berm or Disturbance From Pond Construction Not To Exceed 3:1 Slope

Edge of Pond is to Be Setback 20 Feet From Property Line.



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7.11.03 Borrow Pits.¹² Ponds created from borrow pits dug for major highway purposes shall be subject to the pond requirements set forth herein, except as follows:

- a) A borrow pit shall have a minimum one hundred (100) foot setback from any road right-of-way;
- b) A borrow pit shall have a minimum thirty-five (35) foot setback from all side and rear property lines;
- c) A borrow pit shall have a minimum three-to-one (3:1) slope;
- d) Any borrow pit shall in no way contain any construction waste and/or unwanted construction materials or any clean or unclean hard fill.

SECTION 7.12 SERVICE STATION CANOPIES

7.12.01 Service station canopies shall be no closer to the right of way or property line than ten (10) feet.

7.12.02 No additional signage shall be permitted on the vertical support member of the canopy.

7.12.03 All advertising and exterior lights shall be shielded and no direct source of illumination shall be visible beyond the lot line.

SECTION 7.13 SEWAGE SLUDGE DUMPING AND/OR SPREADING

The dumping and/or spreading of sewage sludge, industrial sludge, and any by product of the treatment of sewage or industrial waste is prohibited within the Township, except the limited spreading of non-toxic sludge available for legitimate agricultural uses “within agronomic standards set by the State of Ohio and the Ohio EPA”.

SECTION 7.14 SEXUALLY ORIENTED BUSINESSES

7.14.01 Purpose. Additional regulations are imposed upon sexually oriented businesses to:

- 1) preserve and protect the public health, safety and welfare;
- 2) prevent the spread of communicable or sexually transmitted diseases;
- 3) reduce and eliminate the negative impact that sexually oriented uses may have on property values and the character and quality of residential neighborhoods;
- 4) prevent sexually oriented businesses from diminishing or destroying the use of public facilities, particularly facilities expected to be used by children or used for religious purposes, etc.

¹² amended 2/9/2005 by Resolution 1-2005 (effective 3/11/2005)

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These regulations are not adopted for the purpose of restricting or prohibiting protected speech associated with sexually oriented business land uses. The Supreme Court, lower federal courts, and the Ohio General Assembly have recognized a number of possible secondary effects of sexually oriented businesses. From this body of findings and from various other police reports, testimony, newspaper reports, and other documentary evidence, the Troy Township Board of Trustees find there is convincing evidence that sexually oriented businesses, because of their very nature, lead to the following undesirable secondary effects:

- a) Decline of character and property values of a community's surrounding businesses and the adjacent residential neighborhoods and quality of life.
- b) Increase of crime (e.g., prostitution, drug sales), particularly in the overnight hours.
- c) Spread of disease, particularly sexually transmitted diseases and degeneration of the social and moral order. The Troy Township Board of Trustees finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
- d) Harm to children. The Township Trustees and Zoning Commission have reviewed secondary effect studies by various cities. Given the documented harmful secondary effects of sexually-oriented businesses on adjacent neighborhoods and specific land uses, the following specific, reasonable, and uniform regulations have been developed to protect the residents of the Township.

The Troy Township Board of Trustees recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state, but has additionally determined that current local zoning and other locational criteria do not adequately protect people of the Township and that expanded regulation of sexually oriented businesses is necessary. It is not the intent of the Troy Township Board of Trustees to suppress or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of sexually oriented materials to their intended market, but rather to enact content-neutral statutes that address the secondary effects of sexually oriented businesses as a legitimate and reasonable means of accountability to minimize and control these adverse effects by regulating sexually oriented businesses in the specified manner.

7.14.02 Applicable Land Uses

- a) Permitted Uses. Sexually oriented businesses permitted within the Township, as authorized in Article 4 (Permitted and Conditional Use Regulations), are limited to sexually oriented cabaret/motion picture theaters, sexually oriented media/novelty stores, and sexually oriented drive-in motion picture theaters. [See Article 2 (Definitions).
- b) Prohibited Uses. Sexually oriented establishments that involve any unlawful activity, such as prostitution as defined by the State of Ohio, or "sexually oriented obscenity," as defined in Article 2 (Definitions), are prohibited. "Sexually oriented touching and encounter businesses" are prohibited, including "sexually oriented motels," "sexually oriented nude encounter centers," "sexually oriented spas such as massage parlors not operated by medical professionals or certified massage

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therapists,” and “sexually oriented viewing booths.” [See Article 2 (Definitions).]

- c) Accessory or Second Principal Uses. A sexually oriented business use may not be an accessory use. Two (2) or more sexually oriented business uses may not be located on the same premises or on the same lot.
- d) Obscenity. It shall be prohibited for a person to knowingly or intentionally display or depict “sexually oriented obscene material,” as defined herein, in any establishment or land use in the Township.
- e) Sexual Touching and Encounter Activities. It shall be prohibited for a performer at a commercial establishment while displaying “sexual anatomical areas” or performing “sexual activities” to intentionally touch a patron or customer or the clothing of a patron or customer. Such performers shall maintain a distance of at least six (6) feet from patrons or customers at all times.
- f) Gambling. No sexually-oriented business establishment games, machines, tables, or implements shall be used for gambling.

7.14.03 Standards. All applications for a permitted sexually oriented business shall be reviewed by the Zoning Inspector for compliance with the purposes, permissible uses, and standards contained in this section. Approval or denial of the application shall require explicit legal advice from the Township legal advisor. If Township regulations in this section overstep constitutional provisions interpreted by applicable case law, the Township shall be given a reasonable opportunity to update its Zoning Code. A sexually oriented business shall comply with the following standards:

a) Age Restrictions

- 1) No person under the age of eighteen (18) years shall be admitted to or employed by a sexually-oriented business.
- 2) No person under the age of eighteen (18) years shall be allowed or permitted to purchase or receive, whether for consideration or not, any sexually-oriented material or other goods or services at or from any sexually-oriented business establishment.

b) Required Separation of Uses. Measurement for the purpose of separation of land uses shall be made in a straight line, without regard to the intervening structures or objects, from the nearest point of a property line where a sexually oriented business is conducted, to the nearest property line of the protected district or premise. The presence of a municipal, township, or other political boundary shall be irrelevant for the purpose of calculating and applying the distance requirements of this section.

- 1) No sexually oriented business shall be permitted in a location which is within one thousand five hundred (1,500) feet of another sexually oriented business.
- 2) No sexually oriented business shall be permitted within a one thousand (1,000) foot radius of any bar, tavern, or other establishment regulated by

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the Ohio division of liquor control offering the sale of beer or intoxicating liquor for consumption on the premises in combination with live entertainment.

- 3) No sexually oriented business shall be permitted in a location which is within one thousand (1,000) feet of any place of public worship, any park or playground, or any school or other teaching facility or other social services facility or neighborhood center attended by persons under eighteen (18) years of age.
- 4) No sexually oriented business shall be permitted in a location which is within five hundred (500) feet of any residence or boundary of any residential district.

c) External Visual Impact

- a) All building openings, entries, windows, etc. for sexually oriented businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from or audio impact on any public or adjacent privately-owned areas, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior or audio impact from any public or privately-owned areas.
- b) Landscaping Requirements. All sexually-oriented businesses shall provide a buffer for the side and rear yards from adjacent residential districts or residential uses consisting of a six (6) foot masonry wall or solid fence.
- c) Signage. Exterior identification signage is permitted in accordance with Article 10 (Signs). However, to limit exposure of sexual images to minors, no exterior signage shall include verbal or written messages, graphics, drawings, or other illustrations which publically display specified sexual anatomical areas or specified sexual activities.

d) Other Regulations

- 1) No animals, except seeing eye dogs required to assist the blind, shall be permitted at any time at or in any sexually-oriented business establishment.
- 2) All restrooms in a sexually-oriented business establishment shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No sexually-oriented materials or live performances shall be provided or allowed at any time in the restrooms of a sexually-oriented business establishment. Separate male and female restrooms shall be provided for and used by sexually-oriented business establishment employees and patrons.

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SECTION 7.15 SWIMMING POOLS FOR PRIVATE USE

A private swimming pool shall be any swimming pool, pond, or lake not located within a completely enclosed building used solely for the enjoyment of the occupants of the principal use of the property on which it is located. A private swimming pool shall comply with the Ohio Building Code requirements and the following conditions and requirements:

- 7.15.01 In "A-1" or "R" Districts, a private swimming pool shall be allowed as an accessory use.
- 7.15.02 In "A-1" Districts, private swimming pools shall not be located within ten (10) feet of any property line. This setback requirement shall not prevent the alteration or addition to a legal, nonconforming pool which existed prior to the adoption of this Resolution as long as the existing setback is not further diminished.
- 7.15.03 In "R" Districts, no part of the private swimming pool water area, exposed equipment, or structure housing equipment shall be closer than ten (10) feet from any property line. Paved walks adjoining a pool may not be closer than five (5) feet from the property line.
- 7.15.04 The swimming pool or entire property on which it is located shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height and maintained in good condition with a gate and lock.

SECTION 7.16 SWIMMING POOLS FOR COMMUNITY ASSOCIATIONS OR PRIVATE CLUBS

A community or club swimming pool shall be any swimming pool constructed by an association of property owners or by a private club for use and enjoyment by members of the association or club and their families. Community and club swimming pools are permitted in all districts, but shall comply with the Ohio Building Code requirements and the following conditions and requirements.

- 7.16.01 The pool is intended and is to be used solely for the enjoyment of the members and families and guests of members of the association or club whose ownership or jurisdiction the pool is operated.
- 7.16.02 The pool and accessory structure thereto, including the area used by the bathers, shall be no closer than one hundred (100) feet from any property line on the property on which it is located.
- 7.16.03 The swimming pool and all of the area used by the bathers shall be so walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than four (4) feet in height and maintained in good condition.

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SECTION 7.17 TEMPORARY BUILDINGS AND USES

Temporary buildings, structures or uses and/or temporary open storage of equipment shall be permitted subject to approval and conditions by the Board of Zoning Appeals under [Article 12.04](#) (Conditional Use Review).

SECTION 7.18 WIND TURBINE ¹³

7.18.01 Purpose. Troy Township has established the following regulations for wind turbines for all zoned districts to ensure the health, safety, aesthetic, property value, and general welfare of all township residents. These regulations should be interpreted to minimize noise radiation, light strobing, ice throw, and other negative health, safety, aesthetic, property value, and general welfare impacts on adjoining and neighboring issues.

7.18.02 Definitions. For the purpose of the regulation in all zoned districts on-site use of wind turbine generators, the following terms as defined as set forth below:

Accessory Structure: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.

Anemometer: An instrument that measures the force and direction of the wind

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

Cowling: A streamlined removable metal that covers the trubine’s nacelle.

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

Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the trubine.

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

~~Professional Engineer~~ Removed ¹⁴

13 Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

14 Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

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Wind Power Turbine Owners: The person or persons who own the Wind Turbine structure.

Wind Power Turbine Tower: The support structure to which the turbine and rotor is attached.

Wind Power Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.

7.18.03 Procedures ¹⁵

An Applicant shall provide the Township Zoning Inspector with the following items and/or information for wind turbines for all zoning districts.

- 1) Location of all public and private airports in relation to the location of the turbine.

- 2) A report that shows the following information must be provided:
 - a) The total size and height of the unit.
 - b) The total size and depth on the unit's concrete mounting pad, as well as soil and bedrock data.
 - c) A list and/or depiction of all safety features including but not limited to anti-climb devices, grounding devices, and lightning protection.
 - d) Data specifying the kilowatt size and generating capacity of the particular unit.
 - e) The maximum decibel level of the particular unit as confirmed by the turbine manufacturer.
 - f) A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways, and neighboring properties.
 - g) A "clear fall zone" as recommended by the manufacturer.
 - h) A maintenance schedule and dismantling plan.
 - i) Maximum decibel level according to manufacturer's specifications.

7.18.04 On-Site Generation and Use Wind Turbines. ¹⁶

- 1) Wind turbines for generation and use on-site in all zoned districts shall be conditional use and shall meet of the following requirements: ¹⁷
 - a) Height: 100 feet maximum as measured by the length of the turbine propeller at maximum vertical rotation to the ground level of the tower.
 - b) Setback: Height of the turbine plus 25% from property lines of adjacent property owners and any road right of ways to prevent damage or injury from ice throws and structural collapse.
 - c) Decibel: Within 50 to 70 decibels when in operation as confirmed by manufacturer specifications or decibel measurements from adjacent property line as measured by a certified decibel technician.

¹⁵ Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

¹⁶ Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

¹⁷ Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

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- d) Wiring: Underground wiring in compliance with federal, state, or local regulations and building code and with manufacturer’s specifications.
- e) Maintenance: Maintained in good working condition at all times.
- f) High Voltage Warning: Clearly legible sign on tower warning “high voltage area.”
- g) Wind turbines shall be considered an accessory structure.¹⁸

7.18.05 Wind Turbines¹⁹

- 1) Wind Turbines shall be conditional in all zoned districts.

Number of Wind Turbines Allowed²⁰

Acreage	Number of Wind Turbines
1 acre or less	0
1.1 to 2 acres	1
2.1 to 5 acres	2
Parcels larger than 5 acres	3 as long as they meet setbacks

7.18.06 Abandonment/Cessation of Operation

- 1) Any wind turbine and related appurtenances and structures are deemed abandoned if the turbine ceases generation of electricity for more than thirty (30) days except for good cause as demonstrated by written notice to the Board of Township Trustees.
- 2) Upon cessation of operation or abandonment, the property owner shall:
 - a) Send notice to the Board of Township Trustees within 30 days after cessation of operation or abandonment.
 - b) Remove all apparatus, support, and other hardware from the property at the owner’s expense within twelve (12) months of abandonment or cessation of operation.

SECTION 7.19 OUTDOOR FURNACES²¹

No person shall construct, install, establish or operate or maintain an outdoor furnace other than in compliance with this section.

7.19.01 Permit Application and Requirements²²

In all use districts, a zoning permit shall be required to construct or install an outdoor furnace. When applying for a zoning permit, the applicant shall provide the following:

18 Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

19 Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

20 Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

21 Amended 4/25/2012 by Resolution 06-2012 (effective 5/25/2012)

22 Amended 4/25/2012 by Resolution 06/2012 (effective 5/25/2012)

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- 1) Name of property owner(s), address(s), and parcel number.
- 2) A site plan including maps showing the proposed location of the outdoor furnace, property lines, setback distances, the principal building, proposed stack height and neighboring structures, as applicable.
- 3) Other relevant information as may be reasonable requested.
- 4) Signature of the applicant.

7.19.02 Outdoor Furnace Regulations and Requirements ²³

- 1) An Outdoor Furnace must meet current EPA requirements at the time of installation and must be installed and operated according to EPA and manufacturing guidelines. No person shall construct, establish or install a new Outdoor Furnace that is not an EPA Phase 2 Program qualified Model. These Outdoor Furnaces must follow Federal Government Guidelines.
- 2) Outdoor Furnace shall be located in the rear yard or in the rear ¼ side yard and shall be at least fifteen (15) feet from the property line. Outdoor Furnaces shall not be located in the front yard.
- 3) Outdoor Furnaces shall be a minimum of ten (10) feet from all buildings on the premises.
- 4) Outdoor Furnace Chimney height shall be a minimum of twelve (12) feet measured from ground level unless the manufacturer requires a greater height.
- 5) Outdoor Furnaces must burn seasoned wood and/or other fuels approved by the manufacturer. An Outdoor Furnace may not burn household or other solid wastes.
- 6) It is required that a concrete pad be placed under the Outdoor Furnace.
- 7) Stored wood/fuel shall be protected from vermin infestation (Refer to Article 2 “Nuisance”).

SECTION 7.20 **TRANSPORTATION-FOR-HIRE-BUSINESS** ²⁴

- A. Transportation-for-hire business with not more than three commercial vehicles or trailers may be located in an “A” or “R” district so long as the business is operated from a parcel with an owner/operator single family dwelling. Any transportation-for-hire business with three or fewer vehicles and/or trailers may be permitted as a conditional use in an “A” district provided: the site, lot or parcel is located along a major roadway as designated in the Wood County Major Street and Highway Plan, access to the site does not require travel on a designated township road, and the business is operated from a minimum 2 acre parcel with an owner/operator single-family dwelling.
- B. Any transportation-for-hire business wherever located in the township must meet the following requirements:
 1. All vehicles, used for the Transportation-for-Hire, parts, tires and other vehicle supplies shall be stored in an enclosed building.
 2. The driveway surface area shall be graveled or paved and shall be within the established setbacks.

²³ Amended 4/25/2012 by Resolution 06-2012 (effective 5/25/2012)

²⁴ Amended 10/28/2020 by Resolution 9-2020 (effective 11/27/2020)

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3. No more than one building or structure associated with the transportation-for-hire business shall be located on the property. The maximum floor area of such building or structure shall not exceed 3200 (three thousand two hundred) square feet.

C. This provision does not apply to the following:

1. Vehicles and trailers licensed as agricultural vehicles or trailers which are integral part of an on-site agricultural business;
2. Buildings or structures of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants and;
3. Infrequent short term parking of a commercial vehicle or trailer for the delivery of goods to a premises for use on the premises;

Section 7.21 **Solar Panel Regulations** ²⁵

Solar Panel arrays for on-site use shall be allowed in all zoning districts installed on permitted principal or accessory buildings or as free-standing structures subject to the following conditions:

7.21.01 Free Standing Solar Panel Arrays

Free-standing solar panel arrays that are not attached to a building shall be permitted subject to the following regulations:

- a) Free-standing solar panel arrays shall not be permitted in the front yard.
- b) Free-standing solar panel arrays shall be set back by a minimum of fifteen feet (15) from all side property lines and ten feet (10) from the rear property line.
- c) Free-standing solar panel arrays shall not exceed a height of twelve feet (12).
- d) The ground surface area covered by free-standing solar panel arrays shall not exceed forty percent (40%) of the available combined side and rear yards.
- e) All power transmission lines shall be underground.

7.21.02 Roof Mounted Solar Panel Arrays

Where attached to building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks. Solar panels may be attached to the roof only.

- a) Roof mounted panels shall include solar panels integrated as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.
- b) Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
- c) Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
- d) Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features.

²⁵ Amended 3/24/2021 by Resolution 02-2021 (effective April 23, 2021)

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7.21.03 Solar Panel Array Maintenance

Solar panel arrays must be maintained in good working order. Panels that become inoperable for more than twelve (12) months must be repaired or removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the solar panel array.

7.21.04 Solar Panel Array Glare

Solar panel arrays shall be placed and arranged such that reflected solar radiation or glare shall not create a hazard or nuisance to adjacent buildings or roadways.

7.21.05 Principal Solar Energy Systems (PSES)

PSES shall be permitted as a conditional use in any district except residential.

1. Site Plan Requirements

- a. Location of all public and private airports in relation to the location of the alternative energy system, as well as any applicable FAA restrictions that may be applicable to the solar panel array.
- b. A site drawing showing the location of the unit, system or array in relation to existing structures on the property, roads and other public right of ways, and contiguous parcels.
- c. A maintenance schedule as well as a dismantling plan that outlines how the unit, system, or array will be dismantled, shall be required as part of the permit.
- d. Description of compliance with NFPA 1 (National Fire Protection Association) for firefighting access.
- e. Listing of owner(s), operator(s) and maintenance providers.
- f. Proper drainage away from adjacent property and buildings.
- g. Demonstrate compliance with Article 8 Landscaping Requirements
- h. Provide planting and landscape plan.
- i. Provide vegetation control plan.

2. Ground Mounted Principal Solar Energy Systems

- a. All on-site transmission and plumbing lines shall be placed underground.
- b. Maintenance Solar panel arrays must be maintained in good working order. Panels that become inoperable for more than twelve (12) months must be repaired or removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the solar panel array.
- c. Glare: Solar panel arrays shall be placed and arranged such that reflected solar radiation or glare shall not create a hazard or nuisance to adjacent buildings or roadways.

3. Decommissioning

- a. The PSES owner shall notify the township immediately upon cessation or abandonment of the operation. If no electricity is generated by such system for a period of six (6) continuous months the PSES shall be presumed to be discontinued or abandoned.
- b. The PSES owner shall then have six (6) months in which to dismantle and remove all PSES solar related equipment or appurtenances related thereto, including but

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not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the township may complete the decommissioning at the owner's expense. The owner shall restore land to the original condition.

4. Site Requirements
 - a. Set Backs
Minimum set back to equipment is forty feet (40) from all property lines.
 - b. Height
Ground mounted PSES shall not exceed twenty feet (20) in height.
 - c. Screening
Ground mounted PSES shall be screened from adjoining districts or zones per Article 8 Landscape Requirements.

ARTICLE 8 LANDSCAPING REQUIREMENTS

All nonresidential uses shall be required to submit an illustration of the proposed Landscaping Plan. This illustration may be included with submission of the Site Plan pursuant to Section 13.04 (Site Plan Review)

SECTION 8.01 GENERAL LANDSCAPING REQUIREMENTS

8.01.01 Planned Landscaping. Landscaping shall be conceived in a total pattern throughout the site, integrating the various elements of the site design, preserving and enhancing the particular identity of the site, and creating an aesthetically pleasing site character.

- 1) A minimum of seven (7) percent of the net lot area shall be reserved for landscaping. This may include the front, side and rear yards, provided landscaping is placed in these areas. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials and annuals, and other materials such as rocks, water, sculpture, art, walls, and fences.
- 2) The Landscaping Plan shall identify existing and proposed trees, shrubs, and ground covers; natural features; and other landscaping elements. The Plan shall show where they are or will be located and planting and/or construction details.

8.01.02 Plant Material Specifications. The following specifications for plant materials shall be followed for all required landscaping treatments. Alternatives to these materials that can be shown to meet both the intent and requirements of this Resolution may be approved as part of a site plan:

- a) Shrubs. Shrubs shall be at least twenty-four (24) inches average height and spread at the time of planting and, where required for screening, shall form a continuous, year round, solid visual screen within five (5) years after planting.
- b) Ground Cover and Grass. Ground cover shall be planted a minimum of eight (8) inches on center and shall be planted in such a manner to present a finished appearance and seventy-five (75) percent coverage after two (2) growing years. ¹ If approved as part of a Site Plan, ground cover may also consist of rocks, pebbles, wood chips, and other materials. Grass shall be planted in species normally grown as permanent lawns.

8.01.03 Maintenance and Replacement Requirements. The owner shall be responsible for maintaining all landscaping in good condition to present a healthy, neat, and orderly appearance. This should be accomplished by the following standards:

- a) All plant growth in landscaped areas shall be controlled by pruning, trimming or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.

¹ Amended 3/8/2017 by Resolution 2-2017 (effective 4/7/2017)

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- b) All planted areas shall be maintained in a relatively weed-free condition, clear of undesirable undergrowth and free from refuse and debris.
- c) All trees, shrubs, groundcover, and other plant materials must be replaced within the next planting season if they die or become unhealthy because of accidents, drainage problems, disease, or other causes. Replacement plants shall conform to the standards that govern original installation.
- d) Representatives of the Township shall have the authority to inspect landscaping and check it against the approved plan on file.

SECTION 8.02 LANDSCAPED BUFFER STRIPS REQUIRED BETWEEN NON-RESIDENTIAL USES AND “A-1” OR “R” DISTRICTS

For all nonresidential uses (except agriculture) which are within, abut, or are opposite an "A-1" or "R" District, a landscaped buffer strip shall be required to extend the full length of any adjacent or abutting side and/or rear lot line, subject to approval by the Zoning Commission.

8.02.01 Width of Buffer Strip

- a) Nonresidential buildings or uses (not including customer/staff parking) shall not be located or conducted closer to any lot line of an “A-1” or “R” District than the distance specified in the following schedule, except as provided in Section 8.02.02(d) of this section. Where the boundary line of two zoning districts divides a lot held in single ownership, the zoning district line shall apply for non-residential setback purposes.

<u>Uses</u>	<u>Minimum Yard (Feet)</u>	
	<u>Side</u>	<u>Rear</u>
Public/Semi-Public	50	100
Commercial	30	30
Industrial	50	100

- b) Parking of automobiles for non-residential uses may be permitted within fifteen (15) feet of the boundaries of “A-1” and “R” Districts provided screening is installed as specified in Section 8.02.02(d) subject to approval by the Zoning Commission.

8.02.02 Landscaped Buffer Strip Requirement

- a) This buffer strip shall be landscaped with natural screening at a minimum of four (4) feet in height for all uses. This screening must have a minimum opacity of seventy-five (75) percent in the summer and fifty (50) percent in winter within three (3) years of planting. ²

² Amended 3/8/2017 by Resolution 2-2017 (effective 4/7/2017)

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- b) An additional four (4) feet of mounding shall be required for all industrial and public/semi-public uses.
 - 1) The mounding slopes shall not exceed three foot horizontal to one foot vertical (3:1) and shall vary and undulate maintaining a height between three (3) and four (4) feet. All crests of mounds shall be rounded.
 - 2) In combination with the mounding, plantings shall be provided such that the plantings and mounding will achieve a combined minimum height of seven (7) feet above surrounding contours.
- c) Naturally occurring buffer areas, such as wood lots, may be preserved and utilized in lieu of all or part of the preceding requirements, and alternative screening and buffering improvements may be approved by the Zoning Commission as part of the Site Plan review process.
- d) For commercial uses within or abutting “A-1” or “R” Districts, the minimum width of the buffer strip may be reduced up to fifty (50) percent of the requirements stated in Section 8.02.01(a) if an alternate acceptable landscaped buffer strip approved by the Zoning Commission is provided. At a minimum, such buffer shall consist of a masonry or solid fence between four (4) and six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping planted on the outside of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than (4) feet in height.

SECTION 8.03 LANDSCAPE STRIP ALONG ROADWAYS REQUIRED

- 8.03.01 A landscape strip shall be provided by all commercial and industrial uses along the full frontage of a lot to separate the roadway from the building and/or parking areas.
 - a) For lots having a front lot line that adjoins a non-limited access state or federal highway, the width of this landscape strip shall not be less than thirty (30) feet measured from the right-of-way line away from the street.
 - b) For lots having a front lot line that does not adjoin a state or federal highway, the width of this landscape strip shall not be less than twenty (20) feet measured from the right-of-way line away from the street.
- 8.03.02 Within this landscape strip, the area shall be unoccupied except for the landscape treatment, signage, steps, walks, terraces, driveways (generally perpendicular to right-of-way), lights, and other similar structures.
 - a) Mounding and other innovative treatments are to be encouraged in this area, but the design must not interfere with adequate sight distances.
 - b) Within the landscape strip, at least two (2) deciduous trees with a three (3) inch caliber, or three (3) evergreen trees at least six (6) foot high shall be planted for each one hundred (100) feet of property frontage, along with random shrub plantings.

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SECTION 8.04 PARKING LOT SCREENING AND LANDSCAPING

Parking lot screening and landscaping is required for all commercial and industrial uses and shall include both perimeter screening and interior landscaping.

8.04.01 Perimeter Screening. Perimeter screening shall effectively conceal vehicles within a parking area from adjoining property (alongside lot lines) with the selective use of plant, mounding, or fence material for visual separation. The perimeter of parking areas shall be screened as follows:

- a) A planting strip of at least five (5) feet in width shall be located along the perimeter of a parking area (along side lot lines).
- b) Within this landscaped strip³there shall be two (2), two (2) inch caliber deciduous shade trees per one hundred (100) lineal feet (or fraction thereof) of perimeter parking area.
- c) There shall also be a four (4) foot tall solid hedge, or informal planting of shrubs (evergreen or deciduous) which will provide fifty (50) percent opacity within two (2) years of planting.
- d) If such perimeter landscaping is found to be not feasible or practical during the site plan review process, an alternative arrangement of perimeter landscaping may be provided and approved as part of the site plan review process.

8.04.02 Interior Parking Area Landscaping. Landscaping within parking areas, whether ground cover or upright plant materials, is necessary not only to reduce the generation of heat and water runoff, but also to break up visually the expanse of paved areas.

- a) The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged.
- b) Any open parking area containing more than six thousand (6,000) square feet of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:
 - 1) An area equal to five percent (5%) of the total area devoted to parking spaces and parking lanes shall be landscaped and permeable within the parking area.
 - 2) Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. The minimum island or peninsula size shall be one hundred eighty (180) square feet, with a two (2) foot minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang and should have a minimum width of ten (10) feet. Islands shall typically be located every ten (10) to twelve (12) parking spaces, and may be curbed.

³ Amended 3/8/2017 by Resolution 2-2017 (effective 4/7/2017) typing error

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- 3) Required plant materials for the interior of parking areas shall be one deciduous tree for every three thousand (3,000) square feet. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five (5) feet above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two (2) feet in height.
 - 4) All parking surfaces shall be paved.
- c) Whenever possible, large parking areas of thirty thousand (30,000) square feet or larger shall be designed so as to break up their visual expanse and create the appearance of smaller parking lots. This distinction or separation can be achieved by interspersing yard space and buildings in strategic areas and by taking advantage of natural features such as slope, existing woodland or vegetation, drainage courses and retention areas.

SECTION 8.05 **FOUNDATION PLANTINGS**

Foundation plantings are required along all exterior building walls that face or are nearly parallel to a public right-of-way to soften building edges and screen foundations. Foundation shrubbery shall be used to enhance and highlight building architecture.

- 8.05.01 Foundation plantings shall be placed within five (5) feet of the building perimeter.
- 8.05.02 Ten (10) shrubs shall be required for every one hundred (100) lineal feet of horizontal exterior building wall that faces (or are nearly parallel to) a public right-of-way.
- 8.05.03 If the Township determines that such foundation plantings are not feasible, an alternate treatment may be approved.

SECTION 8.06 **SCREENING OF SERVICE COURTS, STORAGE AREAS AND LOADING DOCKS**

For all uses that include areas used for service, loading, and unloading activities, such areas shall be screened along the entire rear lot line and side lot lines from the rear lot line to the rear building line.

- 8.06.01 The width of this screening area shall be a minimum of five (5) feet.
- 8.06.02 Screening shall consist of walls, hedges, fences, vegetation, or an acceptable combination of these elements, provided that screening must be at least seven (7) feet in height.
- 8.06.03 Vegetation used for screening shall have a minimum opaqueness of seventy five (75) percent at all times within two (2) years of planting.

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SECTION 8.07 SCREENING OF TRASH CONTAINER RECEPTACLES

All trash containers or receptacles shall be screened or enclosed. Trash containers designed to service more than one residential unit or to service a non-residential structure shall be screened on all sides by walls, fences, or natural vegetation or an acceptable combination of these elements.

- 8.07.01 Trash containers or receptacles shall not be located in the front yard building setback and shall be located at least five (5) feet from a property line.
- 8.07.02 The height of such screening shall be at least six (6) feet. The maximum height of walls and fences shall not exceed ten (10) feet. Vegetation shall be a variety that will attain six (6) feet in height within two (2) years of planting.
- 8.07.03 Vegetation shall have a minimum opaqueness of seventy-five (75) percent at all times within two (2) years of planting. The use of evergreen vegetation is encouraged.

SECTION 8.08 SCREENING OF EXTERIOR MECHANICAL EQUIPMENT

Exterior components of plumbing, processing, heating, cooling, and ventilating systems (including but not limited to piping, tanks, stacks, collectors, heating, cooling, and ventilating-equipment fans, blowers, ductwork, vents, louvers, meters, compressors, motors, incinerators, ovens, etc.) shall not be directly visible at ground level.

- 8.08.01 Any landscaping or structural means employed to screen exterior components of plumbing, processing, heating, cooling, and ventilating systems from direct view shall appear as integrated parts of the buildings and shall be constructed of complementary and durable materials and finished in a texture and color scheme complementary to the overall architectural design.
- 8.08.02 Any exterior components of plumbing, processing, hearing, cooling and ventilating systems and their screening devices which will be visible from upper floors of adjacent buildings shall be kept to a visible minimum, shall be installed in a neat and compact fashion and shall be painted such a color as to allow their blending with their visual background.

ARTICLE 9 OFF-STREET PARKING AND LOADING

SECTION 9.01 PURPOSE

It is the purpose of this Article to regulate land use by providing adequate space for off-street parking, loading and maneuvering for all principal and accessory uses.

The following provisions are intended to provide safe ingress and egress to all lots, minimize traffic congestion, limit on street parking and reduce noise and visual impact of vehicular movement and loading activities.

SECTION 9.02 GENERAL DESIGN STANDARDS

No building or structure shall be erected or structurally altered, or any use of property changed unless adequate off-street parking and loading spaces have been provided in accordance with the following additional general design standards:

9.02.01 Setbacks. Driveways, parking lots, and loading areas located in residential, commercial, and industrial districts shall maintain the following setbacks.

- a) Front Setback of Parking Areas. Parking areas shall be setback from the street right-of-way a distance sufficient to accommodate any required landscape strip along a public right-of-way.
- b) Interior Parking Lot Setbacks. No driveways, parking lots, or loading areas, other than automobile overhangs, shall be permitted to be constructed closer than five (5) feet from an interior side or rear property line unless a greater setback is required herein. This setback is reduced to two (2) feet in "R-3" and "R-4" Districts.

9.02.02 Driveway Widths for Commercial and Industrial Lots. All multi-family, commercial, and industrial drives shall be a minimum of twenty-five (25) feet wide from the public right of way to the parking lot or loading area.

9.02.03 Surfacing and Storm Drainage System. The surface of any parking or loading space, parking lot, maneuvering area, aisle or driveway shall be improved with concrete, bituminous asphalt or other dust free material, and shall be graded to drain all surface water. Storm water management system shall address water quality in conformance with local, county and State regulations and shall limit maximum discharge to 0.1 cubic feet per second (cfs) per acre. Such storm water management system shall be in compliance with applicable storm drainage requirements and regulations of the Wood County Engineer and/or the Ohio Department of Transportation.

9.02.04 Wheel Stops. Bumper guards and/or wheel stops shall be provided for proper operation of a parking area required for five (5) or more vehicles and to protect any fence, screen, or planting from damage.

9.02.05 Screening. Where the parking or loading areas abut lots in an "A-1" or "R" District, such lots shall be protected by the erection and maintenance of a permanent fence and

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landscaping approved by the Commission. Such protection shall not extend onto the front yard required on the lot on which the parking lot is located.

9.02.06 Lighting. Any lights used to illuminate parking or loading areas shall be so arranged as to reflect the light away from adjoining premises.

9.02.07 Parking in an A-1 District. When a parking area is located wholly or partly in an "A-1" District, the following regulations shall apply in addition to the above:

- a) No commercial enterprise shall be established on the area.
- b) No fee shall be charged for parking thereon.
- c) No signs shall be erected, except those for the orderly parking thereon.

SECTION 9.03 OFF-STREET PARKING REQUIREMENTS

9.03.01 Location of Parking Areas. All parking spaces required herein shall be located on the same lot with the building or use served, except that spaces may be located within three hundred (300) feet of the lot on which the principal building is located, or within six hundred (600) feet in the case of required spaces for the use of employees.

9.03.02 Minimum Parking Space Size

- a) All parking spaces shall have a minimum area of one hundred seventy one (171) square feet with a nine and one-half (9.5) foot width and eighteen (18) foot length.
- b) ADA spaces shall be provided pursuant to the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Approval of a plan by Township officials shall not provide a defense of a failure to meet ADA requirements. For most uses, spaces designed as accessible parking spaces must be provided in each lot or structure and distributed to serve all accessible entrances and must in each case be located on the shortest possible route to the accessible entrance.
 - 1) Accessible spaces are required to be eight (8) feet wide, with an adjacent access aisle that is five (5) feet wide (one access aisle may be shared by two spaces).
 - 2) The access aisle portion must be demarcated with paint striping (that is, a single 13-foot wide space is not acceptable) and signed with an ADA sign symbol.
 - 3) One (1) in every eight (8) accessible spaces are to have an access aisle eight (8) feet wide (rather than 5 feet wide) and shall be additionally signed "van accessible."

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9.03.03 Minimum Parking Spaces Required. There shall be provided at the time any building is erected or structurally altered the following minimum number of parking spaces, as indicated in the following tables.

- a) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- b) The required number of parking spaces may be reduced by eighty (80) percent upon the approval of a site plan by the Zoning Commission; provided that there is additional parking area reserved upon the site should the remaining parking spaces be needed. If the use generates more parking needed than is available, the property owner shall construct the remaining parking at the direction of the Zoning Commission.

<u>Type of Land Use:</u>	<u>Minimum Parking Spaces Required:</u>
Dwellings in "A-1" and "R" Districts:	Two (2) off-street parking spaces for each dwelling.
Multiple dwelling structures, with three or more units, designed exclusively for occupancy by the elderly or handicapped:	One (1) per handicapped or elderly dwelling units, plus an area on the site reserved for future parking to accommodate two (2) parking spaces per dwelling unit.
Churches:	One (1) space for each thirty (30) square feet of gross floor area of the sanctuary, auditorium, or main place of worship.
Clubs:	One (1) space for every five (5) members.
Bowling alleys:	One (1) space for each one hundred (100) feet of gross floor area.
Fitness or Reducing Salon:	One (1) for every three hundred (300) square feet of gross floor area.
General Offices, Banks, and Financial Institutions:	One (1) space for every three hundred (300) square feet of gross floor area.
Golf Course:	Six (6) for each hole.
Hotel or Motel:	One (1) space per guest room, plus the required number of spaces for additional uses on the site.
Industrial Buildings:	One (1) space for every one and one-half (1-1/2) employees on the largest shift, and one (1) for each motor vehicle used in the business.
Junk and/or Salvage Yard:	One (1) space per acre.
Manufacturing:	See Planned Business Development requirements.
Medical or Dental Office or Clinic:	One (1) space for each two hundred (200) square feet of gross floor area.
Meeting and Reception Hall:	One (1) for each two hundred (200) square feet of gross floor area.

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<u>Type of Land Use:</u>	<u>Minimum Parking Spaces Required:</u>
Motor Vehicle, Agricultural Implement, Recreational Vehicle, or Manufactured Home Sale:	One (1) for every five thousand (5,000) square feet of lot area and one (1) for every three hundred (300) square feet of gross floor area.
Motor Vehicle Service/Repair:	Two (2) for each service bay or one (1) for every two (2) pumps, whichever is greater.
Nursing Homes:	One (1) space for each three (3) beds for the first one hundred (100) beds and one (1) space for each four (4) beds for all beds in excess of one hundred (100).
Public buildings, libraries, community centers:	One (1) space for each ten (10) seats.
Restaurant or Tavern:	One (1) space for each seventy-five (75) feet of gross floor area.
Retail Center which has shared parking:	Four (4) spaces for every one thousand (1,000) square feet of gross leasable area.
Retail Store:	One (1) space for each two hundred (200) square feet of gross floor area.
Schools:	One (1) space for each ten (10) seats in the auditorium or three (3) spaces for each classroom, whichever is greater.
Warehousing:	One (1) space per motor vehicle used in the business and based, for operating purposes, upon the premises; PLUS, for the first twenty thousand (20,000) square feet of gross floor area, one (1) for each one thousand (1,000) square feet of gross floor area; PLUS, for any amount over twenty thousand (20,000) square feet of gross floor area, one (1) for each additional five thousand (5,000) square feet of gross floor area.
Any other type of business or commercial use in a commercial district or other permitted district:	One (1) space for each two hundred fifty (250) square feet of gross floor area.

9.03.04 Minimum ADA Spaces Required. ADAAG requirements for accessibility of parking spaces will require most uses to provide the following minimum number of accessible spaces as part of the total minimum number of required spaces:

Total Parking Spaces in Lot	Minimum Number of Accessible Spaces
1 to 100	1 space, plus 1 space for each additional 25 spaces
101 to 200	5 spaces, plus 1 space for each additional 50 spaces over 100
201 to 500	7 spaces, plus 1 space for each additional 100 spaces over 200

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Total Parking Spaces in Lot	Minimum Number of Accessible Spaces
501 to 1,000	2% of total number of spaces provided (round fractions down)
1,001 and over	20, plus 1 for each additional 100 spaces (or portion thereof) over 1,000
Outpatient medical units and treatment facilities	10% of the total number of spaces provided (round fractions down)
Units or facilities that specialize in treatments or services for persons with mobility impairments	20% of the total number of spaces provided (round fractions down)

SECTION 9.04 OUTSIDE STORAGE OF VEHICLES AND TRAILERS

9.04.01 No commercial vehicles and trailers, as herein defined, or other vehicle which infringes on the residential character of an "A-1," "R," or PUD District shall be stored in that district, except in an enclosed building or behind a durable material wall not less than six (6) feet in height, screening such vehicles and trailers so as not to be visible from neighboring properties and streets. Infrequent short term parking of a commercial vehicle for conveying tools and materials to premises for use on the premises, or the delivery or moving of goods to or from a dwelling unit, or vehicles used in agriculture which are an integral part of the on-site agricultural business in an "A-1 District, are exempted from this section.

- a) No storage areas may extend into a setback area.
- b) All vehicle and trailer storage areas shall be located behind the principal structure on a property, unless the Zoning Commission determines that such a location is not feasible. In making such a determination, the Zoning Commission shall consider factors related to the use of the building, internal vehicular circulation, and unique site limitations. In approving an alternate location for a storage, loading, or service area, the Zoning Commission may require additional landscaping, or other measures to provide screening.

9.04.02 No disabled and/or unlicensed vehicle shall be parked within an "A-1" or "R" District for a period of more than three (3) days, but may be stored in an enclosed building providing no business is conducted in connection therewith while such vehicle is parked or stored. Disabled vehicles shall be defined as lacking any of the following required portions of a vehicle: motor, transmission, brakes, muffler, lights, bumper, body parts, having two or more flat tires, or having a broken windshield.

9.04.03 No disabled vehicle shall be parked within a "C" or "I" District for a period of more than three (3) days, except within an Auto Salvage Yard.

9.04.04 Storage of any vehicle in a "C" or "I" District when abutting or opposite an "A-1" or "R" District shall not be stored for more than three (3) days outside of a building except where secured from neighboring properties with a fencing and landscaping adequate to shield the view of the vehicle(s). Said fencing and landscape plan shall be subject to the review and approval of the Zoning Commission.

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- 9.04.05 The number of vehicles stored exterior to a building such as a public garage or place of vehicle repair shall not exceed the number of garage repair bays of the principal building.
- 9.04.06 Recreational vehicles, boats, boat trailers and/or utility trailers shall not be parked or stored in a front yard of an "A-1" or "R" District, except when loading and unloading for a temporary period not to exceed twenty-four (24) hours.
- a) The aforementioned may be stored in a side yard or in the rear yard, but shall be a minimum of ten (10) feet from a lot line.
 - b) A maximum of two (2) of the above vehicles/trailers may be stored in the appropriate yard.
 - c) Recreational vehicles (travel trailers) and mobile homes shall not be occupied as a single-family dwellings.

SECTION 9.05 OFF-STREET LOADING REQUIREMENTS

- 9.05.01 Standards. Storage, service, maintenance, and loading areas must be constructed, maintained, and used in accordance with the following conditions:
- a) Each off-street loading space shall be readily accessible from a street or alley without substantial interference with traffic.
 - b) All required loading berths shall be on the same lot as the use served, and if such berths abut an "A-1" or "R" District, they shall be suitably screened or fenced from view.
 - c) All loading, and service areas shall be located behind the principal structure on a property, unless the Zoning Commission determines that such a location is not feasible. In making such a determination, the Zoning Commission shall consider factors related to the use of the building, internal vehicular circulation, and unique site limitations. In approving an alternate location for a loading or service area, the Zoning Commission may require additional landscaping, or other measures to provide screening.
- 9.05.02 Minimum Loading Spaces Required
- a) Commercial. One (1) space for each ten thousand (10,000) sq. ft. of gross floor area to twenty thousand (20,000) sq. ft. and one (1) additional space over twenty thousand (20,000) sq. ft.
 - b) Industrial. See Planned Business Development requirements.
 - c) Commercial & Industrial. One truck parking space to be used for waiting to unload and overnight parking shall be provided for each ten thousand (10,000) sq. ft. of gross floor area to twenty thousand (20,000) sq. ft. and one (1) additional space over twenty thousand (20,000) sq. ft. The spaces shall be sized to accommodate a truck and single trailer.

ARTICLE 10 SIGN REGULATIONS

SECTION 10.01 GENERAL

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating the time, place, and manner of existing and proposed signs of all types. The regulations are intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas, reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

SECTION 10.02 EXEMPT SIGNS

For the purpose of this Resolution, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, required by any law, ordinance, or governmental regulation, or part of a holiday display.

SECTION 10.03 PROHIBITED SIGNS

The following signs and sign components shall be prohibited in all districts:

- 10.03.01 No sign shall employ any parts or elements that revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention.
- 10.03.02 No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- 10.03.03 No sign mounted on a roof shall be permitted.
- 10.03.04 No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- 10.03.05 No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter.
- 10.03.06 No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.
- 10.03.07 No sign shall be placed in any public right-of-way except exempt, publicly-owned signs, such as traffic control signs and directional signs.

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

SECTION 10.04 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

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

10.04.01 Construction Requirements

- a) All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect.
- b) No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires.
- c) All signs shall be secured in such a manner as to prevent significant movement due to wind.
- d) All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm, or corporation responsible for maintaining the sign.
- e) No sign shall be attached in such manner that it may interfere with any required ventilation openings.

10.04.02 Maintenance. All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign. The Zoning Inspector may order the removal of any off premises advertising signs or structure found to be unsafe or structurally unsound within thirty (30) days of issuing a notification.

10.04.03 Computation of Sign Area

- a) For the purposes of this Article, the sign area of a freestanding sign shall be computed by adding together all sign faces that are visible from any one point.
- b) When two identical sign faces are placed back to back, so that both faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one face.

10.04.04 Illuminated Signs – Excluding A & R zoned areas ¹

- a) Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, moving light or lights, or beacons. When approved as a conditional use, this paragraph shall not apply to any sign performing a public safety service function indicating time, temperature, or similar services of which one or

¹ Amended 7/26/2017 by Resolution 9-2017 (effective 8/25/2017)

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more lights change individually or as a unit more than once per ten (10) seconds.²

- b) In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon an adjacent residential premises or so as to cause glare or reflection that may constitute a traffic hazard or nuisance upon a public thoroughfare, highway, sidewalk, or adjacent premises.
- c) All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any.

10.04.05 Removal of Sign Copy Upon Business Closure. Any sign advertising a commercial or industrial business of any kind shall be removed within ninety (90) days after the business is closed.

SECTION 10.05 SIGNS PERMITTED IN ANY DISTRICT WITHOUT A PERMIT

The following signs shall be permitted in any district and shall not require a permit:

- 10.05.01 Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
- 10.05.02 Professional name plates not to exceed four (4) square feet in area.
- 10.05.03 Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.
- 10.05.04 Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall be permitted on any property as necessary to direct traffic flow, signs to be in compliance with Ohio Manual of Uniform Traffic Control Devices (OMUTCD).³

SECTION 10.06 WHEN A PERMIT IS REQUIRED

- 10.06.01 No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted or specified not to require a permit in this Article.
- 10.06.02 A sign structure that frames the content of a sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any sign, building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.

² Amended 7/26/2017 by Resolution 9-2017 (effective 8/25/2017)

³ Amended 3/8/2017 by Resolution 2-2017 (effective 4/7/2017)

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10.06.03 The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

SECTION 10.07 SIGNS PERMITTED IN SPECIFIED DISTRICTS REQUIRING A PERMIT

10.07.01 Signs Permitted in “R” Districts

- a) Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.
- b) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and shall be located on the premises of such institution.

10.07.02 Signs Permitted In “C”, “B-PUD,” and “I” Districts. The regulations set forth in this section shall apply to signs in all commercial and manufacturing districts and such signs shall require a permit. When a structure contains more than one (1) business establishment, or when the owners of two (2) or more contiguous lots voluntarily agree to develop common signage, a Common Signage Plan may be submitted as part of the site plan review process.

- a) On-Premises Signs. On-premises signs shall be restricted to those which identify a business or establishment or advertise goods or services related to the property upon which such sign is located or which contain a non-commercial message.
 - 1) The total area of all permanent on-premises signs of all types (freestanding or attached to any building) shall not exceed an area equivalent to one and one-half (1-1/2) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise, or two (2) square feet of sign area per lineal foot of street frontage, or three (3) percent of the ground floor of the principal building, whichever is less.
 - 2) Freestanding Signs. Freestanding signs are limited to one (1) for each five hundred (500) feet of frontage.
 - i. The maximum sign area for a freestanding sign is one (1) square foot of sign area per lineal foot of lot frontage, up to a maximum of one hundred (100) square feet. Common signage plans may not exceed six hundred (600) square feet.
 - ii. Freestanding on-premises signs shall not exceed thirty (30) feet in height. Freestanding signs in “R-PUD” Districts may not exceed fifteen (15) feet or the maximum height of the principal building, whichever is less.

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- iii. Such signs shall be located not closer than ten (10) feet to any street right-of-way line or closer than thirty (30) feet to any adjoining lot line.
 - iv. Institutional Signs. Freestanding signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed eighteen (18) square feet ⁴ in area and shall be located on the premises of such institution.
- 3) Wall Sign. Wall signs attached to, or painted on, a wall surface of any building or structure may not occupy more than ten (10) percent of any wall area of which such sign is a part or to which such sign is most nearly parallel. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
 - 4) Window Signs. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window surface.
 - 5) Projecting Signs. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.
- b) Off-Premises Freestanding Signs. For the purposes of this section, off-premises freestanding signs shall be permitted in districts zoned for agriculture, commercial and manufacturing and shall conform to the requirements of Ohio Revised Code Chapter 5516 and 519.20 and the regulations adopted pursuant thereto.
 - 1) In a commercial or manufacturing district, a single off-premises freestanding or wall sign not exceeding one thousand two hundred (1,200) square feet, or two (2) off-premises signs each with a total area not exceeding six hundred (600) square feet may be permitted at a single location.
 - 2) Off-premises signs visible to approaching traffic shall have a minimum spacing of less than two hundred (200) feet.
 - 3) Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point.
 - 4) Off-premises wall signs shall have all structural and supporting members concealed from view.

⁴ Amended 7/26/2017 by Resolution 9-2017 (effective 8/25/2017)

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10.07.03 Signs permitted in Agriculture Zoning for non-agriculture use not to exceed twenty-four square feet (24 square feet).⁵

SECTION 10.08 TEMPORARY SIGNS REQUIRING A PERMIT

10.08.01 Event Signs. Temporary signs announcing special public or institutional events may be erected for a period of sixty (60) days plus the event period. Such temporary signs shall not exceed fifty (50) square feet in area and shall conform to the general requirements listed in Section 10.04 (General Requirements for All Signs and Districts), the setback requirements in Section 10.09 (Sign Setback Requirements) and, in addition, such other standards deemed necessary to accomplish the intent of this Article. Non-Profit organizations not required to obtain a permit.⁶

10.08.02 Future Development and Construction Signs. Temporary signs announcing the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall not exceed fifty (50) square feet in area and shall conform to the general requirements listed in Section 10.04 (General Requirements for All Signs and Districts), the setback requirements in Section 10.09 (Sign Setback Requirements) and, in addition, such other standards deemed necessary to accomplish the intent of this Article.

10.08.03 Portable Signs. No portable temporary sign shall be placed on the front or face of a building.⁷

10.08.04 Political Signs. No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than ninety (90) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following Election Day.

SECTION 10.09 SIGN SETBACK REQUIREMENTS

10.09.01 On-Premises Signs

a) Front Yard Setback. Except as modified in the following paragraphs of this subsection below, on-premises signs, where permitted, shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet.

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

⁵ Amended 7/26/2017 by Resolution 9-2017 (effective 8/25/2017)

⁶ Amended 7/26/2017 by Resolution 9-2017 (effective 8/25/2017)

⁷ Amended 7/26/2017 by Resolution 9-2017 (effective 8/25/2017)

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- c) Increased Setback. For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.
- d) Setbacks for Public and Quasi Public Signs. Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

10.09.02 Off-Premises Signs. If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

SECTION 10.10 VIOLATIONS

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Political signs posted in violation of this Resolution are subject to removal and disposal by the Zoning Inspector without written notice of violation. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 13.05 (Violations and Penalties) of this Resolution.

ARTICLE 11 NONCONFORMING LOTS, STRUCTURES AND USES

SECTION 11.01 INTENT OF RESOLUTION CONCERNING NONCONFORMITIES

Within the districts established by this Resolution or amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination, which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendments, it is the intent of this Resolution to deem such uses nonconforming and to permit these nonconformities to continue until they are removed, but not to encourage their survival. The burden of establishing the legal nonconforming status of any use or structure shall be upon the owner of the use or structure.

It is further the intent of the Resolution that nonconformities shall not be enlarged upon, expanded or extended, constructed, reconstructed, moved, or structurally altered, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless specified herein.

SECTION 11.02 TERMINATION OF NONCONFORMING USE

The right to a nonconforming use will terminate upon the following events:

11.02.01 Voluntary Discontinuance or Abandonment. If any such nonconforming uses of land, structures, or structures and land in combination are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located. A nonconforming use shall be considered voluntarily discontinued or abandoned:

- a) When the intent of the owner to discontinue the use is apparent, or,
- b) When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment with the two (2) year period, or,
- c) When it has been changed to another nonconforming use by first obtaining approval for a permit from the Board of Zoning Appeals.

11.02.02 Destruction by Fire, Accident, Public Enemy, or the Elements. Any structure or building existing as nonconforming use at the time this Resolution or any amendment thereto takes effect, which is destroyed by fire, accident, public enemy, or the elements to the extent of more than fifty (50) percent of the pre-existing appraised valuation of the structure (as is listed in the most current records of the County Auditor) shall have its nonconforming status terminated.

Article 11 – Nonconforming Lots, Structures, and Uses

- 11.02.03 Change to Less Nonconforming Use. Where a nonconforming use is changed to a more conforming use, the nonconforming status of the use shall terminate and the use shall not later be changed back to a less conforming use.
- 11.02.04 Determination of Public Nuisance. If a public body or court of law finds that a particular nonconforming use constitutes an actual nuisance which immediately or directly affects public health, safety, morals, or general welfare, the nonconforming status of the use shall terminate.

SECTION 11.03 COMPLETION OF A NONCONFORMING USE

11.02.01 Nonconforming Lots

- a) Single Nonconforming Lots of Record. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory structures may be erected on any single lot of record existing at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution.
- 1) Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.
 - 2) This provision shall apply even though such lot fails to meet the requirements for area and/or width that are generally applicable in the district.
 - 3) Yard dimensions and requirements other than those applying to area and/or width shall conform to the regulations for the district in which such lot is located, with the following exception. The sum of the side yard requirements of nonconforming lots of record may be reduced administratively by thirty (30) percent.
 - 4) Variances for district requirements, other than lot area or lot width, shall be obtained only through action of the Board of Zoning Appeals as provided in Section 12.06 (Variances). Variances may not be issued by the Board of Zoning Appeals for the required lot area or lot width.
- b) Nonconforming Lots of Record in Combination. If two or more nonconforming lots, or portions thereof, with continuous frontage are in single ownership, the Board of Zoning Appeals may, upon appeal of the Zoning Inspector's decision to deny a zoning permit for failure to meet the requirements of this Resolution, determine that these lots are or are not to be an undivided parcel for the purpose of this Resolution.
- 1) If considered an undivided parcel, no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of said parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

Article 11 – Nonconforming Lots, Structures, and Uses

- 2) If each said parcel is developed separately, a finding shall be made by the Board of Zoning Appeals that such development and density will not be a detriment to the surrounding area.

11.03.02 Rights of Holders of Zoning Permits

- a) Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof, for which official approval and required Permits have been granted before the enactment of this Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution and completion thereof carried on in a normal manner within the subsequent six (6) month period and not discontinued until completion, except for reasons beyond the builder's control.
- b) Substantial construction shall require significant progress in the placement and fastening of construction materials in permanent position, or where demolition or removal of an existing building has been substantially begun preparatory to rebuilding.

SECTION 11.04 RECONSTRUCTION OF A NONCONFORMING USE

Any structure or building existing as a legal nonconforming use at the time this Resolution or any amendment thereto takes effect, which is damaged by fire, accident, public enemy, or weathered by the elements to the extent of not more than fifty (50) percent of the pre-existing appraised valuation of the structure (as is listed in the most current records of the County Auditor), may be reconstructed and restored provided the same is done within two (2) years from the date of said destruction and is rebuilt as nearly as possible to conform with the zoning requirements within the district in which it is located.

- a) Removal or Destruction. Where nonconforming use status applies to a structure and land in combination, destruction of the structure shall eliminate the nonconforming stature of the land.
- b) Should such nonconforming structure or nonconforming portion of structure be damaged so extensively that such structure is rendered unfit for occupancy by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution.

SECTION 11.05 RESTORATION OF A NONCONFORMING USE

11.05.01 Removal. Where nonconforming use status applies to a structure and land in combination, removal of the structure shall eliminate the nonconforming status of the land.

11.05.02 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

Article 11 – Nonconforming Lots, Structures, and Uses

SECTION 11.06 ALTERATION

11.06.01 No nonconforming structure may be altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

SECTION 11.07 EXPANSION OR EXTENSION OF A NONCONFORMING USE

11.07.01 Extension of Nonconforming Uses of Land. No such nonconforming uses of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.

11.07.02 Extension of Nonconforming Use within a Structure. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.

11.07.03 Extension of Nonconforming Use to Additional Structures. Additional structures which do not conform to the requirements of this Resolution shall not be erected in connection with such nonconforming use of land.

11.07.04 Nonconforming Signs and Structures

- a) Loss of Legal Nonconforming Status. A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Article or be removed, if the sign structure is altered; or if it is enlarged, relocated, or replaced; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.
- b) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of nature which would be generally prohibited in the district in which such use is located.

SECTION 11.08 RELOCATION OF A NONCONFORMING USE

11.08.01 Relocation of Nonconforming Uses of Land. No such nonconforming uses shall be moved in whole or in part of any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.

11.08.02 Relocation of Nonconforming Structures. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Article 11 – Nonconforming Lots, Structures, and Uses

SECTION 11.09 SUBSTITUTION OF NONCONFORMING USES

11.09.01 If no structural alterations are made, any nonconforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, may be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. The appeal procedure requires that the request for substitution be made first to the Zoning Inspector, who must deny the zoning permit. The appeal is then taken to the Board of Zoning Appeals pursuant to Article 12 (Administration, Appeals, and Variances) for the final determination. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution. However:

- a) In an "A-1" or "R" District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in an "A-1" or "R" District; and
- b) In a "C" District, no change shall be authorized to any use which is not a permitted or conditional use in any "C" District.

11.09.02 Substitution or Extension of Nonconforming Manufactured Homes ¹

- a) Any owner of a manufactured home located other than in a manufactured home park, which is or becomes a nonconforming use pursuant to the passage of this Zoning Resolution or any amendment thereto may:
 - 1) Replace an existing manufactured home with a new or different manufactured home no older than four (4) years on a one time basis
 - 2) Enlarge the living area of a manufactured home, one time only, with an addition designed, constructed, and installed by a manufactured home manufacturer for that purpose or by an individual demonstrating the knowledge, skill and experience in constructing, upgrading, and integration of utilities in the addition to an existing manufactured home.
- b) Prior to making application for a zoning permit to substitute or enlarge a nonconforming manufactured home, the owner of the home must:
 - 1) Meet all requirements of the Wood County Health Department and present necessary permits to Troy Township Zoning Inspector.
 - 2) Obtain a Zoning Permit.
 - 3) Present a copy of all applicable Wood County Building Permits to Troy Township Zoning Inspector.
- c) Substitution and enlargements must also meet the following requirements:
 - 1) Be placed on a permanent foundation
 - 2) Have a minimum three-to-twelve (3:12) roof pitch
 - 3) Have standard residential siding

¹ amended 1/11/2006 by Resolution 1-2006 (effective 2/10/2006) & amended 11/14/2012 by Resolution 14-2012 (effective 12/14/2012)

Article 11 – Nonconforming Lots, Structures, and Uses

- 4) Have a minimum six (6) inch roof eaves
- 5) The structure, excluding any addition has a width of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 900 square feet.
- 6) All single family dwellings and permanently sited manufactured homes shall be taxed as real property.
- 7) The dwellings shall have all towing apparatus, wheels and exposed chassis, if any, removed before occupancy of any kind is permitted.
- 8) The dwelling must be approved for and permanently connected to all required utilities.

SECTION 11.10 REPAIR OF A NONCONFORMING USE

All legal, nonconforming structures and land uses shall be maintained in good repair. Ordinary repairs or repair/replacement of non-bearing walls, fixtures, wiring, or plumbing, may be performed provided that the floor area existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ARTICLE 12 ADMINISTRATION, APPEALS, AND VARIANCES

SECTION 12.01 ZONING INSPECTOR

12.01.01 It shall be the duty of the Zoning Inspector who shall be appointed by the Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the township to assist the Zoning Inspector by reporting to him new construction, reconstruction, or land uses or upon observing violations.

12.01.02 Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals.

SECTION 12.02 TOWNSHIP ZONING COMMISSION

12.02.01 Members. The composition of the Zoning Commission shall comply with the requirements of the Ohio Revised Code and all members of said commission shall reside in a portion of the Township that is within a "District" as established in Article 2 (Establishment of Districts and Maps), herein.

12.02.02 Officers. The Zoning Commission shall hold an annual election for the purpose of selecting its officers who shall include a chairperson and vice chairperson. The election of such officers shall be held in January of each year at a regularly scheduled meeting.

12.02.03 Meetings. The Commission shall adopt its own bylaws for the transaction of its business.

12.02.04 Records. An official record of the Commission's meetings, actions, and determinations shall be kept. A copy of the agenda and minutes of each meeting and public hearing shall be supplied to the Board of Trustees for its own file.

SECTION 12.03 BOARD OF ZONING APPEALS

12.03.01 The Board of Zoning Appeals is hereby established by this Resolution.

12.03.02 Powers and Duties. The Board shall have the following powers and duties as provided herein.

- a) Appeals. The Board of Zoning Appeals shall have appellate jurisdiction relative to appeals of a lawfully executed order by any administrative official in the enforcement of this Resolution.
- b) Interpretation of District Map. Interpret provisions of the Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the District Map fixing the several districts, accompanying and made a part of this layout as shown on the map aforesaid.

Article 12 – Administration, Appeals and Variances

- c) Area Variances. Upon appeal, the Board shall have appellate jurisdiction relative to requests for area variances from the terms and conditions of this Resolution that result in practical difficulty.
- d) Use Variances. Upon appeal, the Board shall have appellate jurisdiction relative to requests for use variances from the terms and conditions of this resolution that will result in unnecessary hardship.
- e) Conditional Uses. The Board shall have original jurisdiction to determine the issuance of a Zoning Permit where the use of land, buildings, or other structures is conditionally permitted under the requirements and conditions of this Resolution. This authority shall include the determination whether an industry should be permitted within an "I" Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.

SECTION 12.04 CONDITIONAL USE REVIEW

The Board of Zoning Appeals shall have the power to decide upon applications for conditional uses as specified under [Article 4](#) (Permitted and Conditional Use Regulations).

12.04.01 Public Hearing and Notice

The Board shall hold a public hearing for a proposed conditional use within a reasonable time of receipt of an application and all specified fees.

- a) Prior to the public hearing, at least a ten (10) day notice shall be published in one or more newspapers of general circulation in the Township, stating the time and place thereof.
- b) Written notice of the hearing shall be mailed by the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the public hearing, to the applicant and all parties in interest, including owners of property within, contiguous to, and directly across the thoroughfare from the area under consideration. Such notice shall be addressed to such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees.

12.04.02 Criteria for Decision. In considering such applications, the Board shall give due regard to:

- a) The nature and purpose of the conditional use and to the nature and conditions of all adjacent uses.
- b) The location, size, and nature of the use; the intensity of its operation; site layout and design shall be such that it will not adversely affect adjacent uses and/or structures, pose a hazardous situation for neighborhood residents where applicable, nor adversely affect vehicular or pedestrian traffic at or near the site of the intended use.

Article 12 – Administration, Appeals and Variances

- c) The use shall be compatible and at best complementary to other uses in the district.
- d) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

12.04.03 Review by Other Officials. The Board of Zoning appeals may request additional information or review of the conditional use application by other Township officials, County agencies, or the Wood County Planning Commission.

12.04.04 Decision. The Board of Zoning Appeals may approve, approve with modifications, or deny an application for a conditional use if such uses do not promote or protect the health, safety, and welfare of the public and/or adjacent property owners. The Board shall make its findings and determination in writing within thirty (30) days from the date of the public hearing.

a) Approval. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue the permit listing the specific conditions specified by the Board of approval. A Zoning Permit for an approved Conditional Use shall be granted for only one particular conditional use.

1) The Board may impose such requirements it deems necessary to promote and protect the health, safety and welfare of the public and adjacent property owners including specific limitations as to future expansion.

2) Violations of such conditions and safeguards, when made a part of the terms under which the use is granted, shall be deemed a violation of this Resolution and punishable under Section 13.05 (Violations and Penalties).

b) Denial. The Board may reject applications for conditional uses if it is determined that such uses do not promote or protect the health, safety and welfare of the general public and/or adjacent property owners.

12.04.05 Appeal of Board Decisions. If the Board disapproves the application, the applicant may seek relief through the Court of Common Pleas.

12.04.06 Record of Appeals, Variances, and Conditional Uses. A public record of all appeals, variances, and conditional use applications and their disposition shall be kept on file in the office of the Zoning Inspector.

12.04.07 Termination of Zoning Permit for a Conditional Use. A Zoning Permit for an approved Conditional Use shall automatically terminate if, for any reason, the conditional use is not initiated within one (1) year of the granting of the permit or if the conditional use ceases to exist for more than two (2) years.

Article 12 – Administration, Appeals and Variances

SECTION 12.05 APPEALS

The Board shall have the power to hear and decide where an aggrieved person who has an immediate and pecuniary interest alleges there is an error in any order, requirement, decision, or determination made by any administrative official in the enforcement of this Resolution and they have been prejudiced the judgment appealed from.

12.05.01 An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of facts stated in the permit or certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken on due cause shown.

12.05.02 The Board may, in conformity with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its option ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

SECTION 12.06 VARIANCES

In hearing and deciding appeals, the Board shall have the power to authorize such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Resolution. On variance appeal where there are practical difficulties in carrying out the strict letter of this Resolution, the Board may grant a variance in the application of the provisions of the Zoning Resolution only if all of the following findings are made:

- a) Area Variance. Unique physical circumstances of the lot or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions create the provisions of the Zoning Resolution in the neighborhood or district in which the property is located.
- b) Use Variance. Unique physical circumstances of a lot or conditions prevent property development in strict conformity with the provisions of the zoning resolution as a permitted or conditional use for the zoning district in which the subject property is located and thus create an undue hardship for which a variance is necessary to enable the reasonable use of the property.
- c) That such unnecessary hardship has not been created by the appellant.
- d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

Article 12 – Administration, Appeals and Variances

- e) That the variance, if authorized, is in harmony with the general purpose and intent of the Resolution and will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

SECTION 12.07 PROCEDURE FOR PUBLIC HEARINGS

Appeals and variance appeals shall conform to the following procedures and requirements of this Resolution.

12.07.01 Application. An appeal from any action, refusal or ruling of the Zoning Inspector shall be filed within twenty (20) days after such action or refusal or the announcement of such ruling.

- a) All applications shall be in writing, shall be signed by the owner of the property involved or his duly authorized agent or attorney, shall specify the request and grounds thereof, and shall be filed in the office of the Zoning Inspector.
- b) Application Fees, Charges, and Expenses. An application filed for the purpose of obtaining an appeal or variance must be accompanied with an application fee in the specified amount set from time to time by a separate resolution adopted by the Board of Trustees. Until all applicable fees, charges, and expenses have been paid in full, the application of appeal is not complete and no action shall be taken.
- c) The Zoning Inspector shall forthwith transmit to the Board the application and all papers constituting the record upon which the action or ruling appealed from was taken.

12.07.02 Public Hearing and Notice. The Board shall hold a public hearing on each appeal within a reasonable time of receipt of an application for an appeal or variance.

- a) Publication of Notice. The Board shall publish notice of the time and place of the public hearing at least ten (10) days prior to the public hearing in one or more newspapers of general circulation in the Township, stating the time and place thereof.
- b) Written Notice. Written notice of the hearing shall be mailed by the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from the area under consideration, to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees.
- c) Review by Other Officials. The Board of Zoning appeals may request additional information or review of the appeal, variance, or conditional use permit by other Township officials, County agencies, or the Wood County Planning Commission.

12.07.03 Decision. The Board shall make its findings and determination in writing within thirty (30) days from the date of the public hearing.

Article 12 – Administration, Appeals and Variances

- a) Approval of Appeal; Supplemental Conditions and Safeguards. In granting an appeal or variances, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue the permit listing the specific conditions specified by the Board of approval. Violations of such conditions and safeguards, when made a part of the terms under which the use is granted, shall be deemed a violation of this Resolution and punishable under Section 13.05 (Violations and Penalties).
- b) Disapproval; Appeal of Board Decisions. If the Board disapproves the application, the applicant may seek relief through the Court of Common Pleas.

12.07.04 Record of Appeals and Variances. A public record of all appeals and variance applications and their disposition shall be kept on file in the office of the Zoning Inspector.

ARTICLE 13 APPLICATION AND REVIEW PROCEDURES

SECTION 13.01 ZONING PERMIT REQUIRED

13.01.01 It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Permit shall have been issued by the Zoning Inspector.

- a) It shall be the duty of the Zoning Inspector to issue a Zoning Permit, provided he is satisfied that the structure, building or premises, and the proposed use thereof conform to all the requirements of this Resolution.
- b) The Zoning Inspector shall issue no permit for excavation, construction or reconstruction, addition, or alteration unless the plans, specifications and the statement of intended use in all zoning districts are filed with the Zoning Inspector demonstrating conformance with the provisions of this Resolution.¹

13.01.02 Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Permit for any building or premises existing at the time of enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution. No charge shall be made for issuing a Zoning Permit in accordance with this paragraph.

13.02.03 Conditions under which Zoning Permits are Required. A Zoning Permit shall be required for any of the following, except as herein provided:

- a) Construction or structural alteration of any structure, including accessory structures.
- b) Change in use of an existing structure or accessory structure to a use of a different classification.
- c) Occupancy and use of vacant land.
- d) Change in the use of land to a use of a different classification.
- e) Any change in the use of nonconforming use.
- f) A Zoning Permit shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Resolution or any amendments.

Fence ²

g) Pool ³

1 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

2 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

3 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

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- h) Pond ⁴
- i) Outdoor furnace ⁵
- j) Signs ⁶

SECTION 13.02 APPLICATION AND ISSUANCE OF ZONING PERMITS

- 13.02.01 For the excavation, construction, reconstruction, addition, or alterations of a building or structure, the owner(s) shall complete and submit to the Zoning Inspector a Zoning Application and Statement of Intended Use.⁷ A Zoning Permit shall be issued within thirty (30) days after a written request for the same has been made to the Zoning Inspector, provided such construction or alteration is in conformity with the provisions of this Resolution.
- 13.02.02 For the use of vacant land, or for a change in the use of land or of a building, or for a change in nonconforming use, as herein provided, the owner(s) shall complete and submit to the Zoning Inspector a Zoning Application and Statement of Intended Use. ⁸
- 13.02.03 Every application for a Zoning Permit shall be accompanied by a plot plan in duplicate, and such plans as may be necessary to show the location and type of buildings to be erected or alterations to be made.
- a) Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.
 - b) Each plan shall show:
 - 1) The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 - 2) The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
 - 3) The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - 4) The location and size of the proposed structure and/or the proposed enlargement of the existing structure.

4 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

5 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

6 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

7 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

8 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

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- 5) Any other information, which is the judgment of the Zoning Inspector, may be necessary to provide for the enforcement of this Resolution.
- c) Each plan shall bear statements declaring:
- 1) That no part of the land involved in the application has previously been used to provide required yard space or lot area for another structure.
 - 2) Which abutting land was formerly that of the owner of the land involved in the application, and if any, the approximate date of title transfers.
 - 3) Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor.
 - 4) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the applications.
 - 5) A file of such applications and plans shall be kept in the office of the Zoning Inspector.

13.02.04 Various other types of administrative reviews may be required before issuance of a Zoning Permit. The Zoning Inspector shall not issue a Zoning Permit for any application:

- a) Proposing a Conditionally Permitted Land Use until the Board of Zoning Appeals conducts a Conditional Use Review and approves the application pursuant to Section 12.04;
- b) Requiring a Site Plan until the Zoning Commission conducts a Site Plan Review and approves the Site Plan pursuant to Section 13.04; and/or
- c) Requiring a Development Plan until the Zoning Commission conducts a Development Plan Review and approves the proposed development pursuant to Article 14.

13.02.05 If the proposed use is in conformity with the provisions of this Resolution, the Zoning Permit therefore shall be issued within thirty (30) days after the application for same has been made.

- a) Every Zoning Permit shall state that the building or the proposed use of a building or land complies with all provisions of law.
- b) Each application shall clearly state that the permit shall expire and will be revoked if work has not substantially begun within one (1) year.
- c) A record of all Zoning Permits shall be kept on file in the Office of the Zoning Inspector or his/her agent and copies may be reviewed or shall be furnished on request to any person. A fee, determined by the Trustees, shall be charged for copies made and furnished to such persons.

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- d) The Zoning Permit and all applicable conditions approved as part of the Permit shall be posted by the applicant in a conspicuous location at a construction site.

13.02.06 Pre-Excavation Inspection. No excavation may occur for a building foundation or pond unless the layout and setbacks are inspected and verified for compliance with the Zoning Permit by the Troy Township Zoning Inspector or a consultant engaged by the Township.

SECTION 13.03 FEES

Application filed for the purpose of obtaining a Zoning Permit for uses as set forth in this Resolution shall be accompanied with an Application Fee in an amount set forth from time to time by a separate resolution passed by the Board of Trustees. Such fees are for the purposes of defraying the costs of review, inspection, certification, and maintenance of necessary records pertaining to the implementation of this Resolution. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

13.03.01 The Zoning Inspector shall forthwith deposit all fees with the Township Clerk who shall credit such fees to the credit of the General Revenue Fund of the Township.

13.03.02 The Zoning Inspector shall charge the above specified fees payable by the applicant at the time of filing of each application for a Zoning Permit.

13.03.03 No Zoning Permit shall be required for the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located.

SECTION 13.04 SITE PLAN REVIEW

13.04.01 When Site Plan Required. Site Plan review by the Zoning Commission is required for all districts when the following type of development is proposed:

- a) Any Multifamily, Commercial or Industrial Use;
- b) More Than One (1) Main Use on a Parcel;
- c) Any of the Uses Outlined in the Land Use Matrix that Require a Site Plan;

13.04.02 General Site Plan Requirements. All proposed uses or zoning changes (amendments) that require a Site Plan review shall submit the following when applicable.

- a) A formal letter of submittal shall accompany the Site Plan. The letter shall provide the name, address and phone number of any parties who should be informed of progress on the request (e.g., land owner, attorney, architect, engineer, etc.).
- b) All Site Plans shall have a title indicating the type of request being made (e.g., request for more than one principal building on a parcel).

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- c) The Site Plan shall be accompanied by a complete legal description of the subject property and a location sketch referenced from section lines and/or major streets.
- d) The Site Plan shall indicate the scale of the drawing and shall use an engineer's scale.
- e) The Site Plan shall have the north arrow pointing either toward the top of the drawing or to the right side of the drawing, preferably toward the top, and should be located with the scale.
- f) Proposed industrial uses shall be accompanied with plans (i.e., site plan, floor plan, building elevations), of similar quality as would be submitted for Ohio Basic Building Code (O.B.B.C.) review and permit issuance.
- g) The following submissions are required:
 - 1) Eight (8) reproducible prints of the site plan; and⁹
 - 2) A velox or PMT reduction made from the original tracing, shall be submitted at a size ranging from 8 1/2" X 11" to 11" X 17".

13.04.03 Specific Site Plan Requirements

- a) The Site Plan shall show the zoning classification of the subject property and all abutting property uses (residential, commercial, etc.) and approximate location of abutting property, buildings, and/or structures.
- b) The Site Plan shall indicate the distance of existing and proposed structure(s) from right-of-way line of all adjacent thoroughfares and show front, side, and rear yard distances to the structure(s).
- c) The Site Plan shall indicate the exact dimensions of the property in question, and show existing structure(s) with dimensions and proposed structure(s) with dimensions. The site plan shall indicate building removals and other alterations, if any, of existing property.
- d) The Site Plan shall indicate, by name, all adjacent thoroughfares. The site plan shall show both right-of-way and pavement widths measured from the centerline.
- e) The Site Plan shall indicate the locations, size (height), and material of all existing and proposed fencing on the subject property.
- f) The Site Plan shall indicate the location, dimensions and illuminating power of all existing and proposed lighting on the subject property.

⁹ Amended 3/8/2017 by Resolution 2-2017 (effective 4/7/2017)

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- g) The Site Plan shall show the location, dimensions and illuminating characteristics (both internal and/or external) for existing or proposed signs on the property.
- h) The Site Plan shall indicate location and dimensions of existing and proposed sidewalks.
- i) Site Plans shall show any ditches, creeks, or other natural features that may affect development of the property in question. Where appropriate, the two (2) foot contours and the hundred-year high water elevation should be shown on the site plan. Information on this may be obtained from the Wood County Engineer.
- j) The Site Plan shall show existing and proposed drainage and grading with dimensions.
- k) The Site Plan shall show existing and proposed sanitary and storm sewers, water mains, and location of hydrants and valves.
- l) The Site Plan shall show existing and proposed roadways, driveways, off-street parking, and any other pavements, with complete dimensions.
 - 1) Curb cuts shall be measured at the curb and throat widths shall be indicated.
 - 2) The drawing shall include the number and size of proposed parking stalls along with the internal circulation pattern of the off-street parking. If the off-street parking is physically joined with abutting property, then circulation between the properties shall be shown.
 - 3) Parcels with frontage and proposed access onto a state route shall be required to submit proof of approval and any conditions made part of ODOT access management approval.
- m) The Site Plan for a proposed drive-up establishment shall indicate the approximate vehicle capacity for the drive through lane at one time.
- n) The Site Plan shall indicate existing or proposed recreational areas with complete dimensions.
- o) An illustration of the existing and proposed landscaping shall be provided as part of the site plan for all multifamily, commercial and industrial uses. It shall be conceived in a total pattern throughout the site, integrating the various elements of the site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character See Article 8 (Landscaping Requirements).

13.04.04 Application Procedure

- a) Site Plans shall be filed with the Zoning Inspector. The date the Zoning Inspector accepts the site plan shall constitute the official filing date. The review time for Site Plans, generally shall be in keeping with the time requirements established for zoning changes.

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- b) All Site Plans submitted shall be reviewed by the Zoning Commission. Prior to approving the Site Plan, the Zoning Commission may request assistance and information from appropriate County, State and Federal and other review agencies for their comments prior to acting on the proposed Site Plan.
 - 1) Approval of the Site Plan by the Zoning Commission shall result in the issuance of a Zoning Permit. Site Plans may be conditionally approved subject to the inclusion of additional information or site development specifications. A Zoning Permit will not be issued until all site plan conditions are complied with.
 - 2) If the Site Plan does not comply with the purpose of the Resolution or is not complete, the site plan shall not be approved administratively. The applicant may appeal the disapproval to the full Zoning Commission. The appeal will be heard at the next scheduled Zoned Commission meeting.
- c) Any change in the Site Plan once approved shall require a review by the Zoning Commission.

13.04.05 Enforcement.

- a) The Township may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval.
- b) Site Plan approval issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced, except for good cause.

SECTION 13.05 VIOLATIONS AND PENALTIES

- 13.05.01 Violations. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use, any building or land in violation of any regulation in or any provisions of this Resolution or any amendment of supplement thereto adopted by the Board of Trustees.
- 13.05.02 Penalties. Any person, firm, or corporation violating any regulation thereto shall be fined not more than five hundred (\$500.00) dollars. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense.
- 13.05.03 False Statement of any Fact. Any permit or certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the permit or certificate shall be revoked by notice in writing to be delivered to the holder of the void permit or certificate upon the premises concerned, or, if such holder be not found there, by posting the said notice or revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work

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or use without having obtained a new permit or certificate in accordance with this Resolution shall be deemed guilty of violation thereof.

- 13.05.04 Other Remedies. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Zoning Inspector, Township Solicitor, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or any other appropriate action, actions, or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

ARTICLE 14 PUD DEVELOPMENT PLAN REVIEW

SECTION 14.01 APPLICATION

14.01.01 To insure that the design standards contained in the R-PUD and B-PUD Districts are achieved, a Development Plan will be required. A Development Plan shall be submitted and processed in accordance with the requirements for initiation of a Zoning Amendment Section 15.02 (Procedures) in addition to the requirements of this Article.

SECTION 14.02 DEVELOPMENT PLAN REQUIREMENTS

A Development Plan shall accompany a zoning amendment request and shall be processed in accordance to Ohio Revised Code Section 519.12. For all new development and significant revisions, alterations, additions or changes of use for existing developments within areas zoned R-PUD or B-PUD, a Development Plan is required and shall be reviewed by the Zoning Commission. All plans shall be prepared by a registered professional engineer, landscape architect or architect or other design professional and shall accompany the application.

14.02.01 Submission Requirements. A Development Plan shall be prepared on a scale of one (1) inch equals twenty (20) feet (developments of more than five (5) acres may be drawn at a scale of one (1) inch equals fifty (50) feet) on standard twenty-four (24) inch by thirty-six (36) inch sheets, with continuation on eight and one-half (8-1/2) by eleven (11) sheets as necessary for narrative. A Development Plan may be prepared using different scales for dimensional characteristics so long as all information of this section is contained therein. The Development Plan shall include all data, details, and supporting information. An additional fee may be required to defray the expenses associated with the public review of the plans, including fees to retain a registered professional engineer, architect, or landscape architect, on behalf of Troy Township to advise the Township on any and all aspects of the site plan.

14.02.02 Development Plan Content. A Development Plan shall include the following data, details, and supporting plans. All required information shall be filed with the Zoning Commission at the time of the zoning amendment request. Areas within the Township that have an existing B-PUD district and new development and significant revision, alterations, additions or changes of use are proposed, the developer shall submit the following information to Zoning Commission for review.

All development plans shall be prepared by a registered professional engineer, architect, or landscape architect. Items required for submission include:

- a) Name of the project, boundaries, and location maps showing the site's location in the Township, date, north arrow, and scale of the plan.
- b) Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect who prepared the site plan.
- c) Names and addresses of all owners of record of adjacent parcels and those within three hundred (300) feet of the property line.

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- d) All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses, and the location and use of structures within three hundred (300) feet of the site.
- e) The location and use of all existing and proposed buildings and structures within the development including building footprints, overhangs, site coverage, building-ground contact, and area. If building dimension characteristics are unknown at the time of an amendment request, minimum building set-backs shall be detailed. A brief description of the use of the site shall be included with an estimate of the number of employees.
- f) Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
- g) Illustrations of traffic movement, ingress and egress, and the location of all present and proposed public and private drives, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls, and fences. Traffic flow patterns and curb cuts within one hundred (100) feet of the site shall also be shown.
- h) The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. All lighting must be arranged or shielded as to avoid excessive glare reflecting onto any portion of any adjacent street or into the path of oncoming vehicles or onto any adjacent parcel.
- i) The location, height, size, materials, and design of all proposed signage.
- j) The location of all present and proposed utility systems including, sewage or septic systems, water supply system, telephone, cable and electrical systems, and storm draining system, including existing and proposed drain lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, and drainage swales.
- k) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable but containing no more than one central earthen holding pond per drainage watershed.
- l) Existing and proposed topography at a one (1) foot contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the hundred-year flood plain, the area will be shown and base flood elevations given.
- m) A landscape plan showing all existing natural land features, trees, forest cover and water resources, and all proposed changes to these features including size and type of plant material. Water resources will include ponds, lakes, streams, wetlands, floodplains, and drainage retention areas.
- n) Zoning district boundaries within five hundred (500) feet of the site's perimeter shall be drawn and identified on the plan.
- o) For new construction or alterations to any existing building, a table containing the following information must be included:

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- 1) Area of building to be used for a particular use such as retail operation, office, storage, etc.
 - 2) Maximum number of employees;
 - 3) Maximum seating capacity, where applicable and
 - 4) Number of parking spaces existing and required for the intended use.
- p) Elevation plans at a scale of one-eighth inch to one foot (1/8"=1') for all exterior facades of the proposed structure(s) and/or existing facades, and addition(s) showing design features and type and color of materials to be used.

14.02.03 B-PUD Building Characteristics. The following listed information is required prior to the authorization to issue a Zoning Permit. If, at the time of a zoning amendment application is presented to the Zoning Commission and Building Characteristics as outlined below are known, they shall be part of the Site Plan Content submission requirements.

- a) Include all dimensions of height and floor area, and shown all exterior entrances, and all anticipated future additions and alterations.
- b) The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. All lighting must be arranged or shielded as to avoid excessive glare reflecting onto any portion of any adjacent street or into the path of oncoming vehicles or onto any adjacent parcel.
- c) The location, height, size, materials, and design of all proposed signage.
- d) For new construction or alterations to any existing building, a table containing the following information must be included:
 - 1) Area of building to be used for a particular use such as retail operation, office, storage, etc.;
 - 2) Maximum number of employees;
 - 3) Maximum seating capacity, where applicable; and
 - 4) Number of parking spaces existing and required for the intended use.
- e) Elevation plans at a scale of one-eighth inch to one foot (1/8"=1') for all exterior facades of the proposed structure(s) and/or existing facades, and addition(s) showing design features and type and color of materials to be used.

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SECTION 14.03 STANDARDS FOR REVIEW

The Zoning Commission shall review the Development Plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. A narrative statement by the developer addressing objectives stated below shall be submitted with any amendment request. All other Development Plan submittals for new development and significant revisions, alternations, additions or changes of use for existing developments within existing R-PUD or B-PUD districts shall address these standards in their Development Plan drawings and/or narrative statement.

- 14.03.01 Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- 14.03.02 Parking. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
- 14.03.03 Services. Reasonable demands placed on township services and infrastructure.
- 14.03.04 Pollution Control. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface water and groundwater. This includes controlling soil erosion both during and after construction.
- 14.03.05 Nuisances. Protection of abutting properties from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.
- 14.03.06 Existing Vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
- 14.03.07 Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside planting, and the retention of open space.
- 14.03.08 Community Character. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape.

SECTION 14.04 REVIEW PROCEDURE

Prior to issuance of a Zoning Permit, but after designation of a R-PUD or B-PUD zoning classification, the developer shall detail plans and specifications in accordance with the Development Standards in [Article 6](#) (Planned Unit Developments). The Zoning Commission shall review the plans so that they are in substantial conformity to these provisions.

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SECTION 14.05 ENFORCEMENT

The Township may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. It may suspend any zoning permit when work is not performed as required. Development Plan approval issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced, except for good cause.

SECTION 14.06 DEVELOPMENT PLAN AMENDMENTS (MINOR)

Minor changes to the final development plan such as adjustments, or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested by the proponents.

14.06.01 Minor changes as defined herein are allowed, provided such requests conform to the standards established by the final development plan and this Resolution. A Minor Change includes any:

- a) Adjustment to the size and location of buildings, swimming pools, and other on-site structures so long as:
 - 1) They do not result in any increase in the number of units over and above those that the plan covers;
 - 2) They do not encroach materially into the established setback areas;
 - 3) They do not encroach into the designated parking areas to the extent that would necessitate an alteration in the layout of the access drives or provisions for additional parking spaces; and
 - 4) They do not create a large building mass either through an increase in their height or length that would magnify their effect on the adjoining areas.
- b) Alterations to the proposed drives and/or parking areas so long as they do not encroach into building areas or specified recreation areas.
- c) Adjustments in the size and location of development identification signs.
- d) All proposed minor changes must be submitted to the Zoning Inspector not less than three (3) business days before the next Zoning Commission meeting. The Zoning Inspector will submit the proposed minor change to the Zoning Commission for informal consideration. If the Zoning Commission deems the proposed minor change acceptable, the Commission will recommend approval to the Township Trustees. If the proposed minor change is considered to be insupportable or a Major Change, the appropriate review and public hearing process will be followed as indicated in Section 14.07 (Development Plan Amendments (Major)) following:

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SECTION 14.07 DEVELOPMENT PLAN AMENDMENTS (MAJOR)

A major change is any change that does not meet the criteria under [Section 13.06](#) (Amendments (Minor)) and in addition, is one that would constitute a significant alteration in the basic plan design or result in a use different from those originally intended. A major change shall require consideration and processing same as a zoning change.

ARTICLE 15 AMENDMENTS

SECTION 15.01 AUTHORITY

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

SECTION 15.02 PROCEDURES

15.02.01 Initiation of Zoning Amendments. Amendments to this Resolution may be initiated in one of the following ways:

- (a) By adoption of a motion by the Zoning Commission;
- (b) By adoption of a resolution by the Township Trustees.
- (c) By the filing of an application by the owner(s) or lessee of property proposed to be changed or affected by said amendment on forms prescribed by, and obtainable at the office of the Zoning Inspector.

- (1) The application shall be accompanied by information or data indicating the necessity for, or desirability of, the change requested.

- (2) A fee shall be paid upon the filing of the application in an amount set forth from time to time by a separate resolution passed by the Board of Trustees. All additional expenses incurred by the Township in excess of the minimum required fee shall be paid by the applicant. No action shall be taken on an application until all fees have been paid in full.

15.02.02 Transmittal to Zoning Commission. Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by the owner(s) of the property, said matter shall be transmitted to the Zoning Commission and placed on their next meeting agenda.

15.02.03 Public Hearing and Notice by Zoning Commission. The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of said motion, certification of such resolution, or the official filing date of such application. Notice of such hearing shall be given as follows:

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- a) A notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth:
1. A statement the Troy Township Zoning Commission will be conducting a public hearing on a proposed amendment to the Zoning Resolution;
 2. The nature of the proposed amendment;
 3. The time, date, and place of the public hearing;
 4. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
 5. A statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination;
 6. The name of the person responsible for giving notice of the public hearing;
 7. Any other information requested by the Zoning Commission.
- b) If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such areas proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees.
- 1) The failure to deliver the notice shall not invalidate any such amendment.
 - 2) The notice shall contain the same information as required on notices published in the newspaper(s). In addition, the notice shall include:
 - i. A list of addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
 - ii. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.

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15.02.04 Submission to County Planning Commission. Within five (5) days after the adoption of a motion by the Commission, the certification of a resolution by the Board of Township Trustees, or the official filing date of an application by at least one (1) owner, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map(s) pertaining to the case in question to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

15.02.05 Recommendation by Zoning Commission

- a) After the scheduled public hearing, the Zoning Commission shall, by resolution, recommend to the Board of Township Trustees that:
 - 1) The amendment be granted as requested; or
 - 2) It may recommend a modification of the amendment requested; or
 - 3) It may recommend that the amendment not be granted.
- b) Within thirty (30) days after the the scheduled public hearing, the Zoning Commission shall submit its recommendation, together with such application or resolution, the text and map pertaining to it, and the recommendation of the Wood County Planning Commission, to the Board of Township Trustees.
- c) The Commission shall keep minutes of its proceedings showing actions taken on all resolutions and applications submitted to them for review (e.g., Submitted to County Planning Commission for review; Determination application incomplete; Requests for additional information from applicant, etc.)
- d) The Zoning Commission shall record, in the official minutes, the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Commission, and shall be a public record.

15.02.06 Public Hearing and Notice by Township Trustees

- a) Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing.
- b) Notice of such hearing shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing.
 - 1) This notice shall set forth:
 - i. A statement the Troy Township Board of Trustees will be conducting a public hearing on a proposed amendment to the Zoning Resolution;

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- ii. The nature of the proposed amendment;
 - iii. The time, date, and place of the public hearing;
 - iv. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
 - v. The name of the person responsible for giving notice of the public hearing;
 - vi. Any other information requested by the Board.
- 2) If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the Wood County Auditor's tax list, the published notice shall also include the following:
- i. A list of addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
 - ii. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.

15.02.07 Action by the Board of Township Trustees. Within twenty (20) days after the public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Township Trustees is required.

SECTION 15.03 EFFECTIVE DATE AND REFERENDUM

15.03.01 Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment a referendum petition is filed

15.03.02 No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

15.03.03 Within five (5) working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the County Recorder and with the Wood County Planning Commission. The failure to file any amendment, text, and maps does not invalidate the amendment.