TROY TOWNSHIP
ZONING RESOLUTION
2007

PREPARED WITH THE ASSISTANCE OF
THE ASHLAND COUNTY PLANNING COMMISSION

REVISIONS: September 10, 2015

The Board of Township Trustees of Troy Township resolves to adopt the Troy Township Zoning Plan 2007 resolution and map as presented by the Troy Township Zoning Commission, in as much as hearings were conducted by both the Trustees and the Zoning Commission.

Passed this 27th day of September, in the year 2016.

Effective Date: January 1st, 2017.

Troy Township Zoning Commission

Tammy Reisinger

Ryan Sheppard

Rob Robertson

Janet Cleugh

Sue DeLosh

Troy Township Trustees

Dennis Edwards

Dean White

Tim Roth

Authentication
This resolution was duly approved by the Board of Township Trustees of Troy Township on this 27th day of September, 2016 by Resolution #2016-06.

Fred Lowery, Fiscal Officer

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PREAMBLE TO TROY TOWNSHIP ZONING RESOLUTION

This Troy Township Zoning Resolution has been prepared by the Troy Township Zoning Commission with the assistance of the Ashland County Planning Commission. This Resolution has been prepared with the spirit of creating better land use, land use planning and zoning. Planning and zoning together for the orderly progress of Troy Township is the best deterrent for possible conflicting land uses in the future.

Therefore be it resolved by the Board of Township Trustees of Troy Township, Ashland County, Ohio;

This resolution shall be known as the Troy Township Zoning Resolution and may be referred to as the "Zoning Resolution," which resolution amends and supersedes the existing zoning resolution of Troy Township.

SECTION 1 – GENERAL REGULATIONS

100 No building or structure shall be built or altered for uses other than those permitted in the district in which the structure is located.

101 New land uses, other than those listed in these regulations, shall be prohibited on property in Troy Township.

102 Parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, exhaust stacks, stage towers, silos, scenery lofts and necessary mechanical accessories are exempt from the height restrictions listed in these regulations.

103 New lots of record shall meet all minimum size requirements for the district in which they are located.

104 Any addition to an existing building shall not intrude into any required yard, open space, or setback area.

105 Two or more lots of record, or platted lots, when contiguous and owned by the same individual or entity, may be treated as a single lot for the purposes of this resolution as long as the property in question is located in a single district.

106 The Troy Township Zoning Resolution shall serve as a supplement to existing or future Federal, State and local laws. Whenever these regulations differ from other lawfully adopted regulations, the most restrictive or highest standard shall apply.

107 Any lot of record existing at the time of adoption of this resolution and held in separate ownership different from that of adjoining parcels may be used for any purpose normally permitted in that district even though its area, width and depth are less than the requirement of that District as long as the minimum setback and side yard requirements are met.

108 Agricultural uses, excluding related residential and agribusiness uses and those uses specifically relating to agricultural districts, are exempt from these regulations.

110 Disposal, processing, incineration or storage of nuclear contaminated materials is specifically forbidden in Troy Township regardless of the zoning district.

111 Disposal, processing, incineration or storage of any materials which fall into the category of hazardous or toxic waste is specifically forbidden in Troy Township regardless of the zoning district.

112 Commercial disposal, processing, incineration or storage of waste suitable for a landfill is specifically forbidden in Troy Township regardless of the zoning district. The creation of any sanitary waste disposal facility, including travel trailer dumping stations, must be approved by the Troy Township Board of Zoning Appeals and the Ashland County Department of Health and a permit received prior to construction.

113 Commercial or private landfills are expressly forbidden in Troy Township.

114 Manufacturing, sales, storage or distribution of fireworks or explosives is expressly forbidden in Troy Township.

115 The Troy Township Zoning Inspector will not issue a zoning certificate to any applicant unless evidence of a valid health (sanitation) permit from the Ashland County Board of Health is in force unless such sanitation permit is not required by the health department for the land use in question. Any subsequent actions by the Health Department condemning the land use or rescinding the health permit or finding the dwelling unfit for human habitation shall also render the Troy Township Zoning Certificate null and void. A new zoning certificate is required before construction or use of the property may recommence. As assistance to applicants for a zoning permit, the approved procedure and order for obtaining both health permits and zoning permits is:

1) apply to township for a zoning certificate
2) apply to the health department for a sanitation permit
3) approval of the zoning certificate by the township zoning inspector
4) final inspection and approval by the health department.

116 No more than one (1) dwelling may be located on a lot of record in Troy Township.

117 Any parcel of land to be divided shall require a permit for each resulting lot prior to approval of such a split. All resulting lots must meet all Township Zoning requirements as outlined in this resolution.

118 A permit is required when adding a pond to any property.

119 The Troy Township Zoning Commission, the Troy Township Board of Zoning Appeals, and the Troy Township Zoning Inspector, where applicable, shall find that proposed land development regulations, a proposed amendment to existing land development regulations, or a proposed land use action is consistent with the local comprehensive plan when the regulations, amendment, or action:

A. furthers, or at least does not interfere with, the goals and policies contained in the local comprehensive plan;

B. is compatible with the proposed future land uses and densities or intensities contained in the local comprehensive plan; and

C. carries out, as applicable, any specific proposals for community facilities and transportation facilities, other specific public actions, or actions proposed by nonprofit and for-profit organizations that are contained in the local comprehensive plan.

SECTION 2 – DISTRICTS

200 For the purposes of this resolution, Troy Township is hereby divided into five (5) Districts. They are as follows:

DISTRICT PURPOSE

Agricultural: To protect and maintain the openness and rural character of the countryside. To provide areas for rural development of various kinds where the Agricultural District is appropriate.

Residential: To provide areas for residential development in areas that can support such development without creating any serious health threat.

Commercial: To provide for the establishment of areas for local business uses, including retail businesses, which tend to meet the needs of the residents of the area and the needs of tourists or travelers to the extent of need and appropriateness.

Industrial: To provide areas for the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, dust, odor, smoke, glare, or other pollutants, generate little industrial traffic and operate entirely within enclosed structures in appropriate and designated locations.

Proposed Commercial/Industrial: An Agriculturally zoned area designated to provide for future Commercial and Industrial expansion within Troy Township, while maintaining relative proximity to public services, and encouraging preservation of Agricultural and Residential areas.

201 The location and boundaries of the various districts listed in the resolution shall be shown on a map entitled "Troy Township Zoning Plan 2007". A certified copy of this map will be held on file in the offices of the Troy Township Trustees and said map, all notations, dimensions and designations shown thereon, are hereby declared to be part of this resolution.

a. District boundaries are intended to follow street, alley, property or lot lines as they exist at the time of passage of this resolution.

b. Where district boundaries do not follow existing lot or property lines, the dimensions of these areas shall be listed on the zoning map, or in the zoning resolution under “District Uses.”

c. In the case of a vacation of a street, alley or other right of way, the abutting zoning classification on either side shall be automatically extended to the centerline of said vacated property.

d. Where boundaries appears to approximately follow aforesaid lines and not more than ten (10) feet distant from such lines they shall be interpreted to be the boundary unless specifically shown otherwise on the zoning map.

202 The zoning map or any zoning map amendment shall be prepared by authority of the Township Zoning Commission and the Township Trustees. The map or amendment shall be dated with the effective date of the Resolution which adopted the map or amendment.

203 A certified print of the adopted map or map amendment shall be maintained by the office of the Troy Township Trustees and in the office of the Ashland County Planning Commission.

SECTION 3 – DISTRICT USES

300 General

1. The uses set forth as principal uses in each zoning district shall be permitted by right as the principal building, structure, or use of a lot.

2. The uses set forth as accessory uses in each zoning district shall be permitted by right as buildings, structures, or uses which are subordinate and incidental to principal buildings, structures, and uses.

3. The uses set forth as conditional uses in each zoning district shall not be permitted by right. Such buildings, structures, and uses may be permitted only under specific conditions and in accordance with the provisions of the conditional uses defined for each district.

301 Prohibited Uses in all Zoning Districts

1. Any use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefore, unless and until a zoning variance for such use has been granted.

2. Lighting fixtures and devices from which direct glare is visible on adjoining roads or lots shall be prohibited. Flashing lights shall be prohibited.

3. Mobile homes shall be prohibited

4. The storage of junk vehicles, including unlicensed collector's vehicles, outside of a fully enclosed building shall be prohibited.

5. Junkyards and the storage of junk or burial of junk shall be prohibited.

6. Automotive wrecking shall be prohibited.

7. Manufactured home parks shall be prohibited.

8. The storage, incineration or burial of hazardous waste shall be prohibited.

9. Landfills for the burial of solid waste shall be prohibited.

10. No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to emission of odor, smoke, fumes, cinders, dust, noise, gas, vibration, electrical interference, refuse matter, water carried wastes, or which will interfere with adjacent landowners' enjoyment of the use of their lands.

302 Permitted Buildings, Structures, and Uses in Required Yards

1. Awnings or canopies over windows and doors, provided no signage is located thereon unless a zoning certificate is obtained.
2. Chimneys
3. Clotheslines and support poles
4. Fences and walls
   - Fences and walls shall be erected outside of the right-of-way of any public or private road.
   - Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road
   - Fences and walls shall not be unsafe or be in danger of falling.
5. Flagpoles
6. Mailboxes and newspaper tubes
7. Ornamental and security lighting fixtures
8. On-site sanitary sewage treatment and water well systems
9. Signs in accordance with paragraph 513
10. Student bus shelters
11. Swing sets and related recreational equipment

303 Agricultural District – Boundaries defined as the entirety of Troy Township.

1. Permitted Uses – After obtaining a valid zoning certificate.
   a. Agriculture
   b. Single-Family dwelling
   c. Non-commercial recreational facilities
   d. Home occupations
   e. Essential services
   f. Accessory uses
   g. Public uses
   h. Semi-public uses
   i. Roadside stands

2. Conditional Uses
   a. Two-family dwelling
   b. Tourist home
   c. Nursery (Child care) and nursing home
   d. Cemetery
   e. Television or radio station transmitter or tower
   f. Mineral extraction, storage and processing.
   g. Custom butchering
   h. Residential enterprise
   i. Planned unit development
   j. Sales and service of agricultural equipment
   k. Residential wind turbine generators

3. Minimum lot size
    a. Minimum area: two (2) acres (87,120 sq. ft.)
    b. Minimum lot width: Two hundred (200) continuous feet in one line, running continuously (not a front and a side combined) on any dedicated Township, County, or State Road.
    c. Minimum front yard: eighty-five (85) feet from the center of road or street.
    d. Minimum rear yard: Fifty (50) feet.
    e. Minimum side yard: Twenty-five (25) feet each side.
    f. Minimum lot depth: Two hundred (200) feet from centerline of road or street.
    g. Maximum building height: forty-five (45) feet.
    h. Minimum living area of dwelling: Thirteen-hundred (1300) square feet.

304 Residential District – Boundaries defined as the entirety of Troy Township.

1. Permitted uses – after obtaining a valid zoning certificate:
    a. Agriculture
    b. Single-family dwelling
    c. Home occupation
    d. Essential services
    e. Accessory uses
    f. Public uses
    g. Roadside stands

2. Conditional uses:
    a. Two-family dwelling
    b. Nursery (Child care) and nursing home
    c. Bed-and-breakfast tourist home
    d. Cemetery
    e. Television or radio transmitter or tower
    f. Semi-public uses
    g. Public service facility
    h. Multi-family dwelling
    i. Residential enterprise
    j. Planned Unit Development
    k. Residential wind turbine generators

3. Minimum lot size
    a. Minimum area: two (2) acres (87,120 sq. ft.)
    b. Minimum lot width: Two hundred (200) continuous feet in one line, running continuously (not a front and a side combined) on any dedicated Township, County, or State Road.
    c. Minimum front yard: eighty-five (85) feet from the center of the road or street.
    d. Minimum rear yard: Fifty (50) feet.
    e. Minimum side yard: Twenty-five (25) feet each side.
    f. Minimum lot depth: Two hundred (200) feet from the centerline of road or street.
    g. Maximum building height: forty-five (45) feet.
    h. Minimum living area of dwelling: Thirteen-hundred (1300) square feet.

305 Commercial District – Boundaries start in the northwest corner of Lot 33-H-1 of parcel # N390080000600, extending due east to the northeast corner of parcel # N390540000301, extending due south to the center of U.S. Highway 224, extending east to a point due north of the southeast corner of Lot 41-E-1 of parcel # N390080001900, extending due south to the southeast corner of Lot 41-E-1 of parcel # N390080001900, extending west to the center of State Route 511, extending south to a point due east of the southwest corner of parcel # N390080003200, extending due west to the southwest corner of parcel # N390080003200, extending north to the northwest corner of Lot 33-H-1 of parcel # N390080000600, and including those properties named within Appendix A.

1. Permitted uses – after obtaining a valid zoning certificate:
    a. Agriculture
    b. Single-family dwelling
    c. Offices and banks
    d. Restaurants
    e. Essential uses
    f. Accessory uses
    g. Public uses
    h. Semi-public uses
    i. Two family dwellings
    j. Multi-family dwellings not exceeding four (4) units
    k. Home occupations
    l. Vehicle and machinery repair facilities
    m. Local business

2. Conditional uses:
    a. Nursery (Child care) and nursing homes
    b. Tourist home
    c. Mortuaries or cemeteries
    d. Service stations
    e. Service facilities
    f. Motels
    g. Commercial recreational facilities
    h. Commercial butchering
    i. Neighborhood commercial uses
    j. Service uses
    k. Adult-oriented businesses (within Grange Tracts 32, 33, 40, and 41 ONLY)
    l. Residential wind turbine generators

3. Minimum lot size
    a. Minimum area: two and one-half (2.5) acres (108,900 sq. ft.)
    b. Minimum lot width: Two-hundred fifty (250) continuous feet in one line, running continuously (not a front and a side combined) on any dedicated Township, County, or State Road.
    c. Minimum distance to main building:
    One-hundred and fifty (150) feet from the centerline of road or street.
    e. Minimum rear yard: Fifty (50) feet.
    f. Minimum side yard: Twenty-five (25) feet each side.
    g. Minimum lot depth: Four hundred (400) feet from the centerline of road or street.
    h. Maximum building height: forty-five (45) feet.
    i. Minimum main building size: Thirteen-hundred (1300) square feet.

306 Industrial District – No specific boundaries are defined, except for those properties named within Appendix A.

1. Permitted Uses – Every industrial use requires review by the Troy Township Board of Zoning Appeals which shall review the specified and intended use and either issue or deny a conditional use permit.

2. Conditional Uses:
    a. Agriculture
    b. Accessory Uses
    c. Public Uses
    d. Semi-Public Uses
    e. Commercial recreational facilities
    f. Saw mills
    g. Essential services
    h. Local business
    i. Service stations
    j. Cemeteries and mortuaries
    k. Motels
    l. Restaurants
    m. Manufacture, sale and storage of supplies
    n. Equipment storage, repair and sales
    o. Wholesale and warehouse facilities
    p. Grain elevators and feed mills
    q. Offices and banks
    r. Research and testing laboratories
    s. Food processing
    t. Oil and gas wells and on site storage
    u. Television or radio station transmitter or tower
    v. Airports
    w. Neighborhood commercial services
    x. Residential wind turbine generators

3. Minimum lot size
    a. Minimum area: five (5) acres (217,800 sq. ft.)
    b. Minimum lot width: Two-hundred fifty (250) continuous feet in one line, running continuously (not a front and a side combined) on any dedicated Township, County, or State Road.
    c. Minimum distance to main building:
    Two-hundred and fifty (250) feet from the centerline of road or street.
    d. Minimum rear yard: Fifty (50) feet, except adjacent to residential district where two hundred (200) feet is required.
    e. Minimum side yard: Twenty-five (25) feet each side, except adjacent to residential district where 200 feet is required.
    f. Minimum lot depth: Four hundred (400) feet from the centerline of road or street.
    g. Maximum building height: forty-five (45) feet.
    h. Minimum main building size: Twenty-five-hundred (2500) square feet.

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SECTION 4 – DEFINITIONS

For the purposes of this resolution, certain terms and words are described as follows:

400 General terms – The words "used for" include "designed for" and vice versa; words used in the present tense include the future and vice versa; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not directory.

401 *Accessory Use:* A use of land or of a structure or a portion thereof customarily incidental and subordinate to the principal use of land or building and located on the same lot with such principal use.

402 *Agriculture:* as used herein means all of the uses stated and defined in section 519.01 of the Revised Code. As used herein and in sections 519.02 to 519.25 of the Revised Code, “agriculture” includes 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 agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

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

404 *Board:* Shall mean the Troy Township Zoning Board of Appeals.

405 *Building:* means a temporary or permanent structure, other than a mobile home, affixed to or resting on the ground and designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

406 *Building Height:* The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.

407 *Building, main:* A building in which is conducted the principal use of the lot on which it is located.

408 *Business, local:* An enterprise engaged in retail trade of a clearly limited nature for the convenience of surrounding residents. These may include, but are not limited to, repair shops, cleaning establishments, drug stores, beauty or barber shops, hobby shops, and businesses for the sale of food and beverages for consumption either on or off the immediate premises.

409 *Butchering, Custom:* A facility established to slaughter livestock owned by an individual. Said facility shall not offer meat for wholesale or retail trade. A facility of clearly limited nature for the convenience of individuals raising livestock for their own consumption.

410 *Butchering, commercial:* A facility established to slaughter livestock. Said facility may offer meat for wholesale or retail trade.

411 *Comprehensive Plan:* The document titled “Ashland County Comprehensive Plan 2000,” adopted as the “Troy Township Comprehensive Plan” by the Board of Township Trustees of Troy Township on September 24, 2007 by resolution number 2007-12.

412 *Conditional Use:* A use which is subject to approval by the Troy Township Board of Zoning Appeals. A conditional use may be granted by the Board when there is a specific provision for such exception made in this Resolution.

413 *Condominium:* A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

414 *Cul-de-sac:* A street or road, one end of which connects with another street or road, and the other end of which terminates in a vehicular turnaround.

415 *Density (or 'net density'):* The result of (a) dividing the total number of dwelling units existing on a housing site by the net area – excluding the area constituting public improvements – in acres; or (b) multiplying the net area in acres times 43,560 square feet per acre and then dividing the product by the required minimum number of square feet per dwelling unit.

416 *Driveway:* A private way of providing access for vehicles from a road to a dwelling, building, structure, parking space or loading/unloading space.

417 *Dwelling:* A building, or portion thereof, designed exclusively for residential occupancy, including single-family dwellings, two-family dwellings, multi-family dwellings, vacation and seasonal dwellings, and vehicles or residences designed to be moved or towed on wheels, skids, or rollers, but not including hotels, motels, boarding houses or rooming houses. Basement home cannot be excluded. It is defined as a geo-thermal-type dwelling. Prior to construction of any dwelling, a set of blueprints must be provided that is acceptable to the Zoning Inspector before a zoning certificate is completed, and this shall be followed with periodic inspections by the Zoning Inspector.

1. *Manufactured Dwelling:* A detached residential unit designed for transportation after fabrication on public or private thoroughfares on its own wheels or on a flatbed or other trailer and arriving at the site ready for occupancy except for minor and incidental unpacking and assembly operations.

A factory built structure having at least thirteen-hundred (1300) square feet, excluding porches and garages, of living area and from which all hitches, axles, wheels, tongues, running lights and all other indicia of mobility have been removed.

The unit must conform to the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and have a certification to that effect, in the form of a label or tag permanently affixed to such manufactured home in the manner required by 42 S.S.A. Section 5415, and be manufactured after January 1, 1995, as well as being approved by the Ohio Department of Industrial Relations.

Approved manufactured dwellings will carry a certification sticker from the State of Ohio. All manufactured dwellings shall meet the requirements of Section 4101.2 of the Ohio Basic Building Code dealing with industrialized units for the year in which they were built. Only manufactured dwellings from manufacturers certified as per Section 4101.2-98 may be located in Troy Township.

Exclusive of any addition, all manufactured dwellings shall have a width of not less than twenty-two (22) feet at one point, and a minimum floor area in accordance with the residential district in which it is located.

Have a minimum "A" roof pitch of 3:12, conventional residential siding, and a minimum six (6) inch eaves of overhang, including appropriate guttering.

All manufactured dwellings located in Troy Township shall be permanently installed upon and properly attached to a continuous perimeter foundation that meets the manufacturer's installation requirements and applicable state and county building regulations and connected to appropriate facilities. Conform to all residential district regulations for the district in which it is located.

In addition to the above requirements, the owner shall:

1A. Surrender the title to the manufactured home to the county auditor upon its placement on a permanent foundation and such surrender shall be notice to the county auditor to tax the manufactured home as real property.

2. *Modular Home:* An assembly of materials or products comprising all or part of a total structure which, when constructed, is self sufficient and when installed constitutes a single-family dwelling and which contains a minimum of thirteen-hundred (1300) square feet of habitable floor area exclusive of porches, or garages. Such installation includes its placement. This definition includes sectional units, but not manufactured houses. All modular homes located in Troy Township shall be installed onto a concrete/block foundation. A single modular home shall be considered a single family dwelling. Modular homes must be set on a permanent foundation with footers below the frost line and taxed as real property.

3. *Single-Family Dwelling:* A dwelling which is designed for and occupied by not more than one family and containing a minimum of thirteen-hundred (1300) square feet of habitable floor area exclusive of porches, or garages. All single-family dwellings located in Troy Township shall be installed onto a concrete/block foundation.

4. *Two-Family Dwelling:* A structure on a single lot of record containing a maximum of two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to both units. Each unit shall contain a minimum of thirteen-hundred (1300) square feet of habitable floor are exclusive of porches or garages. All two-family dwellings located in Troy Township shall be installed onto a concrete/block foundation.

5. *Multi Family Dwelling:* A structure on a single lot of record containing a maximum of four (4) dwelling units, each of which is totally separated from the others by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to all dwelling units. Each unit shall contain a minimum of thirteen-hundred (1300) square feet of habitable floor are exclusive of porches or garages. All multi-family dwellings located in Troy Township shall be installed onto a concrete/block foundation.

418 *Easement:* The right of a person, governmental entity, public utility, or other firm to use public or private land owned by another for a specific purpose as established by an instrument of record in the county recorder's office.

419 *Essential services:* The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of gas, electrical, water or communications, supply, distribution or service facilities, including poles, wires, mains, drains, pipes, signals or hydrants including any necessary structures or buildings reasonably required to assure the provision of adequate supplies of public utilities by the utility or branch of government.

420 *Family:* One or more persons occupying a single family dwelling as a single housekeeping unit under a common housekeeping management plan based on a single internally structured relationship providing organization and stability.

421 *Flood Plain, Regional:* That land inundated by the 100-year flood (regional flood).

422 *Flood Protection Elevation:* The elevation to which uses regulated by this resolution are required to be elevated or flood proofed.

423 *Flood, regional:* Large floods which have previously or which may be expected to occur on a particular stream because of local physical characteristics.

424 *Home Occupation:* A home occupation is a business conducted in the dwelling, garage, or accessory building of the owner of the residence. Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Home occupations include, but are not limited to the following: real estate office, barber shop, beauty shop, doctor offices, leather shops, crafts, or repair shops for small appliances. Specifically excluded from the home occupation category are the following: heavy equipment and commercial truck repair.

425 *Intensity:* Any ratio that assesses the relative level of activity of a land use, including, but not limited to, a floor area ratio, building coverage ratio, or impervious surface ratio.

426 *Junk yard or recycling center:* An open area where waste scrap metal, paper, scrap lumber, two (2) or more unlicensed motor vehicles or other motor vehicles or parts thereof (including any licensable campers, trailers, mobile homes, boats, or similar vehicles), vinyl, plastics, barrels (or other large containers), household appliances or grounds keeping/lawn equipment, or similar materials are bought, sold, exchanged, stored, packed or handled, including building wrecking yards, and including uses taking place entirely within an enclosed building.

427 *Land Development Regulations:* Includes zoning, subdivision, and other regulations affecting the use and development of land including the comprehensive plan for Troy Township, to wit: the document encaptioned “Ashland County Comprehensive Plan 2000.”

428 *Land Use Action:* A preliminary or final approval of a subdivision plat submitted to the township for approval as to zoning compliance by a county or regional planning commission; approval of a planned unit development or similar site-specific development plan; approval of a conditional use; granting of a variance; or a decision by the local government to construct a capital improvement and/or acquire land for community facilities and transportation facilities.

429 *Loading/unloading space:* A space provided for pick-ups and deliveries for commercial and industrial uses.

430 *Lot:* A parcel of land of sufficient size to meet minimum zoning requirements and to provide such yards and other open spaces as herein required. Such lots shall have frontage on any dedicated Township, County, State Road, or Street, and may include:

a. A single lot of record.
b. A portion of a lot of record
c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or portions of lots of record.

1. *Corner lot:* A lot located at the intersection of two (2) or more streets.
   A lot abutting on a current street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. *Interior lot:* A lot other than a corner lot.
3. *Reversed corner lot:* A corner lot the side street line of which is substantially a continuation of the front line of the lot to its rear.
4. *Through lot:* An interior lot having frontage on two or more streets but not qualifying as a corner lot.

431 *Lot area:* The total horizontal area within the lot lines of a piece of property.

432 *Lot depth:* The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

433 *Lot lines:* The lines bounding a lot as defined herein.

434 *Lot width:* The horizontal distance between the side lot lines measured at right angles to the lot depth at the building setback line.

435 *Neighborhood Commercial:* Land used for construction or use by a commercial enterprise to provide domestic goods or services to those residents in the immediate area such as grocery stores, appliance services, etc.

436 *Nonconforming Commercial/Industrial Building:* A building or a portion thereof lawfully existing at the time this resolution is adopted which was designed, erected or structurally altered for a use that does not conform to the use of the Regulations of the District in which it is now located.

437 *Nonconforming Use:* A use which lawfully occupied a building or land at the time of adoption of this Resolution and which does not conform to the Regulations of the District in which it is located.

438 *Nuisance:* An act, thing, or person that causes trouble or bother within Troy Township.

439 *Parking space:* Off-street space designed for parking of vehicles in association with a specific use.

440 *Person:* An individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau or agency, or any other entity recognized by law as the subject of rights and duties.

441 *Planned Unit Development:* A contiguous area of land in which a variety of housing types and clusters are accommodated in a preplanned environment under more flexible standards such as lot sizes and setbacks, than those that normally apply under these Regulations.

442 *Private Road:* A recorded easement as defined in the Ashland County Subdivision Regulations held by a private owner or established legal entity for private use as a road right-of-way and not accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

443 *Professional services:* The use of offices and related spaces for such services as, but not limited to, medical practitioners, veterinarians, lawyers, architects, dentists, engineers, etc.

444 *Proposed:* To offer for consideration or adoption; to form or declare a plan or intention.

445 *Public Road:* A road right-of-way for public use as defined in R.C. section 5535.01 and the Ashland County Subdivision Regulations and accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

446 *Public use:* Public parks, schools and adjunctive administrative uses, cultural uses and service buildings devoted solely to the storage and maintenance of equipment and material.

447 *Recreational Facilities:*

A. Commercial recreational facilities: Recreational facilities established for profit, such as but not limited to, commercial golf courses, campgrounds, swimming pools, ice skating, race tracks, paintball, laser tag, shooting (archery, pistols, rifles, and other related firearm) ranges.

B. Noncommercial recreational facilities: Private and semi-private recreational facilities which are not operated for commercial gain, such as but not limited to, country clubs, riding clubs, private golf courses, game preserves or community swimming pools. Noncommercial recreational facilities may be leased to outside groups or organizations provided the fees for such purposes is limited to incidental and custodial expenses.

448 *Residential Enterprise:* A home occupation that employs individuals who are not residents of the dwelling.

449 *Rezoning:* An amendment to, or a change in the Zoning Resolution, rezoning can take three (3) forms:

A. A comprehensive revision or modification of the zoning resolution text and map;
B. A change in the zone requirements;
C. A change in the zoning map.

450 *Right-of-way:* All land included within an area dedicated to public use as a road, or land recorded as an easement for private use as a road, for ingress and egress.

451 *Road:* A public or private road as defined in this resolution.

452 *Roadside stands:* Small structures (maximum of one hundred (100) square feet) for the sale of agricultural and plant nursery products, a minimum of fifty (50) per cent of the produce shall be raised on the premises. Parking off the highway must be provided.

453 *Service Uses:* An enterprise engaged in the business of providing support for the convenience of individuals or other businesses. These may include but are not limited to the following uses: builders, painters, plumbers, electricians, heating contractors, product rental, printers, landscapers, nurseries, and product distributors.

454 *Setback line:* A line established by zoning, platting or other legal authority on a lot of specified distance and parallel to the lot line to restrict the intrusions' of buildings onto a lot line and providing free movement of air and adequate amounts of light.

455 *Semipublic use:* Churches and other places of worship, Sunday Schools, Parochial schools, colleges, fire stations, township buildings, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

456 *Street:* A public or private road as defined in this resolution.

457 *Structure:* means anything constructed or erected that requires location on the ground or is attached to something having location on the ground.

458 *Variance:* A variance is a relaxation of requirements where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Resolution would result in unnecessary and undue hardship.

459 *Yard:* An open space at grade between a building and the adjoining lot line unoccupied and unobstructed by any portion of a structure from the ground upwards, except as otherwise provided herein.

460 *Yard, front:* A yard extending across the full width of the lot between the nearest front main building and the front lot line; the depth of the required front yard shall be measured horizontally from the nearest point of the front lot line.

461 *Yard, rear:* A yard extending across the full width of the lot between the nearest rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line, or to the center of an alley if one is present.

462 *Yard, side:* A yard between a main building and the side lot lines extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line towards the nearest point of the main building.

463 *Zoning Districts:* Shall mean the Zoning Districts and land uses therein as established by the Zoning Resolution of Troy Township.

SECTION 5 – SUPPLEMENTAL REGULATIONS

500 Temporary Structures
Temporary Structures for human habitation may be permitted during construction or reconstruction of a residence. Such temporary structure shall be used only after evidence of a valid health (sanitation) permit from the Ashland County Board of Health is in force unless such sanitation permit is not required by the health department for the land use in question. A permit for the location of said temporary structure shall be required. The permit issued by the Troy Township Zoning Inspector shall be valid for six (6) months. All temporary structure permits shall be reviewed after six months. The temporary permit may be renewed for two additional six (6) month periods. In no case shall a temporary structure be used for more than 18 months.

501 REMOVED

502 Junk
Junk such as household appliances, farm equipment, waste scrap metal, paper, scrap lumber, abandoned vehicles or parts thereof (including any licensable campers, trailers, mobile homes, boats, or similar vehicles), vinyl, plastics, barrels (or other large containers), household appliances or grounds keeping/lawn equipment, or other similar articles that are not in operating condition or licensed as required by State Law or are creating a health or safety hazard or nuisances shall be removed from the view of the public right-of-way. A vinyl fence shall encapsulate the entire area. Fencing shall be a minimum of ten (10) feet in height and shall be pre-approved by the Troy Township Zoning Inspector. All items deposited within the fence perimeter shall not be visible above the fence line. All county health requirements shall be complied with.

503 Mineral Extraction, Storage and Processing

1. Mineral extraction and related activities shall occur where permitted by these regulations and only after a valid Zoning Certificate has been obtained.
2. Mineral Extraction and related activities shall occur no closer than five hundred (500) feet from any structure intended for human occupancy.
3. The operator of any facility used for mineral extraction shall submit to the Zoning Inspector a map showing the areas to be mined and identifying adjacent property owners, roads, natural features and any additional information deemed necessary by the Inspector.
4. The operator of any facility used for mineral extraction shall submit to the Zoning Inspector a plan outlining how the area shall be reclaimed. The plan shall include the anticipated future use of the property, the final topography indicated by contour lines of intervals of not more than five (5) feet, the type of trees and shrubs, and number per acre, type and quality of grass to be spread, locations of roads, location of proposed drainage courses, plus any information deemed necessary by the Zoning Inspector.
5. In most cases a performance bond payable to the County Commissioners shall be filed by the operator. This bond shall be held to guarantee satisfactory compliance by the operator with the requirements of these Regulations. The rate per acre of property to be mined shall be fixed by the County Commissioners. The rate shall be fixed to equal the expected costs of reclamation. Said bond shall be released by the County Commissioners upon written certification of a compliance with these Regulations and satisfactory completion of the restoration plan.
6. These Regulations do not apply to oil or gas wells.

504 Accessory Buildings

Accessory buildings shall be no closer than ten (10) feet of any property line.

505 Yard Requirements

1. Interior lots having frontage on two streets shall only be required to provide the required front yard on one street.

2. In the case of corner lots used for residential purposes, the required front yard shall be provided for along the right of way that the residence's legal address.

3. In situations where forty (40%) percent or more of the frontage on the same side of a street between two (2) intersecting streets is developed with new structures, new buildings shall be erected no closer or farther from the right-of-way than the average distance as established by existing buildings.

506 Home Occupations

1. Home Occupations may occur in the owners dwelling, garage or accessory building.

2. The Home Occupation shall be a use clearly incidental to the use of the dwelling as a residence.

3. Only residents of the dwelling may be employed by the Home Occupation.

507 Residential Enterprise

1. A maximum of two (2) nonresidents of the dwelling may be employed by the owner.

2. The Residential Enterprise shall be a use that is clearly incidental to the use of the dwelling as a residence.

3. The enterprise may occur in the dwelling, garage or accessory building of the owner.

4. Acceptable Residential Enterprises are the same as those listed for Home Occupations.

5. Residential Enterprises are permitted only after the owners obtain a valid Zoning Certificate for the activity.

6. Truck and heavy equipment repair is specifically excluded from Residential Enterprises.

7. The Structure used as a Residential Enterprise shall be subject to an inspection by the zoning inspector every six (6) months to ensure compliance with these regulations.

508 Correction Period

All zoning violations shall be corrected within thirty (30) days, or a stipulated period established by the Zoning Inspector. Any violation not corrected in this period of time shall be reported to the County Prosecutor for legal action by the Township Trustees with receipt of a written notice of said violation by the owner of the property.

509 Planned Unit Development

1. All planned unit developments shall be subjected to the following rules, regulations, criteria and standards.

2. The requirements required to obtain a Conditional Use Permit shall be followed.

3. Planned Unit Developments shall only be permitted in Districts identified for such uses in these Regulations.

4. All applicable State and Local Regulations shall be followed during the planning, design, construction and occupation of a Planned Unit Development.

5. The Board of Zoning Appeals shall consider the following points when making their decision:

    a. Different types of living environments are available by offering a variety of housing and building types and by permitting an increased density of housing units per acre through a reduction in lot dimensions, yard dimensions, setbacks, and area requirements.

    b. A well thought out pattern of open space and recreation areas convenient to accessory uses and dwellings is included.

    c. A development pattern that preserves the natural topography, geological features and vegetation without disrupting natural drainage features.

    d. That a more efficient use of land is achieved resulting in savings through shorter streets and utility lines.

    e. A development pattern consistent with the land use, density, transportation facilities and community facilities objectives.

    f. That the Planned Unit Development does not adversely affect the neighboring land uses.

511 Public Nuisances and Hazards
No land, building or use shall be used or occupied so as to be a nuisance or hazard to adjoining property owners or adversely affect neighboring areas. All noxious or hazardous substances shall be stored, transported or used and disposed of in such a way so as to not be a hazard to adjoining property owners and uses. Adequate precautions shall be taken to ensure the safety of adjoining property owners.

512 Flood Hazard Areas

1. Structures and land uses located in the Regional Flood Plain shall be subject to the following requirements:

    a. Construction of any permanent structure in a Flood Hazard Area is prohibited by this resolution.

    b. The Zoning Classification of the property shall apply to areas in the flood plain.

    c. Only those uses listed for that Zoning District shall occur in Flood Hazard Area.

d. Permitted Uses:

1) Agricultural District: Agriculture Uses, all (except Residences and related permanent structures) Residential Uses, lawns, gardens and recreational areas.

2) Residential Districts: Agriculture Uses, all (except Residences and related permanent structures) Residential uses, lawns, gardens and recreational areas.

3) Commercial District: Agriculture uses, all (except Residences and related permanent structures) Residential uses, lawns, gardens and recreational areas, Commercial uses such as loading, parking or storage areas for items not subject to flood damage or easily moved.

4) Industrial District: Agriculture uses, all; Commercial uses such as loading, parking or storage areas; Industrial uses, parking or loading areas, storage areas for items not subject to flood damage or easily moved.

2. Utility facilities such as dams, power plants, flowage areas, transmission lines, pipelines, water monitoring devices or dikes or earthen structures are also permitted.

3. Temporary structures located in the regional flood plain shall not be used for human habitation.

4. Hazardous or toxic substances shall not be stored in flood prone areas.

513 Signs

1. All signs located in Troy Township shall follow the requirements of these Regulations.

2. The following signs shall be permitted in any District. No permit shall be required, however, setback dimensions as contained in the Resolution's Section 513-3-b and 513-3-c must be complied with:

a. Real Estate rental or sale signs of less than Six (6) square feet per side.

b. Signs advertising Home Occupations or Residential Enterprises of not more than six (6) square feet per side.

c. Signs listing the name and address of occupants of a structure not exceeding four (4) square feet per side.

d. Signs or bulletin boards related to places or worship, public buildings or social clubs or societies not exceeding forty (40) square feet per side.

e. Entrance, exit or directional signs.

f. Temporary signs advertising special events or the construction of buildings completion of the advertised activity.

g. Political signs not exceeding four (4) square feet, these signs must be removed within two (2) weeks of the election.

h. Signs erected by governmental agencies

i. Signs advertising roadside stands not exceeding six (6) square feet per side.

3. Zoning Certificates shall be required for the following types of signs:

   a. Outdoor advertising signs not located on the premises of the establishment advertised.

   b. Signs shall be set back from the edge of the right-of-way as required by the following table:

Size	**Setback**
less than or equal to 10 sq. ft.	10 feet
11 to 30 square feet	20 feet
31 to 50 square feet	30 feet
51 square feet or greater	50 feet

   c. Signs shall be separated from each other a minimum of ten (10) times the average size of the signs; signs shall be not less than one hundred (100) feet apart.

   d. Signs shall not be located less than one hundred (100) feet to a neighboring residential structure.

   e. No sign shall be greater than one hundred (100) square feet in total surface per side.

   f. Signs on the premises of commercial or industrial uses; the edge of such signs shall not be closer than fifteen (15) feet to the right-of-way.

4. The following types of signs are prohibited:

   a. Signs attached to or painted on trees, rocks or natural features.

   b. Flashing or illuminated signs that distract drivers.

   c. Signs that resemble devices erected under governmental authority.

   d. Signs located in dedicated rights-of-way.

   e. Signs deemed to be unsafe or a public hazard.

When the Regulations conflict with applicable State Requirements, said State requirements shall apply.

514 Nonconforming Commercial/Industrial Buildings and Uses

1. Any lawful uses of buildings or land existing at the time of the adoption of this Resolution may continue, even though such use does not conform to the District requirements.

2. Whenever a building or land use becomes nonconforming through an amendment to this Resolution or to the Zoning Map, such use may continue.

3. A nonconforming building or structure damaged by fire, explosion, act of nature or a public enemy may be restored to the same use provided all reconstruction portions of the structure conform to the requirements of these Regulations.

515 Conditional Uses

1. Under special conditions, land uses other than those specifically permitted by this Resolution may occur in a District. A list of these uses is located in Section 3 of this Resolution. A special permit must be obtained from the Board of Zoning Appeals before the development of any land use identified in this resolution as a "conditional use."

2. All proposed "Conditional Uses" are subject to the following general standards:

   a. The uses will be harmonious with and in accordance with the general objectives, or with any specific objectives of the Township's Zoning Resolution.

   b. All structures and uses will be designated, constructed, operated and maintained so as to be harmonious, safe and appropriate in appearance and use with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

   c. The proposed use will not be hazardous to existing neighboring uses.

   d. The proposed use will be served adequately by essential public services (fire, police, highways, sewers, water, schools) or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

   e. That the proposed use will not create excessive additional public costs or responsibilities for services or facilities and will not be detrimental to the community.

   f. The proposed uses will not involve activities, processes, materials or equipment detrimental to persons, property or the general welfare of the community because of smoke, odors, glare or fumes.

   g. Adequate access to the use shall be provided that does not interfere with surrounding uses or disrupt current traffic patterns.

   h. The proposed use will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.

3. When making its review of the proposed use the Board of Zoning Appeals shall review the proposal on the basis of the above factors and any other criteria deemed pertinent by them. Such review shall follow the requirements established in Section 7 of this Resolution.

516 Swimming pools

1. For the purposes of this resolution, swimming pools shall be defined as all in-ground pools.

2. Before constructing or installing a swimming pool, a valid zoning certificate shall be obtained from the zoning inspector.

3. All swimming pools shall be surrounded by a cyclone, or solid wood fence at least forty-eight (48) inches high.

4. All gates shall be securely locked from the inside.

5. No swimming pool shall be located closer that twenty-five (25) feet of any property line.

518 Condominiums

1. Condominium developments shall not be contrary to any provision of Section 5311 of the Ohio Revised Code, as amended.

2. Individual condominium units shall be located so that at some point in the future they may be sold on individual lots of record and still meet all setback, lot frontage and lot width requirements.

3. Residential condominium units shall meet the minimum habitable square footage requirements of single family structures.

4. A copy-of any covenants, deed restrictions, home owners association agreements, maintenance agreements shall be submitted to the Township Fiscal Officer, the Ashland County Planning Commission and the County Engineer.

519 Telecommunication Tower Restrictions

1. An area of a minimum of 225 feet square shall be enclosed by a security fence at least eight feet high. No guide wires shall be less than seven feet from the top of the security fence.

2. Any applicant requesting permission to install a new tower shall provide evidence of written contract with all wireless service providers who supply service within a three quarter mile area of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations.

3. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal communications commission or the Federal Aviation Administration.

4. All providers utilizing towers shall present a report to the Township Trustees notifying them of any tower facility located in the township whose use will be discontinued and the date of this use will cease. If at any time the use of the facility is discontinued for 180 days, a designated township trustee may declare the facility abandoned. The facility's owner/operator will receive written notice from the township to either reactivate the facility within 180 days or dismantle and remove the facility. Should the township be required to remove the tower or contract to have the tower removed, the owner will indemnify the township for all costs.

5. No tower less then 150 feet shall be artificially lighted except to assure safety or as required by the Federal Aviation Association. Security lighting around the equipment shelter is permitted.

6. "No Trespassing" signs shall be posted around the facility with a name, address and a telephone number of who to contact in the event of an emergency.

7. A tower should have at least a maximum height of five hundred feet. The tower must be located at least one and one half times the height of the tower from any buildings, property lines or public right of ways.

8. The property shall be neatly maintained and not used for storage.

9. Entrance should be through a gate that is locked at all times.

10. The tower should be constructed in such a manner as to minimize the risk to surrounding property, and the cellular tower owner shall indemnify the township for damages.

11. No land, building, or tower shall be used or occupied so as to be a hazard to adjoining property owners or adversely affect neighboring areas. All noxious or hazardous substances shall be stored, transported or used and disposed of in such a way as to not be a hazard to adjoining property owners and uses. Adequate precautions shall be taken to ensure the safety of adjoining property owners.

520 Adult-Oriented Businesses

Purpose and Intent

1. It is the purpose and intent of these requirements to regulate Adult Oriented Businesses (including adult cabarets, and massage establishments) and their employees within the unincorporated area of Troy Township in order to promote health, safety, and morals and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of Adult Oriented Businesses within the Township.

2. The provisions of these regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these regulations to condone or legitimize the distribution of obscene material. Furthermore, these regulations are adopted pursuant to the authority of sections 519 of the Ohio Revised Code.

3. These Regulations govern massage establishments, adult cabarets, and other adult-oriented businesses within the unincorporated area of the Township, and the owners, operators, persons in charge, employees of, and performers at such establishments.

4. The regulations regarding Adult Oriented Businesses do not apply to the practice of any limited branch of medicine or surgery by persons certified to practice under Ohio Revised Code sections 4731.15 and 4731.16, or to the practice of providing therapeutic massage by a licensed physician, chiropractor, podiatrist, nurse, or other health professional licensed, certified, or registered to practice in Ohio.

5. An applicant for a Zoning Certificate under these regulations shall have a continuing duty to promptly supplement the application information required by this section in the event that such information changes in any way from what is represented on the application. The failure to comply with such continuing duty within 30 days from the date of such change, by supplementing the application file with the Township, shall be grounds for suspension or revocation of the Zoning Certificate.

Definitions

Adult Book Store: means an establishment which utilizes 15% or more of its retail selling area for the purpose of retain sale or rental, or the purpose of display by coin or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices, or both, books, magazines, other periodicals, films, tapes, cassettes, and compact discs which are distinguished by their emphasis on adult material.

Adult Cabaret: Means a nightclub, bar, restaurant, supper club, lounge, or similar establishment in which persons appear in a state of nudity in the performance of their duties.

Adult Entertainment Business: Means an adult bookstore, adult cabaret, adult motion picture theater, adult drive-in motion picture theater, adult-oriented business, or an adult only entertainment establishment as further defined in this section.

Adult Material: Means material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene.

Adult Motion Picture Theater: Means an enclosed motion picture theater which is regularly used or utilizes 15% or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material.

Adult Motion Picture Drive-In Theater: Means an open air drive-in theater which is regularly used or utilizes 15% or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material.

Adult Only Entertainment Establishment: Means an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material, or which features exhibitions, dance routine, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

Adult Oriented Business: Means an establishment having as it primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material or services that may be harmful to juveniles or obscene. Adult oriented business includes, but is not limited to: massage establishments, adult motion picture theaters or drive-ins, adult cabarets, adult bookstores and any other adult and adult only entertainment business as defined in this section.

Board: Means the Troy Township Board of Zoning Appeals.

Bottomless: Means less than full opaque covering of male or female genitals, pubic area, or buttocks.

Church: Means any church, synagogue, mosque, temple, or building which is used primarily for religious worship, religious services, and related religious activities.

Harmful to Juveniles: Means any material or performance if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:

A. It tends to appeal to the prurient interest of juveniles;
B. It contains a display, description, or representation of sexual activity, masturbation, sexual excitement, or nudity.
C. It contains a display, description, or representation of bestiality, or bizarre violence, cruelty, or brutality.
D. It contains a display, description, or representation of human bodily functions of elimination.
E. It makes repeated use of foul language;
F. It contains a display, description, or representation in lurid detail or the violent
G. torture, dismemberment, destruction of death of a human being;
H. It contains a display, description, or representation of criminal activity that tends to glorify or glamorize the activity, and that, with respect to juveniles, has a dominant tendency to corrupt.

Massage: Means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance.

Massage Establishment: Means any fixed place of business where a person offers massages, either in exchange for something of value, or in connection with providing another legitimate service.

Masseur or Masseuse: Means any person who performs massages at a massage establishment.

Material: Means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, video, phonographic record or tape, compact disc, DVD, or other thing capable of arousing interest through sight, sound, or touch.

Nudity: Means the showing, representation, or depiction of any of the following:

A. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering.
B. The female breast with less than a fully opaque covering on any part of the areola and nipple.
C. The covered male genitals in a discernible turgid state.

Obscene: Means any material or performance, when considered as a whole, and judged with reference to ordinary adults or, if it is designated for sexual deviates or other especially susceptible group, judged with reference to that group, if any of the following apply:

A. It tends to appeal to the prurient interest.
B. Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere object of sexual appetite.
C. Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality,
D. Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;
E. It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions or 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 for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

Public Park: Means public land which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian or bicycle paths, baseball diamond, open space, wilderness areas, or similar public land within the township which is under the control, operation, or management of the Township, County or State.

Residential District: Means those areas defined in the Troy Township Zoning Regulations and as designated on the Zoning Map as a residential district.

Secretary: Means the Secretary of the Troy Township Board of Zoning Appeals.

School: Means any public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschool, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special educational schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

Sexual Activity: Means sexual conduct or sexual contact, or both.

Sexual Conduct: Means vaginal intercourse between a male and female, anal intercourse, fellatio, and cunnilingus between persons regardless of gender, and the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual Contact: Means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual Excitement: Means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

Topless: Means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the areola.

Zoning Certificate Required

1. No person shall operate or engage in the operation of an Adult Oriented Business in or on premises owned or controlled by the person, without a valid, current Zoning Certificate issued pursuant to these Regulations.

2. A separate Zoning Certificate shall be required for each location where an Adult Oriented Business is operated.

Application for Zoning Certificate

1. Application for an original or renewal Zoning Certificate shall be in writing, as required by these regulations.

2. In addition to the normal requirements, applicants seeking a Zoning Certificate for an Adult Oriented Business shall provide:

    a. A statement that the applicant and, to the applicant's knowledge, the persons named in the application have never been convicted of or pleaded guilty to any offense other than a misdemeanor traffic offense, or a statement listing the offenses other than misdemeanor traffic offenses of which the applicant or any person named in the application has been convicted, including the offense, date of conviction, and the name and location of the court.

    b. A statement by the applicant for a permit to operate an adult cabaret that the Ohio Liquor control commission has never, pursuant to Ohio Revised code section 4301.25, revoked a permit held by the applicant or any person or entity named in the application.

    c. Authorization for an investigation into the background, including any criminal record, of the applicant and any person or entity named in the application, including authorization to conduct subsequent investigations to supplement or update the information.

    d. The applicant's agreement to abide by these Regulations and the laws of Ohio, and any amendments, additions, or reenactments thereof.

    e. Two clear, color photographs of the applicant, taken not more than 30 days prior to the date of filing the application.

3. The Zoning Certificate for an Adult Oriented Business shall be valid for I year from date of approval of application. An application for a renewal Zoning Certificate shall be filed not later than 30 days prior to expiration of the Zoning Certificate to be renewed. The requirements for applying for a renewal of the certificate shall be the same as for applying for the initial certificate.

4. An applicant for a Zoning Certificate under these regulations shall have a continuing duty to promptly supplement the application information required by this section in the event that such information changes in any way from what is represented on the application. The failure to comply with such continuing duty within 30 days from the date of such change, by supplementing the application file with the Township, shall be grounds for suspension or revocation of the Zoning Certificate.

Inspection and Investigation Upon Application

1. Upon receipt of an application for a Zoning Certificate or renewal Zoning Certificate to operate an Adult Oriented Business, the Secretary shall notify the state or local authorities designated by the Board to conduct health and safety inspections of the specified premises, and to determine compliance or noncompliance with applicable health and safety codes. Written reports of inspection shall be prepared by the inspectors and filed with the Secretary, and shall become part of the application for a permit.

2. Upon receipt of an application for a Zoning Certificate or renewal Zoning Certificate to operate an Adult Oriented Business, the Secretary shall refer the applicant to the Ashland County Sheriff's Department to be fingerprinted, and shall notify the Sheriff to conduct an investigation into the background of the applicant and other persons or entities named in the application. A written report of the results of the investigation shall be prepared by the investigating officer or agency and filed with the Secretary and shall become part of the application for a permit.

Action on Application

1. The Board shall act on the application according to the requirements of these regulations.

2. The application shall be denied if:

    a. The application is incomplete, contains any false information, or fails to comply with these Regulations.

    b. The applicant is a limited partnership, corporation, or other entity that is not in good standing in the jurisdiction where organized or is not authorized to do business in Ohio.

    c. The operation of an Adult Oriented Business at the specified premises would violate existing zoning restrictions.

    d. The report of the health and safety inspections conducted pursuant to these regulations reveal any unsanitary, unsafe, or hazardous condition on the premises subject to the Zoning Certificate or renewal Zoning Certificate or any violation of applicable health or safety codes.

    e. The applicant for a Zoning Certificate or renewal Zoning Certificate to operate an Adult Oriented Business has failed to cooperate with any required health or safety inspection or background investigation.

f. The applicant or any person named in the application for a Zoning Certificate or renewal Zoning Certificate to operate an Adult Oriented Business is under age eighteen.

g. The applicant or any person named in the application for an initial or renewal Zoning Certificate to operate an Adult Oriented Business within the past five years has been convicted of or pleaded guilty to an offense under Ohio Revised Code Chapter 2907 or a substantially equivalent offense under a municipal ordinance in Ohio, or under the laws of another state or territory or of the United States, or under a municipal ordinance in any such jurisdiction.

h. The applicant or any person named in the application for an initial or renewal Zoning Certificate to operate an Adult Oriented Business has been convicted of or pleaded guilty to a violation of Ohio Revised Code section 503.53.

i. The applicant has violated these regulations, or aided and abetted any violation of these Regulations.

j. The Liquor Control Commission has revoked, under Ohio Revised Code Section 4301.25, a Zoning Certificate held by any one of the persons named on the application.

k. If the location of the Adult Oriented Business is on a parcel of real estate within 1,000 feet from the boundaries of another parcel of real estate having situated on it a school, church, cemetery, library, public park, tavern, bar, or another Adult Oriented Business.

l. If the location of the Adult Oriented Business is on a parcel of real estate within-1,000 feet from the boundaries of another parcel of real estate having situated on it a residence, single or multi-family dwelling.

    1. For the purposes of these regulations distances shall be measured in a straight line, without regard to intervening structures, from property line to property line, using the closest property lines of the parcels of land involved.

m. If the building, structure, or portion thereof already contains another Adult Oriented Business.

Display of Zoning Certificate

The Zoning Certificate to operate an Adult Oriented Business shall be prominently displayed in an area of the premises open to the public.

Inspections, Investigations and Physical Examinations

1. Health and safety inspections of the premises shall be conducted at intervals of six months after issuance or renewal of the Zoning Certificate, to ensure continued compliance with health and safety codes. In addition, the Board may order health and safety inspections at any time there is reasonable cause to believe that an unsanitary, unsafe, or hazardous condition exists on the premises. The Secretary shall notify the appropriate authorities or agencies to make such inspections at the designated times. Written reports of inspections shall be filed with the Secretary.

2. Township personnel or agents may at all reasonable times inspect Zoning Certificate premises to ensure continued compliance with the laws of Ohio and these Regulations.

3. At any time there is reasonable cause to do so, the Board of Zoning Appeals may order a background investigation, including the criminal record, if any, of any permittee, person named in the application for a Zoning Certificate, employee of a permittee, or a licensee. Written reports of investigation shall be filed with the Secretary.

Rules Governing Operation of Adult Oriented Businesses

1. Adult Oriented Businesses shall be closed and shall not be operated between the hours of 10:00 p.m. and 10:00 a.m. or not later than the closing time required under its permit to sell alcoholic beverages, whichever is later.

2. All parts of the establishments shall at all times be maintained in a neat, clean, sanitary, and safe condition.

3. The owner, operator, or person in charge of the establishment shall allow state or local authorities, including law enforcement officers, access to any and all parts of the premises for the purpose of making any health or safety inspection pursuant to these Regulations, and shall cooperate in any background investigation.

4. No person under age 18 shall be employed by or in an Adult Oriented Business in any capacity, whether full-time or part-time, and with or without remuneration or compensation in any form.

5. The permittee shall file a list of employees with the Secretary of the Board of Zoning Appeals, and shall file an amended list at any time there is a change in personnel. The list shall state the name, address, date of birth, and position of each employee.

6. The owner, operator, or person in charge of the Adult Oriented Business shall exercise adequate supervision to ensure that the employees comply at all times with these Regulations and the laws of Ohio.

7. No Adult Oriented Business shall be established or operated on a parcel of real estate within 1,000 feet of the boundaries of any parcel of real estate having situated on it any of the following:

    a. School

    b. Church

    c. Cemetery

    d. Library

    e. Public Park

    f. Campground, public or private.

8. No Adult Oriented Business shall be operated or maintained on a parcel of land located within 1,000 feet of any other parcel of land having situated on it a residence, single or multi-family dwelling.

9. No Adult Oriented Business shall be operated or maintained on a parcel of land located within 1,000 feet of any parcel of land on which any other existing Adult Oriented Business, tavern or bar is located.

10. For the purposes of these regulations, distances shall be measured in a straight line, without regard to intervening structures, from property line to property line, using the closest property lines of the parcels of land involved.

11. No person under 18 years of age shall be admitted to or allowed to remain on the premises of an Adult Oriented Business.

12. No person under 18 years of age shall be sold goods or services at an Adult Oriented Business.

13. If the interior of an Adult Oriented Business is visible from outside the premises such that any matter that is harmful to minors could be visible from outside the premises, the owner or manager of the premises shall install opaque covering over all windows through which minors could view any harmful matter and install privacy curtains at all entrances of the premises through which minors could view any harmful matter.

Rules Governing Employee Conduct

1. A person under age 18 shall not accept or continue employment by or in an Adult Oriented Business, in any capacity, whether full-time or part-time, and with or without remuneration or compensation in any form.

2. No person shall accept or continue employment by any Adult Oriented Business that does not have a valid, current Zoning Certificate issued pursuant to these Regulations.

3. No employee of an Adult Oriented Business in the performance of the employee's duties, shall do any of the following:

    a. Knowingly touch or fondle, or offer or agree to touch or fondle, the genitalia, pubic area, rectal area, or perineum of any person, or the breast of any female person, whether such touching or fondling is with part of the actor's body or with a mechanical or electrical apparatus or appliance.

    b. Knowingly engage, or offer or agree to engage, in sexual conduct or sexual contact as defined in Ohio Revised Code section 2907.01, whether such sexual conduct or sexual contact is with part of the actor's body or with a mechanical or electrical apparatus or appliance.

    c. Commit, or offer or agree to commit any offense under Ohio Revised Code Chapter 2907.

    d. When providing massage, knowingly allow the pubic or genital area or buttocks of the client, or the breasts of a female client, to be uncovered.

    e. Go unclothed, or wear clothing which is transparent or translucent, or wear clothing in such a way as to reveal or display the pubic or genital area or buttocks or, if the person is a female, the breast.

    f. Wear unclean clothing, or fail to wash the hands or bathe when reasonably necessary, or otherwise fail to observe reasonable standards of personal cleanliness and hygiene.

4. No employee of an Adult Oriented Business in the performance of the employees' duties, shall do any of the following:

    a. Place his/her hand upon, touch with any part of his/her body, fondle in any manner, or massage the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female.

    b. Perform, offer, or agree to perform any act that would require the touching of the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, or any other female.

    c. Uncover the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female.

5. Any employee appearing on the premises of an adult cabaret in a state of nudity must be on a stage that is:

    a. At lease 24 inches above floor level.

    b. Removed at least 6 feet from the nearest other employee and/or customer.

Violations
The Township Zoning Inspector or agents shall be responsible for enforcing the requirements of these regulations and the conditions of the Zoning Certificate. The owner or operator of an Adult Oriented Business shall be notified in writing of any violations per the requirements of these regulations and shall be given the opportunity to correct any such violations. Noncompliance with the requirements of these regulations shall result in the matter being referred to the Ashland County Prosecutor's Office for appropriate legal action.

Records
The Secretary of the Board of Zoning Appeals shall keep a complete record of all documents and proceedings under these regulations, including without limitation applications, reports, copies of Zoning Certificates and licenses issued, notices, correspondence, permittee employee lists, Board proceedings, Resolutions and orders, and petitions. All documents shall be endorsed by the Secretary with the date of filing.

521 Residential Wind Turbine Generators

Residential Wind Turbines shall be permitted only by a Conditional Use Permit in all districts. A Conditional Use Permit shall be granted by the Troy Township Board of Zoning Appeals provided the following conditions are met:

1. Purpose: Additional regulations are imposed upon Residential Wind Turbine Generators and anemometer towers to ensure that the safety and welfare of all township residents are met. The Township also recognizes the need to protect the scenic beauty of the township from unnecessary and unreasonable visual interference, noise radiation, and that wind turbine generators may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such, Troy Township wishes to:

a. Protect residential and agricultural areas from potential adverse impact of wind turbine generators;

b. Permit wind turbine generators in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provisions hereof;

c. Ensure the public health, welfare, and safety of the Township's residents in connection with wind turbine generators; and

d. Avoid potential damage to real and personal property from the wind turbine generators and anemometer towers or the failure of such structures and related operations.

2. Procedure: Any proposed construction, erection, or siting of a wind turbine generator or anemometer shall meet the following conditions:

   a. The maximum height of any turbine shall be 125 feet. For the purpose of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the ground.

   b. Setbacks. The following shall apply in regards to setbacks: Any turbine erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines, structures, as well as any inhabited structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structures including the primary dwelling and any inhabited structures.

   c. Maintenance. Wind turbines must be maintained in good working order. Turbines that become inoperable for more than 24 months must be 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 existing turbine.

   d. Decibel Levels. All units shall operate with a maximum decibel level of 65 decibels. This information shall be included in the engineering report described in item #3 below. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property.

   e. Wiring and Electrical Apparatuses. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground.

3. Permits: A conditional use permit shall be required before any construction can commence on an individual wind turbine system. Applicants shall provide the Troy Township Zoning Inspector and the Board of Zoning Appeals with the following items and/or information when applying for a permit:

   a. Location of all public and private airports in relation to the location of the proposed turbine generator.

   b. An engineering report that shows:

1. The total size and height of the unit.

2. The total size and depth on the unit's concrete mounting pad, as well as soil and bedrock data.

3. A list and/or depiction of all safety measures that will be on the unit, including anti-climb devices, grounding devices, and lightning protection.

4. Data specifying the kilowatt size and generating capacity of the particular unit.

5. The maximum decibel level of the particular unit. This information must be obtained from the manufacturer of the turbine unit.

c. 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.

d. Evidence of a "clear fall zone" with manufacturer's recommendation must be attached to the engineering report.

e. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

4. Definitions used for Residential Wind Turbine Generators:

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

b. *Clear Fall Zone:* An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located 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, inhabited buildings, utility lines, and will not intrude onto a neighboring property.

c. *Cowling:* A streamline removable metal that covers the turbine's nacelle.

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

e. *Nacelle:* A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.

f. *Wind Power Turbine Owner: The* person or persons who own the wind turbine structure.

g. *Wind Power Turbine Tower:* The support structure, both mono pole and guide wire systems, to which the turbine and rotor are attached.

h. *Wind Power Turbine Tower Height:* The distance from the rotor blade at its highest point to the top surface of the wind power generator facility foundation.

SECTION 6 – ZONING COMMISSION

600 Membership

1. The Zoning Commission, hereinafter called the Commission, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.

2. Each member shall be appointed for a five (5) year term with the terms of the members to be staggered and so arranged that the term of one member will expire each year. A successor shall be appointed on the expiration of each term to serve five (5) years. Each member shall serve until his or her successor is appointed and qualified. Members of the Commission may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide. The Board of Township Trustees may remove any member for cause, after a public hearing, in accordance with the provisions of Section 519.04 of the Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

601 Rules of the Commission

1. The Commission shall by majority vote of its members elect a Chairman, a Vice-Chairman and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Commission which shall be held during the month of January each year.

2. Meetings of the Commission shall be in January and July of each year or at the call of the Chairman or at such other times as the Commission may determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action, every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Commission and shall be filed in the Office of the Commission and shall be a public record.

3. if any member of the Commission is absent for four (4) consecutive meetings, he may be considered, at the, option of the Chairman, to have resigned and the Chairman may request the Board of Township Trustees to appoint a replacement.

4. The Zoning Commission shall require a quorum of three (3) members at all of its meetings and the concurring vote of three (3) members shall be required to affect any decision of the Commission.

5. The Commission may, within the limits of the moneys appropriated by the Board of Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.

602 Changes and Amendments

1. *Authority:* All provisions of current State Laws pertaining to Township Zoning shall be complied with. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Trustees may, by Resolution after report thereon by the Commission and subject to the procedure in this Section, and/or the current State Law, amend, supplement or change the Regulations, district boundaries or classification of property, now or hereafter established by this Resolution.

2. *Initiation:* Amendments or supplements to the Zoning Resolution may be initiated as follows:

   A. By motion of the Township Zoning Commission;

   B. By passage of a Resolution therefore by the Board of Township Trustees, and a certification of the same by the Commission;

   C. By the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission.

3. *Applications:* Applications initiated by private owners or lessees for any change of district boundaries or reclassification of districts as shown on the Zoning Maps shall be filed with the Zoning Commission upon forms approved by the Commission and accompanied by such data and information prescribed for the purpose of the Commission.

4. *Fee:* A fee established by the Township Trustees shall be paid to the Township upon the filing of each application for change of district classification, except for actions initiated by the Board of Township Trustees or the Commission. Said fee shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such application prior to any advertising. In addition, the fee shall not be refunded if the application is denied.

5. *Transmittal to the Ashland County Planning Commission:* Within five (5) days after the adoption of such motion, or the certification of such resolution, or the filing of such application, the Commission shall transmit a copy thereof, together with text map, to the Ashland County Planning Commission. The Ashland County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and shall submit such recommendation to the Commission. Such recommendation shall be considered at the public hearing held by the Commission.

6. *Hearing and Notice by Zoning Commission:* Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall set a date for the public hearing not less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given as follows:

   A. A notice shall be published in one (1) or more news papers of general circulation in the township at least ten (10) days before the date of such hearing.

B. If the proposed amendment or supplement 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 Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure to deliver such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall include the following:

a. The time, date and place of the public hearing.

b. The name of the Zoning Commission that will be conducting the public hearing.

c. A statement indicating that the Motion, Resolution, or Application is an amendment to the Zoning Resolution.

d. A list of the 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.

e. The present zoning classification of property named in the proposed Amendment and the proposed zoning classification of such property.

f. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least fifteen (15) days prier to the public hearing.

g. The name of the person responsible for giving notice of the public hearing (mailed or published). This will usually be the Chairman or, Secretary of the Zoning Commission or the Clerk.

h. Any other information requested by the Zoning Commission.

i. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

In the case where more than ten (10) parcels of land as shown on the Auditor's current Tax List are proposed for rezoning OR when the proposed amendment involves any change to the text of the Zoning Resolution, Items a, b, c, f, g, h, and i above must be included in the notices.

7. *Records:* The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official action, all of which shall be filed in the Commission Office and shall be a public record.

8. *Decision by Commission and Submittal to the Board of Township Trustees:* The Commission shall study the proposed changes in the terms of public necessity, convenience, general welfare and good zoning practice. The Commission shall, within thirty (30) days after such hearing, recommend the approval, or denial of the proposed amendment or supplement on the basis, or the approval or some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereof, and the recommendation of the Ashland County Planning Commission to the Board of Township Trustees.

9. *Hearing and Notice by the Board of Township Trustees:* The Board of Township Trustees, upon receipt of such recommendation from the Township Zoning Commission, shall hold a public hearing thereon. The Board of Township Trustees shall set a time for the public hearing on the proposed amendment or supplement not more than thirty (30) days from the date of the receipt of such recommendation from the Commission. Notice of such public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing. Said Notice shall contain the information listed in Items 6.B.a. through 6.B.g. of this Section.

10. *Action by the Board of Township Trustees:* Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Commission, or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees shall be required to override the recommendation of the Commission.

11. *Effect and Referendum:* Such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement, there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township, or part thereof, included in the Zoning Plan, equal to not less than eight (8%) per cent of the total vote cast for all candidates for governor in such areas at the last general election at which a governor was elected, requesting the Board of Township Trustees submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

12. No amendment or supplement 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 effect immediately. Aggrieved parties may appeal decisions to the Court of Common Pleas.

SECTION 7 – BOARD OF ZONING APPEALS

700 Membership

1. The Board of Zoning Appeals, hereinafter called the Board, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none whom shall be concurrently appointed as a member of the Township Zoning Commission) who are residents of the unincorporated area of the Township.

2. The members of the Board shall serve the same length of terms, and appointments should be staggered in the same manner as provided for the Township Zoning Commission in Article VII. The Board of Township Trustees may remove a member for cause, after a public hearing in accordance with the provisions of Section 519.04 of the Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

701 Rules of the Board

1. The Board shall by majority vote of its members at its January meeting each year elect a Chairman, a Vice-Chairman and Secretary who shall occupy such offices until their successors are duly elected at the next annual meeting of the Board.

2. If any member of the Board is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned, and the Chairman may request the Board of Township Trustees to appoint a replacement.

3. All meetings of the Board shall be open to the public.

4. Meetings of the Board shall be at the call of the Chairman and at such times as the Board may determine. The Board shall keep minutes of all meetings showing the proceedings, the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Board Office and be a public record.

5. The Board shall require a quorum of three (3) members at all meetings, and the concurring vote of three (3) members shall be required to effect any decision of the Board.

6. The Board may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

702 Powers and Duties of the Board

1. *Appeals:* To hear and decide appeals where it is alleged there is an error in any interpretation, order, requirement, decision or determination by the enforcement of the provisions of this Zoning Resolution.

2. *Variances:* To authorize upon appeal, where, by reason of exceptional narrowness, shallowness or shape or exceptional topographic conditions or other extraordinary situations or conditions of a lot, the strict application of the terms of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship upon the owner thereof, to authorize a variance from such strict application to relieve such difficulties or hardships, providing such relief may be granted without substantially impairing the intent of this Resolution, and provided that no variance shall be granted unless the Board finds that all of the following conditions exist:

   A. The strict application of the provisions of the Resolution would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and the intent of this Resolution.

   B. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.

   C. The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought, and will not materially impair the purpose of this Resolution.

   In granting a variance the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public health and safety and to further the purpose and intent of this Zoning Resolution. These conditions shall be made a part of and be attached to the Zoning Permit which is required for a variance.

3. *Conditional Uses:* To hear and decide all Conditional Uses that are specifically listed within the various Districts; and to grant Conditional Use Zoning Certificates for the use of land, buildings or other structures as provided for in this Resolution. Conditional Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Districts. Since this is the case, the Board shall approve an application for a Conditional Use only when the following conditions are met:

   A. The Conditional Use is specifically listed or interpreted as listed in the District in question.

   B. The Conditional Use is in general accord with the Troy Township Comprehensive Plan.

   C. The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area.

In granting a Conditional Use the Board may impose such conditions as it may deem necessary to protect the public health and safety and to further the purpose and intent of this Resolution.

4. *Exception:* The Board of Zoning Appeals shall have the authority to grant exceptions. An exception is a use permitted only after review of an application by the Board of Zoning Appeals, such review being necessary because of the provisions of this Zoning Resolution covering conditions, precedent or subsequent, are not precise enough to cover all applications without the Board of Zoning Appeals' interpretation. Request for an exception may be requested by the applicant or by the Zoning Inspector.

5. *Fees:* Fees as established by the Board of Trustees shall be paid upon the filing of any request for a variance, conditional use or exception. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Permits required for a variance or conditional use.

703 Procedures

1. *Meetings:* Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths, and the Board meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action, every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board and said records shall be filed in the Office of the Board of Township Trustees and shall be a public record.

2. *Appeals:* Appeals to the Board of Zoning Appeals may be made by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be made within twenty (20) days after the decision-by filing with the administrative officer and with the Board, a notice of such appeal specifying the grounds on forms approved by the Board. The administrative officer shall transmit to the Board all the paper' constituting the record upon which the action appealed was taken.

3. *Variances, Exceptions and Conditional Uses:* All applications for variances, conditional uses and exceptions shall be made to the Board of Zoning Appeals in writing and on forms prescribed.

4. *Public Hearing and Decision:* When a notice of appeal, variance, conditional use, or exception has been filed in proper form with the Board of Zoning Appeals, the Board shall fix a reasonable time for the public hearing for same, give at least ten (10) days' written notice to the parties in interest and to any person, firm, or corporation owning premises located within five hundred (500) feet of the land to which such appeal, variance, conditional use, or exception is related; advertise notice of hearing by 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. Upon the hearing, any person may appear in person or by attorney. The Board may recess such hearings from time to time, and if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. The Board must decide the appeal, variance, conditional use, or exception within a reasonable time after it is properly submitted. The failure to deliver such notice shall not invalidate any such amendment or supplement.

5. *Refusal of the Appeal:* The refusal of an applicant's request by the Board of Zoning Appeals can only be appealed to the Court of Common Pleas of Ashland County.

SECTION 8 – ADMINISTRATION

800 Zoning Inspector

1. The Board of Township Trustees shall appoint a Township Zoning Inspector, and affix his compensation. It shall be the duty of the Zoning Inspector to:

   A. Enforce the provisions of this Resolution.

   B. Issue permits as provided in this Resolution, and keep record of all permits issued or refused with a notation of any special conditions involved.

   C. File and safely keep copies of all plans submitted, and the same shall form a part of the records in his or her office.

   D. Maintain a certified copy of the text of this Resolution and of the Zoning Map.

   E. Keep records of all violations and/or complaints.

   F. Make such records available for the use of the Board of Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the Public.

   G. Submit all zoning fees collected to the Township Clerk within ten (10) days.

801 Zoning Certificates

1. *Requirements:* A Zoning Certificate shall be required whenever an individual locates, erects, constructs, reconstructs, enlarges or structurally alters a non-farm building or structure within the Township to the extent that the change or addition involves the creation of a space a minimum of three hundred (300) square feet in area and having a roof and side walls creating an enclosed space that protects the contents from the weather and unauthorized access. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with the Zoning Regulations.

2. *Applications:* Zoning Certificates shall hereinafter be secured from the Township Zoning Inspector prior to construction, erection or exterior alteration of any building. Applications for Zoning Certificates shall be made in writing by the owner or by his authorized agent and shall include a statement of the use or intended use of the building or structure after construction, erection or alteration and shall be accompanied by a plan drawn to scale, showing the proposed building line and its exact relation to lot and road lines as well as satisfactory evidence that the line or lines of the bounding road or roads have been accurately located on the ground. The required fee as established by the Board of Township Trustees shall accompany each application for a Zoning Certificate. Zoning Certificates are not transferable.

3. *Fees:* The Board of Township Trustees may adopt a system of Zoning Certificates, establish and collect reasonable fees thereof, and amend such fees, or adopt new fees, from time to time when necessary.

4. Construction must begin within six (6) months of the date of issuance of zoning certificate, and must be completed within eighteen (18) months of the issuance date. Failure to do so will cause the zoning certificate to be null and void. Applicant then must apply for a new zoning certificate and comply with all zoning regulations at the time of new application.

802 Enforcement and Penalties

1. *Enforcement:* This Resolution shall be enforced by the Zoning Inspector or such enforcement Officer as may be designated by him.

2. *Revocation of Zoning Certificates:* Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Certificate shall be revoked by notice, in writing, to be delivered to the holder of the void certificate upon the premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.

3. *Violation:* In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or proposed to be, used in violation of this Resolution, the Board of Township Trustees, the County Prosecuting Attorney, the Township Zoning Inspector, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

4. *Fine:* Any person, firm or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than One Hundred Dollars ($100.00) each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use of continues may be deemed a separate offense.

APPENDIX A – EXISTING COMMERCIAL AND INDUSTRIAL PROPERTIES

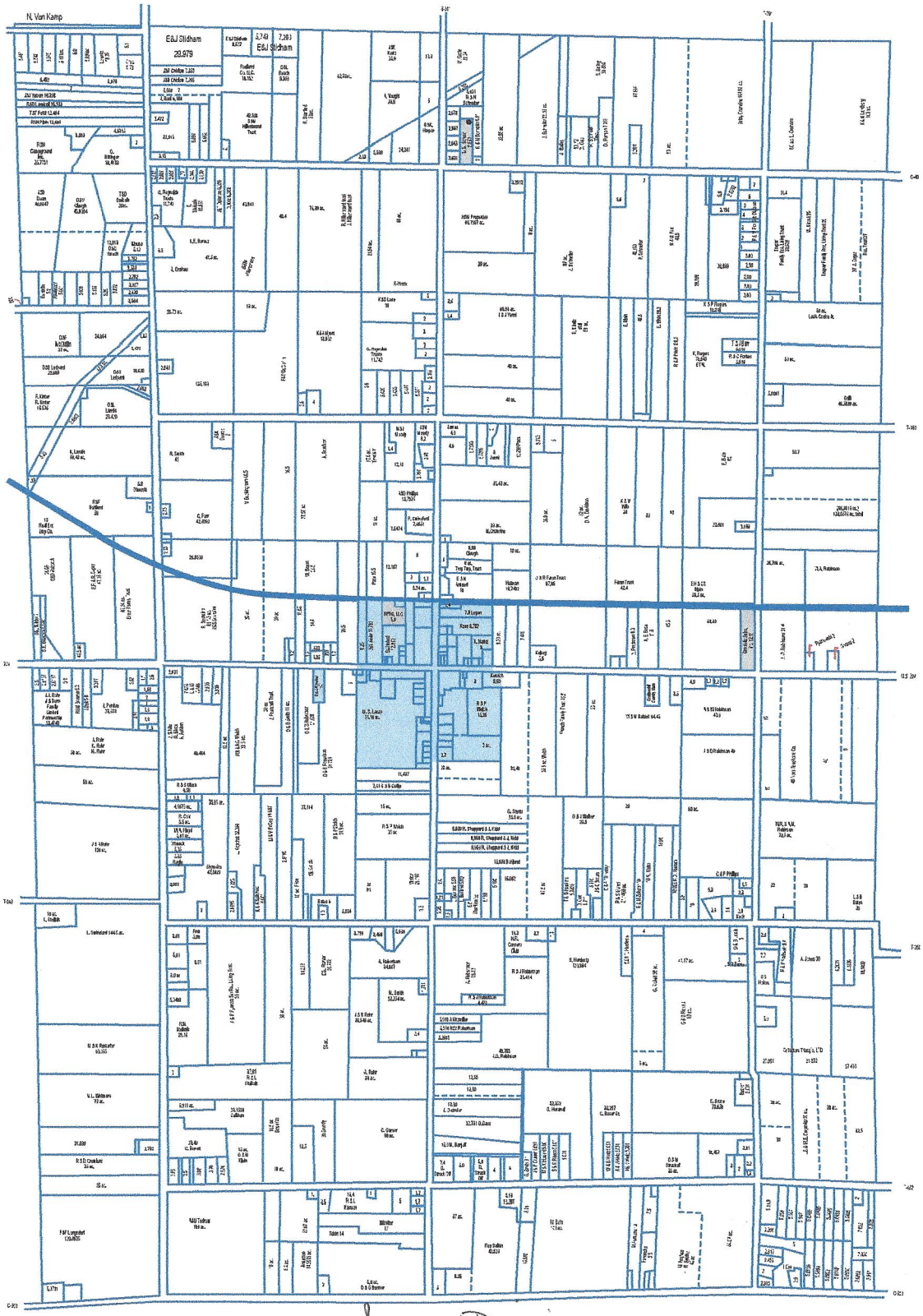
COMMERCIAL PROPERTIES:
965 U.S. Highway 224
Parcel ID: 5 acres which includes 40 x 88 structure

INDUSTRIAL PROPERTIES:
910 County Road 40
Parcel ID: N390140000403

220 Township Road 791
Parcel ID: N390070000501

228 Township Road 931
Parcel ID: N390080004400
(Troy Lot #33)

TROY TOWNSHIP ZONING PLAN 2007



Agricultural District: ☐
(all areas unless specified)

Residential District:

Commercial District:

Industrial District:

Zoning Commission

Tammy Reisinger, *Chairperson*

Ryan Sheppard, *Vice Chairman*

Rob Robertson, *Secretary*

Janet Cleugh

Sue DeLosh

Trustees

Dennis Edwards

Dean White

Tim Roth

Authentication
This resolution was duly approved by the Board of Township Trustees of Troy Township on this 27th day of September, 2016 by Resolution #2016-06.

Fred Lowery, *Fiscal Officer*

Adopted by the Board of Township Trustees of Troy Township this 27th day of September, 2016.

Effective Date: January 1, 2017.