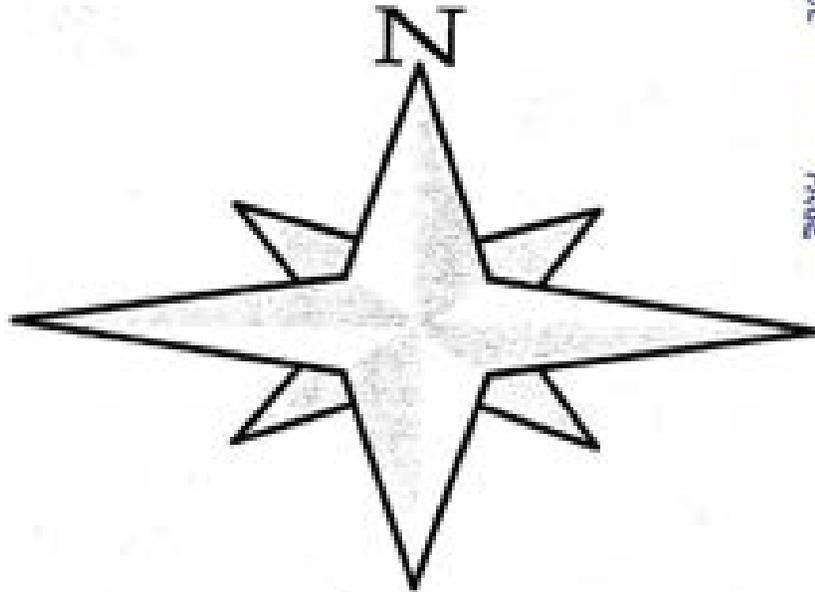


**TROY TOWNSHIP**  
**Morrow County**  
**ZONING RESOLUTION**



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**Effective Date: February 5, 2003**

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## TROY TOWNSHIP ZONING RESOLUTION

Whereas, the Board of Trustees of Troy Township deems it in the interest of the public health, safety, morals, and general welfare of said township and its residents to establish a general plan of zoning for the unincorporated area of said township.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Troy Township that such zoning resolution is hereby created.

### SECTION I. PURPOSE -- INTENT

This zoning resolution is adopted to promote the public health, safety, morals, comfort, property and general welfare; to protect and conserve property and property values; to secure the most appropriate use of land and facilitate adequate but economical provisions of public improvements, all in accordance with a comprehensive plan. More specific purposes are:

1. To protect the character and the values of the agricultural, residential, institutional, business and manufacturing uses, and to insure their orderly and beneficial development; and
2. To improve the public safety by locating buildings and uses adjacent to major thoroughfares, so they will cause the least interference with and be damaged least by, traffic movements; and
3. To provide open spaces for light and air, to prevent excessive concentration of the population where public water supply and sanitary sewers are not now available, to prevent scattered and uncoordinated development; and
4. To guide the future development of the township in accordance with a comprehensive plan, and to assure economical extension of public improvements and services.

### INTERPRETATION

1. The provisions of this Resolution shall be construed as minimum requirements. They do not prevent other more restrictive requirements.
2. Where this Resolution imposes greater restrictions upon the use of land or buildings or upon the bulk of buildings, and where it requires higher standards than are required by other laws, ordinances, rules, or regulations, this Resolution shall prevail, and where other laws, ordinances, rules or regulations are more restrictive, they shall prevail.

## SECTION II. DISTRICTS

The township is hereby divided into the following districts:

- A) Agriculture which is hereby permitted as "A" in all Districts - Green.
- B) Residential Zone which is hereby designated as "R" District - Yellow.
- C) Limited Commercial Zone which is hereby designated as "C" District - Red.
- D) Industrial Zone which is hereby designated as "I" District - Blue.
- E) Special Use which is hereby designated as "SU" District, i.e. cemeteries, schools, parks, churches, public facilities, etc - Purple.
- F) Planned Unit Development which is hereby designated as "PUD" District - Brown, i.e. private campground facilities.
- G) Flood Plain Overlay District which is hereby designated as "FP" District.

The districts as shown on the map attached hereto are hereby established and said map is made a part hereof.

No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

## SECTION III. AGRICULTURE

1. Land in any district may be used for agricultural purposes. No zoning permit shall be required for the construction of buildings incident to the use for agricultural purposes of the land on which such buildings shall be located. For the purposes of this Resolution, "Agriculture" shall include farming, dairying, pasturage, apiculture, silviculture, horticulture, floriculture, viticulture, animal and poultry husbandry and aquaculture. In order to be eligible, the land must be devoted to agricultural use.
2. Owners or operators of land used for agricultural purposes shall not be required to obtain a building permit or conform to zoning regulations when remodeling an existing farm residence.
3. Owners or operators of land used for agricultural purposes shall not be required to obtain a building permit or conform to zoning regulations when building a new residence provided that:
  - a). The residence is to be occupied by owner, operator or persons engaged in the farming operations, and it meets the setback requirements in Sections XIII, XIV, XV, and XVI.
  - b). The residence is at least 200 feet from any recorded platted residential lot or existing residence.

## SECTION IV. RESIDENTIAL

There is hereby created a "Residential Zone" which includes all territory that does not meet the criteria to be Agricultural, Commercial or Industrial as described in the Troy Township, Morrow County, Ohio, zoning resolutions.

### R. District (Residential)

The following uses and no others shall be deemed Class R uses and permitted in all R Districts.

1. Single or two-family dwellings and buildings accessory thereto, but excluding tents, and travel trailers.
2. Bed & Breakfast, a facility offering overnight accommodations for guests and limited meal service to those guests with a maximum of six (6) guest rooms. The building or premises may also contain permanent accommodations for the owners and managers and a limited accessory use.
3. Church, school, college, university, children's home, public library, public museum, community center, fire station, township hall, publicly-owned park, publicly-owned playground.
4. Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him as his private residence providing such use does not involve any extension or modification of such dwelling which will alter its outward appearances as a dwelling and providing such use does not involve any outward evidence of such use other than a sign use other than a sign as authorized in other sections of this Resolution.
5. Hospital, sanitarium or rest home caring for four or more patients, for other than drug or liquor addicts, contagious diseases, insane or mental cases, providing that any such hospital, sanitarium or rest home shall have a lot area of not less than five (5) acres and a frontage on a public thoroughfare of not less than three hundred (300) feet, if abutting on a public thoroughfare, other than an entrance and exit drive.
6. Roadside stand consisting of a removable structure used only for the display and sale of agricultural products produced on the premises, provided that adequate facilities are maintained for off-the-road right-of-way parking by customers and provided that such stand is removed during the seasons when it is not actually used. Such stand shall be at least twenty (20) feet back from the traveled portion of the road.
7. Mobile Home Parks.

8. Mobile homes may be located in the residential district. When so located said mobile homes shall meet the set back provisions in Sections XIII, XIV, XV, and XVI. The continuous location of a mobile home/manufactured housing at any one location in the county for a period of fifteen (15) day shall prima facie make the provision of this section applicable.
9. A copy of the application for an Access Permit from ODOT if the property is located on a State Highway must be submitted at the time they are requesting a permit from the Zoning Inspector. A copy of the Access Permit must be submitted to the Zoning Inspector prior to receiving a permit.
10. The property owner shall have a house number assigned to the property. An address sign shall be installed outside of the right-of-way adjacent to the driveway. The sign needs to be green with white reflective numbers. Address signs maybe obtained from the House Numbering Office or the Local Fire Department.

The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame or vibration.

#### Temporary Living Space

Temporary living spaces or those spaces used until the main dwelling is completed (and generally located in basements, garages, or non-structures such as trailers), shall not be permitted in any residential district unless a permit is granted and a permit fee paid, such permit not to exceed twelve (12) months, note: if property is on State Highway owner must submit a copy of the Access Permit prior to receiving a Temporary Permit and a green with white reflective house number sign installed outside of the right-of-way adjacent to the driveway. A dwelling, however, may be occupied on or above the ground floor before it is entirely completed, if approved by the Township Zoning Inspector.

### SECTION IV-A. MOBILE HOME PARK AND MOBILE HOMES

#### A - PURPOSES AND CHARACTERISTICS

The purpose of this Section is to recognize the increasing demand for the mobile home park type of residential area, and to provide for the appropriate development of such parks. It is intended to provide locational requirements and development standards which will lead to the development of stable and desirable mobile home parks, compatible with other uses in the vicinity.

#### B - PROCEDURES AND REQUIREMENTS

##### Application:

The owner of a tract of land twenty (20) acres or more in area, located in any Residential District may submit a plan for the development and use of such tract as a Mobile Home Park

under the provisions of this Resolution. Such plan shall be accompanied by a written agreement, in form acceptable to the County Prosecutor, on behalf of the owner, his successors and assigns, as follows:

- a. That the fixed installations of the proposed development, as shown on the plans and as set forth in the specifications, will be completed within such a time period as may be agreed upon by the Township Zoning Commission; and,
- b. That all land and improvements intended for the common use of all residents, including drives, walks, parking areas, recreation facilities and equipment and all landscaped and other common open space will be maintained for as long as such Mobile Home Park is in existence, including such servicing as may be required for the use of such land and improvements; and
- c. That no future changes in the Mobile Home Park shall be made which would encroach upon any land used to comply with the requirements of the Resolution as to density, open space, yards, vehicular access or parking; and
- d. That all private drives shall be open at all times for access by publicly employed personnel to inspect utility lines and to equipment for police and fire protection; and
- e. That tenant occupancy regulations, acceptable to the Commission and the Morrow County Board of Health, shall be posted on the premises and enforced at all times.
- f. The applicant shall submit a copy of the application for an Access Permit from ODOT if the property is located on a State Highway. Each lot split must have an Access Permit issued prior to Zoning Inspector action.

#### C - REVIEW BY ZONING COMMISSION

The Commission shall base its action on a finding that the plans for the proposed Mobile Home Park comply with the following sections:

- C-1 Uses Permitted
- C-2 Locational Requirements
- C-3 Development Standards
- C-4 Mobile Home/Manufactured Housing Site Standards

#### C-1 USES PERMITTED

Notwithstanding the uses otherwise permitted in the Zoning District in which the tract is located, the uses permitted in a Mobile Home Park shall be limited to the following:

##### Principal Uses

Mobile Homes, limited to a single family residential occupancy, not including transient or vacationing families or persons and not including the storage, display or sale of mobile homes on the premises.

Public Parks and specialized recreation centers:

Accessory Uses

Home Occupations, as limited by Section IV.

A permanent dwelling for one (1) family, office and maintenance facilities for the operation of the Mobile Home/Manufactured Housing Park.

Facilities for recreation, children's nursery, kindergarten, laundry or similar services for the occupants.

Off-street parking lots or garages.

**C-2 LOCATIONAL REQUIREMENTS**

In addition to the requirements set forth in Section B hereinbefore, each Mobile Home Park/Manufactured Housing Park shall be located as to assure a maximum of compatibility with other types of residential development.

- 1) Shall be free of objectionable environment, such as poor drainage, air pollution, noise or unsightliness, in the same manner as other residential areas.

**C-3 DEVELOPMENT STANDARDS**

All Mobile Home Parks shall comply with the requirements of the Ohio Department of Health, and shall be approved by said Department before zoning approval is given under the provisions of this Resolution. In addition to requirements of the Ohio Department of Health, the location and arrangement of land, structures and mobile homes within a Mobile Home Park shall be in accordance with the following standards:

- 1) Minimum size of park, twenty (20) acres.
- 2) Minimum lot size within a Mobile Home Park, five thousand (5,000) square feet.
- 3) Utilities Required:
  - a) Each lot for an individual mobile home shall be provided with an outlet to a water supply, and a connection to a sewer, both of which have been approved by the County authority having jurisdiction.
  - b) The entire tract shall be provided with storm water drainage in accordance with a drainage plan approved by the County Engineer.
  - c) All common streets will have street lighting accordance to local power company standards.

- d) All electric, communication lines and service connections shall be underground.
- 4) General Dimensions: Dimensions relating to the Mobile Home Park tract as a whole shall be as follows:
- a) Minimum tract width at the abutting public street three hundred (300) feet, if abutting on a street, other than entrance and exit drives.
  - b) Minimum front yard depth - fifty (50) feet.
  - c) Minimum lot width - fifty (50) feet.
- 5) Private Drives and Public Streets
- a) Private drives may be used to provide vehicular access to mobile home lots. Such drives will be required to have curbs and gutters, per Morrow County Subdivision regulations.
  - b) Where private drives are provided, the width thereof shall be not less than fifty (50) feet and each drive shall be paved for a width of not less than thirty (30) feet. Such pavement shall be constructed of not less than six (6) inches of impervious material on a prepared sub-grade.
  - c) There shall be common walks three (3) feet or more in width within all private drives and dedicated streets, providing pedestrian access to all mobile home lots. Such walks shall be constructed of not less than four (4) inches of impervious pavement material on a prepared sub-grade.
- 6) Landscaping: The entire Mobile Home Park shall be constructed or planted and maintained with landscape plants or other materials including the following:
- a) Lawn, covering all areas not specifically requiring other surfacing.
  - b) Trees, intended to provide shade for the mobile home lots.
  - c) Shrubs or other material to provide reasonable separation of mobile home lots.
- 7) Buffer and Screening - The outer boundaries of a mobile home park shall contain a buffer zone planted and maintained by the park operator. This buffer zone shall be composed of a green strip, not less than 10 feet in width, planted and maintained with an evergreen trees or shrubs not less than 4 feet in height, located along all park boundaries.
- 8) A six (6) foot chain link fence is required inside the buffer around the perimeter of the park.

#### C-4 MOBILE HOME/MANUFACTURED HOUSING LOT STANDARDS

The lot for each individual home in the park shall comply with the following requirements:

- a) Minimum size of each lot shall be no less than five thousand (5,000) square feet in area, shall be not less than fifty (50) feet in width at the point where the mobile home sits, and shall abut on a street or access drive for not less than twenty (20) feet.
- b) Minimum floor area of any mobile home/manufactured housing used as a dwelling on the premises shall be nine hundred and fifty (950) square feet.
- c) Each mobile home/manufactured housing lot shall be provided with a paved outdoor living area of not less than one hundred eighty (180) square feet. Such area shall be paved with not less than four (4) inches of concrete or other rigid impervious paving material, and shall be connected to common walks by a similarly paved walk of not less than three (3) feet in width.
- d) Mobile homes may be parked and occupied in areas other than mobile home parks, provided a permit is granted, and provided that not more than one mobile home is on a lot and it is not located in a front or side yard of an existing residential dwelling. Also, compliance to all set back and lot area provisions outlined in Sections XIII, XIV, XV, and XVI must be met. The continuous location of a mobile home at any one location in the township for a period of fifteen (15) days shall prima facie make the provisions of this section applicable.

#### SECTION V - LIMITED COMMERCIAL and INDUSTRIAL DISTRICT

There is hereby created a "Limited Commercial Zone" in Troy Township, known as "C" District. The property shall have a minimum lot area width of two hundred (200) feet of continuous road frontage on a public roadway, note: if property is on a State Highway owner must submit a copy of the Access Permit from the Ohio Department of Transportation at the time they are requesting a permit from the Zoning Inspector prior to receiving a permit.

The following uses and no others shall be deemed class "C" uses and permitted in all "C" districts:

1. Any use permitted in an "R" District shall be permitted in "C" District.
2. Retail, wholesale, merchandising establishments and such businesses or professional services necessary to the convenience and well-being of the adjacent residential community.

3. The above uses shall be permitted, providing such is not noxious, dangerous or offensive by reason of gas, noise, flame, smoke, dust, fumes, vibration or odor.
4. Setback of 75 feet from an "R" District; 50 feet from any "I" District; 75 feet from the road; and 75 feet rear clearance.
5. One acre minimum area.
6. Any/all delivery vehicles must be able to pull into and out of any business without obstructing traffic on a public thoroughfare.
7. Trash disposal/dumpster area must be screened on all sides with a six-foot high, uniform, opaque fence.
8. Campground Facilities shall be required to meet all EPA, State Building Code regulations and Morrow County Health Department requirements.

#### INDUSTRIAL DISTRICT

There is hereby created an "Industrial District" in Troy Township, known as "I" District. This district is intended to accommodate uses which provide for the repair, storage, compounding, processing, manufacturing or assembling of materials or parts, provided that the emission of smoke, dust, fumes, vibration, odor, and levels such that they will not have an adverse or detrimental affect on surrounding residential and business districts. The property shall have a minimum lot area width of two hundred (200) feet of continuous road frontage on a public roadway, note: if property is on a State Highway owner must submit a copy of the Access Permit from the Ohio Department of Transportation at the time they are requesting a permit from the Zoning Inspector prior to receiving a permit.

The following uses shall be deemed Class "I" uses and permitted:

1. All uses permitted in a "C" or "R" District.
2. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
3. Warehouse storage and distribution facilities, buildings, railroad and truck transfer or terminal facilities, and parking areas.
4. The manufacturing, compounding, processing, assembly or repair of products when conducted wholly within a completely enclosed building or within an area enclosed on all sides by a six-foot-high obscuring fence or wall.

5. Contractor's offices, repair and storage yards, lumber and building material sales, yards; provided all materials are located within an area enclosed on all sides by a six-foot-high obscuring fence or wall.
6. Public Utilities installation, such as gas and electrical service buildings, water or gas storage tanks, pipeline pumping stations and similar utility uses.

The owner of a tract of land which is suited for Industrial development may submit a preliminary plan to the Zoning Commission for its review, regardless of the classification of such tract at the time said plan is filed. The plan must include the following:

1. Minimum lot size of five (5) acres.
2. Setback of one hundred (100) feet from any "R" District, Fifty (50) feet from any "C" District; one hundred (100) feet from road; and one hundred (100) feet rear clearance.
3. At least tentative approval of all applicable County, State and/or Federal government agencies.
4. Trash disposal/ dumpster area must be screened on all sides with a six-foot high, uniform, opaque fence.

Where an Industrial District abuts a Residential District:

1. Those sides abutting Residential property must have a one hundred(100) foot greenbelt.
2. The area of use and all parking areas shall be screened by a six-foot-high obscuring fence approximately landscaped to be harmonious with surrounding properties.
3. Continuous use of loudspeakers, horns, whistles, or lighting that causes a hazard or annoyance shall not be permitted.

Other conditions:

1. All outdoor storage areas shall be enclosed by a six-foot-high obscuring fence or wall.
2. Maximum height of any structure shall not exceed fifty (50) percent of said structure's setback from any neighboring property.
3. Any/All delivery vehicles must be able to pull into and out of any business without obstructing traffic on a public thoroughfare.

## SECTION VI - PROHIBITED USES

The following shall be deemed objectionable and shall not be permitted in any "R", "C" or "T" districts:

1. Metallic powder works or electroplating.
2. Chemical plants which could have a by-product polluting the air, land, or water.
3. Crematory.
4. Distilling of bones, fat or glue, glue or gelatin manufacturing.
5. Waste dumping (toxic or otherwise), storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of premises, unless such dumping is done at a place provided by the township trustees for such specific purposes.
6. Salvage yards including but not limited to auto, agriculture, machinery, marine, etc., or places for the collection of scrap metal. Paper, rags, glass or junk for salvage or storage purposes.
7. Outdoor theaters.
8. Commercial race tracks.
9. Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding thirty (30) days is prohibited. Said vehicles, if stored on the premises shall be enclosed within a building.
10. Manufacture or storage of explosives or fireworks, except as provided in Section XVII.
11. Amusement parks.
12. Competition of motorized vehicles where admission is charged.
13. The possession, importing, breeding, boarding, exhibiting, or selling of any inherently dangerous animal; for example, lions, tigers, bears (including those native to Ohio), alligators, wild cats, poisonous reptiles of all types; as well as boa constrictors, anaconda or pythons over eight (8) feet in length, and other inherently dangerous animals not indigenous to Ohio.

Definition of an "inherently dangerous animal"

Any animal that poses a possibility of any one or more of the following:

- a) Harmful competition to native wildlife.
  - b) Introduction of diseases or pests harmful to humans, domestic animals, or wildlife.
  - c) Threatening wildlife or natural resources.
  - d) Endangerment to human physical safety.
  - e) Inherently dangerous animals are not animals considered common pets or common farm animals.
14. Tires, disabled automobiles, and trucks.

#### SECTION VII - NON-CONFORMING USES

1. A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.
2. Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this resolution, but not completed, may be completed and put to such non-conforming use, providing it is done within two (2) year after this resolution takes effect.
3. Any building or structure, existing as a non-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction.
4. A building or structure devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use without prior approval of the board of zoning appeals.
5. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

## SECTION VIII. OUTDOOR ADVERTISING

For the purposes of this Resolution, outdoor advertising shall be classified as a business use and shall be permitted in any "C" district or "R" district and all lands used for agricultural purposes, subject to the regulations contained in this Resolution.

1. Signs no larger than five (5) square feet in area permitted in established residential districts when the use of the sign is in direct relation to the premises. Signs in conformity with the above limitations shall not require a zoning permit.
2. An outdoor sign or billboard, other than those mentioned in paragraph 1 of this section, shall be deemed a structure and shall require a zoning permit before being erected, constructed or replaced.
3. No outdoor sign, except those mentioned in paragraph 1 of this section, shall be placed nearer than thirty (30) feet of the center line of any street or road.
4. No outdoor advertising sign more than five (5) square feet in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than three (3) feet.
5. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.
6. Outdoor advertising signs must be removed from a property within thirty (30) days after that property ceases to be used for that purpose.
7. All outdoor advertising signs must be maintained in good repair and in a safe, neat and clean condition. The Troy Township Zoning Inspector may cause to have removed or repaired immediately without written notice any sign that he or she judges to be insecure, in danger of falling, or otherwise unsafe, and as presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee.

## SECTION IX. FLOOD PLAIN (FP) OVERLAY DISTRICT

Specific areas adjacent to streams within Troy Township are subject to periodic inundation which may result in loss of life and property, hazards to health and safety, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the occupancy of flood hazard areas by unsuitable land uses, and the cumulative effect of obstruction in flood plains, causing increased flood heights and velocities.

### A) Purpose

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize losses resulting from periodic inundation of flood waters in Troy Township by:

1. Restricting or prohibiting uses and activities that are dangerous to health, safety or property in times of flooding, or cause excessive increases in flood heights or velocities;
2. Controlling and filling, grading, dredging and other development which may increase flood damage; and
3. Controlling and alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

### B) Scope and Application

This Article shall apply to all lands within Troy Township shown as within the 100 year flood plain, as identified by the Federal Emergency Management Agency on the Flood Insurance Rate Map Numbers and dates as follows: 390868- dated 4/1/1992

The above Flood Insurance Rate Map with accompanying Flood Insurance Studies, and any subsequent revisions and/or amendments is hereby adopted by reference and declared to be a part of this Article.

### C) Overlay District Designation

The areas of special flood hazard identified on the Official Zoning Map District Map shall be considered as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

The Flood Plain Overlay (FP) District shall be superimposed over the Official Zoning District Map. The underlying zoning district, shown on the Official Zoning District map, shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district; however, when the requirements governing the Flood Plain Overlay District are more restrictive than those of the base district, the provisions of this Article shall supersede those of the base district.

### D) Interpretation Boundaries

When disagreement exists as to the boundaries of the Flood Plain Overlay District, those boundaries shall be interpreted to be the boundaries as shown on the Flood Insurance Rate Maps referenced in Section B above. Actual boundaries may also be determined by use of the flood elevation profile information provided

in referenced Flood Insurance Study and topographic survey of the site in question.

E) Warning and Disclaimer of Responsibility

The degree of flood protection required by this Article is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the Flood Plain Overlay District boundaries or land use permitted within such district will be free from flooding or flood damage. This Resolution shall not create liability on the part of Troy Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

F) Development Standards

- 1) Open space uses shall be permitted within the FP District to the extent that they are allowed as permitted, accessory or conditional uses in the base zoning district.
- 2) No habitable structure shall be constructed within the FP District.
- 3) No other structure shall be permitted within the identified flood plain, and no use shall be established, which would unduly restrict the capacity of the channel or floodway of the main stream, its tributaries or drainage facilities.
- 4) No grading or filling within the FP District shall be permitted unless it is demonstrated to the Board of Zoning Appeals, by hydrologic and hydraulic analysis prepared by a Professional Engineer registered in the State of Ohio, that the cumulative effect of the proposed activities shall not increase the water surface elevation of the base flood more than one (1) foot at any point. In acting on such a proposal, the Board shall seek the input of the Morrow County Soil and Water Conservation District or other consultant determined by the Board to be necessary to make such a determination. The applicant for the proposed development shall be responsible for the costs of such examination and/or analysis.
- 5) The applicant proposing any development activity within the FP District shall obtain a flood plain development permit from Morrow County Board of County Commissioners and shall present evidence of same prior to receiving zoning approval for the proposed activity.

SECTION X. PUBLIC UTILITIES RAILROADS

This resolution shall not apply to public utilities or railroads.

## SECTION X- A, WIRELESS AND CELLULAR COMMUNICATION FACILITIES

A. **STATEMENT OF INTENT.** It is the intent of the conditional use process to allow appropriate uses, which have been so identified by this code, to exist in Troy Township in locations where they are compatible with their surroundings. Conditional uses are so designated because, while they are appropriate, the intensity of use they require is generally greater than other uses in the district, and additional requirements are necessary to ensure compatibility.

### B. REQUIRED CONDITIONS FOR APPROVAL OF ALL CONDITIONAL USES.

**General Requirements -** All uses designated as conditional uses shall meet the following requirements:

1. Uses shall not be in conflict with the comprehensive development plan for Troy Township.
2. Uses shall be located in districts where they are designated as conditional uses by these regulations.
3. Uses shall not adversely impact the health, safety or welfare of the surrounding area.

**Specific Requirements.** The following section contains additional required conditions to be met by an applicant for a conditional use. In addition to meeting the subsequent required conditions, all applicants for conditional uses shall be required to fully comply with any and all other applicable provisions of these regulations.

### C. WIRELESS AND CELLULAR TELECOMMUNICATION FACILITY

#### Application Requirements:

1. A preliminary development plan must be submitted to the Board at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:
  - a.) The location of all of the applicants existing facilities within the Township.
  - b.) The general location of the planned future facilities.
  - c.) For each location shown on the plan, there shall be listed:
    1. The location, type and size of the existing and proposed towers, antennas and equipment located at the site.
    2. The location of access easements and parking areas.
    3. Detailed drawings of the screening plan and related design standards.

**General Requirements for all Wireless and Cellular Telecommunications Facilities.**

These regulations shall not unreasonably discriminate among providers of functionally equivalent services.

These regulations shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

1. The applicant must co-locate except where they can demonstrate by clear and convincing evidence that its telecommunication antennas or equipment can not be located on any other Wireless and Cellular Telecommunication Facility, in the geographic area to be served, and all reasonable means have been undertaken to avoid any undue impact caused by the clustering of more than two facilities within two hundred feet of each other. In determining whether a tower antenna can or cannot be located on another communication tower, building, or structure, the Board shall consider the space available on the existing structure, the technological practicability and other factors deemed appropriate by the Board.
2. Wireless and cellular facilities should be designed to accommodate public telecommunication needs. Appropriate shared parking and access must be provided for co-located facilities on one tower.
3. Applicants wishing to construct Wireless and Cellular Telecommunications Facilities which have satisfactorily demonstrated to the Board that they are unable to co-locate, are encouraged to locate new towers, antenna or equipment on public property, subject to the restrictions of this Section.
4. The applicant will hold the Troy Township harmless against all claims, demands, suits, causes of action and judgments due to any damage caused by the operation or construction of the facility.

**Design Standards for Free-Standing Towers with or without Guy Wires.**

1. All such users shall be prohibited from locating in any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
2. All such users shall be located not less than two hundred and fifty (250) feet from the right-of-way of any public street.

3. All such users shall be located not less than five hundred (500) feet from any R-District, recorded subdivisions, or lot containing a dwelling other than a farm dwelling.
4. All such users shall be located no closer to any lot line than one hundred (100) percent of the height of the proposed tower.
5. The Wireless and Cellular Telecommunication Facility shall be screened by a minimum six (6) foot high solid fence or barrier and continuous evergreen hedge of trees of a size deemed appropriate by the Board. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the Telecommunication Facility is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained inside the screened area.
6. The Telecommunication Facility must be aesthetically and architecturally compatible with the surrounding environment. The Board shall give special attention to areas of architectural and historic significance.
7. Any Telecommunications Facility shall be removed within one (1) year of ceasing operation. The transfer of ownership of the Telecommunication Facility shall require a new zoning permit.
8. The applicant shall provide written documentation that they have obtained approval from all governing agencies charged with the responsibility of maintaining air safety including the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and the Ohio Department of transportation (ODOT) or their respective successors.
9. The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by artificial lights, beacons, or strobes, unless otherwise required by the FAA, FCC, and the ODOT or their respective successors. All surfaces shall be maintained in good conditions, absent of flaking or peeling paint and rust.
10. No advertising is permitted anywhere on the Telecommunications Facility with the exception of identification signage not to exceed one square foot in size.
11. The lot on which a Telecommunication Facility is located, shall meet the minimum lot size, frontage and yard requirement of the District in which it is located.

12. Parking areas and general site lighting shall be designated and installed to avoid casting direct light or glare onto surrounding properties.

#### Telecommunications Equipment on Existing Structures.

1. All such uses shall be prohibited from locating in any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
2. All such uses shall be located not less than two hundred and fifty (250) feet from the right-of-way of any public street.
3. All such uses shall be located not less than five hundred (500) feet from any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
4. All such uses shall be located no closer to any lot line than one hundred (100) percent of the height of the proposed tower.
5. The Wireless and Cellular Telecommunication Facility shall not exceed the lesser of twenty-five (25) feet or twenty-five (25) percent of the height of the structure on which it is located. The outside storage of vehicles or equipment, if not located inside the structure on which the tower, antenna or equipment is located, shall be screened by a minimum six (6) foot high solid fence or barrier and continuous evergreen hedge or trees of a size deemed appropriate by the board.
6. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the Telecommunications Facility is kept free of weeds and trash.
7. The Telecommunications Facility must be aesthetically and architecturally compatible with the surrounding environment. The Board shall give special attention to areas of architectural and historic significance.
8. Any Telecommunication Facility shall be removed within (1) year of ceasing operation. The transfer of ownership of the Telecommunications Facility shall require a new zoning permit.
9. The applicant shall provide written documentation that they have obtained approval from all governing agencies charged with the

responsibility of maintaining air safety including the FAA, FCC, and ODOT or their respective successors.

10. The tower may have be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by artificial lights, beacons, or strobes, unless otherwise required by the FAA, FCC, ODOT, or their respective successors. All surfaces shall be maintained in good condition, absent of flaking or peeling paint and rust.
11. No advertising is permitted anywhere on the Telecommunications Facility with the exception of identification signage not to exceed one square foot in size.
12. The lot on which a Telecommunication Facility is located, shall meet the minimum lot size, frontage and yard requirement of the District in which it is located.

#### SECTION XI. MINIMUM LOT AREA

1. No single-family dwelling shall be erected or building altered to accommodate one family as a residence on less than forty-three thousand five hundred (43,500) square feet of lot area with a minimum width of two hundred (200) feet of continuous road frontage on a public roadway.
2. No two-family dwelling shall be erected, or building altered, for dwelling purposes to accommodate more than one (1) family on less than forty-three thousand five hundred (43,500) square feet of lot area per family with a minimum width of two hundred (200) feet of continuous road frontage on a public roadway and meets the 3:1 width to depth ratio.
3. In computing lot areas, no part of the street or road right-of-way may be included, although many lot owners hold title to one-half of said street or road.
4. In developments providing a sewage treatment facility and public water the minimum square lot footage may be reduced to twenty-one thousand seven hundred fifty (21,750) square feet per lot with a minimum width of one hundred (100) feet road frontage.
5. No lot shall be more than three (3) times deeper than its width, with the width being the front lot line or that portion which runs along a public street, road or highway with two hundred (200') continuous feet on a public roadway.
6. There shall be one (1) dwelling per one (1) recorded lot.

## SECTION XII MINIMUM DWELLING SIZES

1. No single-family one-story dwelling shall be erected with less than nine hundred fifty (950) square feet of gross ground floor area, exclusive of breezeways, porches, terraces, and garages.
2. No single-family multiple-story dwelling shall be erected with less than seven hundred (700) square feet of gross ground floor area per family, exclusive of breezeways, porches, terraces, and garages (w/no less than 950 sq. ft. per family dwelling unit.)
3. No two-family one-story dwelling shall be erected with less than nine hundred fifty (950) square feet of gross ground floor area per family, exclusive of breezeways, porches, terraces, and garages (w/no less than 950 sq. ft. per family dwelling unit.)
4. No two-family multiple-story dwelling shall be erected with less than seven hundred (700) square feet of gross ground floor area per family, exclusive of breezeways, porches, terraces, and garages (w/no less than 950 sq. ft. per family dwelling unit.)
5. Should a mobile home/manufactured housing be placed on a single lot, then it shall comply with the following requirements:
  - a. Each mobile home/manufactured housing shall be provided with paved strips, piers or a pad of such width and length and so positioned as to furnish a stable base for the mobile/manufactured housing and be tied down with manufacturer's recommended anchors.
  - b. Wheels and tongue shall be removed where possible.
  - c. Skirting to be placed around the perimeter of mobile homes and manufactured housing must be designed specifically for mobile homes and manufacture housing.
  - d. Mobile homes shall be a minimum of nine hundred and fifty (950) square feet in floor area. Mobile homes shall be used only as dwelling. There will be no additions to or joining of mobile homes to bring mobile homes into compliance. Also, no portion of a mobile home (including the frame) may be connected to another mobile home. Additions to a mobile home must be on a permanent foundation and have an outside exit.
  - e. Only one (1) mobile home can be located on one (1) recorded lot.
  - f. Prohibit residency without a Morrow County Health Department -approved septic and water systems.

### SECTION XIII. SETBACK LINES

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within fifty (50) feet of the right-of-way side line of any street or road. Provided, however, that there is an existing dwelling located within the two hundred (200) feet of the proposed building or structure said proposed building or structure shall conform to the setback if said existing dwelling has a setback of less than fifty (50) feet, and may conform to the setback of said dwelling if said existing dwelling has a setback of less than fifty (50) feet. But in no event shall the proposed building or structure have a setback less than the most adjacent dwelling.

### SECTION XIV. SIDE LOT CLEARANCE

For every building erected in an "A" district, there shall be a minimum side lot clearance on each side of said building of not less than twenty five (25) feet, which space shall remain open and unoccupied by any building or structure. Attached garage or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be part of the main building for the purpose of this section. All accessory buildings shall be the same.

Provided, however, that an accessory building located not less than twenty (20) feet to the rear of the main building may be erected not less than five (5) feet from a side lot line, except on corner lots; provided, that it will be not less than twenty (20) feet distance from any existing residence. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

For every building erected in a "C" district there shall be a minimum side lot clearance from any "R" district zone of not less than fifteen (15) feet, which space shall remain open and unoccupied by the building or structure.

Fences are permitted; fences should be consistent with the intended use, properly maintained, and not impair vision on public thoroughways.

### SECTION XV. REAR LOT CLEARANCE

For every building erected in an "R" district and for every dwelling in any district, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

### SECTION XVI. CORNER LOTS

The setback building line on a corner lot shall be in accordance with the provisions governing the road or highway on which the building faces. The side yard clearance on the side road shall be a minimum of fifty (50) feet.

SECTION XVII. QUARRYING, MINING, DEVELOPMENT OF NATURAL RESOURCES  
AND  
RELATED PROCESSING ACTIVITIES

The regulations under this section are established to protect adjacent areas and to control noises, vibrations, dust and other objectionable influence so as not to endanger the health and safety of adjoining property owners and users, while at the same time permitting the development of natural resources that may be found in the Township.

1. The mining or quarrying of rock, sand, gravel, clay and mineral ore deposits, and drilling for oil or gas shall be permitted in all zones in the township subject to the following regulations.
  - a. Application for such operations shall be made to the zoning inspector, showing the proposed location of the operation as well as the proposed location of any structure to be placed thereon.
  - b. The fee for a zoning permit for such operation is listed in Appendix "C", which permit shall be valid for one (1) year. Thirty (30) days prior to the expiration of said permit an application for renewal shall be filed with the zoning inspector. If the zoning inspector finds that said operation is in accordance with the original application and this resolution, he/she shall issue a renewal permit upon the payment (See Appendix "C") required fee. Said application shall be subject to renewal from year to year so long as the operation continues. In addition to the permit herein required, all other permits provided for by this resolution shall also be required and obtained.
  - c. Upon termination of operations, all equipment and structures shall be removed by the operator within six (6) months after termination and the land therein shall revert to the zone in which it was zoned prior to the issuance of said permit.
  - d. Land and buildings on the premises described in the application may be used for the following purposes: mining, quarrying, excavating, processing, removal and stockpile of rock, sand, gravel or clay; rock crushing plants, batching plants, mixing plants for either Portland cement or asphaltic concrete, block or tile plants.
  - e. All equipment used in such operations shall be maintained, operated and blasting shall be conducted, in such a manner as to eliminate vibration, dust or fragments that are injurious or annoying to persons living or working in the area.
  - f. Open pits shall be fenced and posted, or open pits one (1) foot horizontal to one (1) foot

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vertical. Pits in which production has been completed shall not be used for dumping of rubbish.

- g. Blasting and quarrying operations with the exception of loading out of finished products shall be conducted between six o'clock (6:00) a.m. and ten o'clock (10:00) p.m. except that the Board of Appeals may extend hours of operation when it has been determined to the satisfaction of the board that an emergency requiring extended hours exists. Application for an extension of hours shall be by appeal to the Board of Appeals as provided in the Appeals section herein.
- h. Stone products emitting dust, strippings, or soil shall not be stock-piled so as to create an annoyance.
- i. No main or accessory building shall be located nearer than seventy-five (75) feet from a public road.
- j. No excavation shall be permitted nearer than two hundred (200) feet from a public road, or adjacent property line.
- k. No processing, rock crushing plants, batching plants, mixing plants for either Portland Cement or asphaltic concrete, or block or tile plants or gas or oil wells may be located nearer than five hundred (500) feet from an existing residence. Any residence located on the premises of the operation shall not be considered in determining the foregoing.

#### SECTION XVII. SEXUALLY-ORIENTED BUSINESSES

Sexually-oriented businesses must be at least 2,500 feet from the outer boundaries of residences, schools, churches or parks. The purpose of this is to regulate sexually-oriented businesses to promote the health, safety, and general welfare of the citizens of Troy Township, and to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses within the township. It is not the intent of the township to restrict or deny access by adults to materials protected by the First Amendment. There is convincing evidence that sexually-oriented businesses, because of their very nature, have a detrimental effect on both existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and a downgrading of property values. The Troy Township Zoning Board recognizes the Resolution R6-1996, passed by the Troy Township Trustees on October 2, 1996, as part of the Citizens Opposed to Pornography.

A sexually-oriented business is defined as (including but not exclusive of):

Adult arcade, adult bookstore, or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

1. Adult arcade means any place in which the public is permitted or invited wherein coin-operated or slug-operated electronically, or mechanically-controlled still or motion picture machines, projectors, or other images-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
2. Adult bookstore or adult video store means a commercial establishment which as one of its business purposes offers for sale or rental for any form or consideration of any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slide or other visual representations which depict or describe "specified sexual activities," or "specified anatomical areas." Or, the establishment sells any of the following instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
3. Adult cabaret is a nightclub, bar, restaurant, or similar establishment that regularly features live dancers who must wear at least pasties and a G-string. No public nudity is permitted.
4. Adult motion picture theater is a commercial establishment that presents materials for observation by its patrons, films, motion pictures, video cassettes, slide or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
5. Adult theater is a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
6. Massage parlor means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where message is offered as an incidental or accessory service.
7. Bath Houses are prohibited.

## SECTION XIX. PLANNED UNIT DEVELOPMENT ZONING

It is Troy Township's policy to promote progress and orderly development of land by encouraging Planned Unit Development zoning. It is the intent of this designation to provide:

1. A maximum choice of living environments by allowing a variety of housing and building types.
2. A more useful pattern of open space and recreational areas.
3. A development pattern which preserves and utilizes natural topography and geographic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land than is generally achieved through conventional development.

In order to obtain approval, the proposed planned unit development project shall comply with the following general requirements:

1. It is consistent with the purposes and intent of the Troy Township Zoning Code.
2. It promotes the general welfare of Troy Township.
3. It provides, through desirable arrangement and design, benefits which justify deviations from the development standard which otherwise would apply.

### Minimum Lot Size

A minimum of fifteen (15) acres is required for a planned unit development project or a private campground facility. The minimum lot size required by Troy Township may be reduced from the standards contained in the Zoning Code.

### Open Space

Development of fifteen (15) or more acres must set aside five (5) percent of each fifteen (15) acres developed of the total land for recreation space and common open space. This common open space shall be for the use of each individual who buys property within the development. The responsibility for the maintenance of all open space shall be specified by the development. Flag lots are exempt from this green space requirement.

### Submittal Process

The developer of a proposed planned unit development shall consult with the Morrow County Regional Planning Commission to determine if the project is a subdivision, in a manner set forth in the Subdivision regulations. In such case, approval by Troy Township of the planned unit development project under the provisions of the Zoning Code shall be tentative, and may be

revoked if a final subdivision plan is not submitted and approved within one (1) year after such tentative zoning approval.

The developer is required to submit a preliminary development plan to Troy Township Zoning Commission. The purpose of this optional plan is to familiarize the developer with the provisions, standards and requirements of this section prior to detailed engineering work. Upon receipt of a preliminary plan, the Troy Township Zoning Commission shall meet to consider such plan and provide recommendations to the developer regarding the final development plan.

An application for approval of a final development plan shall be submitted to the Troy Township Zoning Commission. Each application shall be signed by the developer attesting to the truth and exactness of all information supplied. The final development plan shall include all information which the Troy Township Zoning Commission deems necessary, including:

1. A survey of the development site showing property lines, area topography and existing features of the site.
2. The locations and sizes of the lots and locations and the sizes and uses of structures.
3. A schedule showing the completion date of the structures to be built, together with a description of all building designs.
4. Landscape plans.
5. Deed restrictions, protective covenants and other language to be used in controlling the use, development and maintenance of the area.

The review and action of a final development plan by the Troy Township Zoning Commission and the Troy Township Trustees shall follow the procedures set forth in this Troy Zoning Code for amendment of the zoning map. This includes postings of notices, request for a recommendation from the Morrow County Regional Planning Commission, public hearings and final action by the Troy Township Trustees. If the approved development is not installed in accordance with the plans and requirements of this section within four (4) years of the date of approval, such approval shall become null and void, and the land returns to its original zoning.

#### SECTION XX. ZONING INSPECTOR AND PERMITS

1. The position of township zoning inspector is hereby created. He/she shall be appointed by the Board of Township Trustees and shall receive such compensation as the Trustees shall provide. He/she shall keep records of all applications for Zoning Permits and the action taken hereon. The zoning inspector has 10 business days to act on a plat or zoning permit.
2. Before constructing any building (excluding buildings incident to agricultural purposes), changing the use of or altering any building or structure (including accessory buildings or changing the use of any premises), or undertaking any action

requiring a zoning permit under this resolution, application shall be made to the Township Zoning Inspector for a zoning permit. The applicant shall indicate the exact location of the proposed construction and submit a plot plan showing the proposed location and dimensions and the proposed use.

3. A Zoning Permit shall be revocable, if among other things, the actual use, construction or alteration does not conform to the terms of application and the Permit granted thereon.
4. A Zoning Permit shall expire one (1) year after issuance unless the construction or alteration permitted by it has been substantially begun and is thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such Permits.
5. Application for Zoning Permits shall be accompanied by a fee outlined in the Fee Schedule in Appendix "C".
6. Application for a Mobile Home Park Zoning Permit or for approval of additions thereto shall be made to the Zoning Inspector, and shall be accompanied by a fee outlined in the Fee Schedule in Appendix "C". Prior to locating a mobile home on any mobile home lot within a mobile home park the owner of said mobile home park shall apply for a zoning permit from the zoning inspector, which shall be accompanied by a fee outlined in the Fee Schedule in Appendix "C".
7. No zoning permit shall be issued until the Zoning Inspector is assured that all permits for water and septic or sewer are first obtained from the County Health Department. [See Appendix "D" for Zoning Permit Checklist.]
8. No permit shall be required for minor alterations, remodeling or repairs on a building, provided that the gross floor area is not enlarged. No permit shall be required for a temporary removable structures erected as part of a construction project nor for construction of roads, sewers, service lines, utility lines or driveways.

#### SECTION XXI. APPEALS AND HARDSHIPS

Appeals from the action of the Township Zoning Inspector shall be taken as provided by State Law. See Appendix "A".

#### SECTION XXII. AMENDMENTS AND SUPPLEMENTS

Amendments and supplements to this Township Zoning Resolution and the maps herein referred to shall be accomplished as provided by State Law. See Appendix "B".

### SECTION XXIII. ENFORCEMENT

1. It shall be unlawful to construct, re-construct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a minor misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100.00) each day and every day during which such illegal erection, construction, enlargement, change, maintenance or use continues. The grace period to correct the violation will be under the discretion of the Zoning Commission.
2. In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or is proposed to be, used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. The Board of Township Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this section.

### SECTION XXIV. EFFECT OF INVALIDITY OF ONE SECTION

Should any section or provision of this Resolution be decided by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so held to be unconstitutional or invalid. Other Resolutions or parts thereof which are in conflict with the provisions of this Resolution are hereby repealed.

### SECTION XXV. EFFECTIVE DATE

This Resolution shall take effect and be in force immediately following certification by the Board of Elections, if the plan is so approved by a majority of the vote cast on the Resolution.

## SECTION XXVI. DEFINITIONS

A. **Intent-** The following terms shall have, throughout this text, the meaning given herein:

1. The word "shall" is to be interpreted as mandatory and not directory; the word "may" is permissive;
2. All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary;
3. The word "township" shall mean Troy Township, Morrow County, Ohio, the term "Commission" shall mean the Zoning Commission of said township, the term "board" shall mean the board of Zoning Appeals of said Township, and the term "Trustees" shall mean the Board of Township Trustees of said Township.

B. **Areas**

1. Area of Buildings - the area at the ground level of the main building and all accessory buildings (excluding un-enclosed porches, terraces and steps) measured from the outside surface of exterior walls.
2. Area of Lot - the total horizontal area within the lot boundary lines of a zoning lot.

C. **Buildings and Structures**

1. Structure - that which is constructed, located more or less permanently on the ground or attached to something located on the ground.
  - a. Including buildings, barriers, bridges, bulkheads, coal bunkers, public seating facilities, platforms, pools, poles, tanks, tents, towers, roadside stands, sheds, signs, and walls;
  - b. Excluding trailers and other vehicles whether on wheels or other supports.
2. Building - a structure which is permanently affixed to the land, has one or more floors and a roof, is bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animals, and/or property. This term shall be used synonymously with "structure" unless otherwise noted, and shall be construed as if followed by the words "or parts thereof".
3. Main Building - the building occupied by the chief use or activity on the premises, all parts of which are connected in a substantial manner by common walls or a continuous roof.
4. Accessory Building - a subordinate building detached from but located on the same zoning lot as the main building, the use of which is customarily incident to that of the main building or use.

5. Building Line - (Synonymous with setback line) - a line established by this Resolution, generally parallel with a lot line, defining the limits of a yard in which no building or structure above ground may be located, except as otherwise provided herein.
6. Free Standing Towers - may have or not have guy wires to help stabilize the structure.

#### D. Dwellings and Other Living Accommodations

1. Dwelling Unit - space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for bathing and toilet facilities - all used by only one (1) family.
2. Dwelling - a building designed or occupied exclusively for non-transient residential use (including one (1) family, two (2) family, or multi-family buildings).
3. One - Family Dwelling - a building consisting of one (1) dwelling unit only, detached or separated from other dwelling units by open space.
4. Two-Family Dwelling - a building consisting of two (2) dwelling units which are either attached side by side or one above the other, and each unit having either a separate or combined entrance(s) including duplex and flats.
5. Rooming House - a building operated by a resident family accommodating for compensation, one (1) to four (4) (inclusive) persons by the week, or for a more extended period of time.
6. Tourist Home - a one (1) family dwelling, operated by a resident family in which only overnight guests are lodged for compensation.
7. Boarding House - a one (1) family dwelling operated by a resident family in which guests are served meals for compensation.
8. Bed & Breakfast, a facility offering overnight accommodations for guests and limited to those guests with a maximum of six (6) guest rooms. The building or premises may also contain permanent accommodations for the owners and managers and a limited accessory use.

#### E. Family

Either an individual, two (2) more persons who live together in one (1) dwelling unit and maintain a common household, or related by blood, or marriage, or adoption.

#### F. Home Occupations and Professional Offices

1. Home Occupation - a gainful occupation clearly incidental and secondary to the use of the dwelling for residential purposes, conducted wholly within a dwelling, or in a building accessory thereto, only by members of the resident family.
2. Home Office - a secondary office clearly accessory to and located in the dwelling occupied by a person practicing in any of the recognized professions (including accountant, architect, artists, engineer, lawyer, musician, and physician).

- G. Salvage yards including but not limited to auto, agriculture, machinery, marine, etc. , or places for the collection of scrap metal. Paper, rags, glass or junk for salvage or storage purposes.

Land used to dismantle more than one (1) motor vehicle or trailer, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, second-hand building materials, junk, paper, containers or other salvaged materials.

#### H. Lot

1. Zoning Lot - a single tract of land abutting a dedicated street, occupied or intended to be occupied by a use, building or group of buildings and their accessory used and buildings as a unit, together with such open spaces as are required by this Resolution (it may not coincide with a lot of record). Unless the context clearly indicates the contrary, the term lot is used synonymously with zoning lot throughout this Resolution.
2. Corner Lot - a lot abutting on two streets at their intersections, where the interior angle of intersection is not more than 135 degrees.
3. Interior Lot - a lot other than a corner lot or through lot.
4. Front Lot Line - the lot line separating an interior lot from the street upon which it abuts; or the shortest lot line of a corner lot which abuts a street.
5. Lot Depth - the mean horizontal distance of a lot measured between the front and rear lot lines.
6. Lot Width - the horizontal distance of a lot measured along the building line at a right angle to the mean lot depth line.
7. Mobile Home/Manufactured Housing Lot - a lot designated within a mobile home park which is the site for location of one (1) mobile home.
8. Through Lot: (Or Double Frontage Lot) - Other than a corner lot that abuts two (2) streets.

#### I. Non-conforming Building and Use

1. Non-conforming Building - a building existing lawfully at the time this Resolution, or an amendment thereto, became effective but which does not conform to the area or yard regulations of the district in which it is located.
2. Non-conforming Use - the use of a building or land existing lawfully at the time this Resolution, or an amendment thereto, became effective but which does not conform to the use regulations of the district in which it is located.

#### J. Roadside Stand

A removable structure used only, or intended to be used, for the sale of seasonal agricultural products.

#### K. Signs

1. Sign - a structure or part thereof, or any devices attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model, banner, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement.
2. Business Sign - a sign which directs attention to a business, commodity, service or profession conducted, sold or offered upon the same lot.
3. Real Estate Sign - a "For Sale" or "For Rent" sign relating to and located on the zoning lot.
4. Outdoor Advertising Sign - a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning lot (including a billboard).

#### L. Street

An existing public way shown upon a plat heretofore approved by official action and duly filed and recorded and affording the principal means of access to abutting property.

#### M. Mobile Homes

1. Mobile Homes/Manufactured Housing: "Manufactured Home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.
2. Mobile Home Park - any premise occupied by, or designated to be occupied by, more than one (1) family in house trailers, or mobile homes, and shall include roadway, structure,

vehicle, or enclosure used or intended for use as a part of the facilities of such mobile home park - minimum size 20 acres.

3. **Concrete Pad/Strips** - It shall be placed on two (2) concrete runners two (2) feet wide and six (6) inch thick concrete with the frame of the trailer centered on the runners or, a six (6) inch continuous pad of concrete centered under the frame of the trailer and adequately tied down.

#### N. Use

1. **Use** - any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity or operation carried on in a building, other structure or on land.
2. **Main Use** - the principal purpose or activity of a building, other structure or zoning lot.
3. **Accessory Use** - a use located on the same lot with the main use of building or land, but incidental to the main use of main building or land.

#### O. Variance

A modification of this Resolution, permitted in instances where a literal application of these provisions would result in undue hardship as a result of some peculiar or unique condition or circumstance pertaining only to the zoning lot in question.

#### P. Yards

1. **Yard** - that portion of the open area on a zoning lot extending between a building and the nearest lot line, open and unobstructed from the ground upward.
2. **Front Yard** - the yard extending from the front wall of the building to the front lot line across the full width of the lot.
3. **Rear Yard** - the yard extending from the rear wall of the building to the rear lot line across the full width of the lot.
4. **Side Yard** - the yard extending between a side lot line and the nearest wall of the building, and from the front yard to the rear yard; provided, that for a corner lot, the side yard extends from the front yard to the rear lot line on the street side.
5. **Required Yard** - the minimum yard required between a lot line and a line for a building, to comply with the regulations of the district in which the zoning lot is located.

Q. Agriculture

1. The use of land for farming, including dairying, pasturage, apiculture, silviculture, horticulture, floriculture, viticulture, animal and poultry husbandry and aquaculture. Use shall be classified as agriculture only if it is the principal or main use of the land. In order to be eligible, the land must be devoted to agricultural use.

R. Zone or District

Where either the word "zone" or "District" is used in this resolution, they shall be considered synonymous and are used interchangeably.

S. Zoning Permit -

Written authorization issued by Zoning Inspector to proceed with building or alterations to a building on a zoning lot, subdividing an existing lot into smaller zoning lots, proposed use in a zoned district or temporary space.

T. Certificate / Permit - same definition

SECTION XXVII ADOPTION

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

Approved and Passed by:

BOARD OF TRUSTEES  
OF TROY TOWNSHIP  
MORROW COUNTY, Ohio

January 6, 2003

Joe Robin, Chairman

Paul Baker, Vice-Chairman

Herbert E. Litt, Trustee

Attest by Township Clerk:

Mary D. Eckert, Clerk

## APPENDIX "A"

This appendix sets forth the Ohio Revised Code procedure for amending and supplementing this resolution and the maps therein mentioned as said Ohio Revised Code was in force at the time of the adoption of this resolution.

### Ohio Revised Code 519.12 - Amendments or supplements to zoning resolution; procedure: referendum.

Amendments or supplements to the zoning resolution may be initiated by motion of the township rural zoning commission, by the passage of a resolution therefore by the board of township trustees or by the filing of an application therefore by one 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. The board of township trustees may require that the owner or lessee of property to defray the cost of advertising, mailing, and other expenses. If the township trustees require such a fee, it shall be required generally, for each application. The board of township trustees shall upon the passage of such resolution certify it to the township 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 a public hearing thereon, which date shall not be less than twenty nor more than forty days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the township zoning commission by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.

If the proposed amendment or supplement intends to re-zone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the zoning commission, by first class mail, at least twenty 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 re-zoned or re-districted to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the board of county commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the county or Regional Planning Commission and to the board of township trustees as the case may be.

Within five days after the adoption of such motion or the certification of such resolution or the filing of such application the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the County or Regional Planning Commission, if there is such a commission.

The County or Regional 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 township zoning commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.

The Township Zoning Commission shall, within thirty days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map

pertaining thereto and the recommendation of the county or Regional Planning Commission thereon to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

Within twenty days after such public hearing the board shall either adopt or deny the recommendation of the zoning commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the township zoning commission on the unanimous vote of the board shall be required.

Such amendment or supplement adopted by the board shall become effective in thirty days after the date of such adoption unless within thirty 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 per cent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the board of township trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

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

Ohio Revised Code 519.121 - Ratification of amendments to township zoning plan.

All amendments or supplements to a township zoning plan adopted by a board of township trustees prior to the effective date of this act, except those amendments or supplements which a court of competent jurisdiction has declared unlawful or unreasonable or which are the subject of an action now pending in such a court, are hereby ratified and shall be valid amendments or supplements to such zoning plan regardless of the procedure followed with respect to such amendments or supplements prior to their adoption by a board of township trustees, except that no right of appeal on the issue of the unlawful or unreasonable character of an amendment or supplement shall be lost by the provisions of this section.

APPENDIX "B"

This appendix sets forth the Ohio Revised Code procedure for amending and supplementing this resolution and the maps therein mentioned as said Ohio Revised Code was in force at the time of the adoption of this resolution.

Ohio Revised Code 519.12 - Amendments to Zoning Resolution; procedure; referendum; form of petition; filing requirements.

- (A) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution therefor by the board of township trustees, or by the filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The Board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee therefor to defray the cost of advertising, mailing, FILING WITH THE COUNTY RECORDER, and other expenses. If the township trustees require such a fee, it shall be required generally, for each application. The Board of township trustees shall upon the passage of such resolution certify it to the township 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 a public hearing thereon, which date shall not be less than twenty nor more than forty days from the date of the certification of such resolution or the date of the adoption of such motion or the date of the filing such an application. Notice of such hearing shall be given by the township zoning commission by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing.

- (B) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the zoning commission, by first class mail, at least ten 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. The failure of delivery of such notice shall not invalidate any such amendment.
- (C) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:
- (1) The name of the zoning commission that will be conducting the public hearing;
  - (2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
  - (3) A list of addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
  - (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;

- (5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution be available for examination for a period of at least ten days prior to the public hearing;
  - (6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
  - (7) Any other information requested by the zoning commission;
  - (8) A statement that after the conclusion of such hearing the matter will be submitted to the board of township trustees for its action.
- (D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
- (1) The name of the zoning commission that will be conducting the published hearing on the proposed amendment;
  - (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  - (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing;
  - (4) The name of the person responsible for giving notice of the public hearing by publication;
  - (5) A statement that after the conclusion of such hearing the matter will be submitted to the board of township trustees for its action;
  - (6) Any other information requested by the zoning commission.
- (E) Within five days after the adoption of such motion or the certification of such resolution or the filing of such application the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the township zoning commission. Such recommendation shall be considered at the public hearing held by the township zoning commission on such proposed amendment.

The township zoning commission shall, within thirty days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the board of township trustees.

The board of township trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty days from the date of the receipt of such recommendation from the township zoning commission. Notice of such public hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township, at least ten days before the date of such hearing.

(F) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all the following:

- (1) The name of the board that will be conducting the public hearing;
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- (3) 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;
- (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- (5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the public hearing;
- (6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- (7) Any other information requested by the board.

(G) If the proposed amendment alters the text of the zoning resolution, or rezones, or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all the following:

- (1) The name of the board that will be conducting the public hearing on the proposed amendment;
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing;
- (4) The name of the person responsible for giving notice of the public hearing by publication;
- (5) Any other information requested by the board.

(H) Within twenty days after such public hearing the board shall either adopt or deny the recommendations of the zoning commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the township zoning commission the unanimous vote of the board shall be required.

Such amendment adopted by the board shall become effective in thirty days after the date of such adoption unless within thirty days after the adoption of the amendment there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment is known and a brief summary of its contents. In addition to meeting the requirements

of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

PETITION FOR ZONING REFERENDUM

(if the proposal identified by a particular name or number, or both, these should be inserted here) \_\_\_\_\_

A proposal to amend the zoning map of the unincorporated area of \_\_\_\_\_ Township, \_\_\_\_\_ County, Ohio, adopted (date) \_\_\_\_\_ (followed by brief summary of the proposal).

To the Board of Township Trustees of \_\_\_\_\_ Township, \_\_\_\_\_ County, Ohio:

We the undersigned, being electors residing in the unincorporated area of \_\_\_\_\_ Township, included within the \_\_\_\_\_ Township Zoning Plan, equal to not less than eight percent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of Township Trustees to submit this amendment of the zoning resolution to the electors of \_\_\_\_\_ Township residing within the Zoning Resolution, for approval or rejection at a special election to be held on the day of the next primary or general election to be held on (date) \_\_\_\_\_.

Signature	Street Address or RFD	Township	Precinct County	Date of Signing
_____				
_____				

STATEMENT OF CIRCULATOR

\_\_\_\_\_ (name of circulator) \_\_\_\_\_ declares under penalty of election falsification that he is an elector of the state of Ohio and resides at the address appearing below his signature hereto; that he is the circulator of the foregoing part petition containing \_\_\_\_\_ (number) \_\_\_\_\_ signatures; that he witnessed the affixing of every signature; that all signers were to the best of his knowledge and belief qualified to sign; and that every signature is to the best of his knowledge and belief qualified to sign; and that every signature is to the best of his knowledge and belief the signature of the person whose signature it purports to be.

---

(Signature of circulator)

---

(Address)

(City, village or township, and zip code)

**"THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH."**

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the board of township trustees, which shall then transmit the petition within two weeks of its receipt to the board of elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the board of elections not less than seventy-five days prior to the election at which the question is to be voted upon.

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

WITHIN FIVE WORKING DAYS AFTER AN AMENDMENT'S EFFECTIVE DATE, THE BOARD OF TOWNSHIP TRUSTEES SHALL FILE THE TEXT AND MAPS OF THE AMENDMENT IN THE OFFICE OF THE COUNTY RECORDER AND WITH THE REGIONAL OR COUNTY PLANNING COMMISSION, IF ONE EXISTS.

THE BOARD SHALL FILE ALL AMENDMENTS, INCLUDING TEXT AND MAPS THAT ARE IN EFFECT ON Month/Date/Year, IN THE OFFICE OF THE COUNTY RECORDER WITHIN THIRTY WORKING DAYS AFTER THAT DATE. THE BOARD SHALL ALSO FILE DUPLICATES OF THE SAME DOCUMENTS WITH THE REGIONAL OR COUNTY PLANNING COMMISSION, IF ONE EXISTS, WITHIN THE SAME PERIOD.

THE FAILURE TO FILE ANY AMENDMENT, OR ANY TEXT AND MAPS, OR DUPLICATES OF ANY OF THESE DOCUMENTS, WITH THE OFFICE OF THE COUNTY RECORDER OR THE COUNTY OR REGIONAL PLANNING COMMISSION AS REQUIRED BY THIS SECTION DOES NOT VALIDATE THE AMENDMENT AND IS NOT GROUNDS FOR AN APPEAL OF ANY DECISION OF THE BOARD OF ZONING APPEALS.

## APPENDIX "C" - FEE SCHEDULE

**NOTE:** Zoning Inspector has 10 business days to review and stamp plats on behalf of the Troy Township Trustees & Clerk.

**NOTE:** Zoning Inspector has 10 business days to review and stamp plats on behalf of the TROY Township Trustees & Clerk.

Application for zoning permits shall be accompanied by the following fees:

1. The fees for Residential Zoning Permit shall be as follows:
 

a)	0 – 500 square feet	\$ 35.00
b)	501 – 1500 square feet	\$ 60.00
c)	1,501-3,000 square feet	\$ 85.00
d)	3,001 square feet or more	\$110.00
  
2. The fees for Residential Accessory Zoning Permit shall be as follows:
 

a)	0 – 500 square feet	\$ 30.00
b)	501 – 1500 square feet	\$ 50.00
c)	1,501-3,000 square feet	\$ 70.00
d)	3,001 square feet or more	\$105.00
  
3. The fees for Commercial Zoning Permit shall be:
 

a)	0 – 2,500 square feet	\$150.00
b)	2,501 – 7,500 square feet	\$200.00
c)	7,501 – 15,000 square feet	\$250.00
d)	15,001 – 25,000 square feet	\$300.00
e)	25,001 square feet and more	\$350.00
  
4. The fees for Industrial Zoning Permit shall be:
 

a)	0 – 25,000 square feet	\$ 600.00
b)	25,001 – 50,000 square feet	\$ 700.00
c)	50,001 – 100,000 square feet	\$ 800.00
d)	100,001- 150,000 square feet	\$ 900.00
e)	150,000- 250,000 square feet	\$ 950.00
f)	250,001 square feet and more	\$1,025.00
  
5. The fees for a Conditional Zoning Permit shall be as follows:
 

1.	Mobile Homes/Mfg. Housing	\$75.00
2.	Temporary Living Space	\$50.00
  
6. The fees for a Mobile Home/Manufactured Housing Park Zoning Permit shall be as follows:
 

a)	Initial Application	\$2,500.00
b)	Annual Renewal	\$ 350.00

7. The fee for Appeals:		
a) Residential	\$ 50.00	
b) Commercial	\$100.00	
c) Industrial	\$250.00	
8. The fee for Variance:	\$ 75.00	
9. The fee for Reasoning:		
a) Commercial	\$250.00	
b) Industrial	\$500.00	
10. Fee per split for each lot on plat:	\$ 80.00	
11 Fee per each Transfer to Adjoiner shown on plat:	\$ 40.00	
12 Reasoning a Parcel of Ground:	\$ 75.00	
13 Wireless and Cellular Communication Facilities		
a) Application/Site Fee	\$500.00	
b) Annual Renewal	\$ 50.00	
14 Drilling Permit for Gas & Oil Wells	\$25.00 per site	
15) Mining, Quarrying 1 <sup>st</sup> Permit Fee		\$500.00
a) Renewal Mining & Quarrying Fee Annually		\$ 50.00

## APPENDIX "D" - FORMS

The zoning forms to follow in this appendix are used by Troy Township on behalf of their zoning resolution. There are two checklist sheets at the front of the forms that will assist residents in Troy Township and the Zoning Inspector to guide them through the process of conveying land and obtaining a building permit.

## Checklist to Obtain Zoning Permit for New Construction

1. Newly split parcels of land will need to obtain a House Number. In order to obtain a House Number the following items are required:
  - ✓ A copy of the approved survey and legal description
  - ✓ A copy of the "On-Site" from the Morrow County Health Department
  - ✓ The closest House Numbers on the right side of the property, the left side of the property and across the road from the property.
  - ✓ Completed House Number Application Form
  - ✓ House Number will be issued
2. Contact Zoning Inspector to obtain Building Permit
3. Zoning Inspector will request the following information:
  - ✓ Copy of Approved Survey & Legal Description
  - ✓ If on State Highway a copy of the "Access Permit" from the Ohio Department of Transportation for your driveway.
  - ✓ Type of Construction
  - ✓ A sketch or Plot Plan of the Development Site
  - ✓ Structure Dimensions
  - ✓ Copy of an "On-Site" from the Morrow County Health Department
  - ✓ Appropriate Fee
  - ✓ Sign. Completed Application and give to Zoning Inspector
  - ✓ Zoning Inspector Issues a Building Permit if everything is in order.
4. Contact the Morrow County Health Department to Obtain a Permit for Septic System
5. Begin Building Project. (Note: if work is not completed in specified time period, contact the zoning inspector to request an extension of time.)

### Contact Numbers:

### Comments:

Troy Township Zoning Inspector  
 Ron Timmons  
 8290 SR 314  
 Mansfield, Ohio  
 419-362-7670

House Numbering  
 Nancy Pettigrew  
 48 East High Street  
 Mt. Gilead, OH 43338  
 419-946-1911

Morrow County Health Department  
 Scott Pasley  
 48 East High Street  
 Mt. Gilead, OH 43338  
 419-947-1343

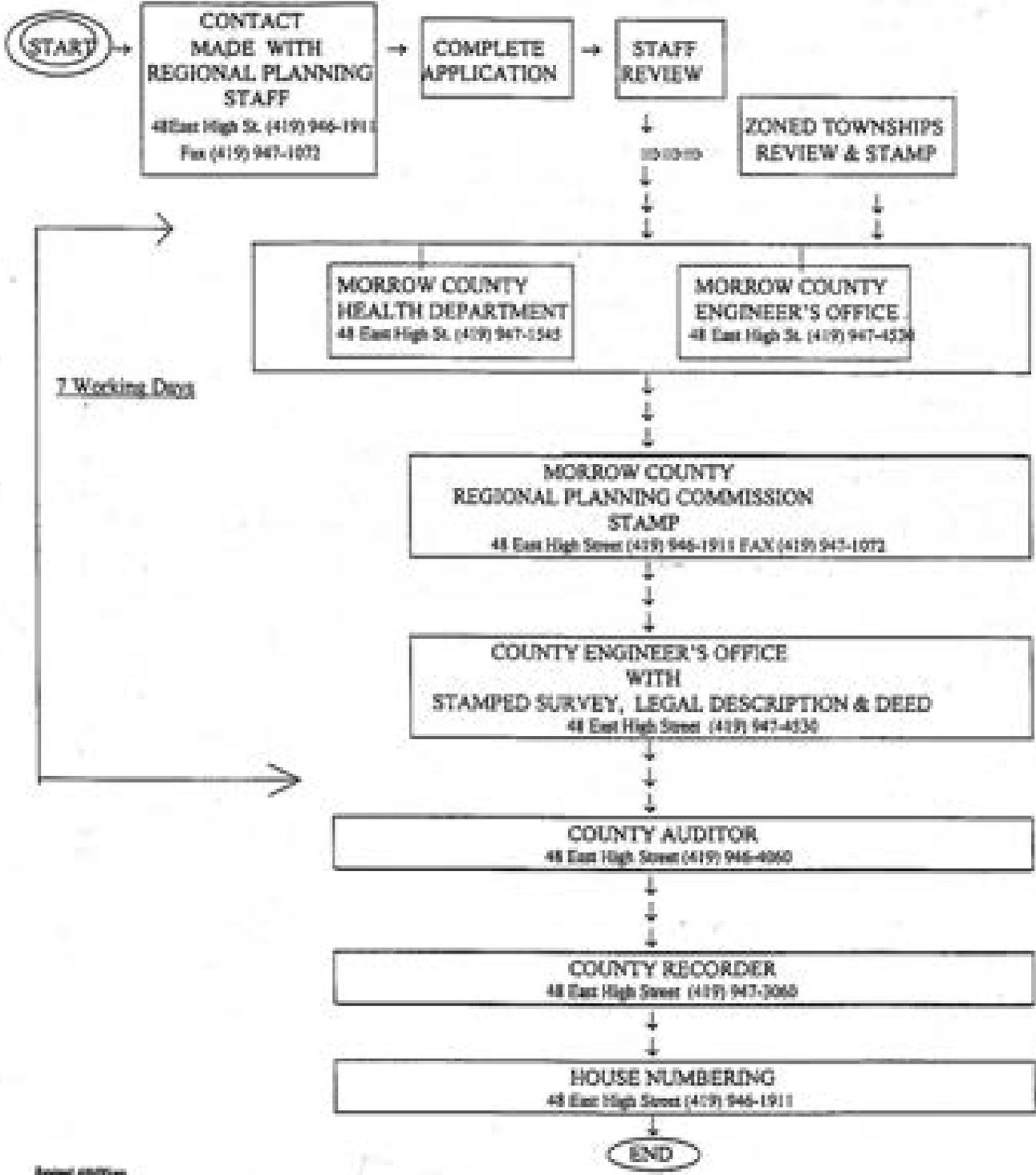
COOT  
 3560 US RT 42  
 Mt. Gilead, OH 43338  
 419-946-2921

⇒ The Morrow County Approval Process for Conveyance of Property in Morrow County is available from the Morrow County Planning Office at 48 East High Street, Mt. Gilead, OH 43338 call 419-946-1911.

⇒ Other Construction not requiring a septic system will follow the same Zoning Inspector requirements except for "On-Site" from the Morrow County Health Department.

⇒ Contact the Zoning Inspector in your Township if you have questions or, the County Planning Office will assist you, too.

# MINOR SUBDIVISION REVIEW PROCEDURE



Revised 08/01/04

202

**MORROW COUNTY APPROVAL PROCESS FOR CONVEYANCE OF PROPERTY**  
**Morrow County Planning Office**

**Minor Subdivisions:**

1. Complete form and pay fee for review of survey plat.
2. Submit survey to MCPDO for review and stamps [Subject to Engineer's Approval, Subject to Health Department Review and/or Approval, subject to Zoning Approval (if applicable). Receive approval process checklist. If review determines lot split(s) is governed by subdivision regulations, proceed to Step 2. If not, MCPDO stamps survey plat "Not Subject To Morrow County Regional Planning Commission Review".
3. Submit survey to Health Department for review and stamp.
4. Submit survey to Township Zoning for review and stamp, if applicable.
5. a. Submit survey to County Engineer for review and stamp.  
b. Obtain copy of tax map for parcel from County Engineer's Office
6. Submit tax map, survey, with stamps to MCPO for approval and stamp.
7. Submit stamped survey, deed and legal description to County Engineer for deed approval and stamp.
8. Submit survey and deed to County Auditor
9. Submit survey and deed to County Recorder

**Additional Agencies to Contact:**

1. Soil & Water Conservation Office - Mike Laughrey, 871 W. Marion Road, Suite 203, Mt. Gilead, OH 43338, (419) 946-3755
2. O.D.O.T. - 5560 US 42, Mt. Gilead, OH 43338, (419)946-2921
3. Morco/Delco Water Company - 4940 St. Rt. 229, Marengo, OH (419)253-6003
4. MCO Water Company-P.O. Box 457 Caledonia, OH 43314 (740)386-6452
5. Housing Numbering - 48 E. High Street, Mt. Gilead, OH 43338, (419)946-1911
6. County Road Driveway Permits Linda Williams-County Garage @ Fairgrounds (419) 9464941
7. Township Road Driveways – Contact the Township Trustees-Call Planning Office for Trustees ph#(946-1911

**ZONING INSPECTORS**

<b><u>TOWNSHIP</u></b>	<b><u>CONTACT PERSON</u></b>	<b><u>PHONE #</u></b>
Cardington	Leonard G. Robinson 287 St. Route 529 East Cardington, Ohio 43315	419-864-0364
Chester	John Millington 5020 St. Route 42 Mt. Gilead, Ohio 43338	419-946-6599
Gilead (Co. Plan)	John Millington 5020 State Route 42 Mt. Gilead, Ohio 32228	419-946-6599
Lincoln	Sam Gantz 3831 Lincoln Twp. Rd. 169 Cardington, Ohio 43315	419-864-2892
S. Bloomfield	Kathy Belcher 6714 St. Hwy. 656 Marengo, Ohio 43334	419-768-2691
Troy	Ron Timmons 8030 St. Rt. 314 Lexington, Ohio 44504	419-362-7670
Westfield	Harold Chase 2245 Co. Rd. 146 Ashley, Ohio 43003	740-747-2823 08/23/02 (rim)

APPLICATION FOR TROY TOWNSHIP, MORROW COUNTY, ZONING PERMIT  
\_\_\_\_\_ , Ohio

Date: \_\_\_\_\_

Application No. \_\_\_\_\_

The undersigned applies for a zoning permit for the following use, said permit to be issued on the basis of the information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct. The applicant is required, in addition to the information requested on this form, to submit plans, in triplicate and drawn to scale, showing the actual dimensions and shape of the lot, exact sizes and location of existing buildings on the lot, and the location and dimensions of the proposed buildings or alterations.

1. Locational Description: Subdivision Name: \_\_\_\_\_  
Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Block \_\_\_\_\_ Lot No. \_\_\_\_\_

(If not located in planned subdivision attach a legal description)

2. Name of Owner: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Business Phone: \_\_\_\_\_

3. Existing Use: \_\_\_\_\_

4. Property Presently Zoned As: \_\_\_\_\_

5. Proposed Use:  New Construction  Business  Remodeling  Industry  Accessory Building  Sign  
Size \_\_\_\_\_ Residence \_\_\_\_\_ No. of Units \_\_\_\_\_ Other (Explain) \_\_\_\_\_

(If proposed use is business or industry enclose a detailed description of the nature of the business or industry)

6. Type of Sewage Disposal: \_\_\_\_\_

7. Percentage of lot to be occupied: \_\_\_\_\_ %

8. Lot: Width \_\_\_\_\_ Lot Depth \_\_\_\_\_ Lot Area \_\_\_\_\_

9. Square Feet of Living Area (Residences) \_\_\_\_\_ sq. ft.

Garage \_\_\_\_\_ Basement \_\_\_\_\_ Accessory Bldg. \_\_\_\_\_  
Commercial \_\_\_\_\_ Industrial \_\_\_\_\_ Office \_\_\_\_\_

10. Building Height: Stories \_\_\_\_\_ Feet \_\_\_\_\_

11. Yard Dimensions: Front \_\_\_\_\_ Rear \_\_\_\_\_

One Side \_\_\_\_\_ Sum of Side Yards \_\_\_\_\_

12. Accessory Building Dimension: Height \_\_\_\_\_ side of Dimension \_\_\_\_\_

13. Number of Off-Street Parking Spaces to be provided: \_\_\_\_\_

14. Number of Off-Street Loading Berths to be Provided: \_\_\_\_\_

15. On a separate sheet, attach a list of other supplemental requirements or conditions that will be met, or explain any points you feel need clarification.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

.....  
(For Official Use Only)

Date Received: \_\_\_\_\_ Fee Paid: \_\_\_\_\_

Date of Action on Application: Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

If application denied, attach reasons for denial.

## Troy Township Variance Request Form

Date Application Prepared: \_\_\_\_\_ Fee: \$ \_\_\_\_\_ Application Number: \_\_\_\_\_  
(Month/Day/Year)  (Office Assign #)

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

Applicants Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_  
(City)  (State)  (Zip)

Location of Property under consideration (address and/or description):  
 \_\_\_\_\_  
 \_\_\_\_\_

Nature of Variance required: (Describe generally the nature of the variance):  
 \_\_\_\_\_  
 \_\_\_\_\_

**Justification of Variance:** On a separate sheet, please attach a statement explaining why the variance from requirements of subdivision regulation is required. Include current property ownership map, survey (if available) and other such items as: (Note: medical and/or family Hardship is not considered when granting a variance.)

- a. Exceptional topographical or other conditions peculiar to this particular parcel or land.
- b. Why the strict interpretation of the regulations would deprive the applicant of rights enjoyed by other property owners.
- c. That the peculiar conditions do not result from the previous applicant.
- d. That the required variance is the minimum variance that will allow a reasonable division of the land.
- e. A sketch of the area showing the location and characteristics of the requested variance.

I certify all the information contained in this application and its supplements is true and correct.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
(Month/Day/Year)  (Applicant's Signature)

### Official Use

Date Application Received: \_\_\_\_\_ Fee Received: \_\_\_ Yes \_\_\_ No | Amount: \$ \_\_\_\_\_  
(Month/Day/Year)

Variance Committee Action: \_\_\_ Approved \_\_\_ Disapproved

Description of Action: \_\_\_\_\_

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Troy Township Zoning Amendment Request Form

Date Application Prepared: \_\_\_\_\_ Fee: \$ \_\_\_\_\_ Application Number: \_\_\_\_\_  
(Month-Day-Year)  (Office Assign #)

Applicants Name: \_\_\_\_\_

Address: \_\_\_\_\_  
(City)  (State) (Zip)

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_

Location of Property under consideration (address and/or description): \_\_\_\_\_ Sub Division Name \_\_\_\_\_

Section: \_\_\_\_\_ Township: Troy Range: \_\_\_\_\_ Block: \_\_\_\_\_ Lot No.: \_\_\_\_\_  
 (If not located in a political subdivision attach legal description for the property)

Existing Use: \_\_\_\_\_

Present Zoning District: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Proposed Zoning District: \_\_\_\_\_

Supporting Information: Attach the following items to the application:

- a. A vicinity map showing property lines, streets, and existing and proposed zoning.
- b. A list of all property owners within, contiguous to, and directly across the street from the proposed rezoning.
- c. A statement of how the proposed rezoning relates to the Township's Overall Zoning Map.

Date: \_\_\_\_\_ Applicant's Signature \_\_\_\_\_

### For Official Use Only

#### TROY TOWNSHIP ZONING COMMISSION:

Date Filed: \_\_\_\_\_

Date of Notice in Newspaper: \_\_\_\_\_

Date of Notice to Adjacent Property Owners: \_\_\_\_\_

Date Troy Township Zoning Commission Acted on the Request: \_\_\_\_\_ Approved \_\_\_\_\_

Denied \_\_\_\_\_

If approved, date new zoning goes into effect: \_\_\_\_\_

If denied, reason: \_\_\_\_\_

<b>Troy Township</b> <b>Conditional Zoning Permit Request Form</b>
---

Date Application Prepared: \_\_\_\_\_ Fee: \$ \_\_\_\_\_ Application Number: \_\_\_\_\_  
(Month/Day/Year) (Office Assign #)

Applicants Name: \_\_\_\_\_

Address: \_\_\_\_\_  
(City) (State) (Zip)

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_

Location of Property under consideration (Address and/or description):

\_\_\_\_\_

\_\_\_\_\_

Conditionally Permissible Use: \_\_\_\_\_

\_\_\_\_\_

Attached and as part of this application are:

**A. Site Plan Showing:**

1. Boundaries and divisions of the property,
2. Abutting streets and properties.
3. Location of all existing and proposed improvements, including structures, parking, landscaping, etc.
4. Location of existing and proposed water wells, water distribution lines, septic tanks or sewer lines, or other utility features.
5. Topography at five (5) foot intervals showing the slope characteristics of the property.

**B. Complete plan improvement specifications for all proposed development and construction.**

**C. Statement supporting evidence that the proposed use has complied with each of the general specific conditions listed below.**

**General Conditions:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

Specific Conditions:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

*(Attach sheets if necessary)*

Fee: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Owner's Signature

This permit is automatically revoked if any of the conditions specified herein are not met.

**For Official Use Only:**

Zoning Board of Appeals' Action:

Zoning Board of Appeals': Approval: \_\_\_\_\_ Disapproval: \_\_\_\_\_

Zoning Board of Appeals' Chairperson's Signature: \_\_\_\_\_

Zoning Board of Appeals' Secretary's Signature: \_\_\_\_\_

Date of Issuance of Conditional Zoning Permit: \_\_\_\_\_  
*(Month/Day/Year)*



<b>Troy Township</b> <b>Cellular Tower - Zoning Permit Request Form</b>
--

Date Application Prepared: \_\_\_\_\_ Fee: \$ \_\_\_\_\_ Application Number: \_\_\_\_\_  
(Month/Day/Year) (Office Assigns #)

Applicants Name: \_\_\_\_\_

Address: \_\_\_\_\_  
(City) (State) (Zip)

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_

Location of Property under consideration (Address and/or description):  
 \_\_\_\_\_  
 \_\_\_\_\_

Address of Cellular Tower Location:  
 \_\_\_\_\_  
 \_\_\_\_\_

***THIS PERMIT IS ISSUED TO THE ABOVE LISTED ACQUISITION OR PHONE COMPANY. THE ACQUISITION OR PHONE COMPANY IS TO COMPLY WITH THE TROY TOWNSHIP ZONING REGULATIONS SECTION X-A. PERMIT HOLDER SHALL ALSO COMPLY WITH ALL STATE REGULATIONS.***

Date: \_\_\_\_\_

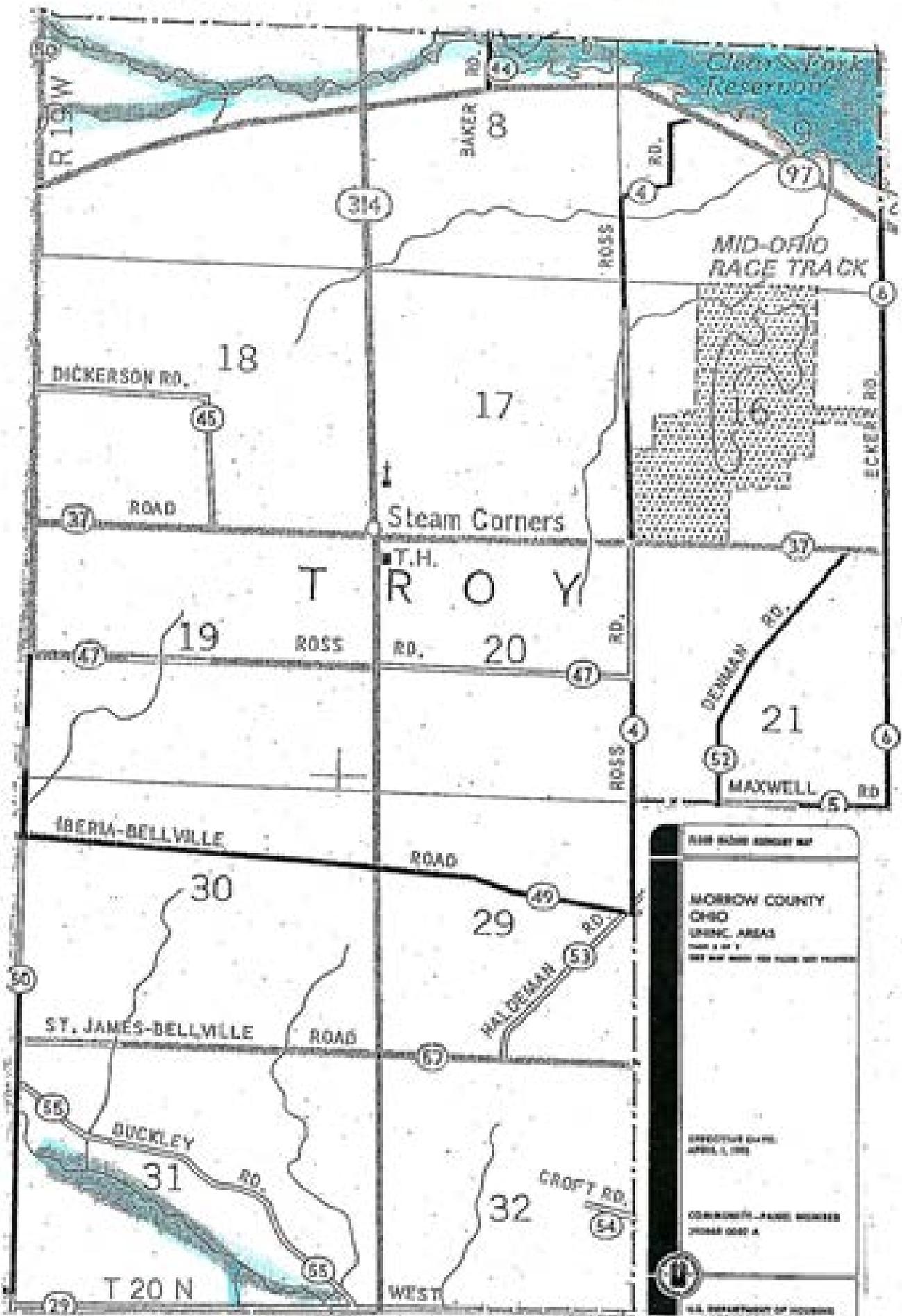
\_\_\_\_\_  
 Zoning Inspector's Signature

**This permit is automatically revoked if any of the conditions specified herein are not met.**

**For Official Use Only:**

**NOTES/COMMENTS:**

**APPENDIX "E" - MAPS**



**ROAD NAME INDEX MAP**

**MORROW COUNTY OHIO**  
**URINC. AREAS**  
 SHEET 2 OF 2  
 THIS MAP SHOWS THE ROAD AND TRAIL

REVISED BY ME  
 APRIL 1, 1965

COMMUNITY-PLANNED HIGHWAYS  
 SHOWN DOTTED

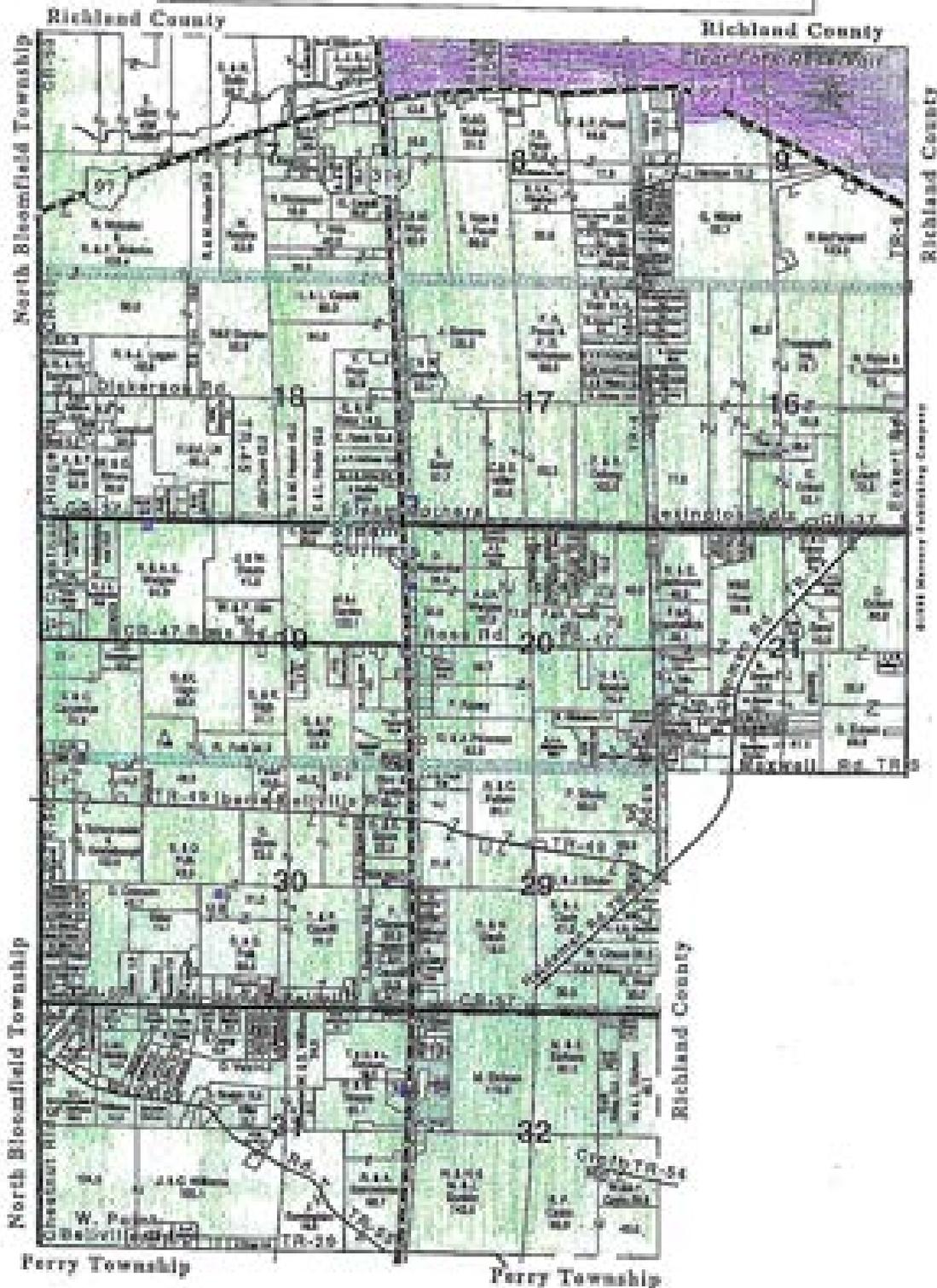


U.S. DEPARTMENT OF COMMERCE



# TROY TOWNSHIP

## Zoning Map



**TROY TOWNSHIP**  
Zoned Township  
Map Key

- Agriculture
- Residential Development
- Commercial
- Industrial
- Special Use Areas  
(i.e. Campgrounds, Cemeteries, Church, Schools)

**Troy Township Trustees & Clerk**

Joe Barber Chairman  
Paul Adams Vice-Chairman  
Herbert E. Litt Trustee  
May D. Eckert Clerk

January 6, 2003 Effective Date  
 Month/Day/Year



**APPENDIX "F"**

Morrow County

Troy Township

**Zoning Commission Members**

Chairperson: Ellen Matthews

Co-Chairman: Larry Boebel

Secretary: Marcia Goldsmith

Member: Lloyd Eichorn

Member: Bonnie Baker

APPENDIX

Monor Corp

Frog Township

Young Commission Members

Chairperson: Ellen Matthews

Co-Chairman: Larry Bechtel

Secretary: Marcia Goldsmith

Member: Lloyd Jackson

Member: Bonnie Baker

# Troy Township Morrow County

Gary Eckert, Clerk  
Office of the Clerk  
7833 County Road 37  
Lexington, Ohio 44004  
Phone/Fax: 419-884-1919

## Resolution No. 387

### Resolution by the Township Trustees Accepting the Zoning Amendment Changes as Provided by the Zoning Commission of Troy Township-Morrow County.

On June 30, 2008, the Troy Township Trustees of Morrow County held their regular meeting at 7:00 p.m. at the township hall; which is located at 7608 County Road 37, Lexington, Ohio. All members were present. Mr. John Beal presided.

Mr. John Beal made a motion to accept the Zoning Amendment changes that were sent to them by the Troy Township Zoning Commission on June 2, 2008. The amendment changes will be added to the Troy Township Zoning Resolution.

Mr. David Baker seconded the motion. Roll call being as follows: Mr. John Beal-yes; Mr. Jerry Campbell-yes and Mr. David Baker-yes. Motion carried.

Dated: June 30, 2008

  
Mr. John Beal, chairman

  
Mr. Jerry Campbell, trustee

  
Mr. David Baker, trustee

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PAGE \_\_\_\_\_  
2008 JUL -1 AM 9:08  
MORROW COUNTY RECORDER  
DILE SHERIDEN  
10300

We the Zoning Commission Board , recommend that the Troy Township ,Morrow,  
County Trustees adopt the wording for the Alternate Fuel/Energy to be put in the Zoning  
Book which governs Troy Township, Morrow County.

June 2, 2008

Board Members Voting to recommend this:

*Larry Buebel*

*Bonnie L. Bell*

*Susan Diminnas*

*Margaret Litt*

## SECTION "H"

### ALTERNATIVE ENERGY/ FUEL SOURCES

1. APPLICABILITY: This text governs the siting of WECS(s) and substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECS(s) with an aggregate generating capacity of 3 MW or less who locate the WECS(s) on their own property are not subject to this text.
2. PROHIBITION: No WECS or Substation governed by Section III of this Ordinance shall be constructed, erected, installed, or located within Troy Township, Morrow County, Ohio unless prior siting approval has been obtained for each individual WECS and Substation pursuant to this text.
3. SITING APPROVAL APPLICATION:
  - a. To obtain siting approval, the Applicant must first submit a siting approval application to Troy Township, Morrow County, Ohio.
  - b. The siting approval application shall contain or be accompanied by the following information:
    - 1) A WECS Project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECS(s), and name plate generating capacity of each WECS; the maximum height of the WECS(s) Towers(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures. It is being expressly allowed under any application by the Applicant to submit multiple WECS Project summaries which may vary in nameplate generating capacity and/or type of wind turbine generator used provided that each and every Project summary so submitted must still comply with this text and provided further that Troy Township, Morrow County, Ohio in its sole discretion may approve anyone or more of such summaries and that the Applicant may at its discretion move forward on any Troy Township, Morrow County, Ohio approved Project summaries once the Applicant has finalized its supply agreements for wind turbine generators, substation transformers and the like.
    - 2) The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owners(s), if known. In addition, a copy of all leases shall be filed with the Troy Township, Morrow County, Ohio Zoning Inspector.

- 3) A site plan for the installation of WECS(s) showing the planned location of each WECS Tower, guy lines and anchor bases (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s) ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
  - 4) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this text.
  - 5) Any other information normally required by Troy Township, Morrow County, Ohio Zoning Ordinance.
- e. The applicant shall notify Troy Township, Morrow County, Ohio of any changes to the information provided in Section 3 above that occur while the siting approval application is pending.

#### 4. Design and Installation

##### A. Design Safety Certification

- 1) WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute ('ANSI'). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ('UL'), Det Norske Veritas ('DNV'), Germanischer Lloyd Wind Energie ('GL'), or an equivalent third party. For the avoidance of doubt, the provision of a design compliance certificate from any one of ANSI, UL, DNV or GL shall be deemed to satisfy this requirement.
- 2) Following the granting of siting approval(s) under this text, a Licensed Ohio Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions; it being understood that an Applicant may submit different building permit applications hereunder in keeping with the project flexibility based on equipment type to be used allowed for in Section 3.b.1. Hereof, it being further understood that any and all such permit applications shall still be certified by a Licensed Ohio Professional Engineer as contemplated hereunder.

- 3) These design feature components must be included with the building permit application.
- a. **Controls and Brakes:** All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulations shall not be considered a sufficient braking system for overspeed protection.
  - b. **Electrical Components:** All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI, UL and International Electrical Commission).
  - c. **Color:** Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.
  - d. **Compliance with the Federal Aviation Administration:** The applicant for the WECS shall comply with all applicable FAA requirements.
  - e. **Warnings:** (1.) A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations. (2.) Visible, reflective, colored objects such as flags, reflectors or tape shall be placed on the anchor points of guy wires and along the guy wires up to a total height of fifteen (15) feet from the ground. (3.) A sign or posting no more than four (4) square feet in area displaying a toll-free telephone number, answered by a person twenty-four hours per day, seven days per week, for emergency calls and informational inquiries shall be posted at the entrance to the project and at the erected wind turbine generators. No wind turbine generator tower or anemometer tower or site shall include any advertising sign, but logos of the Owner or Operator or of the wind turbine generator manufacturer shall not be considered "advertising" for the purpose of the text.

- f. **Climb Prevention:** All WECS Towers must be unclimbable by design for the first twelve feet or otherwise be protected by anti-climbing devices. For the purpose of this text, a free-standing tubular tower which shall have a solid metal entry door at its base with a door handle which is securable against unauthorized entry by a padlock, combination lock or any other such device shall be presumed to be unclimbable by design. Other examples of anti-climbing devices include but shall not be limited to safeguards such as: (A.) Fences with locking portals at least six (6) feet high; or (B.) Anti-climbing devices twelve (12) feet vertically from the base of any lattice WECS Tower.
- g. **Setbacks:** (1.) All WECS Towers shall be set back at least 1000 feet from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. In no case shall a WECS Tower be located closer to a Permanent Structure than 1.10 times the WECS Tower Height. (2.) All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height from the public roads, third party transmission lines, and communication towers. (3.) All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height from the adjacent property lines.
- h. **Compliance with Additional Regulations:** Nothing in this text is intended to preempt other applicable state and federal laws and regulations.
- i. **Use of Public Roads:** An applicant, Owner or Operator proposing to use any County or Troy Township, Morrow County, Ohio, road(s), for the purpose of transporting WECS(s) or Substation parts and/or equipment of construction, operation, or maintenance of the WECS(s) or Substation(s) shall provide the Troy Township, Morrow County, Ohio Zoning Inspector with the proper permitting required by Ohio Law regarding height, weight, length and width of vehicles.
- j. **Minimum Rotor or Wind Vane Clearance:** The lowest point of the arc created by the rotating wind vanes or

blades on wind turbine generator shall be no less than 15 feet measured from the highest point of the terrain within one blade radius from the base of the tower.

- k. **Lighting:** It is the stated intention of this text to cede jurisdiction over all matters relating to aviation obstruction hazard lighting to the then-existing rules and regulations of the FAA at the time the project is constructed and operating. Accordingly, there shall not be strobe lighting, intermittent white lighting or other lighting fixtures affixed to the wind turbine generators, unless expressly required by the FAA and if so required by the FAA, the Owner or Operator shall affix only those lighting fixtures required by the FAA. All tower lighting required by the FAA shall be mounted in strict adherence to the then-existing FAA regulations for such lighting and not other discretion or burden as to lighting of any kind affixed to the wind turbine generators shall be placed on the Owner or Operator of the project by means of this text.
- l. **Liability Insurance:** The Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$10 Million per occurrence and \$10 million in the aggregate.

#### **DECOMMISSIONING PLAN:**

Prior to receiving siting approval under this text, The Troy Township, Morrow County, Ohio Zoning Inspector and the Applicant, Owner and/or Operator must formulate a Decommissioning Plan to ensure that the WECS Project is properly decommissioned. The Decommissioning Plan shall include.

- a. Provisions describing the triggering events for decommissioning the WECS Project which shall include the following language:
  - Any wind turbine generator or anemometer tower that is not operated a continuous period of twelve (12) months shall be considered abandoned, unless due to documented maintenance or electrical grid issues and written notice provided to Troy Township, Morrow County, Ohio Zoning Inspector or Legal contact and the Owner or Operator of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty

(180) days of receipt of notice from Troy Township, Morrow County, Ohio Zoning Inspector. In addition to removing the wind turbine generator, or anemometer tower, the Owner or Operator shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower. Any foundation associated with a wind generator or anemometer tower shall be removed from the site to a depth which is at least forty-eight (48) inches below restored ground level and the site restored to its original state including the planting of any grasses or cover crops, which may have been present prior to construction. All transmission equipment, buildings and fences shall also be removed. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in the subsection, or in the event that the Owner or Operator of the wind turbine generator or anemometer tower is no longer financially capable, or fails to respond to mail sent to its last address on file with the Troy Township, Morrow County, Ohio Zoning Inspector, shall be grounds for Troy Township, Morrow County, Ohio, to remove the wind turbine generator or anemometer tower structure and all associated equipment or appurtenances at the Owner or Operator's expense. The Troy Township, Morrow County, Ohio Zoning Inspector may sell any salvageable material; deducting the balance due from the cash bond, which the Troy Township, Morrow County, Ohio Zoning Inspector shall require.

- b. Provisions for the removal of structures, debris and cabling, including those below the soil surface.
- c. Provisions for the restoration of the soil and vegetation.
- d. An estimate of the decommissioning costs certified by a Licensed Ohio Professional Engineer.
- e. Financial assurance in the form of a surety bond of at least \$10,000 for each tower, secured by the Owner or Operator, for the purpose of adequately performing decommissioning or in an amount equal to the Morrow County Engineer's certified estimate of the decommissioning cost whichever is greater.
- f. The Troy Township, Morrow County, Ohio Zoning Inspector shall be notified by the Owner or Operator as to the surety bonds on an annual basis.
- g. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns or heirs.
- h. A provision that the Troy Township, Morrow County, Ohio Zoning Inspector shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.

#### REMEDIES:

- a. The Applicant's, Owner's, or Operator's failure to comply with any of the above provisions shall constitute a default under this text.
- b. The Applicant, Owner, or Operator agrees to mediate all alleged violations of this text with the Troy Township, Morrow County, Ohio Zoning Inspector.
- c. If mediation of an alleged violation with the Troy Township, Morrow County, Ohio Zoning Inspector is unsuccessful, any party may submit an application to apply for a scheduled hearing before the Troy Township, Morrow County, Ohio Board of Zoning Appeals.
- d. The Applicant, Owner, or Operator shall have the right to apply for judicial relief only after exhausting the above described administrative remedies.

#### SEVERANCE

If any section, cause, or provision of the text is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the text as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Troy Township, Morrow County, Ohio  
Fee Schedule Addition**

**13. Alternative Fuel Source Structures and Windmills over 150 Kilowatts:**

- |  |           |
|--|-----------|
| a. Initial Application for each structure or each windmill | \$1000.00 |
| b. Annual Renewal  | 500.00    |

## Section 2 - Definitions

***Alternative Energy/Fuel Sources:*** Any material or substance that can be used as a fuel, other than conventional fuels. Alternative fuels are the following: biodiesel, ethanol, butanol, chemically stored electricity (batteries and fuel cells), hydrogen methane, natural gas, vegetable oil, biomass, peanut oil, windmills and solar energy.

### **WIND ENERGY Conversion System:**

- A. "Applicant" means the entity or person who submits to Troy Township, Morrow County, Ohio pursuant to Section 3 of this Ordinance, an application for the siting of any WECS or Substation.
- B. "Financial Assurance" means reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.
- C. "Operator" means the entity responsible for the day to day operation and maintenance of the WECS, including any third party subcontractors.
- D. "Owner" means the entity or entities with an equity interest in the WECS(s), including their respective successors and assign. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless property owner has an equity interest in the WECS(s); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.
- E. "Licensed Ohio Professional Engineer" means a qualified individual who is licensed as a professional engineer in Ohio.
- F. "L.A." refers to Local Authority
- G. "Primary Structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns, which are considered Permanent Structures.
- H. "Substation" means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.

- I. "Wind Energy Conversion System" WECS means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS Foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).
- J. "WECS Project" means the collection of WECS(s) and Substations as specified in the siting approval application pursuant to Section 3 of this Ordinance.
- K. "WECS Tower" means the support structure to which the nacelle and the rotor are attached.
- L. "WECS Tower Height" means the distance from the rotor blade at its highest point to the top surface of the WECS Foundation.

... in. The meeting was tape recorded.

Mr. Glen Alan Heston stated that he would like to put in a drive-thru on his property that he owns on State Route 314 near Steam Corners. Mr. Heston did pass around a picture of what the drive-thru would look like. Mr. Heston stated that it would be very simple. Come in, get your groceries and get out.

After Mr. Heston got done telling about what he was going to do with his property, Mr. Baker opened the meeting up for discussion. Each person was allowed to speak for a time limit of 3 minutes. There were many people in favor of the drive-thru and most of them expressed the following views in favor of the drive-thru: The Township needs the revenue, the township needs to keep any revenue in the township and not let it go to Richland County, the store would be closer for all the people in the township to go to get the basic foods instead of going all the way into Lexington or Mansfield etc. There were some people that spoke against it and most of those people expressed the following concerns: Safety of vehicles pulling on and off State Route 314 and whether or not this zoning would be good for the area, and if Mr. Heston's business was to fail, what would go into that same commercial zoned area.

After a lengthy discussion period by the public, the trustees voted on whether or not to allow Mr. Heston to rezone his property from Agricultural to Commercial. The clerk did a roll call of the trustees as follows: Mr. Edward Huvler how do you vote; yes to allow Mr. Heston to rezone from Agricultural to Commercial, Mr. Herbert Litt-yes to allow Mr. Heston to rezone from Agricultural to Commercial; and Mr. David Baker-yes to rezone from Agricultural to Commercially Motion passed.

Being no further business, Mr. David Baker made a motion to adjourn the meeting, seconded by Mr. Herbert Litt. Meeting adjourned.

CLERK: *Mary Eibert*

CHAIRMAN: *D. A. Baker*

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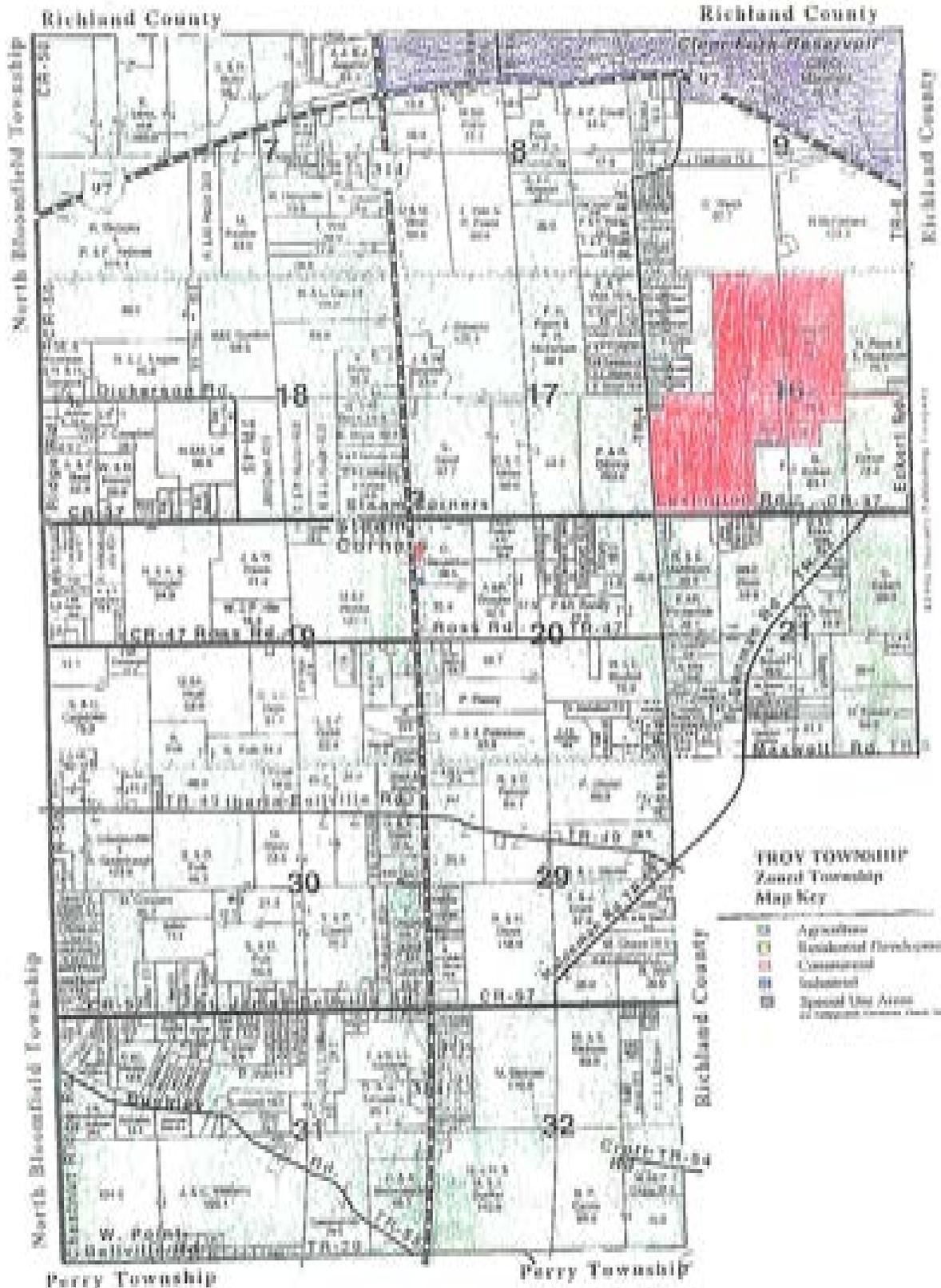
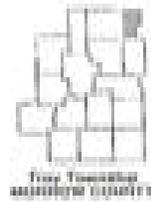
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RICHLAND COUNTY RECORDER  
OF SUPERVISORS

2800

# TROY TOWNSHIP

## Zoning Map



*David G. Smith* Chairman  
*John P. ...* Chairman-Zoning  
*Debra J. ...* Executive Dir.  
 North Troy, Pa.

04 JUL 13 PM 2:18

296250

AMENDED: July 12, 2004

Effective: August 10, 2004

APPENDIX "C"

FILED FOR RECORD

**NOTE: Zoning Inspector has 10 business days to review and stamp plats on behalf of the Troy Township Trustees & Clerk.**

**Application for zoning certificates shall be accompanied by the following fees:**

1. The fees for Residential Zoning Certificate shall be as follows:
  - a. \$.35 per square foot on a structure
  - b. Residential accessory buildings  
on a permanent/ foundation \$ 100.00
  
2. The fees for Commercial Zoning Certificate shall be as follows:
  - a. 0 through 2,500 square feet \$ .50 per sq. ft.
  - b. 2501 through 7,500 square feet \$ .50 per sq. ft.
  - c. 7501 through 15,000 square feet \$ .50 per sq. ft.
  - d. 15001 through 25,000 square feet \$ .50 per sq. ft.
  - e. 25,001 square feet or more \$ .50 per sq. ft.
  
3. The fees for an industrial Zoning Certificate shall be as follows:
  - a. 0 through 25,000 square feet \$ .75 per sq. ft.
  - b. 25,001 through 50,000 square feet \$ .75 per sq. ft.
  - c. 50,001 through 100,000 square feet \$ .75 per sq. ft.
  - d. 100,001 through 150,000 square feet \$ .75 per sq. ft.
  - e. 150,001 through 250,000 square feet \$ .75 per sq. ft.
  - f. 250,001 square feet or more \$ .75 per sq. ft.
  
4. The fees for a Conditional Zoning Certificate shall be as follows:
  - a. Residential Uses:
    - i. Mobile Homes/Manufactured Housing \$ .35 sq. ft.
    - Temporary Living Space \$ 250.00
  - b. Non-Residential Uses:
    - i. All non-residential conditions  
except industrial \$100.00
  
    - ii. Industrial conditionally permitted uses:
      - a. 0 through 25,000 square feet \$ .75 sq. ft.
      - b. 25,001 through 50,000 square feet \$ .75 sq. ft.
      - c. 50,001 through 100,000 square feet \$ .75 sq. ft.
      - d. 100,001 through 150,000 square feet \$ .75 sq. ft.
      - e. 150,001 through 250,000 square feet \$ .75 sq. ft.
  
    - iii. Mining, quarrying:
      - a. Initial application \$ 1,000.00
      - b. Annual Renewal \$ 500.00

**Wireless and Cellular Communication Facilities**

- a. Initial Application \$1,000.00
- b. Annual Renewal \$ 500.00

5. The fees for a Mobile Home/Manufactured Housing Park Zoning Certificate shall be as follows:

- a. Initial application \$5,000.00
- b. Annual renewal \$ 500.00

6. The fees for Certification of Plat Maps survey or land lot split \$ 100.00

7. The fee for Rezoning – Per Parcel

- a. Commercial \$500.00
- b. Industrial \$500.00

8. Fee per each transfer to Adjoiner shown on plat: \$ 50.00

9. The Fee for Appeals:

- a. Residential \$100.00
- b. Commercial \$250.00
- c. Industrial \$250.00

An additional fee is required, to cover the current cost of advertising and necessary postage fees to notify adjacent property owners.

10. The fee for Variance: \$150.00

An additional fee is required, to cover the current cost of advertising and necessary postage fees to notify adjacent property owners.

11. Penalty fee- assess a double fine on a property owner, if they construct a building before getting the proper zoning permits.

12. The fee for signs:

- a. 0 to 50 square feet \$ 50.00
- b. 51 to 100 square feet \$ 75.00
- c. 101 square feet or more \$ 100.00

SECTION XXVII. ADOPTION

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

Approved and Passed by:

BOARD OF TRUSTEES  
OF TROY TOWNSHIP  
MORROW COUNTY, Ohio

July 12, 2004

  
\_\_\_\_\_  
David Baker

  
\_\_\_\_\_  
Herb E. Litt

\_\_\_\_\_  
Ed Huvler

Attest by Township Clerk:

  
\_\_\_\_\_, Clerk  
Gary Eckert

AMENDED March 1, 2004

292844

IN EFFECT March 31, 2004

APPENDIX "C"

**NOTE: Zoning Inspector has 10 business days to review and stamp plats on behalf of the Troy Township Trustees & Clerk.**

**Application for zoning certificates shall be accompanied by the following fees:**

1. The fees for Residential Zoning Certificate shall be as follows:
  - a. \$.35 per square foot on a structure
  - b. Residential accessory buildings on a permanent/ foundation \$ 100.00
  
2. The fees for Commercial Zoning Certificate shall be as follows:
  - a. 0 through 2,500 square feet \$ .50 per sq. ft.
  - b. 2501 through 7,500 square feet \$ .50 per sq. ft.
  - c. 7501 through 15,000 square feet \$ .50 per sq. ft.
  - d. 15001 through 25,000 square feet \$ .50 per sq. ft.
  - e. 25,001 square feet or more \$ .50 per sq. ft.
  
3. The fees for an Industrial Zoning Certificate shall be as follows:
  - a. 0 through 25,000 square feet \$ .75 per sq. ft.
  - b. 25,001 through 50,000 square feet \$ .75 per sq. ft.
  - c. 50,001 through 100,000 square feet \$ .75 per sq. ft.
  - d. 100,001 through 150,000 square feet \$ .75 per sq. ft.
  - e. 150,001 through 250,000 square feet \$ .75 per sq. ft.
  - f. 250,000 square feet or more \$ .75 per sq. ft.
  
4. The fees for a Conditional Zoning Certificate shall be as follows:
  - a. Residential Uses:
    - i. Mobile Homes/Manufactured Housing \$ .35 sq. ft.
    - Temporary Living Space \$ 250.00
  - b. Non-Residential Uses:
    - i. All non-residential conditions except industrial \$100.00
  
    - ii. Industrial conditionally permitted uses:
      - a. 0 through 25,000 square feet \$ .75 sq. ft.
      - b. 25,001 through 50,000 square feet \$ .75 sq. ft.
      - c. 50,001 through 100,000 square feet \$ .75 sq. ft.
      - d. 100,001 through 150,000 square feet \$ .75 sq. ft.
      - e. 150,001 through 250,000 square feet \$ .75 sq. ft.

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HARRISON COUNTY RECORDER  
CIVIL RECORDS

2800

- iii. Mining, quarrying:
  - a. Initial application \$ 1,000.00
  - b. Annual Renewal \$ 500.00

Wireless and Cellular Communication Facilities

- a. Initial Application \$1,000.00
- b. Annual Renewal \$ 500.00

5. The fees for a Mobile Home/Manufactured Housing Park Zoning Certificate shall be as follows:

- a. Initial application \$5,000.00
- b. Annual renewal \$ 500.00

6. The fees for Certification of Plat Maps survey or land lot split \$ 100.00

7. Variance Fee

- Step 1. One to five surrounding property owners \$100.00
- Step 2. Six to ten surrounding property owners \$150.00
- Step 3. Eleven to fifteen surrounding property owners \$225.00
- Step 4. Sixteen to twenty surrounding property owners \$300.00
- Step 5. Twenty-one or more surrounding property owners \$300.00 - plus \$10.00 for each additional property owner

8. The fee for Rezoning – Per Parcel

- a. Commercial \$500.00
- b. Industrial \$500.00

9. Fee per each transfer to Adjoiner shown on plat: \$ 50.00

10. The Fee for Appeals:

- a. Residential \$100.00
- b. Commercial \$250.00
- c. Industrial \$250.00

An additional fee is required, to cover the current cost of advertising and necessary postage fees to notify adjacent property owners.

11. The fee for Variance: \$150.00

An additional fee is required, to cover the current cost of advertising and necessary postage fees to notify adjacent property owners.

12. Penalty fee- assess a double fine on a property owner, if they construct a building before getting the proper zoning permits.

The following change to The Troy Township Fee Schedule, located on page 46, Appendix C of the Zoning Resolution, will take effect on December 1, 2003

(8) The fee for Variance: \$ 75.00

a) An additional fee is required to cover the current cost of advertising and necessary postage fees to notify adjacent property owners.

Approved and Passed by:

BOARD OF TRUSTEES  
OF TROY TOWNSHIP  
MORROW COUNTY, Ohio

December 1, 2003

  
\_\_\_\_\_  
David Baker

\_\_\_\_\_  
Herb Litt

  
\_\_\_\_\_  
Ed Huvler

FILED FOR RECORD

03 DEC -2 AM 9:54

MORROW COUNTY RECORDER  
JOYCE SMITH

2800

Attest by Township Clerk:

  
\_\_\_\_\_, Clerk  
Gary Eckert

287169

TROY TOWNSHIP  
MORROW COUNTY

Below are changes to the Troy Township / Morrow County Zoning Resolution, effective September 3, 2003:

Section VI – Prohibited Uses - Item # 7 – page 12

Change to:

7. Indoor / Outdoor Theater

Section XXVI – Definitions - Add Item U – page 36

Add:

- U. Indoor / Outdoor Theater: events which include stage performances, amplified musical or minstrel entertainment, dramas, festivals, menagerie, circus, carnival side show, or exhibition in any nature.

APPENDIX "C" - FEE SCHEDULE

Change to:

9. The fee for Rezoning – Per Parcel:

- |               |          |
|---------------|----------|
| a) Commercial | \$500.00 |
| b) Industrial | \$500.00 |

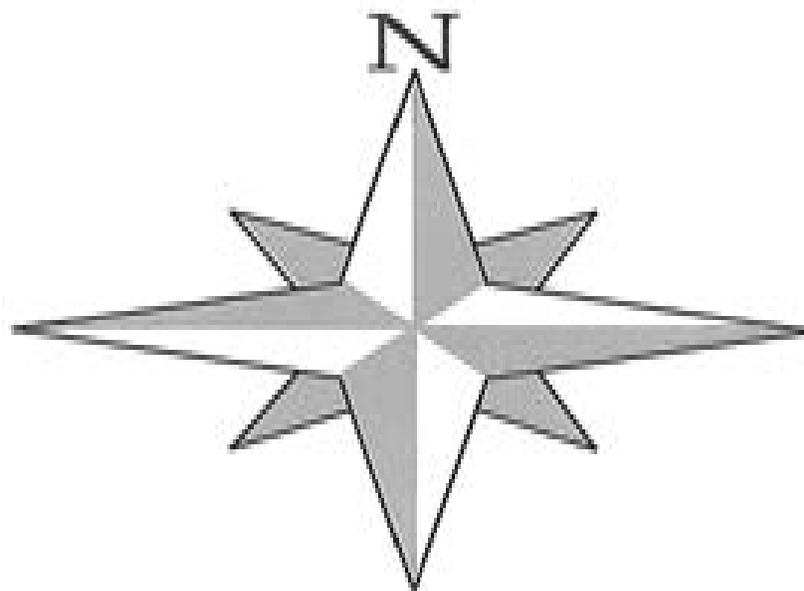
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03 AUG -5 AM 9: 22

MORROW COUNTY RECORDER  
TRACY SPILLNER

*Handwritten initials*

**TROY TOWNSHIP**  
**Morrow County**  
**ZONING RESOLUTION**



**Revised: September 3, 2003**

**Replace Cover**

**Replace Pages 12 and 36**

**Replace Appendix C – page 46**

## SECTION VI - PROHIBITED USES

The following shall be deemed objectionable and shall not be permitted in any "R", "C" or "I" districts:

1. Metallic powder works or electroplating.
2. Chemical plants which could have a by-product polluting the air, land, or water.
3. Crematory.
4. Distilling of bones, fat or glue, glue or gelatin manufacturing.
5. Waste dumping (toxic or otherwise), storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of premises, unless such dumping is done at a place provided by the township trustees for such specific purposes.
6. Salvage yards including but not limited to auto, agriculture, machinery, marine, etc. , or places for the collection of scrap metal. Paper, rags, glass or junk for salvage or storage purposes.
7. Indoor / Outdoor theaters.
8. Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding thirty (30) days is prohibited. Said vehicles, if stored on the premises shall be enclosed within a building.
9. Manufacture or storage of explosives or fireworks, except as provided in Section XVII.
10. Amusement parks.
11. The possession, importing, breeding, boarding, exhibiting, or selling of any inherently dangerous animal; for example, lions, tigers, bears (including those native to Ohio), alligators, wildcats, poisonous reptiles of all types; as well as box constrictors, anaconda or pythons over eight (8) feet in length, and other inherently dangerous animals not indigenous to Ohio.

Definition of an "inherently dangerous animal"

Any animal that poses a possibility of any one or more of the following:

- a) Harmful competition to native wildlife.

SECTION XXVI. DEFINITIONS

## Q. Agriculture

1. The use of land for farming, including dairying, pasturage, apiculture, silviculture, horticulture, floriculture, viticulture, animal and poultry husbandry and aquaculture. Use shall be classified as agriculture only if it is the principal or main use of the land. In order to be eligible, the land must be devoted to agricultural use.

## R. Zone or District

Where either the word "zone" or "District" is used in this resolution, they shall be considered synonymous and are used interchangeably.

## S. Zoning Permit -

Written authorization issued by Zoning Inspector to proceed with building or alterations to a building on a zoning lot, subdividing an existing lot into smaller zoning lots, proposed use in a zoned district or temporary space.

## T. Certificate / Permit – same definition

- U. Indoor / Outdoor Theater: events which include stage performances, amplified musical or minstrel entertainment, dramas, festivals, menagerie, circus, carnival, side show, or exhibition in any nature.

## APPENDIX "C" - FEE SCHEDULE

7. The fee for Appeals:		
a) Residential		\$ 50.00
b) Commercial		\$100.00
c) Industrial		\$250.00
8. The fee for Variance:		\$ 75.00
9. The fee for Rezoning – Per Parcel:		
a) Commercial		\$500.00
b) Industrial		\$500.00
10. Fee per split for each lot on plat:		\$ 80.00
11 Fee per each Transfer to Adjoiner shown on plat:		\$ 40.00
12 Rezoning a Parcel of Ground:		\$ 75.00
13 Wireless and Cellular Communication Facilities		
a) Application/Site Fee		\$500.00
b) Annual Renewal		\$ 50.00
14 Drilling Permit for Gas & Oil Wells		\$25.00 per site
15) Mining, Quarrying 1 <sup>st</sup> Permit Fee		\$500.00
a) Renewal Mining & Quarrying Fee Annually		\$ 50.00

SECTION XXVII. ADOPTION

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

Approved and Passed by:

BOARD OF TRUSTEES  
OF TROY TOWNSHIP  
MORROW COUNTY, Ohio

August 4, 2003

Joseph Baker, Chairman  
Joseph Baker

David A. Baker, Vice-Chairman  
David A. Baker

Herb E. Linn, Trustee  
Herb E. Linn

Attest by Township Clerk:

Gary Eckert, Clerk  
Gary Eckert

285153

TROY TOWNSHIP  
MORROW COUNTY

Below are the changes to the Zoning Resolution for Troy Township. The effective date is June 4, 2003.

**SECTION V - LIMITED COMMERCIAL and INDUSTRIAL DISTRICT**

Page 10

**Add:**

- 9. Commercial Race Tracks
- 10. Competition of motorized vehicles where admission is charged.

**SECTION VI - PROHIBITED USES**

Page 12

**Delete:**

- 8. Commercial Race Tracks
- 12. Competition of motorized vehicles where admission is charged.

FILED FOR RECORD

MORROW COUNTY RECORDER  
DENE SCHAEFER  
03 JUN -5 AM 9:26

3400

#### C-4 MOBILE HOME/MANUFACTURED HOUSING LOT STANDARDS

The lot for each individual home in the park shall comply with the following requirements:

- a) Minimum size of each lot shall be no less than five thousand (5,000) square feet in area, shall be not less than fifty (50) feet in width at the point where the mobile home sits, and shall abut on a street or access drive for not less than twenty (20) feet.
- b) Minimum floor area of any mobile home/manufactured housing used as a dwelling on the premises shall be nine hundred and fifty (950) square feet.
- c) Each mobile home/manufactured housing lot shall be provided with a paved outdoor living area of not less than one hundred eighty (180) square feet. Such area shall be paved with not less than four (4) inches of concrete or other rigid impervious paving material, and shall be connected to common walks by a similarly paved walk of not less than three (3) feet in width.
- d) Mobile homes may be parked and occupied in areas other than mobile home parks, provided a permit is granted, and provided that not more than one mobile home is on a lot and it is not located in a front or side yard of an existing residential dwelling. Also, compliance to all set back and lot area provisions outlined in Sections XIII, XIV, XV, and XVI must be met. The continuous location of a mobile home at any one location in the township for a period of fifteen (15) days shall prima facie make the provisions of this section applicable.

#### SECTION V - LIMITED COMMERCIAL and INDUSTRIAL DISTRICT

There is hereby created a "Limited Commercial Zone" in Troy Township, known as "C" District. The property shall have a minimum lot area width of two hundred (200) feet of continuous road frontage on a public roadway, note: if property is on a State Highway owner must submit a copy of the Access Permit from the Ohio Department of Transportation at the time they are requesting a permit from the Zoning Inspector prior to receiving a permit.

The following uses and no others shall be deemed class "C" uses and permitted in all "C" districts:

1. Any use permitted in an "R" District shall be permitted in "C" District.
2. Retail, wholesale, merchandising establishments and such businesses or professional services necessary to the convenience and well-being of the adjacent residential community.

## SECTION VI - PROHIBITED USES

The following shall be deemed objectionable and shall not be permitted in any "R", "C" or "I" districts:

1. Metallic powder works or electroplating.
2. Chemical plants which could have a by-product polluting the air, land, or water.
3. Crematory.
4. Distilling of bones, fat or glue, glue or gelatin manufacturing.
5. Waste dumping (toxic or otherwise), storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of premises, unless such dumping is done at a place provided by the township trustees for such specific purposes.
6. Salvage yards including but not limited to auto, agriculture, machinery, marine, etc. , or places for the collection of scrap metal. Paper, rags, glass or junk for salvage or storage purposes.
7. Outdoor theaters.
8. Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding thirty (30) days is prohibited. Said vehicles, if stored on the premises shall be enclosed within a building.
9. Manufacture or storage of explosives or fireworks, except as provided in Section XVII.
10. Amusement parks.
11. The possession, importing, breeding, boarding, exhibiting, or selling of any inherently dangerous animal; for example, lions, tigers, bears (including those native to Ohio), alligators, wild cats, poisonous reptiles of all types: as well as boa constrictors, anaconda or pythons over eight (8) feet in length, and other inherently dangerous animals not indigenous to Ohio.

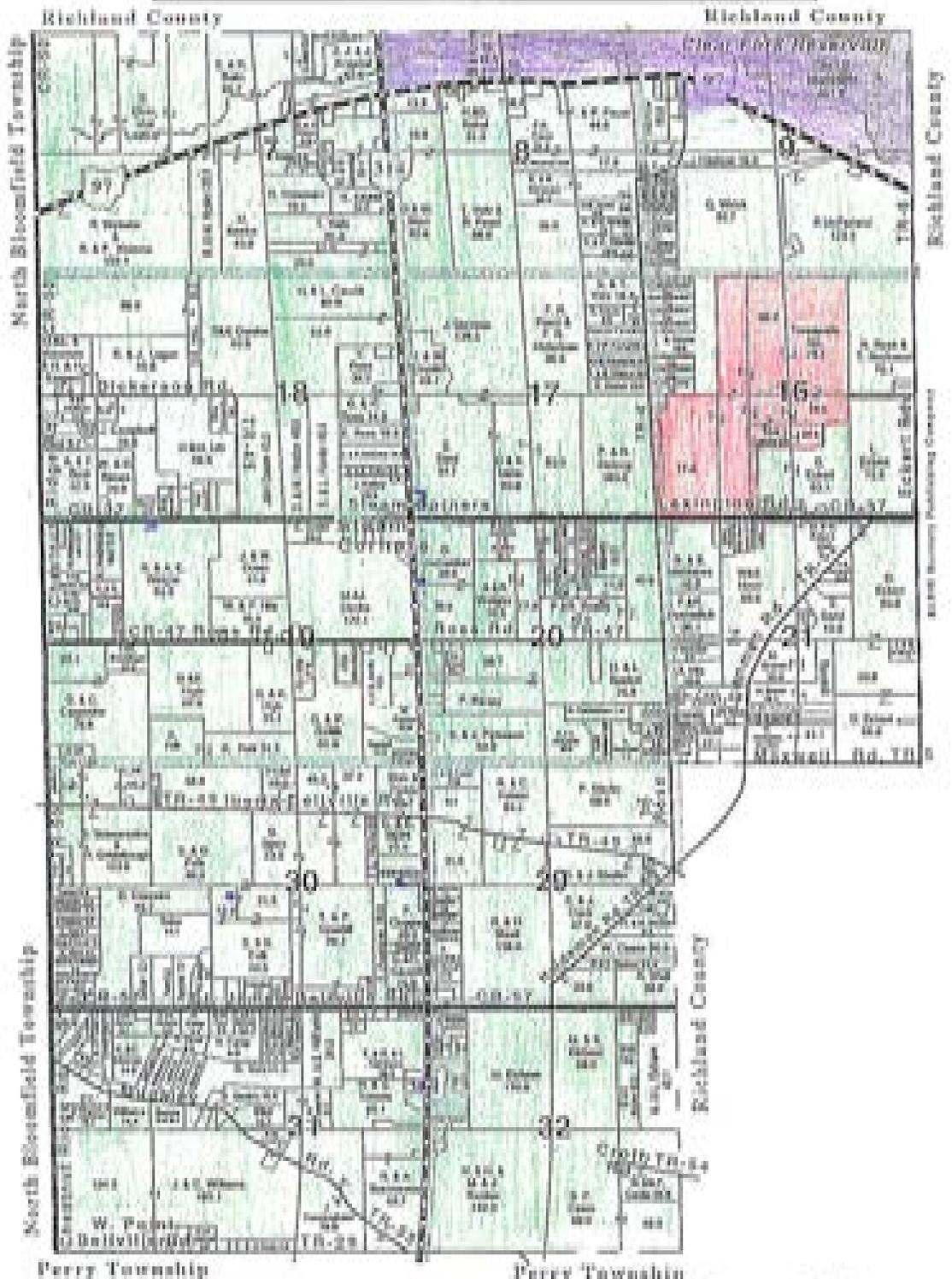
Definition of an "inherently dangerous animal"

Any animal that poses a possibility of any one or more of the following:

- a) Harmful competition to native wildlife.

# TROY TOWNSHIP

## Zoning Map



**TROY TOWNSHIP**  
**Zoned Township**  
**Map Key**

- Agriculture
- Residential Development
- Commercial
- Industrial
- Special Use Areas  
 (i.e. Campgrounds, Cemeteries, Church, Schools)

**Troy Township Trustees & Clerk**

*Joseph Berlin* Chairman  
*Steve Altabe* Vice-Chairman  
*Herbert E. Hill* Trustee  
*Doug Eckert* Clerk  
**June 4, 2003** Effective Date  
 Month/Day/Year

SECTION XXVII. ADOPTION

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

Approved and Passed by:

BOARD OF TRUSTEES  
OF TROY TOWNSHIP  
MORROW COUNTY, Ohio

May 5, 2003.

Joseph Barber, Chairman

Randy A. Baker, Vice-Chairman

Herbert E. Liff, Trustee

Attest by Township Clerk:

Mary Eckert, Clerk

**TROY TOWNSHIP  
Morrow County  
ZONING RESOLUTION**



RECEIVED & RECORDED

06 MAR - 7 AM 10:18

MORROW COUNTY RECORDER  
JERRY L. STINEBAUGH

100.00

**Adopted: February 10, 1994**

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## SECTION II, DISTRICTS

The township is hereby divided into the following districts:

- A) Agriculture which is hereby permitted as "A" in all Districts - Green.
- B) Residential Zone which is hereby designated as "R" District - Yellow.
- C) Limited Commercial Zone which is hereby designated as "C" District - Red.
- D) Industrial Zone which is hereby designated as "I" District - Blue.
- E) Special Use which is hereby designated as "SU" District, i.e. cemeteries, schools, parks, churches, public facilities, etc - Purple.
- F) Planned Unit Development which is hereby designated as "PUD" District - Brown, i.e. private campground facilities.
- G) Flood Plain Overlay District which is hereby designated as "FP" District.

The districts as shown on the map attached hereto are hereby established and said map is made a part hereof.

No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

## SECTION III, AGRICULTURE

1. Land in any district may be used for agricultural purposes. No zoning permit shall be required for the construction of buildings incident to the use for agricultural purposes of the land on which such buildings shall be located. For the purposes of this Resolution, "Agriculture" shall include farming, dairying, pasturage, apiculture, silviculture, horticulture, floriculture, viticulture, animal and poultry husbandry and aquaculture. In order to be eligible, the land must be devoted to agricultural use.
2. Owners or operators of land used for agricultural purposes shall not be required to obtain a building permit or conform to zoning regulations when remodeling an existing farm residence.
3. Owners or operators of land used for agricultural purposes shall not be required to obtain a building permit or conform to zoning regulations when building a new residence provided that:
  - a.) The residence is to be occupied by owner, operator or persons engaged in the farming operations, and it meets the setback requirements in Sections XIII, XIV, XV, and XVI.
  - b.) The residence is at least 200 feet from any recorded platted residential lot or existing residence.
  - c.) Agriculture activities are exempt from any nuisance/ noise guidelines listed in this resolution.

## SECTION VI - PROHIBITED USES

The following shall be deemed objectionable and shall not be permitted in any "R", "C" or "I" districts:

1. Metallic powder works or electroplating.
2. Chemical plants which could have a by-product polluting the air, land, or water.
3. Crematory.
4. Distilling of bones, fat or glue, glue or gelatin manufacturing.
5. Waste dumping (toxic or otherwise), storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of premises, unless such dumping is done at a place provided by the township trustees for such specific purposes.
6. Salvage yards including but not limited to auto, agriculture, machinery, marine, etc. , or places for the collection of scrap metal. Paper, rags, glass or junk for salvage or storage purposes.
7. Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding thirty (30) days is prohibited. Said vehicles, if stored on the premises shall be enclosed within a building.
8. Manufacture or storage of explosives or fireworks, except as provided in Section XVII.
9. Amusement parks.
10. The possession, importing, breeding, boarding, exhibiting, or selling of any inherently dangerous animal; for example, lions, tigers, bears (including those native to Ohio), alligators, wildcats, poisonous reptiles of all types; as well as boa constrictors, anaconda or pythons over eight (8) feet in length, and other inherently dangerous animals not indigenous to Ohio.

Definition of an "inherently dangerous animal"

Any animal that poses a possibility of any one or more of the following:

- a) Harmful competition to native wildlife.

- b) Introduction of diseases or pests harmful to humans, domestic animals, or wildlife.
  - c) Threatening wildlife or natural resources.
  - d) Endangerment to human physical safety.
  - e) Inherently dangerous animals are not animals considered common pets or common farm animals.
11. Tires, disabled automobiles, and trucks.

#### SECTION VII - NON-CONFORMING USES

1. A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.
2. Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this resolution, but not completed, may be completed and put to such non-conforming use, providing it is done within two (2) year after this resolution takes effect.
3. Any building or structure, existing as a non-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction.
4. A building or structure devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use without prior approval of the board of zoning appeals.
5. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

#### SECTION VII-A INDOOR/ OUTDOOR EVENTS/ACTIVITIES

1. Permitted Indoor/ Outdoor Events/ Activities are permitted in all districts but must adhere to all guidelines;
  - A. No Projected Images on screens over 100 sq ft Permitted in "R" Districts.
  - B. Quiet Times:
    - Sunday Night thru Friday Morning 9pm to 6am each day
    - Friday Night thru Sunday Morning 12am to 6am each day
  - C. No loud Obnoxious acts, Obscenity, or vulgar language permitted in any form.
  - D. Level of noise has to be controlled as to not disturb the surrounding residents. Any complaints of such nature will be considered a violation of the zoning resolution and will be handled per the violation guidelines as described in the zoning resolution. In Section XXII Enforcement.

9. The applicant shall provide written documentation that they have obtained approval from all governing agencies charged with the responsibility of maintaining air safety including the FAA, FCC, and ODOT or their respective successors.
10. The tower may have be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by artificial lights, beacons, or strobes, unless otherwise required by the FAA, FCC, ODOT, or their respective successors. All surfaces shall be maintained in good condition, absent of flaking or peeling paint and rust.
11. No advertising is permitted anywhere on the Telecommunications Facility with the exception of identification signage not to exceed one square foot in size.
12. The lot on which a Telecommunication Facility is located, shall meet the minimum lot size, frontage and yard requirement of the District in which it is located.

#### SECTION XL MINIMUM LOT AREA

1. No single-family dwelling shall be erected or building altered to accommodate one family as a residence on less than sixty-five thousand two hundred and fifty (65,250) square feet of lot area with a minimum width of two hundred (200) feet of continuous road frontage on a public roadway.
2. No two-family dwelling shall be erected, or building altered, for dwelling purposes to accommodate more than one (1) family on less than sixty-five thousand two hundred and fifty (65,250) square feet or lot area per family with a minimum width of two hundred (200) feet of continuous road frontage on a public roadway and meets the 3:1 width to depth ratio.
3. In computing lot areas, no part of the street or road right-of-way may be included, although many lot owners hold title to one-half of said street or road.
4. In developments providing a sewage treatment facility and public water the minimum square lot footage may be reduced to twenty-one thousand seven hundred fifty (21,750) square feet per lot with a minimum width of one hundred (100) feet road frontage.
5. No lot shall be more than three (3) times deeper than its width, with the width being the front lot line or that portion which runs along a public street, road or highway with two hundred (200') continuous feet on a public roadway.
6. There shall be one (1) dwelling per one (1) recorded lot.

1. Adult arcade means any place in which the public is permitted or invited wherein coin-operated or slug-operated electronically, or mechanically-controlled still or motion picture machines, projectors, or other images-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
2. Adult bookstore or adult video store means a commercial establishment which as one of its business purposes offers for sale or rental for any form or consideration of any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slide or other visual representations which depict or describe "specified sexual activities," or "specified anatomical areas." Or, the establishment sells any of the following instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
3. Adult cabaret is a nightclub, bar, restaurant, or similar establishment that regularly features live dancers who must wear at least pasties and a G-string. No public nudity is permitted.
4. Adult motion picture theater is a commercial establishment that presents materials for observation by its patrons, films, motion pictures, video cassettes, slide or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
5. Adult theater is a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
6. Massage parlor means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where message is offered as an incidental or accessory service.
7. Public Bath Houses are prohibited.

**Q. Agriculture**

1. The use of land for farming, including dairying, pasturage, apiculture, silviculture, horticulture, floriculture, viticulture, animal and poultry husbandry and aquaculture. Use shall be classified as agriculture only if it is the principal or main use of the land. In order to be eligible, the land must be devoted to agricultural use.

**R. Zone or District**

Where either the word "zone" or "District" is used in this resolution, they shall be considered synonymous and are used interchangeably.

**S. Zoning Permit -**

Written authorization issued by Zoning Inspector to proceed with building or alterations to a building on a zoning lot, subdividing an existing lot into smaller zoning lots, proposed use in a zoned district or temporary space.

**T. Certificate / Permit – same definition**

**U. Indoor / Outdoor Event/Activities:**

Events which include stage performances, amplified musical or minstrel entertainment, dramas, festivals, menagerie, circus, carnival, side show, or exhibition in any nature.

**GPS MAP**

APPENDIX "F"Troy Township Zoning Commission Board  
Morrow County

## Chairman

Samuel Boggs  
8676 Denman Rd  
Lexington, OH 44904  
Home 419-884-1841  
Cell 419-565-0776

Term Begins 08-01-05  
Ends 08-01-10

## Co-Chairman

Larry Boebel  
7358 Co Rd. 47  
Lexington, OH 44904  
Home 419-884-1199

Term Begins 03-01-05  
Ends 03-01-10

## Secretary

Bonnie Baker  
9028 St. Rt. 314  
Lexington, OH 44904  
Home 419-884-3143

Term Begins 03-01-04  
Ends 03-01-09

## Member

Todd Wert  
9533 St Rt. 314  
Lexington, OH 44904  
Home 419-884-0804  
Cell 419- 571-9969

Term Begins 04-07-03  
Ends 04-07-08

## Member

Margaret Litt  
6970 Twp Rd 45  
Lexington, OH 44904  
Home 419-362-7093

Term Begins 08-01-05  
Ends 08-01-10

## Member

Julie Logan  
6891 Twp Rd 45  
Lexington, OH 44904  
Home 419-362-3400

Term Begins 08-01-05  
Ends 08-01-10

Appendix "G"  
Adoption for Resolution

Revised: February 5, 1996  
 Revised: February 5, 2003  
 Revised: June 4, 2003  
 Revised: September 3, 2003  
 Revised: December 31, 2003  
 Revised: March 31, 2004  
 Revised: August 10, 2004  
 Revised: March 6, 2006

Cover-Revised Date  
 Page 1 Index  
 PG 3 Sec III #3 C. added  
 PG 12 Sec VI #7 Removed  
 PG 13 Sec VII added section  
 PG 21 Sec XI # 1,2 footage  
 PG 26 Sec XVIII # 7 Added Public  
 PG 36 Sec XXVI U change wording  
 PG 61 GPS MAP added  
 PG 62 updated  
 PG 63 Appendix "G" Added

Trustee Vote

1 Ed Hurler (Y)N

2 John E. Real (Y)N

3 [Signature] (Y)N

Mary Eckert, Fiscal Officer 3-6-06