



**TROY CITY COUNCIL
COMMITTEE MEETING
COUNCIL CHAMBERS, CITY HALL
100 S. Market Street, Troy, Ohio**

MONDAY, AUGUST 28, 2023, 6:00 PM

Finance Committee

(Severt [Chm.], Phillips, Rozell)

1. Provide a recommendation to Council regarding declaring a listing of items as surplus items and authorizing the Director of Public Service and Safety to proceed to advertise such items for sale.

Streets & Sidewalks Committee

(Phillips [Chm.], Pierce, Snee)

1. Provide a recommendation to Council regarding authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the West Main Street Corridor Improvements Project Phase 2 (Ridge Avenue to I-75) at a cost not to exceed \$8,000,000.

Community & Economic Development Committee

(Schilling [Chm.], Pierce, Snee)

1. Provide a recommendation to Council regarding the recommendation of the Planning Commission that Zoning Code Amendments be approved. These amendments to the Zoning Code are contained in Ordinance No. O-41-2023 - and are regarding Manufacturing Training Facility, Self-Storage Facilities and Solar Energy Systems.

Other Committees/Items may be added.

8-25-2023

cc: Mayor
Mr. Titterington, Mr. Kerber
Mr. Frigge, Departments, Media

FINANCE COMMITTEE



MEMORANDUM

TO: Mr. Lutz, President of Council

FROM: Patrick E. J. Titterington

DATE: August 23, 2023

SUBJECT: **SURPLUS PROPERTY**

RECOMMENDATION:

That Council authorizes the sale of the below listing of surplus vehicles and equipment.

SUMMARY:

Departments have provided a listing of vehicles and equipment to be declared as surplus that have an estimated value in excess of \$1,000.00. Council action is required to dispose of property with a value of \$1,000.00 or more. We would use the internet auction site, GovDeals, to advertise the sale of the items. The internet company does receive a percentage of the sale price, usually 7%-7.5%. When the items are placed on the GovDeals site, there will also be a few items that have a value of less than \$1,000.00, for which legislative consideration is not required. The list of items to be declared as surplus by Council is below.

REQUESTED ACTION:

It would be appreciated if you would assign to a committee of Council consideration of declaring the below items as surplus and authorize the sale of the items.

Description	VIN/Serial	Est. Value
2015 Ford Explorer	1FM5K8AR9FGC67564	\$ 3,000.00
2014 Ford Explorer	1FM5K8AR2EGA14570	\$ 2,000.00
2013 Ford Explorer	1FM5K8AR3DGB84659	\$ 5,000.00
1997 HME/SMEAL Fire Truck	44KFT4285VQZ18515	\$ 8,000.00
Swenson Tailgate Salt Spreader and Spinner	0806-1231	\$ 1,000.00
Infrared Asphalt Heater	4273325163	\$ 5,000.00
Salt Dogg Salt Spreader	2300	\$ 1,000.00
Swenson Tailgate Salt Spreader and Spinner		\$ 1,000.00
Swenson Tailgate Salt Spreader (orange)		\$ 1,000.00
Homasote (old Hobart Arena Deck Covering)		1000 +
Skid Unit Fire Pump		\$ 3,000.00
Hannay Reels Motor Driven Hose Reel		\$ 3,000.00
EZ Loader Boat Trailer		\$ 1,500.00



STREETS & SIDEWALKS COMMITTEE



SJS

Patrick E. J. Titterington
Director of Public Service & Safety
937-335-1725
Patrick.titterington@troyohio.gov

MEMORANDUM

PJT

TO: Mr. Lutz, President of Council
FROM: Patrick E. J. Titterington, Director of Public Service and Safety
DATE: August 24, 2023
SUBJECT: **BIDDING AUTHORIZATION – WEST MAIN STREET CORRIDOR IMPROVEMENTS PROJECT PHASE 2 (PID 110253)**

RECOMMENDATION:

That Council authorizes the Director of Public Service and Safety to advertise for bids and enter into a contract for the West Main Street Corridor Improvements Project Phase 2 at a total cost not to exceed \$8,000,000.

BACKGROUND:

This project began in 2016 with a West Main Street (SR 41) Corridor Improvements and Safety Study to evaluate the City's main gateway thoroughfare that connects the downtown district to the primary commercial district and Interstate 75. In 2018, Council authorized the design of the corridor construction project and beginning coordination for the relocation of utilities along the corridor. In 2021, Council authorized the bid of the utility improvements (i.e. ductbank) construction and the advanced purchase of the traffic signal poles ahead of the primary construction project. In 2022, Council authorized the bid of W Main Street Improvements Project Phase 1 construction between Market Street (State Route 55) and Ridge Avenue. Much of Phase I has been completed.

The Phase 2 project limits are along West Main Street from Ridge Avenue to Interstate 75. The project scope consists of the widening of West Main Street, reconstructing the sidewalk and curb lawn along the corridor, replacing traffic signal at Dorset Road, improving the stormwater system along the West Main Street corridor for a length of 0.80 miles, and upgrading the water main between Dorset Road and Weston Road.

The project construction is anticipated to take approximately 12 -18 months beginning in March 2024. The project will occur in maintenance of traffic phases and traffic will be maintained along West Main Street with at least one lane in each direction.

The Phase 2 Project is budgeted in 2023 as follows:

\$5,500,000	Capital Improvement Fund - Fund 441
\$1,250,000	American Rescue Plan Act of 2021 – Fund 251
350,000	Stormwater Fund – Fund 709
<u>262,000</u>	Water Fund – Fund 710.663
\$7,362,000	Total

Over \$4 million dollars of grant funding has been obtained for the West Main Street Corridor Phase 2 project. The project's construction estimate is \$8,000,000, which exceeds appropriated funds in the 2023 Budget for this project. The additional funds are available through Fund 441, and the fund expenditures will be monitored throughout the year.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the West Main Street Corridor Improvements Project Phase 2 (PID 110253) at a total cost not to exceed \$8,000,000.



**COMMUNITY &
ECONOMIC DEVELOPMENT
COMMITTEE**



TROY
OHIO

TROY PLANNING COMMISSION

MEMORANDUM

TO: Mr. Lutz, President of Council

FROM: Sue Knight for the Troy Planning Commission

DATE: August 1, 2023

SUBJECT: REPORT OF THE PLANNING COMMISSION – RECOMMENDED AMENDMENTS TO THE ZONING CODE REGARDING MANUFACTURING TRAINING FACILITY, SELF-STORAGE FACILITY, AND SOLAR ENERGY SYSTEMS

At the June 28, 2023 meeting of the Troy Planning Commission, the Commission reviewed the attached memo of staff recommending a number of amendments to the Zoning Code. These amendments are regarding Manufacturing Training Facility, Self-Storage Facility, and Solar Energy Systems.

By unanimous vote, the Troy Planning Commission is recommending that Council adopt the amendments to the Zoning Code as recommended by staff and discussed in the attached memorandum.

Amendments to the Zoning Code require a public hearing, which has been set for the August 21 meeting of Troy City Council.

This recommended correction is forwarded herewith for consideration of Troy City Council.

Encl.

MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning & Zoning Manager

DATE: June 28, 2023

SUBJECT: Changes to the Zoning Code.

BACKGROUND:

City Council adopted a moratorium on Self-Storage Facilities (O-2-2023) to allow staff to perform analysis on the impact of Self-Storage Facilities in relation to our industrial districts and recommend changes to the Planning Commission and City Council. You will find recommended changes regarding Self-Storage Facilities in this report.

At the May 24, 2023 Planning Commission meeting, the Planning Commission identified a need for standards for solar panels, particularly to minimize their impact and visibility from the public right-of-way and neighboring properties. You will find recommended changes regarding solar panels in this report.

Additional changes are being proposed to ensure consistency with adaptive land uses and accessory structures. Insertions to code text are identified in **red**. Deletions to code text are identified with a ~~striketrough~~. Staff analysis is provided below each requested text amendment section. The Director of Law has reviewed the proposed changes. Planning Staff is recommending the following changes to the Zoning Code:

PROPOSAL:

Alteration #1: Changes to 1133.02 Definitions. Insert definition 1133.02 (119) Manufacturing Training Facility to be defined as: "A training facility offering instruction in one or more skilled or semiskilled trades or occupations. This may include overnight dwelling units as an accessory use."

Insert definition 1133.02 (155) Self-Storage Facility to be defined as: "A structure containing separate, individual and private storage spaces of varying sizes which are leased or rented on individual leases for varying periods of time and whose tenants have access to such space for the purpose of storing and removing personal property. This definition does not include a "Warehouse."

Insert definition 1133.02 (161) Solar Energy Systems to be defined as: "A panel(s) or other solar energy system designed to absorb the sun's rays as a source of energy for generating electricity or heating or for incidental sale to a utility when that equipment is accessory to a principally permitted use of the property."

Insert definition 1133.02 (174) Warehouse to be defined as: “A business establishment primarily engaged in the storage of merchandise, goods, and materials, not including “Self-Storage Facilities”.

Staff Analysis: The Zoning Code currently does not define a Manufacturing Training Facility, Self-Storage Facility, Warehouse, and Solar Energy System. The definitions have been added to ensure consistency with principally permitted uses in our zoning districts.

Alteration #2: Change to 1143.13 B-1 Local Retail District (b) Principal Permitted Uses. Insert “Pet grooming, all day, no overnight” as a permitted use.

Staff Analysis: The B-1 Local Retail District’s intent is to permit the development of retail sales and personal services required to meet the day-to-day needs of adjacent residential neighborhoods. Pet grooming is a day-to-day need of adjacent residential neighborhoods. The recommended change meets the intent of the B-1 Local Retail District.

Alteration #3: Change to 1143.16 B-4 Highway Service Business District (b) Principal Permitted Uses. Delete “Wholesale houses, warehouse and other storage facilities as a permitted use.”

Staff Analysis: The stated purpose of the B-4 Highway Service Business District is intended to provide for the development of highway service and retail shopping areas and centers outside the downtown area. The use of Wholesale houses, warehouse and other storage facilities are better suited for the M-2 Light Industrial District.

Alteration #4: Change to 1143.18 M-2 Light Industrial District (b) Principal Permitted Uses. Insert “Manufacturing Training Facility, Self-Storage Facility, Wholesale, but not retail warehouses” as a permitted use.

Staff Analysis: The existing permitted uses combines “Wholesale houses, warehouse and other storage facilities” under a single use type when the uses are vastly different in intensity. This change allows each use to have its own definition as described in this report.

Alteration #5: Change to 1149.04 Principal Buildings Per Lot. Reword Section 1149.04 to read “There shall not be more than one (1) principal building for each lot. Development requests regarding more than one (1) principal building for each lot shall require approval under an appropriate planned development district. Self-Storage Facility’s as defined per 1133.02 (155) are exempt from this requirement”.

Staff Analysis: Self-Storage Facility’s often contain multiple principal buildings on one lot. Under the existing code requirement, Self-Storage Facility’s are required to go through the Planned Development Process. Planned Developments Intent and Objectives are to accommodate creative and imaginative Planned Developments to permit innovations in the technology of land development that are in the best interest of the City. Self-Storage Facility’s do not meet the stated intent and objectives for Planned Developments. Planning Staff is proposing to eliminate Self-Storage Facility’s from the Planned

Development Process with the addition of use specific standards to address the concerns of this use classification. These changes are found later in this report. Please see ***Alteration Changes to 1151 Supplementary Regulations Applicable to Specific Uses.***

Alteration #6: Changes to 1151.04 Accessory Buildings, Structures and Uses. Reword Section 1151.04 (c)(3) to read “No part of an accessory building or structure shall be located closer than ~~ten~~ **five (5)** feet to any principal building or structure **and the distance shall also comply with all applicable fire and safety codes.**

Staff Analysis: Many accessory structures are permitted to be closer to the principal structure than the ten feet code requirement due to compliance with fire and building construction codes. The five (5) feet code requirement will better align with other applicable codes.

Insert 1151.04 (c)(4) An accessory structure that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the site development standards and all other development standards of the applicable zoning district. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by breezeway or roof.

Staff Analysis: 1151.04 (c)(4) fixes a contradicting code requirement and further defines methods of attached accessory structures.

Alteration #7: Changes to 1151.14 Wind Energy Conversion systems and other Alternative Energy Systems.

Reword 1151.14 (f) Alternative Energy Source Systems. Alternative energy source systems, such as solar panels, shall be permitted in all zoning districts **except the HP-O Historic Preservation Overlay** subject to the following provisions:

Reword 1151.14 (f) (1) B. Screening. Ground mounted shall be screened ~~with landscaping~~ **with a dense living hedge to minimize visibility from adjoining properties.**

Insert 1151.14 (f) (1) C. Height. The maximum height for any ground mounted solar panels shall not exceed eight (8) feet from the average level of the adjoining ground.

Insert 1151.14 (f) (1) D. Area. Ground mounted solar systems shall not exceed 25% of the rear yard and shall not exceed the square footage of the principal structure.

Insert 1151.14 (f) (1) E. Accessory. Ground mounted solar systems shall be accessory to a permitted principal use. Ground mounted solar systems shall not be installed on a vacant lot.

~~Delete 1151.14 (f) (2) Roof mounted. Roof mounted systems shall be located so not to be visible from the public right of way fronting the property except as otherwise approved by the Planning Commission. Insert~~

1151.14 (f) (2) Roof-Mounted. Roof mounted solar energy systems shall be located in the least visibly obtrusive location where they would be functional and subject to the following requirements:

- A. All solar energy systems shall have a non-reflective coating to minimize glare.
- B. Roof-mounted solar energy systems shall be installed on the same plane of the roof material (flush mounted) or shall be made a part of the roof design.
- C. Roof-mounted solar energy systems shall not extend above the ridgeline of the roof to which they are attached and they may not extend below the roof line.
- D. Mounting brackets and panels for roof-mounted solar energy systems shall not extend more than 8 inches above the roof surface and shall be covered in a manner architecturally compatible with the building to which is attached to minimize visibility from the right-of-way or adjoining properties.
- E. All building-mounted solar energy systems shall be installed in a manner so they have a rectangular configuration.
- F. Wiring and other appurtenances associated with roof-mounted solar energy systems shall be installed in a manner not visible from the right-of-way.
- G. Roof penetration shall be used to conceal electrical wiring and electrical components from the public right-of-way.
- H. Solar energy systems shall be located in a manner that provides a three (3) foot wide clear access pathway from the eave to the ridge for each roof where panels are located.
- I. Panels shall be located in one general area on the same roof plane.
- J. Panels installed on a roof facing the public right-of-way shall not exceed 25 percent of that roof area.
- K. Solar energy systems may be mounted on flat roofs provided there is a parapet wall or other architectural feature that screens the view of the panels. Such panels may be mounted on an angle provided they do not extend more than five feet above the roof surface.
- L. Solar energy systems located on the roof shall provide, as part of their permit application, evidence of design review and structural certification signed by an engineer.
- M. Solar energy systems shall be accessory to a principally permitted use. Solar panels are not permitted on a vacant lot.

Please see Exhibit A for the complete code section.

Staff Analysis: The Planning Commission identified a need for standards for solar panels, particularly to minimize their impact and visibility from the public right-of-way and neighboring properties. Planning Staff surveyed seventeen municipalities and compared the solar panel provisions from each. The changes identified in 1151.14 (f) (2) are common requirements found in the municipalities survey along with best practices for the treatment of solar panels.

Alteration #8: Changes to 1151 Supplementary Regulations Applicable to Specific Uses. Insert 1151.16 Self-Storage Facilities requirements:

- A. Self-Storage Facility may not be located within 1000' of another Self-Storage Facility.
- B. Outdoor Storage Prohibited: All goods and property stored in a Self-Storage Facility shall be stored in an enclosed building. No outdoor storage of boats, RVs, vehicles, etc., or storage in outdoor storage pods or shipping containers is permitted.

- C. Fences and walls including entry gates shall be constructed of high-quality materials and shall be compatible with the design and materials of the building(s) and site. Decorative metal or wrought iron fences are a preferred material. The use of chain link is not permitted on self-storage facilities.
- D. The maximum lot size for a parcel with a Self-Storage Facility shall be no more than three (3) acres.
- E. Facades facing the public right-of-way shall be constructed of the following materials;
 - 1. Stone, brick, wood, stucco, cultured stone, cement board, ceramic tile, ceramic block, or exterior insulation finish systems (EIFS).
 - 2. Architectural metal is permitted, provided that it occupies no more than ten percent of the façade area and that all fasteners are concealed.
 - 3. This subsection should not be construed to prohibit metal roofs, flashing, or high-quality metal siding such as copper, bronze, or other decorative metal as determined by the Zoning Administrator.
- F. Self-Storage Facilities shall not be used as a dwelling.

Please see Exhibit B for the complete code section.

Staff Analysis: The Development Department has received increasing amounts of inquiries over the past three years for new and expanded development of storage facilities. These inquiries include consideration of potential rezoning of property for storage facilities. Many of the potential locations are critical components of our Industrial Zoning Districts. Self-Storage Facilities require large commitments of property, which the City of Troy has limited amounts of vacant industrial land. The City of Troy has about 269 acres of vacant primary industrial sites. Staff evaluated the effects to aesthetics and land use as the two (2) primary factors to consider as effects to the community from the increased development of Self-Storage Facilities.

- 1. **Aesthetics:** Landscaping is the only current option permitted by the Zoning Code to improve the overall character of the site. The Zoning Code requires landscaping in three (3) ways: Buffer Yards, Interior Landscaping, and Peripheral Requirements however, minimal improvements to screen from the public right-of-way are required by the Zoning Code. The existing landscaping requirements are as follows:
 - a. **Standards for Buffer Yards:** 1149.11 (a) The landscaping materials used in a buffer strip shall be a combination of shrubs, trees, grass and/or other ground cover. The primary landscaping materials used shall be of shrubbery and hedges. Shrubbery and hedges shall be a minimum of four (4) feet in height and spaced to prevent vehicle lights originating in parking areas from shining onto adjacent property. Trees and other planting materials shall be used to compliment the shrubbery and hedges. The maximum spacing between trees shall be forty (40) feet and shall be eight (8) to ten (10) feet in minimum overall height upon planting and which provide shade or are capable of providing shade at maturity. Other materials, earthen berms, topography, or fencing may be considered or required on the merits of the particular project.

It is important to note that buffer yards are only required when the M-2 Light Industrial District is adjacent to the following zoning districts: A, A-R, R-1 to R-7. The width of the buffer strip is twenty-five (25) feet.

- b. *Interior Landscaping Requirements:* 1155.08 (j) (4) Within interior vehicular use areas ten thousand (10,000) square feet or greater in size, and for each additional ten thousand (10,000) square foot unit or a proportional fraction thereof, a minimum total of five hundred (500) square feet of landscape area shall be provided, irrespective of the peripheral requirements. For individual parking lots with more than five parking spaces, five (5) percent of the vehicular use area, irrespective of the perimeter requirements, shall be devoted to landscaping. Planting which is required for screening along peripheral areas of parking facilities shall not be considered as part of the interior coverage requirement. A minimum of two (2) trees, each a minimum size of one and three-quarters (1-3/4) inches in trunk diameter, shall be provided for each ten thousand (10,000) square foot unit of interior vehicular use area. The minimum distance from a tree to a vehicular use area shall be four (4) feet measured from the trunk of the tree.
- c. *Peripheral Requirements:* 1155.08 (j) (7) The width of the peripheral landscape strip of all parking facilities that abut adjoining property that is not street right-of-way shall be governed by applicable sections under Section 1149, buffer strips. In addition, the landscape strip ten (10) feet in width shall be required along all sides of parking facilities that abut street rights-of-way. Such landscape strip shall contain a combination of planting and complementary materials as noted above. Materials that compose the barrier requirement shall be no more than three (3) feet in height and shall be installed at the edge of the landscape strip most distant from the street right-of-way. One (1) tree shall be planted for each forty (40) feet lineal of the landscape strip at a minimum distance of six (6) feet from the street right-of-way.

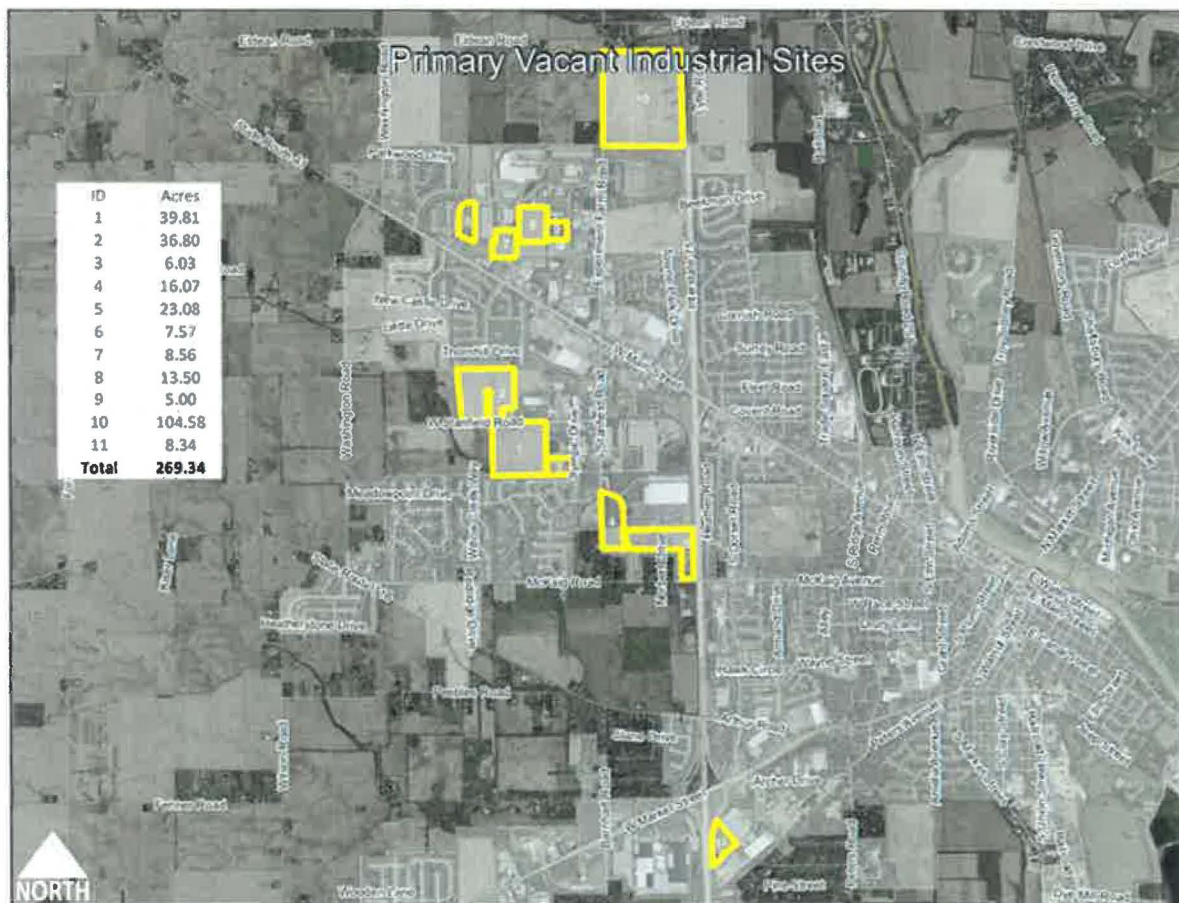
With the Zoning Code peripheral requirements, one (1) tree is required per every forty (40) feet for vehicle parking areas, but the majority of the front façades remain visible from the public right-of-way with this requirement. Many Self-Storage Facilities have garage doors that dominate the architectural façade, often referred to as “Garagatechures”.

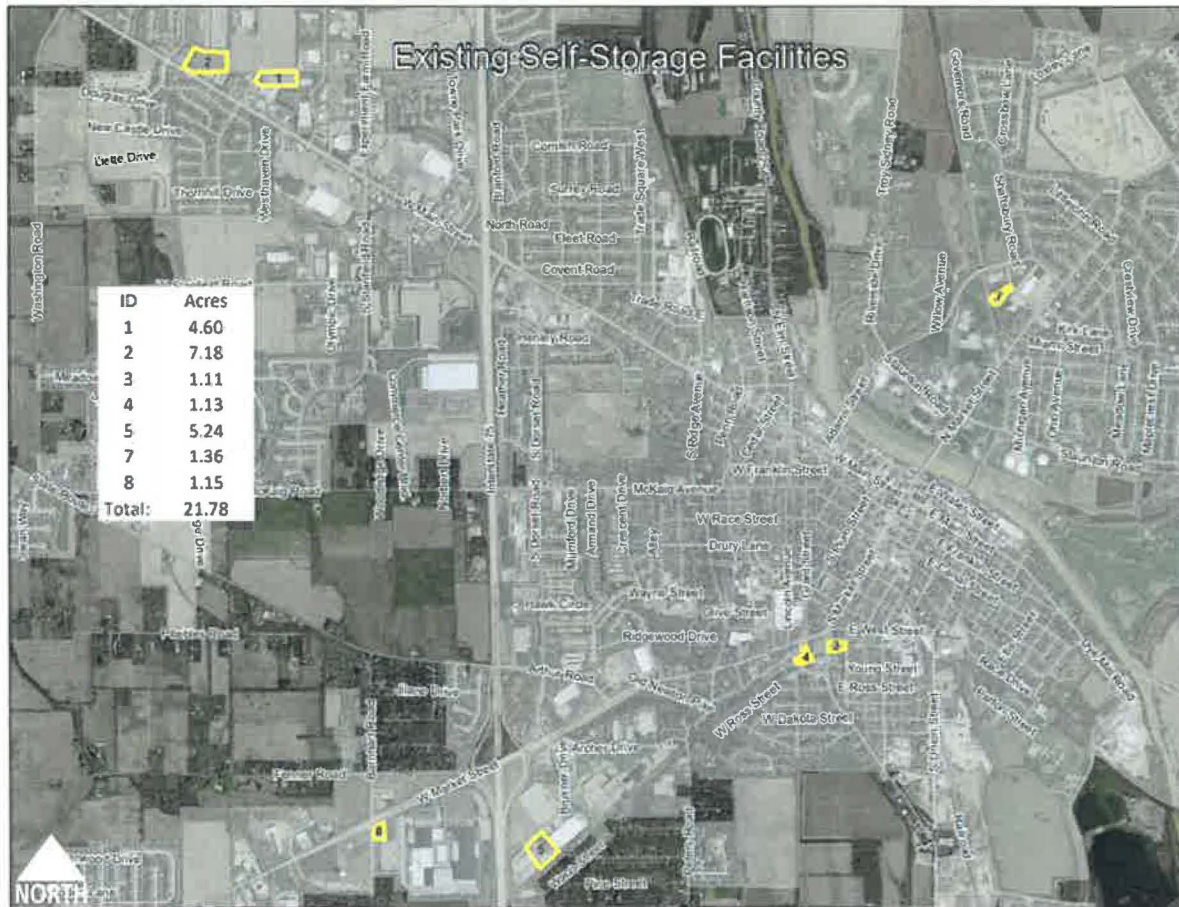


Example of Self-Storage Facilities having numerous garages.

Staff is proposing improvements to the front facades that face the public right-of-way. The front facades shall be constructed of stone, brick, wood, stucco, cultured stone, cement board, ceramic tile, ceramic block, or exterior insulation finish systems (EIFS). Architectural metal is permitted, provided that it occupies no more than ten percent of the façade area and that all fasteners are concealed. Staff feels that this proposed change will better align the development of Self-Storage Facilities and the interests of the City and surrounding properties.

Land Use: The City's zoning districts are designed to promote a diversity of land uses for a healthy economy. The City of Troy currently has eight (8) Self-Storage Facilities with three (3) being built or expanded in the last five (5) years. Currently, there are approximately 1,600 acres of the M-2 Light Industrial District zoned property in the City. Of the 1,600 acres, approximately 269 acres of primary industrial land remain undeveloped. This makes up about 16% of undeveloped Industrial Land. Please note that this does not indicate available land, rather undeveloped land. Of the approx. 269 acres, 105 acres are located on one property. The proposed changes protect the remaining acreage and provide consistent balanced growth for the M-2 Light Industrial District.





RECOMMENDATION: Staff Recommends that the Planning Commission provide a positive recommendation to City Council for the proposed Zoning Code Changes as discussed in this report.

ORDINANCE No. 0-41-2023

Dayton Legal Blank, Inc.

AN ORDINANCE ENACTING SECTION 1151.16 OF THE ZONING CODE OF THE CITY OF TROY, OHIO, AND AMENDING SECTIONS 1133.02, 1143.13, 1143.16, 1143.18, 1149.04, 1151.04, AND 1151.14 OF THE ZONING CODE OF THE CITY OF TROY, OHIO

WHEREAS, the Council of the City of Troy, Ohio finds it appropriate to amend the Zoning Code of the City of Troy, Ohio related to Manufacturing Training Facilities, Self-Storage Facilities, and Solar Energy Systems.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio, as follows:

SECTION I: That Section 1133.02 of the Zoning Code of the City of Troy, Ohio, attached hereto as Exhibit "A", is hereby repealed.

SECTION II: That Section 1133.02 of the Zoning Code of the City of Troy, Ohio, as set forth below is hereby enacted as follows:

"1133.02 DEFINITIONS.

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

- (1) "Accessory Structure." Any purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied which:
 - (A) Is customarily incidental and subordinate in area, extent, or purpose to the principal building, structure or use which it serves, and,
 - (B) Is located on the same zoning lot as the principal building, structure, or use, with the single exception of such accessory off-street parking facilities which are permitted to locate elsewhere than on the same zoning lot with the building or use served under Section 1155.07 of this Zoning Code.
- (2) "Adult Arcade." Any place to which the public is permitted or invited in which coin-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specific anatomical areas.
- (3) "Adult Bookstore, Adult Novelty Store, or Adult Video Store." A commercial establishment that, for any form of consideration, has a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:
 - (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, which are characterized by their emphasis upon the exhibition or description or described of specified sexual activities or specified anatomical area.
 - (B) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.
 - (C) An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business uses does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.
- (4) "Adult Cabaret." A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:
 - (A) Persons who appear in a state of nudity or semi-nudity;
 - (B) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

- (C) Films, motion pictures videocassettes, slides or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.
- (5) "Adult Motel." A motel, hotel, or similar commercial establishment which offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.
- (6) "Adult Motion Picture Theater." A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
- (7) "Adult Theater." A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon exposure of specified anatomical areas or specified sexual activities.
- (8) "Agricultural Use." The use of a tract of land for growing crops in the open, dairying, animal husbandry, pasturage, horticulture, floriculture, and necessary accessory uses, including the structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm, and the family thereof; provided, however, such agricultural use shall not include the following uses:
- (A) The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted;
 - (B) Wholesale or retail sales as an accessory use unless the same are specifically permitted by this Zoning Code;
 - (C) The feeding of garbage to animals, or the operation or maintenance of a commercial stockyard or feed yard.
- (9) "Alley." A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.
- (10) "Antenna." Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.
- (11) "Antenna Support Structure." Any building or other structures other than a tower that can be used for location of wireless telecommunications facilities.
- (12) "Apparel Stores." Stores selling or accepting for sale clothing at retail.
- (13) "Appeal." A request for a review of the interpretation of any provision of this Zoning Code.
- (14) "Applicant." Any person that applies for a permit pursuant to this Zoning Code.
- (15) "Application." The process by which an applicant submits a request and indicates a desire to be granted a permit under the provisions of this Zoning Code. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City of Troy concerning such a request.
- (16) "Area of Special Flood Hazard." The land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year.
- (17) "Aquifer." A glacial formation, group of glacial formations or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.
- (18) "Automobile Accessory Stores." Stores engaged primarily in the business of selling automobile parts, tires, batteries, seat covers, and other automobile accessories.

- (19) "Automobile Sales or Rental." The use of any building, land area, or both for the display and sale and/or rental of new or used automobiles, which may include light trucks or vans, trailers or recreational vehicles, and where any vehicle preparation or repair work is conducted solely as an accessory use.
- (20) "Automobile Service Station." A building, lot, or both, where fuels, oils, and accessories for the use of passenger motor vehicles are dispensed, sold or offered for retail sale, and where mechanical repair service and washing of vehicles may be incidental to the dispensing of such items. The storage of junk or inoperable vehicles, and the sale and/or rental of new or used automobiles shall not be included in this definition.
- (21) "Automotive Repair, Major." General repair, rebuilding or reconditioning of motor vehicles, trailers, engines or transmissions; collision services, including body, frame or fender straightening or repair; overall painting or paint shop; and steam cleaning.
- (22) "Automotive Repair, Minor." Incidental minor repairs, including replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1½) tons rated capacity, but not including any operation named under "automobile repair, major". Oil change and muffler repair shops are included in this definition.
- (23) "Automobile Washing." A building, or portion thereof, containing facilities for washing automobiles and which may include the use of a chain conveyor, blower, steam cleaning device, or other mechanical means. Also includes self-serve manual washing facilities for passenger vehicles only.
- (24) "Awning." See "Canopy"
- (25) "Bakeries, Retail." Stores engaged in the sale at retail of bread, cake, cookies, and other similar items including the baking of such items on the premises, but excluding the baking of such items for delivery to wholesale customers or for door-to-door sale or delivery to retail customers.
- (26) "Bakeries, Wholesale." Stores engaged in the sale at wholesale of bread, cake, cookies, and other similar items including the baking of such items on the premises, but excluding the baking of such items for retail sale on premises.
- (27) "Banks and Financial Institutions." Commercial banks, savings and loan associations, credit unions, brokerage offices, and other similar financial institutions, but not including pawnshops, check cashing establishments or payday loan businesses.
- (28) "Base Flood." Means the flood having a one (1) percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one hundred (100) year flood.
- (29) "Basement." That portion of a building which is partly or completely below grade.
- (30) "Bed and Breakfast." Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.
- (31) "Block." A tract of land bounded by streets, a combination of streets, railroad right-of-way, river or stream, or any other barrier to the continuity of development.
- (32) "Block Face." A single side of a dedicated street running from street to street including parcels and public right-of-way.
- (33) "Buffer Strip." A designated area of land between two abutting zoning districts which is landscaped in such a way as to minimize the visual and auditory impact of a higher intensity use from a neighboring, less intensive use.
- (34) "Building." Any covered structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.
- (35) "Building Height." The vertical distance from the grade (elevation of the sidewalk if the front of the building abuts upon the sidewalk or the average level of the finished surface of the ground adjacent to the structure) to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- (36) "Bulk Regulations." Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines.

Bulk regulations include regulations controlling:

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

- (37) "Candlepower." The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.
- (38) "Canopy." Any structure, movable or stationary, attached to and deriving its support from structural members or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop, doorway, window or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.
- (39) "Cemetery." Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.
- (40) "Channel." A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.
- (41) "Check Cashing Establishment." A business engaged in cashing checks for the general public or providing short-term, non-collateralized loans as an element of its operation, which exceeds 50% of its gross revenues, and which is not licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union.
- (42) "City" or "The City." The City of Troy, Ohio.
- (43) "Clinic." A place used for the outpatient care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.
- (44) "Club, Private." An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county and local laws.
- (45) "Codified Ordinances." The Codified Ordinances of Troy, Ohio, as amended from time to time.
- (46) "Commercial Recreational Facilities, Indoor." Any commercial activity conducted entirely indoors which is related to the recreation field, such as bowling alleys, skating rinks, indoor tennis courts, swimming pools, indoor motion picture theaters, and similar recreational activities. This definition shall exclude adult entertainment facilities as defined elsewhere in this Zoning Code.
- (47) "Commercial Recreational Facilities, Outdoor." Any commercial activity conducted primarily outside of a building that is related to the recreation field, such as drive-in theaters, community swimming pools, miniature golf, driving ranges, skiing facilities, country clubs, and similar activities.
- (48) "Commercial Zoning District(s)" or "Commercial District(s)." One or more of the following conventional zoning districts identified in this Zoning Code: B-1, B-2, B-3, or B-4.
- (49) "Co-Location Wireless Telecommunications." The use of a wireless telecommunication facility by more than one wireless telecommunications provider.

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

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

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

- (A) "Adult Care Facility" An adult family home or an adult group home. For purposes of this section, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three (3) to sixteen (16) unrelated adults, at least three (3) are provided personal care services, is an adult care facility
 - 1. "Adult Family Home" A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and supervision and personal care services, to at least three (3) of those adults.
 - 2. "Adult Group Home" A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults and supervision and personal care services, to at least three (3) of those adults.
- (B) "Residential Facility" A home or facility in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home, county home or district home, or a dwelling in which mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.
 - 1. "Family Home" A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six (6) but not more than eight (8) mentally retarded or developmentally disabled person.
 - 2. "Group Home" A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) mentally retarded or developmentally disabled persons.
 - 3. "Foster Family Home" A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than five (5) mentally retarded or developmentally disabled persons. Residential homes for aged would also be included under this category.
- (C) "Social Care Home" A residential home for three (3) to sixteen (16) children or adolescents who lack social maturity or have emotional problems but who have not been judged delinquent. Residency may be permanent or transient.
- (D) "Halfway House" A facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for not more than sixteen (16) individuals on supervised release from the criminal justice system and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or

for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.

- (E) "Intermediate Care Home" A facility owned and/or operated by an agency or an individual for not more than sixteen (16) children or adolescents who have been so judged delinquent and have been assigned by a court to a residential home in lieu of placement in a correctional institution.
- (52) "Comprehensive Plan." The long-range plan for the desirable use of land within and around the incorporated territory of the City as officially adopted and as amended from time to time by the Planning Commission.
- (53) "Concept Plan" or "Conceptual Plan." A plan, drawn to a representative scale and using real property information obtained from a professionally-prepared surveyor or other reliable source, indicating the distribution of land uses, streets, and roadways within a proposed Planned Development for the purposes of preliminary discussion prior to the formal consideration of a Planned Development General Plan.
- (54) "Conventional Zoning." Zoning districts, other than Planned Development districts, such as Residential Districts, Office Districts, Commercial Districts, and Manufacturing Districts.
- (55) "Conversions." Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or rooming units.
- (56) "Council" or "City Council." The City Council of Troy, Ohio.
- (57) "Cul-de-sac Lot." A lot containing frontage on the bulb of a local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround which may or may not feature a landscaped island.
- (58) "Cutoff." The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at specific angle above the ground.
- (59) "Cutoff Angle." The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from any light source, above which no light is emitted.
- (60) "Cutoff-Type Luminaire." A luminaire with elements such as shields, reflectors, or refractor panels that direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.
- (61) "Day-Care Centers."
 - (A) "Day-Care." Any place in which day-care is provided for less than six (6) persons other than those of the owner or administrator, with or without compensation for any part of the twenty-four (24) hour day, but does not include the care of persons in places of worship during religious services.
 - (B) "Day-Care Center." Any place in which day-care is provided for six (6) or more persons other than those of the owner or administrator, with or without compensation for any part of the twenty-four (24) hour day, but does not include the care of persons in places of worship during religious services.
- (62) "Density." A unit of measurement designating the number of dwelling units, mobile homes, and/or house trailers per acre of land as follows:
 - (A) "Gross Density." The number of dwelling units, mobile homes, and/or house trailers per acre of the total land to be developed.
 - (B) "Net Density." The number of dwelling units, mobile homes, and/or house trailers per acre of land when the acreage involved includes only the land devoted to residential uses and excludes such areas as street rights-of-way, parks, storm drainage areas and other similar uses.
- (63) "Developer" or "Sub divider." The legal or equitable owner or owners, collectively, of all the land proposed to be included in a subdivision, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. By written notice, the developer may appoint one or more agents to work with the City.

- (64) "Development." Any change to improved or unimproved real estate, including but not limited to structures, mining, dredging, filling, grading, paving excavation, or storage of equipment or materials.
- (65) "Development Standards." Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. "Development Standards" include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage, and maximum floor area ratio.
- (66) "Direct Recharge Area." That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.
- (67) "Director" The Director of Public Service and Safety or designee.
- (68) "District." Any section of the City of Troy for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, the off-street parking requirements and intensity of use are uniform.
- (69) "Drive-In" or "Drive-Through." Except for businesses otherwise defined herein, a business or other establishment so developed that its retail or service character is dependent on providing a driveway approach and/or waiting spaces for motor vehicles so as to serve patrons while in the motor vehicle.
- (70) "Dwelling." Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer or other temporary or transient structure or facility. This definition specifically excludes "Mobile Home" and "House Trailer" as defined in this Zoning Code.
- (A) "Dwelling Unit." That space within a building comprising living, dining and sleeping rooms and storage closets, as well as legally required space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.
 - (B) "Multi-Family Dwelling." A building designed or converted for, and occupied exclusively as, separate dwelling units for more than two families living independently of each other, without sharing of living, cooking, bathing or toilet facilities.
 - (C) "Single-Family Dwelling." A building designed or converted for, and occupied exclusively as, a dwelling unit for one family.
 - (D) "Two-Family Dwelling." A building designed or converted for, and occupied exclusively as, separate dwelling units for two families living independently of each other, without sharing of living, cooking, bathing or toilet facilities.
- (71) "Eating Place, Carry-out." An establishment offering food and beverages, which may include liquor, beer, and wine, if licensed by the State of Ohio, where the food and beverages are dispensed at the counter for consumption off the premises.
- (72) "Eating Place, Drive-In." An establishment offering food and beverages, which may include liquor, beer, and wine, if licensed by the State of Ohio, where the food and beverages are dispensed directly to persons while in motor vehicles, and where the food and beverages may also be dispensed at the counter for consumption either on or off the premises.
- (73) "Eating Place No. 1." An establishment where food and beverages are prepared, served, and consumed, which may include liquor, beer, and wine, if licensed by the State of Ohio, for consumption only inside the building.
- (74) "Eating Place No. 2." An establishment having the attributes of an Eating Place No. 1, and which also provides live entertainment.
- (75) "Escort." Escort means a person who, for consideration, and for another person, agrees or offers:
- (A) to act as a companion, guide, or date, or
 - (B) to privately model lingerie, or
 - (C) to privately perform a striptease.

- (76) "Escort Agency." Escort Agency means a person or business association that for a fee, tip, or other consideration, furnishes, offers to furnish, or advertise to furnish, escorts as one of its primary business purposes.
- (77) "Essential Services." The location, erection, construction, reconstruction, charge, alteration, maintenance, removal, use, or enlargement by public utilities or the City or other governmental agencies of underground or overhead gas, electrical, steam, or water generation, transmission or distribution systems; including buildings, structures, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment or accessories and the use of land in connection therewith, for the furnishing of adequate service by such public utilities or the City or other governmental agencies or for the public health, safety, and morals.
- (78) "Family." An individual or two (2) or more persons living together as a household unit who are related to each other by blood, marriage, or adoption, or two (2) or more individuals who need not be related living together as a single housekeeping unit, provided that a ratio of two (2) persons or less per bedroom within the dwelling unit, mobile home, modular home or house trailer is maintained for unrelated arrangements. A group occupying a nursing home, rest home, convalescent home, halfway house, rooming house, hotel, motel, or fraternity or sorority house is not considered a "Family" within this Zoning Code.
- (79) "FCC." The Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- (80) "FEMA." The Federal Emergency Management Agency, who has the overall responsibility for administering the National Flood Insurance Program and any legally appointed, designated or elected agent or successor.
- (81) "Fence." A free standing structure over twelve (12) inches constructed of metal, masonry, composition, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes. Fences shall be maintained in a neat and orderly manner and shall conform to the regulations of Section 521.07 of the Codified Ordinances.
- (82) "Final Development Plan." Any PD application that fulfills the requirements of Step 2 in the Planned Development approval process of this Zoning Code.
- (83) "Flood." A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- (84) "Flood Fringe." That portion of the flood plain outside the floodway.
- (85) "Flood Insurance Rate Map (FIRM)." An official map on which FEMA has delineated the areas of special flood hazard.
- (86) "Flood Insurance Study." The official report in which FEMA has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.
- (87) "Flood Plain." The land adjacent to a body of water that has been or may be hereafter covered by floodwater.
- (88) "Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (89) "Floor Area." The sum of the gross horizontal areas of all floors or a building measured from the exterior faces of the exterior walls or from the center line of walls separating buildings, but not including unenclosed porches and cellar or basement space not used for business or commerce.
- (90) "Floor Area Ratio (F.A.R.)." The floor area ratio of the building or other structure on any lot is determined by dividing the gross floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one (1) building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned developments, by the net site area. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

- (91) "Foot-Candle." A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
- (92) "Garage, Private." A detached accessory building or a portion of a main building with driveway access, intended for the parking or storage of automobiles, recreational vehicles, or boats of the occupants and/or employees of the premises.
- (93) "Garage, Public." A principal or accessory building other than a private garage, intended for the parking or storage of automobiles, recreational vehicles, boats, or other vehicles, and available to the general public.
- (94) "Garage Sale." Any sale entitled "garage sale," "lawn sale," "attic sale," "rummage sale," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large can be made aware of such sale. Garage sales shall be limited to the sale of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for his or her own use. More than six (6) days of sales within a twelve (12) month period is considered by the Ohio Department of Taxation as engaging in a retail business, which is prohibited in Residential Districts by this Zoning Code.
- (95) "Halfway House." A facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for individuals on supervised release from the criminal justice system and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.
- (96) "Hard Surface" Any impervious area that does not allow natural infiltration which includes concrete, asphalt, black top or other such surfaces as determined by the City Engineer. Compacted gravel is not considered a hard surface.
- (97) "Historic District." A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.
- (98) "Home Occupation." Any activity carried out for gain by a resident of the premises in a residential zoning district that is clearly subordinate and incidental to its use as a principal place of residence.
- (99) "Hospital." A facility which provides accommodations and continuous services for the sick and injured which may include pediatric, obstetrical, medical, surgical, psychiatric or extended care.
- (100) "Hotel." A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, motel, motor inn, motor lodge, tourist cabin, tourist court or otherwise.
- (101) "House Trailer." Same as Mobile Home as defined in Section 1133.02(119) of this Zoning Code.
- (102) "Industrial Zoning District(s)." Any of the following zoning districts identified in this Zoning Code: M-1, M-2, M-3.
- (103) "Kennel." Any lot or premises on which four (4) or more dogs and/or other domesticated animals, at least four months of age are kept.
- (104) "Landscaping." The improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- (105) "Laundromat." A commercial establishment providing washing, drying, or ironing machines for hire to be used by customers on the premises.
- (106) "Loading Space." A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for trucks.

- (107) "Lot." A Lot is a parcel of land that is sufficient in size to meet minimum zoning requirements for use, coverage and area, as well as to provide such yards and other open spaces as are herein required and as required by zoning. All lots shall have frontage on an improved street and may consist of a single lot of record; a portion of a lot of record; or a combination of complete lots of record, or portions of lots of record.
- (A) "Corner Lot." A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
 - (B) "Double Frontage or Through Lot." A lot other than a corner lot with frontage on more than one street.
 - (C) "Interior Lot." A lot other than a corner lot with frontage on only one street.
- (108) "Lot Area." The total computed land area contained within the lot lines, exclusive of any portion of a public right-of-way or a private access easement that is usually expressed in square feet or in acres and fractions thereof.
- (109) "Lot Coverage." That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves but including impervious surfaces.
- (110) "Lot Depth." The average distance measured from the front lot line to the rear lot line.
- (111) "Lot Frontage." That portion of a lot running along the boundary of any public or private thoroughfare. Where the lot is located on a curve in the road, the Lot Frontage may be measured along the extent of the curved building line, provided that the side property lines run radial to the curve.
- (112) "Lot Lines." Lot boundary lines.
- (A) "Front." A street right-of-way line or centerline forming the boundary of a lot. On a corner lot, both street rights-of-way or centerlines shall be front lot lines.
 - (B) "Rear." The lot line that is most distant from, and is or is most nearly parallel to the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front lot line. In the case of a corner lot, the rear lot line shall be the lot line opposite the shortest front lot line.
 - (C) "Side." A lot line that is neither a front lot line nor a rear lot line.
- (113) "Lot of Measurement." Lot Measurements. A lot shall be measured as follows:
- (A) Depth of a lot shall be considered to be the mean horizontal distance measured from the midpoint of the front lot lines to the midpoint of the rear lot lines.
 - (B) Depth of a corner lot shall be considered to be the mean horizontal distance between the established front and side lot line (whichever lot line is opposite from the established front lot line). This shall be measured along one front yard and one side yard perpendicular to the front yard.
 - (C) Width of a lot shall be considered to be the mean width of the lot measured at right angles to its depth as measured at the front setback.
- (114) "Lot of Record." A lot which is part of a subdivision approved by the City of Troy and recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- (115) "Lot Width." The distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the required front building line.
- (116) "Lot, Zoning." A parcel of land not separated by street or alley that is designated by its owner or developer at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership.
- (117) "Luminaire." A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

- (118) "Manufacturing." The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product.
- (119) "Manufacturing Training Facility." A training facility offering instruction in one or more skilled or semiskilled trades or occupations. This may include overnight dwelling units as an accessory use.
- (120) "Mobile Home." A manufactured residential structure designed to be transported over the road, constructed so as to be movable from place to place, ordinarily providing complete, independent living facilities for one (1) family, including provisions for living, sleeping, eating, cooking, and sanitation. Mobile homes are not included within the definition of "Dwelling." Neither the removal of running gear nor placement of the unit on a foundation shall qualify a mobile home as a dwelling.
- (121) "Mobile Home Park." Any lot upon which two (2) or more mobile homes and/or house trailers are located for residential use, either free of charge or for revenue purposes. A "Mobile Home Park" includes any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.
- (122) "Modular Home." A factory-fabricated transportable building consisting of two (2) or more units designed to be assembled into a permanent structure at a building site on a permanent foundation and used for residential purposes by one (1) family, and is built to meet the standards and specifications of the Industrial Unit Standards of the Ohio Building Code.
- (123) "Monopole." A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.
- (124) "Motor Freight Terminal." A building or area in which freight brought by truck is assembled and/or stored for routing in intra-state and interstate shipment by truck or in which semi-trailers, including tractor and /or trailer units, and other trucks are parked or stored.
- (125) "Nonconforming Building or Structure." A lawfully existing building or other structure containing a lawful residential, business, commercial, institutional or industrial use which does not comply with the applicable lot size requirements, building bulk limitations or off-street parking requirements.
- (126) "Nonconforming Lot." A lot existing at the time of enactment of this Zoning Code or any subsequent amendments which does not conform to the lot area and frontage requirements of the district in which it is located.
- (127) "Nonconforming Use." Either a lawfully existing use of part or all of a building or other structure or a lawfully existing use of land not involving a building or structure, which is not allowed by the applicable district regulations of this Zoning Code.
- (128) "Nonconformity." An existing use, building, or structure which fails to comply in some respect with the use or bulk regulations applicable to new uses, buildings, or structures in the district in which it is located.
- (129) "Nude", "Nudity" or "State of Nudity." The showing of the human male or female genitals, pubic area, vulva, anus, anal clef, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.
- (130) "Nursing Home", "Rest Home" or "Convalescent Home." A place, residence, or home used for the boarding and care, for a consideration, of not less than three (3) persons, not members of the immediate family operating the facilities, who by reason of age or infirmity are dependent on the services of others.
- (131) "Office Zoning District(s)." One of both of the following conventional office zoning districts identified in this Zoning Code: OR-1 and OC-1.
- (132) "One-Year Capture Area." The area around the public water supply well fields delineated by the one-year travel time contour.
- (133) "Outdoor Storage." The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.
- (134) "Outdoor Storage Area." An outdoor area on a property, with the exception of single and two-family residential lots, where refuse is collected and stored.

- (135) "Parking Area." A hard surfaced open, unoccupied space used or required for use for parking of automobiles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted and no fees are charged.
- (136) "Parking Space." A hard surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a hard surfaced driveway that affords satisfactory ingress and egress for automobiles.
- (137) "Patio." A covered or uncovered paved area or deck that adjoins a residential structure, the height of which is less than eight (8) inches above the average level of the adjoining ground.
- (138) "Person." Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or not-for-profit.
- (139) "Permitted Use." Any use specifically allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- (140) "Planned Development." An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained according to plan as a single entity and containing one (1) or more structures with appurtenant common areas.
- (141) "Planning Commission." The Planning Commission of Troy, Ohio.
- (142) "Porch." A covered or uncovered floor, deck or platform at the entrance to a building, the height of which is eight (8) inches or more above the average level of the adjoining ground.
- (143) "Potable Water." Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.
- (144) "Principal Building." A building in which is conducted the main or principal use of the lot on which said building is located; ordinarily the largest building on the lot.
- (145) "Principal Use." The main use to which the premises are devoted and the main purpose for which the premises exists; ordinarily the use conducted on the first story of the principal building above the basement.
- (146) "Recharge Lagoon." A body of water designed and maintained by man to add water to the groundwater at a rate greater than that occurring naturally.
- (147) "Record Plan." In the case of development under conventional zoning, any drawing or set of drawings that meets the requirements of the Subdivision Regulations for record plans. In the case of development under PD zoning, any drawing or set of drawings which meets the requirements of the Subdivision Regulations and of Step 3 in the Planned Development approval process of this Zoning Code.
- (148) "Recreational Vehicle." Any vehicle or equipment designed for or primarily used as a travel trailer, fifth-wheel trailer, camper, motor home, truck camper, tent trailer, boat, boat trailer, snowmobile or snowmobile trailer, motorcycle trailer, or any other trailer incidental to recreational uses.
- (149) "Regulated Substances." Substances to be regulated, hereinafter referred to as regulated substances, are chemicals and mixtures or chemicals that are health hazards. Regulated substances include:
 - (A) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system and agents which damage the lungs, skin, eyes, or mucous membranes;
 - (B) Mixtures of chemicals that have been tested as a whole and have been determined to be a health hazard;
 - (C) Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one (1) percent or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one-tenth (0.1) percent or greater of the composition on a weight per unit weight basis;

- (D) Ingredients of mixtures prepared within the WO Wellhead Operation District and the WP Well Field Protection Overlay District in cases where such ingredients are health hazards but comprise less than one-tenth (0.1) percent of the mixture (on a weight per unit weight basis) if carcinogenic or less than one (1) percent of the mixture (on a weight per unit weight basis) if non-carcinogenic;
 - (E) Petroleum and nonsolid petroleum derivatives (except non-PCB dielectric fluids).
- (150) "Residential Zoning District(s)." One or more of the following conventional residential zoning districts identified in this Zoning Code: R-1, R-2, R-3, R-3-B, R-4, R-5, R-6, and R-7.
- (151) "Retail Sales." The sale of goods, merchandise, and commodities for consumption or use by the purchaser.
- (152) "Right-of-Way." A strip of land purchased or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment, such as grade separation, landscaped areas, viaducts, and bridges.
- (153) "Roadside Stand." A temporary structure designed or used for the display or sale of agricultural products.
- (154) "Rooming House." A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms. Institutional dormitories or buildings or portions of buildings designed, arranged, intended, maintained for, or occupied by fifty (50) or more persons which are let for occupancy by religious, benevolent, charitable, educational, or other nonprofit organizations shall not be deemed a rooming house.
- (155) "Screening." Solid walls, solid fences, and/or dense living hedges for the purpose of concealing from view the area behind such structures or evergreen vegetation.
- (156) "Self-Storage Facilities." A structure containing separate, individual and private storage spaces of varying sizes which are leased or rented on individual leases for varying periods of time and whose tenants have access to such space for the purpose storing and removing personal property. This definition does not include a Warehouse.
- (157) "Semi-nude" or "Semi-nude Condition." A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.
- (158) "Semi-nude Model Studio." Any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
- (159) "Setback Line." Where a front or side yard is required along a street, the setback line shall be the minimum horizontal distance between the right-of-way line of the street and a line parallel to the right-of-way line of the street from which any required yard shall be measured.
- (160) "Sexual Encounter Center." A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:
- (A) Two (2) or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
 - (B) Two (2) or more persons appear nude or semi-nude for the purpose of displaying their nude or semi-nude bodies for the receipt of consideration or compensation in any type or form.
 - (C) An establishment where a medical practitioner, psychologist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Ohio R.C. 4731.15, is not a sexual encounter establishment.

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

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

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

(163) "Solar Energy Systems." A panel(s) or other solar energy system designed to absorb the sun's rays as a source of energy for generating electricity or heating or for incidental sale to a utility when that equipment is accessory to a principally permitted use of the property.

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

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

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

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

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

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

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

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

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

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

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

- (174) "Underground Storage Tank." Any one or combination of tanks, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground. Flow-through process tanks and septic tanks approved by the Health Department or State Environmental Protection Agency, as applicable, are excluded from the definition of underground storage tanks.
- (175) "Use." Any purpose for which a building, structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on; in a building, structure or on a tract of land.
- (176) "Variance." A grant of relief from the requirements of this Zoning Code which permits construction in a manner that would otherwise be prohibited by this Zoning Code, which may be granted only by the Board of Zoning Appeals.
- (177) "Warehouse." A business establishment primarily engaged in the storage of merchandise, goods, and materials, not including "self-storage facilities."
- (178) "Well Field." A tract of land that contains a number of wells for supplying water.
- (179) "Wholesale Sales." The sale of goods, merchandise, and commodities for resale by the purchaser.
- (180) "Wireless Telecommunication Facility." Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower or antenna support structure. However, the term wireless telecommunications facilities shall not include:
- (A) Any satellite earth station antenna six (6) feet in diameter or less which is located in an area zoned industrial or commercial.
 - (B) Any satellite earth station antenna eighteen (18) inches or less in diameter, regardless of zoning category.
 - (C) Antennas used by amateur radio operators.
- (181) "Yard." Open space on a lot that is unoccupied and unobstructed from ground to sky except by trees or shrubbery or as otherwise provided herein.
- (182) "Yard, Front." A yard extending along the full length of a front lot line in to a line drawn parallel to such front lot line at a depth equal to the required front yard as stated in this Zoning Code.
- (183) "Yard, Rear." A yard extending along the full length of the rear lot line in to a line drawn parallel to such rear lot line at a depth equal to the required rear yard as stated in this Zoning Code.
- (184) "Yard, Side." A yard extending along the full length of a side lot line in to a line drawn parallel to such side lot line at a depth equal to the required minimum side yard, or back to the setback line on a corner lot, if such a line exists. The side yard excludes any area encompassed within the front yard or rear yard. Dimensions of minimum side yards specified in the district regulations of this Zoning Code refer to the required width of each side yard rather than to the total width of both side yards, unless otherwise specified.
- (185) "Zone of Influence." A zone delineated by iso-travel time contours around well fields. The zone is calculated, based on the rate of movement of groundwater in the vicinity of wells with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.
- (186) "Zoning Administrator." The City of Troy Director of Public Service and Safety, or designee, who is responsible for administering and enforcing this Zoning Code.
- (187) "Zoning Certificate." That document signed by the Zoning Administrator which certifies that the use to be made of a particular property is a permissible use according to the terms of the Zoning Code, also referred as "Zoning Permit."
- (188) "Zoning Map." The Official Zoning District Map of the City described in Section 1141.03 of this Zoning Code, or portion thereof, together with all amendments thereto subsequently adopted. "

SECTION III: That Section 1143.13 (b) of the Zoning Code of the City of Troy, Ohio, attached hereto as Exhibit "B", is hereby repealed.

SECTION IV: That Section 1143.13 (b) of the Zoning Code of the City of Troy, Ohio, as set forth below is hereby enacted as follow:

"1143.13 (b) Principal Permitted Uses. Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Accountant's office.
- Apparel stores – retail stores.
- Architect's office.
- Art and school supplies – retail sales.
- Art galleries and museums.
- Artist, sculptor and composer studios.
- Attorney's office.
- Automobile fuel dispensing station.
- Automobile parking garages.
- Automobile parking lots.
- Banks and financial institutions.
- Barber and beauty shops.
- Bed and Breakfast.
- Bicycle sale, rental and repair.
- Books – retail sales.
- Business, civic, fraternal association and labor meeting rooms.
- Cameras and photo supplies – retail sales.
- Candy and confectionery – retail sales.
- Child day – care centers.
- Churches, chapels, temples, synagogues.
- Cigars, cigarettes, tobacco – retail sales.
- Drug stores – retail sales.
- Dry cleaning and laundromats.
- Eating place – carry out.
- Eating place - #1.
- Eating place - #2.
- Electrical appliance repair.
- Engineer's office.
- Florists.
- Food stores – retail sales.
- Gift shops.
- Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Grocery, meat and fish – retail sales.
- Hardware – retail sales.
- Hobby shops – retail sales.
- Insurance agent's office.
- Jewelry – retail sales.
- Lawn mower sales, service and repair.
- Leather goods and luggage – retail sales.
- Libraries.
- Locksmiths.
- Medical and dental laboratories.
- Medical and dental office/clinic.
- Mortuaries and funeral parlors.
- Newsstand – retail sales.
- Office supplies and stationary – retail sales.
- Optical goods – retail sales.
- Package liquor, beer and wine – retail sales.
- Paint, glass and wallpaper – retail sales.
- Pet sales and supplies – retail sales.
- Pet grooming, all day, no overnight.
- Photo studios.
- Private clubs.
- Professional Offices not otherwise mentioned.
- Public parks, playgrounds and community centers.
- Public utility.
- Radio and television-sales, service and repair.
- Real estate broker's office.
- Repair part – retail sales.
- Residential use on second story or above.

- Retail and service uses.
- Schools – primary, intermediate and secondary – public or private.
- Seamstress and tailor.
- Shoe repair.
- Upholstery shop, not involving furniture manufacturing.
- Variety stores – retail sales.
- Veterinary office – no boarding.
- Watch, clock and jewelry repair. "

SECTION V: That Section 1143.16 (b) of the Zoning Code of the City of Troy, Ohio, attached hereto as Exhibit "C", is hereby repealed.

SECTION VI: That Section 1143.16 (b) of the Zoning Code of the City of Troy, Ohio, as set forth below is hereby enacted as follows:

"1143.16 (b) Principal Permitted Uses. Only those uses set forth below which continuously conform to all the requirements of divisions (c) through (f) of this section shall be permitted:

- Accountant's office.
- Apparel stores – retail sales.
- Architect's office.
- Art and school supplies – retail sales.
- Art galleries and museums.
- Artist, sculptor and composer studios.
- Attorney's office.
- Auction sales.
- Automobile accessories – retail sales, including incidental installation.
- Automobile fuel dispensing station.
- Automobile laundries.
- Automobile parking garages.
- Automobile parking lots.
- Automobile repair garages – no body work.
- Automobile rental.
- Automobile sales.
- Automobile service stations.
- Bakeries – retail sales.
- Banks and financial institutions.
- Barber and beauty schools.
- Bicycle sales, rental and repair.
- Blueprinting, photocopying, photo finishing services.
- Books – retail sales.
- Bowling lanes.
- Building material sales and storage facilities.
- Bus stations.
- Business, civic, fraternal association and labor meeting rooms.
- Business and technical schools.
- Cabinet shops.
- Cameras and photo supplies – retail sales.
- Candy and confectionery – retail sales.
- Carpentry shops.
- Catering services.
- Cigars, cigarettes, tobacco – retail sales.
- Coin-operated amusement centers.
- Commercial greenhouse and nurseries.
- Dance halls.
- Dancing schools.
- Department stores.
- Driver training schools (Automobile).
- Drug stores – retail sales.
- Dry cleaning and laundromats.
- Eating place – carry out.
- Eating place – drive-in.
- Eating place - #1.
- Eating place - #2.
- Electrical appliance repair.
- Engineer's office.
- Equipment rental services, including cars, trucks and trailers.
- Exterminating services.
- Florists.
- Food brokers – retail, wholesale and storage without processing.

- Food stores – retail sales.
- Frozen food lockers.
- Garden stores.
- Gift shops.
- Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Grocery, meat and fish – retail sales.
- Gymnasiums.
- Hardware – retail sales.
- Health studios and clubs.
- Heating, A/C, electric and plumbing sales, service and repair.
- Hobby shops – retail sales.
- Hotels and motels.
- Insurance agent's office.
- Jewelry – retail sales.
- Lawn mower sales, service and repair.
- Leather goods and luggage – retail sales.
- Libraries.
- Locksmiths.
- Medical and dental laboratories.
- Medical and dental office/clinic.
- Mortuaries and funeral parlors.
- Motorcycle sales and service.
- Newsstand – retail sales.
- Office supplies and stationary – retail sales.
- Optical goods – retail sales.
- Package liquor, beer and wine – retail sales – drive-thru.
- Package liquor, beer and wine – retail sales.
- Paint, glass and wallpaper – retail sales.
- Pet grooming – all day, no overnight.
- Pet sales and supplies – retail sales.
- Photo studios.
- Professional Office not otherwise mentioned.
- Public Parks, playgrounds and community centers.
- Public utility.
- Radio and television – sales, service and repair.
- Real estate broker's office.
- Repair part – retail sales.
- Retail and service uses.
- Sales offices and service centers.
- Seamstress and tailor.
- Shoe repair.
- Upholstery shop, not involving furniture manufacturing.
- Variety stores – retail sales.
- Veterinary office – w/boarding.
- Watch, clock and jewelry repair. "

SECTION VII: That Section 1143.18 (b) of the Zoning Code of the City of Troy, Ohio, attached hereto as Exhibit "D", is hereby repealed.

SECTION VIII: That Section 1143.18 (b) of the Zoning Code of the City of Troy, Ohio, as set forth below is hereby enacted as follows:

"1143.18 (b) Principal Permitted Uses. Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Agricultural implement sales and service.
- Agricultural uses.
- Auction sales.
- Automobile fuel dispensing station.
- Automobile parking garages.
- Automobile parking lots.
- Automobile repair garages – including body work.
- Bakeries – wholesale sales.
- Beverage distributors and bottling plants.
- Bone, canvas, cellophane, clay, cloth, cork, feathers, felt – manufacturing, assembling, compounding, or treatment (or any combination of these processes).
- Building material sales and storage facilities.
- Carpentry shops.

- Cash advance businesses.
- Cement block and formed products manufacturing.
- Cold storage plants.
- Commercial greenhouses and nurseries.
- Contractor sales, storage and equipment yards.
- Crematoriums (pet and human).
- Dairy and food product processing and packaging.
- Driver training schools (trucks).
- Dry cleaning – commercial.
- Electrical and electronic products, components and equipment – manufacturing, assembling or repair.
- Equipment rental services, including cars, trucks and trailers.
- Exterminating services.
- Fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious stone or metal, sheet metal, shell, textiles, tobacco, wax, wire and wood, but not including as a principal operation, the manufacture of such substances.
- Food brokers – retail, wholesale and storage without processing.
- Frozen food lockers.
- Garden stores.
- Government buildings, structures, or premises used exclusively by federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Government buildings, structures, or premises used exclusively by federal, state, county, township or municipal governments for public purposes, provided open storage areas are screened.
- Heating, A/C, electric and plumbing sales, service and repair.
- Liquid fuel, petroleum products, petroleum, and volatile oils – bulk storage stations in accordance with Section 1143.18(g) hereof.
- Machine shops, tool and die shops.
- Machinery and heavy equipment rental, sales and storage.
- Manufacturing, assembling or repair of medical, dental, optical and similar precision instruments or appliances.
- Manufacturing training facility.
- Meat processing and packaging, exclusive of slaughtering.
- Medical and dental laboratories.
- Metal products, excluding structural steel and foundry products or product from previously prepared materials – manufacturing, compounding, assembling or treatment (or any combination of these processes).
- Moving and storage companies.
- Musical instruments – manufacturing, assembling or repair.
- Novelties, toys and rubber products – manufacturing, assembling or repair.
- Pawn shops.
- Pharmaceutical products, including cosmetics, toiletries and perfumes, but excluding the manufacture of soap from raw materials or products previously prepared – manufacturing, compounding, assembling, or treatment (or any combination of these processes).
- Pool Halls.
- Printing, publishing, binding and typesetting plants.
- Private clubs.
- Public utility.
- Railroad stations, depots, train yards, classification yards and team tracks.
- Research and engineering laboratories.
- Sales offices and service centers.
- Sawing and planing mills.
- Self-Storage Facility.
- Sexually oriented business.
- Sign painting and manufacture.
- Stone products processing and manufacturing.
- Tattoo parlors.
- Truck fuel dispensing stations.
- Truck repair facility.
- Truck sales and service.
- Truck washing facility.
- Trucking and motor freight terminals.

- Watches and clocks, including clock operated devices – manufacturing, assembling or repair.
- Water filtration plants and pumping stations.
- Wholesale, but not retail warehouses. "

SECTION IX: That Section 1149.04 of the Zoning Code of the City of Troy, Ohio, attached hereto as Exhibit "E", is hereby repealed.

SECTION X: That Section 1149.04 of the Zoning Code of the City of Troy, Ohio, as set forth below is hereby enacted as follows:

"1149.04 Principal Buildings Per Lot. There shall not be more than one (1) principal building for each lot. Development requests regarding more than one (1) principal building for each lot shall require approval under an appropriate planned development district. Self-Storage Facility's as defined per 1133.02 (155) are exempt from this requirement. "

SECTION XI: That Section 1151.04 (c) of the Zoning Code of the City of Troy, Ohio, attached hereto as Exhibit "F" is hereby repealed.

SECTION XII: That Section 1151.04 (c) of the Zoning Code of the City of Troy, Ohio, as set forth below is hereby enacted as follows:

"(c) All accessory buildings and structures shall conform to the following bulk regulations:

- (1) Accessory buildings and structures shall be set back not less than five (5) feet from the rear lot line.
- (2) All accessory buildings and structures shall be set back from the side lot lines a distance equal to the required side yard for the principal use, building, or structure located on the same zoning lot. For lots having a width less than the required width of the district within which the lot is located, the total required for both side yards shall not be less than ten (10) feet, and for any one (1) side yard the required yard shall be not less than three (3) feet, provided it complies with the applicable fire, safety, and building construction codes.
- (3) No part of an accessory building or structure shall be located closer than five (5) feet to any principal building or structure and the distance shall also comply with all applicable fire and safety codes.
- (4) An accessory structure that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the site development standards and all other development standards of the applicable zoning district. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by a breezeway or roof.
- (5) Accessory buildings and structures shall otherwise comply with the bulk regulations applicable in the district in which they are located.
- (6) Accessory buildings in a Residence or Office-Residence District shall not exceed the height or size of the principal building or structure or twenty-five (25) feet, whichever is less, except for buildings accessory to an agricultural use.
- (7) No accessory building or structure or accessory use shall be permitted in any required front yard or side yard unless it is a permitted obstruction under Section 1149.08 of this Zoning Code."

SECTION XIII: That Section 1151.14 (f) of the Zoning Code of the City of Troy, Ohio, attached hereto as Exhibit "G" is hereby repealed.

SECTION XIV: That Section 1151.14 (f) the Zoning Code of the City of Troy, Ohio, as set forth below is enacted and adopted:

"(f) Solar energy systems. Solar energy systems such as solar panels, shall be permitted in all zoning districts except the HP-O Historic Preservation Overlay District subject to the following provisions:

- (1) Ground-Mounted.
 - A. Location. Ground mounted systems shall be located in the rear yard of the property, and shall not be located nearer to any lot lines than what is permitted for accessory uses in that district.
 - B. Screening. Ground mounted systems shall be screened with a dense living hedge to minimize visibility from adjoining properties.
 - C. Height. The maximum height of any solar panels shall not exceed eight (8) feet from the average level of the adjoining ground.
 - D. Area. Ground mounted solar systems shall not exceed 25% of the rear yard and shall not exceed the square footage of the principal structure.

- E. Accessory. Ground mounted solar systems shall be accessory to a permitted principal use. Ground mounted solar systems shall not be installed on a vacant lot.
- (2) Roof-Mounted. Roof mounted solar energy systems shall be located in the least visibly obtrusive location where they would be functional and subject to the following requirements:
 - A. All solar energy systems shall have a non-reflective coating to minimize glare.
 - B. Roof-mounted solar energy systems shall be installed on the same plane of the roof material (flush mounted) or shall be made a part of the roof design.
 - C. Roof-mounted solar energy systems shall not extend above the ridgeline of the roof to which they are attached and they may not extend below the roof line.
 - D. Mounting brackets and panels for roof-mounted solar energy systems shall not extend more than 8 inches above the roof surface and shall be covered in a manner architecturally compatible with the building to which is attached to minimize visibility from the right-of-way or adjoining properties.
 - E. All building-mounted solar energy systems shall be installed in a manner so they have a rectangular configuration.
 - F. Wiring and other appurtenances associated with roof-mounted solar energy systems shall be installed in a manner not visible from the right-of-way.
 - a. Roof penetration shall be used to conceal electrical wiring and electrical components from the public right-of-way.
 - G. Solar energy systems shall be located in a manner that provides a three (3) foot wide clear access pathway from the eave to the ridge for each roof where panels are located.
 - H. Panels shall be located in one general area on the same roof plane.
 - I. Panels installed on a roof facing the public right-of-way shall not exceed 25 percent of that roof area.
 - J. Solar energy systems may be mounted on flat roofs provided there is a parapet wall or other architectural feature that screens the view of the panels. Such panels may be mounted on an angle provided they do not extend more than five feet above the roof surface.
 - K. Solar energy systems located on the roof shall provide, as part of their permit application, evidence of design review and structural certification signed by an engineer.
 - L. Solar energy systems shall be accessory to a principally permitted use. Solar panels are not permitted on a vacant lot. "

SECTION XV: That Section 1151.16 of the Zoning Code of the City of Troy, Ohio, as set forth below is hereby adopted:

"1151.16 Self-Storage Facilities requirements:

- A. Self-Storage Facility may not be located within 1000' of another Self-Storage Facility.
- B. Outdoor Storage Prohibited: All goods and property stored in a Self-Storage Facility shall be stored in an enclosed building. No outdoor storage of boats, RVs, vehicles, etc., or storage in outdoor storage pods or shipping containers is permitted.
- C. Fences and walls including entry gates shall be constructed of high-quality materials and shall be compatible with the design and materials of the building(s) and site. Decorative metal or wrought iron fences are a preferred material. The use of chain link is not permitted on self-storage facilities.
- D. The maximum lot size for a parcel with a Self-Storage Facility shall be no more than three (3) acres.
- E. Facades facing the public right-of-way shall be constructed of the following materials;
 - 1. Stone, brick, wood, stucco, cultured stone, cement board, ceramic tile, ceramic block, or exterior insulation finish systems (EIFS).
 - 2. Architectural metal is permitted, provided that it occupies no more than ten percent of the façade area and that all fasteners are concealed.

3. This subsection should not be construed to prohibit metal roofs, flashing, or high-quality metal siding such as copper, bronze, or other decorative metal as determined by the Zoning Administrator.

F. Self-Storage Facilities shall not be used as a dwelling."

SECTION XVI. That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: _____

President of Council

Approved: _____

Attest: _____
Clerk of Council

Mayor

1133.02 DEFINITIONS.

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

- (1) "Accessory Structure." Any purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied which:
 - A) Is customarily incidental and subordinate in area, extent, or purpose to the principal building, structure or use which it serves, and,
 - B) Is located on the same zoning lot as the principal building, structure, or use, with the single exception of such accessory off-street parking facilities which are permitted to locate elsewhere than on the same zoning lot with the building or use served under Section 1155.07 of this Zoning Code.
- (2) "Adult Arcade." Any place to which the public is permitted or invited in which coin-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specific anatomical areas.
- (3) "Adult Bookstore, Adult Novelty Store, or Adult Video Store." A commercial establishment that, for any form of consideration, has a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale of rental of any of the following:
 - (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, which are characterized by their emphasis upon the exhibition or description or described of specified sexual activities or specified anatomical area.
 - (B) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.
 - (C) An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business uses does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.
- (4) "Adult Cabaret." A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:
 - (A) Persons who appear in a state of nudity or semi-nudity;
 - (B) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - (C) Films, motion pictures videocassettes, slides or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.
- (5) "Adult Motel." A motel, hotel, or similar commercial establishment which offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.
- (6) "Adult Motion Picture Theater." A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
- (7) "Adult Theater." A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon exposure of specified anatomical areas or specified sexual activities.
- (8) "Agricultural Use." The use of a tract of land for growing crops in the open, dairying, animal husbandry, pasturage, horticulture, floriculture, and necessary accessory uses, including the structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm, and the family thereof; provided, however, such agricultural use shall not include the following uses:
 - (A) The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted;
 - (B) Wholesale or retail sales as an accessory use unless the same are specifically permitted by this Zoning Code;
 - (C) The feeding of garbage to animals, or the operation or maintenance of a commercial stockyard or feed yard.
- (9) "Alley." A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.
- (10) "Antenna." Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.

- (11) "Antenna Support Structure." Any building or other structures other than a tower that can be used for location of wireless telecommunications facilities.
- (12) "Apparel Stores." Stores selling or accepting for sale clothing at retail.
- (13) "Appeal." A request for a review of the interpretation of any provision of this Zoning Code.
- (14) "Applicant." Any person that applies for a permit pursuant to this Zoning Code.
- (15) "Application." The process by which an applicant submits a request and indicates a desire to be granted a permit under the provisions of this Zoning Code. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City of Troy concerning such a request.
- (16) "Area of Special Flood Hazard." The land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year.
- (17) "Aquifer." A glacial formation, group of glacial formations or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.
- (18) "Automobile Accessory Stores." Stores engaged primarily in the business of selling automobile parts, tires, batteries, seat covers, and other automobile accessories.
- (19) "Automobile Sales or Rental." The use of any building, land area, or both for the display and sale and/or rental of new or used automobiles, which may include light trucks or vans, trailers or recreational vehicles, and where any vehicle preparation or repair work is conducted solely as an accessory use.
- (20) "Automobile Service Station." A building, lot, or both, where fuels, oils, and accessories for the use of passenger motor vehicles are dispensed, sold or offered for retail sale, and where mechanical repair service and washing of vehicles may be incidental to the dispensing of such items. The storage of junk or inoperable vehicles, and the sale and/or rental of new or used automobiles shall not be included in this definition.
- (21) "Automotive Repair, Major." General repair, rebuilding or reconditioning of motor vehicles, trailers, engines or transmissions; collision services, including body, frame or fender straightening or repair; overall painting or paint shop; and steam cleaning.
- (22) "Automotive Repair, Minor." Incidental minor repairs, including replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1½) tons rated capacity, but not including any operation named under "automobile repair, major". Oil change and muffler repair shops are included in this definition.
- (23) "Automobile Washing." A building, or portion thereof, containing facilities for washing automobiles and which may include the use of a chain conveyor, blower, steam cleaning device, or other mechanical means. Also includes self-serve manual washing facilities for passenger vehicles only.
- (24) "Awning." See "Canopy"
- (25) "Bakeries, Retail." Stores engaged in the sale at retail of bread, cake, cookies, and other similar items including the baking of such items on the premises, but excluding the baking of such items for delivery to wholesale customers or for door-to-door sale or delivery to retail customers.
- (26) "Bakeries, Wholesale." Stores engaged in the sale at wholesale of bread, cake, cookies, and other similar items including the baking of such items on the premises, but excluding the baking of such items for retail sale on premises.
- (27) "Banks and Financial Institutions." Commercial banks, savings and loan associations, credit unions, brokerage offices, and other similar financial institutions, but not including pawnshops, check cashing establishments or payday loan businesses.
- (28) "Base Flood." Means the flood having a one (1) percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one hundred (100) year flood.
- (29) "Basement." That portion of a building which is partly or completely below grade.
- (30) "Bed and Breakfast." Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.
- (31) "Block." A tract of land bounded by streets, a combination of streets, railroad right-of-way, river or stream, or any other barrier to the continuity of development.
- (32) "Block Face." A single side of a dedicated street running from street to street including parcels and public right-of-way.
- (33) "Buffer Strip." A designated area of land between two abutting zoning districts which is landscaped in such a way as to minimize the visual and auditory impact of a higher intensity use from a neighboring, less intensive use.
- (34) "Building." Any covered structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.
- (35) "Building Height." The vertical distance from the grade (elevation of the sidewalk if the front of the building abuts upon the sidewalk or the average level of the finished surface of the ground adjacent to the structure) to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- (36) "Bulk Regulations." Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling:

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

- (37) "Candlepower." The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.
- (38) "Canopy." Any structure, movable or stationary, attached to and deriving its support from structural members or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop, doorway, window or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.
- (39) "Cemetery." Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.
- (40) "Channel." A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.
- (41) "Check Cashing Establishment." A business engaged in cashing checks for the general public or providing short-term, non-collateralized loans as an element of its operation, which exceeds 50% of its gross revenues, and which is not licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union.
- (42) "City" or "The City." The City of Troy, Ohio.
- (43) "Clinic." A place used for the outpatient care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.
- (44) "Club, Private." An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county and local laws.
- (45) "Codified Ordinances." The Codified Ordinances of Troy, Ohio, as amended from time to time.
- (46) "Commercial Recreational Facilities, Indoor." Any commercial activity conducted entirely indoors which is related to the recreation field, such as bowling alleys, skating rinks, indoor tennis courts, swimming pools, indoor motion picture theaters, and similar recreational activities. This definition shall exclude adult entertainment facilities as defined elsewhere in this Zoning Code.
- (47) "Commercial Recreational Facilities, Outdoor." Any commercial activity conducted primarily outside of a building that is related to the recreation field, such as drive-in theaters, community swimming pools, miniature golf, driving ranges, skiing facilities, country clubs, and similar activities.
- (48) "Commercial Zoning District(s)" or "Commercial District(s)." One or more of the following conventional zoning districts identified in this Zoning Code: B-1, B-2, B-3, or B-4.
- (49) "Co-Location Wireless Telecommunications." The use of a wireless telecommunication facility by more than one wireless telecommunications provider.
- (50) "Common Open Space." A parcel of land or an area of water or combination of both land and water, within a site designated as a planned development and designated and intended for the use and enjoyment of the residents of the planned development. Common open space does not include streets, alleys, off-street parking or loading areas, public open space, or other facilities dedicated by the developer for public use. Common open space shall be substantially free of structures, but may contain such improvements as are approved as a part of the general development plan and are appropriate for the recreation of residents of the planned residential development.
- (51) "Community Oriented Residential Social Service Facility." A facility which provides resident services to a group of individuals of whom three or more are unrelated. These individuals are mentally retarded, handicapped, aged or disabled, are undergoing rehabilitation, and are provided services to meet their needs. All family homes and adult family homes shall possess an appropriate license from the State of Ohio, Miami County, or other appropriate governmental unit prior to operation and are required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the zoning district in which it is located. All group homes, adult group homes, halfway houses, and social care homes shall possess an appropriate license. Prior to the issuance of a final certificate of occupancy, the operator or agency shall provide evidence that a valid license has been or will be issued.

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

- (A) "Adult Care Facility" An adult family home or an adult group home. For purposes of this section, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three (3) to sixteen (16) unrelated adults, at least three (3) are provided personal care services, is an adult care facility.
 - 1. "Adult Family Home" A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and supervision and personal care services, to at least three (3) of those adults.
 - 2. "Adult Group Home" A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults and supervision and personal care services, to at least three (3) of those adults.

- (B) "Residential Facility" A home or facility in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home, county home or district home, or a dwelling in which mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.
 - 1. "Family Home" A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six (6) but not more than eight (8) mentally retarded or developmentally disabled person.
 - 2. "Group Home" A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) mentally retarded or developmentally disabled persons.
 - 3. "Foster Family Home" A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than five (5) mentally retarded or developmentally disabled persons. Residential homes for aged would also be included under this category.
 - (C) "Social Care Home" A residential home for three (3) to sixteen (16) children or adolescents who lack social maturity or have emotional problems but who have not been judged delinquent. Residency may be permanent or transient.
 - (D) "Halfway House" A facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for not more than sixteen (16) individuals on supervised release from the criminal justice system and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.
 - (E) "Intermediate Care Home" A facility owned and/or operated by an agency or an individual for not more than sixteen (16) children or adolescents who have been so judged delinquent and have been assigned by a court to a residential home in lieu of placement in a correctional institution.
- (52) "Comprehensive Plan." The long-range plan for the desirable use of land within and around the incorporated territory of the City as officially adopted and as amended from time to time by the Planning Commission.
- (53) "Concept Plan" or "Conceptual Plan." A plan, drawn to a representative scale and using real property information obtained from a professionally-prepared surveyor or other reliable source, indicating the distribution of land uses, streets, and roadways within a proposed Planned Development for the purposes of preliminary discussion prior to the formal consideration of a Planned Development General Plan.
- (54) "Conventional Zoning." Zoning districts, other than Planned Development districts, such as Residential Districts, Office Districts, Commercial Districts, and Manufacturing Districts.
- (55) "Conversions." Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or rooming units.
- (56) "Council" or "City Council." The City Council of Troy, Ohio.
- (57) "Cul-de-sac Lot." A lot containing frontage on the bulb of a local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround which may or may not feature a landscaped island.
- (58) "Cutoff." The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at specific angle above the ground.
- (59) "Cutoff Angle." The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from any light source, above which no light is emitted.
- (60) "Cutoff-Type Luminaire." A luminaire with elements such as shields, reflectors, or refractor panels that direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.
- (61) "Day-Care Centers."
 - (A) "Day-Care." Any place in which day-care is provided for less than six (6) persons other than those of the owner or administrator, with or without compensation for any part of the twenty-four (24) hour day, but does not include the care of persons in places of worship during religious services.
 - (B) "Day-Care Center." Any place in which day-care is provided for six (6) or more persons other than those of the owner or administrator, with or without compensation for any part of the twenty-four (24) hour day, but does not include the care of persons in places of worship during religious services.
- (62) "Density." A unit of measurement designating the number of dwelling units, mobile homes, and/or house trailers per acre of land as follows:
 - (A) "Gross Density." The number of dwelling units, mobile homes, and/or house trailers per acre of the total land to be developed.
 - (B) "Net Density." The number of dwelling units, mobile homes, and/or house trailers per acre of land when the acreage involved includes only the land devoted to residential uses and excludes such areas as street rights-of-way, parks, storm drainage areas and other similar uses.
- (63) "Developer" or "Sub divider." The legal or equitable owner or owners, collectively, of all the land proposed to be included in a subdivision, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. By written notice, the developer may appoint one or more agents to work with the City.

- (64) "Development." Any change to improved or unimproved real estate, including but not limited to structures, mining, dredging, filling, grading, paving excavation, or storage of equipment or materials.
- (65) "Development Standards." Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. "Development Standards" include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage, and maximum floor area ratio.
- (66) "Direct Recharge Area." That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.
- (67) "Director." The Director of Public Service and Safety or designee.
- (68) "District." Any section of the City of Troy for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, the off-street parking requirements and intensity of use are uniform.
- (69) "Drive-In" or "Drive-Through." Except for businesses otherwise defined herein, a business or other establishment so developed that its retail or service character is dependent on providing a driveway approach and/or waiting spaces for motor vehicles so as to serve patrons while in the motor vehicle.
- (70) "Dwelling." Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer or other temporary or transient structure or facility. This definition specifically excludes "Mobile Home" and "House Trailer" as defined in this Zoning Code.
- (A) "Dwelling Unit." That space within a building comprising living, dining and sleeping rooms and storage closets, as well as legally required space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.
- (B) "Multi-Family Dwelling." A building designed or converted for, and occupied exclusively as, separate dwelling units for more than two families living independently of each other, without sharing of living, cooking, bathing or toilet facilities.
- (C) "Single-Family Dwelling." A building designed or converted for, and occupied exclusively as, a dwelling unit for one family.
- (D) "Two-Family Dwelling." A building designed or converted for, and occupied exclusively as, separate dwelling units for two families living independently of each other, without sharing of living, cooking, bathing or toilet facilities.
- (71) "Eating Place, Carry-out." An establishment offering food and beverages, which may include liquor, beer, and wine, if licensed by the State of Ohio, where the food and beverages are dispensed at the counter for consumption off the premises.
- (72) "Eating Place, Drive-In." An establishment offering food and beverages, which may include liquor, beer, and wine, if licensed by the State of Ohio, where the food and beverages are dispensed directly to persons while in motor vehicles, and where the food and beverages may also be dispensed at the counter for consumption either on or off the premises.
- (73) "Eating Place No. 1." An establishment where food and beverages are prepared, served, and consumed, which may include liquor, beer, and wine, if licensed by the State of Ohio, for consumption only inside the building.
- (74) "Eating Place No. 2." An establishment having the attributes of an Eating Place No. 1, and which also provides live entertainment.
- (75) "Escort." Escort means a person who, for consideration, and for another person, agrees or offers:
- (A) to act as a companion, guide, or date, or
- (B) to privately model lingerie, or
- (C) to privately perform a striptease.
- (76) "Escort Agency." Escort Agency means a person or business association that for a fee, tip, or other consideration, furnishes, offers to furnish, or advertise to furnish, escorts as one of its primary business purposes.
- (77) "Essential Services." The location, erection, construction, reconstruction, charge, alteration, maintenance, removal, use, or enlargement by public utilities or the City or other governmental agencies of underground or overhead gas, electrical, steam, or water generation, transmission or distribution systems; including buildings, structures, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment or accessories and the use of land in connection therewith, for the furnishing of adequate service by such public utilities or the City or other governmental agencies or for the public health, safety, and morals.
- (78) "Family." An individual or two (2) or more persons living together as a household unit who are related to each other by blood, marriage, or adoption, or two (2) or more individuals who need not be related living together as a single housekeeping unit, provided that a ratio of two (2) persons or less per bedroom within the dwelling unit, mobile home, modular home or house trailer is maintained for unrelated arrangements. A group occupying a nursing home, rest home, convalescent home, halfway house, rooming house, hotel, motel, or fraternity or sorority house is not considered a "Family" within this Zoning Code.
- (79) "FCC." The Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- (80) "FEMA." The Federal Emergency Management Agency, who has the overall responsibility for administering the National Flood Insurance Program and any legally appointed, designated or elected agent or successor.
- (81) "Fence." A free standing structure over twelve (12) inches constructed of metal, masonry, composition, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes. Fences shall be maintained in a neat and orderly manner and shall conform to the regulations of Section 521.07 of the Codified Ordinances.

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- (82) "Final Development Plan." Any PD application that fulfills the requirements of Step 2 in the Planned Development approval process of this Zoning Code.
- (83) "Flood." A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- (84) "Flood Fringe." That portion of the flood plain outside the floodway.
- (85) "Flood Insurance Rate Map (FIRM)." An official map on which FEMA has delineated the areas of special flood hazard.
- (86) "Flood Insurance Study." The official report in which FEMA has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.
- (87) "Flood Plain." The land adjacent to a body of water that has been or may be hereafter covered by floodwater.
- (88) "Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (89) "Floor Area." The sum of the gross horizontal areas of all floors or a building measured from the exterior faces of the exterior walls or from the center line of walls separating buildings, but not including unenclosed porches and cellar or basement space not used for business or commerce.
- (90) "Floor Area Ratio (F.A.R.)." The floor area ratio of the building or other structure on any lot is determined by dividing the gross floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one (1) building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned developments, by the net site area. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.
- (91) "Foot-Candle." A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
- (92) "Garage, Private." A detached accessory building or a portion of a main building with driveway access, intended for the parking or storage of automobiles, recreational vehicles, or boats of the occupants and/or employees of the premises.
- (93) "Garage, Public." A principal or accessory building other than a private garage, intended for the parking or storage of automobiles, recreational vehicles, boats, or other vehicles, and available to the general public.
- (94) "Garage Sale." Any sale entitled "garage sale," "lawn sale," "attic sale," "rummage sale," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large can be made aware of such sale. Garage sales shall be limited to the sale of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for his or her own use. More than six (6) days of sales within a twelve (12) month period is considered by the Ohio Department of Taxation as engaging in a retail business, which is prohibited in Residential Districts by this Zoning Code.
- (95) "Halfway House." A facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for individuals on supervised release from the criminal justice system and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.
- (96) "Hard Surface." Any impervious area that does not allow natural infiltration which includes concrete, asphalt, black top or other such surfaces as determined by the City Engineer. Compacted gravel is not considered a hard surface.
- (97) "Historic District." A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.
- (98) "Home Occupation." Any activity carried out for gain by a resident of the premises in a residential zoning district that is clearly subordinate and incidental to its use as a principal place of residence.
- (99) "Hospital." A facility which provides accommodations and continuous services for the sick and injured which may include pediatric, obstetrical, medical, surgical, psychiatric or extended care.
- (100) "Hotel." A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, motel, motor inn, motor lodge, tourist cabin, tourist court or otherwise.
- (101) "House Trailer." Same as Mobile Home as defined in Section 1133.02(119) of this Zoning Code.
- (102) "Industrial Zoning District(s)." Any of the following zoning districts identified in this Zoning Code: M-1, M-2, M-3.
- (103) "Kennel." Any lot or premises on which four (4) or more dogs and/or other domesticated animals, at least four months of age are kept.
- (104) "Landscaping." The improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- (105) "Laundromat." A commercial establishment providing washing, drying, or ironing machines for hire to be used by customers on the premises.

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- (106) "Loading Space." A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for trucks.
- (107) "Lot." A Lot is a parcel of land that is sufficient in size to meet minimum zoning requirements for use, coverage and area, as well as to provide such yards and other open spaces as are herein required and as required by zoning. All lots shall have frontage on an improved street and may consist of a single lot of record; a portion of a lot of record; or a combination of complete lots of record, or portions of lots of record.
- (A) "Corner Lot." A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
- (B) "Double Frontage or Through Lot." A lot other than a corner lot with frontage on more than one street.
- (C) "Interior Lot." A lot other than a corner lot with frontage on only one street.
- (108) "Lot Area." The total computed land area contained within the lot lines, exclusive of any portion of a public right-of-way or a private access easement that is usually expressed in square feet or in acres and fractions thereof.
- (109) "Lot Coverage." That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves but including impervious surfaces.
- (110) "Lot Depth." The average distance measured from the front lot line to the rear lot line.
- (111) "Lot Frontage." That portion of a lot running along the boundary of any public or private thoroughfare. Where the lot is located on a curve in the road, the Lot Frontage may be measured along the extent of the curved building line, provided that the side property lines run radial to the curve.
- (112) "Lot Lines." Lot boundary lines.
- (A) "Front." A street right-of-way line or centerline forming the boundary of a lot. On a corner lot, both street rights-of-way or centerlines shall be front lot lines.
- (B) "Rear." The lot line that is most distant from, and is or is most nearly parallel to the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front lot line. In the case of a corner lot, the rear lot line shall be the lot line opposite the shortest front lot line.
- (C) "Side." A lot line that is neither a front lot line nor a rear lot line.
- (113) "Lot of Measurement." Lot Measurements. A lot shall be measured as follows:
- (A) Depth of a lot shall be considered to be the mean horizontal distance measured from the midpoint of the front lot lines to the midpoint of the rear lot lines.
- (B) Depth of a corner lot shall be considered to be the mean horizontal distance between the established front and side lot line (whichever lot line is opposite from the established front lot line). This shall be measured along one front yard and one side yard perpendicular to the front yard.
- (C) Width of a lot shall be considered to be the mean width of the lot measured at right angles to its depth as measured at the front setback.
- (114) "Lot of Record." A lot which is part of a subdivision approved by the City of Troy and recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- (115) "Lot Width." The distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the required front building line.
- (116) "Lot, Zoning." A parcel of land not separated by street or alley that is designated by its owner or developer at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership.
- (117) "Luminaire." A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.
- (118) "Manufacturing." The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product.
- (119) "Mobile Home." A manufactured residential structure designed to be transported over the road, constructed so as to be movable from place to place, ordinarily providing complete, independent living facilities for one (1) family, including provisions for living, sleeping, eating, cooking, and sanitation. Mobile homes are not included within the definition of "Dwelling." Neither the removal of running gear nor placement of the unit on a foundation shall qualify a mobile home as a dwelling.
- (120) "Mobile Home Park." Any lot upon which two (2) or more mobile homes and/or house trailers are located for residential use, either free of charge or for revenue purposes. A "Mobile Home Park" includes any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.
- (121) "Modular Home." A factory-fabricated transportable building consisting of two (2) or more units designed to be assembled into a permanent structure at a building site on a permanent foundation and used for residential purposes by one (1) family, and is built to meet the standards and specifications of the Industrial Unit Standards of the Ohio Building Code.
- (122) "Monopole." A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.
- (123) "Motor Freight Terminal." A building or area in which freight brought by truck is assembled and/or stored for routing in intra-state and interstate shipment by truck or in which semi-trailers, including tractor and/or trailer units, and other trucks are parked or stored.

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- (124) "Nonconforming Building or Structure." A lawfully existing building or other structure containing a lawful residential, business, commercial, institutional or industrial use which does not comply with the applicable lot size requirements, building bulk limitations or off-street parking requirements.
- (125) "Nonconforming Lot." A lot existing at the time of enactment of this Zoning Code or any subsequent amendments which does not conform to the lot area and frontage requirements of the district in which it is located.
- (126) "Nonconforming Use." Either a lawfully existing use of part or all of a building or other structure or a lawfully existing use of land not involving a building or structure, which is not allowed by the applicable district regulations of this Zoning Code.
- (127) "Nonconformity." An existing use, building, or structure which fails to comply in some respect with the use or bulk regulations applicable to new uses, buildings, or structures in the district in which it is located.
- (128) "Nude," "Nudity" or "State of Nudity." The showing of the human male or female genitals, pubic area, vulva, anus, anal clef, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.
- (129) "Nursing Home," "Rest Home" or "Convalescent Home." A place, residence, or home used for the boarding and care, for a consideration, of not less than three (3) persons, not members of the immediate family operating the facilities, who by reason of age or infirmity are dependent on the services of others.
- (130) "Office Zoning District(s)." One of both of the following conventional office zoning districts identified in this Zoning Code: OR-1 and OC-1.
- (131) "One-Year Capture Area." The area around the public water supply well fields delineated by the one-year travel time contour.
- (132) "Outdoor Storage." The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.
- (133) "Outdoor Storage Area." An outdoor area on a property, with the exception of single and two-family residential lots, where refuse is collected and stored.
- (134) "Parking Area." A hard surfaced open, unoccupied space used or required for use for parking of automobiles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted and no fees are charged.
- (135) "Parking Space." A hard surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a hard surfaced driveway that affords satisfactory ingress and egress for automobiles.
- (136) "Patio." A covered or uncovered paved area or deck that adjoins a residential structure, the height of which is less than eight (8) inches above the average level of the adjoining ground.
- (137) "Person." Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or not-for-profit.
- (138) "Permitted Use." Any use specifically allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- (139) "Planned Development." An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained according to plan as a single entity and containing one (1) or more structures with apartment common areas.
- (140) "Planning Commission." The Planning Commission of Troy, Ohio.
- (141) "Porch." A covered or uncovered floor, deck or platform at the entrance to a building, the height of which is eight (8) inches or more above the average level of the adjoining ground.
- (142) "Potable Water." Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.
- (143) "Principal Building." A building in which is conducted the main or principal use of the lot on which said building is located; ordinarily the largest building on the lot.
- (144) "Principal Use." The main use to which the premises are devoted and the main purpose for which the premises exists; ordinarily the use conducted on the first story of the principal building above the basement.
- (145) "Recharge Lagoon." A body of water designed and maintained by man to add water to the groundwater at a rate greater than that occurring naturally.
- (146) "Record Plan." In the case of development under conventional zoning, any drawing or set of drawings that meets the requirements of the Subdivision Regulations for record plans. In the case of development under PD zoning, any drawing or set of drawings which meets the requirements of the Subdivision Regulations and of Step 3 in the Planned Development approval process of this Zoning Code.
- (147) "Recreational Vehicle." Any vehicle or equipment designed for or primarily used as a travel trailer, fifth-wheel trailer, camper, motor home, truck camper, tent trailer, boat, boat trailer, snowmobile or snowmobile trailer, motorcycle trailer, or any other trailer incidental to recreational uses.
- (148) "Regulated Substances." Substances to be regulated, hereinafter referred to as regulated substances, are chemicals and mixtures or chemicals that are health hazards. Regulated substances include:
- (A) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system and agents which damage the lungs, skin, eyes, or mucous membranes;

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- (B) Mixtures of chemicals that have been tested as a whole and have been determined to be a health hazard;
- (C) Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one (1) percent or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one-tenth (0.1) percent or greater of the composition on a weight per unit weight basis;
- (D) Ingredients of mixtures prepared within the WO Wellhead Operation District and the WP Well Field Protection Overlay District in cases where such ingredients are health hazards but comprise less than one-tenth (0.1) percent of the mixture (on a weight per unit weight basis) if carcinogenic or less than one (1) percent of the mixture (on a weight per unit weight basis) if non-carcinogenic;
- (E) Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).
- (149)"Residential Zoning District(s)." One or more of the following conventional residential zoning districts identified in this Zoning Code: R-1, R-2, R-3, R-3-B, R-4, R-5, R-6, and R-7.
- (150)"Retail Sales." The sale of goods, merchandise, and commodities for consumption or use by the purchaser.
- (151)"Right-of-Way." A strip of land purchased or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment, such as grade separation, landscaped areas, viaducts, and bridges.
- (152)"Roadside Stand." A temporary structure designed or used for the display or sale of agricultural products.
- (153)"Rooming House." A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms. Institutional dormitories or buildings or portions of buildings designed, arranged, intended, maintained for, or occupied by fifty (50) or more persons which are let for occupancy by religious, benevolent, charitable, educational, or other nonprofit organizations shall not be deemed a rooming house.
- (154)"Screaming." Solid walls, solid fences, and/or dense living hedges for the purpose of concealing from view the area behind such structures or evergreen vegetation.
- (155)"Semi-nude" or "Semi-nude Condition." A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.
- (156)"Semi-nude Model Studio." Any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
- (157)"Setback Line." Where a front or side yard is required along a street, the setback line shall be the minimum horizontal distance between the right-of-way line of the street and a line parallel to the right-of-way line of the street from which any required yard shall be measured.
- (158)"Sexual Encounter Center." A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:
- (A) Two (2) or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
 - (B) Two (2) or more persons appear nude or semi-nude for the purpose of displaying their nude or semi-nude bodies for the receipt of consideration or compensation in any type or form.
 - (C) An establishment where a medical practitioner, psychologist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Ohio R.C. 4731.15, is not a sexual encounter establishment.
- (159)"Sexually Oriented Business." Sexually oriented businesses are classified as follows:
- (A) Adult Arcades.
 - (B) Adult Bookstores, Adult Novelty Stores, and Adult Video Stores.
 - (C) Adult Cabarets.
 - (D) Adult Motel.
 - (E) Adult Motion Picture Theaters.
 - (F) Adult Theater.
 - (G) Escort Agencies.
 - (H) Massage Parlor.
 - (I) Semi-Nude Model Studios.
 - (J) Sexual Encounter Centers.
- (160)"Sign." Any communication device regulated by Section 749 of these Codified Ordinances.
- (161)"Specified Anatomical Areas." The cleft of the buttock, anus, male or female genitals, or the female breast.
- (162)"Specified Sexual Activity." Any form of the following:
- (A) Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.
 - (B) Excretory functions as a part of or in connection with any of the activities described in subsection (A) hereof.
- (163)"Story." That portion of a building, other than a cellar or basement (except one used for business or residence) included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

- (164)"Story, Half." A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.
- (165)"Street." A public or private thoroughfare which affords the principal means of access to abutting property. The term "Street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
- (166)"Structural Alteration." Any change other than incidental repairs, which would prolong the life of supporting members of a building or other structure such as reinforcement or replacement of bearing walls or bearing partitions, columns, beams or girders.
- (167)"Structure." Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. Without limitation on the foregoing, a structure shall include building, fences, walls, billboards, platforms, towers and signs.
- (168)"Temporary Use." A use for a limited duration with the intent to discontinue such use upon the expiration of the time period, and usually not involving any construction or alteration of any structure.
- (169)"Tower." For the purposes of the wireless telecommunication facility regulations within this Zoning Code, a tower is defined as a self-supporting lattice, guyed, or monopole structure constructed from grade that supports wireless telecommunications facilities. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.
- (170)"Travel Time Contour." A locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.
- (171)"Underground Storage Tank." Any one or combination of tanks, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground. Flow-through process tanks and septic tanks approved by the Health Department or State Environmental Protection Agency, as applicable, are excluded from the definition of underground storage tanks.
- (172)"Use." Any purpose for which a building, structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a building, structure or on a tract of land.
- (173)"Variance." A grant of relief from the requirements of this Zoning Code which permits construction in a manner that would otherwise be prohibited by this Zoning Code, which may be granted only by the Board of Zoning Appeals.
- (174)"Well Field." A tract of land that contains a number of wells for supplying water.
- (175)"Wholesale Sales." The sale of goods, merchandise, and commodities for resale by the purchaser.
- (176)"Wireless Telecommunication Facility." Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower or antenna support structure. However, the term wireless telecommunications facilities shall not include:
- (A) Any satellite earth station antenna six (6) feet in diameter or less which is located in an area zoned industrial or commercial.
 - (B) Any satellite earth station antenna eighteen (18) inches or less in diameter, regardless of zoning category.
 - (C) Antennas used by amateur radio operators.
- (177)"Yard." Open space on a lot that is unoccupied and unobstructed from ground to sky except by trees or shrubbery or as otherwise provided herein.
- (178)"Yard, Front." A yard extending along the full length of a front lot line in to a line drawn parallel to such front lot line at a depth equal to the required front yard as stated in this Zoning Code.
- (179)"Yard, Rear." A yard extending along the full length of the rear lot line in to a line drawn parallel to such rear lot line at a depth equal to the required rear yard as stated in this Zoning Code.
- (180)"Yard, Side." A yard extending along the full length of a side lot line in to a line drawn parallel to such side lot line at a depth equal to the required minimum side yard, or back to the setback line on a corner lot, if such a line exists. The side yard excludes any area encompassed within the front yard or rear yard. Dimensions of minimum side yards specified in the district regulations of this Zoning Code refer to the required width of each side yard rather than to the total width of both side yards, unless otherwise specified.
- (181)"Zone of Influence." A zone delineated by iso-travel time contours around well fields. The zone is calculated, based on the rate of movement of groundwater in the vicinity of wells with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.
- (182)"Zoning Administrator." The City of Troy Director of Public Service and Safety, or designee, who is responsible for administering and enforcing this Zoning Code.
- (183)"Zoning Certificate." That document signed by the Zoning Administrator which certifies that the use to be made of a particular property is a permissible use according to the terms of the Zoning Code, also referred as "Zoning Permit."
- (184)"Zoning Map." The Official Zoning District Map of the City described in Section 1141.03 of this Zoning Code, or portion thereof, together with all amendments thereto subsequently adopted.

Exhibit "B"

1143.13 B-1 LOCAL RETAIL DISTRICT

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

- * Accountant's office.
- * Apparel stores – retail stores.
- * Architect's office.
- * Art and school supplies – retail sales.
- * Art galleries and museums.
- * Artist, sculptor and composer studios.
- * Attorney's office.
- * Automobile fuel dispensing station.
- * Automobile parking garages.
- * Automobile parking lots.
- * Banks and financial institutions.
- * Barber and beauty shops.
- * Bed and Breakfast.
- * Bicycle sale, rental and repair.
- * Books – retail sales.
- * Business, civic, fraternal association and labor meeting rooms.
- * Cameras and photo supplies – retail sales.
- * Candy and confectionery – retail sales.
- * Child day – care centers.
- * Churches, chapels, temples, synagogues.
- * Cigars, cigarettes, tobacco – retail sales.
- * Drug stores – retail sales.
- * Dry cleaning and laundromats.
- * Eating place – carry out.
- * Eating place - #1.
- * Eating place - #2.
- * Electrical appliance repair.
- * Engineer's office.
- * Florists.
- * Food stores – retail sales.
- * Gift shops.
- * Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- * Grocery, meat and fish – retail sales.
- * Hardware – retail sales.
- * Hobby shops – retail sales.
- * Insurance agent's office.
- * Jewelry – retail sales.
- * Lawn mower sales, service and repair.
- * Leather goods and luggage – retail sales.
- * Libraries.
- * Locksmiths.
- * Medical and dental laboratories.
- * Medical and dental office/clinic.
- * Mortuaries and funeral parlors.
- * Newsstand – retail sales.
- * Office supplies and stationary – retail sales.
- * Optical goods – retail sales.
- * Package liquor, beer and wine – retail sales.
- * Paint, glass and wallpaper – retail sales.
- * Pet sales and supplies – retail sales.
- * Photo studios.
- * Private clubs.
- * Professional Offices not otherwise mentioned.
- * Public parks, playgrounds and community centers.
- * Public utility.
- * Radio and television-sales, service and repair.
- * Real estate broker's office.
- * Repair part – retail sales.
- * Residential use on second story or above.
- * Retail and service uses.
- * Schools – primary, intermediate and secondary – public or private.
- * Seamstress and tailor.
- * Shoe repair.
- * Upholstery shop, not involving furniture manufacturing.
- * Variety stores – retail sales.
- * Veterinary office – no boarding.
- * Watch, clock and jewelry repair.

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Exhibit "C"

1143.16 B-4 HIGHWAY SERVICE BUSINESS DISTRICT

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

- * Accountant's office.
- * Apparel stores – retail sales.
- * Architect's office.
- * Art and school supplies – retail sales.
- * Art galleries and museums.
- * Artist, sculptor and composer studios.
- * Attorney's office.
- * Auction sales.
- * Automobile accessories – retail sales, including incidental installation.
- * Automobile fuel dispensing station.
- * Automobile laundries.
- * Automobile parking garages.
- * Automobile parking lots.
- * Automobile repair garages – no body work.
- * Automobile rental.
- * Automobile sales.
- * Automobile service stations.
- * Bakeries – retail sales.
- * Banks and financial institutions.
- * Barber and beauty schools.
- * Bicycle sales, rental and repair.
- * Blueprinting, photocopying, photo finishing services.
- * Books – retail sales.
- * Bowling lanes.
- * Building material sales and storage facilities.
- * Bus stations.
- * Business, civic, fraternal association and labor meeting rooms.
- * Business and technical schools.
- * Cabinet shops.
- * Cameras and photo supplies – retail sales.
- * Candy and confectionery – retail sales.
- * Carpentry shops.
- * Catering services.
- * Cigars, cigarettes, tobacco – retail sales.
- * Coin-operated amusement centers.
- * Commercial greenhouse and nurseries.
- * Dance halls.
- * Dancing schools.
- * Department stores.
- * Driver training schools (Automobile).
- * Drug stores – retail sales.
- * Dry cleaning and laundromats.
- * Eating place – carry out.
- * Eating place – drive-in.
- * Eating place - #1.
- * Eating place - #2.
- * Electrical appliance repair.
- * Engineer's office.
- * Equipment rental services, including cars, trucks and trailers.
- * Exterminating services.
- * Florists.
- * Food brokers – retail, wholesale and storage without processing.
- * Food stores – retail sales.
- * Frozen food lockers.
- * Garden stores.
- * Gift shops.
- * Government buildings, structures, or premises used exclusively be federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- * Grocery, meat and fish – retail sales.
- * Gymnasiums.
- * Hardware – retail sales.
- * Health studios and clubs.
- * Heating, A/C, electric and plumbing sales, service and repair.
- * Hobby shops – retail sales.
- * Hotels and motels.
- * Insurance agent's office.
- * Jewelry – retail sales.
- * Lawn mower sales, service and repair.
- * Leather goods and luggage – retail sales.
- * Libraries.
- * Locksmiths.
- * Medical and dental laboratories.
- * Medical and dental office/clinic.
- * Mortuaries and funeral parlors.

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- Motorcycle sales and service.
- Newsstand – retail sales.
- Office supplies and stationary – retail sales.
- Optical goods – retail sales.
- Package liquor, beer and wine – retail sales – drive-thru.
- Package liquor, beer and wine – retail sales.
- Paint, glass and wallpaper – retail sales.
- Pet grooming – all day, no overnight.
- Pet sales and supplies – retail sales.
- Photo studios.
- Professional Office not otherwise mentioned.
- Public Parks, playgrounds and community centers.
- Public utility.
- Radio and television – sales, service and repair.
- Real estate broker's office.
- Repair part – retail sales.
- Retail and service uses.
- Sales offices and service centers.
- Seamstress and tailor.
- Shoe repair.
- Upholstery shop, not involving furniture manufacturing.
- Variety stores – retail sales.
- Veterinary office – w/boarding.
- Watch, clock and jewelry repair.
- Wholesale houses, warehouse and other storage facilities.

Exhibit " D"

1143.18 M-2 LIGHT INDUSTRIAL DISTRICT

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

- Agricultural implement sales and service.
- Agricultural uses.
- Auction sales.
- Automobile fuel dispensing station.
- Automobile parking garages.
- Automobile parking lots.
- Automobile repair garages – including body work.
- Bakeries – wholesale sales.
- Beverage distributors and bottling plants.
- Bone, canvas, cellophane, clay, cloth, cork, feathers, felt – manufacturing, assembling, compounding, or treatment (or any combination of these processes).
- Building material sales and storage facilities.
- Carpentry shops.
- Cash advance businesses.
- Cement block and formed products manufacturing.
- Cold storage plants.
- Commercial greenhouses and nurseries.
- Contractor sales, storage and equipment yards.
- Crematoriums (pet and human).
- Dairy and food product processing and packaging.
- Driver training schools (trucks).
- Dry cleaning – commercial.
- Electrical and electronic products, components and equipment – manufacturing, assembling or repair.
- Equipment rental services, including cars, trucks and trailers.
- Exterminating services.
- Fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious stone or metal, sheet metal, shell, textiles, tobacco, wax, wire and wood, but not including as a principal operation, the manufacture of such substances.
- Food brokers – retail, wholesale and storage without processing.
- Frozen food lockers.
- Garden stores.
- Government buildings, structures, or premises used exclusively by federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Government buildings, structures, or premises used exclusively by federal, state, county, township or municipal governments for public purposes, provided open storage areas are screened.
- Heating, A/C, electric and plumbing sales, service and repair.
- Liquid fuel, petroleum products, petroleum, and volatile oils – bulk storage stations in accordance with Section 1143.18(g) hereof.
- Machine shops, tool and die shops.
- Machinery and heavy equipment rental, sales and storage.
- Manufacturing, assembling or repair of medical, dental, optical and similar precision instruments or appliances.
- Meat processing and packaging, exclusive of slaughtering.
- Medical and dental laboratories.
- Metal products, excluding structural steel and foundry products or product from previously prepared materials – manufacturing, compounding, assembling or treatment (or any combination of these processes).
- Moving and storage companies.
- Musical instruments – manufacturing, assembling or repair.
- Novelties, toys and rubber products – manufacturing, assembling or repair.
- Pawn shops.
- Pharmaceutical products, including cosmetics, toiletries and perfumes, but excluding the manufacture of soap from raw materials or products previously prepared – manufacturing, compounding, assembling, or treatment (or any combination of these processes).
- Pool Halls.
- Printing, publishing, binding and typesetting plants.
- Private clubs.
- Public utility.
- Railroad stations, depots, train yards, classification yards and team tracks.
- Research and engineering laboratories.
- Sales offices and service centers.
- Sewing and planning mills.
- Sexually oriented business.
- Sign painting and manufacture.
- Stone products processing and manufacturing.
- Tattoo parlors.
- Truck fuel dispensing stations.
- Truck repair facility.
- Truck sales and service.
- Truck washing facility.
- Trucking and motor freight terminals.
- Watches and clocks, including clock operated devices – manufacturing, assembling or repair.
- Water filtration plants and pumping stations.
- Wholesale houses, warehouse and other storage facilities

Exhibit "E"

1149.04 PRINCIPAL BUILDINGS PER LOT

There shall be not more than one (1) principal building for each lot. Development requests regarding more than one (1) principal building for each lot shall require approval under an approved planned development district.

Exhibit "F"

1151.04 ACCESSORY BUILDINGS, STRUCTURES AND USES.

(c) All accessory buildings and structures shall conform to the following bulk regulations:

- (1) Accessory buildings and structures shall be set back not less than five (5) feet from the rear lot line.
- (2) All accessory buildings and structures shall be set back from the side lot lines a distance equal to the required side yard for the principal use, building, or structure located on the same zoning lot. For lots having a width less than the required width of the district within which the lot is located, the total required for both side yards shall not be less than ten (10) feet, and for any one (1) side yard the required yard shall be not less than three (3) feet, provided it complies with the applicable fire, safety, and building construction codes.
- (3) No part of an accessory building or structure shall be located closer than ten (10) feet to any principal building or structure, unless it complies with applicable fire, safety, or building construction codes.
- (4) Accessory buildings and structures shall otherwise comply with the bulk regulations applicable in the district in which they are located.
- (5) Accessory buildings in a Residence or Office-Residence District shall not exceed the height or size of the principal building or structure or twenty-five (25) feet, whichever is less, except for buildings accessory to an agricultural use.
- (6) No accessory building or structure or accessory use shall be permitted in any required front yard or side yard unless it is a permitted obstruction under Section 1149.08 of this Zoning Code.

Exhibit "G"

1151.14 WIND ENERGY CONVERSION SYSTEMS AND OTHER ALTERNATIVE ENERGY SYSTEMS

(f) Alternative Energy Source Systems. Alternative energy source systems, such as solar panels, shall be permitted in all zoning districts subject to the following provisions:

- (1) Ground-Mounted.
 - A. Location. Ground mounted systems shall be located in the rear yard of the property, and shall not be located nearer any lot lines than what is permitted for accessory uses in that district.
 - B. Screening. Ground mounted shall be screened with landscaping.
- (2) Roof-Mounted. Roof mounted systems shall be located so not to be visible from the public right of way fronting the property except as otherwise approved by Planning Commission.
- (3) Number. Alternative energy source systems shall only generate energy for use for or in support of a main building and/or accessory buildings located on the same lot.