



AGENDA - TROY PLANNING COMMISSION MEETING
WEDNESDAY, JUNE 8, 2022, 3:30 P.M.
CITY HALL, COUNCIL CHAMBERS

1. Roll Call
2. Minutes - May 25, 2022
3. Historic District Application for Overfield Tavern Museum, 201 E. Water Street, exterior alteration/repairs: removal and replacement of 8 logs on the second story; "dutchman repairs" of several logs on the first story.
Owner/Applicant: Overfield Tavern Museum by Chris Manning, Executive Dir.
-Commission to make decision.
4. Historic District Application for The Caroline, 5 S. Market Street, for replacement of 10 windows on the ground floor.
Owner/Applicant: Steven Smith
-Commission to make decision.
5. Rezoning of Canferelli Annexation, a 2.0 acre parcel at 1322 Washington Road, from the County zoning of R-1AAA to the City zoning of R-3, Single-Family Residential District. This is to apply a City zoning to a recently annexed property.
Owner/Applicant: Nicholas N. Canferelli
-Commission to determine whether or not to hold a public hearing
-Commission to make a recommendation to Troy City Council
6. Dedication of 0.330 of Right-of-Way of Inlot 7392 at the intersection of S. Dorset Road and Arthur Road.
Owner/Applicant: Greenville Federal
-Commission to make a recommendation to Troy City Council
7. Proposed Amendment to the Zoning Code related to the Historic Preservation Overlay District
-Commission to determine whether or not to hold a public hearing
8. Other

Note Next Meeting -- June 22, 2022

Note to Commission members:
If you will not be attending, please email or call Sue.

May 25, 2022

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, May 25, 2022 at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Titterington, Wolke, Oda, Kappers, McGarry, Ehrlich and Westmeyer; Zoning Inspectors Long and Bruner; and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mr. Westmeyer, seconded by Mrs. Ehrlich, the minutes of the May 11, 2022 meeting were approved as amended by unanimous roll call vote.

HISTORIC DISTRICT APPLICATION, 217-219 PUBLIC SQUARE SE, FOR BUILDING SIGN ABOVE THE STOREFRONT AND EXTERIOR PAINTING. Staff reported: Property is zoned B-3, Central Business District; the building is on the National Register.

SIGN: 22 square feet of signage is permitted for this tenant space; proposed sign is 14 square feet; sign will be placed above the storefront; sign would be 3" thick metal individual pin mounted letters in the following colors: Orange (Invigorate SW 6886), Green (Direct Green SW 6924) and white (Vinyl White SW010); the metal raceways that previously held the Jeweler's sign will be removed.

EXTERIOR PAINTING: Application is to paint the first-floor front façade of the building white (Marshmallow SW7001) to match Haren's building directly to the north. The requested paint alteration is for the first-floor 217 tenant storefront that has been altered in the late 1970's. The uncovered red brick above the storefront will remain unaltered.

Staff recommends approval based on the findings of:

- The proposed sign will meet all City of Troy code requirements;
- The proposed sign colors will not detract from the historic integrity of the building and streetscape;
- The paint does not cover any contributing features on the building; and
- The paint matches the building to the north and does not detract from the historic integrity of the building and streetscape.

A motion was made by Mr. Westmeyer, seconded by Mayor Oda, to approve the application for 217-219 Public Square SE as submitted for the sign and exterior painting, based on the exact sign material and exact paint colors stated in the application, with the red brick not being painted, and based on the findings of staff that:

- The proposed sign will meet all City of Troy code requirements;
- The proposed sign colors will not detract from the historic integrity of the building and streetscape;
- The paint does not cover any contributing features on the building; and
- The paint matches the building to the north and does not detract from the historic integrity of the building and streetscape.

MOTION PASSED, UNANIMOUS VOTE

There being no further business, the meeting adjourned at 3:34 p.m. upon motion of Mr. Westmeyer, seconded by Mr. McGarry, and approved by unanimous voice vote.

Respectfully submitted,

Chairman

Secretary

MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning & Zoning Manager

DATE: June 8, 2022

SUBJECT: Historic District Review – 201 E. Water Street – Overfield Tavern Museum

BACKGROUND:

The OHI form lists this property as a hand-hewn log cabin built in 1808. The building has previously been used as a tavern, courthouse, Masonic lodge, and now a museum. Character defining features include 9/9 double hung, sash windows, chimney on the east side of the building, and a dog run, log wing to the rear with a frame second story. This building is on the National Register of Historic Places, and has been recognized as an Ohio Historic Landmark.

Between 1995 and 2000, the Overfield Tavern underwent major restorations, which includes the installation of poplar siding that was subsequently painted red, and the painting of hewn logs with white latex paint, along with several interior modifications. The Overfield Tavern Museum conducted an Architectural Assessment Report in 2019. The assessment report identified an accelerated rate of deterioration of the poplar siding located on the west elevation (S. Mulberry Street). Continued exposure of the hewn logs located on the south and east elevation has led to extensive dry rot, that has made the building susceptible to insect damage and birds. Phase one of the revitalization efforts have been completed with the replacement of the wood shingled roof to an imitation wood shingle known as Enviroshake that was previously approved by the Planning Commission in February of 2020.

On the August 25, 2021 Planning Commission Meeting, the applicant requested the review of the temporary exterior alterations to the building that included the removal of the poplar siding on the west façade along S. Mulberry Street and partial removal of the white latex paint on the front façade (Water Street) and east façades. The request was made to provide more accessibility to the structural engineer for a full inspection known as Phase 2a of the project. The request was approved with the following conditions:

- Overfield Tavern Museum will provide an update of the findings from the structural engineer by December 21st, 2021.
- This approval is not permitting the final design or material replacement of any elements of the building, rather to provide access for the structural engineer to conduct a complete structural inspection.
- The removal of the white latex paint is conducted using the gentlest method possible, following the Secretary of Interior Standards for the Treatment of Historic Properties.

In October 2021, Midwest Maintenance Inc. removed the existing new-growth poplar siding on the west elevation facing Mulberry Street and the coating of white latex paint on the south elevation facing Water street, revealing the extent of the damage to the log walls. The structural engineer assessed the extent of the damage identifying which logs will need repaired or replaced.

The west elevation logs that were protected by the wood siding are in relatively good condition with minimal repairs needed. The south and east elevations that were covered in latex paint need substantial repairs, including replacement logs.

At the April 13, 2022 Planning Commission meeting, the Planning Commission approved the request for removal and replacement of the second story ledge log and first-story sill logs, exterior repair and replacement logs, and foundation repairs on the south elevation (facing Water Street) with the following conditions:

1. The exterior repairs and foundation work are reviewed and approved by the Miami County Department of Development.
2. The chinking and daubing mortar repairs and replacement will include historically appropriate mixtures;
3. The Sidewalk replacement will be in accordance with the Engineering Department Construction standards, following a final inspection of the concrete work.

DISCUSSION:

Chris Manning, Executive Director of the Overfield Tavern, is requesting the Planning Commission to consider the exterior alterations/repair of the Overfield Tavern east elevation. The request is for the removal and replacement of eight (8) logs on the second story and dutchman repairs of several logs on the first story (see exhibit A).

The replacement logs will consist of old-growth oak and poplar beams recovered from historic barns in the region. These logs will be of the same species as existing and properly seasoned on site prior to installation. Additionally, the logs will be hand-hewn and over 100 years old as they have superior quality and durability over modern farm-raised wood and represent similar tooling techniques as the existing logs. The logs will be rechinked and daubed with an appropriate mortar mix. The "dutchman repairs" also known as "piecing-in" are also being requested. This technique involves the cutting of rotten areas of the wood and stabilization of the adjacent logs, ultimately installing replacement seasoned wood with the similar grain style. These techniques are in conformance with the Secretary on Interior Standards for the Treatment of Historic Properties and the National Park Service Preservation Brief: "The Preservation and Repair of Historic Log Buildings".

The west elevation repairs (facing Mulberry Street) will occur at a later date and will be brought before the Planning Commission.



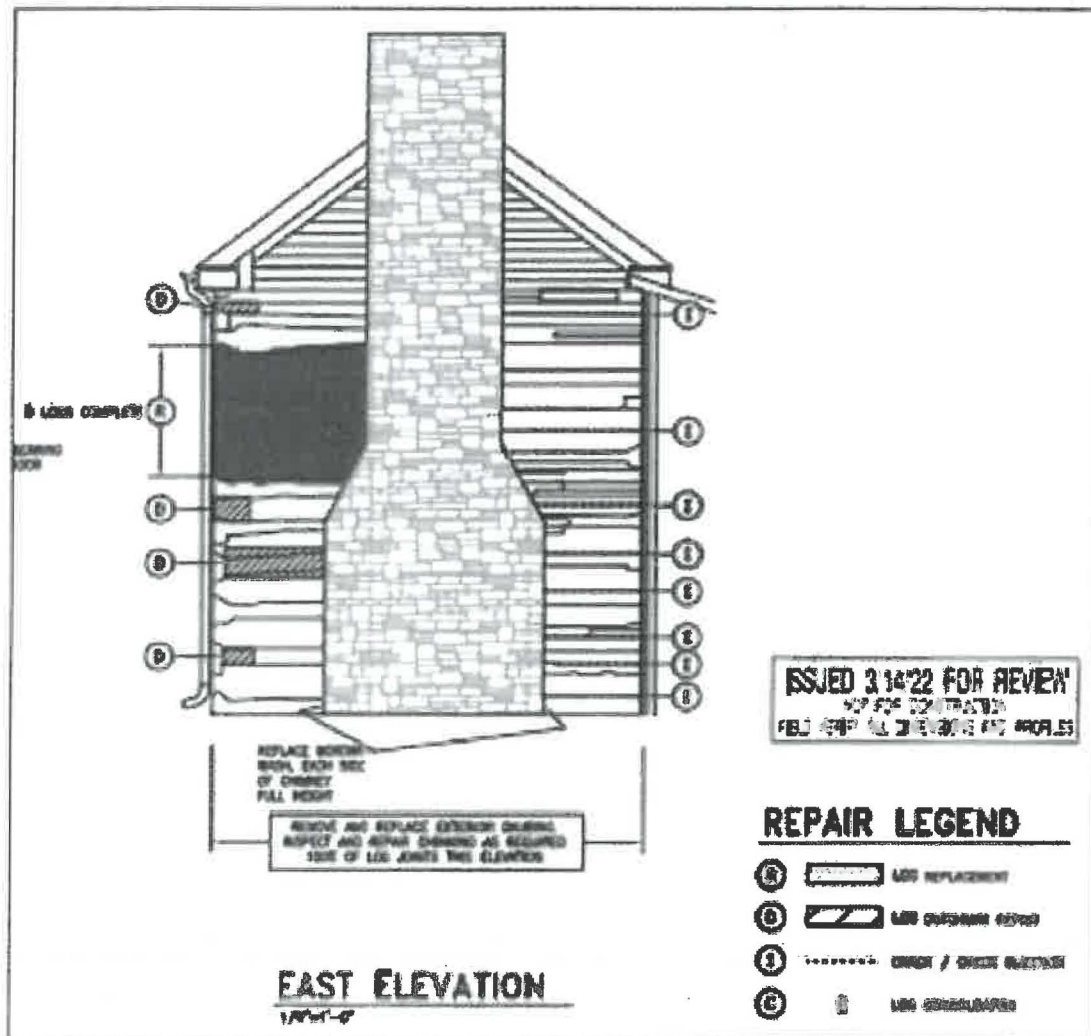
Austin Eidemiller
Planning & Zoning Manager
austin.eidemiller@troyohio.gov

RECCOMENDATION:

Staff recommends approval of the requested removal and replacement of the second story logs and the dutchman repairs on the first story logs on the east elevation with the following conditions:

1. The exterior repairs are reviewed and approved by the Miami County Department of Development; and
2. The chinking and daubing mortar repairs and replacement will include historically appropriate mixtures.

Exhibit A



Detailed construction drawings of the proposed east elevation repairs.



2022060
Troy Development Department
102 S. Market St.
Troy, OH 45373
937.339.9481

CITY OF TROY PLANNING COMMISSION
APPLICATION FOR HISTORICAL TROY ARCHITECTURAL DISTRICT

Date 05/25/2022

Applicant Overfield Tavern Museum Telephone No. 253-985-0415

Owner of Property Overfield Tavern Museum Has the Owner been Notified? Yes

Address of Project 201 E. Water Street, Troy, OH 45373

Contact Address (if different than Project Address) Same

Name of Architect/Engineer and/or Contractor Midwest Maintenance & Arsee Engineers

Application for renovation to include the following:

- ☒ Alteration
☐ Construction
☐ Moving A Building
☐ Painting

- ☒ Repair
☐ Demolish - Principal Structure
☐ Demolish - Accessory Structure
☐ Other: _____

ONE (1) COPY OF INFORMATION TO BE SUPPLIED BY APPLICANT:

- Site Plan drawn to scale shall be provided showing structure in question & its relationship to adjacent structures.
- Description of proposed use, if different than existing use.
- Plans illustrating the proposed structural or exterior changes, including changes in parking facilities, landscaping, screening, fences, signs and other relevant structures and fixtures, and relationship to surrounding structures.
- Description and samples of materials proposed to be used in the project.
- Paint samples for painting applications.
- Any other photographs or illustrative visual aids and/or materials relevant to the project.
- A written letter from the owner acknowledging the application, or a printed signature from the property owner on this form.

SIGNATURE OF APPLICANT:

M. Chris Manning

SIGNATURE OF PROPERTY OWNER:

M. Chris Manning

PRINTED NAME OF PROPERTY OWNER:

M. Chris Manning

OFFICE USE ONLY:

DATE FILED: _____

CASE #: _____

DATE OF MEETING: _____



**City of Troy Planning Commission
Application for Historical Troy Architectural District
Overfield Tavern Museum – Phase 2A Repairs (East Elevation)
May 2022**

- A. Site Plan:** See Attachment A
- B. Description of proposed use, if different than existing use:** Not Applicable
- C. Plans illustrating the proposed structural or exterior changes, including changes in parking facilities, landscaping, screening, fences, signs and other relevant structures and fixtures, and relationship to surrounding structures:** See below
- D. Description and samples of materials proposed to be used in the project:** See below
- E. Paint samples for painting applications:** Not Applicable
- F. Any other photographs or illustrative visual aids and/or materials relevant to the project:** See below
- G. A written letter from the owner acknowledging the application, or a printed signature from the property owner on this form.** Signature included on application form.

Description of Proposed Exterior Changes

On August 25, 2021, the Troy Planning Commission reviewed a request for exterior modifications to the Overfield Tavern Museum at 201 E. Water Street. The Commission approved the request with the following conditions: the museum would provide an update of the findings from the structural engineer by December 21, 2021; the exterior modifications (removal of paint and siding) would not be part of the final design but were intended to provide access for the structural engineer to conduct a complete structural inspection; and, the removal of the white latex paint would be conducted using the gentlest method possible, following the Secretary of the Interior's Standards for Treatment of Historic Properties.

In October 2021, Midwest Maintenance Inc. removed the existing new-growth poplar siding on the west elevation facing Mulberry Street (installed ca. 2000) and the coating of white latex paint on the south (Water Street) and east elevations, revealing the extent of the damage to the log walls.

On October 11 and December 9, Arsee Engineers, a structural engineering firm specializing in historic buildings, inspected the building in preparation for measured drawings, noting which logs need repair or replacement to ensure the ongoing stability of the building (see Attachment B). Arsee's findings show that the logs that were protected by wood siding (west elevation) are in relatively good repair, needing only minor work and a few small "dutchman repairs" (inset wood patches). Conversely, the south (Water Street) and east elevations, which were covered by paint and exposed to the elements, need substantial repairs, including numerous replacement logs, especially at the bottom of the building (sill logs). In March 2022, the Troy Planning Commission reviewed and approved a request for log repair and replacement work on the south elevation only. This work is nearing completion.

Pending the securement of additional funding in June 2022, the Overfield Tavern Museum is seeking approval by the Troy Planning Commission for log repair and replacement work **on the east elevation only. If funding is secured as anticipated, the work would take place in July 2022.** Replacement logs have been sourced from a local firm that specializes in reclaimed lumber and will consist of old-growth oak and poplar beams recovered from a historic nineteenth-century grain elevator in the region. The replacement logs will be hand-hewn and over 100 years old. Old growth wood is ideal for a project such as this due to its superior quality and durability over modern farm-raised wood. For specific logs that will be replaced, please see the attached construction drawings.

The work for which approval is currently requested will include removal and replacement of the approximately eight (8) logs on the second story and repair of several logs on the first story (see Attachment C). All replacement logs will be rechinked and daubed with an historically appropriate mortar mix as outlined in the construction drawings. The work will be completed by Midwest Maintenance Inc. of Piqua, Ohio, a local contractor that specializes in historic buildings. **This is the work for which we are currently seeking approval.**

Additional work to the west (Mulberry Street) side of the building will occur at a later date once additional funding has been secured. Approval from the Planning Commission will be sought in advance of that work, once the timeline has been established.

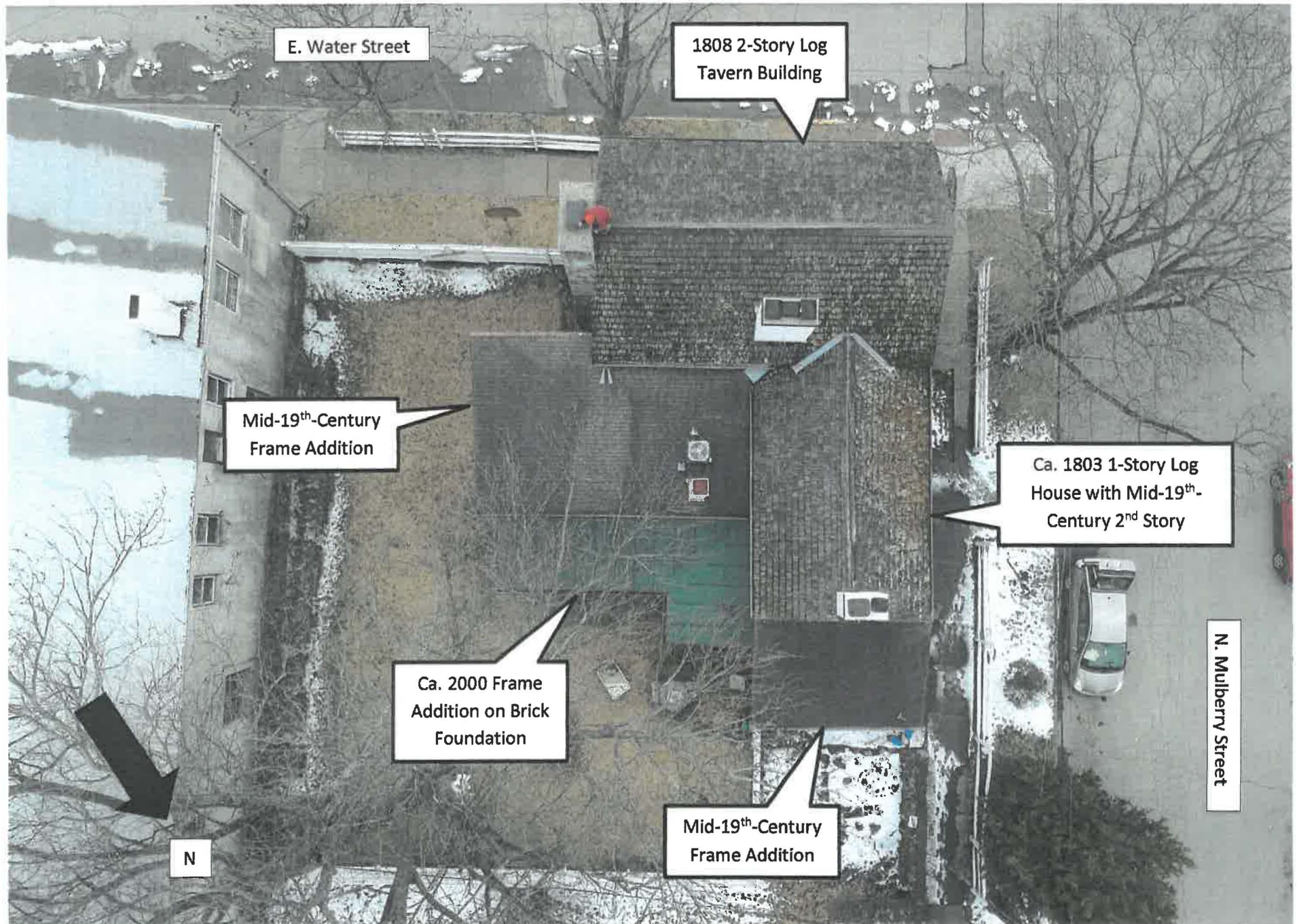
Attachments

Attachment A: Site Plan

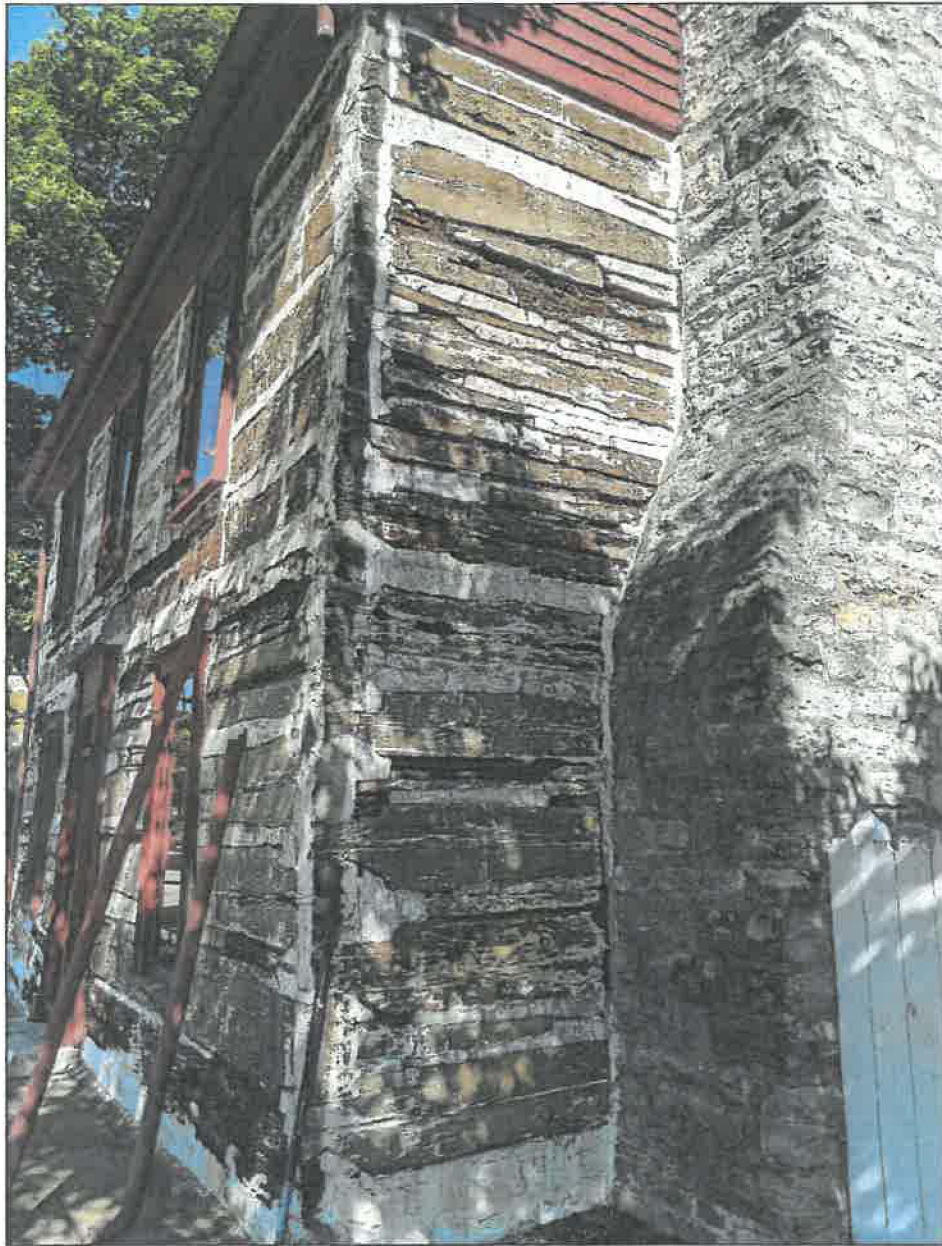
Attachment B: Current Photo of Log Deterioration After Paint and Siding Removal

Attachment C: Construction Drawings Prepared by Arsee Engineers

Attachment A: Site Plan



Attachment B: Current Photo of Log Deterioration After Paint and Siding Removal



View of the east elevation.

Attachment C: Construction Drawings Prepared by Arsee Engineers

[See next page]

CONCLUSIONS

- STANDARD TIME**

- Abstract**

1. 1997-1998

1. The use of weapons or explosives.
2. The use of force or violence against any person or property.
3. The use of force or violence against any person or property.
4. The use of force or violence against any person or property.
5. The use of force or violence against any person or property.
6. The use of force or violence against any person or property.
7. The use of force or violence against any person or property.
8. The use of force or violence against any person or property.

- ...the ...

1. **THESE** ARE THE **QUESTIONS** THAT **YOU** WILL **BE** **ASKED** **TO** **ANSWER** **ON** **THE** **EXAM**.

- THEY ARE THE ONLY TWO COMPANIES IN THE WORLD THAT HAVE A 100% RECORD OF SUCCESS IN THE MARKET.

- [illegible]

2. THE SET OF ALL SUBSETS OF $\mathbb{R}$ IS A VECTOR SPACE OVER $\mathbb{R}$.

14. PLEASE PRINT OR TYPE YOUR NAME AND JOB TITLE / OFFICE ADDRESS AND PHONE NO. ()

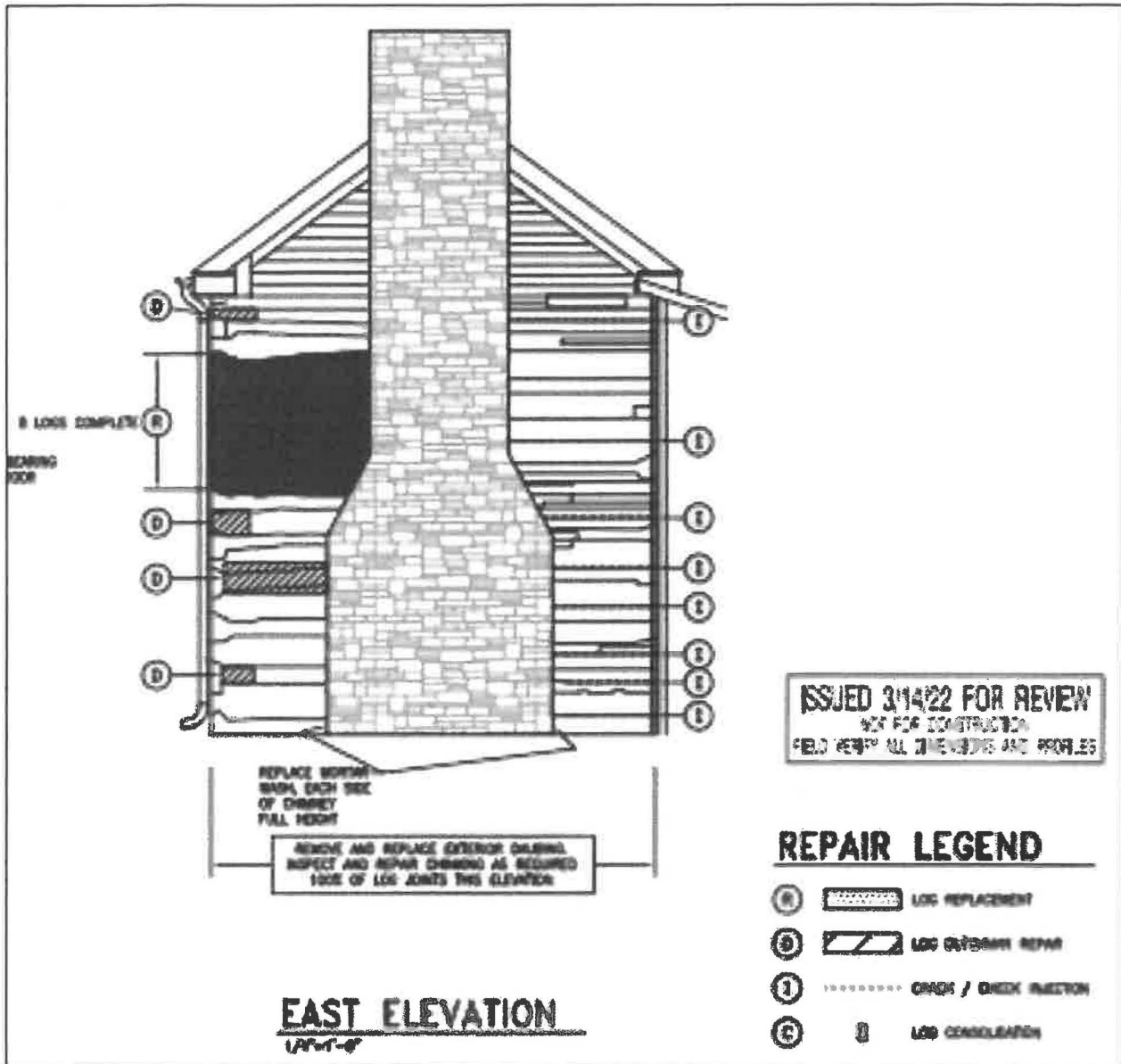
- ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

- Figure 1. The effect of the concentration of the polymer on the gelation time of the polymer solution.



REPAIR LEGEND

REPAIR NOTES,
ELEVATIONS
& DETAILS



Detailed construction drawings of the proposed east elevation repairs.

MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning & Zoning Manager

DATE: June 8, 2022

SUBJECT: Historic District Review – 5 S. Market Street

INTRODUCTION:

Applicant, Steven & Melanie Smith, Stemelcar LLC, is requesting approval from the Planning Commission to review a window replacement of the first-floor windows for the property located at 5 S. Market St. The property is zoned B-3, Central Business District.

BACKGROUND:

The Troy Public Square Historic District is listed on the National Register of Historic Places (attached). Built and constructed by W.H.H. Dye in 1871, the “Dye” building provides a significant contribution to the Historic District as an excellent example of mid-Victorian commercial architecture. The Ohio Historic Inventory (attached) form lists this property as a three-story brick, commercial building. The structure is of Italianate Commercial style, with commercial store front on the first floor; second floor with tall 1 over 1 double hung sash; and the third floor having a 20-foot-tall ballroom indicated from the outside with the 11 foot 9 over 9 double hung sash windows.

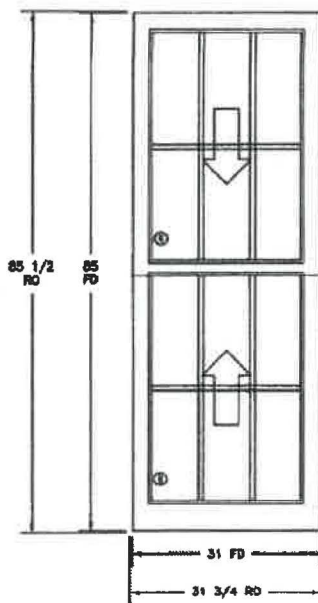
At the July 25, 2018 Planning Commission meeting, the Planning Commission unanimously approved the request to replace 20 third floor windows with a Windsor Window, Pinnacle Clad Direct Glaze Rectangle with 2” simulated checkrail and 7/8” tall putty SDL 3W3H above and below, measuring at 138 3/8” by 32 1/4”. in the color of “Sandstone”.

Planning Staff recommended denial of the proposed window replacement due to the following:

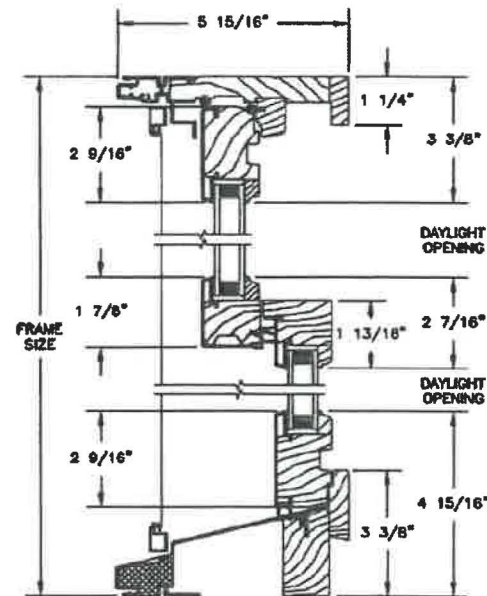
- “City of Troy’s Zoning Ordinance references the United States Secretary of the Interior: Section 1143.22: HL-O Historic Landmark Overlay Districts, Paragraph (f)(6) A. Architectural Design Standards: “The United States Secretary of the Interior Standards for the Treatment of Historic Properties will govern the decisions of the Planning Commission in the issuance of certificates of appropriateness.”
- Section 1143.22: HL-O Historic Landmark Overlay Districts, Paragraph (f)(7)C. Standards for Alterations: “Deteriorated architectural features shall be repaired rather than replaced whenever possible, substantiated by historic, physical or pictorial evidence.”
- The proposed alterations will detract from the historic integrity of the building, affecting the street block and the Public Square as a Historic District; The proposed window replacement will remove a significant character defining feature of the building, possibly impacting negatively the status of the National Register district.”
- The proposed alterations will provide for a different exterior view of the third-floor windows in contrast to the remaining lower two floors windows.

DISCUSSION:

The applicant is requesting approval from the Planning Commission to review the replacement of ten (10) first floor windows with the same manufacturing and design as the previously approved third floor windows. The proposed window design is the Mueller Roofing Distributors "Pinnacle Clad Sandstone 7/8" Standard WDL with Inner Bar". Please see below design graphics:



PINNACLE CLAD
DOUBLE HUNG
QUOTE: 2209799 LINE: 100
ROOM ID: DOUBLE HUNG QTY: 10



DETAIL A
HEAD & SILL

While this does not follow the Secretary of Interior Guidelines, Planning Commission previously approved matching windows on the third floor of this building. The applicant wishes to balance the first-floor windows with the previously approved third floor windows.

RECOMMENDATION:

Staff recommends approval of the ten (10) first-floor windows with the condition that the replacement windows will match the design and detail of the third-floor windows and a model window is provided at the meeting.



WINDSOR
WINDOWS & DOORS

MUELLER ROOFING DISTRIBUTORS

11865 HAMILTON AVENUE

CINCINNATI

OH 45237

Phone: 513-860-4111

Fax: 1-513-538-1987

Customer
Quote

Short Form

QUOTE EXPIRES

N/A

QUOTE DATE

Quote Not Ordered

BID BY

PRICE BOOK

Price Book 2022A

CREATED

1/28/2022

dodavis@
mueller1875.com

PK # 287

Customer Information:

Phone:

Fax:

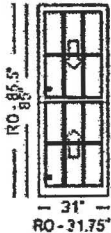
Delivery Information:

Phone:

Fax:

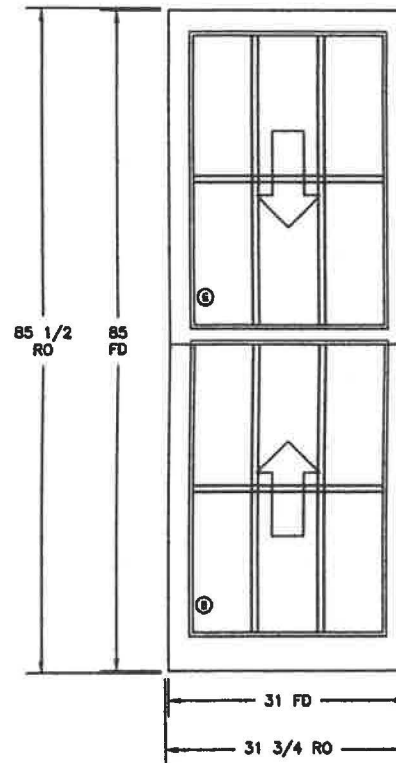
QUOTE #	STATUS	CUSTOMER PO#	DATE PRINTED
2209799	None		3/16/2022 12:33 PM
CUSTOMER JOB NAME	TERMS	QUOTE NAME	PROJECT NAME
		Caroline	Caroline

Line #	Room ID	Overall RO	Overall Frame	Price	Qty	Extended
100	DOUBLE HUNG	31 3/4" X 85 1/2"	31" X 85"	\$1,359.71	10	\$13,597.07



Pinnacle Clad Sandstone Double Hung XXXX-1 Complete Unit LoE 366 IG 4-9/16 Jamb
Ext (Room ID: DOUBLE HUNG)(2604 Powder)(Setup (Standard))(Concealed Jambliner)
(Glass Stop Profile: Ogee)(FD: 31 x 85)(Callout:)(Pine Species)(Primer Int. Finish)(Grey
Spacer)(White Hardware)(No Brickmould)(No Nail Fin)(7/8" Standard WDL w/Inner Bar)
(Putty WDL Interior Profile)(Colonial Pattern 3W2H/3W2H)(Full Screen)(Sandstone Screen
- Not Applied)(BetterVue)(Energy Star: Meets in NC, SC, S Zones)(LC-PG35-H)
Performance Data:(U-Value: 0.31)(SHGC: 0.18)(VT: 0.41)(CR: 59)

* Units viewed from exterior.



PINNACLE CLAD
DOUBLE HUNG
QUOTE: 2209799 LINE: 100
ROOM ID: DOUBLE HUNG QTY: 10

WINDSOR DOES NOT GUARANTEE ALIGNMENT OF DESIGN FEATURES OUTSIDE OF THOSE SPECIFIED ON THIS DRAWING.
SEE ARCHITECTURAL REFERENCE MANUAL LOCATED AT WWW.WINDSORWINDOWS.COM. IT IS THE RESPONSIBILITY OF THE
END USER TO UNDERSTAND THE SECTION DETAILS AND PRODUCT FEATURES ASSOCIATED WITH VARIOUS PRODUCT TYPES.

CUSTOMER: MUELLER		 WINDSOR WINDOWS & DOORS A Woodgrain Millwork Company	
JOB: CAROLINE			
PTQ #	CPR #	TICKET #: 5011	DATE: 5/24/22
LINE #:		DWG #:	
DRAWN BY: WNH		SCALE: 1/2" = 1'	
SD-05538-1			

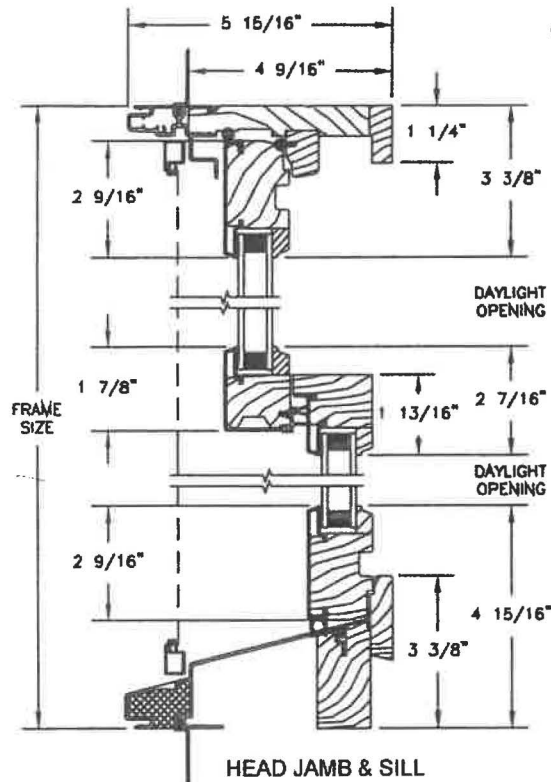
NO.	DATE	REVISION	BY

Pinnacle Series

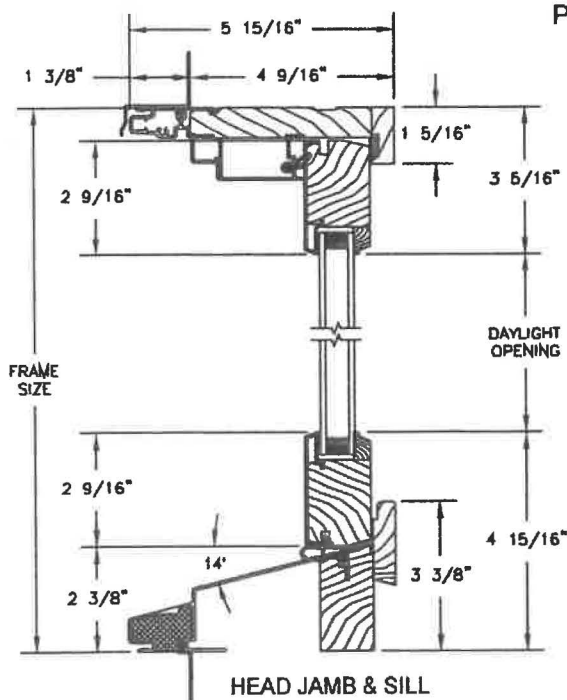
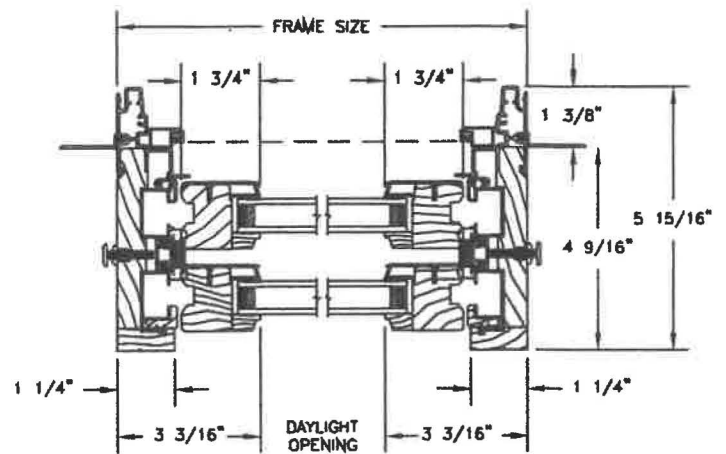
CLAD DOUBLE HUNG - Concealed Jambliner Option

SECTION DETAILS : OPERATING / PICTURE

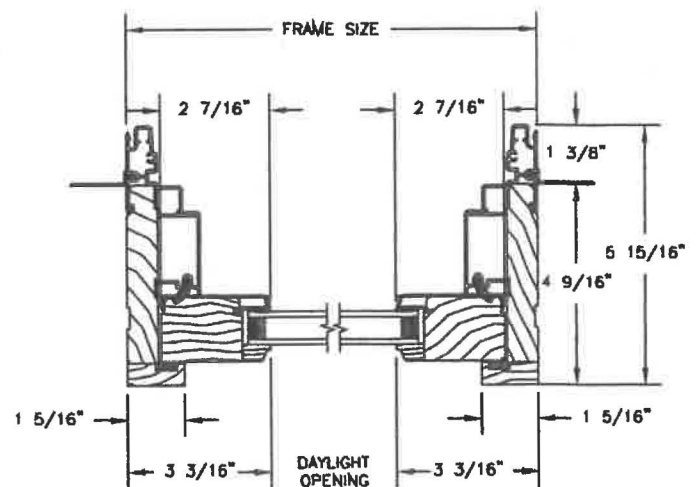
SCALE: 3" = 1'-0"

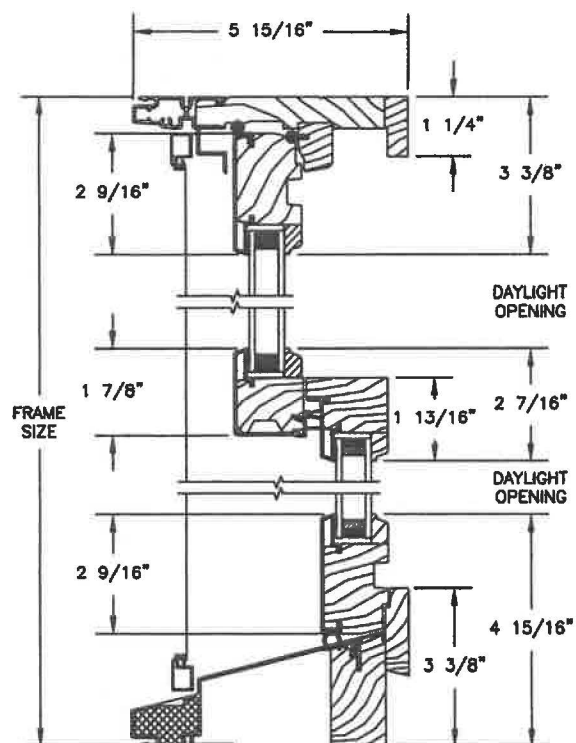


OPERATING

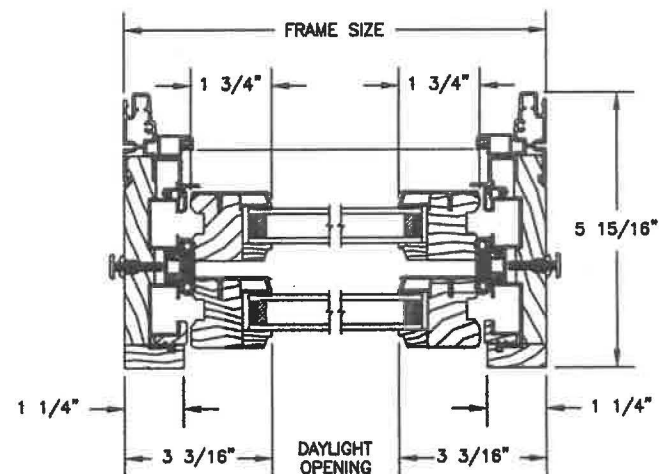


PICTURE





DETAIL A
HEAD & SILL



DETAIL B
SIDE JAMB

WINDSOR DOES NOT GUARANTEE ALIGNMENT OF DESIGN FEATURES OUTSIDE OF THOSE SPECIFIED ON THIS DRAWING. SEE ARCHITECTURAL REFERENCE MANUAL LOCATED AT WWW.WINDSORWINDOWS.COM. IT IS THE RESPONSIBILITY OF THE END USER TO UNDERSTAND THE SECTION DETAILS AND PRODUCT FEATURES ASSOCIATED WITH VARIOUS PRODUCT TYPES.

NO.	DATE	REVISION	BY

CUSTOMER: MUELLER		 WINDSOR WINDOWS & DOOR A Woodgrain Millwork Company	
JOB: CAROLINE			
PTQ #	CPR #	TICKET #: 5011	DATE: 5/24/22
LINE #:		DWG #:	
DRAWN BY: WNH	SCALE: 3"=1'	SD-05538-2	

ATTN:

Planning Comm:



5 south market street • troy, ohio 45373

This is phase 2 of 3 phases, approx 3 1/2 years ago we replaced 20-3rd story windows. we look to replace the 10 first floor windows in phase. we will be using the same window manufacturing + repr: (Mvellec Roofing) + installon (Mayer Restoration) to complete the project.

Windows are on a 10-12 week lead time, so we would be looking at a completion by early fall

Thank you for your consideration

Steve Smith



1000 2nd St. N. W. WASHINGTON, D. C.



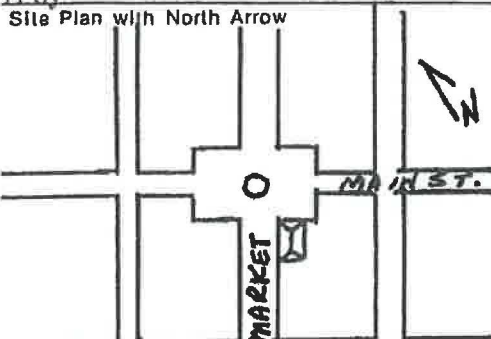
MARKET STREET VIEW

Replace *



OHIO HISTORIC INVENTORY

Historic Preservation Office
Ohio Historical Society
Columbus, Ohio 43211

No. 11-75P Troy Public Square District 11-16-5		4. Present Name(s) Dye Building	
County Miami		5. Other Name(s)	
Location of Negatives E34-36 Mont. Co. Hist. Soc.			
Specific Location S.E. corner of the Public Square on Market Street (Dye Bldg) 7 S. Market St.		16. Thematic Category <i>Salvage</i> C	
City or Town Troy If Rural, Township & Vicinity		17. Date(s) or Period 1871	
Site Plan with North Arrow		18. Style or Design Italianate Commercial	
		19. Architect or Engineer	
		20. Contractor or Builder	
Coordinates UTM 3860 3563 Lat. 40° 02' 21" Troy Long. 84° 12' 13"		21. Original Use, if apparent Commercial	
Site ☐ Building ☒ Structure ☐ Object ☐		22. Present Use Commercial (vacant)	
On National Register? Yes ☐ No ☐		23. Ownership Public ☐ Private ☒	
12. Is it Eligible? Yes ☐ No ☒		24. Owner's Name & Address, if known Richard D. Carver EtAl Troy, Ohio 45373	
Part of Estab. Yes ☐ Hist. Dist.? No ☐		25. Open to Public? Yes ☐ No ☒	
14. District Potent'l? Yes ☒ No ☐		26. Local Contact Person or Organization Troy Historical Society	
Name of Established District		27. Other Surveys in Which Included Historic Troy Ohio, 1974 NATIONAL REGISTER	
Further Description of Important Features The ground floor has commercial store fronts, the second floor has tall 1/1 double hung sash and the third floor is a 20' tall ballroom with very large 9/9 double hung sash. The lintels and sills are plain stone. The eaves are boxed cornice with frieze and brackets. Chimneys are single stack interior, three to a wall. The rear (east) wall projects above the roof in a stepped gable. <u>Excellent example of vernacular mid-Victorian commercial architecture.</u>		28. No. of Stories 3	
History and Significance Built by W. H. H. Dye there was a bank on the first floor on the corner. W.H.H. Dye had a distillery at Dye's Pond which he converted to a flour mill after the Civil War. Balls and entertainments were held in the ballroom on the third floor. The building is a significant contribution to the architectural image of the historic district. Storefront & First Floor have been altered.		29. Basement? Yes ☒ No ☐	
Description of Environment and Outbuildings On the central Market Square of Troy (17,000+ population)		30. Foundation Material Stone	
		31. Wall Construction Brick	
		32. Roof Type & Material Hip/As Shingle	
		33. No. of Bays Front 12 Side 8	
		34. Wall Treatment	
		35. Plan Shape Square's Rect	
		36. Changes (Explain in #42) Addition ☐ Altered ☒ Moved ☐	
		37. Condition Interior Excellent Exterior	
		38. Preservation Underway? Yes ☐ No ☒	
		39. Endangered? Yes ☒ No ☐ By What? Vacant; no occupant in sight.	
		40. Visible from Public Road? Yes ☒ No ☐	
		41. Distance from and Frontage on Road Street front 75'x75'	
Sources of Information Historic Troy Ohio. Troy, Ohio: Troy Historical Society, 1974.		46. Prepared by L. S. Gannon, Jr.	
		47. Organization Mont. Co. Hist. Soc.	
		48. Date 1/24/75 49. Revision Date(s) 5/97	

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Type all entries - complete applicable sections)

STATE:	Ohio
COUNTY:	Miami
FOR NPS USE ONLY	
ENTRY DATE	6/30/75

1. NAME	
COMMON:	Troy Public Square
AND/OR HISTORIC:	

2. LOCATION			
STREET AND NUMBER: Public Square (see continuation sheet)			
CITY OR TOWN: Troy		CONGRESSIONAL DISTRICT: 4th--Tennyson Guyer (R)	
STATE Ohio	CODE 039	COUNTY: Miami	CODE 109

3. CLASSIFICATION			
CATEGORY (Check One)	OWNERSHIP	STATUS	ACCESSIBLE TO THE PUBLIC
☒ District ☐ Building ☐ Site ☐ Structure ☐ Object	☐ Public ☒ Private ☐ Both	☒ Occupied ☐ Unoccupied ☐ Preservation work in progress	Yes: ☐ Restricted ☒ Unrestricted ☐ No
PRESENT USE (Check One or More as Appropriate)			
☐ Agricultural ☒ Commercial ☐ Educational ☐ Entertainment	☐ Government ☐ Industrial ☐ Military ☐ Museum	☒ Park ☐ Private Residence ☐ Religious ☐ Scientific	☒ Transportation ☐ Other (Specify) _____ _____

4. OWNER OF PROPERTY	
OWNER'S NAME: Multiple Public and Private	
STREET AND NUMBER: _____ _____	
CITY OR TOWN: _____ _____	STATE: _____ _____
CODE _____ _____	

5. LOCATION OF LEGAL DESCRIPTION	
COURTHOUSE, REGISTRY OF DEEDS, ETC: Miami County Recorder's Office	
STREET AND NUMBER: County Safety Building, West Main Street	
CITY OR TOWN: Troy	STATE Ohio 45373
CODE 039	

6. REPRESENTATION IN EXISTING SURVEYS	
TITLE OF SURVEY: Survey of Historical Features Miami River, Little Miami River, Mill Creek Basins Southwestern Ohio	
DATE OF SURVEY: 1970 ☐ Federal ☒ State ☐ County ☐ Local	
DEPOSITORY FOR SURVEY RECORDS: Ohio Historical Society	
STREET AND NUMBER: The Ohio Historical Center	
CITY OR TOWN: Columbus	STATE: Ohio 43211
CODE 039	

SEE INSTRUCTIONS

STATE: Ohio
COUNTY: Miami
FOR NPS USE ONLY
ENTRY NUMBER
DATE

7. DESCRIPTION

CONDITION	(Check One)					
	☒ Excellent	☐ Good	☐ Fair	☐ Deteriorated	☐ Ruins	☐ Unexposed
	(Check One)			(Check One)		
	☒ Altered	☐ Unaltered	☐ Moved	☒ Original Site		

DESCRIBE THE PRESENT AND ORIGINAL (If known) PHYSICAL APPEARANCE

Troy Public Square is the commercial hub of this thriving rural county seat and market town of 17,187 people. Originally platted in 1808 to be the Court House Square, it lost its courthouse to West Main Street in 1841. The Square has evolved into a traffic circle with a small fountain park in the center and parking areas in the four corners. Six of the seven buildings that flank the gateways into the Square are pivotal to the historic district, one at the east gateway south side is a twentieth century bank building of no significance but not a notable intrusion, and the eighth site at the west gateway north side is a small city park which replaces a building destroyed by fire in 1970. The buildings of the district are with few exceptions constructed of brick that has been painted and have boxed cornices with frieze and brackets.

On the northwest corner of the North Market Street corridor is the three story Mayo-Harter Building of 1848, the eldest appearing of the pivotal structures. The store fronts have been modernized but without extensive use of artificial materials. Commercial renovation is contemplated. The painted brick facade of five bays on the Square and the Market Street side of four bays have mixed 6/6 and 2/2 double hung sash windows with shutters, stone lintels and sills. The gable faces the Square with a boxed cornice, frieze and returns. Four interior chimneys are spaced along the wall. The north wall has a straight gable with flared ends and one interior chimney right of the ridge.

The northeast corner has the Buckeye Building. This flat roofed structure was built c. 1847 and renovated in 1871. The store front on the Square has been butchered; however, on Market Street it still has some authenticity. The north four bays on Market Street have received a varigated painting detrimental to the overall appearance of the structure. The facade offers seven bays on each face of mixed 2/2 and 1/1 double hung sash windows that have Eastlake head molds. The eaves are boxed cornice with frieze and elongated paired scroll saw brackets with pendant. A pair of interior side chimneys show on the Square.

The north corridor beyond the Mayo-Harter Building is "Commercial Row," a block of minor shops built in part around 1839, after the fire of 1824. The row has recently been rehabilitated. On the west are two buildings then a landscaped city parking lot. Water Street just half a block from the Miami River Bridge terminates the District.

To the east we have the three story plus mansard

SEE INSTRUCTIONS

SEE INSTRUCTIONS

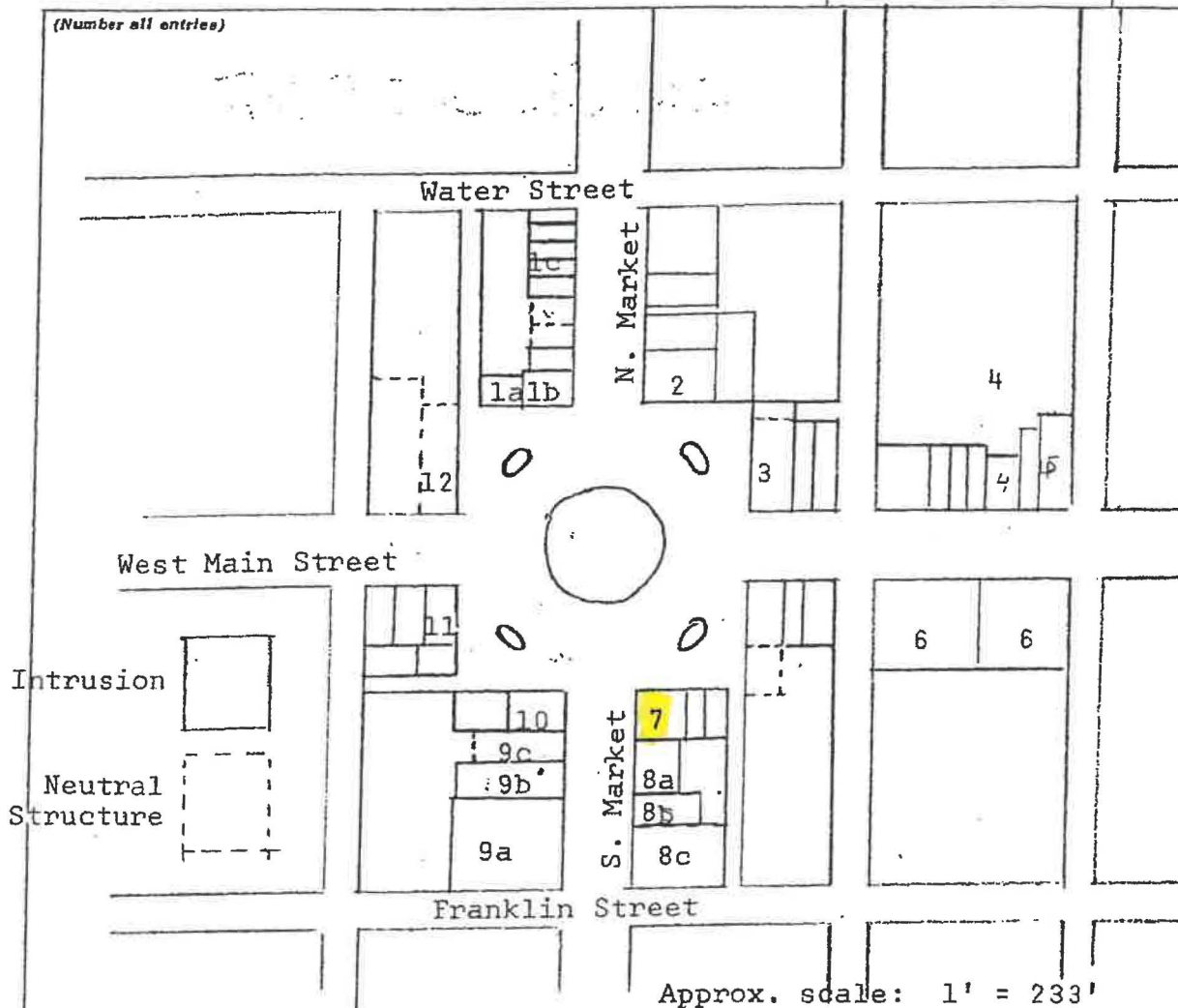
B. SIGNIFICANCE			
PERIOD (Check One or More as Appropriate)			
☐ Pre-Columbian	☐ 16th Century	☐ 18th Century	☐ 20th Century
☐ 15th Century	☐ 17th Century	☒ 19th Century	
SPECIFIC DATE(S) (If Applicable and Known) See Below			
AREAS OF SIGNIFICANCE (Check One or More as Appropriate)			
☐ Aboriginal	☐ Education	☐ Political	☒ Urban Planning
☐ Prehistoric	☐ Engineering	☐ Religion/Philosophy	☒ Other (Specify)
☐ Historic	☐ Industry		Local History
☐ Agriculture	☐ Invention	☐ Science	
☒ Architecture	☐ Landscape	☐ Sculpture	
☐ Art	☐ Architecture	☐ Social/Humanitarian	
☒ Commerce	☐ Literature	☐ Theater	
☐ Communications	☐ Military	☒ Transportation	
☐ Conservation	☐ Music		
STATEMENT OF SIGNIFICANCE			
Troy Public Square with the corridors leading onto it is in character a mid-Victorian commercial district of which the Southwestern Ohio Survey says, the building "comprises one of the best preserved groups of their kind in Ohio." Troy like Washington, D.C. was created to be a seat of government when the Ohio General Assembly decided that it was time to carve Miami County (population then 2,500) out of Montgomery County in 1802. A committee of three selected the wooded site on high ground at a bend of the Great Miami River. Andrew Wallace, grandfather of General Lewis Wallace who wrote <u>Ben-Hur</u>, a Tale of Christ, laid out the town in 1807 with the Public Square on the highest ground. Pivotal buildings in the district are the Mayo-Harter Building (c. 1848) built by Henry Mayo which housed the Samuel K. Harter Hardware Store for fifty years. The Buckeye Building was erected in 1847 by Aaron Tullis but achieved its present appearance in 1871. The Coleman-Allen Building is another built earlier (1855) but renovated to add a mansard story in 1866. The Dye Building (c. 1871) contained W.H.H. Dye's bank and the high ceilinged third floor was a very active ballroom. A novelty store chain recently abandoned the Dye Building, moving to a shopping center. The building is threatened. Across Market Street the Dunlap Building (c. 1871) was the second location for Troy's first telephone exchange after it was renovated c. 1877. The "Bee Hive Corner" on Main Street typifies the 1870's. The corridors have some notable buildings. The Hatfield House, originally the Washington Hotel (c. 1835) has been enlarged at least twice and achieved its final appearance in the 1870's. The north corridor on North Market Street has Commercial Row, part of which dates back to 1839. Commercial Row has been recently rehabilitated. The south corridor has the district's two eye sores at the			

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

STATE Ohio	
COUNTY Miami	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

(Continuation Sheet)

(Number all entries)



Approx. scale: 1" = 233'

- 1a. Mayo Bldg. 1847
- 1b. Mayo-Harter Bldg. c. 1848 (early)
- 1c. Commercial Row (Generic)
2. Buckeye Bldg. c. 1847 and 1871 (Second Empire)
3. Coleman-Allen Bldg. 1853 and 1866
4. North side, east corridor with intrusion
5. Hatfield House 1841 and c. 1871 (Generic)
6. South side, east corridor with intrusion
7. Dye Bldg. c. 1871 (Generic)

- 8a. Kelly Bldg. 1887 (East-lake)
- 8b. Troy Hardware (intrusion)
- 8c. General Telephone Bldg. (intrusion)
- 9a. Lollis Hotel (Generic)
- 9b. Mayo's Hall 1854
- 9c. First National Bank 1929
10. Dunlap Bldg. c. 1871 and 1876 (varigated)
11. "Bee Hive Corner" 1874 (Generic)
12. City Park



CITY OF TROY PLANNING COMMISSION
APPLICATION FOR HISTORICAL TROY ARCHITECTURAL DISTRICT

Date 5/10/22

Applicant Stemel CAR LLC Telephone No. 937-214-0677

Owner of Property Steven A. Smith Has the Owner been Notified? N/A

Address of Project 5 South Market Street

Contact Address (if different than Project Address) _____

Name of Architect/Engineer and/or Contractor Meyer Restoration

Application for renovation to include the following:

- ☐ Alteration
☐ Construction
☐ Moving A Building
☐ Painting

- ☐ Repair
☐ Demolish - Principal Structure
☐ Demolish - Accessory Structure
☒ Other: 1st Floor Window Replacement

Will the work require use of the public right of way? (Blocking of sidewalk, parking spaces, etc?) ☐ Yes ☒ No

*If yes, a use of public space application is required

ONE (1) COPY OF INFORMATION TO BE SUPPLIED BY APPLICANT:

- (a) ☒ Site Plan drawn to scale shall be provided showing structure in question & its relationship to adjacent structures.
(b) ☒ Description of proposed use, if different than existing use.
(c) Plans illustrating the proposed structural or exterior changes, including changes in parking facilities, landscaping, screening, fence signs and other relevant structures and fixtures, and relationship to surrounding structures.
(d) Description and samples of materials proposed to be used in the project.
(e) ☒ Paint samples for painting applications.
(f) Any other photographs or illustrative visual aids and/or materials relevant to the project.
(g) A written letter from the owner acknowledging the application, or a printed signature from the property owner on this form.
(h) Application fee: \$25.00

*The Planning Commission meets on the second and fourth Wednesday of every month. Completed applications are due a minimum of two weeks prior to the requested meeting date.

SIGNATURE OF APPLICANT:

SA Smith

SIGNATURE OF PROPERTY OWNER:

SA Smith

PRINTED NAME OF PROPERTY OWNER:

Steven A. Smith

OFFICE USE ONLY:

DATE FILED: _____

CASE #: _____

DATE OF MEETING: _____



MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning and Zoning Manager

DATE: June 8, 2022

SUBJECT: 1322 Washington Road – Map Amendment (Rezoning)

The City of Troy is requesting the Planning Commission to consider the rezoning of 1322 Washington Road (Inlot 11514, Parcel ID: D08-107130), that was included in the Canfarelli Annexation that was approved under Ordinance O-4-22. The property is currently zoned county zoning of R-1AAA One-Family Residential. The City is requesting that the zoning district for this parcel be rezoned to R-3 Single-Family Residential District.

This property is located at the Washington Road/New Castle Drive intersection. Please see attached annexation plat (*Exhibit A*). The surrounding zoning districts include County zoning of R-1AAA One-Family Residential to the north, County zoning of A-2, General Agriculture to the south and west, and City zoning of R-3 Single-Family to the east (*Exhibit B*).

DISCUSSION:

The Zoning Code describes the proposed R-3 Single-Family Residential District as “designed to accommodate single-family dwellings on lots with areas of at least fifteen thousand (15,000) square feet per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. The Comprehensive Plan describes the R-3 District as low to medium density.”

The Comprehensive Plan for future land use map identifies this property as future residential (*Exhibit C*). The majority of the adjacent property in this area is currently zoned County Zoning of A-2 General Agriculture but the adjoining City zoning of R-3 Single-Family Residential district exists to the east.

In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions:
(A) *Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.*

The proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

(B) *Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.* The rezoning is necessary



Austin Eidemiller
Planning and Zoning Manager
Austin.eidemiller@troyohio.gov

due to the annexation. The proposed use will not have any adverse effects in the area and is similar to the residential uses that currently exist in the surrounding area.

(C) Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.

The proposed use is compatible and similar to the residential uses that currently exist in the surrounding area.

(D) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.

Adequate utilities can be provided for the site if it is rezoned.

(E) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, in any, that make a substantial part of such vacant land unavailable for development.

In the vicinity of these subject properties, there is no available vacant land with the R-3 Single-Family Residential zoning classification that is suitable for development.

(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.

Not applicable in this request.

PUBLIC HEARING:

Due to the straight forward nature of the rezoning request, the compliance with the City of Troy Comprehensive Plan, and the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not recommend a public hearing.

RECOMMENDATION:

It is staff's opinion that the proposed rezoning is consistent with the established surrounding areas, and the Comprehensive Plan which shows this area to be developed as residential. Staff is recommending that the Planning Commission provide a positive recommendation of the proposed zoning change from County Zoning of R-1AAA One-Family to City Zoning of R-3 Single-Family Residential, based on the following:

1. The property is currently being utilized as residential use;
2. The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
3. The proposed rezoning is consistent with the surrounding zoning districts; and
4. The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

Exhibit A – Annexation Plat

ANNEXATION OF TERRITORY TO THE CITY OF TROY			VOLUME _____ PAGE _____
CONCORD TOWNSHIP, MIAMI COUNTY, OHIO			MIAMI COUNTY RECORDER'S RECORD OF PLATS
SECTION 13, TOWN 7, RANGE 5			
EXHIBIT A		MIAMI COUNTY RECORDER BY DEPUTY RECORDER MIAMI COUNTY RECORDER MIAMI COUNTY RECORDER BY DEPUTY RECORDER DESCRIPTION BEING A TOTAL OF 2.000 ACRES, AS SHOWN ON VOLUME 68, PAGE 72, MIAMI COUNTY ENGINEER'S LAND SURVEY RECORDS, AS ACCURSED BY MICHAEL H. O'NEILL, IN RECORDS 28509-28509, MIAMI COUNTY RECORDER'S DEED RECORDS, LOCATED IN SECTION 13, TOWN 7, RANGE 5 IN CONCORD TOWNSHIP, MIAMI COUNTY, OHIO. REFERENCES MIAMI COUNTY ENGINEER'S RECORD OF LAND SURVEYS, VOLUME 68, PAGE 72 LEGEND • HIGH P.W. FOUND • HIGH P.W. / P.C. AND FOUND • ANGLE SPICE FOUND • STONE FOUND • CONCRETE POST FOUND ----- EXISTING COMPARISON LINE ----- PROPOSED COMPARISON LINE CERTIFICATION THE ANNEXATION PLAT HEREBY BEING THE MIAMI COUNTY ENGINEER'S RECORD OF LAND SURVEYS AND A DEED DEPOSITED IN DEEDS BOOK 28509-28509. NEIL E. TEAFORD, P.E.	
MIAMI COUNTY ENGINEER THE ANNEXATION PLAT HEREBY AND APPROVED THIS _____ DAY OF _____ 2001. PAUL P. MUELLER, P.E., PE	MIAMI COUNTY COMMISSIONERS AT A MEETING OF THE MIAMI COUNTY COMMISSIONERS THE ANNEXATION OF THIS AREA WAS APPROVED THIS _____ DAY OF _____ 2001, BY RESOLUTION NO. _____ GREGORY A. BISHOP TED S. MENCER PAUL H. MESTRELL	CITY OF TROY THIS ANNEXATION ACCEPTED AND APPROVED BY THE COUNCIL OF THE CITY OF TROY THIS _____ DAY OF _____ 2001, BY RESOLUTION NO. _____ Mayor _____ President _____ Clerk _____	
ANNEXATION PROCEEDINGS RECORDED IN DOCUMENT NO. _____ MIAMI COUNTY RECORDER'S RECORDS.			ANNEXATION PLAT FOR MICHAEL O'NEILL IN MIAMI COUNTY, OHIO NEIL E. TEAFORD 2250 TROY-URBANA ROAD CINCINNATI, OHIO 45218 OHIO REGISTERED PROFESSIONAL SURVEYOR # 7734

Exhibit B – Zoning Map

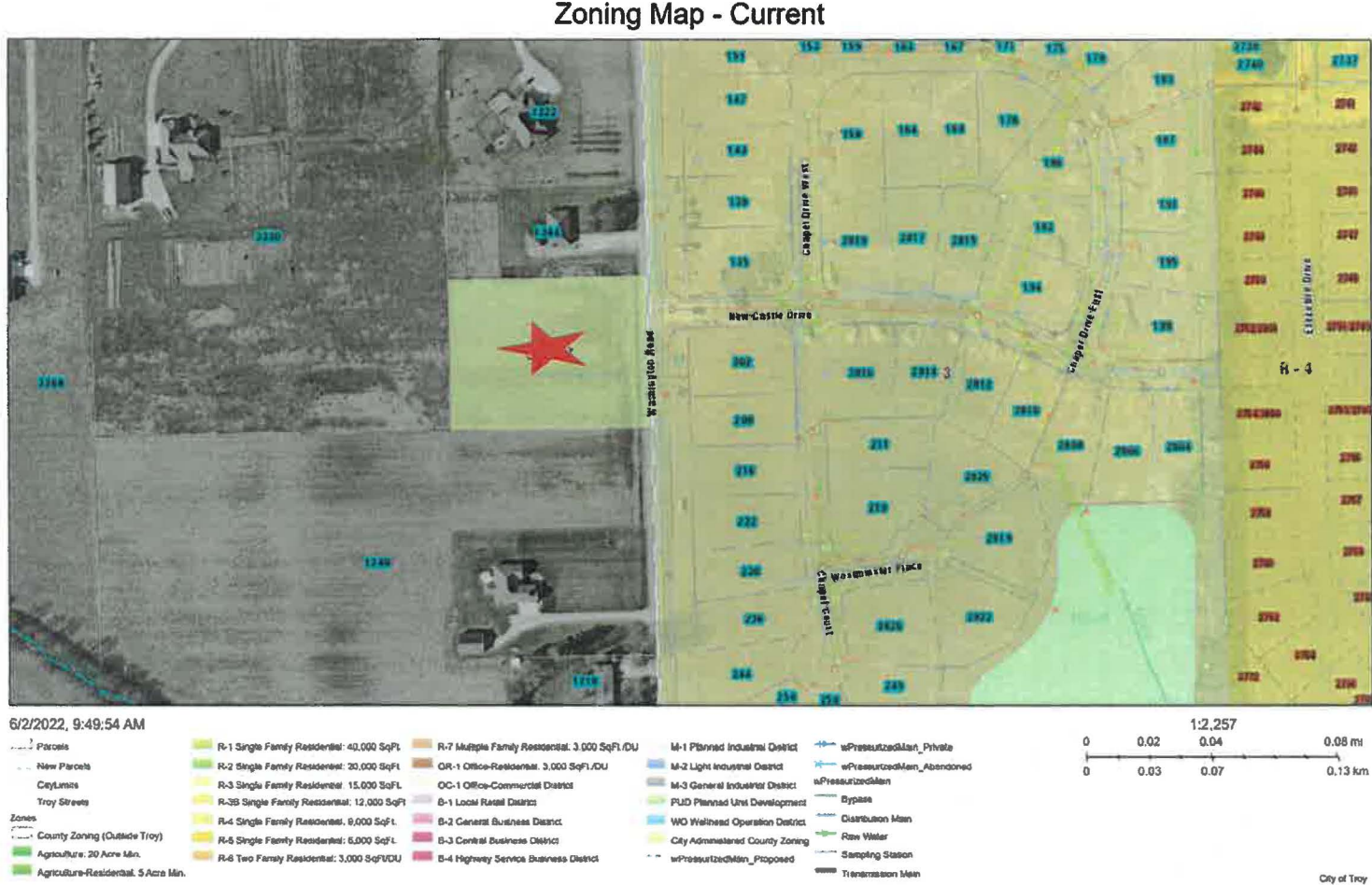
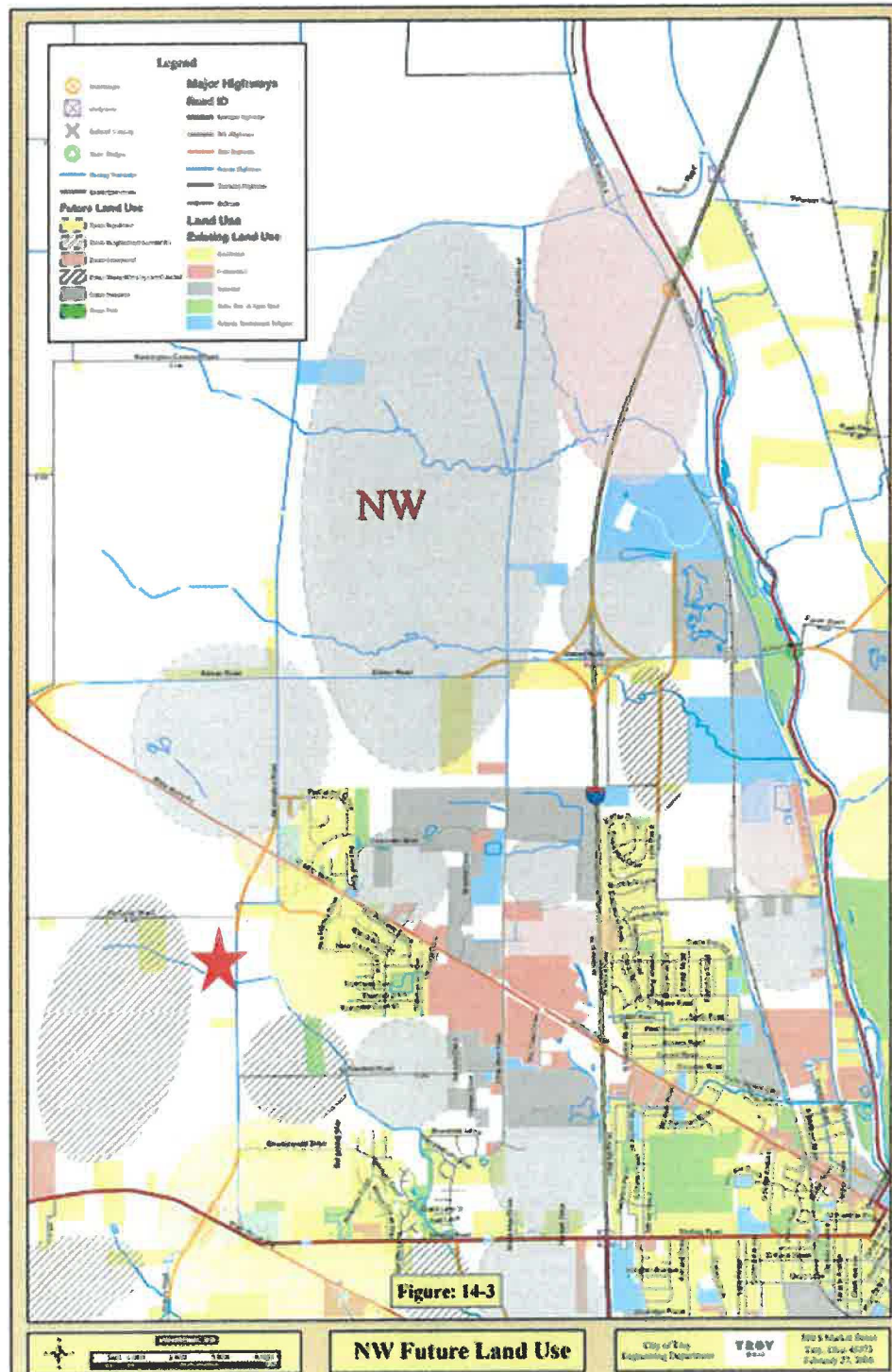


Exhibit C – Comp Plan Future Land Use Map



Scheduled Planning Commission Meeting
(Held every 2nd and 4th Wednesday of the month at 3:30 p.m.)

Date Requested: _____
Applicant(s) scheduled on the agenda will be notified

Office Use Only

Date Filed _____
Accepted by _____
Filing Fee Pd. _____
Receipt # _____

APPLICATION IS DUE TWO (2) WEEKS PRIOR TO MEETING

**APPLICATION FOR ZONING AMENDMENT
CITY OF TROY PLANNING COMMISSION**

(MUST BE TYPED OR PRINTED LEGIBLY IN BLACK INK)

(READ SECTION 1139 OF THE ZONING CODE BEFORE COMPLETING APPLICATION)

An application for an amendment to the City of Troy, Ohio Zoning Code that would change the zoning classification for the property located at **1322 Washington Rd, Troy, OH 45373**

being lot number(s) **C06-036320** from **R-1AAA (Miami County)** to **R-3**
(Parcel Identification Number) (Existing Zoning Classification) (Proposed Zoning Classification)

OWNER

Name **Nicholas Canfarelli**
Address **1322 Washington Rd**
City **Troy**
State **OH**
Zip Code **45373**
Phone No. **937-418-8068**
Fax No. _____
Email **nncanfarelli@yahoo.com**

APPLICANT

Name **Nicholas Canfarelli**
Address **1322 Washington Rd**
City **Troy**
State **United States**
Zip Code **45373**
Phone No. **937-418-8068**
Fax No. _____
Email **nncanfarelli@yahoo.com**

The applicant is the **Owner** of the property, which is subject to this application.
(State the interest of the applicant)

PLEASE PROVIDE THE FOLLOWING:

1. The reasons for seeking a change in the zoning classification or zoning text: Attach as **EXHIBIT "A"**.
2. The legal description of the land proposed to be reclassified: Attach as **EXHIBIT "B"**.
3. A site plan prepared by a registered engineer, surveyor or architect in duplicate drawn to such scale as to clearly show:
 - a. The actual dimensions of the subject property according to the recorded plat of such property, lot numbers, it's present zoning classification, existing and proposed uses: Attach as **EXHIBIT "C"**.
 - b. The present zoning classification of all surrounding lands located within two hundred and fifty (250) feet of the land proposed to be reclassified: Attach as **EXHIBIT "D"**.
 - c. A list (see example) of the names, addresses, and lot numbers of the owners of property within a radius of two hundred and fifty (250) feet from the parcel or parcels of land proposed to be reclassified: Attach as **EXHIBIT "E"**
 - i. Include one (1) copy of County Tax Maps
 - ii. Include two (2) sets of mailing labels
4. 2 complete sets (Exhibits A-E) reproducible in a format no larger than 11"x17"
5. Filing Fee of \$250.00 made payable to the City of Troy


(Applicant Signature)

My Commission Expires 05/16/2026
(Month/Date/Year)



Ashley Ferguson
(Notary Public)

REQUIRED DOCUMENTS:

- | | | |
|--------------------------|------------|--|
| ☐ | EXHIBIT A | Reasons for Zoning Reclassification |
| ☐ | EXHIBIT B | Legal Description |
| ☐ | EXHIBIT C | Site Plan: lot dimensions, lot numbers, current zoning, existing and proposed uses |
| ☐ | EXHIBIT D | Site Map with Zoning & Owners within 250 feet of parcel |
| ☐ | EXHIBIT E | Property Owners List within 250 feet of parcel |
| ☐ | Labels | Two (2) Sets of Mailing Labels of Property Owners |
| ☐ | Copies | (1) Complete Sets in a reproducible format 11"x17" |
| ☐ | Map(s) | One (1) County Tax Map(s) |
| ☐ | Filing Fee | Check issued to City of Troy for \$250.00 |

PLANNING COMMISSION DISPOSITION:

PUBLIC HEARING DATE

RECOMMENDATION TO CITY COUNCIL

CITY COUNCIL DISPOSITION:

1st Reading: 2nd: 3rd:

PUBLIC HEARING DATE

COUNCIL COMMITTEE RECOMMENDATION

Approved: _____ Denied: _____

CITY COUNCIL ACTION

Ordinance Number: _____

Effective Date:

Revised 10/25/11

April 18, 2022

City of Troy Planning Commission
100 South Market Street
Troy, Ohio 45373

City of Troy Planning Commission:

I, the undersigned, hereby request that the City of Troy review the attached rezoning application for the property located at 1322 Washington Road, Troy, Ohio. The property was recently annexed into the City of Troy. For that reason, we wish to amend the zoning from R-1AAA (Miami County) to R-3 (City of Troy).

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Canfarelli', with a stylized flourish at the end.

Nicholas N Canfarelli
Owner of 1322 Washington Road
Troy, Ohio 45373



Neil E. Teaford
Professional Land Surveyor
Boundary, Construction & Elevation

5260 E. Troy Urbana Road, Casstown, Ohio 45312
Cell: 937-308-6467 Business: 937-339-4732

**LEGAL DESCRIPTION OF 2.000 ACRES
FOR NICHOLAS CANFARELLI**

Situate in the Township of Concord, County of Miami, and State of Ohio, and being a part of the Southeast Quarter of Section 13, Town 7, Range 5 as shown in Volume 60, Page 72, Miami County Engineer's Records of Land Surveys, described as follows:

Beginning at a Mag Nail found at the Northwest Corner of the Southeast Quarter of Section 13, said Mag Nail also being on the centerline of McCurdy Road, thence South $88^{\circ}35'00''$ East a distance of 1653.00 feet along the one-half section line and the centerline of McCurdy Road to a Mag Nail found at the intersection of McCurdy Road and Washington Road and on the existing corporation line of the City of Troy, thence South $0^{\circ}59'30''$ West a distance of 564.62 feet along the centerline of Washington Road and the existing corporation line to a Mag Nail found at the Point of Beginning;

thence continuing along the centerline of Washington Road and the existing corporation line, South $0^{\circ}59'30''$ West for a distance of 255.38 feet to a Mag Nail found, witness an Iron Pin found at 30.00 feet on line next described;

thence North $88^{\circ}35'00''$ West for a distance of 341.14 feet to an Iron Pin found;

thence North $0^{\circ}59'30''$ East for a distance of 255.38 feet to an Iron Pin found;

thence South $88^{\circ}35'00''$ East for a distance of 341.14 feet to the Mag Nail found at the point of beginning, witness an Iron Pin found at 30.00 feet on line last described, containing 2.000 acres, and subject to all legal highways, easements and restrictions of record. The above description was prepared by Neil E. Teaford, Ohio Registered Surveyor No. 7724.

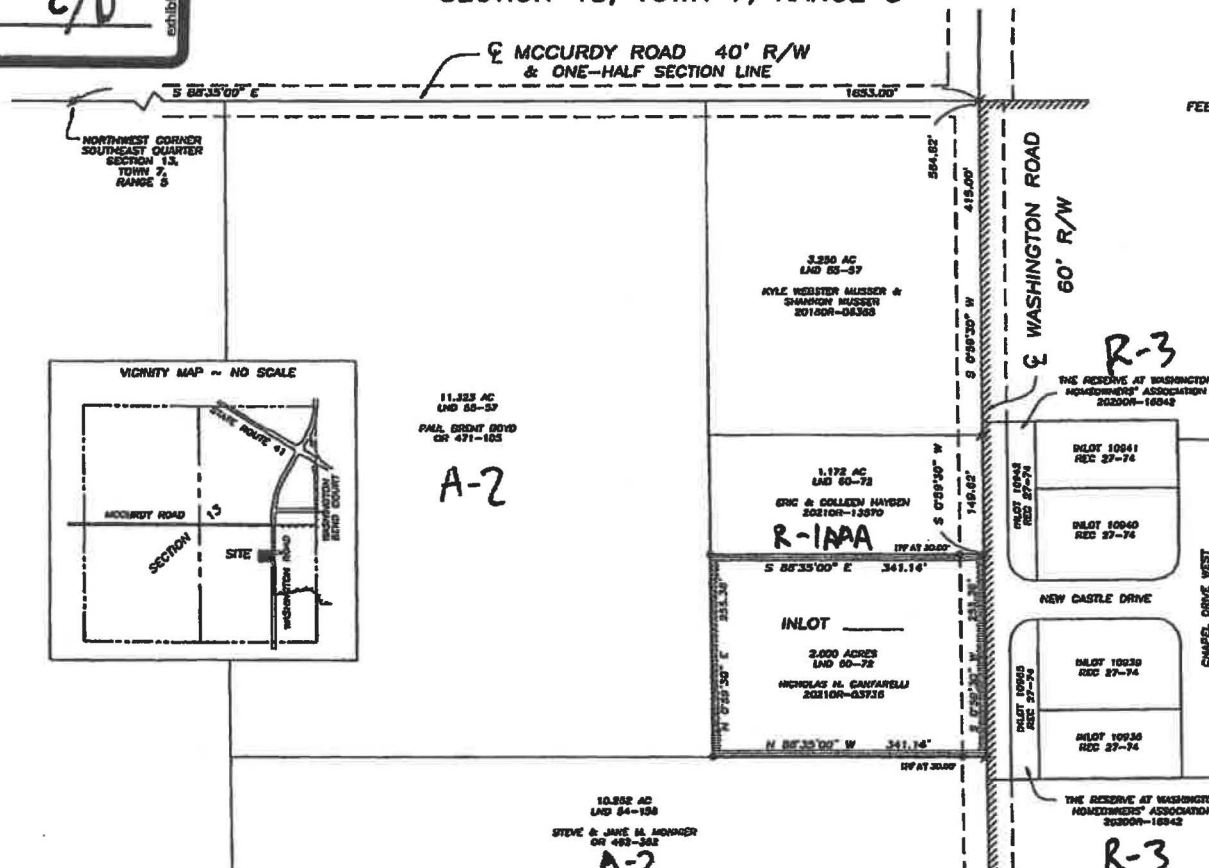


EXHIBIT

C/D

exhibitstick.com

ANNEXATION OF TERRITORY TO THE CITY OF TROY

CONCORD TOWNSHIP, MIAMI COUNTY, OHIO
SECTION 13, TOWN 7, RANGE 5VOLUME _____ PAGE _____
MIAMI COUNTY RECORDER'S RECORD OF PLATS

FEE \$

MIAMI COUNTY RECORDER BY DEPUTY RECORDER

MIAMI COUNTY AUDITOR

TRANSFERRED AND LOT NUMBER ASSIGNED
THIS _____ DAY OF _____, 20____

MIAMI COUNTY AUDITOR

BY DEPUTY AUDITOR

DESCRIPTION

BEING A TOTAL OF 2.000 ACRES, AS SHOWN
IN VOLUME 60, PAGE 72, MIAMI COUNTY
ENGINEER'S LAND SURVEY RECORDS, AS
ACQUIRED BY NICHOLAS M. CANFARRELL, IN
DOCUMENT 2021R-03736, MIAMI COUNTY
RECORDER'S DEED RECORDS, LOCATED IN
SECTION 13, TOWN 7, RANGE 5 IN CONCORD
TOWNSHIP, MIAMI COUNTY, OHIO.

REFERENCES

MIAMI COUNTY ENGINEER'S
RECORD OF LAND SURVEYS:
VOLUME 60, PAGE 72

LEGEND

- IRON PIN FOUND
- ✱ MAG NAIL / P.K. NAIL FOUND
- ✕ RAILROAD SPIKE FOUND
- STONE FOUND
- ▲ CONCRETE POST FOUND

EXISTING CORPORATION LINE
PROPOSED CORPORATION LINE

CERTIFICATION

THIS ANNEXATION PLAT PREPARED
FROM MIAMI COUNTY ENGINEER'S
RECORD OF LAND SURVEYS AND A
FIELD INSPECTOR, I CERTIFY THIS
PLAT TO BE CORRECT AS SHOWN
HEREON.

NEIL E. TEAFORD, P.S.

MIAMI COUNTY ENGINEER

THIS ANNEXATION PLAT REVIEWED AND APPROVED
THIS _____ DAY OF _____, 20____

PAUL P. HUELSKAMP, PE, PS

MIAMI COUNTY COMMISSIONERS

AT A MEETING OF THE MIAMI COUNTY COMMISSIONERS
THE ANNEXATION OF THIS AREA WAS APPROVED THIS
_____ DAY OF _____, 20____ BY RESOLUTION
NO. _____

GREGORY A. SIMMONS

TED S. MERCER

WADE H. WESTFALL

CITY OF TROY

THIS ANNEXATION ACCEPTED AND APPROVED BY
THE COUNCIL OF THE CITY OF TROY THIS
_____ DAY OF _____, 20____ BY
ORDINANCE # _____

MAYOR

PRESIDENT

CLERK

ANNEXATION PROCEEDINGS RECORDED IN
DOCUMENT 20____OR_____
MIAMI COUNTY RECORDER'S RECORDS.

AUGUST 7, 2021

ANNEXATION PLAT FOR NICHOLAS CANFARRELL
IN MIAMI COUNTY, OHIO

NEIL E. TEAFORD
5260 TROY-URBANA ROAD
CASHTOWN, OHIO 45312
OHIO REGISTERED
PROFESSIONAL SURVEYOR # 7724

NICHOLAS N. CANFARELLI, OHIO ANNEXATION PETITION

EXHIBIT 'E'

Owners Names & Addresses	Auditor's Parcel No.	ZONING
Steve & Jane M. Monnier 1240 Washington Road Troy, Ohio 45373	C06-036330	A-2
Paul Brent Boyd 3330 McCurdy Road Troy, Ohio 45373	C06-036350	A-2
Eric & Colleen Hayden 1344 Washington Road Troy, Ohio 45373	C06-036300	R-1AAA
The Reserve at Washington Home Owners Association P.O. Box 931 Troy, Ohio 45373	D08-106776	R-3
The Reserve at Washington Home Owners Association P.O. Box 931 Troy, Ohio 45373	D08-106730	R-3

April 18, 2022

City of Troy Planning Commission
100 South Market Street
Troy, Ohio 45373

City of Troy Planning Commission:

I, the undersigned, hereby request that the City of Troy review the attached rezoning application for the property located at 1322 Washington Road, Troy, Ohio. The property was recently annexed into the City of Troy. For that reason, we wish to amend the zoning from R-1AAA (Miami County) to R-3 (City of Troy).

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Canfarelli', with a stylized flourish at the end.

Nicholas N Canfarelli
Owner of 1322 Washington Road
Troy, Ohio 45373



Neil E. Teaford
Professional Land Surveyor
Boundary, Construction & Elevation

5260 E. Troy Urbana Road, Casstown, Ohio 45312
Cell: 937-308-6467 Business: 937-339-4732

**LEGAL DESCRIPTION OF 2.000 ACRES
FOR NICHOLAS CANFARELLI**

Situate in the Township of Concord, County of Miami, and State of Ohio, and being a part of the Southeast Quarter of Section 13, Town 7, Range 5 as shown in Volume 60, Page 72, Miami County Engineer's Records of Land Surveys, described as follows:

Beginning at a Mag Nail found at the Northwest Corner of the Southeast Quarter of Section 13, said Mag Nail also being on the centerline of McCurdy Road, thence South $88^{\circ}35'00''$ East a distance of 1653.00 feet along the one-half section line and the centerline of McCurdy Road to a Mag Nail found at the intersection of McCurdy Road and Washington Road and on the existing corporation line of the City of Troy, thence South $0^{\circ}59'30''$ West a distance of 564.62 feet along the centerline of Washington Road and the existing corporation line to a Mag Nail found at the Point of Beginning;

thence continuing along the centerline of Washington Road and the existing corporation line, South $0^{\circ}59'30''$ West for a distance of 255.38 feet to a Mag Nail found, witness an Iron Pin found at 30.00 feet on line next described;

thence North $88^{\circ}35'00''$ West for a distance of 341.14 feet to an Iron Pin found;

thence North $0^{\circ}59'30''$ East for a distance of 255.38 feet to an Iron Pin found;

thence South $88^{\circ}35'00''$ East for a distance of 341.14 feet to the Mag Nail found at the point of beginning, witness an Iron Pin found at 30.00 feet on line last described, containing 2.000 acres, and subject to all legal highways, easements and restrictions of record. The above description was prepared by Neil E. Teaford, Ohio Registered Surveyor No. 7724.



ANNEXATION TO THE CITY OF TROY, OHIO

Volume 29 Page 45
Miami County Recorder's
Plat Records

5 TOWN 6E RANGE 30 NW ¼ SECTION CONCORD TOWNSHIP MIAMI COUNTY OHIO STATE

Inlot 11367
19.076 Ac.
Troy City Schools Board
Of Education
2018OR-15842

Port Inlot 11368

Rec 29-24
21.420 Ac.

Radwood Troy Arthur
Road OH P1 LLC
2021OR-15351

MIAMI COUNTY RECORDER
JENNIFER A. LUTZ
2022P-00026
PREPARED FOR RECORD
MIAMI COUNTY, OHIO, 06/01/2022 08:54:40 PM
RECEIVED &
RECORDED
PAGE 1

FEE: H3.10

James Lutz BY: Michelle Lutz
MIAMI CO. RECORDER DEPUTY

See Annexation Proceedings Recorded In
Official Record 2020R-08400

APPROVED AND TRANSFERRED WITH LOT NUMBERS
ASSIGNED THIS 12 DAY OF June, 2022

Matthew W. Storch BY: Deirdre Dwyer
MIAMI CO. AUDITOR DEPUTY



0 100 200 400
Graphic Scale in Feet
1"=200'

Loren D. & A. Sue Flory
D.B. 631, Pg. 307
33.7943 Ac.

Inlot 11518
0.891 Ac.
Inlot 11517
0.849 Ac.
Inlot 11516
13.4083 Ac.

James W. & Pamela L.
Mortell, Co-Trustees
2020OR-13259
13.4083 Ac.

Jordan & Ashley Remmelter
2021OR-20012
0.717 Ac.

Jeffrey K. Leistner &
Christina J. McEldowney
D.B. 701, Pg. 782
0.186 Ac.

Jeffrey K. Leistner &
Christina J. McEldowney
D.B. 680, Pg. 48
10.494 Ac.

Mark &
Rebecca A. Paston
OR 425-879
10.100 Ac.

James W. &
Pamela L. Mortell,
Co-Trustees
2018OR-11855
10.100 Ac.

Peabbles Road 30'R/W
One-Half Section Line

S.E. Corner
N.W. Quarter
Section 30

One-Half Section Line

Legend

- Iron Pin Found
- Mag Nail Found
- Mag Nail Found
- Mag Spike Found
- Monument Found

----- Proposed Corporation Line
----- Existing Corporation Line

References

Miami County Engineer's
Record of Land Surveys:
Volume 45, Page 73
Books of Bearings
Volume 49, Page 135
Volume 59, Page 127

Miami County Recorder's
Records:
Plat Book 28, Page 51
Plat Book 29, Page 24

Area to be Annexed:
13.4083 Ac.
0.891 Ac.
0.849 Ac.
10.100 Ac.
25.3493 Ac. Total

This Annexation Plat prepared from
a field survey performed as filed
in Land Survey Vol. 45, Pg. 73

Surveyor Certification:
I hereby certify this annexation plat to be a
true and correct representation as compiled
from existing records and a field survey.



PREPARED BY:
COZATT ENGINEERING COMPANY
Civil Engineer
1100 Wayne St., Suite 1100
Troy, OH 45373
(637) 336-2921
January 4, 2021, Rev. Oct. 18, 2021

Approval by the Miami County Commissioners

The annexation of the foregoing area to the City of Troy was
reviewed and approved by the Miami County Commissioners this
17th day of February, 2022

Gregory A. Simmons Wade H. Westfall
Commissioner Commissioner

Approval by the Miami County Engineer

This annexation was reviewed and approved by the Miami County
Engineer this 30th day of March, 2022

Paul P. Huelshamp
Paul P. Huelshamp
Miami County Engineer

City of Troy Council

At a meeting of the Council of the City of Troy, Ohio, held this
2nd day of May, 2022, this plat was approved by
Ordinance No. 0-5-2022
effective May 1, 2022

Robert J. Ode Michael W. Cozatt
Mayor President of Council

Sue H. Knapp
Clark of Council

Annexation map of Mortell property

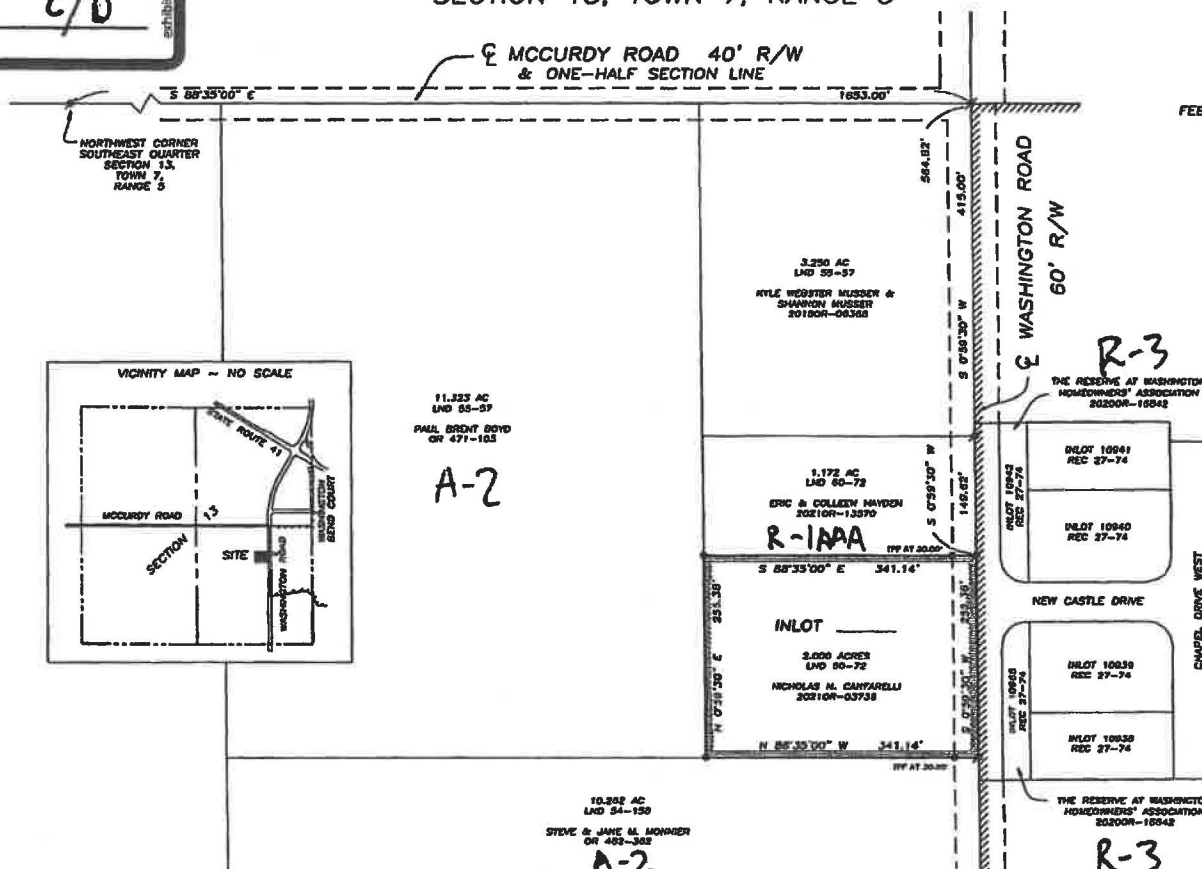
Michael W. Cozatt u24/21
MICHAEL W. COZATT
P.S. #0001

EXHIBIT

C/D

exhibitstick.com

ANNEXATION OF TERRITORY TO THE CITY OF TROY

CONCORD TOWNSHIP, MIAMI COUNTY, OHIO
SECTION 13, TOWN 7, RANGE 5VOLUME _____ PAGE _____
MIAMI COUNTY RECORDER'S RECORD OF PLATS

FEE \$ _____

MIAMI COUNTY RECORDER BY DEPUTY RECORDER

MIAMI COUNTY AUDITOR
TRANSFERRED AND LOT NUMBER ASSIGNED
THIS _____ DAY OF _____, 20____

MIAMI COUNTY AUDITOR

BY DEPUTY AUDITOR

DESCRIPTION

BEING A TOTAL OF 2.000 ACRES, AS SHOWN
IN VOLUME 60, PAGE 72, MIAMI COUNTY
ENGINEER'S LAND SURVEY RECORDS, AS
ACQUIRED BY NICHOLAS M. CANFARELLI, IN
DOCUMENT 20210R-03738, MIAMI COUNTY
RECORDER'S DEED RECORDS, LOCATED IN
SECTION 13, TOWN 7, RANGE 5 IN CONCORD
TOWNSHIP, MIAMI COUNTY, OHIO.

REFERENCES

MIAMI COUNTY ENGINEER'S
RECORD OF LAND SURVEYS:
VOLUME 60, PAGE 72

LEGEND

- IRON PIN FOUND
- ✱ MAG NAIL / P.K. NAIL FOUND
- ✕ RAILROAD SPIKE FOUND
- STONE FOUND
- ▲ CONCRETE POST FOUND

EXISTING CORPORATION LINE

PROPOSED CORPORATION LINE

CERTIFICATION
THIS ANNEXATION PLAT PREPARED
FROM MIAMI COUNTY ENGINEER'S
RECORD OF LAND SURVEYS AND A
FIELD INSPECTION. I CERTIFY THIS
PLAT TO BE CORRECT AS SHOWN
HEREON.

NEIL E. TEAFORD, P.S.

MIAMI COUNTY ENGINEER
THIS ANNEXATION PLAT REVIEWED AND APPROVED
THIS _____ DAY OF _____, 20____

PAUL P. HUELSKAMP, PE, PS

MIAMI COUNTY COMMISSIONERS
AT A MEETING OF THE MIAMI COUNTY COMMISSIONERS
THE ANNEXATION OF THIS AREA WAS APPROVED THIS
_____ DAY OF _____, 20____ BY RESOLUTION
NO. _____

GREGORY A. SIMMONS

TED S. MERCER

WADE H. WESTFALL

CITY OF TROY
THIS ANNEXATION ACCEPTED AND APPROVED BY
THE COUNCIL OF THE CITY OF TROY THIS
_____ DAY OF _____, 20____ BY
ORDINANCE # _____

MAYOR

PRESIDENT

CLERK



AUGUST 7, 2021

ANNEXATION PLAT FOR NICHOLAS CANFARELLI
IN MIAMI COUNTY, OHIONEIL E. TEAFORD
8260 TROY-URBANA ROAD
CASSTOWN, OHIO 45312
OHIO REGISTERED
PROFESSIONAL SURVEYOR # 7724ANNEXATION PROCEEDINGS RECORDED IN
DOCUMENT 20____OR____
MIAMI COUNTY RECORDER'S RECORDS.

NICHOLAS N. CANFARELLI, OHIO ANNEXATION PETITION

EXHIBIT 'E'

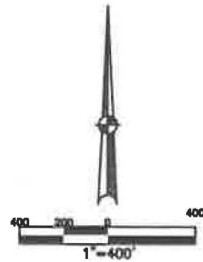
Owners Names & Addresses	Auditor's Parcel No.	ZONING
Steve & Jane M. Monnier 1240 Washington Road Troy, Ohio 45373	C06-036330	A-2
Paul Brent Boyd 3330 McCurdy Road Troy, Ohio 45373	C06-036350	A-2
Eric & Colleen Hayden 1344 Washington Road Troy, Ohio 45373	C06-036300	R-1AAA
The Reserve at Washington Home Owners Association P.O. Box 931 Troy, Ohio 45373	D08-106776	R-3
The Reserve at Washington Home Owners Association P.O. Box 931 Troy, Ohio 45373	D08-106730	R-3

CONCORD TWP.
MIAMI COUNTY, OHIO

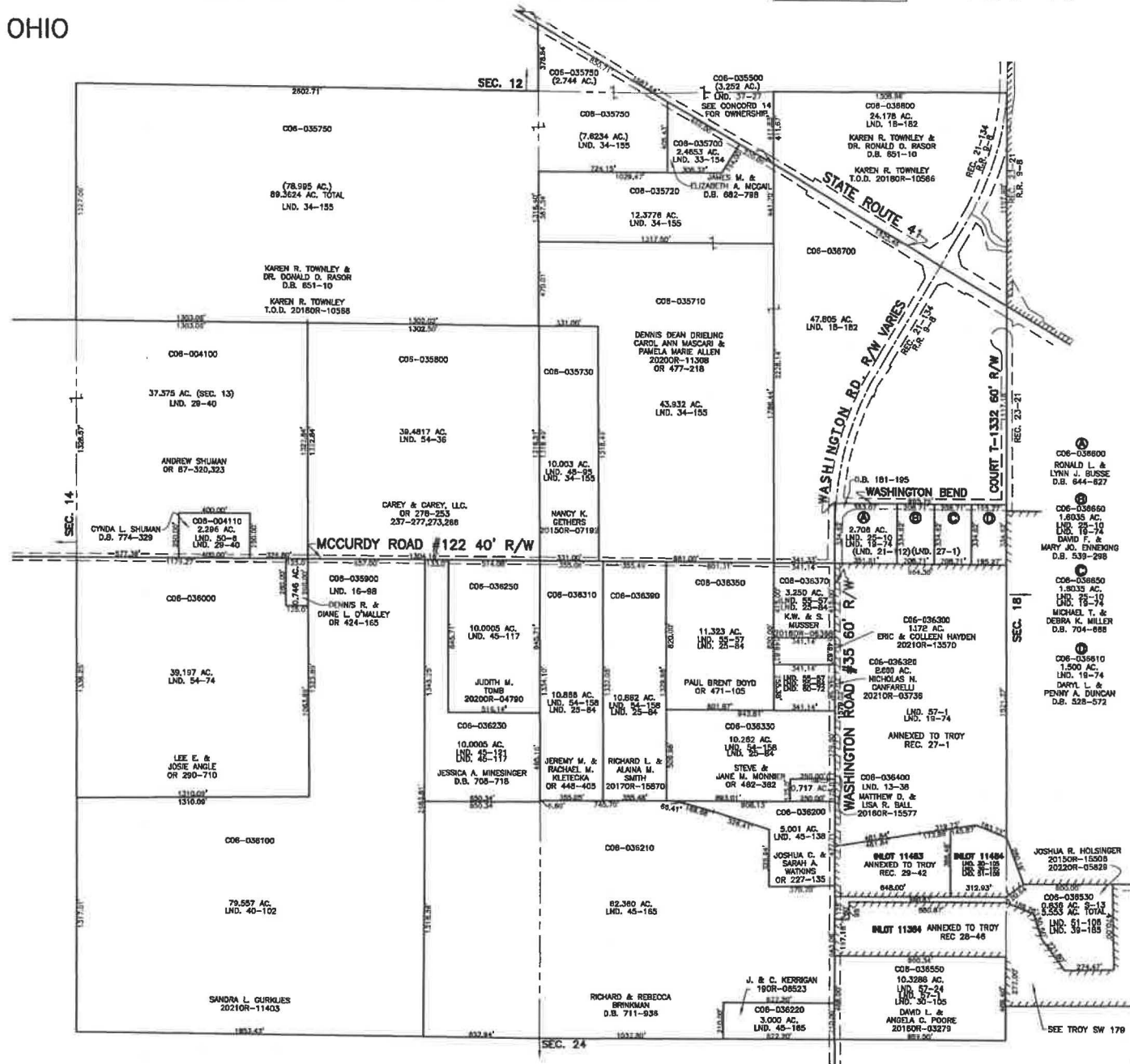
SECTION 13 TOWN 7 RANGE 5

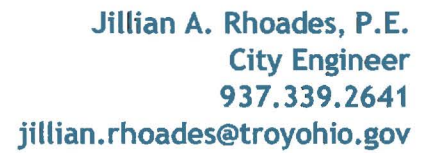
PARCEL NUMBER
C06-

PLAT 15



ABBREVIATION LEGEND	
20140R-07759	= RECORDER'S DOCUMENT NUMBER
OR 237-619	= OFFICIAL RECORD 257 PAGE 619
D.B. 613-172	= DEED BOOK 613, PAGE 172
REC. 15-72	= RECORDER'S PLAT BOOK 15, PAGE 72
LND. 33-15	= LAND SURVEY VOLUME 33, PAGE 15
LOT 19-12	= LOT SURVEY VOLUME 19, PAGE 12
R.R. 8-29	= ROAD RECORD VOLUME 8, PAGE 29
R/W	= RIGHT OF WAY
C	= CENTERLINE
AC	= ACRES
TWP.	= TOWNSHIP
TR.	= TRACT
②	= LOT CREATED BY RECORDER'S PLAT
LINE LEGEND	
	Blow-up Boundary
	Property Line
	Lot Split Line
	Section Line
	Centerline
	Right-of-Way Line
	Corporation Line
SURVEY INDEX	
NORTHEAST QUARTER	
15-72	15-72
15-73	15-73
15-74	15-74
15-75	15-75
15-76	15-76
15-77	15-77
15-78	15-78
15-79	15-79
15-80	15-80
15-81	15-81
15-82	15-82
15-83	15-83
15-84	15-84
15-85	15-85
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15-89	15-89
15-90	15-90
15-91	15-91
15-92	15-92
15-93	15-93
15-94	15-94
15-95	15-95
15-96	15-96
15-97	15-97
15-98	15-98
15-99	15-99
16-00	16-00
SOUTHEAST QUARTER	
16-01	16-01
16-02	16-02
16-03	16-03
16-04	16-04
16-05	16-05
16-06	16-06
16-07	16-07
16-08	16-08
16-09	16-09
16-10	16-10
16-11	16-11
16-12	16-12
16-13	16-13
16-14	16-14
16-15	16-15
16-16	16-16
16-17	16-17
16-18	16-18
16-19	16-19
16-20	16-20
SOUTHWEST QUARTER	
16-21	16-21
16-22	16-22
16-23	16-23
16-24	16-24
16-25	16-25
16-26	16-26
16-27	16-27
16-28	16-28
16-29	16-29
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16-35	16-35
16-36	16-36
16-37	16-37
16-38	16-38
16-39	16-39
16-40	16-40
NORTHWEST QUARTER	
16-41	16-41
16-42	16-42
16-43	16-43
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16-49	16-49
16-50	16-50

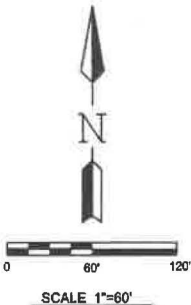




The proposed development of this lot has led to this request of the dedication of right-of-way. This plat has been reviewed by the City Engineer and staff is requesting that Planning Commission make a recommendation to City Council to dedicate 0.330 acres of Inlot 7392 as Right-of-Way.



29 SECTION 5 TOWNSHIP 6-E RANGE CONCORD TOWNSHIP TROY CITY MIAMI COUNTY OHIO STATE

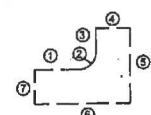


REFERENCES

- 1) SURVEY BY TERRAZANO REC. P.B. 15, PG. 32
- 2) SURVEY BY STUDEBAKER REC. P.B. 15, PG. 107
- 3) SURVEY BY KLOCKNER REC. P.B. 16, PG. 50

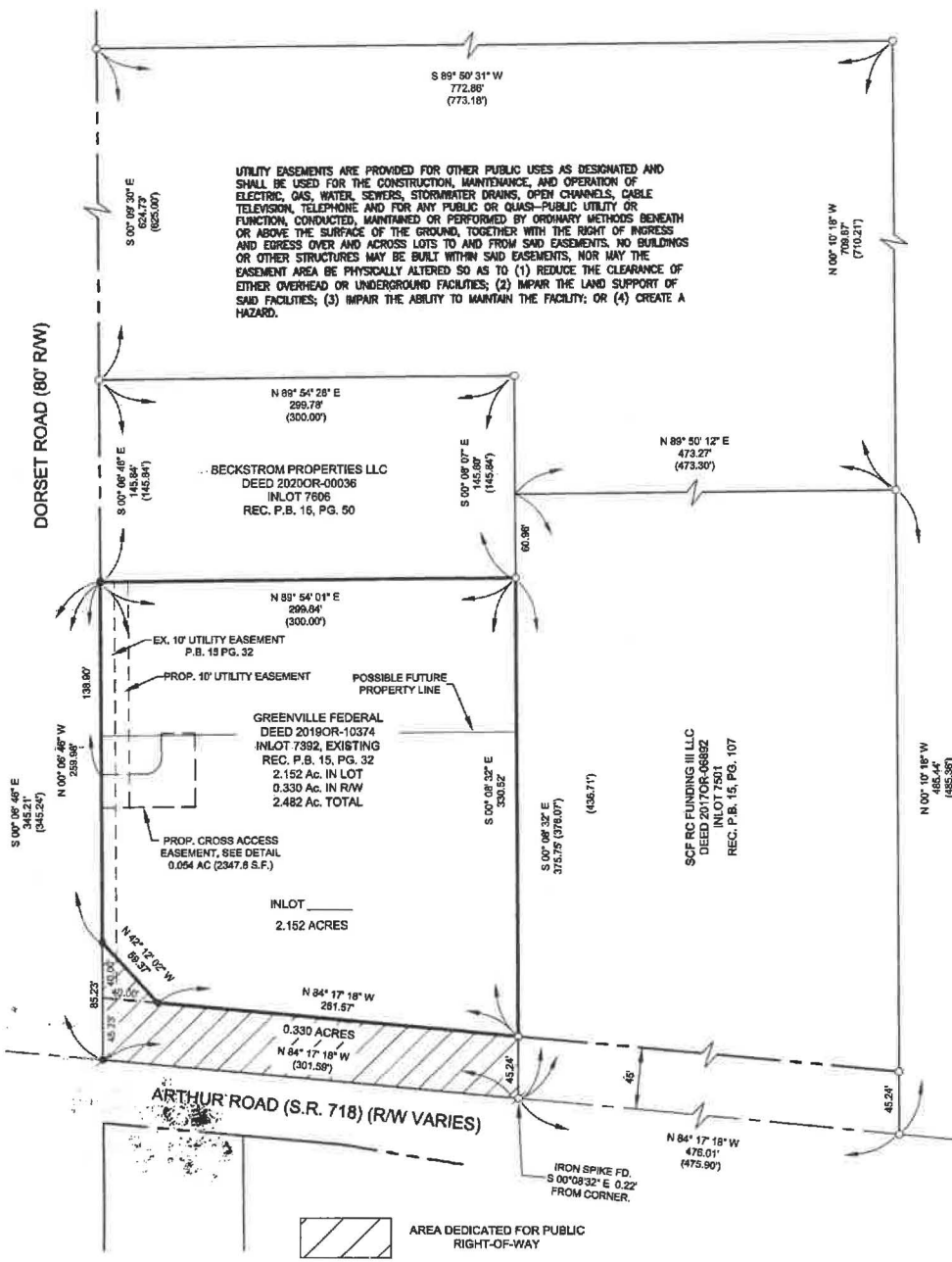
LEGEND

- IRON PIN SET #5 REBAR ±30" LONG W/ SURVEYOR CAP
- ✕ IRON SPIKE SET
- IRON PIN FOUND
- ✕ IRON SPIKE FOUND
- () CALLED DIMENSION



CROSS ACCESS EASEMENT

- 1) N 89° 53' 14" E 31.52'
- 2) RADIUS = 12.00' ARC = 18.85' CENTRAL ANGLE = 90° 00' 00" CHORD = N 44° 53' 14" E 16.97'
- 3) N 00° 06' 46" W 17.01'
- 4) N 89° 53' 14" E 24.00'
- 5) S 00° 06' 46" E 53.01'
- 6) S 88° 53' 14" W 67.52'
- 7) N 00° 06' 46" W 24.00'



UTILITY EASEMENTS ARE PROVIDED FOR OTHER PUBLIC USES AS DESIGNATED AND SHALL BE USED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF ELECTRIC, GAS, WATER SEWERS, STORMWATER DRAINS, OPEN CHANNELS, CABLE TELEVISION, TELEPHONE AND FOR ANY PUBLIC OR QUASI-PUBLIC UTILITY OR FUNCTION, CONDUCTED, MAINTAINED OR PERFORMED BY ORDINARY METHODS BENEATH OR ABOVE THE SURFACE OF THE GROUND, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER AND ACROSS LOTS TO AND FROM SAID EASEMENTS, NO BUILDINGS OR OTHER STRUCTURES MAY BE BUILT WITHIN SAID EASEMENTS, NOR MAY THE EASEMENT AREA BE PHYSICALLY ALTERED SO AS TO (1) REDUCE THE CLEARANCE OF EITHER OVERHEAD OR UNDERGROUND FACILITIES; (2) IMPAIR THE LAND SUPPORT OF SAID FACILITIES; (3) IMPAIR THE ABILITY TO MAINTAIN THE FACILITY; OR (4) CREATE A HAZARD.

Volume _____ Page _____
Miami County Recorder's Records of Plats
Fee _____
Miami County Recorder
By Deputy Recorder
Miami County Auditor
Approved and Transferred _____, 20____
Miami County Auditor
By Deputy Auditor

CITY OF TROY COUNCIL
AT A MEETING OF THE CITY OF TROY, OHIO COUNCIL HELD THIS _____ DAY OF _____, 2022. THIS PLAT WAS APPROVED BY ORDINANCE NO. _____ EFFECTIVE _____

MAYOR _____ PRESIDENT OF COUNCIL _____
CLERK OF COUNCIL _____

CITY OF TROY ENGINEER
THIS PLAT WAS INSPECTED AND APPROVED BY US THIS _____ DAY OF _____, 2022.
JILLIAN A. RHODES, P.E.

DESCRIPTION
BEING A REPLAT OF INLOT 7392 IN THE CITY OF TROY, OHIO CONTAINING 2.482 ACRES AND BEING THE SAME LANDS CONVEYED TO GREENVILLE FEDERAL AS DESCRIBED IN MIAMI COUNTY OFFICIAL RECORDS 2019-10374.

DEDICATION
I, THE UNDERSIGNED, BEING THE OWNER AND LIEN HOLDER OF THE PARCEL HEREIN REPLATTED, DO HEREBY CONSENT TO THE EXECUTION OF SAID REPLAT AS SHOWN HEREON AND DEDICATE THE PROPOSED RIGHT-OF-WAY AND EASEMENTS TO THE PUBLIC USE FOREVER.

Jeff Kneiss
GREENVILLE FEDERAL
JEFF KNEISS, PRESIDENT AND CEO

STATE OF OHIO - COUNTY OF MIAMI S.S.
BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF OHIO, PERSONALLY APPEARED *Jeff Kneiss* (THE ABOVE SIGNED) WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING PLAT TO BE THEIR VOLUNTARY ACT AND DEED, IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND NOTORIAL SEAL ON THE DAY AND DATE BELOW WRITTEN.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL AT *Duck Creek*, OHIO, THIS *14th* DAY OF *January*, 2022

Hilary Naege Ernst
NOTARY PUBLIC
My Commission Expires *November 3rd 2026*
I HEREBY CERTIFY THIS PLAT TO BE TRUE AND CORRECT AS SHOWN HEREIN.
Louis J. Bergman
LOUIS J. BERGMAN, PROFESSIONAL SURVEYOR #7177
BEARINGS BASED ON NAD83 (NRS2011) OHIO STATE PLANE COORDINATES, SOUTH ZONE (3402).



M. Mote & Associates, Inc.
ENGINEERING, LAND SURVEYING
214 WEST 4th STREET
GREENVILLE, OHIO 45331
PHONE: (607) 546-7211
FAX: (607) 546-7484
E-MAIL: info@mteassoc.com
WEBSITE: www.mteassoc.com

SURVEY OF A 2.482 ACRE TRACT
GREENVILLE FEDERAL
REPLAT OF IL 7392 & DEDICATION
OF RIGHT-OF-WAY

PREPARED BY:
LOUIS J. BERGMAN
P.S. #7177

DATED: 5-2-22
DRAWN: TJB
CHECKED: LJB
JOB NO.
TY13012122
DRAWING NO.
1C2788

MEMORANDUM

TO: Troy Planning Commission

FROM: Tim Davis, Development Director

DATE: June 8, 2022

SUBJECT: Recommendation of Zoning Code Changes – Historic Preservation Overlay

BACKGROUND AND DISCUSSION:

On November 15, 2021 City Council adopted a moratorium of 180 days on the issuance of certificates of appropriateness (COA) to allow demolition or removal of a historic or contributing property (except immediate demolitions related to public safety concerns) in the City of Troy Historic Preservation Overlay District.

On May 14, 2022 a new moratorium was provide so staff could continue to research ordinance provisions of Ohio Communities with historic downtowns, consult with legal counsel and appropriate state organizations, and make informed recommendations to the Troy Planning Commission and City Council. This moratorium will expire on July 14, 2022.

Attached you will find a red-lined version of the proposed changes to the Historic Preservation Overlay district and a clean version. Below is a summary of major proposed changes:

- Section 1137.07, "Procedure For Appeals". Update the appeals section to provide clarity regarding applicability, initiations and review criteria.
- Section 1143.22(k), "HP-O District". Define minor alterations and note this activity does not need a COA.
- Section 1143.22(j), "HP-O District". Explain when a COA is required and define the criteria for moving forward with an application.
- Section 1143.22(l),(m) "HP-O District". Describe the COA review by the Zoning Administrator and Planning Commission and define their responsibilities by project activity.
- Section 1143.22(n), "HP-O District". Introduce the process for a demolition Certificate of Appropriateness which cannot be considered unless the applicant meets strict and quantifiable evidence of economic hardship, which evidence must include multiple analyses, rehabilitation quotes and required financial guarantees.
- Section 1143.22(e), "HP-O District". Propose an HP-O Design Manual to provide a framework of guidelines to review for COA applications.
- Section 1143.22(p), "HP-O District". Designate criteria for demolition by neglect.
- Eliminate separate penalty for this section and follow the penalty section for the Zoning Code.

REQUESTED ACTION:

It is requested that Planning Commission consider scheduling a public hearing related to the proposed changes to the Historic Preservation Overlay District.

- (a) ~~Authorization. An appeal from a decision of the Zoning Administrator with respect to the interpretation or application of this Zoning Code may be taken to the Appeals Board by any person aggrieved, or by any officer, department, board, or any governmental agency or body affected by the decision of the Zoning Administrator.~~
- (b) ~~Applicability. An appeal may be made regarding any administrative decision made in the administration and enforcement of this Zoning Code, including administrative decisions by the Zoning Administrator or Planning Commission. An appeal may not be made to the Appeals Board when the Planning Commission is making a recommendation to City Council as part of a legislative action, such as a zoning text or map amendment.~~
- (c) ~~Initiation. Appeals shall only be initiated by the applicant or or an owner of property contiguous to the applicant's property, or an owner of property directly across any street or alley, from any order, decision, determination or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this code.~~
- (d) ~~Timeline for Appeals. Appeals to the Appeals Board shall be filed within thirty (30) days from the decision, determination, or interpretation of the Zoning Administrator by filing a written notice of appeal with the Secretary of the Appeals Board. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Secretary of the Appeals Board shall forthwith transmit to the members of the Appeals Board all of the papers constituting the record upon which the decisions being appealed were based.~~
- (e) ~~Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Appeals Board, after notice of appeal has been filed with the Zoning Administrator, that by reason of facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Appeals Board, or by a court of competent jurisdiction on application.~~
- (f) ~~Hearing. The Appeals Board shall select a reasonable time and place for the hearing of an appeal and give at least five (5) days written notice thereof to the owners of property contiguous to the applicant's property, and owners of property directly across any street or alley, as they shall appear on the notice of appeal. In addition, public notice of such hearings stating the time, place, date, and subject of the hearing, shall be published in a newspaper of general circulation in the City at least five (5) days prior to the date of the hearing. The appellant may appear and be heard at the hearing in person, by agent, or by attorney.~~
- (g) ~~Review Criteria. A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.~~
- (h) ~~Decision. The Appeals Board shall, hear and review the decision appealed from, and to that end the Appeals Board shall have all the powers of the Zoning Administrator with respect to such decision. The Appeals Board shall and render~~

their written decision on the appeal without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

- (i) Records. The Secretary of the Appeals Board shall maintain complete records of all actions of the Appeals Board with respect to appeals.
- (j) Authority. The Appeals Board shall have the authority to establish and adopt rules of procedures for the conduct of the hearing.

DRAFT

HP-O HISTORIC PRESERVATION OVERLAY DISTRICTS

- (a) Historical Districts. The public interest calls for the preservation and protection of sites and structures within Troy city limits that have historical, architectural, archeological, and cultural values and serve as visible reminders of the history and heritage of this city, state, and nation. Well-preserved historic buildings and places, attractive residential areas, and orderly business districts add meaning and livability to a city. Hence, to accomplish this, it is necessary to provide a method whereby, with careful consideration for private property rights and only after a thorough analysis of the objectives to be achieved, certain procedures and regulations are established for changes made to significant buildings or neighborhoods.
- (b) Purpose. It is the intent of this Section to promote and protect the health, safety, cultural, economic, and general welfare of the public through:
- (1) The protection, enhancement and use of structures, sites and areas that are reminders of past eras and events and persons important in local, state, or national history;
 - (2) The preservation and enhancement of a city of varied architectural styles reflecting the distinct phases of the city's history;
 - (3) The preservation, restoration, or rehabilitation of historically significant districts, sites, buildings, structures, and objects that possess integrity of location design, setting, materials, workmanship, feeling, and association;
 - (4) The development and maintenance of appropriate settings and environment for the aforesaid sites and areas;
 - (5) The enhancement of Troy's attractiveness to visitors, tourism, and the support and stimulus to the economy thereby provided;
 - (6) The enhancement of property values, economic development, and neighborhood stability;
 - (7) The preservation, renovation, and adaptive reuse of the buildings within historic districts for economically productive uses;
 - (8) The consideration of the broadest possible scope of continuing vitality through private renewal and architectural creativity, within appropriate controls and standards. It is intended to foster a climate in which Troy's historic districts may continue to exist as living, changing commercial and residential areas, not static environments;
 - (9) The protection of the property rights of the owners whose property is declared to be a Historic Structure, or is located in the area designated as a Troy Historic Preservation Overlay District;
 - (10) The encouragement of civic pride in the beauty and notable accomplishments of the past;

- (11) To this end, this section authorizes the adoption of overlay historic districts and to review and approve architectural modifications which affect the historic quality of such historic districts and sites.

(c) Designation of Overlay District.

- (1) The Planning Commission may recommend the adoption or modification of a historic district overlay on all eligible areas to the Troy City Council. The boundaries of each such district shall be indicated on the official zoning map.

(d) Historic District Definitions. The following definitions are only applicable in the Historic Preservation and Historic Landmark Districts.

- (1) Architectural Design Standards: The United States Secretary of the Interior's Standards for the Treatment of Historic Properties and any supplemental guidelines adopted by the City of Troy.
- (2) Adverse Effect: An occurrence or condition which includes, but is not limited to:
 - A. destruction or alteration of all or part of a property;
 - B. isolation from or alteration of a property's surrounding environment; or
 - C. neglect of a property resulting in its deterioration or destruction.
- (3) Applicant: Any person, or their representative, who applies for a building or demolition permit or for a certificate of appropriateness for construction, alteration or demolition of a Listed Property or structure.
- (4) Appurtenance: Any structure or object subordinate to a principal structure or site located within a Listed Property or Historic District and visible from the public right-of-way including, but not limited to, a bicycle rack, carriage house, display sign, fence, fixture, fountain, garage, outbuilding, pavilion, public artwork, statue, street furniture, shed, trellis, vending machine, or similar item.
- (5) Architectural Feature: The architectural treatment and general arrangement of such portion of the exterior of a property as is designed to be exposed to public view and/or the publicly accessible interior of any Listed Property which was listed in part, or in whole, because of the interior's historic or architectural significance.
- (6) Certificate of Appropriateness: A certificate issued by the Planning Commission or Zoning Administrator indicating that the proposed change, alteration or demolition of a historic building or structure within a historic site or district, is in accordance of the provisions of this chapter and the design guidelines.
- (7) Intrusion: An adverse effect which introduces a visual, audible, or atmospheric element which is out of character with the property or the district or alters its setting.
- (8) Landmark: Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation and which has been designated as a landmark pursuant to

the provisions of this Section.

- (9) District: The Historic Preservation or Historic Landmark Overlay area in which the property subject to the application is located or ten (10) or more structures and/or sites grouped together in a geographically defined area possessing a significant concentration, linkage or continuity of structures, appurtenances or sites that are united by past events, aesthetics, plan or physical development and where at least seventy-five (75) percent of the structures in which the property subject to the application is located.
- (10) Economic Return: A profit or increase in value from use or ownership of a site, structure, building, appurtenance or object that accrues from investment of capital or labor.
- (11) Façade: The face or front of a structure of any vertical surface thereof adjacent to a public way.
- (12) Group: Two or more structures, objects and/or sites of which are located in geographical proximity and are united by aesthetics, past events, plan or physical development.
- (13) Guidelines: The document adopted by the City of Troy that sets forth the architectural characteristics of a Listed Property or a Historic District area, or a specific property therein and provides design guidance for appropriate construction or alteration therein pursuant to the provisions of this Section. Guidelines and standards are intended to be consistent with each other.
- (14) Inventory: A systematic identification of properties having cultural, historical, architectural or archaeological significance compiled according to standards adopted by the City for evaluating property to be considered for designation as a Listed Property on the National Register of Historic Places.
- (15) Listed Property: Any structure, group, district or site so designated by the City pursuant to the provision of this Section.
- (16) Preservation: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features, rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within the scope of the project.
- (17) Reconstruction: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
- (18) Rehabilitation: The act or process of making possible an efficient compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical cultural or architectural values.

- (19) **Restoration:** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within the scope of the project.
- (20) **Structure:** A building, object, monument, work of art, or work of engineering permanently affixed to the land. The term “structure” shall be construed as if followed by the words “or part thereof”. The distinction between “structure” and “building” should be noted. “Structure” is a broader term; “building” is a restricted form of “structure”.
- (21) **Substantial Economic Hardship:** A financial burden imposed upon an owner which when factually detailed and measured by standards and criteria of this Section is unduly excessive preventing a realization of an economic return upon the value of the property.
- ~~(22) **Unusual and Compelling Circumstances:** Those uncommon and extremely rare instances, factually detailed and conforming to the standards and criteria therefore contained in this Section, warranting a decision contrary to its architectural characteristics, guidelines, or standards or an appeal contrary to the evidence presented.~~

(e) City of Troy Historic Preservation Overlay Design Manual.

The Planning Commission shall adopt a Historic Preservation Overlay Design Manual to provide a framework of design guidelines that the Planning Commission and staff shall use when reviewing an application for a Certificate of Appropriateness (COA). These design guidelines shall be used in addition to any applicable standards of the underlying base zoning district, standards found in this chapter, and shall consider the United States Secretary of Interior Standards for the Treatment of Historic Properties and the National Register of Historic Places. The Planning Commission shall hold a public hearing to adopt, establish, or alter the Design Manual.

(f) “HP-O” Historic Preservation Overlay District

- (1) **Purpose.** The “HP-O” Historic Preservation Overlay District is an overlay district designed to preserve and protect groups of structures, sites, or areas eligible for or listed on the National Register of Historic Places in which the historic district consists of a large number of non-qualifying structures, undeveloped parcels, or contributing structures that have not undergone rehabilitation, and/or the planning district as a whole consists of a large number of nonqualifying structures which dominate the vista.
- (2) **Nomination.** Any area eligible may be nominated by a petition signed by owners representing seventy-five (75) percent of the parcels in the proposed area. The petition shall be in a form prescribed by the City of Troy and filed with the Clerk of the City Council who shall determine the validity of the petition and eligibility of the proposed area shall be determined. If the area is eligible and the petition is

valid, an amendment to the official zoning map for all or part of the original proposed area in accordance with Section 1143.22(f)(3) of the Troy Codified Ordinances maybe proposed by the Planning Commission. Thereafter, the overlay district may be designated in the manner set forth in Section 1141.03 of this Zoning Code.

- (3) Boundaries. In determining the boundaries of a “HP-0” Historic Preservation Overlay District, the following guidelines shall be controlling to ensure vista control and to protect the integrity of the proposed historic district:
 - A. The area must be eligible for or listed on the National Register of Historic Places.
 - B. The overlay district must be at least ten contiguous streetscapes. In no instance, shall the overlay district be less than four block faces.
 - C. Complete streetscapes or block faces may be included in the historic district so long as a portion of the streetscape is on or eligible for the National Register of Historic Places.
 - D. A structure, site, or area which is not eligible for or listed on the National Register may be included in the historic district if it is effectively enveloped by an eligible area under Section 1143.22(f)(1) of the Troy Codified Ordinances and by a topographic barrier such as an elevated highway, railroad, river, and/or bridge.
- (4) ~~ACTIVITIES GOVERNED. Any major modification as set forth in Section 1143.22(f)(14) of this Zoning Code shall require a certificate of appropriateness.~~

(g) “HL-O” Historic Landmark Overlay District

- (1) Purpose. The “HL-0” Historic Landmark Overlay District is an overlay district designed to preserve and protect single parcels or groups of structures, sites, or area eligible for or on the National Register of Historic Places, in which the historic district as a whole consists primarily of historically or architecturally significant structures, sites, or areas and/or contributing structures which have undergone rehabilitation or restoration.
- (2) Nomination. Any area eligible may be nominated by a petition signed by owners representing seventy-five (75) percent of the parcels in the proposed area. The petition shall be in a form prescribed by the City of Troy and filed with the Clerk of the City Council who shall determine the validity of the petition and eligibility of the proposed area shall be determined. If the area is eligible and the petition is valid, the Planning Commission may propose an amendment to the official zoning map for all or part of the original proposed area in accordance with Section 1143.22(f)(3) of this Zoning Code. Thereafter, the overlay district may be designated in the manner set forth in Sections 1141.03 of this Zoning Code.
- (3) Boundaries. In determining the boundaries of a “HL-0” Historic Landmark Overlay District, the following guidelines shall be controlling to ensure vista control and to protect the integrity of the proposed historic district:
 - A. The single parcels or groups of structures, sites, area or structure must be

eligible for or listed on the National Register of Historic Places.

B. Complete streetscapes or block faces may be included in the historic district so long as a portion of the streetscape is on or eligible for the National Register of Historic Places.

C. A structure, site, or area which is not eligible for or listed on the National Register may be included in the historic district if it is effectively enveloped by an eligible area under Section 1143.22(g)(1) of the Troy Codified Ordinances and by a topographic barrier such as an elevated highway, railroad, river, and/or bridge.

~~(4) ACTIVITIES GOVERNED. All modifications as set forth in Section 1143.22(f)(14) of this Zoning Code shall require a certification of appropriateness.~~

(h) Duties of the Zoning Administrator.

The Zoning Administrator shall recommend designation and/or modification of particular historic districts by adoption of controls on particular parcels through amendments to the official zoning map and shall review and act upon all applications for certificates of appropriateness for modifications.

(1) The duties of the Zoning Administrator shall be as follows:

A. To conduct a survey of all properties as may be required to keep the survey up to date and to maintain a Listed Properties designation.

B. To maintain the Troy Register of Historic Landmark Properties as defined by the Planning Commission which will contain the following information about each Listed Property:

1. The roster number of the Listed Property.
2. The description of the parcel of real estate, on which the Listed Property is located, as such appears on the tax duplicate.
3. The street address or other applicable reference to the recognized location of the Listed Property.
4. A site plan of the real estate on which the Listed Property is located showing the location thereon of the Listed Property.
5. A minimum of two photographs of the Listed Property.
6. A statement of the historical and/or architectural significance of the Listed Property.
7. The owner's name, address and phone number.

C. To nominate, in a manner consistent with Federal and State regulations, property of designation as Listed Property with approval of City Council, review nominations to the National Register of Historic Places and make recommendations to the Planning Commission, Mayor and City Council concerning such nominations.

- D. To advise the Planning Commission and City Council and to make recommendations as to the conservation of the City structures, sites, groups and districts and as to any alteration, rehabilitation, or demolition proposed for City-owned property, parks or rights-of-way listed in the Troy Register of Historic Landmark Properties as defined by the Planning Commission.
- E. To study the problems and determine the needs of the City in furthering the purpose of preservation.
- F. To determine what legislation or policy, if any, is necessary to further preservation, restoration, and development of historic resources and to recommend the same to the Planning Commission, Mayor or City Council, as appropriate.
- G. To prepare, recommend for adoption and publish guidelines architectural design, alteration, new construction, site improvements and demolition or removal standards consistent with this Zoning Code.
- H. To consider applications for proposed construction, reconstruction, alteration or demolition of structures, architectural features or site elements of Listed Properties.
- I. To review and make recommendations to the Planning Commission on all applications for certificates of appropriateness for modifications.
- J. To initiate complaints of property maintenance code violations for properties in the historic district.
- K. To review minor modifications as established in section 1143.22 (k) of the Troy Codified Ordinances Classification of Review by Scope of Work Table.
- L. To forward major modifications applications to the Planning Commission as established in section 1143.22 (k) of the Troy Codified Ordinances Classification of Review by Scope of Work Table.

(i) Ordinary Maintenance.

- (1) Nothing in this section shall be construed to prevent ordinary maintenance of a structure or appurtenance of a structure in a listed property or district or repair of any exterior feature which does not involve a change in design, material, color, or outer appearance thereof.
- (2) The following items are considered ordinary repair and maintenance and do not require a Certificate of Appropriateness:
 - A. Minor nonabrasive cleaning that does not damage the historic material;
 - B. Minor repair of exterior surfaces such as caulking and masonry re-pointing; and

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

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

- A. The deterioration of exterior walls or other vertical supports;
- B. The deterioration of roofs or other horizontal members;
- C. The deterioration of exterior chimneys;
- D. The deterioration or crumbling of exterior plaster or mortar;
- E. The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows and doors;
- F. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions; or
- G. Demolition by neglect as defined in Section 1143.22(p) of the Troy Codified Ordinances.

(4) This provision shall be in addition to all other applicable code provisions. The Zoning Administrator shall gather evidence of a violation hereof and shall initiate appropriate action thereon.

(j) Certificate of Appropriateness (COA).

In addition to other permits required by this Zoning Code, a certificate of appropriateness (COA) is required prior to any construction, demolition, exterior modification or maintenance of exterior surfaces in any historic district unless specifically exempted by this zoning code in accordance with Section 1143.22(q) of the Troy Codified Ordinances.

(1) Initiation. An application for a COA may be initiated by an owner of the property that is the subject of the application, or an agent authorized by the owner to file the application.

(2) Application. Applications for a zoning certificate in a historic district shall also be considered an application for a COA and shall be submitted to the Zoning Administrator. Such applications shall contain information, which will enable the determination of compliance with the rehabilitation standards and land use controls set forth in this Section.

- A. Agents being authorized by the property owner shall provide a written notice of authorization with the application. If authorization is not provided, the application shall be deemed incomplete by the Zoning Administrator.

B. The process of reviewing of a COA application shall not be initiated until the Zoning Administrator determines the application is complete and all the required fees established by City Council are paid.

C. Complete Application Determination

- i. An application shall be regarded as complete when all required information has been provided in a form, in such numbers, and in a manner (digital or hard copy) as established by the Zoning Administrator and made available to the public.
- ii. The Zoning Administrator shall make a determination of the completeness of an application within ten (10) business days of the application filing.
- iii. If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.
- iv. If an application is determined to be incomplete, the Zoning Administrator shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the Zoning Administrator determines that the application is complete.
- v. The city shall not be required to process an incomplete application, forward an incomplete application to the Planning Commission, or be subject to any required timelines of review for incomplete applications.
- vi. If the applicant fails to correct all deficiencies and submit a complete application within 60 days of the notice provided by the Zoning Administrator, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The Zoning Administrator may grant one (1) 60-day extension if just cause, as solely determines by the Zoning Administrator, is shown by the applicant.
- vii. No reconsideration of an incomplete application shall occur after expiration of the 60-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements of Section 1143.22(j) of the Troy Codified Ordinances, submit a new application, and submit a new filing fee.
- viii. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

(k) Classification of Decision by Scope of Work Table

Classification of Decision by Scope of Work	Planning Staff Decision	Planning Commission Decision
1. Type of Work	Minor Alteration	Major Alteration
A. Architectural Work		
i. Installation or relocation of new pre-fabricated outbuilding or new structure 140 square feet or less.	✓	
ii. New structure greater than 140 square feet		✓
B. Demolition		
i. Significant principal structure		✓
ii. Non-significant principal structure		✓
iii. Significant accessory structure		✓
iv. Non-Significant accessory structure	✓	
C. Additions to principal structures		
i. Additions to substantial spaces such as rooms		✓
ii. Addition of front or side decks, porches, patios		✓
iii. Addition of rear patio, decks, or porches	✓	
D. Additions to accessory structures		
i. Additions to significant accessory structures		✓
ii. Additions to non-significant accessory structures	✓	
E. Windows and Doors		
i. Replacement of original windows and original street-facing doors on significant structures		✓
ii. Replacement of non-original and non-contributing windows and doors, and non-street facing doors	✓	
iii. Modification or installation of window and door openings facing the street		✓

iv. Modification or installation of window and door openings not facing the street	✓	
v. Modification, installation, or replacement of storm windows or storm doors	✓	
vi. Alteration or new construction of storefronts		✓
vii. Restoration of original window or door openings where doors and windows match original or existing	✓	
F. Roofs		
i. Alteration of roof material		✓
ii. Alteration of roof form (including alteration, removal, or construction of dormers)		✓
iii. Construction of new or modification of character-defining chimneys		✓
iv. Replacing roof shingles with the same material and design	✓	
G. Other Building Alterations		
i. Alterations or construction of building elements (including railings, stairs, landings, ramps and flooring)	✓	
ii. Alterations or construction of architectural details (including molding, brackets, or decorative woodwork)		✓
iii. Change in original cladding material or style		✓
iv. Painting of previously unpainted surface on a significant structure		✓
v. Painting of previously painted surface with the same color	✓	
vi. Changes to any non-significant outbuilding	✓	
vii. Character defining building elements or details without reconstruction		✓
viii. Non-character defining building elements or details without reconstruction	✓	
H. Signs		

i. Window signs	✓	
ii. Building signs (other than window signs)		✓
iii. Easel Board signs	✓	
iv. Incidental Signs (Less than 4 sq ft.)	✓	
I. Other		
i. Work items not listed here that are deemed by staff to be substantial in nature, precedent setting, not addressed by the local review criteria, or not in conformance with the criteria		✓
ii. Work items not listed here that are deemed by staff to be minor in nature, that do not alter the historic character of the building or streetscape.	✓	

(l) Review by the Zoning Administrator.

- (1) The Zoning Administrator shall first review each application for compliance with all requirements of this Zoning Code.
- (2) The Zoning Administrator may distribute the application to other city departments and outside agencies to solicit comment on the proposed COA application.
- (3) After the application is determined to be complete, the Zoning Administrator shall act on the application:
 - A. The Zoning Administrator may approve or deny the application for minor modifications as per the Classification of Review by Scope of Work Table and Design Guidelines.
 - B. In all cases, the Zoning Administrator shall have the authority to forward an application to the Planning Commission.
 - C. Within 45 days, the Zoning Administrator shall forward the completed application to the Planning Commission for major modifications.

(m) Review by the Planning Commission.

- (1) Within 45 days after the COA application is forwarded to the Planning Commission, the Commission shall review the application for all major modifications as set forth in the Classification of Review by Scope of Work Table and any application that is forwarded by the Zoning Administrator.

- (2) The Planning Commission shall review the COA for conformance with the standards as set forth in this section of the Zoning Code and with the Design Manual and shall approve, approve with modifications, table, or deny the application for modifications.
- (3) If an application for modifications is approved, a certificate of appropriateness shall be issued by the Zoning Administrator and the applicant shall be notified of such action in writing within seven (7) days from date of approval.
- (4) Applications for modifications not approved by the Planning Commission may be appealed to the Appeals Board unless withdrawn by the applicant. If appealed to the Board of Zoning Appeals, the Secretary to the Board of Zoning Appeals shall schedule the application for consideration at the earliest possible date, once a complete application has been submitted.
- (5) Review Criteria. Decisions on a COA application shall be based on compliance with this chapter, any applicable standards of the underlying base zoning district, standards found in this chapter, and shall consider the United States Secretary of Interior Standards for the Treatment of Historic Properties and the National Register of Historic Places.

(6) -Determining the Significance of a Structure.

- A. When making decisions or recommendations about changes to structures in the HP-O District, the Planning Commission shall have the authority to make a determination of the historical significance of the structure based on this section.
- B. For structures that the Planning Commission find that are not historically significant, the board may relax or waive the standards or guidelines found in this chapter or Design Manual.
- C. The Planning Commission shall determine whether a structure or site is historically significant by meeting at least four (4) of the following criteria:
 - i. Value as a reminder of the cultural or archaeological heritage of the city, state, or nation;
 - ii. Location as a site of a significant local, state, or national event;
 - iii. Identification with a person or persons who significantly contributed to the development of the city, state, or nation;
 - iv. Identification as the work of a master builder, designer, or architect whose individual work has influenced the city, state, or nation;
 - v. Value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance;
 - vi. Example of an architectural style or period;
 - vii. Contribution to the historical nature of the overall site; and/or

- viii. Character as a contributing element in the Historic Preservation Overlay District.

(n) Certificate of Appropriateness - Demolition, Removal or Moving of Structure.

(1) General. The demolition of a historic or contributing property, or the moving of a structure, can have a significant impact on the character and quality of the historic district by removing an integral part of the historic area fabric; elimination of a part of City of Troy's history; and generally altering the nature of the district for the future. No person shall demolish any structure, or move a structure in a listed property or district until a Certificate of Appropriateness of such demolition or movement has been authorized by the Planning Commission or the Zoning Administrator and a permit is issued by the Zoning Administrator.

- A. No demolition, removal, or moving of structure proposal will be accepted:
- i. Without a mandatory pre-application meeting with Development Staff before the item is included on a Planning Commission Agenda;
 - ii. Without a detailed reuse plan; and
 - iii. Without a detailed plan of preserving any remaining exterior architectural features and/or historical features of the structure.
- B. The applicant shall submit a reuse plan that mitigates any adverse effects of the proposed removal upon the property, the streetscape, and the historic district through:
- i. New construction that is consistent with the Design Manual.
 - ii. Exterior rehabilitation or restoration of the remaining structure that is consistent with the Design Manual.
 - iii. Landscaping the parcel consistent with the Design Manual, providing for its care as common space for the benefit of the general public and relocating the remaining structure in an appropriate setting or preserving of the salvageable architectural materials.
 - iv. Posting a financial guarantee in accordance with section 1143.22 (n) (3) of the Troy Codified Ordinance with the Zoning Administrator sufficient to insure completion of the reuse plan, or has requested and received a waiver of these requirements from the Planning Commission.
 - v. If no alternatives or mitigation is possible and the undertaking's benefits in relation to the significance of the property justify demolition as an acceptable loss, the Planning Commission may consider other appropriate reuse plans and or relax any of these requirements.
- C. Prior to acting on an application for demolition of a significant principal structure, the Planning Commission shall hold a public hearing within thirty (30) days after the submittal of a completed application.

- D. Owners of property contiguous to the applicant's property, and owners of property directly across any street or alley shall be notified of the time, date and place of the public hearing no later than five days before the public hearing.
 - E. The Planning Commission may delay determination of the application for a period of no more than one-hundred and twenty days (120) days upon a finding that the property is of such architectural/historical significance that alternatives to demolition may be feasible. In the event that action upon such application is delayed, the Planning Commission may take necessary steps as it deems necessary to preserve the property. Such steps may include but shall not be limited to consultation with civic groups, public agencies and interested citizens.
- (2) The Planning Commission shall only approve a COA for demolition if the application meets one of two conditions: 1) the application satisfies criterion A below; or, 2) the application satisfies criterion B and either C or D or both.
- A. The Planning Commission finds that the structure subject to the application is not historically significant or non-qualifying per section 1143.22 (m)(6), the Planning Commission shall state the basis for such determination and shall be required to make a formal determination that the proposed demolition, removal of an architectural feature, or movement of a structure will not harm or reduce the historical significance of the site on which it is located or the historic district as a whole.
 - B. The cost of repairs exceeds the average of the appraised values of the building and there is no reasonable economic viability for the property as it exists or as it might be rehabilitated. Evidence of economic non-viability shall include:
 - i. Two (2) estimates from licensed and bonded contractors depicting the cost of proposed demolition;
 - ii. Two (2) appraised values of the property by two (2) licensed appraisers for the following conditions:
 - a. The property's current condition;
 - b. After completion of the proposed demolition;
 - c. After the rehabilitation of the existing property for continued use by providing sales for the previous six months for at least three comparable properties. If there are not sales for the previous six months of comparable properties, sales for the previous year of comparable properties may

be used; and

- d. If the property is an income-producing property, the valuation must include the rent scheduled and anticipated income after such rehabilitation, and the same for at least three comparable properties to substantiate the information provided for the property in question.
- iii. Two (2) estimates from licensed and bonded architects, developers, contractors, or appraisers experienced in historic rehabilitation as to the cost to rehabilitate the building to the point of which a principally permitted use or a reasonable profit can be realized from the property in underlying zoning district, including, but not limited to, bringing a structure up to code, so that it can be occupied, that is, not necessarily its “highest and best use”, preferred use, or a restoration project.
- iv. The applicant has submitted evidence illustrating significant damage or structural issues pertaining to the structure that would present a specific infeasibility towards the use or occupation of the structure, as it currently exists, or an economic infeasibility towards the preservation, rehabilitation, restoration, or reconstruction of the structure.
- v. The property owner and/or applicant has actively marketed the property and structure for the purposes of maintenance, preservation, restoration, or reconstruction, and not demolition. The property owner and/or applicant has provided detailed documentation demonstrating marketing efforts such as Requests for Proposals (RFPs) or an MLS listing.
- vi. The property owner and/or applicant shall provide detailed information supporting this claim, such as:
 - a. Length of time the property was marketed or for sale and response to the marketing efforts;
 - b. Lack of interest in continued maintenance, preservation, restoration, or reconstruction of the property; and/or
 - c. Cost of rehabilitation of structure compared to estimated property value post-rehabilitation.
- vii. The applicant demonstrates that they sought out additional funding sources through local foundations, state, and/or federal grants, i.e. tax credits.
- viii. Demolition by neglect is prohibited. In the event that the Planning Commission finds a situation that may be classified as demolition by neglect, the Planning Commission shall notify the Zoning Administrator to proceed with the notice requirements and

enforcement procedures set forth in this code. Demolition by neglect is further defined in section 1143.22 (p) of the Troy Codified Ordinance.

- C. That the property proposed for demolition is inherently inconsistent with other properties in between two intersecting streets on the same block of the Historic District. For example, it may have been built at a time outside of the period of significance of the historic district.
 - D. That the property proposed for demolition contains minimal features of architectural and/or historical significance due to any of the following:
 - i. Significant loss of original architectural features.
 - ii. Significant loss of decorative or other architectural features that contribute to a historic structure and historic district.
 - iii. Compounding alterations and changes to the structure that render original architecture and historic significance lost or indeterminable.
 - iv. The structure contains no historic architectural features (i.e. modern buildings or modern additions to a historic structure).
- (3) If the Planning Commission approves a COA for demolition of a principal structure, or movement of a principal structure, the applicant shall be subject to additional bonds or sureties as established below:
- A. Financial Guarantee Required. For demolitions, the applicant shall be required to submit a financial guarantee in a form acceptable to the city that will guarantee:
 - i. The safe demolition of the applicable structure;
 - ii. The approved reuse plan;
 - iii. Necessary protections to prevent damage to any adjacent properties;
 - iv. Clean-up of the site after demolition; and
 - v. Installation, upgrades, or repairs of any infrastructure improvements on the site that are necessary for future construction on the site per the approved plans.
 - B. The guarantee shall be in such an amount as the Planning Commission determines to be reasonably necessary to complete the demolition of the structure, ensure the protection of surrounding properties, and ensure the clean-up of the site.
 - C. The financial guarantee shall be an obligation for the faithful performance of any and all work approved by the Planning Commission, or its duly authorized representative, regarding any demolition and reconstruction project approved under this section.
 - D. The financial guarantee shall contain the further condition that should the applicant fail to complete all work and improvements required to be done by the applicant within 12 months or an alternative timeframe approved by

the Planning Commission, the city may, at its option, cause the demolition to be completed, all required work to be done, and necessary improvements constructed at the expense of the applicant.

- E. The parties executing the guarantee shall be firmly bound for the payment of all necessary costs therefore.
- F. The guarantee may take the form of a bond, cash deposit, or an irrevocable letter of credit as further outlined in this subsection.
- G. Guarantees shall be made payable to the City of Troy and be acceptable to staff and the city's legal counsel.
- H. The guarantee, or portion thereof, shall not be released until the Zoning Administrator, or authorized representative, is satisfied that the demolition has been completed in conformance with the plans and specifications approved by the Planning Commission.
- I. The applicant shall be in default of the guarantee when one (1) of the following conditions exists:
 - i. The demolition, as approved by the Planning Commission, has not taken place within the time period agreed on in the applicant's contract with the city, and the applicant has failed to establish reasonable cause for such delay to the satisfaction of the Planning Commission and has not received an extension of time.
 - ii. The applicant has not undertaken the demolition in accordance with the minimum standards specified by these regulations, and the applicant is unwilling to modify and upgrade said demolition and subsequent construction within a six-month time period in order to be in compliance with the provisions of these regulations.

(6) Types of Guarantees.

A. Bond.

- i. A bond in the amount determined in accordance with this section shall be filed with the City of Troy.
- ii. The bond may be in the form of a surety bond or a cash bond of the kind approved by law for securing deposits of public money.
- iii. The bond shall be executed by the applicant as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the State of Ohio.

- B. Irrevocable Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable institution or individual subject to the approval of the Planning Commission. This letter shall be deposited with the city, and shall certify the following:

- i. The creditor guarantees funds in an amount equal to the cost, as estimated in accordance with this subsection. In the case of failure on the part of the applicant to complete the specified demolition within the required time period, the creditor shall pay to the city immediately and without further action such funds as are necessary to finance the completion of that demolition, up to the limit of credit stated in the letter.
- ii. This irrevocable letter of credit may not be withdrawn or reduced in amount until released by Planning Commission.

C. Cash.

- i. The applicant shall provide a certified check for the amount of the guarantee, payable to the City of Troy.
- ii. When the demolition is complete, the city shall issue a check for the released amount based on this sub-section.
- iii. The city shall not be responsible for paying interest for the period of time the city retains the guarantee.

D. Liability Insurance.

- i. Any applicant who receives an approved COA for the demolition of a structure or the moving of a structure shall, before any work begins, obtain and maintain in full force and effect, at all times during the period of demolition or moving, commercial general liability and automobile liability insurance coverage against claims for injuries to persons or damages to property arising out of the acts or omission of the applicant, or any of his or her contractors, subcontractors, agents, or employees in connection with the demolition or moving of the structure.
- ii. At a minimum, the following is required for all liability insurance policies:
 - a. The policies shall protect the city from any liability for any accident, negligence, failure of the applicant or contractors, or any other liability whatsoever, relating to the construction or maintenance of the subdivision and related public improvements.
 - b. The policies shall be effective during all demolition or moving activities related to the approved COA.
 - c. The policies shall cover, or be endorsed to cover the city, its officials and employees as additional insureds. The coverage shall be primary and non-contributing as respects the city, its officials and employees.
 - d. The commercial general liability coverage shall be on the "occurrence" basis with limits acceptable to the city's Law Director.
 - e. The automobile liability coverage shall be for "any auto" with limits acceptable to the city's legal counsel.
 - f. Insurance is to be placed with insurance companies

authorized to do insurance with a minimum AM Best rating of A: VII, unless otherwise acceptable to the city's Law Director.

- g. An applicant who receives an approved COA for demolition shall provide the City's Law Director with documentation, including but not limited to certificate(s) of insurance, verifying compliance with the specifications herein. The City reserves the right to require complete copies of insurance policies, including endorsements, required by these specifications, at any time.

(o) Time Limit.

- A. A certificate of appropriateness shall remain valid for a period of six (6) months from the date of issuance. If such work is delayed for a period exceeding six (6) months, the certificate of appropriateness shall automatically expire and any other zoning **permits** issued in conjunction with it shall become void.
- B. The Planning Commission may **grant extensions for major modifications**, but shall not exceed, two (2) extensions of the period of validity of a certificate of appropriateness, not to exceed six (6) months each, if such request by the owner is at least ten (10) days in advance of the expiration of the certificate of appropriateness. A request for any extension shall set forth reasons for the delay.
- C. **The Zoning Administrator may grant extensions for minor modifications, but shall not exceed, two (2) extensions of the period of validity of a certificate of appropriateness, not to exceed six (6) months each, if such request by the owner is at least ten (10) days in advance of the expiration of the certificate of appropriateness. A request for any extension shall set forth reasons for the delay.**

Appeal of Planning Commission's Decision:

~~If the application is denied or approved subject to modifications by the Planning Commission, the applicant or any interested party may request a hearing before the Board of Zoning Appeals. Such appeal shall be requested in writing to the Secretary of the Board of Zoning Appeals within ten (10) days of the decision by the Planning Commission.~~

- ~~D. The Board of Zoning Appeals review shall be by hearing. The Secretary of the Board of Zoning Appeals shall notify the applicant of the time and place of the hearing not less than seven (7) days before the date of the hearing and written notice of the hearing shall be given to owners of property abutting the applicant's property and owners of property directly across any street or alley at least five (5) days before the hearing for which the application has been submitted and shall publish notice in a newspaper of general circulation at least five (5) days before the hearing. The hearing shall be held within thirty (30) days after the date of receipt of application by the Secretary. No new claims or evidence shall be heard and no additional testimony shall be permitted.~~
- E. ~~The Board of Zoning Appeals shall render its decision in writing affirming,~~

reversing, or remanding the decision of the Planning Commission, in whole or in part, based on one of the following findings:

~~(2) A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with the procedural requirements of this code.~~

F. ~~But no application shall be denied or modified unless a majority of the members of the Board of Zoning Appeals agree to deny or modify the application.~~

G. ~~The Secretary shall notify the Zoning Administrator in writing within seven (7) days of the action of the Board of Zoning Appeals and issue a certificate of appropriateness if the action of the Board of Zoning Appeals resulted in approval or modification of the application.~~

H. ~~The Board of Zoning Appeals shall not be required to hear any application which substantively covers a matter on which it has ruled within the preceding six (6) months.~~

~~(n) CLASS OF STRUCTURES. All structures and sites within a historic district shall be classified by the Planning Commission as significant, non-qualifying, or contributing.~~

~~(o) Architectural Design Standards.~~

~~(1) The United States Secretary of the Interior Standards for the Treatment of Historic Properties will govern the decisions of the Planning Commission in the issuance of certificates of appropriateness.~~

~~(2) Removal of any structure or site listed eligible for or on the National Register of Historic Places may be an irreparable act contrary to the public good as set forth in Sections 1143.22(a) and 1143.22(b) of this Zoning Code, no demolition permit shall be issued for any structure or site so listed anywhere in the city unless accompanied by an approved certificate of appropriateness in accordance with the provisions of Section 1143.22(f)(20) of this Zoning Code.~~

~~(3) Building proportion (height, depth, and width) for new construction shall be such that it is similar to any immediately adjacent structures on the same street, or streets of a corner lot. Any exterior modifications or additions to existing structures shall maintain the proportions of wall height and length, window and door opening sizes, and roof height and slope as the original structure. New principal structures shall conform in these regards to the proportions of adjoining structures. All existing and new principal structures shall maintain a rhythm of the masses to openings. Accessory structures shall conform to the proportions of the principal structure.~~

- ~~(4) Materials utilized in exterior renovations, additions and construction of accessory or new principal structures shall either match the appearance of the materials used in construction of the original buildings or shall be modern construction materials which create the same effect and shall not be a cosmetic treatment which simulates original fabric.~~
- ~~(5) All exterior colors shall be appropriate to the architectural style and time period in which the structure was built. Visual relationships of the streetscape shall be maintained.~~
- ~~(6) Decorative detail items such as chimneys, gutters, downspouts, gables, soffits, hardware, fences, light fixtures, walks, and shutters shall be compatible with the Updated 12/20/2018 133 architectural style of the principal structure. Materials used for and design of decorative details shall be modern reproductions, which create the same effect.~~
- ~~(7) Techniques utilized in the rehabilitation of existing exterior surfaces shall be sympathetic to the surface materials. Sandblasting of any exterior surfaces shall require Planning Commission approval.~~
- ~~(8) The rearrangement of interior structural elements, including load bearing walls, columns, joists, girders, trusses, rafters, or lintels, shall not be allowed unless the plan for such rearrangement is accompanied by a certificate from a licensed architect or engineer that such rearrangement is not likely to result in structural damage.~~
- ~~(p) Standards For Alteration:~~
 - ~~(1) Every reasonable effort shall be made to use the property for its originally intended purpose or to provide a compatible use requiring minimal alteration.~~
 - ~~(2) Each property shall be recognized as a product of its own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.~~
 - ~~(3) Deteriorated architectural features shall be repaired rather than replaced whenever possible, substantiated by historic, physical or pictorial evidence.~~
 - ~~(4) The gentlest means possible shall be used to clean the property's surface if necessary. Sandblasting and other cleaning methods that will damage the historic building material are prohibited unless specifically approved by the Planning Commission.~~
 - ~~(5) Archaeological resources affected by or adjacent to any alteration shall be protected and preserved.~~

- ~~(6) Contemporary design for alteration to a property shall not be discouraged when such alteration does not destroy significant, historical, architectural or cultural material and character of the property, its environment and surrounding contributing properties.~~
- ~~(7) Whenever possible, a new addition or alteration shall be so accomplished so that its future removal will not impair the essential form and integrity of the structure.~~
- ~~(8) Appurtenances of a structure such as walls, fences and masses shall be in keeping with the environment and form inclusive enclosures along a street to insure visual compatibility with the adjacent, visually related structures and open spaces.~~
- ~~(9) Materials utilized in exterior renovations, additions and construction of accessory or new principle structures shall either match the appearance of that used in construction of the original buildings or shall be modern construction materials which create the same effect and shall not be a cosmetic treatment which simulates original fabric. Decorative detail items such as chimneys, gutters, downspouts, gables, soffits, hardware, fences, light fixtures, walks, signs and shutters shall be compatible with the architectural style of the principal structure.~~
- ~~(10) In passing upon appropriateness, the Planning Commission shall consider, in addition to any other pertinent factor, the architectural characteristics typical of structures in the District or Listed Property, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the architectural feature involved and its relation to the architectural features of other contributing properties in the immediate neighborhood.~~
- ~~(g) Standards for New Construction.~~
- ~~(1) New structures should look new, reflecting contemporary design standards while using contemporary design elements that relate to existing contributing properties surrounding the new structure. Building height, width, mass and proportion affect the degree of compatibility between the old and the new.~~
- ~~(2) Physical size and scale shall be compatible to existing contributing properties without overwhelming them.~~
- ~~(3) The proportion of openings, width and height of windows, doors and entries, shall be visually compatible with adjacent contributing properties and open space.~~
- ~~(4) The rhythm or relationship of solid spaces to voids (i.e., walls to windows and doors), in the Façade of a structure shall be visually compatible with adjacent contributing properties and open spaces in its environment.~~

- (5) ~~The rhythm of spacing, the relationship of a structure to the open space between it and adjoining structures, shall respect the surrounding environment.~~
- (6) ~~The rhythm of projections, the relationship of entrances, porches and other projections to sidewalks or streets, shall be guided by the streetscape provided by adjacent and visually related structures and open spaces.~~
- (7) ~~The choice of material, texture and color for the Façade of the structure should relate attractively to and be tempered Updated 12/20/2018 135 by the predominant material, texture and color of adjacent and visually related structures.~~
- (8) ~~Appurtenances of a structure such as walls, fences and masses shall be in keeping with the environment and form inclusive enclosures along a street to insure visual compatibility with the adjacent, visually related structures and open spaces.~~
- (9) ~~Preservation and allocation of appropriate green spaces shall be encouraged and respective of the rhythm or relationship of solid spaces to voids.~~
- (10) ~~Scale, the size and mass of structures in relation to open spaces, openings and projections, shall be compatible with adjacent, visually related structures and open spaces.~~
- (11) ~~A structure that has frontage on more than one street or alley resulting in multiple Façades shall require application of compatibility standards to each Façade.~~
- (12) ~~The Planning Commission shall consider, in addition to any other pertinent factor, the architectural characteristics typical of structures in the listed property or district, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the architectural feature involved and its relation to the architectural features of other structures in the immediate neighborhood.~~
- (r) Standards for Site Improvements:**
- (1) ~~Traditional colors and combinations of those colors that are both identified with the origin or the era in which the structure or property was originally built shall be encouraged for exteriors for all new structures to be built, and reconstruction, remodeling and exterior maintenance or existing structures within the historic district.~~
- (2) ~~Landscaping, parking, utility or service areas, driveways, walkways and similar improvements should be compatible to each other and to the subject building or structure as well as to adjacent contributing properties, open spaces, green spaces and the overall environment.~~

~~(3) Fences of wrought iron, stone or wood are encouraged. Privacy fence shall not exceed six (6) feet in height and shall generally be restricted to side and rear yards. Box, chicken wire, chain link and wire fences shall not be allowed.~~

~~(4) Signs shall be in keeping with the character of the adjacent environment.~~

~~(5) Portable structures, sheds, yard barns, kennel, or any accessory out buildings should be unobtrusive and compatible with existing structures and neighboring properties.~~

~~(o) . The applicant has submitted a rescue plan that mitigates any adverse effects of the proposed removal upon the property, the streetscape, and the historic district through:~~

~~i. New construction that is consistent with the Architectural Design Standards and which contributes to the architectural or historic integrity of the historic district.~~

~~ii. Exterior rehabilitation or restoration of the remaining structure that is consistent with the architectural design standards and which contributes to the architectural or historic integrity of the streetscape.~~

~~iii. Landscaping the parcel consistent with the Architectural Design Standards, providing for its care as common space for the benefit of the general public and relocating the remaining structure in an appropriate setting or preserving of the salvageable architectural materials.~~

~~iv. Posting a financial guarantee with the Zoning Administrator sufficient to insure completion of the reuse plan or has requested and received a waiver of these requirements from the Planning Commission.~~

~~v. If no alternatives or mitigation is possible and the undertaking's benefits in relation to the significance of the property justify demolition as an acceptable loss, the Planning Commission may consider other appropriate reuse plans.~~

~~C. If seeking to demolish an entire structure or major portion thereof, the applicant shall also submit with the application, definite plans for reuse of the site, financial guarantee for the new project, a time frame for project initiation and completion and an assessment of the effect such plans will have on the character and integrity of the listed property or district.~~

~~1. The Planning Commission will be guided in the decision thereon by balancing the historic, architectural and cultural value of the structure or architectural feature and the purposes of this Section and of the Section pertinent to the subject property against applicant's~~

~~proof of any unusual and compelling circumstances or substantial economic hardship in retaining the structure or architectural feature and the merit of the replacement project.~~

- ~~2. Upon the Planning Commission's determination that any such structure or architectural feature is not historically or architecturally significant or otherwise worthy of preservation, a certificate of appropriateness will be issued. The applicant may then apply for and be issued a demolition permit.~~

~~(6) CRITERIA TO DETERMINE SUBSTANTIAL ECONOMIC HARDSHIP.~~

~~All of the following criteria shall be considered by all applicants and forwarded to Planning Commission to determine existence of a substantial economic hardship:~~

- ~~a. Denial of a certificate will result in a substantial reduction in the economic value of the property.~~
- ~~b. The square foot cost of meeting the minimum building code would exceed the square foot market value of similarly used and approved structures in the historic district as verified by a certified architect or engineer.~~
- ~~c. No reasonable alternative exists consistent with the architectural standards and guidelines for the property.~~

~~(7) CRITERIA TO DETERMINE UNUSUAL AND COMPELLING CIRCUMSTANCES.~~

~~All of the following criteria shall be considered by all applicants and forwarded to Planning Commission to determine existence of unusual and compelling circumstances:~~

- ~~(1) The property has little or no historical and architectural significance.~~
- ~~(2) The property cannot be reasonably maintained in a manner consistent with the pertinent architectural standards and guidelines.~~
- ~~(3) No reasonable means of saving the property from deterioration, demolition or collapse other than applicant's proposal exists.~~

(p) DEMOLITION BY NEGLECT.

- (1) Demolition by neglect shall mean any failure in the maintenance and repair of any site or structure within the Historic District, which results in any of the following conditions:**

- A. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or**
- B. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, the lack of adequate waterproofing, or the deterioration of interior features which will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors, or windows.**

- (2) Demolition by neglect is prohibited. In the event that the Planning Commission finds a situation that may be classified as demolition by neglect,**

the Planning Commission shall notify the Zoning Administrator to proceed with the notice requirements and enforcement procedures set forth in this code.

(q) DEMOLITION WITHOUT APPROVAL.

- a. ~~If any party proceeds to remove a significant principal structure prior to the issuance of an approved certificate of appropriateness, a mitigation fee equal to ten (10) percent of the estimated demolition cost as determined by the City shall be levied for each day after notification of said violation until said party files a rescue plan and a performance bond with the Zoning Administrator.~~

(q) Emergency Measures. Nothing in this section shall prevent the construction, reconstruction, alteration, restoration, or demolition of any feature which the Chief Building Official, Fire Chief, or similar qualified official shall certify that the reconstruction, alteration, restoration, or demolition is required by public safety because of unsafe or dangerous conditions.

(r) SIGNS.

- a. ~~The sign regulations of the underlying zoning districts shall apply to a historic district.~~
- b. ~~Temporary signs displayed as window signs under Section 749.05(i) of the Codified Ordinances are permitted and no certificate of appropriateness is required, provided, they are only displayed for a maximum of twenty-eight (28) days in a calendar year and do not exceed, in the aggregate, four (4) square feet in size.~~
- c. ~~All other short term or temporary signs are permitted and no certificate of appropriateness is required, provided, they are only displayed for a maximum of seven consecutive days and only one such sign may be displayed.~~
- d. ~~Signs shall be considered exterior modifications and shall be subject to the review of the Planning Commission~~
- e. ~~Signs shall be in keeping with the character of the adjacent environment. Excessive size and inappropriate placement results in visual clutter and shall be avoided. A good sign should relate harmoniously to exterior building material, texture and color: express a simple, clear message and contain a minimum number of words. Mechanical systems shall be screened by appropriate fence, mound, or planting and are generally prohibited from any front yard.~~
- f. ~~Signage, posters or advertisements placed in or on windows shall not exceed twenty-five (25) percent of any window panel.~~

(s) Off-Street Parking and Loading.

- i. For permitted uses within the boundaries of a historic district, off-street parking and loading requirements shall be those set forth in this Zoning Code.

- ii. Off-street and off-site parking and loading spaces shall be considered modifications to the property on which they are located, potentially affecting the view of the streetscape and shall be subject to the review of the Planning Commission.

(r) Appeals.

- A. Any person or entity claiming to be injured or aggrieved by any final action of Zoning Administrator or Planning Commission shall have the right to an appeal the decision to the Appeals Board as established in section 1137.07 of the Troy Codified Ordinance.

- (a) **Applicability.** An appeal may be made regarding any administrative decision made in the administration and enforcement of this Zoning Code, including administrative decisions by the Zoning Administrator or Planning Commission. An appeal may not be made to the Appeals Board when the Planning Commission is making a recommendation to City Council as part of a legislative action, such as a zoning text or map amendment.
- (b) **Initiation.** Appeals shall only be initiated by the applicant or or an owner of property contiguous to the applicant's property, or an owner of property directly across any street or alley, from any order, decision, determination or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this code.
- (c) **Timeline for Appeals.** Appeals to the Appeals Board shall be filed within thirty (30) days from the decision, determination, or interpretation by filing a written notice of appeal with the Secretary of the Appeals Board. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Secretary of the Appeals Board shall forthwith transmit to the members of the Appeals Board all of the papers constituting the record upon which the decisions being appealed were based.
- (d) **Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Appeals Board, after notice of appeal has been filed with the Zoning Administrator, that by reason of facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Appeals Board, or by a court of competent jurisdiction on application.
- (e) **Hearing.** The Appeals Board shall select a reasonable time and place for the hearing of an appeal and give at least five (5) days written notice thereof to the owners of property contiguous to the applicant's property, and owners of property directly across any street or alley, as they shall appear on the notice of appeal. In addition, public notice of such hearings stating the time, place, date, and subject of the hearing, shall be published in a newspaper of general circulation in the City at least five (5) days prior to the date of the hearing. The appellant may appear and be heard at the hearing in person, by agent, or by attorney.
- (f) **Review Criteria.** A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.
- (g) **Decision.** The Appeals Board shall, hear and review the decision appealed from, and render their written decision on the appeal without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.
- (h) **Records.** The Secretary of the Appeals Board shall maintain complete records of all actions of the Appeals Board with respect to appeals.

- (i) Authority. The Appeals Board shall have the authority to establish and adopt rules of procedures for the conduct of the hearing.

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HP-O HISTORIC PRESERVATION OVERLAY DISTRICTS

- (a) Historical Districts. The public interest calls for the preservation and protection of sites and structures within Troy city limits that have historical, architectural, archeological, and cultural values and serve as visible reminders of the history and heritage of this city, state, and nation. Well-preserved historic buildings and places, attractive residential areas, and orderly business districts add meaning and livability to a city. Hence, to accomplish this, it is necessary to provide a method whereby, with careful consideration for private property rights and only after a thorough analysis of the objectives to be achieved, certain procedures and regulations are established for changes made to significant buildings or neighborhoods.
- (b) Purpose. It is the intent of this Section to promote and protect the health, safety, cultural, economic, and general welfare of the public through:
- (1) The protection, enhancement and use of structures, sites and areas that are reminders of past eras and events and persons important in local, state, or national history;
 - (2) The preservation and enhancement of a city of varied architectural styles reflecting the distinct phases of the city's history;
 - (3) The preservation, restoration, or rehabilitation of historically significant districts, sites, buildings, structures, and objects that possess integrity of location design, setting, materials, workmanship, feeling, and association;
 - (4) The development and maintenance of appropriate settings and environment for the aforesaid sites and areas;
 - (5) The enhancement of Troy's attractiveness to visitors, tourism, and the support and stimulus to the economy thereby provided;
 - (6) The enhancement of property values, economic development, and neighborhood stability;
 - (7) The preservation, renovation, and adaptive reuse of the buildings within historic districts for economically productive uses;
 - (8) The consideration of the broadest possible scope of continuing vitality through private renewal and architectural creativity, within appropriate controls and standards. It is intended to foster a climate in which Troy's historic districts may continue to exist as living, changing commercial and residential areas, not static environments;
 - (9) The protection of the property rights of the owners whose property is declared to be a Historic Structure, or is located in the area designated as a Troy Historic Preservation Overlay District;
 - (10) The encouragement of civic pride in the beauty and notable accomplishments of the past;

- (11) To this end, this section authorizes the adoption of overlay historic districts and to review and approve architectural modifications which affect the historic quality of such historic districts and sites.

(c) Designation of Overlay District.

- (1) The Planning Commission may recommend the adoption or modification of a historic district overlay on all eligible areas to the Troy City Council. The boundaries of each such district shall be indicated on the official zoning map.

(d) Historic District Definitions. The following definitions are only applicable in the Historic Preservation and Historic Landmark Districts.

- (1) **Architectural Design Standards:** The United States Secretary of the Interior's Standards for the Treatment of Historic Properties and any supplemental guidelines adopted by the City of Troy.
- (2) **Adverse Effect:** An occurrence or condition which includes, but is not limited to:
 - A. destruction or alteration of all or part of a property;
 - B. isolation from or alteration of a property's surrounding environment; or
 - C. neglect of a property resulting in its deterioration or destruction.
- (3) **Applicant:** Any person, or their representative, who applies for a building or demolition permit or for a certificate of appropriateness for construction, alteration or demolition of a Listed Property or structure.
- (4) **Appurtenance:** Any structure or object subordinate to a principal structure or site located within a Listed Property or Historic District and visible from the public right-of-way including, but not limited to, a bicycle rack, carriage house, display sign, fence, fixture, fountain, garage, outbuilding, pavilion, public artwork, statue, street furniture, shed, trellis, vending machine, or similar item.
- (5) **Architectural Feature:** The architectural treatment and general arrangement of such portion of the exterior of a property as is designed to be exposed to public view and/or the publicly accessible interior of any Listed Property which was listed in part, or in whole, because of the interior's historic or architectural significance.
- (6) **Certificate of Appropriateness:** A certificate issued by the Planning Commission or Zoning Administrator indicating that the proposed change, alteration or demolition of a historic building or structure within a historic site or district, is in accordance of the provisions of this chapter and the design guidelines.
- (7) **Intrusion:** An adverse effect which introduces a visual, audible, or atmospheric element which is out of character with the property or the district or alters its setting.
- (8) **Landmark:** Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation and which has been designated as a landmark pursuant to

the provisions of this Section.

- (9) District: The Historic Preservation or Historic Landmark Overlay area in which the property subject to the application is located or ten (10) or more structures and/or sites grouped together in a geographically defined area possessing a significant concentration, linkage or continuity of structures, appurtenances or sites that are united by past events, aesthetics, plan or physical development and where at least seventy-five (75) percent of the structures in which the property subject to the application is located.
- (10) Economic Return: A profit or increase in value from use or ownership of a site, structure, building, appurtenance or object that accrues from investment of capital or labor.
- (11) Façade: The face or front of a structure of any vertical surface thereof adjacent to a public way.
- (12) Group: Two or more structures, objects and/or sites of which are located in geographical proximity and are united by aesthetics, past events, plan or physical development.
- (13) Guidelines: The document adopted by the City of Troy that sets forth the architectural characteristics of a Listed Property or a Historic District area, or a specific property therein and provides design guidance for appropriate construction or alteration therein pursuant to the provisions of this Section. Guidelines and standards are intended to be consistent with each other.
- (14) Inventory: A systematic identification of properties having cultural, historical, architectural or archaeological significance compiled according to standards adopted by the City for evaluating property to be considered for designation as a Listed Property on the National Register of Historic Places.
- (15) Listed Property: Any structure, group, district or site so designated by the City pursuant to the provision of this Section.
- (16) Preservation: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features, rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within the scope of the project.
- (17) Reconstruction: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
- (18) Rehabilitation: The act or process of making possible an efficient compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical cultural or architectural values.

- (19) **Restoration:** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within the scope of the project.
- (20) **Structure:** A building, object, monument, work of art, or work of engineering permanently affixed to the land. The term “structure” shall be construed as if followed by the words “or part thereof”. The distinction between “structure” and “building” should be noted. “Structure” is a broader term; “building” is a restricted form of “structure”.
- (21) **Substantial Economic Hardship:** A financial burden imposed upon an owner which when factually detailed and measured by standards and criteria of this Section is unduly excessive preventing a realization of an economic return upon the value of the property.
- (e) City of Troy Historic Preservation Overlay Design Manual.
The Planning Commission shall adopt a Historic Preservation Overlay Design Manual to provide a framework of design guidelines that the Planning Commission and staff shall use when reviewing an application for a Certificate of Appropriateness (COA). These design guidelines shall be used in addition to any applicable standards of the underlying base zoning district, standards found in this chapter, and shall consider the United States Secretary of Interior Standards for the Treatment of Historic Properties and the National Register of Historic Places. The Planning Commission shall hold a public hearing to adopt, establish, or alter the Design Manual.
- (f) “HP-O” Historic Preservation Overlay District
- (1) Purpose. The “HP-O” Historic Preservation Overlay District is an overlay district designed to preserve and protect groups of structures, sites, or areas eligible for or listed on the National Register of Historic Places in which the historic district consists of a large number of non-qualifying structures, undeveloped parcels, or contributing structures that have not undergone rehabilitation, and/or the planning district as a whole consists of a large number of nonqualifying structures which dominate the vista.
- (2) Nomination. Any area eligible may be nominated by a petition signed by owners representing seventy-five (75) percent of the parcels in the proposed area. The petition shall be in a form prescribed by the City of Troy and filed with the Clerk of the City Council who shall determine the validity of the petition and eligibility of the proposed area shall be determined. If the area is eligible and the petition is valid, an amendment to the official zoning map for all or part of the original proposed area in accordance with Section 1143.22(f)(3) of the Troy Codified Ordinances maybe proposed by the Planning Commission. Thereafter, the overlay district may be designated in the manner set forth in Section 1141.03 of this Zoning Code.

- (3) Boundaries. In determining the boundaries of a “HP-0” Historic Preservation Overlay District, the following guidelines shall be controlling to ensure vista control and to protect the integrity of the proposed historic district:
- A. The area must be eligible for or listed on the National Register of Historic Places.
 - B. The overlay district must be at least ten contiguous streetscapes. In no instance, shall the overlay district be less than four block faces.
 - C. Complete streetscapes or block faces may be included in the historic district so long as a portion of the streetscape is on or eligible for the National Register of Historic Places.
 - D. A structure, site, or area which is not eligible for or listed on the National Register may be included in the historic district if it is effectively enveloped by an eligible area under Section 1143.22(f)(1) of the Troy Codified Ordinances and by a topographic barrier such as an elevated highway, railroad, river, and/or bridge.
- (g) “HL-O” Historic Landmark Overlay District
- (1) Purpose. The “HL-0” Historic Landmark Overlay District is an overlay district designed to preserve and protect single parcels or groups of structures, sites, or area eligible for or on the National Register of Historic Places, in which the historic district as a whole consists primarily of historically or architecturally significant structures, sites, or areas and/or contributing structures which have undergone rehabilitation or restoration.
- (2) Nomination. Any area eligible may be nominated by a petition signed by owners representing seventy-five (75) percent of the parcels in the proposed area. The petition shall be in a form prescribed by the City of Troy and filed with the Clerk of the City Council who shall determine the validity of the petition and eligibility of the proposed area shall be determined. If the area is eligible and the petition is valid, the Planning Commission may propose an amendment to the official zoning map for all or part of the original proposed area in accordance with Section 1143.22(f)(3) of this Zoning Code. Thereafter, the overlay district may be designated in the manner set forth in Sections 1141.03 of this Zoning Code.
- (3) Boundaries. In determining the boundaries of a “HL-0” Historic Landmark Overlay District, the following guidelines shall be controlling to ensure vista control and to protect the integrity of the proposed historic district:
- A. The single parcels or groups of structures, sites, area or structure must be eligible for or listed on the National Register of Historic Places.
 - B. Complete streetscapes or block faces may be included in the historic district so long as a portion of the streetscape is on or eligible for the National Register of Historic Places.
 - C. A structure, site, or area which is not eligible for or listed on the National Register may be included in the historic district if it is effectively enveloped by an eligible area under Section 1143.22(g)(1) of the Troy Codified

Ordinances and by a topographic barrier such as an elevated highway, railroad, river, and/or bridge.

(h) Duties of the Zoning Administrator.

The Zoning Administrator shall recommend designation and/or modification of particular historic districts by adoption of controls on particular parcels through amendments to the official zoning map and shall review and act upon all applications for certificates of appropriateness for modifications.

- (1) The duties of the Zoning Administrator shall be as follows:
 - A. To conduct a survey of all properties as may be required to keep the survey up to date and to maintain a Listed Properties designation.
 - B. To maintain the Troy Register of Historic Landmark Properties as defined by the Planning Commission which will contain the following information about each Listed Property:
 1. The roster number of the Listed Property.
 2. The description of the parcel of real estate, on which the Listed Property is located, as such appears on the tax duplicate.
 3. The street address or other applicable reference to the recognized location of the Listed Property.
 4. A site plan of the real estate on which the Listed Property is located showing the location thereon of the Listed Property.
 5. A minimum of two photographs of the Listed Property.
 6. A statement of the historical and/or architectural significance of the Listed Property.
 7. The owner's name, address and phone number.
 - C. To nominate, in a manner consistent with Federal and State regulations, property of designation as Listed Property with approval of City Council, review nominations to the National Register of Historic Places and make recommendations to the Planning Commission, Mayor and City Council concerning such nominations.
 - D. To advise the Planning Commission and City Council and to make recommendations as to the conservation of the City structures, sites, groups and districts and as to any alteration, rehabilitation, or demolition proposed for City-owned property, parks or rights-of-way listed in the Troy Register of Historic Landmark Properties as defined by the Planning Commission.
 - E. To study the problems and determine the needs of the City in furthering the purpose of preservation.
 - F. To determine what legislation or policy, if any, is necessary to further preservation, restoration, and development of historic resources and to

recommend the same to the Planning Commission, Mayor or City Council, as appropriate.

- G. To prepare, recommend for adoption and publish guidelines architectural design, alteration, new construction, site improvements and demolition or removal standards consistent with this Zoning Code.
- H. To consider applications for proposed construction, reconstruction, alteration or demolition of structures, architectural features or site elements of Listed Properties.
- I. To review and make recommendations to the Planning Commission on all applications for certificates of appropriateness for modifications.
- J. To initiate complaints of property maintenance code violations for properties in the historic district.
- K. To review minor modifications as established in section 1143.22 (k) of the Troy Codified Ordinances Classification of Review by Scope of Work Table.
- L. To forward major modifications applications to the Planning Commission as established in section 1143.22 (k) of the Troy Codified Ordinances Classification of Review by Scope of Work Table.

(i) Ordinary Maintenance.

- (1) Nothing in this section shall be construed to prevent ordinary maintenance of a structure or appurtenance of a structure in a listed property or district or repair of any exterior feature which does not involve a change in design, material, color, or outer appearance thereof.
- (2) The following items are considered ordinary repair and maintenance and do not require a Certificate of Appropriateness:
 - A. Minor nonabrasive cleaning that does not damage the historic material;
 - B. Minor repair of exterior surfaces such as caulking and masonry re-pointing; and
 - C. Replacement of gutters and downspouts with the same color and material as existing. This does not include replacement of fascia boards or soffits.
- (3) Neither the owner of, nor the person, nor an organization in charge of a structure within the district, shall by willful action or willful neglect fail to provide sufficient and reasonable care, maintenance and upkeep and permit that structure or landmark to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce a detrimental effect upon the character of the landmark or structure in question, including, but not limited to:

- A. The deterioration of exterior walls or other vertical supports;
- B. The deterioration of roofs or other horizontal members;
- C. The deterioration of exterior chimneys;
- D. The deterioration or crumbling of exterior plaster or mortar;
- E. The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows and doors;
- F. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions; or
- G. Demolition by neglect as defined in Section 1143.22(p) of the Troy Codified Ordinances.

- (4) This provision shall be in addition to all other applicable code provisions. The Zoning Administrator shall gather evidence of a violation hereof and shall initiate appropriate action thereon.

(j) Certificate of Appropriateness (COA).

In addition to other permits required by this Zoning Code, a certificate of appropriateness (COA) is required prior to any construction, demolition, exterior modification or maintenance of exterior surfaces in any historic district unless specifically exempted by this zoning code in accordance with Section 1143.22(q) of the Troy Codified Ordinances.

- (1) Initiation. An application for a COA may be initiated by an owner of the property that is the subject of the application, or an agent authorized by the owner to file the application.

- (2) Application. Applications for a zoning certificate in a historic district shall also be considered an application for a COA and shall be submitted to the Zoning Administrator. Such applications shall contain information, which will enable the determination of compliance with the rehabilitation standards and land use controls set forth in this Section.

- A. Agents being authorized by the property owner shall provide a written notice of authorization with the application. If authorization is not provided, the application shall be deemed incomplete by the Zoning Administrator.

- B. The process of reviewing of a COA application shall not be initiated until the Zoning Administrator determines the application is complete and all the required fees established by City Council are paid.

C. Complete Application Determination

- i. An application shall be regarded as complete when all required information has been provided in a form, in such numbers, and in a manner (digital or hard copy) as established by the Zoning Administrator and made available to the public.

- ii. The Zoning Administrator shall make a determination of the completeness of an application within ten (10) business days of the application filing.
- iii. If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.
- iv. If an application is determined to be incomplete, the Zoning Administrator shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the Zoning Administrator determines that the application is complete.
- v. The city shall not be required to process an incomplete application, forward an incomplete application to the Planning Commission, or be subject to any required timelines of review for incomplete applications.
- vi. If the applicant fails to correct all deficiencies and submit a complete application within 60 days of the notice provided by the Zoning Administrator, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The Zoning Administrator may grant one (1) 60-day extension if just cause, as solely determines by the Zoning Administrator, is shown by the applicant.
- vii. No reconsideration of an incomplete application shall occur after expiration of the 60-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements of Section 1143.22(j) of the Troy Codified Ordinances, submit a new application, and submit a new filing fee.
- viii. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

(k) Classification of Decision by Scope of Work Table

Classification of Decision by Scope of Work	Planning Staff Decision	Planning Commission Decision
1. Type of Work	Minor Alteration	Major Alteration
A. Architectural Work		

i. Installation or relocation of new pre-fabricated outbuilding or new structure 140 square feet or less.	✓	
ii. New structure greater than 140 square feet		✓
B. Demolition		
i. Significant principal structure		✓
ii. Non-significant principal structure		✓
iii. Significant accessory structure		✓
iv. Non-Significant accessory structure	✓	
C. Additions to principal structures		
i. Additions to substantial spaces such as rooms		✓
ii. Addition of front or side decks, porches, patios		✓
iii. Addition of rear patio, decks, or porches	✓	
D. Additions to accessory structures		
i. Additions to significant accessory structures		✓
ii. Additions to non-significant accessory structures	✓	
E. Windows and Doors		
i. Replacement of original windows and original street-facing doors on significant structures		✓
ii. Replacement of non-original and non-contributing windows and doors, and non-street facing doors	✓	
iii. Modification or installation of window and door openings facing the street		✓
iv. Modification or installation of window and door openings not facing the street	✓	
v. Modification, installation, or replacement of storm windows or storm doors	✓	
vi. Alteration or new construction of storefronts		✓

vii. Restoration of original window or door openings where doors and windows match original or existing	✓	
F. Roofs		
i. Alteration of roof material		✓
ii. Alteration of roof form (including alteration, removal, or construction of dormers)		✓
iii. Construction of new or modification of character-defining chimneys		✓
iv. Replacing roof shingles with the same material and design	✓	
G. Other Building Alterations		
i. Alterations or construction of building elements (including railings, stairs, landings, ramps and flooring)	✓	
ii. Alterations or construction of architectural details (including molding, brackets, or decorative woodwork)		✓
iii. Change in original cladding material or style		✓
iv. Painting of previously unpainted surface on a significant structure		✓
v. Painting of previously painted surface with the same color	✓	
vi. Changes to any non-significant outbuilding	✓	
vii. Character defining building elements or details without reconstruction		✓
viii. Non-character defining building elements or details without reconstruction	✓	
H. Signs		
i. Window signs	✓	
ii. Building signs (other than window signs)		✓
iii. Easel Board signs	✓	
iv. Incidental Signs (Less than 4 sq ft.)	✓	
I. Other		

i. Work items not listed here that are deemed by staff to be substantial in nature, precedent setting, not addressed by the local review criteria, or not in conformance with the criteria		✓
ii. Work items not listed here that are deemed by staff to be minor in nature, that do not alter the historic character of the building or streetscape.	✓	

(l) Review by the Zoning Administrator.

- (1) The Zoning Administrator shall first review each application for compliance with all requirements of this Zoning Code.
- (2) The Zoning Administrator may distribute the application to other city departments and outside agencies to solicit comment on the proposed COA application.
- (3) After the application is determined to be complete, the Zoning Administrator shall act on the application:
 - A. The Zoning Administrator may approve or deny the application for minor modifications as per the Classification of Review by Scope of Work Table and Design Guidelines.
 - B. In all cases, the Zoning Administrator shall have the authority to forward an application to the Planning Commission.
 - C. Within 45 days, the Zoning Administrator shall forward the completed application to the Planning Commission for major modifications.

(m) Review by the Planning Commission.

- (1) Within 45 days after the COA application is forwarded to the Planning Commission, the Commission shall review the application for all major modifications as set forth in the Classification of Review by Scope of Work Table and any application that is forwarded by the Zoning Administrator.
- (2) The Planning Commission shall review the COA for conformance with the standards as set forth in this section of the Zoning Code and with the Design Manual and shall approve, approve with modifications, table, or deny the application for modifications.
- (3) If an application for modifications is approved, a certificate of appropriateness shall be issued by the Zoning Administrator and the applicant shall be notified

of such action in writing within seven (7) days from date of approval.

- (4) Applications for modifications not approved by the Planning Commission may be appealed to the Appeals Board unless withdrawn by the applicant. If appealed to the Board of Zoning Appeals, the Secretary to the Board of Zoning Appeals shall schedule the application for consideration at the earliest possible date, once a complete application has been submitted.
- (5) Review Criteria. Decisions on a COA application shall be based on compliance with this chapter, any applicable standards of the underlying base zoning district, standards found in this chapter, and shall consider the United States Secretary of Interior Standards for the Treatment of Historic Properties and the National Register of Historic Places.

(6) -Determining the Significance of a Structure.

- A. When making decisions or recommendations about changes to structures in the HP-O District, the Planning Commission shall have the authority to make a determination of the historical significance of the structure based on this section.
- B. For structures that the Planning Commission find that are not historically significant, the board may relax or waive the standards or guidelines found in this chapter or Design Manual.
- C. The Planning Commission shall determine whether a structure or site is historically significant by meeting at least four (4) of the following criteria:
 - i. Value as a reminder of the cultural or archaeological heritage of the city, state, or nation;
 - ii. Location as a site of a significant local, state, or national event;
 - iii. Identification with a person or persons who significantly contributed to the development of the city, state, or nation;
 - iv. Identification as the work of a master builder, designer, or architect whose individual work has influenced the city, state, or nation;
 - v. Value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance;
 - vi. Example of an architectural style or period;
 - vii. Contribution to the historical nature of the overall site; and/or
 - viii. Character as a contributing element in the Historic Preservation Overlay District.

(n) Certificate of Appropriateness - Demolition, Removal or Moving of Structure.

- (1) General. The demolition of a historic or contributing property, or the moving of a structure, can have a significant impact on the character and quality of the historic

district by removing an integral part of the historic area fabric; elimination of a part of City of Troy's history; and generally altering the nature of the district for the future. No person shall demolish any structure, or move a structure in a listed property or district until a Certificate of Appropriateness of such demolition or movement has been authorized by the Planning Commission or the Zoning Administrator and a permit is issued by the Zoning Administrator.

- D. No demolition, removal, or moving of structure proposal will be accepted:
 - i. Without a mandatory pre-application meeting with Development Staff before the item is included on a Planning Commission Agenda;
 - ii. Without a detailed reuse plan; and
 - iii. Without a detailed plan of preserving any remaining exterior architectural features and/or historical features of the structure.
- E. The applicant shall submit a reuse plan that mitigates any adverse effects of the proposed removal upon the property, the streetscape, and the historic district through:
 - i. New construction that is consistent with the Design Manual.
 - ii. Exterior rehabilitation or restoration of the remaining structure that is consistent with the Design Manual.
 - iii. Landscaping the parcel consistent with the Design Manual, providing for its care as common space for the benefit of the general public and relocating the remaining structure in an appropriate setting or preserving of the salvageable architectural materials.
 - iv. Posting a financial guarantee in accordance with section 1143.22 (n) (3) of the Troy Codified Ordinance with the Zoning Administrator sufficient to insure completion of the reuse plan, or has requested and received a waiver of these requirements from the Planning Commission.
 - v. If no alternatives or mitigation is possible and the undertaking's benefits in relation to the significance of the property justify demolition as an acceptable loss, the Planning Commission may consider other appropriate reuse plans and or relax any of these requirements.
- F. Prior to acting on an application for demolition of a significant principal structure, the Planning Commission shall hold a public hearing within thirty (30) days after the submittal of a completed application.
- G. Owners of property contiguous to the applicant's property, and owners of property directly across any street or alley shall be notified of the time, date and place of the public hearing no later than five days before the public hearing.
- H. The Planning Commission may delay determination of the application for a period of no more than one-hundred and twenty days (120) days upon a

finding that the property is of such architectural/historical significance that alternatives to demolition may be feasible. In the event that action upon such application is delayed, the Planning Commission may take necessary steps as it deems necessary to preserve the property. Such steps may include but shall not be limited to consultation with civic groups, public agencies and interested citizens.

(2) The Planning Commission shall only approve a COA for demolition if the application meets one of two conditions: 1) the application satisfies criterion A below; or, 2) the application satisfies criterion B and either C or D or both.

A. The Planning Commission finds that the structure subject to the application is not historically significant or non-qualifying per section 1143.22 (m)(6), the Planning Commission shall state the basis for such determination and shall be required to make a formal determination that the proposed demolition, removal of an architectural feature, or movement of a structure will not harm or reduce the historical significance of the site on which it is located or the historic district as a whole.

B. The cost of repairs exceeds the average of the appraised values of the building and there is no reasonable economic viability for the property as it exists or as it might be rehabilitated. Evidence of economic non-viability shall include:

- i. Two (2) estimates from licensed and bonded contractors depicting the cost of proposed demolition;
- ii. Two (2) appraised values of the property by two (2) licensed appraisers for the following conditions:
 - a. The property's current condition;
 - b. After completion of the proposed demolition;
 - c. After the rehabilitation of the existing property for continued use by providing sales for the previous six months for at least three comparable properties. If there are not sales for the previous six months of comparable properties, sales for the previous year of comparable properties may be used; and
 - d. If the property is an income-producing property, the valuation must include the rent scheduled and anticipated income after such rehabilitation, and the same for at least three comparable properties to substantiate the information provided for the property in question.

- iii. Two (2) estimates from licensed and bonded architects, developers, contractors, or appraisers experienced in historic rehabilitation as to the cost to rehabilitate the building to the point of which a principally permitted use or a reasonable profit can be realized from the property in underlying zoning district, including, but not limited to, bringing a structure up to code, so that it can be occupied, that is, not necessarily its “highest and best use”, preferred use, or a restoration project.
 - iv. The applicant has submitted evidence illustrating significant damage or structural issues pertaining to the structure that would present a specific infeasibility towards the use or occupation of the structure, as it currently exists, or an economic infeasibility towards the preservation, rehabilitation, restoration, or reconstruction of the structure.
 - v. The property owner and/or applicant has actively marketed the property and structure for the purposes of maintenance, preservation, restoration, or reconstruction, and not demolition. The property owner and/or applicant has provided detailed documentation demonstrating marketing efforts such as Requests for Proposals (RFPs) or an MLS listing.
 - vi. The property owner and/or applicant shall provide detailed information supporting this claim, such as:
 - a. Length of time the property was marketed or for sale and response to the marketing efforts;
 - b. Lack of interest in continued maintenance, preservation, restoration, or reconstruction of the property; and/or
 - c. Cost of rehabilitation of structure compared to estimated property value post-rehabilitation.
 - vii. The applicant demonstrates that they sought out additional funding sources through local foundations, state, and/or federal grants, i.e. tax credits.
 - viii. Demolition by neglect is prohibited. In the event that the Planning Commission finds a situation that may be classified as demolition by neglect, the Planning Commission shall notify the Zoning Administrator to proceed with the notice requirements and enforcement procedures set forth in this code. Demolition by neglect is further defined in section 1143.22 (p) of the Troy Codified Ordinance.
- C. That the property proposed for demolition is inherently inconsistent with other properties in between two intersecting streets on the same block of the Historic District. For example, it may have been built at a time outside of the period of significance of the historic district.

- D. That the property proposed for demolition contains minimal features of architectural and/or historical significance due to any of the following:
- i. Significant loss of original architectural features.
 - ii. Significant loss of decorative or other architectural features that contribute to a historic structure and historic district.
 - iii. Compounding alterations and changes to the structure that render original architecture and historic significance lost or indeterminable.
 - iv. The structure contains no historic architectural features (i.e. modern buildings or modern additions to a historic structure).
- (3) If the Planning Commission approves a COA for demolition of a principal structure, or movement of a principal structure, the applicant shall be subject to additional bonds or sureties as established below:
- A. Financial Guarantee Required For demolitions, the applicant shall be required to submit a financial guarantee in a form acceptable to the city that will guarantee:
- i. The safe demolition of the applicable structure;
 - ii. The approved reuse plan;
 - iii. Necessary protections to prevent damage to any adjacent properties;
 - iv. Clean-up of the site after demolition; and
 - v. Installation, upgrades, or repairs of any infrastructure improvements on the site that are necessary for future construction on the site per the approved plans.
- B. The guarantee shall be in such an amount as the Planning Commission determines to be reasonably necessary to complete the demolition of the structure, ensure the protection of surrounding properties, and ensure the clean-up of the site.
- C. The financial guarantee shall be an obligation for the faithful performance of any and all work approved by the Planning Commission, or its duly authorized representative, regarding any demolition and reconstruction project approved under this section.
- D. The financial guarantee shall contain the further condition that should the applicant fail to complete all work and improvements required to be done by the applicant within 12 months or an alternative timeframe approved by the Planning Commission, the city may, at its option, cause the demolition to be completed, all required work to be done, and necessary improvements constructed at the expense of the applicant.
- E. The parties executing the guarantee shall be firmly bound for the payment of all necessary costs therefore.
- F. The guarantee may take the form of a bond, cash deposit, or an irrevocable

letter of credit as further outlined in this subsection.

- G. Guarantees shall be made payable to the City of Troy and be acceptable to staff and the city's legal counsel.
- H. The guarantee, or portion thereof, shall not be released until the Zoning Administrator, or authorized representative, is satisfied that the demolition has been completed in conformance with the plans and specifications approved by the Planning Commission.
- I. The applicant shall be in default of the guarantee when one (1) of the following conditions exists:
 - i. The demolition, as approved by the Planning Commission, has not taken place within the time period agreed on in the applicant's contract with the city, and the applicant has failed to establish reasonable cause for such delay to the satisfaction of the Planning Commission and has not received an extension of time.
 - ii. The applicant has not undertaken the demolition in accordance with the minimum standards specified by these regulations, and the applicant is unwilling to modify and upgrade said demolition and subsequent construction within a six-month time period in order to be in compliance with the provisions of these regulations.

(6) Types of Guarantees.

A. Bond.

- i. A bond in the amount determined in accordance with this section shall be filed with the City of Troy.
- ii. The bond may be in the form of a surety bond or a cash bond of the kind approved by law for securing deposits of public money.
- iii. The bond shall be executed by the applicant as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the State of Ohio.

B. Irrevocable Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable institution or individual subject to the approval of the Planning Commission. This letter shall be deposited with the city, and shall certify the following:

- i. The creditor guarantees funds in an amount equal to the cost, as estimated in accordance with this subsection. In the case of failure on the part of the applicant to complete the specified demolition within the required time period, the creditor shall pay to the city immediately and without further action such funds as are necessary to finance the completion of that demolition, up to the limit of credit stated in the letter.
- ii. This irrevocable letter of credit may not be withdrawn or reduced

in amount until released by Planning Commission.

C. Cash.

- i. The applicant shall provide a certified check for the amount of the guarantee, payable to the City of Troy.
- ii. When the demolition is complete, the city shall issue a check for the released amount based on this sub-section.
- iii. The city shall not be responsible for paying interest for the period of time the city retains the guarantee.

D. Liability Insurance.

- i. Any applicant who receives an approved COA for the demolition of a structure or the moving of a structure shall, before any work begins, obtain and maintain in full force and effect, at all times during the period of demolition or moving, commercial general liability and automobile liability insurance coverage against claims for injuries to persons or damages to property arising out of the acts or omission of the applicant, or any of his or her contractors, subcontractors, agents, or employees in connection with the demolition or moving of the structure.
- ii. At a minimum, the following is required for all liability insurance policies:
 - a. The policies shall protect the city from any liability for any accident, negligence, failure of the applicant or contractors, or any other liability whatsoever, relating to the construction or maintenance of the subdivision and related public improvements.
 - b. The policies shall be effective during all demolition or moving activities related to the approved COA.
 - c. The policies shall cover, or be endorsed to cover the city, its officials and employees as additional insureds. The coverage shall be primary and non-contributing as respects the city, its officials and employees.
 - d. The commercial general liability coverage shall be on the "occurrence" basis with limits acceptable to the city's Law Director.
 - e. The automobile liability coverage shall be for "any auto" with limits acceptable to the city's legal counsel.
 - f. Insurance is to be placed with insurance companies authorized to do insurance with a minimum AM Best rating of A: VII, unless otherwise acceptable to the city's Law Director.
 - g. An applicant who receives an approved COA for demolition shall provide the City's Law Director with documentation, including but not limited to certificate(s) of insurance, verifying compliance with the specifications herein. The City reserves the right to require complete copies of

insurance policies, including endorsements, required by these specifications, at any time.

(o) Time Limit.

- A. A certificate of appropriateness shall remain valid for a period of six (6) months from the date of issuance. If such work is delayed for a period exceeding six (6) months, the certificate of appropriateness shall automatically expire and any other zoning permits issued in conjunction with it shall become void.
- B. The Planning Commission may grant extensions for major modifications, but shall not exceed, two (2) extensions of the period of validity of a certificate of appropriateness, not to exceed six (6) months each, if such request by the owner is at least ten (10) days in advance of the expiration of the certificate of appropriateness. A request for any extension shall set forth reasons for the delay.
- C. The Zoning Administrator may grant extensions for minor modifications, but shall not exceed, two (2) extensions of the period of validity of a certificate of appropriateness, not to exceed six (6) months each, if such request by the owner is at least ten (10) days in advance of the expiration of the certificate of appropriateness. A request for any extension shall set forth reasons for the delay.

(p) DEMOLITION BY NEGLIGENCE.

- (1) Demolition by neglect shall mean any failure in the maintenance and repair of any site or structure within the Historic District, which results in any of the following conditions:
 - A. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or
 - B. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, the lack of adequate waterproofing, or the deterioration of interior features which will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors, or windows.
- (2) Demolition by neglect is prohibited. In the event that the Planning Commission finds a situation that may be classified as demolition by neglect, the Planning Commission shall notify the Zoning Administrator to proceed with the notice requirements and enforcement procedures set forth in this code.

- (q) **Emergency Measures.** Nothing in this section shall prevent the construction, reconstruction, alteration, restoration, or demolition of any feature which the Chief Building Official, Fire Chief, or similar qualified official shall certify that the reconstruction, alteration, restoration, or demolition is required by public safety because of unsafe or dangerous conditions.

(r) Appeals.

- A. Any person or entity claiming to be injured or aggrieved by any final action of Zoning Administrator or Planning Commission shall have the right to an appeal the decision to the Appeals Board as established in section 1137.07 of the Troy Codified Ordinance.

DRAFT

MEMORANDUM

TO: Patrick E. J. Titterington, Director of Public Service and Safety

FROM: Tim Davis, Development Director

DATE: June 8, 2022

SUBJECT: **Advancing a Culture of Stewardship in Downtown Troy**

Staff reviewed the priority initiatives included in the document titled “Advancing a Culture of Stewardship in Downtown Troy” provided by the Troy Historic Preservation Alliance (THPA). The recommended changes to the Zoning Code, which will be considered by the Planning Commission, incorporate all but one recommended change by the THPA regarding the Historic Preservation Overlay District (HP-O). Below lists THPA’s priority initiatives:

1. Notify all neighboring property owners (within XXX feet) of requests for demolition in downtown overlay district.
2. Planning Commission should hold public hearings for all proposed demolitions in downtown overlay district.
3. Require definitive reuse plan to accompany all proposed demolitions in downtown overlay district.
4. Uniform and consistent code enforcement in downtown overlay district.
5. Add two Planning Commission members to the current seven.
6. Require applicants to meet at least three of four standards for demolition; it is currently two.
7. Ask property owners contemplating demolition to first meet with appropriate nonprofit group, such as Troy Main Street, Troy Community Works, Troy Historic Preservation.
8. Clarify current city zoning code.

In response to items one (1) through eight (8) above, staff has incorporated the following:

1. The draft HP-O ordinance includes a required notification of “all property owners contiguous and directly across any street or alley shall be notified...” for all demolitions of significant principal structures. This can be found in section **1143.22(n)(1)(D)** of the draft ordinance.
2. Public hearings will be required for all demolitions of significant principal structures as provided in section **1143.22(n)(1)(C)**.
3. Reuse plans are currently required for demolitions in the HP-O and will remain in the draft ordinance provided in section **1143.22(n)(1)(A)(ii)**.

4. The City of Troy consistently enforces the International Property Maintenance Code throughout the downtown and communicates with property owners for voluntary compliance. That communication includes exploring all options for future use of properties. Staff has never, nor will we arbitrarily enforce orders that requires spending on repairs if that spending would be wasted. This process starts with property owner communication and involvement to create reasonable solutions. Often times property maintenance projects take longer than 30 days for compliance. Availability of contractors and varying degrees of violations are taken into consideration by City staff. The City of Troy will continue to work with property owners to achieve the ultimate goals of voluntary compliance and revitalizing the downtown prior to proceeding with additional enforcement action.
5. The Planning Commission currently has seven members that include: An Engineer, Attorney, previous city administrator of Historic Programs, and volunteers of non-profit organizations. Seven has been an optimal number of board members with a broad cross section of experience and expertise and continues to serve the city well. Staff will continue to review volunteer applications and emphasis those with expertise to benefit downtown.
6. Currently, a demolition Certificate of Appropriateness cannot be considered unless the applicant meets strict and quantifiable evidence of economic hardship, which evidence must include multiple analyses and rehabilitation quotes per section **1143.22(n)(2)**.
7. Required pre-application meetings are required with City staff prior to being included on a Planning Commission agenda for demolition. This can be found in section **1143.22(n)(1)(A)(i)** of the draft ordinance. Staff will encourage property owners proposing demolition to meet with nonprofit community groups.
8. The draft ordinance clarifies the current Zoning Code per the discussion in number six (6) above. The Chief Building Official (CBO) is designated by Ordinance 0-36-99 and should not be stated in the Zoning Code, as City Council could change the CBO at their discretion.

Advancing a Culture of Stewardship in Downtown Troy

April 2022

Following is an outline of potential short-term, mid-term, and long-term initiatives and collaboration opportunities meant to foster a greater culture of stewardship in downtown Troy.

Items in bold red text are priority initiatives

Short-term (within 6 months)

Incentives

- Downtown façade program (City of Troy) – in process
 - WHY: Improves the appearance of downtown and spurs property investment
- Signage grant (City of Troy – in partnership with nonprofits?)
 - Voluntary but could seek to encourage certain best practices for signage.
 - WHY: Promotes consistency on a voluntary basis; improves the appearance of downtown

Regulations

- **Notify all neighboring property owners (within XXX feet) of requests for demolition in downtown overlay district (City of Troy)**
 - WHY: Demonstrates transparency in city government; builds trust; helps residents feel like they have a role to play in the direction taken by their town
- **Planning Commission should hold public hearings for all proposed demolitions in downtown overlay district (City of Troy)**
 - WHY: Promotes understanding of alternate viewpoints; brings issues to the surface that might have been overlooked; builds trust in local government; helps residents feel like they have a role to play in the direction taken by their town
- **Require definitive reuse plan to accompany all proposed demolitions in downtown overlay district (City of Troy)**
 - WHY: Whenever possible, decisions that affect the built landscape in downtown Troy should be comprehensive and not handled in piecemeal fashion; the city also risks losing leverage/influence over redevelopment efforts by making decisions about demolition and reuse independently of one another.
- **Uniform and consistent code enforcement in downtown overlay district (City of Troy)**
 - WHY: Instills greater trust in the community toward city government; minimizes the city's exposure to future litigation risks
- **Add two Planning Commission members to the current seven (City of Troy)**
 - One member should be qualified architect or engineer with historic preservation experience and not a city employee or elected/appointed city official

- One member should represent a nonprofit group whose mission relates to historic preservation in downtown Troy and not a city employee or elected/appointed city official (Troy Community Works, Troy Historic Preservation Alliance, Troy Main Street)
 - Ensure that one of these two individuals represents the Planning Commission on the Board of Zoning Appeals.
 - WHY: Ensure a broad swath of interests are represented on the planning commission, while also ensuring that relevant skill sets are represented in decision making.
- Require applicants to meet at least three of four standards for demolition; it is currently two (City of Troy)
 - WHY: Brings greater rigor to the process for determining the eligibility of a property for demolition.
- Ask property owners contemplating demolition to first meet with appropriate nonprofit group, such as Troy Main Street, Troy Community Works, Troy Historic Preservation (City of Troy)
 - WHY: Help identify alternatives to demolition without committing property owners to them; encourages a broader dialogue that increases the chances of finding a win-win solution.
- Clarify current city zoning code (City of Troy)
 - Make code more objective regarding standards for demolition.
 - Make clear that the chief building official referenced in code is the Miami County chief building official (City of Troy)
 - WHY: Minimizes subjectivity in the process for determining the eligibility of a property for demolition; also minimizes the city's exposure to future litigation risks.
- Require substantiation of claims used to support demolition through independent third parties (City of Troy)
 - WHY: Ensure the process of determining whether a building is demolished is as free from bias and politics as possible.
- Require a structural engineering assessment handled by an independent third party with historic preservation experience PRIOR to the matter coming before the Planning Commission – use a contractor registered with the State Historic Preservation Office (City of Troy)
 - WHY: Ensure the process of determining whether a building is demolished is as free from bias and politics as possible.

Education

- Methodology-based list of most threatened buildings in Troy (Troy Historic Preservation Alliance)
 - WHY: Helps prioritize historic preservation projects in the downtown area; raises awareness of needs; identifies important properties that should not be targeted for redevelopment
- Identify possible ways to expand Public Square Historic District (Troy Historic Preservation Alliance)
 - WHY: Instill civic pride in the historic downtown area; help a broader swath of the downtown qualify for certain incentives such as historic tax credits

Mid-term (6 months to 2 years)

Incentives

- Private fund to support building improvements (Troy Reinvestment Fund)
 - Could include second-story restoration program
 - WHY: Spurs reinvestment in buildings while requiring building owners to meet fewer rules/guidelines

Regulations

- Obtain Preserve America certification (City of Troy)
 - Tipp City and Piqua are both Preserve America communities
 - WHY: eligibility for Preserve America grants when funded by Congress; enhanced community visibility and pride.

Education

- Historical markers program (City's human relations commission)
 - WHY: Raises awareness of past people/events that have helped make Troy what it is today.
- Update Ohio Historic Inventory forms (Troy Historic Preservation Alliance)
 - WHY: Current file of inventory forms is outdated (from the 1970s) and incomplete – some forms for historic buildings downtown are missing.
- City-wide survey of historic properties (Troy Historic Preservation Alliance)
 - WHY: Several historic properties exist outside the historic downtown. One was recently razed along West Main Street to make way for an urgent care. Identifying these properties could be the first step for developing a process that could put at least some minimal protections in place for historical places outside the downtown area.
- Develop historic preservation awards program
 - WHY: Instill civic pride, owner pride, and raise awareness of well-executed historic preservation projects in the downtown area
- Establish countywide history day/preservation month
 - WHY: Create a collective sense of pride in Troy's history as we approach the nation's 250th birthday.

Long-term (beyond 2 years)

Regulations

- Hire a code enforcement officer (City of Troy)
 - WHY: Ensure more proactive building code enforcement; to ensure historic preservation rules are respected and upheld, they must be steadfastly enforced.
- Obtain Certified Local Government Status (City of Troy in partnership with nonprofits)
 - WHY: Encourages best practices in historic preservation, including historic preservation planning; opens the door to additional grant opportunities.

Education

- Nominate Southwest Historic District, other neighborhoods to National Register of Historic Places (Troy Historic Preservation Alliance)
 - WHY: Instill civic pride in the historic downtown area; help a broader swath of the downtown qualify for financial assistance for preservation.