



AGENDA - TROY PLANNING COMMISSION MEETING

WEDNESDAY, JULY 13, 2022, 3:30 P.M.

CITY HALL, COUNCIL CHAMBERS

1. Roll Call
2. Minutes - June 22, 2022
3. Proposed Amendment to the Zoning Code related to the Historic Preservation Overlay District
-Commission to make a recommendation to Troy City Council
4. Historic District Application, 210 E. Water Street, installation of a 6' tall privacy fence along the north lot line and a 6' tall chain link fence near the west and south lot lines.
Owner/Applicant: Mark White
-Commission to make decision
5. Historic District Application, 120/124 W. Canal Street, installation of 24 double hung windows, replacement of four doors, and exterior lighting.
Owner/Applicant: Canal Street Holdings, LLC, Sam O'Neal
-Commission to make decision.
6. Rezone 7.103 acres at 2601 W. Main Street (W. Main Street west of N. Kings Chapel Drive) from M-2, Light Industrial District, to a Planned Development - Commercial; consider General Plan.
-Commission to determine whether or not to hold a public hearing
-Commission to make a recommendation to Troy City Council
7. Other

Note Next Meeting -- July 27, 2022

Note to Commission members:

If you will not be attending, please email or call Sue.

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, June 22, 2022, at 3:30 PM with Chairman Alan Kappers presiding. ATTENDING: Members – Wolke, Kappers, Titterington, Westmeyer, McGarry, Ehrlich, and Acting Mayor William Lutz; Zoning Inspectors Eidemiller, Long and Bruner; and Development Director Davis.

APPROVAL OF MINUTES: Upon motion of Mrs. Ehrlich, seconded by Mr. McGarry, the minutes of the June 8, 2022 meeting were approved as amended by unanimous roll call vote.

HISTORIC DISTRICT APPLICATION, 101 PUBLIC SQUARE NW, EXTERIOR PAINTING AND BUILDING SIGN; OWNER/APPLICANT BAKERS LOCKSMITH, KYLE BAKER. Staff reported: property is zoned B-3 Central Business District; building was constructed in 1847 and is on the National Register of Historic Places; application is for building to be Grey (Functional Gray SW 7024), the window and door trim will be white (Pure White SW 7005) and the front entry doors and window sills will be painted black (Pepper Corn SW 7674); the requested sign is a 39" x 92" (24.8 Square Feet) building sign in the shape of a key; sign will be made of PVC and will be stud mounted; the existing cabinet will be removed with this request; colors will consist of Pure White SW 7005, Tarmac Green RGB:69, 128, 78, and Pepper Corn SW 7674; applicant will be requesting to add gooseneck lighting to the building sign at a future meeting; and staff recommends approval based on the findings of:

- The colors will compliment neighboring properties; and
- The colors do not cover any contributing features; and
- The sign colors will complement the building; and
- The colors and sign will not detract from the historic integrity of the streetscape.

A motion was made by Mr. McGarry, seconded by Mr. Westmeyer, to approve the application for 101 Public Square NW as submitted (exterior painting and sign) based on the exact sizes, materials and colors stated in the application, and based on the findings of:

- The colors will compliment neighboring properties;
- The colors do not cover any contributing features;
- The sign colors will complement the building;
- The colors and sign will not detract from the historic integrity of the streetscape

MOTION PASSED, UNANIMOUS VOTE

REZONING – SHERIDAN ANNEXATION, 1525 TROY-SIDNEY ROAD, FROM COUNTY ZONING OF R-1AAA, ONE-FAMILY RESIDENTIAL, TO THE CITY ZONING OF R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT. Staff reported: this property was recently annexed to the City, it is further identified as Inlot 11513, Parcel ID: K31-003100, requested City zoning is R-4, Single-Family Residential District, minimum lot size of 9,000 square feet; the Comprehensive Plan describes the R-4 District as medium to high density; and Ordinance 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 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-4 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.”

Staff did not recommend that the Commission hold a public hearing, and recommended approval based on the findings of:

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

PUBLIC HEARING: A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, that the Commission not hold a public hearing on the rezoning of the Sheridan Annexation.

MOTION PASSED, UNANIMOUS VOTE

RECOMMENDATION TO COUNCIL: A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the Troy Planning Commission recommends to Troy City Council that the property known as the Sheridan Annexation, IL 11513, located at 1525 Troy-Sidney Road, be rezoned from the County Zoning of R-1AAA, One-Family Residential, to the City zoning of R-4, Single-family Residential District, based on the findings of staff that:

- The property is currently being utilized as residential use;
- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code;
- The proposed rezoning is consistent with the surrounding zoning districts;
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan. **MOTION PASSED, UNANIMOUS VOTE**

DEDICATION OF RIGHT-OF-WAY ALONG BARNHART ROAD AND FENNER ROAD, 1.1021 ACRES OF IL 10853; OWNER-APPLICANT, MOMENTUM CENTER PARK- SECTION ONE; BOARD OF MIAMI COUNTY COMMISSIONERS. Staff reported: property is located on the northwest corner of the intersection at West Market Street and Barnhart Road; right-of-way to be dedicated is 1.021 acres of Inlot 10853; replat is considered a minor subdivision and does not require Planning Commission nor City Council approval; however, the new replat will encompass two parcels and the creation of the proposed right-of-way known as One Stop Court; Council authorization is required to approve the dedication of right-of-way; and staff further recommends that approval includes that the escrow agreement is approved prior to the Commission forwarding the right-of-way dedication recommendation to Council.

A motion was made by Mr. McGarry, seconded by Mrs. Ehrlich, that the Planning Commission recommends to Troy City Council acceptance of 1.021 acres of Inlot 10853 as public right-of-way as included in the replat known as Momentum Center Park -Section One, with the condition that the recommendation will not be forwarded to Troy City Council until the escrow agreement has been approved.

MOTION PASSED, UNANIMOUS VOTE

PROPOSED AMENDMENT TO THE ZONING CODE REGARDING THE HISTORIC PRESERVATION OVERLAY DISTRICT.

Staff provided the proposed code changes and provided information of:

***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(i),(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.

When a proposed amendment would result in a change in the text of the Zoning Code but would not result in a change of zoning classification of any property on the zoning map, the report of the Planning Commission shall contain a statement as to the nature and effect of such amendment and determinations as to the following items:

(a) Whether such change is consistent with the intent and purpose of this Zoning Code. The request change is consistent with the intent and purpose this Zoning Code. The intent of the Historic Preservation Overlay is to protect and promote the health, safety, and general welfare of the public through: Preservation and Enhancement of Architectural styles, historically significant districts, sites, and buildings; Enhance property values throughout the historic district.

(b) Which areas are most likely to be directly affected by such change and in what way they will be affected.

The properties located in the Historic Preservation Overlay will be affected and preserved through the proposed changes.

(c) Whether the proposed amendment is made necessary because of changed or changing conditions in the areas of zoning districts affected or in the City generally, and, if so, the nature of such changed or changing conditions. The American Planning Association recommends that Zoning Codes are reviewed and updated every five (5) years to comply with changes in planning law. These proposed changes achieve these purposes. "

Discussion:

-Mr. Kappers suggested that item 6 on page 15 does not need a hyphen at the front. In response to Mr. Kappers, staff stated the changes requested at the June 8 meeting had been made.

-Mr. Kappers distributed a new document provided by Ben Sutherly and commented that other documents had been distributed by email.

-Mr. Kappers stated each speaker would have a 3 minute limit, speakers should not be redundant in their comments, and speakers should state the section of the proposed Ordinance he/she is speaking about.

Public Hearing: At 3:40 pm, Mr. Kappers declared open the public hearing on the proposed amendments to the Zoning Code.

-Ben Sutherly 5474 E SR 41, Troy, President of Troy Historic Preservation Alliance (THPA) Board and President of the Board of the Overfield Tavern Museum, commended City Staff for proposing a Zoning Code draft that is more objective as to the standards for demolition and the Board thinks progress has been made on that front; THPA working with Troy Main Street and Troy Community Works performed an independent survey regarding best practices regarding considering demolitions and developed a proposal endorsed by the Troy Historic Preservation Alliance, Troy Main Street, Overfield Tavern Museum Board, and the Troy Historical Society Museum; regarding the City's survey, it showed that most cities when considering significant changes regarding downtowns, persons with expertise in architecture or history are almost always involved, but Troy is an outlier in including persons with expertise; the proposal submitted by the non-profit organizations is that the Commission be increased by two seats – one held by an architect or professional engineer and the other held by a member of a non-profit group whose mission reflects historic preservation (i.e., Troy Main Street, Troy Community Works, Troy Historic Preservation Alliance);

-Lorraine Wyatt, 118 S. Walnut Street, Treasurer of the Troy Historic Preservation Alliance, - The City had a Board of Architectural Review (BAR) that grew out of persons concerned about what was happening about Troy's older buildings; the BAR was established with the intent to prevent the loss of historically significant buildings and character defining features of the buildings and to help people add value to their buildings; it was made up of five members representing the City Beautification Committee, an architect, a resident of the historic district, a downtown business member, and a representative of the Troy Historic Society; reasons stating for disbanding the BAR have been from disinterest of members in attending the meetings to the City not wanting to take the counsel of the BAR; THPA is not asking that the BAR be reinstated, but that the Commission evolve to be inclusive of downtown stakeholders, which representation most communities have based on the City's survey; Staff's report of June 8 is that the size of the Planning Commission serves the City well, but the report does not define City - is that City Hall or the downtown community, which is not represented at all; communities surveyed have up to 15 members, so an increase would not be inconsistent with the survey results; and it is important the makeup of the Planning Commission reflect the community.

-Mark Stewart, 1286 Cheshire Road, Troy, member of the Troy Historic Preservation Alliance and Trustee of the Troy Historical Society – In 2000, the census required that the number of Council members increased from 7 to 9 members, so Troy has navigated an increase such as that requested in the past; the THPA was told by staff that an increase in the Planning Commission from seven to nine members would be unwieldy and that roll call would take too long; roll call at this meeting has been 12 seconds; THPA was told by staff that adding two members would be "stacking the deck"; however, the City survey shows most Commissions have membership that is greater and includes the representation suggested; the THPA is also willing to help the City update downtown building information, but the City cannot take an offer of assistance on one hand and not regard the THPA on the other hand.

-in response to Mr. Kappers, Mr. Davis commented that the downtown building update is one of the staff goals, and in an email the THPA did offer assistance.

-Todd Tweed, 3070 E SR 55 – Recently inherited a large farm that is in both Lostcreek and Elizabeth Townships; the property has a large very old barn that was damaged in a storm two months ago; the Elizabeth Township Historical Society supported the repair of the barn; and the work has been done by the insurance payment and his own funds; and he does not understand why the owner of the property on W. Main Street has not done the same.

-Mr. Kappers noted that the comments being made do not address the proposed amendment to the Zoning Code that is before the Commission and is the only subject of the public hearing, and he instructed speakers to address the subject of the public hearing

-Brad Boehringer, 105 Crestwood Drive, commented that the three minutes limit is an attempt to gag the hearing and proceeded to question Commission members about their backgrounds. Mr. Kappers instructed Mr. Boehringer that comments were to be regarding the proposed Zoning Code amendment, to not ask questions of the members, and not ask questions that are not related to the proposed amendment. Mr. Boehringer commented that he wanted to show that Commission Members do not have a vested interest in historic preservation and it is his opinion that all criteria in issuing a certificate of appropriateness for demolition be all that are in the Zoning Code and not just two of the criteria.

-Jessica Minesinger, owner of a downtown business and owner of a land development company, stated that she is not a member of THPA. She commented that she supports the request to add two more members to the Commission or at least have representation of an architect or someone with building and construction background as well as someone representing a downtown non-profit; to do so would go a long way for downtown businesses to feel there is transparency, accountability and representation for those who invest in and work downtown and deal with the challenges to downtown business owners.

-Mr. Titterington asked Mrs. Minesinger to clarify that she either supports increasing the number of members or at a minimum strengthen the qualification moving forward of the members of the Planning Commission. Mrs. Minesinger commented that in practicality at this point, the City would not want to boot anyone off, and she could see adding members that have those qualifications; she does not believe that would be cumbersome and it could be enlightening, and could go a long way in increasing the sense of accountability and representation for those who live, work and invest in downtown Troy.

-Mr. Kappers asked Mr. Sutherly to discuss the information he had provided to the Commission by email and at this meeting. Mr. Sutherly stated that pages 2 and 3 were what had been emailed; he has now included the language from the ORC to show that having more than a seven-member Commission is permitted by the ORC.

-Mr. Kappers commented that a change in the Commission membership number/qualifications does not appear the proposed Zoning Code amendment provided by staff. Mr. Sutherly commented that the recommendation of the Commission will be presented to Council; the staff survey asked for information of membership numbers or criteria of other communities, so THPA believes that the Commission could consider the membership as well; that if this information were surveyed why did staff not present it; and since the Zoning Code change is being discussed due to the moratorium regarding Historic District demolitions, the time to discuss any membership changes should take place while these Zoning Code changes are considered.

-Mr. Lutz suggested that legislation to change the Planning Commission membership would not be a matter of Commission consideration, but of Council. Mr. Kappers concurred and commented it would not be part of a Commission recommendation as it was not before the Commission, and Mr. Sutherly may be better served to present the request of the THPA to Council. Mr. Sutherly commented that as staff surveyed cities regarding the makeup of Planning Commissions, Council may wish the Commission's input on the subject.

-Jeff Schilling, Member of Council, 591 Chartwell Court, asked if it would be appropriate for the Commission to make a recommendation to Council to say when it comes to some historic district applications, having a member of the board that is an architect or engineer or has a historic preservation background could be beneficial to the activities of the Commission.

Public Hearing Closed: At 4:04 Mr. Kappers declared the public hearing closed.

Discussion:

-Mr. Wolke commented that the Zoning Code draft refers to an overlay design manual, and he asked if staff will provide that manual or hire a consultant. Staff advised that the City is partnering with Troy Main Street, Inc. to draft a design manual to be submitted to the Commission for consideration.

-Mr. Wolke commented that he noted an inconsistency: Section 1139.07 (b) on page 1 limits those who can file an appeal, while on page 23, letter R, it reads "any person can appeal". Staff indicated that was revised from the draft provided to the Commission two weeks ago. Staff confirmed that the Commission had been provided with two drafts that were not exactly the same. Mr. Wolke noted that was not made known so that the information could be reviewed properly.

-Mr. Wolke noting that Mayor Oda was not present, commented that the Mayor's family had owned a downtown business for many years and the Mayor is the appointing authority, and he would appreciate the Mayor's input prior to finalizing a recommendation.

Motion: A motion was made by Mr. Wolke to move to the next meeting action by the Commission regarding the proposed amendments to the Zoning Code. Motion seconded by Mr. Westmeyer.

Discussion on Motion: Mr. Lutz asked about the impact of delaying a recommendation to July 13 on the moratorium on applications for demolitions within the Historic Preservation Overlay District, with Mr. Titterington noting that date will be just prior to the moratorium expiring.

Vote on Motion: Motion passed by unanimous roll call vote.

HISTORIC DISTRICT APPLICATION, 109-111 W. WATER STREET, EXTERIOR PAINT COLORS, OWNER/APPLICANT

RANDY KIMMEL: Staff reported: property is zoned B-3 Central Business District; building was constructed in 1863; building is not on the National Register of Historic places; a similar paint scheme was approved 8-26-2015; application is for building to be white (Extra White SW 7006) window and door trim Black of Night SW 6993; front entry doors/window sills/awning Peppercom SW 7674; building formerly known as The Brewery is currently painted grey and black; and staff recommends approval based on the findings of:

- The colors will compliment neighboring properties and the building;
- The colors do not cover any contributing features;
- The colors will not detract from the historic integrity of the streetscape.

DISCUSSION Mr. Titterington noted the building identification signage and asked if that is part of the application, with staff advising that the application before the commission is only related to the exterior painting and any signage would be a future application.

A motion was made by Mr. Westmeyer, seconded by Mrs. Ehrlich, to approve the exterior paint colors application for 109-111 W. Water Street as submitted based on the exact colors stated in the staff report for the exterior painting, and based on the findings of:

- The colors will compliment neighboring properties and the building;
- The colors do not cover any contributing features;
- The colors will not detract from the historic integrity of the streetscape.

MOTION PASSED, UNANIMOUS VOTE

There being no further business, the meeting adjourned at 4:13 p.m. upon motion of Mrs. Ehrlich, seconded by Mr. Wolke, and approved by unanimous voice vote.

Respectfully submitted,

Chairman

Secretary

MEMORANDUM

TO: Troy Planning Commission

FROM: Tim Davis, Development Director

DATE: July 13, 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. On July 5, 2022 Council extended the moratorium for an additional 60 days to continue the recommendations to the Troy Planning Commission and City Council.

At the June 22, 2022 Planning Commission meeting, the Planning Commission tabled the recommendation of the Zoning Code changes to allow for all members of the Planning Commission to be present.

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.

When a proposed amendment would result in a change in the text of the Zoning Code but would not result in a change of zoning classification of any property on the zoning map, the report of the Planning Commission shall contain a statement as to the nature and effect of such amendment and determinations as to the following items:

- (a) Whether such change is consistent with the intent and purpose of this Zoning Code. The request change is consistent with the intent and purpose this Zoning Code. The intent of the Historic Preservation Overlay is to protect and promote the health, safety, and general welfare of the public through: Preservation and Enhancement of Architectural styles, historically significant districts, sites, and buildings; Enhance property values throughout the historic district.
- (b) Which areas are most likely to be directly affected by such change and in what way they will be affected. The properties located in the Historic Preservation Overlay will be affected and preserved through the proposed changes.
- (c) Whether the proposed amendment is made necessary because of changed or changing conditions in the areas of zoning districts affected or in the City generally, and, if so, the nature of such changed or changing conditions. The American Planning Association recommends that Zoning Codes are reviewed and updated every five (5) years to comply with changes in planning law. These proposed changes achieve these purposes.

REQUESTED ACTION:

Staff recommends that the Planning Commission provide a positive recommendation to City Council.

MEMORANDUM

TO: Troy Planning Commission

FROM: Tim Davis, Development Director

DATE: July 13, 2022

SUBJECT: Recommendation of Zoning Code Changes – Historic Preservation Overlay

BACKGROUND AND DISCUSSION:

At the June 22, 2022 Planning Commission meeting, the Planning Commission tabled the recommendation of the Zoning Code changes to allow for all members of the Planning Commission to be present.

A Planning Commission member had a question regarding the language for the appeals in section 1143.22 (r). The track changes were not shown in the draft that was proposed. The correct language is as follows:

- 1143.22 (r) A. Appeals by any final action of the Zoning Administrator or the Planning Commission shall follow section 1137.07 of the Troy Codified Ordinance.

- (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 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 by the Zoning Administrator or Planning Commission, 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 may be 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 determined 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 Board of Appeals 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.
- (q) 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.~~

~~(6) The applicant has submitted 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 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 use 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. Appeals by any final action of the Zoning Administrator or the Planning Commission shall follow section 1137.07 of the Troy Codified Ordinance.

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- (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 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 the Zoning Administrator or Planning Commission, 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 determined 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		✓
vii. 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.	✓	
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(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 Board of Appeals 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 certificates(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 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) 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.

(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. Appeals by any final action of the Zoning Administrator or the Planning Commission shall follow Section 1137.07 of the Troy Codified Ordinance.

DRAFT

MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning & Zoning Manager

DATE: July 13, 2022

SUBJECT: Historic District Review – 210 E. Water Street

PROPOSAL

Mark White, Owner with Blinds by Mark, is requesting the Planning Commission to consider the installation of a 6' tall privacy fence along the north lot line and a 6' tall chain link near the west and south lot lines. The property is located in the M-2 Light Industrial District.

DISCUSSION:

The OHI form describes this property as a single-story brick vernacular commercial/warehouse building. CDF: include the scale of the overall building; windows and freight door on east and west sides; bays separated by piers on west side. This property is not listed on the National Register of Historic Places. This was built by William Hayner in 1899 and sold to the Hayner Distilling Co. the same year (see attached design graphics and site plan).

The applicant is requesting the Planning Commission to consider a 6' tall privacy fence near the north lot line and a 6' tall chain link near the west and south lot lines. It is important to note that the fence was installed without Planning Commission approval or a fence permit issued by the Development Department. The City of Troy Fence Code permits fences with a maximum height of 8' in industrial zoning districts however are subject to the additional design standards of the Historic District.

Zoning Code 1143.22 (9) Standards for Site Improvements "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." The requested chain link does not meet the Zoning Code requirement.

RECOMMENDATION:

Staff recommends denial of the proposed fence installation based on the following:

- The fence does not meet the standards for site improvements per Zoning Code 1143.22 (9).



CITY OF TROY PLANNING COMMISSION
APPLICATION FOR HISTORICAL TROY ARCHITECTURAL DISTRICT

Date 6-16-22

Applicant Mark White Telephone No. 937-974-7823

Owner of Property Mark White Has the Owner been Notified? _____

Address of Project 210 E. Winter St.

Contact Address (if different than Project Address) _____

Name of Architect/Engineer and/or Contractor Quality Landscape & Fence

Application for renovation to include the following:

- ☐ Alteration
☐ Construction
☐ Moving A Building
☐ Painting

- ☐ Repair
☐ Demolish - Principal Structure
☐ Demolish - Accessory Structure
☐ Other: Fence

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, fences, 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:

[Handwritten Signature]

SIGNATURE OF PROPERTY OWNER:

PRINTED NAME OF PROPERTY OWNER:

Mark White

OFFICE USE ONLY:

DATE FILED: _____

CASE #: _____

DATE OF MEETING: _____





Troy Development Department
www.troyohio.gov
937.339.9481

FENCE PERMIT APPLICATION

Address of Project: 210 E. Water St.

Type & Material of Fence: Chain Link - Wood privacy

Applicant/Contractor Name: Quality Fence

Address: 1565 S. Hufford Rd. Cbs town 45312

Phone: 937-266-5080 Email: john@equalitylandscape-fence.com

Property Owner Name: Mark White

Address: _____

Phone: 937-974-7823 Email: _____

Is the fence to be built on: ☐ - Corner Lot ☐ - Through Lot ☒ - Alley to the rear ☐ - Limited Access

Do the adjoining properties have an existing fence? ☒ - Yes ☐ - No (a little)

Will this fence add to or connect to an existing fence? ☒ - Yes ☐ - No (1 corner)

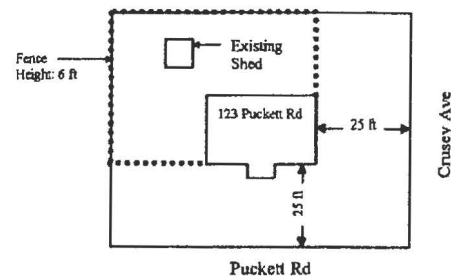
If Yes, what are the type and material of the existing fence(s)? aluminum

Height of proposed fence: Rear yard: _____ Side Yard: 6' Front Yard: _____

Each application must have a simple plot plan, drawn to scale, showing the proposed fence location in relationship to property lines, streets, buildings and structures located on the property

Processing time is 7-10 Business Days

SAMPLE FENCE SITE PLAN



By signing this application, I acknowledge I am authorized by the owner to make this application. The information presented is accurate. I agree to allow City of Troy employees to enter the property in order to complete necessary inspections. I agree to conform to all applicable laws of the City. The City of Troy does not enforce covenants and restrictions.

Signature: John R. Ryan Date: 6-15-22

Checklist: Site Plan - ☐ Signed Application - ☐ Fee: \$25 - ☐

100 South Market Street, Troy, OH 45373-7303

Make it work





06/15/2022 14:30



06/15/2022 14:30





06/15/2022 14:30



210 E Water St

Template

Parcel

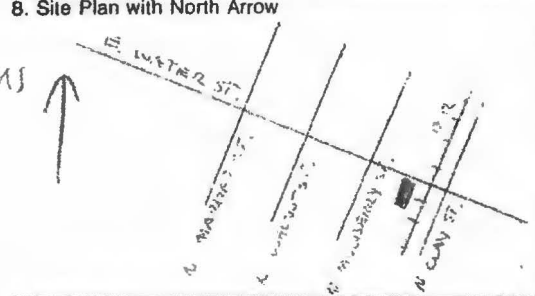
Tags

OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office

1985 Velma Avenue
Columbus, Ohio 43211
614/297-2470



1. No.		2. County Miami		4. Present Name(s) Hobart Building ☐ Coded	
3. Location of Negatives City of Troy Devel. Dept				5. Historic or Other Name(s) Hayner Distilling Co. Warehouse	
Roll No. C		Picture No.(s) 34, 35			
6. Specific Address or Location 210 E. Water St			16. Thematic Association(s) Industrial/Distillery		28. No. of Stories 1
6a. Lot, Section or VMD Number			17. Date(s) or Period 1899		29. Basement? Yes ☐ No ☐
7. City or Village Troy			18. Style or Design N/A ☐ High Style ☐ Elements		30. Foundation Material Concrete
8. Site Plan with North Arrow 			18a. Style of Addition or Element(s) N/A		31. Wall Construction Brick
9. U.T.M. Reference Quadrangle Name Troy			19. Architect or Engineer		32. Roof Type & Material Shed/Flt/Blt Up
Zone 16			19a. Design Sources		33. No. of Bays Front 2 Side 11
Easting 733370			20. Contractor or Builder		34. Exterior Wall Material(s) 5 Course Amer. Bond
Northing 4435660			21. Building Type or Plan N/A		35. Plan Shape L
10. Site ☐ Structure ☐ Building ☒ Object ☐			22. Original Use, if apparent Commercial Warehouse		36. Changes Addition ☐ Altered ☐ Moved ☐ (Explain in #42)
11. On National Register? Yes ☐ No ☒			23. Present Use Same		37. Window Type(s) ☐ 6 over 6 ☐ 2 over 2 ☒ Other pane
12. N.R. Potential? Yes ☐ No ☐			24. Ownership Public ☐ Private ☒		38. Building Dimensions 40 x 15
13. Part of Estab. Yes ☒ No ☐			25. Owner's Name & Address, if known Chas. C. Hobart 250 Ridge Ave Troy, OH		39. Endangered? Yes ☐ No ☐ By What?
14. District Potential? Yes ☐ No ☐			26. Property Acreage		40. Chimney Placement 1 off center in ro
15. Name of Established District (N.R. or Local) Troy Historic District			27. Other Surveys in Which Included N/A		41. Distance from and Frontage on Road 10 x 60
42. Further Description of Important Interior and Exterior Features (Continue on reverse if necessary) Single story brick vernacular commercial/warehouse building. CDF: include the scale of the overall building; windows and freight door on east and west sides; bays separated by piers on west side.					
43. History and Significance (Continue on reverse if necessary) Built by William Hayner in 1899 and sold to the Hayner Distilling Co. that same year.					
44. Description of Environment and Outbuildings (See #52) Brick paving in front					
45. Sources of Information Field observation City of Troy Miami Co. property records					
46. Prepared by J. Darbee/N. Recchie					
47. Organization F. Conaway & Assoc.					
48. Date Recorded in Field 5/97					
49. Revised by 50a. Date Revised					
50b. Reviewed by					



MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning & Zoning Manager

DATE: July 13, 2022

SUBJECT: Historic District Review – 120/124 W. Canal Street

PROPOSAL

Sam O’Neal, Owner with Canal Street Holdings LLC, is requesting the Planning Commission to consider the installation of a 24 double hung windows, 4 doors, and exterior lighting at the property located at 120/124 W. Canal Street. The property is located in the R-5 Single Family Residential District.

DISCUSSION:

The OHI form describes this property as a two-story vernacular frame multi-family residence with a hip roof. Contributing features include matching entrance porches at the east and west ends of the façade, door transoms, and windows caps.

Prior to 2013, the original siding has been covered with gray vinyl siding. Multiple windows have been replaced with vinyl on the rear of the property. The windows on the west façade have been broken or otherwise damaged due to the overgrowth on the property. The applicant is requesting the Planning Commission to consider the installation of a 24 double hung windows, 4 doors, and exterior lighting at the property located at 120/124 W. Canal Street. The replacement windows will be Series 8300 2-Lite Slider windows and will match the design of the existing windows. The replacement doors will be 4 Masonite HD steel Doors (Please see attached design graphics).

This application has been reviewed for compliance with all requirements of the zoning code except for the additional design standards imposed by the historic district regulations and has been found to comply with same.

RECOMMENDATION:

Staff recommends approval of the proposed window, door, and light replacement based on the following:

- The replacements do not alter the contributing features listed on the OHI form, and;
- The proposed replacements do not detract from the historic integrity of the district.



CITY OF TROY PLANNING COMMISSION
APPLICATION FOR HISTORICAL TROY ARCHITECTURAL DISTRICT

Date June 24, 2022

Applicant Sam O'Neal Telephone No. 937-510-7730

Owner of Property Canal Street Holdings LLC Has the Owner been Notified? yes

Address of Project 120 & 124_w Canal Street

Contact Address (if different than Project Address) 4555 E. Walnut Grv Troy

Name of Architect/Engineer and/or Contractor s.m. O'Neal Construction

Application for renovation to include the following:

- ☒ Alteration
☐ Construction
☐ Moving A Building
☐ Painting

- ☒ Repair
☐ Demolish - Principal Structure
☐ Demolish - Accessory Structure
☒ Other: new windows/doors

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, fences, 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:

[Signature]

Sam O'Neal

SIGNATURE OF PROPERTY OWNER:

Same

PRINTED NAME OF PROPERTY OWNER:

Canal Street Holdings LLC

OFFICE USE ONLY:

DATE FILED: _____

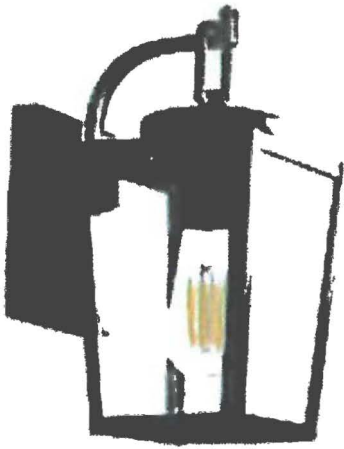
CASE #: _____

DATE OF MEETING: _____



120 & 124 W. Canal Street

Exterior lights





SERIES 8300 DOUBLE HUNG

- + Series 8300 2- and 3-lite sliders and picture windows are available
- + Sashes tilt in for easy cleaning
- + Reinforced multi-cavity construction offers additional thermal protection and structural integrity
- + Positive-action cam lock enhances safety (2 locks standard at 27 1/4" or wider)
- + Insulated glass panels with optimum thermal air space featuring a warm-edge spacer system
- + Half screen comes standard*
- + Integrated slim-line lift rail allows you to easily operate sash
- + Sloped sill reduces air infiltration and accommodates easy water run-off
- + Fusion-welded sashes and frame add strength and additional insulation
- + Constant force coil balance permits easy sash movement
- + Dual push-button night latches provide easy, secure ventilation
- + Interlocking sashes help block out drafts
- + Dual-fin weather stripping helps reduce air infiltration
- + Rubber bulb seal helps block air infiltration
- + Jamb depth: 3.25"
- + Transferable limited lifetime warranty

CUSTOM Options

- + Low-E Glass
- + Low-E Glass + Argon Gas
- + Ultra Low-E Glass + Argon Gas
- + InsulKor™ multi-cavity foam-filled frame injections
- + Obscure glass
- + Double strength glass
- + Optional 5/8" or 3/4" flat, 5/8" or 1" contoured, 5/8" contoured valance grids available
- + Nine painted exterior colors (white interior only)
- + Charcoal aluminum, Clear View and heavy duty screens*
- + Lifetime glass breakage warranty

+ COLOR



Scan to watch a video about our Series 8300.



ENERGY STAR compliance available in all series. Verify product specifics before ordering.

Note: Manufacturer reserves the right to substitute components as necessary for continued product improvement.

* Screens are not meant to restrain a child from falling through an open window.

** Printing process may affect color shown. Please refer to actual window sample when selecting colors.

*** Grid offering limited to 5/8" contoured or SDL on exterior painted windows. Only use mild, water based household cleaner on painted product and rinse immediately with water. See full cleaning instructions for details.



Order Information - Order 13229936 - Quote

Company Name: MARSH BLDG PROD

Sales Order: 09858350

Purchase Order: D2F123.

Contractor: SM ONEAL

Job Name: 124 W CANAL

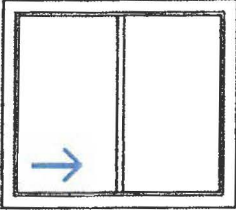
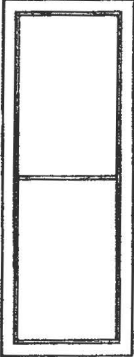
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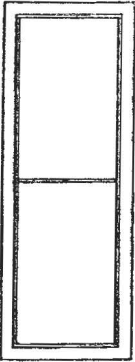
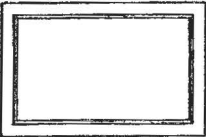
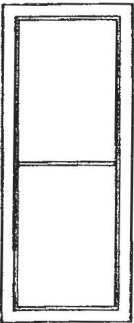
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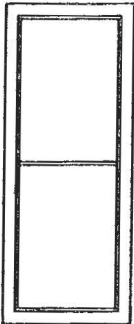
Entered By: AEDWARDS1

Status: Pending

Created On: June 14, 2022

Line	Qty.	Description	Size
			(W x H)
1	1	Repl Series 8300 2-Lite Slider - White - Clear - Standard Low-E/Argon - Double Strength - XO - Screen - Standard Mesh - - (Opening Size: 50 3/4 W x 45 1/2 H , Egress Opening Size: 21.25 W x 40.38 H (5.96 SQ.FT)) - DP40: Size Tested 78" x 48" - U Factor: 0.30, SHGC: 0.29 Meets ENERGY STAR in region(s): [NORTH-CENTRAL] KITCHEN NOOK 	50 1/2" x 45 1/4" ES
2	2	Repl Series 8300 Double Hung - White - Clear - Standard Low-E/Argon - Double Strength - E Half Screen - Standard Mesh - 2 Locks (White) - Night Latch (Opening Size: 28 1/2 W x 77 1/2 H) - DP25: Size Tested 48" x 78" - U Factor: 0.30, SHGC: 0.28 Meets ENERGY STAR in region(s): [NORTH-CENTRAL] ENTRY 	28 1/4" x 77 1/4" ES

3	2	Repl Series 8300 Double Hung - White - Clear - Standard Low-E/Argon - Double Strength - E Half Screen - Standard Mesh - 2 Locks (White) - Night Latch (Opening Size: 28 1/2 W x 77 1/2 H) - DP25: Size Tested 48" x 78" - U Factor: 0.30, SHGC: 0.28 Meets ENERGY STAR in region(s): [NORTH-CENTRAL] FIREPLACE 	28 1/4" x 77 1/4" ES
4	1	Repl Series 8300 Picture Window - White - Clear - Standard Low-E/Argon - Double Strength (Opening Size: 44 3/8 W x 29 1/4 H) - DP50: Size Tested 48" x 84" - U Factor: 0.26, SHGC: 0.31 Meets ENERGY STAR in region(s): [NORTHERN] [NORTH-CENTRAL] FIREPLACE 	44 1/8" x 29" ES
5	3	Repl Series 8300 Double Hung - White - Clear - Standard Low-E/Argon - Double Strength - E Half Screen - Standard Mesh - 2 Locks (White) - Night Latch (Opening Size: 28 5/8 W x 69 3/4 H) - DP35: Size Tested 36" x 74" - U Factor: 0.30, SHGC: 0.28 Meets ENERGY STAR in region(s): [NORTH-CENTRAL] BEDROOM #1 	28 3/8" x 69 1/2" ES

6	2	Repl Series 8300 Double Hung - White - Clear - Standard Low-E/Argon - Double Strength - E Half Screen - Standard Mesh - 2 Locks (White) - Night Latch (Opening Size: 28 5/8 W x 69 3/4 H) - DP35: Size Tested 36" x 74" - U Factor: 0.30, SHGC: 0.28 Meets ENERGY STAR in region(s): [NORTH-CENTRAL] BEDROOM #2 	28 3/8" x 69 1/2" ES
7	1	Repl Series 8300 Double Hung - White - Clear - Standard Low-E/Argon - Double Strength - E Half Screen - Standard Mesh - 1 Lock (White) - Night Latch - Nailing Fin (Opening Size: 24 W x 36 H) - DP35: Size Tested 36" x 74" - U Factor: 0.30, SHGC: 0.28 Meets ENERGY STAR in region(s): [NORTH-CENTRAL] LAUNDRY 	23 1/2" x 35 1/2" ES
Sub Totals			
7.500% Sales Tax			
Totals	12		

A blank price indicates that the price of an item has not yet been retrieved by the system.
Select **Price Quote** to retrieve prices for items which have not yet been priced by the system.

Special Instructions:

Marsh Building Products

Address: 2030 Winner Circle
Dayton, Ohio 45414

Phone: 937-222-3321
Fax: 937-222-3797

**Quote**

Page 1 of 3

Quote Number:

Date: 6/14/2022

Sales Person: ALLEN EDWARDS

Customer Information

Name: SM ONEAL

Address:

Phone 1:

Phone 2:

Fax:

Contact:

Job Name: 124 W CANAL

Specifications

U.D. = 33-1/2" x 79-3/4"; R.O. = 34-1/4" x 80-1/4"

O.M. of Brick Mould = 36" x 81"



Image is viewed from Exterior!

Item Description	Qty
2' 8" x 6' 8" MHD-B122-01RL-X Masonite HD Steel Door - Internal Blind - White - Right Hand Inswing	1
2-3/8" Backset - Double Bore (2-1/8" Dia. Bore w/Standard 5-1/2" Spacing) w/Face Plate Mortise Latch Preps	1
Set of Black Hinges	1
Primed Wood Frame - 5-3/4" Jamb w/Brick Mould Exterior Trim (Applied)	1
Tan Compression Weatherstrip	1
Adjustable - Mill Finish Sill	1
Custom Cut 2" from Height and Re-Railed	1

★ side porch entry door

Distributed by:



Version #: 7.22

Version Date: 9/10/2021

Marsh Building Products

Address: 2030 Winner Circle
Dayton, Ohio 45414

Phone: 937-222-3321
Fax: 937-222-3797



Quote

Page 2 of 3

Quote Number:

Date: 6/14/2022

Sales Person: ALLEN EDWARDS

Customer Information

Name: SM ONEAL

Address:

Phone 1:

Phone 2:

Fax:

Contact:

Job Name: 124 W CANAL

Specifications

U.D. = 33-1/2" x 95-1/4"; R.O. = 34-1/4" x 95-3/4"

O.M. of Brick Mould = 36" x 96-1/2"



Image is viewed from Exterior!

Item Description	Qty
2' 8" x 6' 8" SHD-404-627-2 Sta-Tru HD Steel Door w/Focus Platinum Glass - Right Hand Inswing	1
2-3/8" Backset - Double Bore (2-1/8" Dia. Bore w/Standard 5-1/2" Spacing) w/Face Plate Mortise Latch Preps	1
Set of Black Hinges	1
33-1/2" x 13-1/2" (Frame Size) 2/8 x 1/0 1-lite Transom w/Low E Glass	1
Primed Frame Saver Frame - 5-3/4" Jamb w/Brick Mould Exterior Trim (Applied)	1
Tan Compression Weatherstrip	1
Adjustable - Mill Finish Sill	1

* front porch #1 entry

Distributed by:



Version #: 7.22

Version Date: 9/10/2021

Marsh Building Products

Address: 2030 Winner Circle
Dayton, Ohio 45414

Phone: 937-222-3321
Fax: 937-222-3797

**Quote**

Page 3 of 3

Quote Number:

Date: 6/14/2022

Sales Person: ALLEN EDWARDS

Customer Information

Name: SM ONEAL

Address:

Phone 1:

Phone 2:

Fax:

Contact:

Job Name: 124 W CANAL

Specifications

U.D. = 33-1/2" x 95-1/4"; R.O. = 34-1/4" x 95-3/4"

O.M. of Brick Mould = 36" x 96-1/2"

*Image is viewed from Exterior!*

Item Description	Qty
2' 8" x 6' 8" SHD-404-627-2 Sta-Tru HD Steel Door w/Focus Platinum Glass - Left Hand Inswing	1
2-3/8" Backset - Double Bore (2-1/8" Dia. Bore w/Standard 5-1/2" Spacing) w/Face Plate Mortise Latch Preps	1
Set of Black Hinges	1
33-1/2" x 13-1/2" (Frame Size) 2/8 x 1/0 1-lite Transom w/Low E Glass	1
Primed Frame Saver Frame - 5-3/4" Jamb w/Brick Mould Exterior Trim (Applied)	1
Tan Compression Weatherstrip	1
Adjustable - Mill Finish Sill	1

* front porch entry #2

Distributed by:



Version #: 7.22

Version Date: 9/10/2021







MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning & Zoning Manager

DATE: July 13, 2022

SUBJECT: Planned Development Request – 2601 W. Main Street – General Plan

DISCUSSION:

The applicant Professional Associates Inc., requests a zoning amendment for a Planned Development at 2601 W. Main Street which consists of 7.103 acres and is located on W. Main Street west of N. Kings Chapel Drive. The proposed development consists of multiple principal building (storage buildings) on the single lot which led to this Planned Development request. The property is located in the M-2 Light Industrial District.

PROPOSAL

Layout: The Proposed layout includes six total buildings totaling 75,050 square feet that are being proposed for storage units. One building will be climate controlled. The applicant is proposing 91 spaces to be used for outdoor storage or 81,827 square feet. Please see exhibit A.1 for the proposed layout.

Landscaping: A 25' buffer strip is being provided along the west lot line in between the R-7 Zoning District and the requested PD. Three 6' tall mounds with 12 Norway Spruce Trees will be in the buffer strip. The buffer strip follows the Zoning Code. Six (6) peripheral trees with complimentary shrubs are being provided for the employee/customer parking along W. Main Street. The trees will be spaced at 40' increments. 97 Emerald Beauty Arborvitaes are being provided on the south lot line lot line to fully screen the remaining visible buildings and outdoor storage from W. Main Street. This request exceeds the interior parking requirements with 11,937 square feet of landscaping and 36 trees.

Parking: The proposed development will provide 16 employee/customer spaces along W. Main Street. This will exceed the Zoning Code Requirement of 1 space for each (2) employees based on the maximum working period. The employee parking lot will be setback 10' from the public right of way.

Traffic: The City Engineer has reviewed the preliminary plan and the traffic

Utilities: This development will be served by existing City water and sewer lines. Stormwater calculations will be provided and reviewed prior to requesting the Final Development Plan.

Open Space: The proposed development currently does not meet the 10% open space requirement set forth by the Zoning Code.

Building Materials: The front façades of the buildings will be constructed of brick. The main office building will include a block base and cap with a brick body. The top of the main building will include aluminum decorative tube brackets. The main office building will have the most visibility from W. Main Street. Please see elevation drawing A3.

Signage: The sign package for this development will be brought before the Planning Commission as apart of the Final Development Plan review.

Comprehensive Plan Compliance: The Troy Comprehensive Plan indicates this area to be used for future industrial uses. The proposed uses of the property will follow the Comprehensive Plan. Please see Comprehensive Plan Future Land Use Map Figure 14-1.

GENERAL PLANS STANDARDS:

Section 1145.16 of the Zoning Code requires that Planning Commission review the proposed General Plan and may recommend the General Plan to City Council if it determines that the plan satisfies, at a minimum, all of the following criteria:

- (1) The General Plan should follow to the maximum extent practicable the Comprehensive Plan for the City, taking into account current facts and circumstances; **The Troy Comprehensive Plan indicates the proposed area is for future industrial uses and this request is in compliance with the comprehensive plan.**
- (2) An exemption to conventional zoning is justified because the Comprehensive Plan for the City can be more faithfully and reliably implemented by the use of PD zoning; **The exemption to conventional zoning is justified. The City of Troy Zoning Code does not permit more than one principal building on a property. This property will have six (6) principals storage buildings.**
- (3) The General Plan is compatible with the location, topographic and other characteristics of the site and will bear a beneficial relationship with surrounding land uses in terms of noise, smoke, dust, debris, or other nuisances; **The Plan is compatible with these characteristics as suitable mounding and additional landscaping has been provided to screen the adjacent residential districts and Visibility of W. Main Street.**
- (4) The General Plan is carefully designed to support surrounding streets, utilities and other public improvements; **The General Plan supports surrounding streets and utilities. Stormwater calculations will be provided as apart of the Final Development Plan.**
- (5) The General Plan represents an efficient and economic use of the land in view of the community's need for a balance of land uses; **The property at 2601 W. Main Street has been vacant under the previous ownership since at least 1998. While the proposed development is industrial, this provides a low intensity industrial use for the surrounding properties with minimal truck traffic.**
- (6) All public streets, utilities and services necessary to carry out the General Plan are available to the site, or will be extended or improved by the developer and/or City in time to permit the development to be properly served; **The property currently has existing water, sanitary, and storm water controls in place.**
- (7) Exception from conventional zoning is warranted by design goals or other criteria and/or the need to provide a variety of development opportunities within the community; **An exemption is warranted from**

regular zoning. The PD is exceeding Zoning Code requirements with Building Façade design elements and additional landscaping.

- (8) The design of the development protects natural assets such as streams, wood lots, steep terrain, and other critical environments in the City; **Not applicable in this request.**
- (9) Taken as a whole the development of the proposed PD will have a positive effect on the health, safety, and general welfare of the City; **The proposed PD will create a positive effect on the community with the additional storage locations.**
- (10) The General Plan appears capable of being implemented by a Final Development Plan which meets all requirements of this Section. **The General Plan is capable of implementation by a Final Development Plan.**

ZONING CODE:

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 rezoning would be consistent with the following sections of the Zoning Code:

- 1131.02 (g) "To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision."
- 1131.02 (v) "To provide for thorough, efficient and lawful Code administration."

(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.

No changes in the area have created this rezoning request.

(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 of the property is compatible with the other uses in the immediate vicinity. Industrial uses surround this location to the north and east.

(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.

The proposed PD can and will be served by City water and sewer. All other public services can be provided with the proposed rezoning.

(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, if any, that make a substantial part of such vacant land unavailable for development.

The property is surrounded by available vacant M-2 Light industrial land located to the east along N. Kings Chapel Drive. No special circumstances exist that would make the vacant land unavailable for development.

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

The proposed amendment would not correct an error in the application of this Zoning Code.

PUBLIC HEARING:

Due to the straight forward nature of the rezoning request, the compatibility of the proposed zoning matching the zoning of surrounding properties, and the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not feel that a public hearing before the Planning Commission is warranted.

RECOMMENDATION:

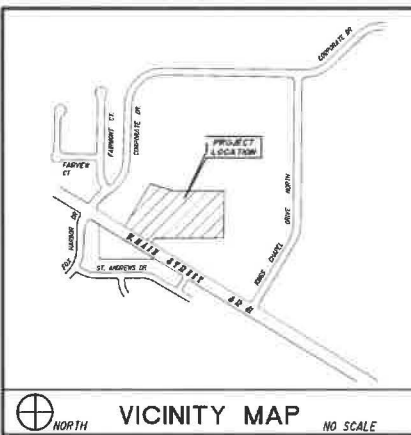
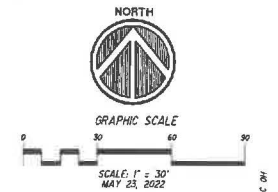
It is recommended that Planning Commission make a positive recommendation to City Council regarding this Planned Development application, based on the following:

- The PD request complies with comprehensive plan future land use, and;
- The PD complies with the General Plan requirements of Zoning Code 1145.16.

"EXHIBIT D-2"

GENERAL DEVELOPMENT PLAN
TROY STORAGE FACILITY
INLOT 8386 - 7.1025 Ac. - CITY OF TROY, MIAMI CO., OH.

APPLICANT: GAME INVESTMENT I
GEORGE MOOREMAN
250 S. KINNA DR.
TIPP CITY, OH 45371



VICINITY MAP
NO SCALE

EXHIBIT SCHEDULE / NOTES:

- EXHIBIT "A" - COPY OF APPLICANT'S PURCHASE AGREEMENT ATTACHED HEREIN ESTABLISHING APPLICANT'S LEGAL / BENEFICIAL INTEREST IN SUBJECT PROPERTY.
- EXHIBIT "B" - LEGAL DESCRIPTION, BEING ALL OF LOT 10, BEING PART OF TROY BUSINESS WEST NO. 3 AS REPRODUCED PLAT BOOK 17 PAGE 123, CITY OF TROY, MIAMI COUNTY, OHIO, RECORDED LEGAL DESCRIPTION ATTACHED.
- EXHIBIT "C" - PROPOSED PRINCIPAL USE OF PROPERTY IS A STORAGE & LOCK FACILITY WITH ONE PRINCIPAL STRUCTURE, FIVE ACCESSORY BUILDINGS, AND A PARKING FIELD FOR OUTDOOR RV PARKING.
- EXHIBIT "D" - LOT DIMENSIONS, LOT NUMBER, AND PRESENT ZONING CLASSIFICATION, AND CURRENT USE SHOWN HEREON.
- EXHIBIT "E" - LOCATION AND ARRANGEMENT OF PROPOSED BUILDINGS, TRAFFIC CIRCULATION PATTERN, AREAS TO BE DEVELOPED FOR OUTDOOR PARKING, ADJUTING LAND USES AND ZONING DISTRICTS ARE SHOWN HEREON.
- EXHIBIT "F" - SUBJECT PROPERTY COVERS 7,013 AC. OF WHICH 26.5% (1,859 SF) WILL BE OCCUPIED BY BUILDINGS, 26.4% (1,857 SF) WILL BE OCCUPIED BY THE RV PARKING FIELD, AND 2.8% (1,859 SF) OCCUPIED BY CUSTOMER AND EMPLOYEE PARKING.
- EXHIBIT "G" - BUILDING ELEVATIONS ATTACHED AS SEPARATE DRAWING. GENERALIZED LANDSCAPE PLAN SHOWN HEREON.
- EXHIBIT "H" - DETAIL LANDSCAPE PLAN WILL BE PROVIDED AS PART OF FINAL DEVELOPMENT PLANS.
- EXHIBIT "I" - THERE ARE NO PUBLIC OPEN SPACES PROPOSED FOR THIS PROJECT.
- EXHIBIT "J" - THERE ARE NO SPECIFIC COVENANTS, GRANTS, EASEMENTS, OR OTHER RESTRICTIONS TO BE IMPOSED OTHER THAN THOSE CREATED BY THE FINAL PD APPROVAL. EASEMENTS FOR PUBLIC UTILITY EXTENSIONS WILL BE PROVIDED AS NECESSARY AS PART OF THE RECORD PLAN.
- EXHIBIT "K" - CURRENT SITE IS ZONED "M-2" LIGHT INDUSTRIAL. THE PROPOSED PLANNED DEVELOPMENT OVERLAY WILL PERMIT FIVE ADDITIONAL ACCESSORY BUILDINGS AND OUTDOOR RV PARKING AREA TO BE INCREASED FROM 10% OF THE SITE TO 26.4%.
- EXHIBIT "L" - PRESENT ZONING CLASSIFICATION OF ALL PROPERTIES WITHIN 250 FEET OF SUBJECT PROPERTY SHOWN ON THIS DRAWING EXCEPT FOR SIX RESIDENTIAL LOTS (1504-1509) LOCATED SOUTH OF W. MAIN ST. THAT FRONT ON ST. ADDRESS DR. AND TWO LOTS THAT FRONT ON FOX HARBOR DR. (1753-1754) BOTH OF WHICH ARE ZONED "R-S". ZONING MAP ATTACHED AS SEPARATE DOCUMENT.
- EXHIBIT "M" - NAMES, ADDRESSES, AND LOT NUMBERS OF THE OWNERS OF PROPERTY WITHIN A ROWS OF 250' ARE ATTACHED AS A SEPARATE DOCUMENT.

"M-2" WORKING HOME
2,800 AC. - LOT 8386
LTC PROPERTIES, INC.
DB 680-400

"M-2" OFFICE-RESIDENCE
LOT 065
CONNA L. LETTIE, TR.
DB 629-248
202009-0631,32

"M-2" OFFICE-RESIDENCE
LOT 066
CONNA L. LETTIE, TR.
DB 629-248
202009-0631,32

"M-2" OFFICE-RESIDENCE
LOT 067
CONNA L. LETTIE, TR.
DB 629-248
202009-0631,32

"M-2" OFFICE-RESIDENCE
LOT 068
CONNA L. LETTIE, TR.
DB 629-248
202009-0631,32

"M-2" OFFICE-RESIDENCE
LOT 069
CONNA L. LETTIE, TR.
DB 629-248
202009-0631,32

"M-2" OFFICE-RESIDENCE
LOT 070
CONNA L. LETTIE, TR.
DB 629-248
202009-0631,32

"M-2" OFFICE-RESIDENCE
LOT 071
CONNA L. LETTIE, TR.
DB 629-248
202009-0631,32

TURNING TEMPLATE RV45

S 70°23'55" E - 213.28'

"M-2" VACANT LAND
7,579 AC. - LOT 8394
CORPORATE DR. LAND, LLC
DB 776-767

9.53 AC. - LOT 8385
"M-2" TRUCKING / WAREHOUSE
PLYMOUTH 200 CORPORATE DRIVE, LLC OH
202009-04400

SECURITY FENCING
ON PROPR. LINE

2,000 AC. - LOT 0073
"M-2" VACANT LAND
PLYMOUTH 200 CORPORATE DRIVE, LLC OH
202009-04400

SECURITY FENCING
ON PROPR. LINE

EXT. UTILITY EASEMENT

RESERVED AC. LOT 0042
"M-2" VACANT LAND
PLYMOUTH 200 CORPORATE DRIVE, LLC OH
202009-04400

EXT. MAJOR
TREES
(TO REMAIN)

STORM CONNECTION AT
N. KINGS CHAPEL DRIVE

WEST MAIN ST. (S.R. 41)

"M-2" OFFICE-RESIDENCE
LOT 069
CONNA L. LETTIE, TR.
DB 629-248
202009-0631,32

"M-2" OFFICE-RESIDENCE
LOT 070
CONNA L. LETTIE, TR.
DB 629-248
202009-0631,32

"M-2" OFFICE-RESIDENCE
LOT 071
CONNA L. LETTIE, TR.
DB 629-248
202009-0631,32

TOTAL AREA: 7.013 Ac.
IMPERVIOUS AREA: 5.666 Ac. (81%)
BUILDINGS: 75,050 SF
HARD SURFACE (ALL OTHER) 17,756 SF
(PARKING AREAS = 10,328 SF)

LANDSCAPE REQUIREMENTS
CODE REQ/MT REQUIRED PROVIDED
1 TREE / 40' OF STREET FRONTAGE 7 DA. 7 DA.
3 TREES / 2,000 SQ. YD. BACKYARD 35 DA. 35 DA.
2% OF TOTAL PARCEL (140,320 SF) 4,209 SF 4,209 SF

0.468 AC. - LOT 0330
"M-2" COMMERCIAL
TROY OHIO HOLDINGS, LLC
DB 762-525

1,003 AC. - LOT 0331
"M-2" COMMERCIAL
TROY OHIO HOLDINGS, LLC
DB 762-525



PROFESSIONAL ASSOCIATES INC.
CIVIL ENGINEER / SURVEYOR
202203
M.L. OXNER P.E. P.S. PH. 847-333-1671

REV 7-6-22

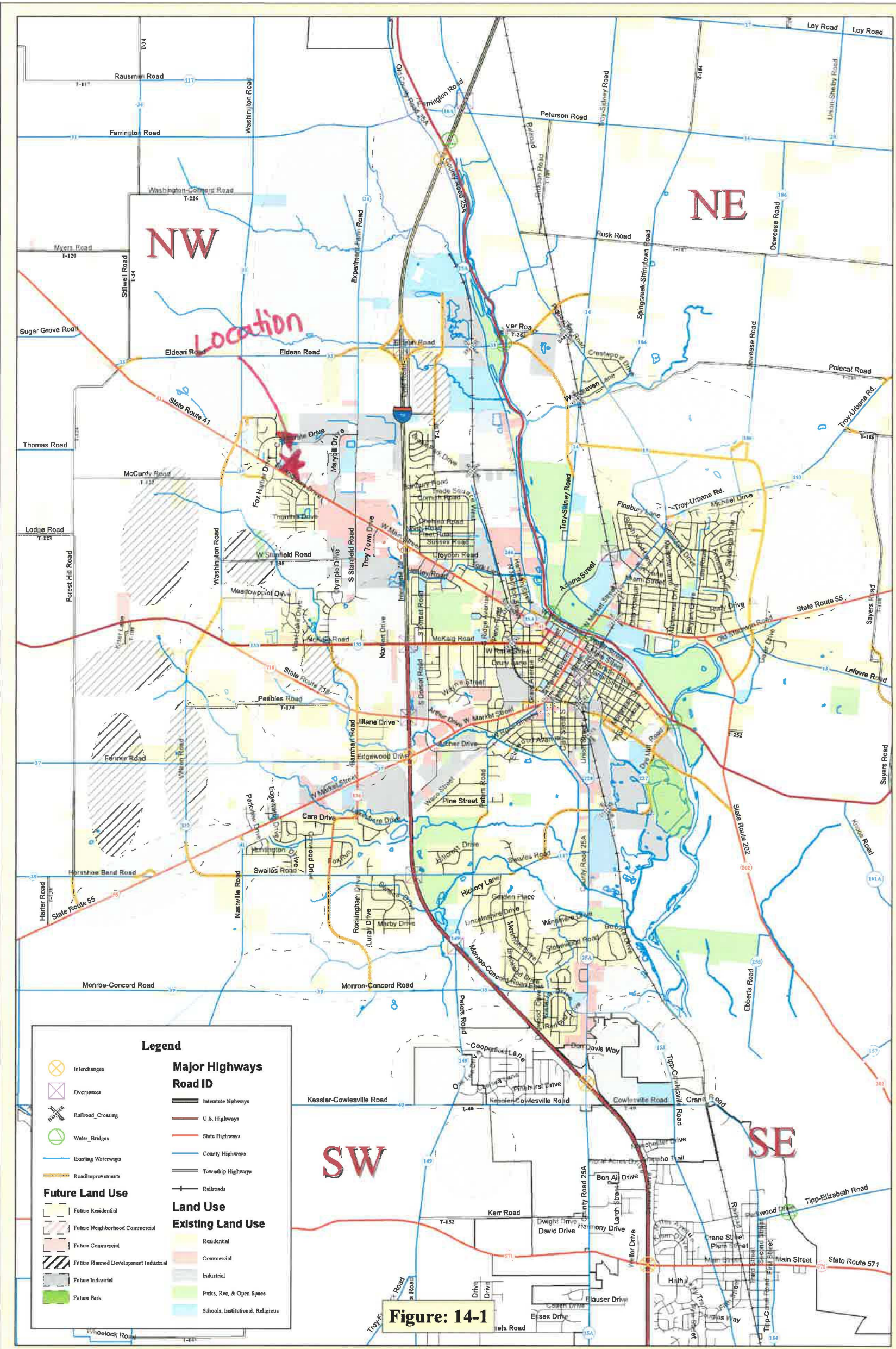
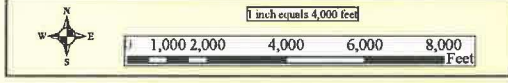


Figure: 14-1



Troy, Ohio

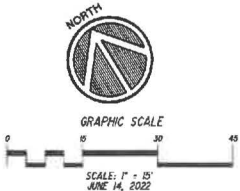
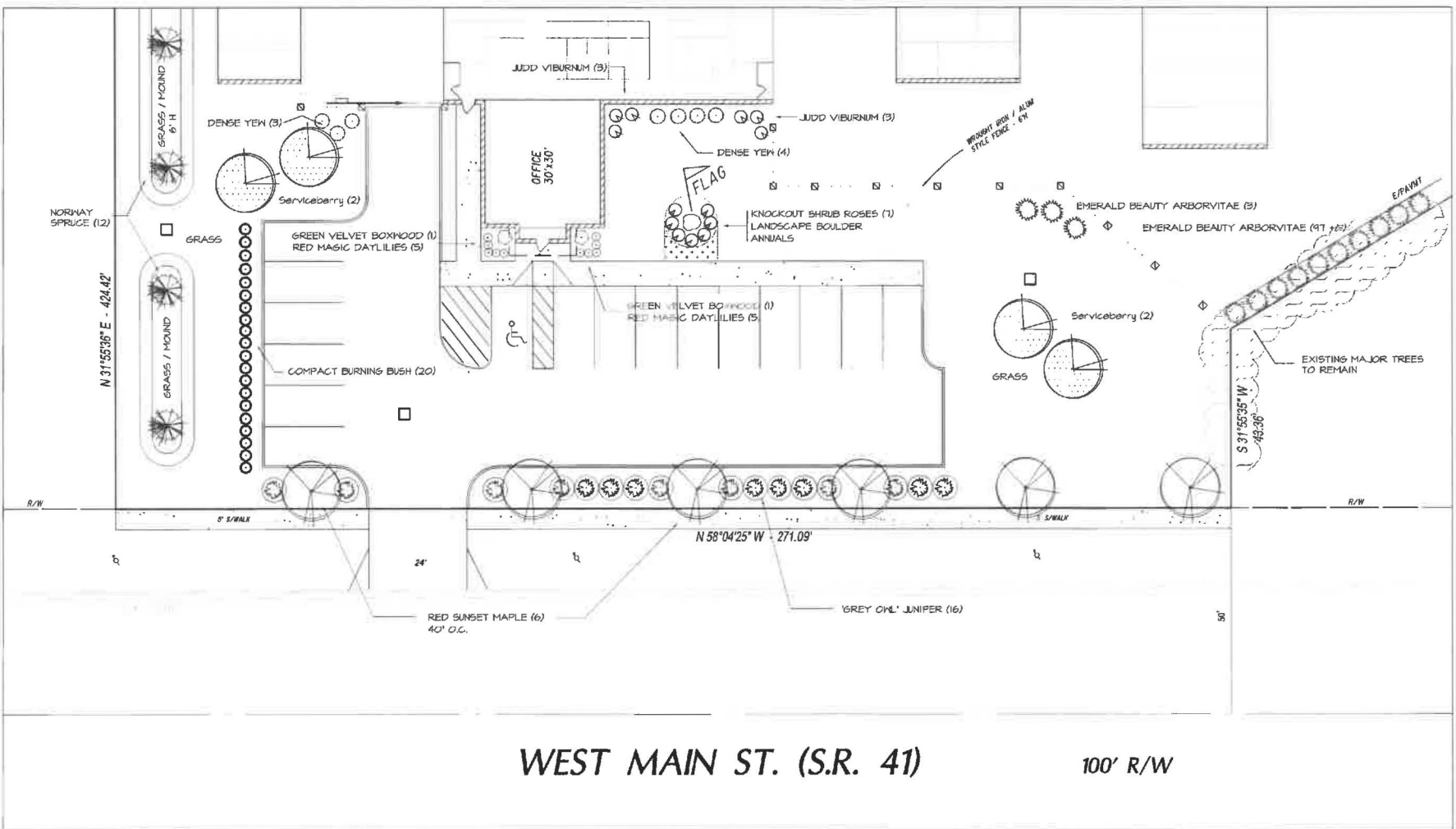


Troy Storage

BUILDING ELEVATIONS

K-2220

A3



PLANT SCHEDULE

Qty	Size	Botanical Name	Common Name
6	2"	Acer rubrum	Red Sunset Maple
100+	5-6'	Thuja occidentalis 'Smaragd'	Emerald Beauty Arborvitae
12	6-7'	Picea Abies	Norway Spruce
20	24-30"	Eunomus alatus 'Compacta'	Compact Burning Bush
7	12-15'	Rosa	Knockout Shrub Rose
7	24" B/B	Taxus x cuspidata 'Densifolia'	Densifolia Yew
16	24-30"	Juniperus virginiana 'Grey Owl'	Grey Owl Juniper
2	2' tall	Buxus 'Green Velvet'	Green Velvet Boxwood
10	1' tall	Hemerocallis x 'Red Magic'	Red Magic Daylilies
16	VARIES	Annual flowers	Annual flowers
4	8-10'	Serviceberry x 'Grandiflora'	Serviceberry - Single stem
32	8-10"	TBD	RV Parking Area

LANDSCAPE PLAN

PROFESSIONAL
ASSOCIATES, INC.
ENGINEERS - SURVEYORS - PLANNERS
555 PATRICK AVE. CT.
BROOKVILLE, OHIO 45309
PH: 513-837-2369 FAX: 513-837-2367

GAME INVESTMENT I
250 S. KINNA DRIVE
TIPP CITY, OH 45371

TROY STORAGE FACILITY
2601 W. MAIN ST. TROY, OHIO 45373
7.013 AC. INLOT 8386
CITY OF TROY, MIAMI COUNTY, OHIO

REVISIONS

PROJECT NO:

202203

SHEET TITLE

LANDSCAPE PLAN
GENERAL NOTES

SHEET NO:

LS-1