

ARTICLE 13 APPLICATION AND REVIEW PROCEDURES

SECTION 13.01 ZONING PERMIT REQUIRED

13.01.01 It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Permit shall have been issued by the Zoning Inspector.

a) It shall be the duty of the Zoning Inspector to issue a Zoning Permit, provided he is satisfied that the structure, building or premises, and the proposed use thereof conform to all the requirements of this Resolution.

b) The Zoning Inspector shall issue no permit for excavation, construction or reconstruction, addition, or alteration unless the plans, specifications and the statement of intended use in all zoning districts are filed with the Zoning Inspector demonstrating conformance with the provisions of this Resolution.¹

13.01.02 Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Permit for any building or premises existing at the time of enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution. No charge shall be made for issuing a Zoning Permit in accordance with this paragraph.

13.02.03 Conditions under which Zoning Permits are Required. A Zoning Permit shall be required for any of the following, except as herein provided:

a) Construction or structural alteration of any structure, including accessory structures.

b) Change in use of an existing structure or accessory structure to a use of a different classification.

c) Occupancy and use of vacant land.

d) Change in the use of land to a use of a different classification.

e) Any change in the use of nonconforming use.

f) A Zoning Permit shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Resolution or any amendments.

Fence ²

g) Pool ³

1 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

2 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

3 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

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- h) Pond ⁴
- i) Outdoor furnace ⁵
- j) Signs ⁶

SECTION 13.02 APPLICATION AND ISSUANCE OF ZONING PERMITS

- 13.02.01 For the excavation, construction, reconstruction, addition, or alterations of a building or structure, the owner(s) shall complete and submit to the Zoning Inspector a Zoning Application and Statement of Intended Use.⁷ A Zoning Permit shall be issued within thirty (30) days after a written request for the same has been made to the Zoning Inspector, provided such construction or alteration is in conformity with the provisions of this Resolution.
- 13.02.02 For the use of vacant land, or for a change in the use of land or of a building, or for a change in nonconforming use, as herein provided, the owner(s) shall complete and submit to the Zoning Inspector a Zoning Application and Statement of Intended Use. ⁸
- 13.02.03 Every application for a Zoning Permit shall be accompanied by a plot plan in duplicate, and such plans as may be necessary to show the location and type of buildings to be erected or alterations to be made.
- a) Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.
 - b) Each plan shall show:
 - 1) The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 - 2) The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
 - 3) The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - 4) The location and size of the proposed structure and/or the proposed enlargement of the existing structure.

4 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

5 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

6 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

7 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

8 Amended 6/9/2021 by Resolution 9-2021 (effective 7/9/2021)

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- 5) Any other information, which is the judgment of the Zoning Inspector, may be necessary to provide for the enforcement of this Resolution.
- c) Each plan shall bear statements declaring:
 - 1) That no part of the land involved in the application has previously been used to provide required yard space or lot area for another structure.
 - 2) Which abutting land was formerly that of the owner of the land involved in the application, and if any, the approximate date of title transfers.
 - 3) Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor.
 - 4) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the applications.
 - 5) A file of such applications and plans shall be kept in the office of the Zoning Inspector.

13.02.04 Various other types of administrative reviews may be required before issuance of a Zoning Permit. The Zoning Inspector shall not issue a Zoning Permit for any application:

- a) Proposing a Conditionally Permitted Land Use until the Board of Zoning Appeals conducts a Conditional Use Review and approves the application pursuant to Section 12.04;
- b) Requiring a Site Plan until the Zoning Commission conducts a Site Plan Review and approves the Site Plan pursuant to Section 13.04; and/or
- c) Requiring a Development Plan until the Zoning Commission conducts a Development Plan Review and approves the proposed development pursuant to Article 14.

13.02.05 If the proposed use is in conformity with the provisions of this Resolution, the Zoning Permit therefore shall be issued within thirty (30) days after the application for same has been made.

- a) Every Zoning Permit shall state that the building or the proposed use of a building or land complies with all provisions of law.
- b) Each application shall clearly state that the permit shall expire and will be revoked if work has not substantially begun within one (1) year.
- c) A record of all Zoning Permits shall be kept on file in the Office of the Zoning Inspector or his/her agent and copies may be reviewed or shall be furnished on request to any person. A fee, determined by the Trustees, shall be charged for copies made and furnished to such persons.

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- d) The Zoning Permit and all applicable conditions approved as part of the Permit shall be posted by the applicant in a conspicuous location at a construction site.

13.02.06 Pre-Excavation Inspection. No excavation may occur for a building foundation or pond unless the layout and setbacks are inspected and verified for compliance with the Zoning Permit by the Troy Township Zoning Inspector or a consultant engaged by the Township.

SECTION 13.03 FEES

Application filed for the purpose of obtaining a Zoning Permit for uses as set forth in this Resolution shall be accompanied with an Application Fee in an amount set forth from time to time by a separate resolution passed by the Board of Trustees. Such fees are for the purposes of defraying the costs of review, inspection, certification, and maintenance of necessary records pertaining to the implementation of this Resolution. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

- 13.03.01 The Zoning Inspector shall forthwith deposit all fees with the Township Clerk who shall credit such fees to the credit of the General Revenue Fund of the Township.
- 13.03.02 The Zoning Inspector shall charge the above specified fees payable by the applicant at the time of filing of each application for a Zoning Permit.
- 13.03.03 No Zoning Permit shall be required for the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located.

SECTION 13.04 SITE PLAN REVIEW

13.04.01 When Site Plan Required. Site Plan review by the Zoning Commission is required for all districts when the following type of development is proposed:

- a) Any Multifamily, Commercial or Industrial Use;
- b) More Than One (1) Main Use on a Parcel;
- c) Any of the Uses Outlined in the Land Use Matrix that Require a Site Plan;

13.04.02 General Site Plan Requirements. All proposed uses or zoning changes (amendments) that require a Site Plan review shall submit the following when applicable.

- a) A formal letter of submittal shall accompany the Site Plan. The letter shall provide the name, address and phone number of any parties who should be informed of progress on the request (e.g., land owner, attorney, architect, engineer, etc.).
- b) All Site Plans shall have a title indicating the type of request being made (e.g., request for more than one principal building on a parcel).

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- c) The Site Plan shall be accompanied by a complete legal description of the subject property and a location sketch referenced from section lines and/or major streets.
- d) The Site Plan shall indicate the scale of the drawing and shall use an engineer's scale.
- e) The Site Plan shall have the north arrow pointing either toward the top of the drawing or to the right side of the drawing, preferably toward the top, and should be located with the scale.
- f) Proposed industrial uses shall be accompanied with plans (i.e., site plan, floor plan, building elevations), of similar quality as would be submitted for Ohio Basic Building Code (O.B.B.C.) review and permit issuance.
- g) The following submissions are required:
 - 1) Eight (8) reproducible prints of the site plan; and ⁹
 - 2) A velox or PMT reduction made from the original tracing, shall be submitted at a size ranging from 8 1/2" X 11" to 11" X 17".

13.04.03 Specific Site Plan Requirements

- a) The Site Plan shall show the zoning classification of the subject property and all abutting property uses (residential, commercial, etc.) and approximate location of abutting property, buildings, and/or structures.
- b) The Site Plan shall indicate the distance of existing and proposed structure(s) from right-of-way line of all adjacent thoroughfares and show front, side, and rear yard distances to the structure(s).
- c) The Site Plan shall indicate the exact dimensions of the property in question, and show existing structure(s) with dimensions and proposed structure(s) with dimensions. The site plan shall indicate building removals and other alterations, if any, of existing property.
- d) The Site Plan shall indicate, by name, all adjacent thoroughfares. The site plan shall show both right-of-way and pavement widths measured from the centerline.
- e) The Site Plan shall indicate the locations, size (height), and material of all existing and proposed fencing on the subject property.
- f) The Site Plan shall indicate the location, dimensions and illuminating power of all existing and proposed lighting on the subject property.

⁹ Amended 3/8/2017 by Resolution 2-2017 (effective 4/7/2017)

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- g) The Site Plan shall show the location, dimensions and illuminating characteristics (both internal and/or external) for existing or proposed signs on the property.
- h) The Site Plan shall indicate location and dimensions of existing and proposed sidewalks.
- i) Site Plans shall show any ditches, creeks, or other natural features that may affect development of the property in question. Where appropriate, the two (2) foot contours and the hundred-year high water elevation should be shown on the site plan. Information on this may be obtained from the Wood County Engineer.
- j) The Site Plan shall show existing and proposed drainage and grading with dimensions.
- k) The Site Plan shall show existing and proposed sanitary and storm sewers, water mains, and location of hydrants and valves.
- l) The Site Plan shall show existing and proposed roadways, driveways, off-street parking, and any other pavements, with complete dimensions.
 - 1) Curb cuts shall be measured at the curb and throat widths shall be indicated.
 - 2) The drawing shall include the number and size of proposed parking stalls along with the internal circulation pattern of the off-street parking. If the off-street parking is physically joined with abutting property, then circulation between the properties shall be shown.
 - 3) Parcels with frontage and proposed access onto a state route shall be required to submit proof of approval and any conditions made part of ODOT access management approval.
- m) The Site Plan for a proposed drive-up establishment shall indicate the approximate vehicle capacity for the drive through lane at one time.
- n) The Site Plan shall indicate existing or proposed recreational areas with complete dimensions.
- o) An illustration of the existing and proposed landscaping shall be provided as part of the site plan for all multifamily, commercial and industrial uses. It shall be conceived in a total pattern throughout the site, integrating the various elements of the site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character See Article 8 (Landscaping Requirements).

13.04.04 Application Procedure

- a) Site plans shall be filed with the Zoning Inspector. Upon presentation of site plan, any existing violations of zoning regulations must have a written plan to resolve. This must include a date of completion. The date the zoning inspector accepts the site plan shall constitute the official filing date. The

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review time for Site Plans, generally shall be in keeping with the time requirements established for zoning changes.¹⁰

- b) All Site Plans submitted shall be reviewed by the Zoning Commission. Prior to approving the Site Plan, the Zoning Commission may request assistance and information from appropriate County, State and Federal and other review agencies for their comments prior to acting on the proposed Site Plan.
 - 1) Approval of the Site Plan by the Zoning Commission shall result in the issuance of a Zoning Permit. Site Plans may be conditionally approved subject to the inclusion of additional information or site development specifications. A Zoning Permit will not be issued until all site plan conditions are complied with.
 - 2) If the Site Plan does not comply with the purpose of the Resolution or is not complete, the site plan shall not be approved administratively. The applicant may appeal the disapproval to the full Zoning Commission. The appeal will be heard at the next scheduled Zoned Commission meeting.
- c) Any change in the Site Plan once approved shall require a review by the Zoning Commission.

13.04.05 Enforcement.

- a) The Township may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval.
- b) Site Plan approval issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced, except for good cause.

SECTION 13.05 VIOLATIONS AND PENALTIES

- 13.05.01 Violations. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use, any building or land in violation of any regulation in or any provisions of this Resolution or any amendment of supplement thereto adopted by the Board of Trustees.
- 13.05.02 Penalties. Any person, firm, or corporation violating any regulation thereto shall be fined not more than five hundred (\$500.00) dollars. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense.
- 13.05.03 False Statement of any Fact. Any permit or certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the permit or certificate shall be revoked by notice in writing to be delivered to the holder of the void permit or certificate upon the premises concerned, or, if such

¹⁰ Amended 11/9/2022 by Resolution 7-2022 (effective 12/9/2022)

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holder be not found there, by posting the said notice or revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new permit or certificate in accordance with this Resolution shall be deemed guilty of violation thereof.

- 13.05.04 Other Remedies. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Zoning Inspector, Township Solicitor, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or any other appropriate action, actions, or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.