

ARTICLE 7 SUPPLEMENTARY LAND USE REGULATIONS

The following standards and conditions shall apply to land uses authorized pursuant to Article 4 (Permitted and Conditional Use Regulations).

SECTION 7.01 AGRICULTURAL USES

7.01.01 Regulation of Land Used for Agricultural Purposes. A parcel used for agricultural purposes as defined by ORC 519.01 is subject to the following agricultural use restrictions when it has the following characteristics:

- a) The parcel is within a platted subdivision approved under O.R.C. 711.05, 711.09 or 711.10, or in any area consisting of fifteen (15) or more lots approved under O.R.C. 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road.
- b) Parcels of One Acre or Less. When the parcel has an area of one (1) acre or less and meets the requirements of Paragraph (a):
 - 1) Buildings and structures incident to the use of land for agricultural purposes shall meet front, side, and rear setbacks and shall be constructed in a design and of materials which harmonize to existing residential, commercial, or industrial structures on the property. Such buildings shall not exceed thirty-five (35) feet in height, and shall not exceed one-eighth (1/8) of the total area of the parcel.
 - 2) Agricultural Uses Not Involving Animals. With the exception of fruit trees, agricultural uses not involving animals are permitted so long as they are not extended into the front setback for the district in which the parcel is located and do not exceed more than thirty-three and one-third (33-1/3) percent of the total open space of such parcel.
 - 3) Animal and Poultry Husbandry
 - i. The breeding, raising or maintaining of farm animals such as horses, pigs, cows, sheep, goats, or similar large livestock is prohibited on lots of one (1) acre or less.
 - ii. Animal husbandry of other animals raised for sale or for their meats, skins or other byproducts are conditional uses subject to approval by the Board of Zoning Appeals. The Board shall consider:
 - Size of the lot or parcel.
 - Type and number of animals
 - Size area devoted to the above animal uses
 - Feed and waste management plan
 - Location and type of animal housing

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- iii. Structures incident to housing farm animals shall not be permitted within fifty (50) feet of a dwelling or an adjacent property line.
 - c) Parcels Greater than One Acre but Less than Five Acres. When the parcel has an area larger than one (1) acre but does not exceed five (5) acres and meets the requirements of Paragraph (a), agricultural uses are permitted subject to application for and approval of a conditional use permit therefore by the Board of Zoning Appeals:
 - 1) Building and structures accessory to the agricultural use of the property shall meet front, side, and rear setbacks for the district, shall not exceed thirty-five (35) feet in height, shall not exceed one-eighth (1/8) of the total area of the parcel.
 - 2) Animal and Poultry Husbandry. When at least thirty-five (35) percent of the lots of the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under ORC 4503.06, dairying, pasturage and animal husbandry of animals raised for their meats, skins or other byproducts are conditional uses subject to approval by the Board of Zoning Appeals.
 - i. The Board shall consider:
 - Size of the lot or parcel;
 - Type and number of animals;
 - Size area devoted to the above animal uses;
 - Feed and waste management plan;
 - Uses of adjacent properties;
 - Location and type of animal housing.
 - ii. Farm animals or structures incident to housing farm animals shall not be permitted within fifty (50) feet of a dwelling or an adjacent property line
 - iii. Any dairying and animal and poultry husbandry which existed prior to thirty-five (35) percent of the lots being developed, shall be considered a nonconforming use of land and building or structures pursuant to ORC 519.19.
- 7.01.02 Section 7.01.01 does not apply to agriculture, buildings or structures and dairying and animal and poultry husbandry on lots greater than five (5) acres.
- 7.01.03 This provision excludes structures with incidental and minimal use for the above listed purposes and provides that structure is used primary for agricultural uses as defined in Section 2.02 of the definitions.

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SECTION 7.02 DISH ANTENNAS

- 7.02.01 Any dish antenna in any Residential District:
- a) Shall be located toward the rear of the lot;
 - b) Shall be at least ten (10) feet from any principal buildings;
 - c) Shall have rear and side property line setbacks equal to or greater than the height of the proposed structure; and
 - d) In the case of a corner lot, shall not project beyond the front yard required or existing on the adjacent lot.
- 7.02.02 Where a dish antenna is proposed to be independently supported, it shall not exceed fifteen (15) feet in height.
- 7.02.03 Where a dish antenna is proposed to be mounted on the roof of a building, it shall not extend more than fifteen (15) feet above the highest point of the roof of the building which it serves.

SECTION 7.03 EXTRACTION INDUSTRIES

- 7.03.01 Removal. The removal of soil, sand and gravel, and or minerals shall not exceed twenty-five (25) percent of the total surface area of a parcel. All extraction industries in the removal of products shall meet the requirements of Surface Mining and Reclamation 1514.10 ORC.
- 7.03.02 Refilling. The refilling of an area which has been excavated for the extraction of soil, sand and gravel shall be considered waste disposal and shall meet the requirements set forth by the Wood County Board of Health for solid waste disposal under 3734.05 ORC.

SECTION 7.04 FARM MARKETS

- 7.04.01 General. Farm markets shall be permitted where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by a market operator within a normal crop year.
- 7.04.02 Building. The maximum area of any building, structure, or produce stand used for produce sale or storage shall be two hundred (200) square feet. There shall not be more than one (1) such structure per lot.
- 7.04.03 Setback. To allow for safe ingress and egress of vehicles and temporary parking, no building, structure, produce stand, or vehicle used for produce sale or storage shall be closer than twenty (20) feet of any road right-of-way. All other required setbacks for the Zoning District shall be maintained.

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- 7.04.04 Access Management. Farm Markets shall conform to access management requirements as required by ODOT along state routes or Wood County Access Management Requirements.
- 7.04.05 Parking. Adequate off-street parking shall be provided for a minimum of four (4) vehicles. Farm Markets which offer drive-through service shall provide a minimum of four (4) vehicle stacking spaces. Off-street parking areas and access drives shall be maintained in an all-weather, dust-free condition.
- 7.04.06 No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

SECTION 7.05 FARM RECREATION ENTERPRISE

7.05.01 General Requirements

- a) All proposed Farm Recreation Enterprises will require a conditional use permit from the Board of Zoning Appeals.
- b) All proposed Farm Recreation Enterprises shall submit a site plan in conformance with Section 13.04 (Site Plan Review) when making application for the Conditional Use Permit.
- c) The applicant must assure that the proposed activity will not disrupt the neighboring property owners or tenants.
- d) A Farm Recreation Enterprise will be temporary in duration (two years or less). An extension of a duration equal to but not greater than the initial permit period may be granted by the Zoning Inspector; provided notice of such requests for extension shall be mailed at the applicant's expense, to adjacent property owners and if any of said owners object to granting of said extension, within thirty (30) days of mailing, then the Board of Zoning Appeals shall conduct a public hearing to consider said request for an extension.

SECTION 7.06 FENCING

7.06.01 General

- a) No fence shall be allowed within the required road right-of-way.
- b) Fences in an "A-1", "R," or "R-PUD" ¹ District may not exceed four (4) feet in height in the required front yard nor exceed six (6) feet in height in any remaining yards.
- c) Fences in a "C", "I", or "B-PUD" ² District may not exceed four (4) feet in height in the required front yard nor exceed seven (7) feet in height in any remaining yards except as required under Section 8.02 (Landscape Buffer Strips Required).

¹ Amended 3/29/2023 by Resolution 5-2023 (effective 4/28/2023)

² Amended 3/29/2023 by Resolution 5-2023 (effective 4/28/2023)

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- d) Fences may be placed on the property line provided that fences are placed no closer than two (2) feet to a fire hydrant.
- e) Fencing must be of uniform color. Conditional use permits must be acquired for multi-colored fencing, or murals and/or collages.³

7.06.02 Corner Lot. No fence, structure or planting screens shall be created or maintained within thirty (30) feet of the corner (point of intersection of the two (2) streets rights-of-way) at a height exceeding two (2) feet above curb or street grade.

SECTION 7.07 GROUP HOME REGULATIONS

It is the purpose of this Section to regulate the location, operation, and maintenance of group homes, as defined herein. It is the intent of the Township to provide for the assimilation of these homes in stable and suitable neighborhoods so that the living environments of their residents are conducive to the well-being of their residents. Group homes shall comply with the following criteria:

- 7.07.01 Licensing. No group home shall be established, operated or maintained on any premises unless authorized by the issuance of a Zoning Permit in accordance with the provisions of the Zoning Resolution. In addition, a group home shall not be permitted to be constructed or operated until the agency, or institution operating such a home meets the certification, licensing, or approval requirements of the appropriate State or County and local certifying agencies.
- 7.07.02 Building, Fire, Health and Safety Standards. A group home shall meet building, fire, health and safety standards as set by State and local laws and regulations applicable to such a facility.
- 7.07.03 Types of Dwellings. Group homes shall be established in detached single-family dwellings, two-family, multiple family dwellings, or structures, or portions thereof, converted entirely to group home use.
- 7.07.04 Residential Character. All group home structures in residential districts shall maintain a residential character and remain unaltered from its residential character. The design of a proposed new structure and any proposed remodeling of existing structures shall be feasible for permitted uses in the district in the event that the group home is discontinued, and will not be detrimental to the area because of substantial differences in exterior design or site development.
- 7.07.05 Off-Street Parking. Group homes must ensure that adequate off-street parking is provided for hired or volunteer staff in addition to the requirements of Section 9.03.03 (Minimum Parking Spaces Required).
- 7.07.06 Signage. No signs shall be erected by group homes for the purposes of identification except a permitted street address sign.

³ Amended 12/27/2023 by Resolution 20-2023 (effective 1/26/2024)

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- 7.07.07 Separation. In order to limit the excessive concentration and to reduce any negative impact on neighborhoods within the Township, no group home shall be permitted within eight hundred (800) feet of the boundary lines of the property on which another group home in the Township is located.

SECTION 7.08 **HOME PROPERTY BUSINESS** ⁴

7.08.01 General Requirements. Generally, residential uses shall be separate from commercial or other nonresidential uses. However, Troy Township recognizes that some nonresidential uses in a home are desirable. The home property business may be allowed as a conditional use requiring Zoning Board of Appeals approval in all residential and agricultural districts where it is clearly incidental and secondary to the use of the property for residential purposes, and does not change the character thereof. The home property business shall be subject to the following conditions:

- 1) Permit Required
 - a) No Home Property Business shall be permitted until an application for a Home Property Business Conditional Use Permit is reviewed and approved by the Zoning Board of Appeals.
 - b) A Home Property Business Conditional Use Permit shall be issued only to a resident of the premises in which the Home Property Business is to be conducted. If the resident rents the premises, the resident shall provide evidence of written permission from the premises' owner as part of the permit application.
 - c) Home Property Business Conditional Use Permits shall not be transferable, shall not run with the land, and shall expire upon the sale, transfer, or lease of the property to a new owner or tenant.

2) Prohibited Home Property Business

The following uses and activities shall not be permitted as or conducted as a Home Occupation/In the Home Business:

- a) Funeral Homes
 - b) Hotels & Motels
 - c) Professional offices of physicians, dentists, or other medical related services
 - d) Vehicles or equipment sales/rental
 - e) Veterinary facilities and/or small animal clinics
- 3) The use of the dwelling unit for the Home Property Business shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- 4) No more than two (2) persons other than members of the family residing on the premises shall be engaged in such occupation.
- 5) There shall not be a change in the outside appearance of the building or outside storage appearance of the building or premises.

⁴ Amended 8/22/2012 by Resolution 12-2012 (effective 9/21/2012)

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- a) No outside activity or operations or outside storage of stock-in-trade or other materials incidental to the home occupation.
- b) One (1) non-illuminated sign – Refer to Section 10 of the Resolution regarding signs

6) Parking

- a) A Home Property Business shall provide off-street parking area adequate to accommodate all needs created by Home Property Business in addition to the requirements for the principal use of the premises.
- b) Required off-street parking to service the Home Property Business shall not be permitted in the front yard of the dwelling, other than the driveway.

7) Traffic Impact

A Home Property Business shall not generate traffic in greater volumes than would normally be expected for agricultural or residential area.

- 8) No equipment or process shall be used in such home occupation which is noxious, offensive, or hazardous by reason of hours of operation, vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, glare, fumes, odors, heat, humidity, radiation, or electrical interference detectable to the normal senses of the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage of the premises.

SECTION 7.09 KENNELS

7.09.01 General Requirements

- a) Minimum lot area shall be two (2) acres.
- b) Buildings, pens or enclosures used for short term commercial boarding of dogs and cats shall be a minimum of fifty (50) feet from all property lines and/or any dwelling unit.
- c) Suitable fencing or landscaping shall be installed around pens and/or enclosures used for short term commercial boarding of dogs and cats.
- d) Hours of operation shall be between 8:00 a.m. and 7:00 p.m. for all days of the week.
- e) Advertising signs shall be in accordance with Article 10 (Signs).
- f) On-site parking shall be provided in accordance with Article 9 (Off-Street Parking and Loading).

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SECTION 7.10 OPEN STORAGE AND DISPLAY OF MATERIAL AND EQUIPMENT

The open storage and display of material and equipment incident to permitted or conditional non-residential uses shall be permitted provided the area used for open storage and display is screened by means of walls, fences or plantings. In no case shall this storage be maintained beyond the front building line. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. Notwithstanding the requirements of [Section 8.02](#) (Landscape Buffer Strip Required), in lieu of such wall or fence, a strip of land not with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

SECTION 7.11 PONDS AND BORROW PITS

7.11.01 Pond Applications

- a) All ponds are a permitted accessory use and require a zoning permit. The Zoning Inspector shall inspect ponds as provided in Section 1302.06. A pond plan shall be submitted to the Troy Township Zoning Inspector.

Ponds are now a permitted use not a conditional use. ⁵

- b) Delete ⁶

7.11.02 Pond Area and Design Requirements

- a) Ponds other than ponds which are aesthetic landscape features shall only be located on lots that meet or exceed two (2) net acres of land.
- b) **Setbacks**
 - 1) A pond shall have sixty (60) feet minimum setback from any roadway right-of-way centerline or behind the front building line whichever is greater.
 - 2) A minimum setback of twenty (20) feet from all property lines⁷
 - 3) A pond shall be located no closer than fifty (50) feet to a septic tank, or leach field. Pond location and related redistribution of extracted soil, shall be in compliance with the Wood County Health Regulations for on-site septic disposal.
- c) Minimum pond surface area shall be one-third (1/3) acre. Maximum surface area shall not exceed twenty-five (25) percent of the net acreage of the parcel. ⁸Aesthetic landscape ponds shall not exceed (two hundred) 200 square feet in water surface area.
- d) The side slope of the pond shall be horizontal to vertical as a ratio of three-to-one (3:1)

⁵ Amended 11/11/2015 by Resolution 08-2015 (effective 12/11/2015)

⁶ Amended 2/12/2001 by Resolution 1-2201 (effective 3/14/2001 & amended 11/11/2015 by Resolution 8-2015 (effective 12/11/2015)

⁷ Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014)

⁸ Amended 2/12/2001 by Resolution 1-2001 (effective 3/14/2001)

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except where a beach is desired. This ratio shall be maintained to a minimum depth of ten (10) feet.⁹

- e) Beach areas may be sloped no less than at a horizontal to vertical ratio of ten-to-one (10:1) and shall not exceed twenty-five (25) percent of the pond surface area.
- f) Embankment, earth berm, or disturbance from pond construction shall not be higher than six (6) feet from the original undisturbed grade level. Fill dirt may be hauled off site. The natural grade of land shall remain undisturbed within fifteen (15) feet of any property line.¹⁰
- g) To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage from pond development, then diverted to a suitable outlet or drainage ditch. Tile Lines encountered in construction should be properly removed and rerouted around the pond.¹¹
- h) All ponds in an “R” District must be enclosed by a fence in accordance with Section 7.06 (Fencing). If a pond proposed for other districts is deemed to pose a safety hazard because of the density of development in the vicinity of the parcel, the Township may require fencing be installed as specified under Section 7.06 (Fencing).
- i) All proposed ponds shall conform to the additional requirements of:
 - 1) Natural Resources Conservation Service (NRCS) specifications and recommendations for ponds.¹²
 - 2) Section 5.03 (General Performance Standards);
- j) Refilling. The refilling of an area which has been excavated for the development of a pond shall be considered waste disposal and shall meet the requirements as set forth by the Wood County Board of Health for solid waste disposal under 3734.05 O.R.C.
- k) Seed exposed soil areas to a common lawn mixture.¹³
- l) Maintenance: After completion, a pond shall be properly maintained and supervised by the property owner so that it will not become danger or nuisance to area resident.¹⁴

6 Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014)

10 Amended 01/08/2014 by Resolution 01-2014 (effective 2/17/2014)

11 Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014)

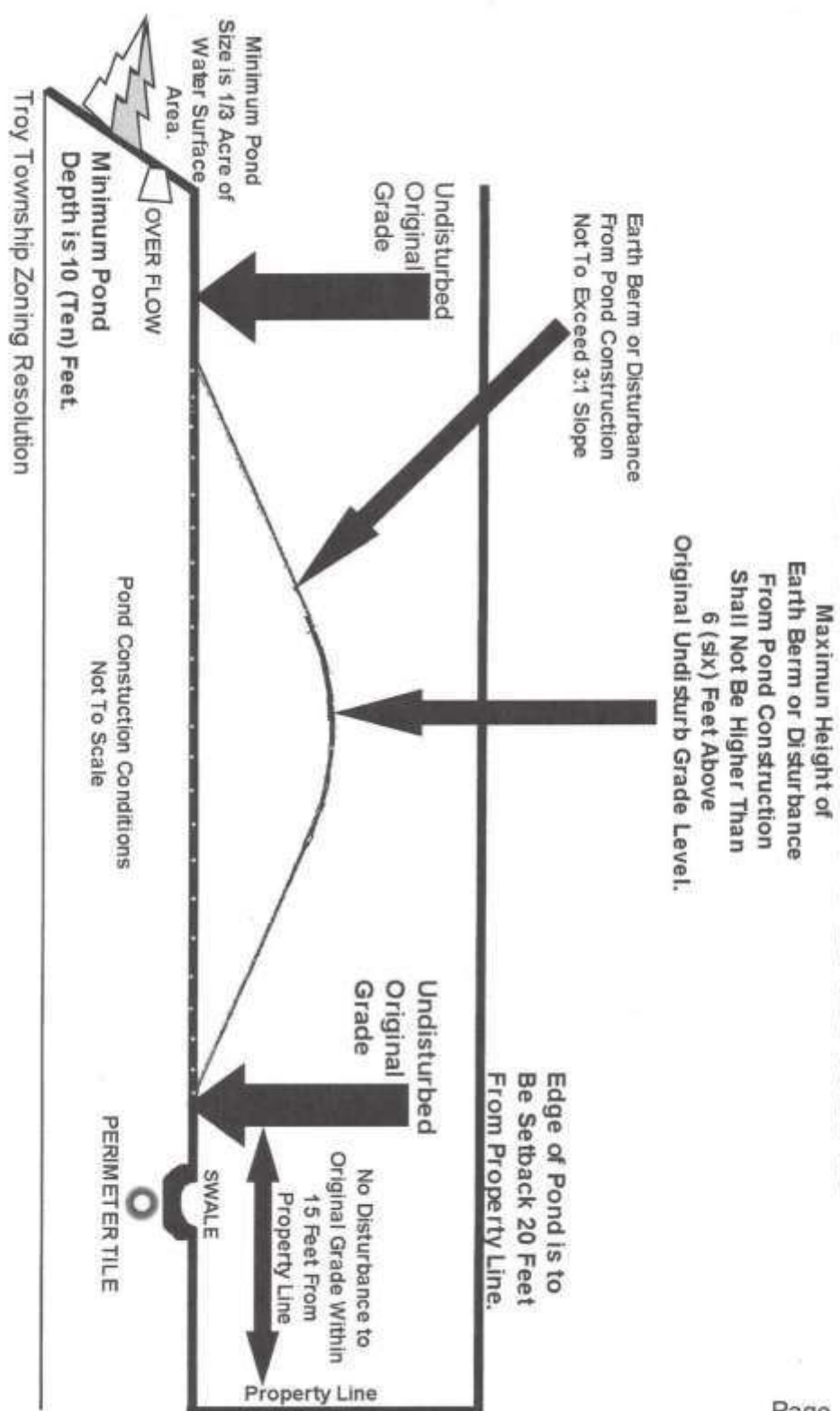
12 Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014)

13 Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014)

14 Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014)

POND CONSTRUCTION CONDITIONS

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23 Amended 1/08/2014 by Resolution 01-2014 (effective 2/07/2014) diagram on next page

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7.11.03 Borrow Pits.¹⁵ Ponds created from borrow pits dug for major highway purposes shall be subject to the pond requirements set forth herein, except as follows:

- a) A borrow pit shall have a minimum one hundred (100) foot setback from any road right-of-way;
- b) A borrow pit shall have a minimum thirty-five (35) foot setback from all side and rear property lines;
- c) A borrow pit shall have a minimum three-to-one (3:1) slope;
- d) Any borrow pit shall in no way contain any construction waste and/or unwanted construction materials or any clean or unclean hard fill.

SECTION 7.12 SERVICE STATION CANOPIES

- 7.12.01 Service station canopies shall be no closer to the right of way or property line than ten (10) feet.
- 7.12.02 No additional signage shall be permitted on the vertical support member of the canopy.
- 7.12.03 All advertising and exterior lights shall be shielded and no direct source of illumination shall be visible beyond the lot line.

SECTION 7.13 SEWAGE SLUDGE DUMPING AND/OR SPREADING

The dumping and/or spreading of sewage sludge, industrial sludge, and any by product of the treatment of sewage or industrial waste is prohibited within the Township, except the limited spreading of non-toxic sludge available for legitimate agricultural uses “within agronomic standards set by the State of Ohio and the Ohio EPA”.

SECTION 7.14 SEXUALLY ORIENTED BUSINESSES

- 7.14.01 Purpose. Additional regulations are imposed upon sexually oriented businesses to:
- 1) preserve and protect the public health, safety and welfare;
 - 2) prevent the spread of communicable or sexually transmitted diseases;
 - 3) reduce and eliminate the negative impact that sexually oriented uses may have on property values and the character and quality of residential neighborhoods;
 - 4) prevent sexually oriented businesses from diminishing or destroying the use of public facilities, particularly facilities expected to be used by children or used for religious purposes, etc.

¹⁵ Amended 2/9/2005 by Resolution 1-2005 (effective 3/11/2005)

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These regulations are not adopted for the purpose of restricting or prohibiting protected speech associated with sexually oriented business land uses. The Supreme Court, lower federal courts, and the Ohio General Assembly have recognized a number of possible secondary effects of sexually oriented businesses. From this body of findings and from various other police reports, testimony, newspaper reports, and other documentary evidence, the Troy Township Board of Trustees find there is convincing evidence that sexually oriented businesses, because of their very nature, lead to the following undesirable secondary effects:

- a) Decline of character and property values of a community's surrounding businesses and the adjacent residential neighborhoods and quality of life.
- b) Increase of crime (e.g., prostitution, drug sales), particularly in the overnight hours.
- c) Spread of disease, particularly sexually transmitted diseases and degeneration of the social and moral order. The Troy Township Board of Trustees] finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
- d) Harm to children. The Township Trustees and Zoning Commission have reviewed secondary effect studies by various cities. Given the documented harmful secondary effects of sexually-oriented businesses on adjacent neighborhoods and specific land uses, the following specific, reasonable, and uniform regulations have been developed to protect the residents of the Township.

The Troy Township Board of Trustees recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state, but has additionally determined that current local zoning and other locational criteria do not adequately protect people of the Township and that expanded regulation of sexually oriented businesses is necessary. It is not the intent of the Troy Township Board of Trustees to suppress or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of sexually oriented materials to their intended market, but rather to enact content-neutral statutes that address the secondary effects of sexually oriented businesses as a legitimate and reasonable means of accountability to minimize and control these adverse effects by regulating sexually oriented businesses in the specified manner.

7.14.02 Applicable Land Uses

- a) Permitted Uses. Sexually oriented businesses permitted within the Township, as authorized in Article 4 (Permitted and Conditional Use Regulations), are limited to sexually oriented cabaret/motion picture theaters, sexually oriented media/novelty stores, and sexually oriented drive-in motion picture theaters. [See Article 2 (Definitions).
- b) Prohibited Uses. Sexually oriented establishments that involve any unlawful activity, such as prostitution as defined by the State of Ohio, or "sexually oriented obscenity," as defined in Article 2 (Definitions), are prohibited. "Sexually oriented touching and encounter businesses" are prohibited, including "sexually oriented motels," "sexually oriented nude encounter centers," "sexually oriented spas such

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as massage parlors not operated by medical professionals or certified massage therapists,” and “sexually oriented viewing booths.” [See Article 2 (Definitions).]

- c) Accessory or Second Principal Uses. A sexually oriented business use may not be an accessory use. Two (2) or more sexually oriented business uses may not be located on the same premises or on the same lot.
- d) Obscenity. It shall be prohibited for a person to knowingly or intentionally display or depict “sexually oriented obscene material,” as defined herein, in any establishment or land use in the Township.
- e) Sexual Touching and Encounter Activities. It shall be prohibited for a performer at a commercial establishment while displaying “sexual anatomical areas” or performing “sexual activities” to intentionally touch a patron or customer or the clothing of a patron or customer. Such performers shall maintain a distance of at least six (6) feet from patrons or customers at all times.
- f) Gambling. No sexually-oriented business establishment games, machines, tables, or implements shall be used for gambling.

7.14.03 Standards. All applications for a permitted sexually oriented business shall be reviewed by the Zoning Inspector for compliance with the purposes, permissible uses, and standards contained in this section. Approval or denial of the application shall require explicit legal advice from the Township legal advisor. If Township regulations in this section overstep constitutional provisions interpreted by applicable case law, the Township shall be given a reasonable opportunity to update its Zoning Code. A sexually oriented business shall comply with the following standards:

a) Age Restrictions

- 1) No person under the age of eighteen (18) years shall be admitted to or employed by a sexually-oriented business.
- 2) No person under the age of eighteen (18) years shall be allowed or permitted to purchase or receive, whether for consideration or not, any sexually-oriented material or other goods or services at or from any sexually-oriented business establishment.

b) Required Separation of Uses. Measurement for the purpose of separation of land uses shall be made in a straight line, without regard to the intervening structures or objects, from the nearest point of a property line where a sexually oriented business is conducted, to the nearest property line of the protected district or premise. The presence of a municipal, township, or other political boundary shall be irrelevant for the purpose of calculating and applying the distance requirements of this section.

- 1) No sexually oriented business shall be permitted in a location which is within one thousand five hundred (1,500) feet of another sexually oriented business.

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- 2) No sexually oriented business shall be permitted within a one thousand (1,000) foot radius of any bar, tavern, or other establishment regulated by the Ohio division of liquor control offering the sale of beer or intoxicating liquor for consumption on the premises in combination with live entertainment.
- 3) No sexually oriented business shall be permitted in a location which is within one thousand (1,000) feet of any place of public worship, any park or playground, or any school or other teaching facility or other social services facility or neighborhood center attended by persons under eighteen (18) years of age.
- 4) No sexually oriented business shall be permitted in a location which is within five hundred (500) feet of any residence or boundary of any residential district.

c) External Visual Impact

- a) All building openings, entries, windows, etc. for sexually oriented businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from or audio impact on any public or adjacent privately-owned areas, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior or audio impact from any public or privately-owned areas.
- b) Landscaping Requirements. All sexually-oriented businesses shall provide a buffer for the side and rear yards from adjacent residential districts or residential uses consisting of a six (6) foot masonry wall or solid fence.
- c) Signage. Exterior identification signage is permitted in accordance with Article 10 (Signs). However, to limit exposure of sexual images to minors, no exterior signage shall include verbal or written messages, graphics, drawings, or other illustrations which publicly display specified sexual anatomical areas or specified sexual activities.

d) Other Regulations

- 1) No animals, except seeing eye dogs required to assist the blind, shall be permitted at any time at or in any sexually-oriented business establishment.
- 2) All restrooms in a sexually-oriented business establishment shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No sexually-oriented materials or live performances shall be provided or allowed at any time in the restrooms of a sexually-oriented business establishment. Separate male and female restrooms shall be provided for and used by sexually-oriented business establishment employees and patrons.

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SECTION 7.15 SWIMMING POOLS FOR PRIVATE USE

A private swimming pool shall be any swimming pool, pond, or lake not located within a completely enclosed building used solely for the enjoyment of the occupants of the principal use of the property on which it is located. A private swimming pool shall comply with the Ohio Building Code requirements and the following conditions and requirements:

- 7.15.01 In “A-1” or “R” Districts, a private swimming pool shall be allowed as an accessory use.
- 7.15.02 In “A-1” Districts, private swimming pools shall not be located within ten (10) feet of any property line. This setback requirement shall not prevent the alteration or addition to a legal, nonconforming pool which existed prior to the adoption of this Resolution as long as the existing setback is not further diminished.
- 7.15.03 In “R” Districts, no part of the private swimming pool water area, exposed equipment, or structure housing equipment shall be closer than ten (10) feet from any property line. Paved walks adjoining a pool may not be closer than five (5) feet from the property line.
- 7.15.04 The swimming pool or entire property on which it is located shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height and maintained in good condition with a gate and lock.

SECTION 7.16 SWIMMING POOLS FOR COMMUNITY ASSOCIATIONS OR PRIVATE CLUBS

A community or club swimming pool shall be any swimming pool constructed by an association of property owners or by a private club for use and enjoyment by members of the association or club and their families. Community and club swimming pools are permitted in all districts, but shall comply with the Ohio Building Code requirements and the following conditions and requirements.

- 7.16.01 The pool is intended and is to be used solely for the enjoyment of the members and families and guests of members of the association or club whose ownership or jurisdiction the pool is operated.
- 7.16.02 The pool and accessory structure thereto, including the area used by the bathers, shall be no closer than one hundred (100) feet from any property line on the property on which it is located.
- 7.16.03 The swimming pool and all of the area used by the bathers shall be so walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than four (4) feet in height and maintained in good condition.

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SECTION 7.17 TEMPORARY BUILDINGS AND USES

Temporary buildings, structures or uses and/or temporary open storage of equipment shall be permitted subject to approval and conditions by the Board of Zoning Appeals under [Article 12.04](#) (Conditional Use Review).

SECTION 7.18 WIND TURBINE ¹⁶

7.18.01 Purpose. Troy Township has established the following regulations for wind turbines for all zoned districts to ensure the health, safety, aesthetic, property value, and general welfare of all township residents. These regulations should be interpreted to minimize noise radiation, light strobing, ice throw, and other negative health, safety, aesthetic, property value, and general welfare impacts on adjoining and neighboring issues.

7.18.02 Definitions. For the purpose of the regulation in all zoned districts on-site use of wind turbine generators, the following terms as defined as set forth below:

Accessory Structure: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.

Anemometer: An instrument that measures the force and direction of the wind

Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and-or burbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located at, the purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, **any inhabited buildings**, and will not intrude onto a neighboring property.

Cowling: A streamlined removable metal that covers the turbine's nacelle.

Decibel: A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero to the least perceptible sound to 130 for sound that causes pain.

Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.

Primary Structure: For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, ad day care facilities. Primary structures exclude structures such as funting sheds, storage sheds, pool houses, unattached garages, and barns.

Professional Engineer Removed ¹⁷

¹⁶ Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

¹⁷ Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

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Wind Power Turbine Owners: The person or persons who own the Wind Turbine structure.

Wind Power Turbine Tower: The support structure to which the turbine and rotor is attached.

Wind Power Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.

7.18.03 Procedures¹⁸

An Applicant shall provide the Township Zoning Inspector with the following items and/or information for wind turbines for all zoning districts.

- 1) Location of all public and private airports in relation to the location of the turbine.
- 2) A report that shows the following information must be provided:
 - a) The total size and height of the unit.
 - b) The total size and depth on the unit's concrete mounting pad, as well as soil and bedrock data.
 - c) A list and/or depiction of all safety features including but not limited to anti-climb devices, grounding devices, and lightning protection.
 - d) Data specifying the kilowatt size and generating capacity of the particular unit.
 - e) The maximum decibel level of the particular unit as confirmed by the turbine manufacturer.
 - f) A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways, and neighboring properties.
 - g) A "clear fall zone" as recommended by the manufacturer.
 - h) A maintenance schedule and dismantling plan.
 - i) Maximum decibel level according to manufacturer's specifications.

7.18.04 On-Site Generation and Use Wind Turbines.¹⁹

- 1) Wind turbines for generation and use on-site in all zoned districts shall be conditional use and shall meet of the following requirements:²⁰
 - a) Height: 100 feet maximum as measured by the length of the turbine propeller at maximum vertical rotation to the ground level of the tower.
 - b) Setback: Height of the turbine plus 25% from property lines of adjacent property owners and any road right of ways to prevent damage or injury from ice throws and structural collapse.
 - c) Decibel: Within 50 to 70 decibels when in operation as confirmed by manufacturer specifications or decibel measurements from adjacent property line as measured by a certified decibel technician.

¹⁸ Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

¹⁹ Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

²⁰ Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

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- d) Wiring: Underground wiring in compliance with federal, state, or local regulations and building code and with manufacturer's specifications.
- e) Maintenance: Maintained in good working condition at all times.
- f) High Voltage Warning: Clearly legible sign on tower warning "high voltage area."
- g) Wind turbines shall be considered an accessory structure.²¹

7.18.05 Wind Turbines²²

- 1) Wind Turbines shall be conditional in all zoned districts.

Number of Wind Turbines Allowed²³

Acreage	Number of Wind Turbines
1 acre or less	0
1.1 to 2 acres	1
2.1 to 5 acres	2
Parcels larger than 5 acres	3 as long as they meet setbacks

7.18.06 Abandonment/Cessation of Operation

- 1) Any wind turbine and related appurtenances and structures are deemed abandoned if the turbine ceases generation of electricity for more than thirty (30) days except for good cause as demonstrated by written notice to the Board of Township Trustees.
- 2) Upon cessation of operation or abandonment, the property owner shall:
 - a) Send notice to the Board of Township Trustees within 30 days after cessation of operation or abandonment.
 - b) Remove all apparatus, support, and other hardware from the property at the owner's expense within twelve (12) months of abandonment or cessation of operation.

SECTION 7.19 OUTDOOR FURNACES²⁴

No person shall construct, install, establish or operate or maintain an outdoor furnace other than in compliance with this section.

7.19.01 Permit Application and Requirements²⁵

In all use districts, a zoning permit shall be required to construct or install an outdoor furnace. When applying for a zoning permit, the applicant shall provide the following:

²¹ Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

²² Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

²³ Amended 8/25/2021 by Resolution 10-2021 (effective 9/24/2021)

²⁴ Amended 4/25/2012 by Resolution 06-2012 (effective 5/25/2012)

²⁵ Amended 4/25/2012 by Resolution 06/2012 (effective 5/25/2012)

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- 1) Name of property owner(s), address(s), and parcel number.
- 2) A site plan including maps showing the proposed location of the outdoor furnace, property lines, setback distances, the principal building, proposed stack height and neighboring structures, as applicable.
- 3) Other relevant information as may be reasonable requested.
- 4) Signature of the applicant.

7.19.02 Outdoor Furnace Regulations and Requirements ²⁶

- 1) An Outdoor Furnace must meet current EPA requirements at the time of installation and must be installed and operated according to EPA and manufacturing guidelines. No person shall construct, establish or install a new Outdoor Furnace that is not an EPA Phase 2 Program qualified Model. These Outdoor Furnaces must follow Federal Government Guidelines.
- 2) Outdoor Furnace shall be located in the rear yard or in the rear ¼ side yard and shall be at least fifteen (15) feet from the property line. Outdoor Furnaces shall not be located in the front yard.
- 3) Outdoor Furnaces shall be a minimum of ten (10) feet from all buildings on the premises.
- 4) Outdoor Furnace Chimney height shall be a minimum of twelve (12) feet measured from ground level unless the manufacturer requires a greater height.
- 5) Outdoor Furnaces must burn seasoned wood and/or other fuels approved by the manufacturer. An Outdoor Furnace may not burn household or other solid wastes.
- 6) It is required that a concrete pad be placed under the Outdoor Furnace.
- 7) Stored wood/fuel shall be protected from vermin infestation (Refer to Article 2 “Nuisance”).

SECTION 7.20 **TRANSPORTATION-FOR-HIRE-BUSINESS** ²⁷

- A. Transportation-for-hire business with not more than three commercial vehicles or trailers may be located in an “A” or “R” district so long as the business is operated from a parcel with an owner/operator single family dwelling. Any transportation-for-hire business with three or fewer vehicles and/or trailers may be permitted as a conditional use in an “A” district provided: the site, lot or parcel is located along a major roadway as designated in the Wood County Major Street and Highway Plan, access to the site does not require travel on a designated township road, and the business is operated from a minimum 2 acre parcel with an owner/operator single-family dwelling.
- B. Any transportation-for-hire business wherever located in the township must meet the following requirements:
 1. All vehicles, used for the Transportation-for-Hire, parts, tires and other vehicle supplies shall be stored in an enclosed building.
 2. The driveway surface area shall be graveled or paved and shall be within the established setbacks.

²⁶ Amended 4/25/2012 by Resolution 06-2012 (effective 5/25/2012)

²⁷ Amended 10/28/2020 by Resolution 9-2020 (effective 11/27/2020)

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3. No more than one building or structure associated with the transportation-for-hire business shall be located on the property. The maximum floor area of such building or structure shall not exceed 3200 (three thousand two hundred) square feet.

C. This provision does not apply to the following:

1. Vehicles and trailers licensed as agricultural vehicles or trailers which are integral part of an on-site agricultural business;
2. Buildings or structures of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants and;
3. Infrequent short-term parking of a commercial vehicle or trailer for the delivery of goods to a premises for use on the premises;

Section 7.21 **Solar Panel Regulations** ²⁸

Solar Panel arrays for on-site use shall be allowed in all zoning districts installed on permitted principal or accessory buildings or as free-standing structures subject to the following conditions:

7.21.01 Free Standing Solar Panel Arrays

Free-standing solar panel arrays that are not attached to a building shall be permitted subject to the following regulations:

- a) Free-standing solar panel arrays shall not be permitted in the front yard.
- b) Free-standing solar panel arrays shall be set back by a minimum of fifteen feet (15) from all side property lines and ten feet (10) from the rear property line.
- c) Free-standing solar panel arrays shall not exceed a height of twelve feet (12).
- d) The ground surface area covered by free-standing solar panel arrays shall not exceed five percent (5%)²⁹ of the available combined side and rear yards.
- e) All power transmission lines shall be underground.
- f) No free-standing solar panel arrays will be permitted on a parcel until principal building is framed and roof completed.³⁰

7.21.02 Roof Mounted Solar Panel Arrays

Where attached to building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks. Solar panels may be attached to the roof only.

- a) Roof mounted panels shall include solar panels integrated as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.
- b) Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
- c) Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.

²⁸ Amended 3/24/2021 by Resolution 02-2021 (effective April 23, 2021)

²⁹ Amended 8/28/2023 by Resolution 11-2023 (effective September 27, 2023)

³⁰ Amended 8/28/2023 by Resolution 11-2023 (effective September 27, 2023)

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- d) Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features.
- e) Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of a Rooftop Solar Energy System shall be a conditional use in the following zoning districts: C, B-PUD, and I.³¹

7.21.03 Solar Panel Array Maintenance

Solar panel arrays must be maintained in good working order. Panels that become inoperable for more than twelve (12) months must be repaired or removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the solar panel array.

7.21.04 Solar Panel Array Glare

Solar panel arrays shall be placed and arranged such that reflected solar radiation or glare shall not create a hazard or nuisance to adjacent buildings or roadways.

7.21.05 Principal Solar Energy Systems (PSES) ³²

PSES are not permitted in any district in Troy Township.

Pursuant to Ohio Revised Code 519.213, small solar facilities are prohibited in all districts within the unincorporated areas of Troy Township. "Small solar facility" means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty megawatts.

31 Amended 8/28/2023 by Resolution 11-2023 (effective 9/27/2023)

32 Amended 8/28/2023 by Resolution 11-2023 (effective 9/27/2023)

SECTION 7.22 TELECOMMUNICATIONS TOWERS ³³

A.) **Towers proposed within commercial, industrial, or exclusively agricultural areas:** Public utilities or other functionally equivalent telecommunications providers may site a telecommunications tower as a permitted use in any zoning district except those expressly zoned for residential use.

- 1.) Local zoning authority shall not extend to the regulation of maintenance or use of such a tower or to any change or alteration that would not substantially increase the tower's height.
- 2.) The local zoning authority over proposed telecommunications towers shall apply only to a particular tower, only upon provision of a notice of objection to that particular tower. No blanket zoning authority exists over telecommunications towers in residential districts unless and until a written notice of objection has been timely filed.

B.) **Towers proposed within areas zoned for residential use:** Telecommunications towers may be regulated in areas zoned for residential use upon receipt of an objection pursuant to the regulations of ORC 519.211(B)(2). The provisions of this Resolution concerning

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telecommunications towers are not intended to replace or modify ORC 519.211, but instead are intended only to incorporate ORC 519.211 and its terms into this Resolution.

- 1.) **Notice:** Notice shall comply with ORC 519.211(B)(3).
- 2.) **Procedure if Objections are Filed:** Upon the timely receipt by the Troy Township Board of Trustees of an objection to a proposed telecommunications tower, the board of Trustees shall proceed as provided in ORC 519.211(B)(4)(a).
- 3.) **Procedure if No Objections are Filed:** Telecommunications towers shall be permitted as a use exempt from any local zoning authority in residential zoned areas if no objections are timely filed as provided in Section ORC 519.211(B)(4)(b).

7.22.01 Local Zoning Authority: If objections are timely filed for a proposed telecommunications tower in a residential zoning district then the telecommunications towers may only be permitted as a conditional use by the Board of Zoning Appeals, provided all of the following conditions of this section are met.

1) Conditional Use: Application and Requirements – Consistent with the procedures set forth in Section 12.04 of this Resolution, an application for conditional uses shall be filed with the Board of Zoning Appeals. The application shall include:

a.) A locator map which shall contain the following:

- 1.) The location of all the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
- 2.) The general location of planned future facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
- 3.) For each location of the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower, there shall be listed:

The type and size of tower at each location;

The type of equipment located or proposed on each tower;

The space available on the tower for additional equipment; and

A site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.

b.) A scaled and dimensioned site plan for the facility that is being proposed, containing the following:

- 1.) the location, type and size of existing and proposed towers, antennas and equipment located or to be located at the site;

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- 2.) the location of existing and proposed buildings and structures, access drives, circulation and parking areas;
 - 3.) detailed drawings of the landscape screening plan and related design standards;
 - 4.) on-site land uses, structures and zoning district, and adjacent land uses, structures and zoning districts;
 - 5.) setbacks from property lines and dwellings within 600 feet of the proposed tower;
 - 6.) legal description of the lot on which the tower is to be sited; and
 - 7.) any other information necessary to assess compliance with this section.
- c.) A written certification from a Professional Engineer stipulating:
- 1.) that the tower's design is structurally sound and in compliance with all applicable federal, state and local building codes;
 - 2.) that the equipment placed on the tower and at the site complies with all current FCC regulations.
 - 3.) that the tower will, to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.

7.22.02 Conditional Use Procedure by Board of Zoning appeals on Receipt of Application:

Consistent with the procedures set forth in Section 12.04 of this Resolution, the Board of Zoning Appeals shall provide notice of, conduct a public hearing and render a decision on the conditional use requested in the application.

7.22.03 General Requirements for all Telecommunications Towers in Residential Zones:

1) The applicant or tower provider shall demonstrate that the proposed tower location in a residential area is essential to service the applicant's service area and that there are no alternative sites in commercial, industrial, or exclusively agricultural areas. If another tower or tall structure is technically suitable, the applicant must show that a reasonable request to co-locate was made and that such request was rejected. "Tall structures" shall include smoke stacks, water towers, electric transmission towers, existing antenna support structures or other telecommunications towers, utility buildings and structures over 48 feet in height.

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a) The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued.

2.) Development Standards for all Telecommunications Towers in Residential Districts.

a.) No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.

b.) The maximum height of a tower proposed for one (1) antenna facility for use by a single telecommunications provider in a residential area shall be 100 feet.

c.) Tower height shall be the distance measured from the base of the tower, at grade, to the highest point on the tower, including any antenna. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.

d.) The tower base shall not be placed closer than the sum of height of the tower plus forty feet from any existing residential dwelling unit located on a lot contiguous to or directly across the street from the lot on which the tower is proposed to be constructed.

e.) A tower base shall be located no closer to any lot line than the distance equal to the height plus 25% of the proposed tower. Any stabilization structures or guys shall be located no closer to any lot line than 50 feet.

f.) The tower base shall be located no closer than the height of the tower plus forty (40) feet to a street right-of-way.

g.) Reasonable and safe access and circulation shall be provided to the tower. The location and design of the access drive and circulation areas shall be subject to review and comment by the Fire Chief (or the Chief's designee) of the fire department providing primary fire service to the Township.

h.) Security fencing shall be provided to prevent uncontrolled access to the tower site. The tower shall be screened by an eight (8) foot high fence or barrier. A continuous evergreen hedge, trees or similar landscape materials of a size, type, area and design deemed appropriate by the Board of Zoning Appeals shall be placed outside of and along the fence or barrier. Any solid fence or barrier shall contain no advertising, but must contain one small identification sign with owner

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and contact number not to exceed three square feet in size. The storage of any equipment must be contained inside the screened area.

i.) The tower and related screening shall, to the extent practicable, be designed to be aesthetically and architecturally compatible with the surrounding environment.

The tower shall not contain, or be illuminated by artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administrations (FAA) or the Federal Communications Commission (FCC). Any required illumination shall be fully disclosed on the site plan.

j.) No advertising is permitted anywhere on the tower.

k.) Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application.

l.) A telecommunications antenna may not be attached to a nonresidential building or structure that is permitted in the district.

m.) If the applicant proposes to construct a separate equipment shelter on the site, the equipment shelter shall be shown on the site plan, be designed to be aesthetically and architecturally compatible with the surrounding environment, be located completely within the fenced area of the site, and be in compliance with the accessory building regulations of the district in which it is to be located.

n.) The applicant shall complete the telecommunications tower or structure within one year of construction commencement.

o.) In the event of a change of ownership or managing body the contact information must be updated with the township zoning office within thirty (30) days of legal transfer.

33 Amended 4/27/2024 by Resolution -2024 (effective 5/27/2024)