

**ORDINANCE NO. OR20-23**

**AN ORDINANCE BY THE TROTWOOD CITY COUNCIL AMENDING “PART ELEVEN – PLANNING AND ZONING CODE” OF THE TROTWOOD CODES OF ORDINANCES BY REPEALING AND REPLACING SECTIONS 1123.02, 1133.04, 1141.04, 1143.04, 1145.04, 1147.04, 1149.04, 1151.04, 1153.04, 1155.04, AND RELEVANT CATEGORIES OF APPENDIX B SCHEDULE OF PERMITTED AND CONDITIONAL USES BY DISTRICT, AND CREATING NEW SECTIONS 1189.21 “GROUP HOMES” AND 1189.22 “CHILD DAY CARE CENTERS, TYPE A FAMILY DAY CARE HOMES, AND TYPE B FAMILY DAY CARE HOMES” TO UPDATE REGULATIONS CONCERNING GROUP HOMES AND DAY CARES, AND DECLARING AN EMERGENCY.**

**WHEREAS**, “Part Eleven – Planning and Zoning Code” (the “Zoning Code”) of the Trotwood Codes of Ordinances classifies group homes and day cares as conditional uses in residential districts and provides for special standards and regulations of group homes and day cares; and

**WHEREAS**, the City of Trotwood Planning and Development Director has recommended that City Council update how the City of Trotwood regulates group homes and day cares by updating Section 1123.02 “Definitions” of the Zoning Code to align with the Ohio Revised Code; and

**WHEREAS**, the City of Trotwood Planning and Development Director has recommended that City Council remove the conditional use classifications for group homes and day cares and that new Sections 1189.21 “Group Homes” and 1189.22 “Child Day Care Centers, Type A Family Day Care Homes, and Type B Family Day Care Homes” of the Zoning Code be created to align with the requirements and regulations set forth in the Ohio Revised Code and applicable federal fair housing laws; and

**WHEREAS**, City Council accepts the recommendations made by the Planning and Development Director and, therefore, will amend the Zoning Code of the Trotwood Codes of Ordinances by repealing and replacing Sections 1123.02 “Definitions”, 1133.04 “Special Standards and Considerations”, 1141.04 “Conditionally Permitted Uses”, 1143.04 “Conditionally Permitted Uses”, 1145.04 “Conditionally Permitted Uses”, 1147.04 “Conditionally Permitted Uses”, 1149.04 “Conditionally Permitted Uses”, 1151.04 “Conditionally Permitted Uses”, 1153.04 “Conditionally Permitted Uses”, 1155.04 “Conditionally Permitted Uses”, and relevant categories of Appendix B Schedule of Permitted and Conditional Uses by District, and creating new Sections 1189.21 “Group Homes” and 1189.22 “Child Day Care Centers, Type A Family Day Care Homes, and Type B Family Day Care Homes” as set forth herein; and

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD

WHEREAS, City Council has determined that due to social welfare considerations, the desire to foster safe and supportive housing for vulnerable populations, and the need to comply with state and federal fair housing laws, it is necessary that this Ordinance take immediate effect.

NOW, THEREFORE, BE IT ORDAINED BY A VOTE OF FIVE (5) MEMBERS OF THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I: “Part Eleven – Planning and Zoning Code” of the Trotwood Codes of Ordinances is hereby amended as set forth herein.

SECTION II: Sections 1123.02 “Definitions”, 1133.04 “Special Standards and Considerations”, 1141.04 “Conditionally Permitted Uses”, 1143.04 “Conditionally Permitted Uses”, 1145.04 “Conditionally Permitted Uses”, 1147.04 “Conditionally Permitted Uses”, 1149.04 “Conditionally Permitted Uses”, 1151.04 “Conditionally Permitted Uses”, 1153.04 “Conditionally Permitted Uses”, and 1155.04 “Conditionally Permitted Uses” are hereby repealed in their entirety and replaced as set forth in Exhibit A attached hereto and incorporated herein by reference, with additions in **bold** and underscored and deletions in ~~strikethrough~~.

SECTION III: Relevant categories of Appendix B Schedule of Permitted and Conditional Uses by District of the Trotwood Codes of Ordinances are hereby repealed and replaced as set forth in Exhibit A attached hereto and incorporated herein by reference, with additions in **bold** and underscored and deletions in ~~strikethrough~~. All other categories of Appendix B of the Trotwood Codes of Ordinances not specifically modified herein shall remain in full force and effect as previously adopted.

SECTION IV: New Sections 1189.21 “Group Homes” and 1189.22 “Child Day Care Centers, Type A Family Day Care Homes, and Type B Family Day Care Homes” are hereby created and enacted as set forth in Exhibit B attached hereto and incorporated herein by reference, with additions in **bold** and underscored and deletions in ~~strikethrough~~.

SECTION V: In order to meet the social welfare needs of the Trotwood community and to comply with state and federal fair housing laws, Trotwood City Council hereby determines that an emergency exists which requires the expedited implementation of this Ordinance.

**SECTION VI:**

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

**SECTION VII:**

In accordance with Section 4-6 of the Charter of the City of Trotwood, State of Ohio, this Ordinance shall take effect immediately upon its adoption by Council.

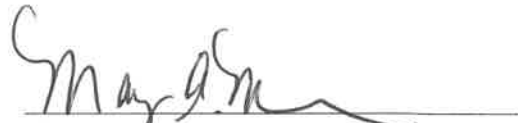
Passed this 5th day of June, 2023.

ATTEST:

APPROVED:



KARA B. LANDIS  
CLERK OF COUNCIL



MARY A. MCDONALD  
MAYOR



YVETTE F. PAGE  
VICE-MAYOR

**CERTIFICATE OF RECORDING OFFICER**

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. OR20-23 adopted by the Trotwood City Council at a regular scheduled meeting held on the 5th day of June, 2023, and that I am duly authorized to execute this certificate.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
KARA B. LANDIS  
CLERK OF COUNCIL

## 1123.02 DEFINITIONS.

### ACCESSORY USE

“Accessory Use” means a use both subordinate and incidental to the principally permitted use of a lot, and which is located on the same lot or parcel as the principally permitted use and is not larger than the principally permitted use on the lot or parcel, except as may be approved by the Board of Zoning Appeals.

### ACCESSORY STRUCTURE

“Accessory Structure” means a building or structure which is secondary and incidental to a principal use or structure.

### ADULT DAYCARE FACILITY

“Adult Daycare Facility” means a facility providing personal care services to adults (typically elderly). Such services may include assistance in daily living, socialization activities, and preparation of special diets. These facilities shall be licensed by a state or federal agency. Facilities providing the services and functions of Emergency Housing, Protective Care Facilities, or Traditional Housing shall not be considered Adult Daycare Facilities. There are two categories of Adult Day Care Facilities: (a) an adult daycare home that provides accommodations for less than four adults; and (b) an adult daycare center that provides accommodations for five or more adults.

### ADULT ENTERTAINMENT FACILITIES

“Adult Entertainment Facilities” means any of the following:

(a) “Adult arcade” means any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

(b) “Adult bookstore,” “adult novelty store,” or “adult video store” means a commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

- (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
- (2) Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

“Adult bookstore,” “adult novelty store,” or “adult video store” also includes a commercial establishment as defined in section 2907.38 of the Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

(c) “Adult cabaret” means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- (1) Persons who appear in a state of nudity or semi nudity;
- (2) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

(d) “Adult entertainment” means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

(e) “Adult entertainment establishment” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an “adult entertainment establishment.”

(f) “Adult motion picture theater” means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

(g) “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

(h) “Distinguished or characterized by their emphasis upon” means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films “that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.

(i) “Nude or seminude model studio” means any place where a person, who regularly appears in a state of nudity or semi nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

(1) A modeling class or studio is not a nude or seminude model studio and is not subject to this chapter if it is operated in any of the following ways:

A. By a college or university supported entirely or partly by taxation;

B. By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;

C. In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.

(j) “Nudity,” “nude,” or “state of nudity” means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

(k) “Regularly features” or “regularly shown” means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

(l) “Seminude” or “state of semi nudity” means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

(m) “Sexual encounter establishment” means a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

(1) Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

(2) Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not a “sexual encounter establishment.”

- (n) “Specified anatomical areas” means the cleft of the buttocks, anus, male or female genitals, or the female breast.
- (o) “Specified sexual activity” means any of the following:
  - (1) Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;
  - (2) Excretory functions as a part of or in connection with any of the activities described in division (o)(1) of this section.

#### AGRICULTURAL VEHICLE

“Agricultural Vehicle” means an off-road vehicle designed by the manufacturer to be used in the conduct of agricultural activity, rather than as a vehicle to be used to casually carry passengers, and which is not licensed for use on the public right of way. Agricultural vehicle shall exclude semi- tractor trailers unless such vehicle is necessary for the function of the agricultural use.

#### AGRICULTURE

“Agriculture” means the use of the land for such purposes as general farming of crops, pasturage, horticulture, viticulture and animal husbandry and the necessary accessory uses for the packaging, treatment or storing of produce; however, the operation of such accessory uses shall be secondary to that of normal agricultural activities.

#### AIRPORT

“Airport” means premises designated for the use of public or private aircraft.

#### ALLEY

“Alley” means a dedicated public right-of-way, not more than twenty feet wide, which provides secondary access to the rear or side of abutting property.

#### APARTMENT

“Apartment” means a dwelling unit in a multi-family building.

#### ASSISTED GROUP LIVING FACILITY

“Assisted Group Living Facility” means a residence for the elderly that provide rooms, meals, personal care and supervision of self-administered medication. The facility may provide other services such as recreational activities and transportation.

#### AUTOMOBILE DISMANTLING YARD

"Automobile Dismantling Yard" means any premises used for the dismantling or disassembling of motor vehicles, including the buying, selling or dealing in such vehicles or integral parts or component materials thereof and the storage, sale or salvage of dismantled, partially dismantled, or wrecked, inoperative vehicles. Automobile dismantling does not include the incidental storage of inoperative or disabled vehicles in connection with the legal operation of an automobile repair garage or body and fender shop.

#### AUTOMOTIVE FILLING STATION

"Automotive Filling Station" means a place where motor vehicle fuels, lubricants and related automotive products are sold; convenience items included.

#### AUTOMOTIVE REPAIR

"Automotive Repair" means general repair of passenger cars and trucks, incidental body, frame, fender or painting work, upholstering and engine rebuilding.

#### AUTOMOTIVE SALES, RENTAL AND LEASE

"Automotive Sales, Rental and Lease" means a building or buildings and grounds where new and/or used automobiles and trucks, in operating condition, are offered on display for sale, rental or lease.

#### AUTOMOTIVE SERVICES

"Automotive Services" means an establishment providing general repair to motor vehicles including minor engine repair, tune-ups, oil changes and lubrication, tire and brake installation, and muffler work.

#### BASEMENT

"Basement" means that portion of a building located partly underground but having more than one-half (½) of its floor to ceiling height below the average grade of the adjoining ground.

#### BED AND BREAKFAST

"Bed and Breakfast", often referred to as a B&B, means lodging typically operated out of a large owner-occupied single-family residence where guests can be accommodated at night in one to three private guestrooms (which may or may not be equipped with private baths) and where breakfast is the only meal served to guests. The business may be operated either as a primary occupation or as a secondary source of income, and the staff consists primarily of the house's owner(s) and members of their family who live there.

#### BEER AND WINE CARRYOUT

"Beer and Wine Carryout" means vendors licensed to sell alcoholic beverages, but in sealed containers only, and for consumption off the premises. Non-alcoholic beverages and foodstuffs may be also sold incidentally. No sale of gasoline is permitted on the premises.



## BOARD

“Board” means the Board of Zoning Appeals of the City of Trotwood.

## BUILDING

“Building” means any structure built for the support, shelter or enclosure of persons, animals, chattel or property of any kind.

## BUILDING AREA

“Building Area” means that portion of a site, exclusive of the required setback areas, on which a structure or building may be erected.

## BUILDING HEIGHT

“Building Height” means the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof; or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

## BUILDING LINE

“Building Line” means a line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be setback from said right-of-way.

## BUILDING PERMIT

“Building Permit” means a permit issued after review to a party proposing to fall trees, clear, excavate, or fill land, or commence alterations to a structure or commence erection of a structure; such permit recognizing that the proposed work complies with the provisions of this chapter, the applicable zoning district regulations as well as all other requirements of the Trotwood Planning and Zoning Code, and other pertinent ordinances of the Municipality.

## BUILDING SITE

“Building Site” means that portion of a lot, which is occupied by a building or that portion of a site, which is proposed to be occupied by a building and for which a building permit has been issued.

## ~~CARE FACILITY~~

~~“Care facility” means a family-like living arrangement which provides room and board, personal care, and supervision for six (6) or more disabled residents on a transient, semi-transient, or permanent basis. Personal care is the necessary assistance to residents with the activities of daily living including self-administration of medications, preparation of special diets as may be prescribed by a physician or licensed dietician, and/or the assurance of physical safety of the residents.~~

#### CAR WASH

“Car Wash” means a structure in which passenger cars and trucks are washed and/or waxed, either by the patron or employees of the establishment, or by machinery specially designed for such purpose(s).

#### CARPORT

“Carport” means a permanent roofed structure, which is attached to and constructed of similar materials as the primary structure, with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage. Temporary carports are not classified as permanent structures and are not permitted.

#### CLINIC

“Clinic” means a place where medical or dental care is furnished to persons on an outpatient basis by two or more doctors or dentists.

#### COMMERCIAL RECREATION

“Commercial Recreation” means any profit-making activity which is generally related to the entertainment field such as motion picture theaters, carnivals, comedy clubs, theaters, amusement parks, and similar entertainment facilities. Commercial Recreation facilities shall not include sexually oriented businesses or adult entertainment businesses.

#### COMMISSION

“Commission” means the Planning Commission of the City of Trotwood.

#### COMMUNITY CENTER

“Community Center” means a place where public, cultural, educational and recreational services and activities are offered.

#### COMPREHENSIVE PLAN

“Comprehensive Plan” means a plan, or any portion thereof, of the City of Trotwood, as officially adopted and amended by the City Planning Commission. The purpose of such plan is to serve as a guide in the zoning and progressive changes in zoning of land to meet the changing needs, in the subdivision and use of undeveloped land, and in the acquisition of right-of-way or sites for public purposes.

#### CONDITIONAL USE

“Conditional Use” means a use which may be essential or desirable but which is not allowed as a matter of right within a zoning district. Such uses require approval of a Conditional Use Permit so that the effects of those uses don’t negatively impact other properties.

#### CONDITIONAL USE PERMIT

“Conditional Use Permit” means a permit which allows the City of Trotwood to consider special uses which may be essential or desirable but which are not allowed as a matter of right within a zoning district. Through a public hearing process the Conditional Use Permit enables the City to control certain uses which could have detrimental effects on the community. Consideration of a Conditional Use Permit application is a discretionary act. Conditions may be imposed as necessary to ensure that the proposed use will be compatible with the surrounding properties and environment.

#### CONSTRUCTION VEHICLE

“Construction Vehicle” means any off-road vehicle designed by the manufacturer to be used in the conduct of construction activity, rather than as a vehicle to be used to casually carry passengers, and is not licensed for use on the public right of way. This definition does not apply to dump trucks and similar construction vehicles designed to be driven on public roads.

#### CONVENIENCE RETAIL STORE

“Convenience Retail Store” means any retail establishment offering for sale a relatively limited selection of prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods such as salads, for off-site consumption.

“Convenience Retail Store” does not include carry-outs. Convenience Retail Stores are characterized by a rapid turnover of customers and high traffic generation. Convenience Retail Stores may include the sale of gasoline. Convenience Retail Stores may include the sale of beer and wine but only as a minor percentage of sales. “Convenience Retail Stores” definition does not include Beer and Wine Carry-Outs.

#### CORPORATE OR BUSINESS TRAINING FACILITY

“Corporate or Business Training Facility” means a place utilized for the vocational training of potential, current or future employees.

#### CPAI-84

In 1980, the Industrial Fabrics Association International (formerly the Canvas Products Association) published "A Specification for Flame Resistant Materials Used In Camping Tentage," referred to as CPAI-84. CPAI-84 has become the standard widely used in the industry and has been adopted by California (19 CCR 332) and other states. The CPAI-84 standard provides test methods for evaluating flame resistance of fabric and other pliable materials in camping tentage. It also provides performance criteria and certification guidelines for suppliers and labeling requirements that identify a tent as being constructed of flame-resistant material and caution against action detrimental to the flame-retardant finishes.

### CHILD DAY CARE CENTER

“Child Day Care Center” means any place in which licensed day care is provided for nine or more children, other than those of the administrator, who are in average daily attendance **that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven (7) or more children at one time.**

Cross Reference Ohio Revised Code Section 5104.01.

### DAY CARE GROUP HOME

“Day care group home” means any place in which day care is provided for no more than eight or less than five children, other than those of the group home provider, who are in average daily attendance, with or without compensation.

### DAY CARE HOME

“Day care home” means any place in which day care is provided for four or fewer children, other than those of the day care provider, who are in average daily attendance, with or without compensation.

### TYPE A FAMILY DAY CARE HOME

“Type A Family Day Care Home” means:

(a) the permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time;

-or-

(b) a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two years of age.

Cross Reference Ohio Revised Code Section 5104.01.

### TYPE B FAMILY DAY CARE HOME

“Type B Family Day Care Home” means a permanent residence of the provider in which care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two years of age at one time.

Cross Reference Ohio Revised Code Section 5104.01.

### DIAMETER BREAST HEIGHT

“Diameter Breast Height” or DBH means tree diameter measured at 4 ½ feet above ground level. Diameter can be measured with diameter tape (available from a forestry or arborist supplier) or a tape measure and convert using this ratio (3” on a tape measure = 1” on a diameter tape).

### DISTRIBUTION CENTER

“Distribution Center” means an establishment engaged in the receipt, storage and distribution of goods, products, cargo or materials.

#### DISTRICT

“District” means a section of the City within which the use of land and structures, and the location, height and bulk of structures is governed by the provisions of this Zoning Code.

#### DRIVEWAY

“Driveway” means a private road containing a permanently surfaced area, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel on which it is located.

#### DWELLING

“Dwelling” means any building, or portion thereof, designed or used exclusively as the residence of one or more persons, but not including tents, cabins, trailers, hotels and motels.

- (a) “Dwelling, Attached” means a building containing a single dwelling unit and having one or more walls in common with another such unit.
- (b) “Dwelling, Detached” means a building containing a single dwelling unit and having no walls in common with another such unit.
- (c) “Dwelling, Multi-Family” means a building or portion thereof designed for or used exclusively for resident purposes by three or more families living independently of one another.
- (d) “Dwelling, Single-Family” means a building designed for or used exclusively for residential purposes by one family.
- (e) “Dwelling, Two-Family” means a building designed for or used exclusively for residential purposes by two families living independently of one another.

#### DWELLING UNIT

“Dwelling Unit” means a single family, two-family, or multi-family dwelling used by one family for cooking, living and sleeping purposes. (Ord. 45-08. Passed 12-15-08.)

#### EDUCATIONAL INSTITUTION (ELEMENTARY)

“Elementary Education Institution” means a facility that provides a curriculum of elementary academic instruction, including kindergartens and elementary schools. This definition does not include private training schools such as driving, beauty, secretarial schools, etc. Nor does it include junior high schools, high schools, technical and collegiate level courses.

#### EDUCATIONAL INSTITUTION (SECONDARY)

“Secondary Education Institution” means a facility that provides a curriculum of secondary academic instruction, including junior high schools, high schools, technical and collegiate level courses. This definition does not include private training schools such as driving, beauty, secretarial schools, etc. Nor does it include kindergartens and elementary schools. (Ord. 21-09. Passed 11-16-09.)

#### ESSENTIAL SERVICES

“Essential Services” means the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by City or other Governmental agencies underground or overhead gas, electrical, steam or water generation, transmission or distribution systems; including buildings, structures, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment or accessories and the use of land in connection therewith, for the furnishing of adequate service by such public utilities or City or other governmental agencies or for the public health, safety and morals.

#### FAMILY

“Family” means a group of individuals, not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. (Ord. 04-17. Passed 2-6-17.)

#### FARM ANIMAL (LARGE)

Any domestic species of cattle, sheep, goats, llamas, alpacas, ostriches, emus or horses, except swine, which are normally or historically, been kept and raised on farms in the United States, and used or intended to be used as a transportation, food or fiber source.

#### FARM ANIMAL (SMALL)

Any domestic species of poultry (wings shall be clipped), rabbits, mink or chinchilla which are normally and have historically, been kept and raised on farms in the United States, and used or intended to be used as food or fiber. (Ord. 17-18. Passed 9-4-18.)

#### FAST FOOD RESTAURANT

“Fast Food Restaurant” means an establishment that sells prepared food either indoors or outdoors in disposable containers (e.g., paper or plastic). These uses include retail bakeries that provide on-site seating.

#### FENCE

“Fence” means an enclosure or barrier which physically and/or visually contains certain uses and activities which are carried out on a particular parcel of property. Fences may be constructed of natural or manmade materials.

#### FINANCIAL INSTITUTION

“Financial Institution” means an establishment which the principal use or purpose of which is the provision of financial services including, but not limited to: banks, accessory facilities for automated teller machines (ATM’s), credit unions, savings and loan institutions and mortgage companies.

## FLOOR AREA

(a) For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches, but includes basement areas which are approved under the building code and designed and used for dwelling purposes.

(b) For the purpose of computing parking requirements, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, for utilities or sanitary facilities, and hallways, stairways and elevator shafts shall be excluded from this computation of FLOOR AREA. Measurements of useable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls."

## FLOOR AREA RATIO

"Floor Area Ratio" means the total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel. (Ord. 04-17. Passed 2-6-17.)

## FOOD TRUCK VENDOR

"Food Truck Vendor" means any commercially manufactured, self-contained motorized vehicle currently licensed by the Ohio Department of Motor Vehicle and Public Health Dayton & Montgomery County selling food prepared specifically on site within the self-contained vehicle. (Ord. 19-18. Passed 10-1-18.)

## FOSTER CARE HOME

~~"Foster care Home" means a residence for children or adolescents who are otherwise normal, but for various reasons cannot reside with their natural families, and who are provided twenty four hour adult care and supervision by foster parents in a home setting.~~ **as defined by the Ohio Revised Code means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away.** Foster care **home** facilities shall be approved by the appropriate public or private health/welfare agency.

**Cross Reference Ohio Revised Code Section 5103.02.**

## GARAGE

"Garage" means a fully enclosed accessory building used only for the storage of vehicles and incidental personal property.

## GROUP HOME

“Group Home” means a publicly or privately operated home or facility operated by person(s) other than the residents themselves, in which two to sixteen unrelated persons reside for a period of more than twenty-four hours, and which is used or intended to be used for the purpose of letting rooms, providing meals and/or providing personal assistance, personal services, personal care and protective care but not skilled nursing care, designed to help the residents adjust to the community and society. Group Homes shall be approved by the appropriate public or private agency.

(a) “Adult Group Home” means a Group Home for persons 18 years or older.

(b) “Youth Group Home” means a Group Home for persons under the age of 18.

“Group Home” includes but is not limited to residential facilities as defined by R.C. 5119.34, and facilities commonly known as three quarter-way homes, halfway houses, transitional residences, custodial and diagnostic homes, boarding homes, and community alternative homes.

“Group Home” shall not include:

(a) licensed residential facilities for persons with disabilities established under R.C. 5123.19.

(b) a facility licensed under R.C. 5119.37 to operate an opioid treatment program.

(c) foster homes.

(d) assisted living homes for the elderly.

(e) nursing homes.

(f) hospice care.

(g) any facility that receives funding for operating costs from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless.

(h) child-care centers.

(i) “independent living” in which residents themselves operate the home or facility.

## HISTORIC TREE

“Historic Tree” means any tree which has a diameter breast height (DBH) of 30 inches or larger.

## HOME OCCUPATION

“Home Occupation” means any occupation, profession, activity or use which is customarily incidental to the principal use of the premises and is conducted by a resident occupant which does not alter the exterior of the property or affect the residential character of the neighborhood.



#### HOTEL

“Hotel” means a facility with room entrances accessed through an interior corridor, offering transient lodging accommodations for a daily rate to the general public and possibly providing additional services such as: restaurants, taverns, meeting rooms and recreational facilities. “Bed and Breakfast” facilities are not included under this definition.

#### IMPERVIOUS SURFACE RATIO

“Impervious Surface Ratio” means the measure of the intensity of a land use on a lot or parcel which is determined by dividing the total area of all impervious surfaces on the site by the area of the lot or parcel.

#### JUNK

"Junk" means old or scrap copper, brass, rope, rags, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials which are not held for sale for melting purposes by an establishment having facilities for processing those materials.

#### JUNK YARD

"Junk Yard" means an establishment or place of business, other than an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for re-melting purposes, which is maintained or operated for the purpose of storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed ninety days exclusively for storage, repair or resale without alteration.

#### KENNEL

“Kennel” means any premises except animal hospitals, where three or more dogs, cats or other household pets which are over the age of six months are sold, boarded or bred.

#### LANDSCAPING

“Landscaping” means the placement of materials such as grass, flowers, shrubs, hedges, trees, decorative walls and fences, and berms improved with ground cover, within a designated area.

#### LOADING SPACE

“Loading Space” means an off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

#### LOT

“Lot” means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this Zoning Ordinance, and having frontage on a public or an approved private street.

- (a) “Lot Area” means the area of land within the boundary of a lot.

- (b) “Corner Lot” means a lot at the junction of and abutting on two or more intersecting streets where the intersection does not exceed 135 degrees.
- (c) “Lot Depth” means the mean horizontal distance between the front and rear lot lines.
- (d) “Double Frontage Lot” means an interior lot having frontage on two non-intersecting streets.
- (e) “Lot Frontage” means the distance between the side lot lines, measured by a line drawn parallel with the front lot line at a point of required minimum front yard depth.
- (f) “Interior Lot” means a lot other than a corner lot.
- (g) “Front Lot Line,” means, in the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest lot frontage of the lot from the street.
- (h) “Rear Lot Line” means the lot line opposite and most distant from the front lot line.
- (i) “Side Lot line” means any lot line other than a front or rear lot line.

#### LOT OF RECORD

“Lot of Record” means any lot which is part of a subdivision, the plot of which has been recorded in the office of the Recorder of Montgomery County; or a parcel of land, the deed of which was of record as of the effective date of this Zoning Code.

#### MANUFACTURING

“Manufacturing” means the assembling, altering, converting, fabricating, finishing, processing or treatment of a product.

#### MANUFACTURING, LIGHT

“Light Manufacturing” means the assembling, altering, converting, fabricating, finishing, processing or treatment of a product which is conducted wholly within an enclosed building and one which does not emit odors, glare, heat, vibrations, noises or hazardous processes outside of said enclosed building. (Ord. 04-17. Passed 2-6-17.)

#### MEDICAL MARIJUANA CULTIVATOR

“Medical Marijuana Cultivator” means the use by the holder of a current, valid cultivator license issued by the State of Ohio per ORC 3796.18 to cultivate medical marijuana or deliver or sell medical marijuana to one or more licensed processors.

#### MEDICAL MARIJUANA DISPENSARY

“Medical Marijuana Dispensary” means the use by the holder of a current, valid retail dispensary license issued by the State of Ohio per ORC 3796.20 to obtain medical marijuana from one or more processors and/or dispense or sell medical marijuana in properly labeled packaging.

#### MEDICAL MARIJUANA PROCESSOR

“Medical Marijuana Processor” means the use by the holder of a current, valid processor license issued by the State of Ohio per ORC 3796.19 to obtain and process, package or label medical marijuana from licensed cultivators for the purpose of preparation to dispense or sell. (Ord. 12-18. Passed 7-16-18.)

#### MINI-WAREHOUSE

“Mini-Warehouse” means a facility which provides self-storage units of varying sizes only within one or more completely enclosed buildings leased or rented for varying periods of time.

#### MIXED USES

“Mixed Uses” means two or more permitted uses within the same building or structure. (Ord. 04-17. Passed 2-6-17.)

#### MOBILE VENDOR

“Mobile Vendor” means any commercially manufactured, self-contained motorized vehicle currently licensed by the Ohio Department of Motor Vehicles and Public Health Dayton & Montgomery County selling retail items and prepackaged food products. (Ord. 19-18. Passed 10-1-18.)

#### MONARCH TREE

“Monarch Tree” means any tree which has a diameter breast height (DBH) of thirty (30) inches or larger.

#### MOTEL

“Motel” means a facility with exterior room entrances, offering transient lodging accommodations for a daily rate to the general public and possibly providing additional services such as: restaurants, taverns, meeting rooms and recreational facilities. “Bed and Breakfast” facilities are not included under this definition.

#### NONCONFORMING

“Nonconforming” means a legally existing use, structure or land at the time of adoption of this Zoning Code or any amendment thereto, and which does not conform with the regulations of the district in which it is located.

#### NURSING AND CONVALESCENT HOME

“Nursing and Convalescent Home” means an establishment operated as a lodging house in which five or more unrelated convalescent, aged and/or invalid persons, not including those suffering from contagious or mental diseases, alcoholism or drug addiction, or those requiring surgery, are provided nursing, dietary and other personal services.

#### OFFICE

“Office” means a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

#### OFF-STREET PARKING SPACE

“Off-Street Parking Space” means a permanently surfaced area for vehicular parking measuring not less than ten feet in width by twenty feet in length, exclusive of driveways and access drives.

#### OPEN SPACE

“Open Space” means a land area including resource protection, recreation amenities and bufferyards or water body designed and intended for the use and enjoyment of the public or members of a homeowners association or other similar group.

#### PATIO

“Patio” means a paved surfaced area, open on at least one side, which is customarily incidental to a dwelling unit.

#### PERSONAL SERVICES

“Personal Services” means activities conducted in an office, store or other place of business, catering to the personal needs of a customer such as normally provided by a barber, beautician, tailor, dressmaker, shoe repair and similar.

#### PLANNED UNIT DEVELOPMENT

“Planned Unit Development” means land under unified control, planned and developed as a whole according to comprehensive and detailed plans. Development may be a single operation or a definite sequential series of development operations including all lands and buildings, with a program for provisions, operation and maintenance of such areas, improvements and facilities necessary for common use by the occupants of the development.

#### PORCH

“Porch” means a structure which is attached to an outer wall, open on at least two sides, and is covered by a roof.

#### PRIVATE SCHOOLS

“Private Schools” means institutions, organizations, businesses and individuals providing training and education of individuals and groups for a fee. Private schools shall include art schools, dancing schools, secretarial and business schools, etc. but does not include uses classified under the definition of "Educational Institution."

#### PROFESSIONAL SERVICES

“Professional Services” means activities conducted in an office, store or other place of business providing services of a recognized profession such as an attorney at law, accountant, architect, engineer, consultant, real estate agent, etc.

#### PROTECTIVE BARRICADE

“Protective Barricade” means a physical structure not less than four feet in height, limiting access to protected and significant trees. A suitable protective barrier shall be composed of wood or another durable material, which insures protection of protected trees and significant trees during development.

#### PUBLIC UTILITY

“Public Utility” means a closely regulated enterprise with a franchise for providing to the public a utility service, such as gas and electric, deemed necessary for the public health, safety and welfare.

#### RECREATION, ACTIVE

“Active Recreation” means the improvement of the land, open to the general public, which provides facilities serving the recreational needs of the community. Active recreation areas may include, but are not limited to: public swimming pools, athletic fields, tennis courts, community centers and playgrounds.

#### RECREATION, COMMERCIAL

“Commercial Recreation” means land or facilities operated as a business and are open to the general public for a fee that may include, but is not limited to: rollerblade rental, billiard parlors, go- cart tracks, amusement parks, pay to play athletic fields, golf courses or sports stadiums.

#### RECREATION, NON-COMMERCIAL

“Non-Commercial Recreation” means any land or facility operated by a governmental agency or a non-profit organization which is open to the public or members of the non-profit organization, without a fee, that may include, but is not limited to: picnic areas, bike/hike trails or athletic fields.

#### RECREATION, PASSIVE

“Passive Recreation” means the use of unimproved land, in its natural state and open to the general public, which provides for a variety of activities for the outdoor exercise and activity needs of the community. Passive recreation may include, but are not limited to: unimproved backpacking trails and hiking trails and primitive camping areas.

#### RECREATIONAL VEHICLES

“Recreational Vehicles” means travel trailers, pickup trucks with slide-in campers, motorized homes, fold-tent trailers, and boats and boat trailers.

#### RESTAURANT

“Restaurant” means an establishment that sells prepared food or beverages either indoors or outdoors in non-disposable containers. A restaurant may provide for the accessory sale of food and nonalcoholic beverages for off-site consumption provided that all food and beverages sold for on-site consumption are served in non-disposable containers.

#### RETAIL SALES

“Retail Sales” means an establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption and rendering of services incidental to the sale of such goods.

#### RIGHT OF WAY

“Right of Way” means any land which is reserved, used or designated by the City of Trotwood for future use which may include but shall not be limited to: utility easements, quasi- public easements, easements, streets, walkways or bikeways, drainage, utilities, etc.

#### SERVICE CLUB

“Service Club” means an association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases the premises, the use of which premises is restricted to such members and their guests.

#### SETBACK LINE

“Setback Line” means the closest point at which a building or structure may be placed in relation to the lot line.

#### SIGN

“Sign” means any object, device, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images." (For other sign definitions see Chapter 1185.)

#### SIGN, WARNING

“Warning Sign” means any sign indicating danger or a situation which is potentially dangerous.

#### STORY

“Story” means that portion of a building included between the surface of any floor and the floor or ceiling next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

#### STREET

“Street” means an improved public right-of-way which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, court, road, parkway, boulevard, highway, thoroughfare or other similar term, except alley.

#### STRUCTURE

“Structure” means anything constructed or erected which requires location on the ground or attachment to something having location on the ground.

#### SWIMMING POOL

“Swimming Pool” means a water filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above surface pool of more than thirty (30) inches in depth, designed, used and maintained for swimming and bathing.

#### TAVERN

“Tavern” means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.

#### TENT

“Tent” means a temporary structure having a roof and/or walls of fabric.

#### THOROUGHFARE PLAN

“Thoroughfare Plan” means the Official Thoroughfare Plan of, and as adopted by, the City of Trotwood Planning Commission, establishing the location and official right-of-way widths of principal highways and streets in the City, together with all amendments thereto subsequently adopted.

#### TRUCK TERMINAL

“Truck Terminal” means a premises which is used for loading or unloading trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of two or more trucks.

#### USE

“Use” means the purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered or enlarged.

(a) “Accessory Use” means a use or structure subordinate to the principal use of a building or to the principal use of the land, which is located on the same lot or parcel as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.

(b) “Conditional Use” means a use which is permitted in a district only if a zoning permit therefore is expressly authorized by the Board of Zoning Appeals in accordance with Chapter 1133, Conditional Uses.

(c) “Principal Use” means a use which is permitted as-of-right in a district for which a zoning permit shall be issued by the Zoning Administrator, provided that the applicant meets the applicable requirements of this Code.

## VARIANCE

“Variance” means a modification of the strict terms of the relevant regulations of this Code, where such modification will not be contrary to the public health, safety and welfare and, where owing to conditions peculiar to the property and not to the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

## WALL

“Wall” means a masonry structure intended to act as an enclosure, barrier or divider along a property line.

## WHOLESALE

“Wholesale” means an establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

## YARD

“Yard” means a space on the same lot with a main building, open, unoccupied and unobstructed from the ground up.

- (a) “Front Yard” means an open space extending the full width of the lot between a building and the front lot line.
- (b) “Rear Yard” means an open space extending the full width of the lot between a building and the rear lot line. (Also see 1189.11 CORNER LOTS)
- (c) “Side Yard” means an open space extending from the front yard to the rear yard between a building and the nearest side lot line.

## ZONING

“Zoning” means the act of regulating the use of land and the size of and location of buildings and structures on the land, such regulations being designed to assure the health, safety and general welfare of a community.

## ZONING ADMINISTRATOR

“Zoning Administrator” means the administrator of the Planning and Zoning Code of the City of Trotwood, as appointed by the City Manager. (Ord. 35-19. Passed 12-2-19.)



1133.04 SPECIAL STANDARDS AND CONSIDERATIONS.

In addition to the general standards and conditions set forth above, the responsible public agency or owner shall be guided by the following special standards and considerations in relation to an application for a conditional use permit for any of the following uses:

(a) Car Washes.

- (1) All washing facilities shall be in an enclosed building.
- (2) Vacuuming facilities may be located outside the building but shall not be placed in any front yard or side yard.
- (3) All parking areas and access driveways shall be improved with a durable dustless surface consisting of either asphalt or concrete.
- (4) Water from the washing process shall not be allowed to drain from the lot containing such a business.
- (5) One off-street parking space shall be provided for each employee.
- (6) All car wash buildings shall be set back at least 120 feet from the edge of the future right of way.

(b) Automotive Filling and Service Stations.

- (1) Such stations shall not be permitted to be constructed whenever two or more service stations are already in existence at a particular intersection.
- (2) No outdoor storage of rental trucks or trailers shall be permitted.
- (3) The sale of merchandise not commonly associated with the sale of gasoline and accessory products shall be specifically prohibited outside the principal building.
- (4) Such stations shall have a minimum lot size of 15,000 square feet, and a minimum of 125 feet of lot frontage.
- (5) Such stations shall not be permitted to have an entrance or exit within fifty feet of an intersecting major thoroughfare.
- (6) With the exception of landscaped areas, the entire lot area of such stations shall be improved with a durable, dustless surface consisting of either asphalt or concrete.
- (7) Such stations shall be permitted only where they will not be a nuisance to residences and other surrounding land uses.
- (8) Such stations shall be permitted only where they will not be the cause of additional traffic hazards or undue congestion.
- (9) Canopies shall be permitted to be attached to or free from the main building of a gasoline filling or service station only when it has been demonstrated that such structures will be consistent with the prevailing architectural style.
- (10) Canopies shall not be permitted to be constructed closer than twenty-five feet from front and side property lines.

(c) Bed and Breakfast. Bed and Breakfast operations shall be subject to the following regulations:

- (1) One small, unlighted announcement sign not exceeding three square feet in area may be attached to and parallel with the front porch or wall of the building.
- (2) One parking space per guestroom plus two spaces for residence. Spaces shall be located to the side and/or rear of the building and shall be screened from adjacent properties by a four-foot-high wood or masonry fence or by sight- obscuring vegetation of the same height.
- (3) The only meal to be provided guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
- (4) Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
- (5) The owner(s) or a member of the owner's family shall reside on the premises.
- (6) Individual guests may not stay at the facility for more than fourteen (14) days in any one-year period.

(d) Convenience Retail Stores: Gasoline Filling Businesses.

- (1) The minimum lot size for establishing such a business shall be 30,000 square feet.
- (2) Such businesses shall have a minimum lot frontage of 150 feet.
- (3) The minimum building setback for such a business shall be 100 feet from the edge of the future right of way.
- (4) The minimum gasoline pump island setback for such a business shall be thirty feet from the edge of the future right of way.
- (5) The minimum distance between the gasoline-pump island and the convenience retail store building shall be sixty-five feet.
- (6) Such businesses shall be permitted to have only one gasoline pump island which contains a maximum of four gasoline pumps.
- (7) Such businesses shall not be permitted to have an entrance or an exit within fifty feet of an intersection.
- (8) Loading and unloading areas shall be confined to the side and/or rear of the convenience retail store - gasoline filling business.
- (9) With the exception of landscaped areas, the entire lot of such businesses shall be improved with a durable dustless surface consisting of either asphalt or concrete.
- (10) Such businesses shall be required to demonstrate that a public need clearly exists as a basis for their establishment.
- (11) Such businesses shall be permitted only where they will not be the cause of additional traffic hazards or undue congestion.

(12) Such businesses shall not be permitted to establish either vacuuming facilities for the cleaning of automotive vehicles, or canopies which provide partial protection from the elements for those customers buying fuel at a gasoline pump island.

(13) The sale of stuffed animals, blankets, toys, pennants, posters and similar merchandise shall be permitted to be sold only when displayed entirely, within the building housing the convenience retail store business.

~~(e) Day Care Center, Day Care Group Home, Day Care Home.~~

~~(1) Day care centers, day care group homes and day care homes shall be permitted to be established in accordance with the provisions contained in this Zoning Ordinance. However, no day care center, day care group home or day care home shall be permitted to establish a conspicuous identification which is out of character with its surroundings.~~

~~(2) For the purposes of this Section 1133.04 (f) the definition "average daily attendance" means the maximum number of children cared for at any time each day a day care center, day care group home or day care home is in operation.~~

~~(3) For the purposes of this Section 1133.04 (f) the definition "infant" means a child less than eighteen months of age.~~

~~(4) The maximum number of children in average daily attendance at a day care center or day care group home shall be restricted to not more than one child per 100 square feet of usable floor space.~~

~~(5) Day Care Center. An applicant for a conditional use permit to operate a day care center shall submit the following written information to the Board of Zoning Appeals:~~

~~A. Information explaining the need for the day care center, the clientele to be served and the financial resources available to operate the facility.~~

~~B. A license authorizing operation of a day care center from the Department of Job and Family Services, State of Ohio. (In no instance will the Board of Zoning Appeals consider renewing a conditional use permit if a license has not been granted to operate such facility within a 365 day period commencing at the time a conditional use permit was originally approved.)~~

~~C. A detailed plan of services and/or programs to be offered the children utilizing the day care center.~~

~~D. The name(s) of the individual(s) and/or agency responsible for administering day care services.~~

~~E. Evidence that use of the proposed site will not adversely disrupt the surrounding neighborhood from the standpoint of noise, lights, congestion and/or traffic generation.~~

~~F. The proposed hours of operation of the day care center.~~

~~G. The number of children anticipated to be in average daily attendance at the day care center.~~

~~H. Evidence that both fire prevention and property maintenance inspections have been made of the structure proposed to contain the day care center, as well as evidence that such building is free of any violations of local and/or State laws or codes.~~

~~I. Evidence that the Montgomery County General Health District has issued all licenses required for the operation of a Day Care Center.~~

~~J. Plans and drawings which show the location and dimensions of the lot, the location and dimensions of any existing or proposed structures on the lot, floor plans, points of ingress and egress, landscaping and/or screening areas, and recreation and open space facilities.~~

~~K. Evidence of insurance adequate to cover the cost of fire, theft, vandalism and liability.~~

~~L. Evidence that the day care administrator has been examined, within the past ninety days, and annually thereafter, by a licensed physician, and has been certified to be free from communicable disease.~~

~~M. Evidence that the day care administrator has either been trained in first aid by a doctor or nurse, has completed a course in first aid which is approved by the State Department of Health, or, will assume responsibility for ensuring the presence, at all times, of a person who has such knowledge or training.~~

~~N. Within a residential zoning district, no day care center shall be permitted to be established except in conjunction with a school, church, community center, temple, synagogue or public building.~~

~~(6) Day Care Group Home. An applicant for a conditional use permit to operate a day care group home shall submit all of the information required of day care centers in subsection (e)(5) hereof, except (e)(5)B, a license from the Department of Job and Family Services, State of Ohio. In addition, an applicant requesting permission to establish and operate a day care group home shall submit:~~

~~A. Evidence that the administrator of the day care group home has utilized the training resources of an appropriate County or region wide social services agency.~~

~~B. Evidence that the group home provider will be the resident occupant of the property proposed to be used as a day care group home.~~

~~(7) Day Care Home. An applicant for a zoning permit to operate a day care home shall submit the information required in subsection (e)(5)A., C., D. and H. hereof.~~

~~All day care homes shall meet the following minimum standards:~~

~~A. No day care home shall be permitted to be established within 300 feet of another day care home, or within 1,000 feet of a day care center or day care group home.~~

~~B. Every day care home shall employ the use of at least one smoke detector per floor.~~

~~C. Every day care home shall contain at least one first aid kit and one fire extinguisher.~~

~~D. Every zoning permit issued for the establishment of a day care home shall annually be renewed by the day care home provider with the Zoning Administrator.~~

~~E. Evidence that the day care home provider will be the resident occupant of the property proposed to be used as a day care home.~~

~~(8) Day Care Centers and Day Care Group Homes. All Day Care Centers and Day Care Group Homes shall meet the following minimum standards:~~

~~A. Side and/or rear yards used for outdoor play space shall contain at least a four foot high fence, or otherwise be protected from traffic or other hazards, and, shall contain not less than 100 square feet of outdoor play space per child in average daily attendance.~~

~~B. Sanitary cots and/or beds shall be provided for each pre school child, and each infant shall be provided with a separate crib.~~

~~C. Every day care center or day care group home shall employ the use of at least one smoke detector per floor, and shall have a current fire escape plan prominently posted in a conspicuous place.~~

~~D. No day care center or day care group home shall be permitted to be established within 1,000 feet of another daycare center or day care group home.~~

~~E. Every day care center and day care group home shall contain at least one first aid kit, and one fire extinguisher per floor.~~

~~F. Every conditional use permit issued for the establishment of a day care center or day care group home shall annually be renewed by the administrator of such facility with the Board of Zoning Appeals.~~

~~(fe)~~ Adult Entertainment Facility.

(1) No adult entertainment facility shall be established within 1,000 feet of any area zoned for residential use.

(2) No adult entertainment facility shall be established within a radius of 2,000 feet of any school, library or teaching facility, whether public or private, governmental or commercial, when that school, library or teaching facility is attended by persons less than eighteen years of age.

(3) No adult entertainment facility shall be established within a radius of 1,000 feet of any park or recreational facility attended by persons less than eighteen years of age.

(4) No adult entertainment facility shall be established within a radius of 1,000 feet of any other adult entertainment facility or within a radius of 1,000 feet of any two of the following establishments:

- A. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
- B. Billiards and amusement centers.
- C. Dance halls or discotheques.

(5) No adult entertainment facility shall be established within a radius of 2,000 feet of any church, synagogue or permanently established place of religious services.

(6) Displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.

(7) All building openings, entries, windows, etc. for adult uses shall be located in such a manner as to provide a view into the interior from any public or semi-public area, sidewalk or street.

(8) No employees of the subject establishment shall conduct themselves outside the confines of the structure in such attire and/or by actions, in a manner distracting, distasteful and/or detrimental to adjacent business interests, residents or passersby.

(9) No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

(10) The interior of such a facility shall not be partitioned off to contain separate enclosed spaces with the exception of those required by code in utilizing proper construction standards. An example of required spaces would be restroom facilities.

(11) No person knowingly shall allow an individual, including, but not limited to, a patron, customer, or employee, who is less than eighteen years of age on the premises of an adult entertainment establishment.

(12) No individual who is less than eighteen years of age knowingly shall show or give false information concerning the individual's name or age, or other false identification, for the purpose of gaining entrance to an adult entertainment establishment.

(13) In granting any such conditional use, the Planning Commission may prescribe any conditions that it deems necessary in the public interest. However, no conditional use shall be approved by the Commission unless it finds that the use for which such approval is sought is not likely to be dangerous or detrimental to nearby properties, that the use will not be contrary to any program of conservation or improvement, either residential or nonresidential, or be contrary to the public safety, morals and general welfare of the City.

(gf) Bars/Taverns/Drinking Places.

- (1) No taverns/bar/drinking place shall be permitted to be established within 500 feet of another bar/tavern/drinking place.
  - (2) There shall be adequate on premise and off-premise security and safety measurements for patrons, as well as the general public.
  - (3) Potential evening traffic at or near closing time shall be properly addressed.
  - (4) Noise from operations shall not exceed acceptable level as mandated by the Trotwood Codified Ordinance.
  - (5) The hours of operation shall not exceed the regulations governed by the Ohio Liquor Control Board.
  - (6) Structure shall be set back a minimum of 200 feet from a residential zoning district.
  - (7) There shall be adequate dumpsters capacity and pick up frequency to maintain the site litter-free.
  - (8) Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district.
  - (9) The operator shall with Trotwood Police Department to develop logistical coordination for events anticipated to have large crowds.
  - (10) No outdoor venues shall be permitted.
- (Ord. 02-19. Passed 3-4-19.)

1141.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses shall be as follows:

- (a) Bed and Breakfast.
- ~~(b) Day care centers.~~
- ~~(c) Day care homes.~~
- (d) Educational institutions; provided that they are located on a major thoroughfare.
- ~~(e) Foster family houses; as regulated by the Ohio Revised Code.~~
- (f) Out of home respite care centers.
- (g) Religious places of worship; provided that they are located on a major thoroughfare.
- (h) Uses similar to those indicated in this district; pursuant to Chapter 1135.
- (i) [Pursuant to Chapter 1133, see Appendix B, Schedule of Permitted and Conditional Uses by District]

(Ord. 45-08. Passed 12-15-08.)



1143.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses shall be as follows:

- (a) Bed and Breakfast.
- ~~(b) Day care centers.~~
- ~~(c) Day care homes.~~
- (db)** Educational institutions; provided that they are located on a major thoroughfare.
- ~~(e) Foster family houses; as regulated by the Ohio Revised Code.~~
- (fc)** Out of home respite care centers.
- (gd)** Religious places of worship; provided that they are located on a major thoroughfare.
- (he)** Uses similar to those indicated in this district; pursuant to Chapter 1135.
- (if)** [Pursuant to Chapter 1133, see Appendix B, Schedule of Permitted and Conditional Uses by District]

(Ord. 45-08. Passed 12-15-08.)

1145.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses shall be as follows:

- (a) Bed and Breakfast.
- ~~(b) Day care centers.~~
- ~~(c) Day care group homes.~~
- ~~(d) Day care homes.~~
- (e)** Educational institutions; provided that they are located on a major thoroughfare.
- ~~(f) Foster family houses; as regulated by the Ohio Revised Code.~~
- ~~(g)~~ Out of home respite care centers.
- ~~(h)~~ Religious places of worship; provided that they are located on a major thoroughfare.
- (i)** Uses similar to those indicated in this district; pursuant to Chapter 1135.
- (j)** [Pursuant to Chapter 1133, see Appendix B, Schedule of Permitted and Conditional Uses by District]

(Ord. 45-08. Passed 12-15-08.)

1147.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses shall be as follows:

- (a) Bed and Breakfast.
- ~~(b) Day care centers.~~
- ~~(c) Day care group homes.~~
- ~~(d) Day care homes.~~
- (eb)** Educational institutions; provided that they are located on a major thoroughfare.
- ~~(f) Foster family houses; as regulated by the Ohio Revised Code.~~
- (gc)** Out of home respite care centers.
- (hd)** Religious places of worship; provided that they are located on a major thoroughfare.
- (ie)** Uses similar to those indicated in this district; pursuant to Chapter 1135.
- (jf)** [Pursuant to Chapter 1133, see Appendix B, Schedule of Permitted and Conditional Uses by District]

(Ord. 45-08. Passed 12-15-08.)

1149.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses shall be as follows:

- (a) Bed and Breakfast.
- ~~(b) Day care centers.~~
- ~~(c) Day care group homes.~~
- ~~(d) Day care homes.~~
- (e) Educational institutions; provided that they are located on a major thoroughfare.
- ~~(f) Foster family houses; as regulated by the Ohio Revised Code.~~
- (g) Out of home respite care centers.
- (h) Religious places of worship; provided that they are located on a major thoroughfare.
- (i) Uses similar to those indicated in this district; pursuant to Chapter 1135.
- (j) [Pursuant to Chapter 1133, see Appendix B, Schedule of Permitted and Conditional Uses by District]

(Ord. 45-08. Passed 12-15-08.)

1151.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses shall be as follows:

- (a) Assisted Living Facility.
- (b) Bed and Breakfast.
- ~~(c) Day care centers.~~
- ~~(d) Day care group homes.~~
- ~~(e) Day care homes.~~
- (f)** Educational institutions; provided that they are located on a major thoroughfare.
- ~~(g) Foster family houses; as regulated by the Ohio Revised Code.~~
- ~~(h) Independent Group Living.~~
- (i)** Nursing and Convalescent Home.
- (j)** Religious places of worship; provided that they are located on a major thoroughfare.
- ~~(k)~~ Uses similar to those indicated in this district; pursuant to Chapter 1135.
- (l)** [Pursuant to Chapter 1133, see Appendix B, Schedule of Permitted and Conditional Uses by District]

(Ord. 45-08. Passed 12-15-08.)

1153.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses shall be as follows:

- (a) Assisted Living Facility.
- (b) Bed and Breakfast.
- ~~(c) Day care centers.~~
- ~~(d) Day care group homes.~~
- ~~(e) Day care homes.~~
- ~~(f) Educational institutions; provided that they are located on a major thoroughfare.~~
- ~~(g) Foster family houses; as regulated by the Ohio Revised Code.~~
- ~~(h) Independent Group Living.~~
- ~~(i) Nursing and Convalescent Home.~~
- ~~(j) Religious places of worship; provided that they are located on a major thoroughfare.~~
- ~~(k) Two-family dwellings~~
- ~~(l) Uses similar to those indicated in this district; pursuant to Chapter 1135.~~
- ~~(m) [Pursuant to Chapter 1133, see Appendix B, Schedule of Permitted and Conditional Uses by District]~~

(Ord. 45-08. Passed 12-15-08.)

1155.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses shall be as follows:

- (a) Active recreation
- (b) Assisted living facility
- (c) Bus passenger station
- (d) Community center
- ~~(e) Day care centers~~
- ~~(f) Family care home~~
- ~~(g)~~ Non-commercial recreational uses
- ~~(h)~~ Nursing and convalescent homes
- ~~(i)~~ Parks and playgrounds
- ~~(j)~~ Private schools
- ~~(k)~~ Professional service
- ~~(l)~~ Public offices
- ~~(m)~~ Public recreation center
- ~~(n)~~ Religious places of worship
- ~~(o)~~ Residence home for the aged
- ~~(p)~~ Single family dwelling
- ~~(q)~~ Two family dwelling
- ~~(r)~~ Uses similar to those indicated in this district; pursuant to Chapter 1135
- ~~(s)~~ [Pursuant to Chapter 1133, see Appendix B, Schedule of Permitted and Conditional Uses by District]

(Ord. 45-08. Passed 12-15-08.)

**APPENDIX B**  
**SCHEDULE OF PERMITTED AND CONDITIONAL USES BY DISTRICT**

SCHEDULE OF USES	Residential Single Family District	Residential Two/Four Family District	Residential Multi-Family District	Rural Estate District	Office-Residential District	Older Town Business District	Neighborhood Business District	General Business District	Regional Business District	Business Park District	Light Industrial District	Light Industrial District 2	Park/Open Space District	Agriculture District	Business Industrial Campus District	
ZONING DISTRICT SYMBOL	R-SF	R-TF R-FF	R-MF	R-E	O-R	OT-B	N-B	G-B	R-B	B-P	L-I-1	L-I-2	P/O-S	A	B-I	
<b>INSTITUTIONAL AND SOCIAL SERVICE USES</b>																
P - Permitted Use C-Conditional Use																
Arboretum, botanical garden, greenhouse conservatory													C			
Assisted Group Living Facility			C	C	C											
Care Facility	P	P	P													
Convent/Monastery	C			C				C								
Day-care center	C*	C*	C*		C*	C		C								
Day-care group home	C (RSPFH)	C	C													
Day-care home	C	C	C													
Adult daycare home	C P	C P	C P													
Adult daycare center facility	C* P*	C* P*	C* P*		C* P*											
Dog park	C	C	C		C	C		C					C			
Educational institution (elementary)	C	C	C			C	C									
Educational Institution (secondary)	C	C	C			C	C	C	C							
Family-care-home	C	C	C		C											
Foster care homes	C P	C P	C P													
Fraternal lodge or civic club								P	P							
Hospital								C	C							C
Independent Group Living			C P													
Library, art gallery, museum								P	P							



SCHEDULE OF USES	Residential Single Family District	Residential Two/Four Family District	Residential Multi-Family District	Rural Estate District	Office-Residential District	Older Town Business District	Neighborhood Business District	General Business District	Regional Business District	Business Park District	Light Industrial District	Light Industrial District 2	Park/Open Space District	Agriculture District	Business Industrial Campus District	
ZONING DISTRICT SYMBOL	R-SF	R-TF R-FF	R-MF	R-E	O-R	OT-B	N-B	G-B	R-B	B-P	L-1-1	L-1-2	P/O-S	A	B-I	
Nature preserve																
Nursing and convalescent home			C		C								P			
Out of home respite care	C	C														
Parks/Open Space Uses	P				C		C						P			
Private schools	C	C	C		C	C		C	C							
Public offices					C	C	C	C	C	C	P	P				C
Religious places of worship	C	C	C													
Residence home for aged	C		C	C	C											
Service club								P	P							
Group Home	P	P	P	P		P										
Child Day Care Center	P*	P*	P*		P	P										
Type A Family Day Care Homes	P	P	P	P		P										
Type B Family Day Care Homes	P	P	P	P		P										

\* In conjunction with a school, church, community center, temple, synagogue or public building. H33-04(4)(5)(6)

**1189.21 GROUP HOMES.**

(a) **Scope: This section shall apply to Group Homes as defined by this Zoning Code.**

(b) **Definitions.**

(1) **For definitions, see Chapter 1123 Definitions of Part Eleven Planning and Zoning Code, Title Five Zoning Administration.**

(2) **For purposes of this Section, "Applicant" means the person submitting an application for a Group Home.**

(3) **For purposes of this Section, "Permit Holder" means any person who possesses or is required to possess a permit for a Group Home pursuant to this Section.**

(4) **For the purposes of this Section, "person" shall refer to any individual, partnership, association, company, firm, trust, corporation, government corporation, non-profit, department, bureau, agency or any other entity recognized by law.**

(c) **Permit Required.**

(1) **No person shall operate a Group Home or knowingly permit the operation of a Group Home without first submitting an application for a zoning permit and procuring a zoning permit.**

(d) **Permit Requirements.**

(1) **The Applicant for a Group Home shall submit the following to the Zoning Administrator:**

A. **State or local license, certification or approval or evidence that authorization is forthcoming from the applicable State or local governmental body.**

1. **If the application is for an Adult Group Home, license or approval from the Department of Mental Health or other applicable agency.**

2. **If the application is for a Youth Group Home, license or approval from the Department of Job and Family Services or other applicable agency.**

B. **Written approval from the Fire Chief, issued after inspection for compliance with applicable fire safety standards.**

C. **Approvals from other applicable zoning departments.**

D. **If the Applicant is not the owner of the property in which the Group Home is located, then the Applicant shall provide a notarized letter from the property owner approving the property for use as a Group Home.**

**E. A letter of intent containing the following information:**

- 1. The name(s), address(es), and telephone number(s) of:**
  - a. The owner(s) of the property on which the Group Home is located.**
  - b. The operator(s) of the Group Home.**
- 2. Proof of business registration or Federal ID number.**
- 3. The maximum number of individuals to reside in the Group Home, the general nature of their needs, and the assistance to be provided.**
- 4. The age range of individuals to reside in the Group Home.**
- 5. The house rules of the Group Home, along with a statement of the level of supervision that is to be provided.**

**F. A communications plan and emergency plan which includes, but is not limited to:**

- 1. who to call when a problem arises (i.e., the person in charge of the Group Home) and the phone number for this person;**
- 2. a current list of the residents living in the Group Home, which identifies each resident's name and age; and**
- 3. where medications, if any, are stored within the Group Home.**

**G. A statement of admission procedures and policy.**

**H. Interior layout of the Group Home with dimensions.**

**I. Plans and drawings which show the location and dimensions of the lot, the location and dimensions of any existing or proposed structures on the lot, floor plans, points of ingress and egress, landscaping and/or screening areas.**

- (2) The Applicant shall contact neighbors within 300 feet of the proposed Group Home to notify them that a Group Home application will be submitted.**
- (3) The Zoning Administrator or his or her designee shall issue a permit to those Applicants who satisfy the permit requirements as listed herein.**
- (4) Once a permit is issued to an Applicant, the permit is non-transferable.**
- (5) Failure to provide any of the information required in a permit application for the permit renewal, or providing false or misleading information may be grounds for denial.**

(e) Permit Renewal.

(1) Every permit issued for the establishment of a Group Home shall annually be renewed by the Permit Holder with the Zoning Administrator.

(2) Upon satisfaction that the Group Home is in compliance with applicable zoning regulations, fire codes, and/or building codes, the Zoning Administrator shall renew the permit for a period of one year.

(3) If a Group Home ceases operation or is vacant for one year or more, the permit cannot be renewed. A new application is required.

(f) Communications Plan and Emergency Plan.

(1) The communications plan and emergency plan shall be conspicuously posted in the Group Home such that emergency responders may easily access it in an emergency.

(2) The communications plan and emergency plan shall contain a current list of residents, including their names and ages. This list should be updated periodically to ensure accuracy of information.

(g) Concentration.

Cross Reference Ohio Revised Code Section 5119.341.

(1) No permit shall be issued for a new Group Home that will be located within a 500-foot radius of another Group Home already in lawful operation except as provided in subsection (g)(2). Those Group Homes that are in lawful operation on the effective date of this section may be issued a permit notwithstanding the 500 foot limit, provided they are in compliance with all the other sections of this Section.

(2) An applicant for a Group Home may request a variance of the 500 foot requirement by completing a variance application with the Board of Zoning Appeals as provided in Chapter 1129 of the Zoning Code.

**1189.22 CHILD DAY CARE CENTERS, TYPE A FAMILY DAY CARE HOMES, AND TYPE B FAMILY DAY CARE HOMES.**

**(a) Definitions.**

**(1) "Child Day Care Center" means any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven (7) or more children at one time. Cross Reference Ohio Revised Code 5104.01.**

**(2) "Type A Family Day Care Home" means:**

**A. the permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time;**

**-or-**

**B. a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two years of age.**

**Cross Reference Ohio Revised Code Section 5104.01.**

**(3) "Type B Family Day Care Home" means a permanent residence of the provider in which care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two years of age at one time. Cross Reference Ohio Revised Code Section 5104.01.**

**(4) "Permit Holder" means any person who possesses or is required to possess a permit for a Child Day Care Center, Type A Family Day Care Home, or Type B Family Day Care Home pursuant to this Section.**

**(b) Child Day Care Centers, Type A Family Day Care Homes, and Type B Family Day Care Homes shall be permitted to be established in accordance with the provisions contained in this Zoning Ordinance.**

**(c) The maximum number of children in average daily attendance at a Child Day Care Center, Type A Family Day Care Home, and Type B Family Day Care Home shall be in strict compliance with the requirements of applicable Ohio law.**

**(d) Child Day Care Center.**

**(1) An applicant for a permit to operate a Child Day Care Center shall submit the following information to the Zoning Administrator:**

**A. A license authorizing operation of a Child Day Care Center from the Department of Job and Family Services, State of Ohio.**

**1. In no instance will the Zoning Administrator consider renewing a permit if a license has not been granted to operate such facility within a 365-day period commencing at the time a permit was originally approved.**

**B. The name(s) of the individual(s) and/or agency responsible for administering day care services.**

**C. Proof of business registration with the department of state and/or FEIN number.**

**D. Proof of registration with the City of Trotwood tax department.**

**E. The proposed hours of operation of the Child Day Care Center.**

**F. The number of children anticipated to be in average daily attendance at the Child Day Care Center.**

**G. Evidence that both fire prevention and property maintenance inspections have been made of the structure proposed to contain the day care center, as well as evidence that such building is free of any violations of local and/or State laws or codes.**

**H. Plans and drawings which show the location and dimensions of the lot, the location and dimensions of any existing or proposed structures on the lot, floor plans, points of ingress and egress, landscaping and/or screening areas, and recreation and open space facilities.**

**I. Communication plan.**

**(2) Within a residential zoning district, no Child Day Care Center shall be permitted to be established except in conjunction with a school, church, community center, temple, synagogue or public building.**

**A. A Child Day Center is not permitted to continue to operate in a location that has been closed or vacated.**

**B. If a school, church, community center, temple, synagogue or public building closes or becomes vacant, the Permit Holder shall submit a new permit application to re-locate to another school, church, community center, temple, synagogue or public building.**

**(e) Type A Family Day Care Homes.**

**(1) An applicant for a permit to operate a Type A Family Day Care Home shall submit the following information to the Zoning Administrator:**

**A. A license authorizing operation of a Type A Family Day Care Home from the Department of Job and Family Services, State of Ohio.**

**1. In no instance will the Zoning Administrator consider renewing a permit if a license has not been granted to operate such facility within a 365-day period commencing at the time a permit was originally approved.**

**B. The name(s) of the individual(s) and/or agency responsible for administering day care services.**

**C. Proof of registration with the City of Trotwood tax department.**

**D. The proposed hours of operation of the Type A Family Day Care Home.**

**E. The number of children anticipated to be in average daily attendance at the Type A Family Day Care Home.**

**F. Evidence that both fire prevention and property maintenance inspections have been made of the structure proposed to contain the day care center, as well as evidence that such building is free of any violations of local and/or State laws or codes.**

**G. Plans and drawings which show the location and dimensions of the lot, the location and dimensions of any existing or proposed structures on the lot, floor plans, points of ingress and egress, landscaping and/or screening areas, and recreation and open space facilities.**

**H. Communication plan.**

**I. Evidence that the Type A Family Day Care Home provider will be the resident occupant of the property proposed to be used as a day care home.**

**(f) Type B Family Day Care Homes.**

**(1) An applicant for a permit to operate a Type B Family Day Care Home shall submit the following information to the Zoning Administrator:**

**A. A license authorizing operation of a Type B Family Day Care Home from the Department of Job and Family Services, State of Ohio.**

**1. In no instance will the Zoning Administrator consider renewing a permit if a license has not been granted to operate such facility within a 365-day period commencing at the time a permit was originally approved.**

**B. The name(s) of the individual(s) and/or agency responsible for administering day care services.**

**C. Proof of registration with the City of Trotwood tax department.**

**D. The proposed hours of operation of the Type B Family Day Care Home.**

**E. The number of children anticipated to be in average daily attendance at the Type B Family Day Care Home.**

**F. Evidence that both fire prevention and property maintenance inspections have been made of the structure proposed to contain the day care center, as well as evidence that such building is free of any violations of local and/or State laws or codes.**

**G. Plans and drawings which show the location and dimensions of the lot, the location and dimensions of any existing or proposed structures on the lot, floor plans, points of ingress and egress, landscaping and/or screening areas, and recreation and open space facilities.**

**H. Evidence that the Type B Family Day Care Home provider will be the resident occupant of the property proposed to be used as a day care home.**

**(g) Additional Zoning Requirements for Child Day Care Centers and Type A Family Day Care Homes:**

**(1) All Child Day Care Centers and Type A Family Day Care Homes shall meet the following minimum standards:**

**A. Side and/or rear yards used for outdoor play space shall contain at least a four foot high fence, or otherwise be protected from traffic or other hazards, and, shall contain not less than 60 square feet of outdoor play space per child in average daily attendance.**

**B. No Child Day Care Center or Type A Family Day Care Home shall be permitted to be established within 500 feet of another Child Day Care Center or Type A Family Day Care Home.**

**C. Every permit issued for the establishment of a Child Day Care Centers and Type A Family Day Care Homes shall annually be renewed by the administrator of such facility with the Zoning Administrator and provide all documents.**