

EXHIBIT A

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) Community Residences:~~

~~(1) Definitions:~~

~~— A. “Community Residence” means a family like living arrangement for no more than sixteen (16) unrelated persons with disabilities in need of the mutual support furnished by other residents of the community residence as well as the support services provided by the operator, if any, of the community residence. Types of community residences include group houses and halfway houses.~~

~~— B. “Disability” means a physical or mental impairment which substantially limits one or more of a person’s major life activities, impairs their ability to live independently, or a record of having such an impairment, or being regarded as having such an impairment. Individuals who pose a danger to others or to property are not regarded as people with disabilities.~~

~~— C. “Group Home” means a dwelling unit occupied as a single housekeeping unit in a family like environment by persons with disabilities (the residents) plus support staff, if any. Residents are supervised by a sponsoring entity or its staff which furnishes habilitative services to the group home residents as an alternative to institutional care. Inter relationships between residents are an essential component of a group home. A group home imposes no time limit on how long an individual can reside in the group home. A group home is a relatively permanent living arrangement where tenancy is measured in years. A group home shall be considered a residential use of property for purposes of all zoning and building codes.~~

~~— D. “Halfway House” means a temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement so they can readjust to living outside an institution. These are persons who are receiving therapy and counseling from support staff, if any, who are present when residents are present. Inter relationships between residents is an essential component of a halfway house. Residency is limited to a specified number of weeks or months. A halfway house shall be considered a residential use of property for purposes of all zoning and building codes.~~

~~— E. “Out of Home Respite Care Center” means a residential home where out of home respite care services are provided on a short term basis to consumers enrolled in a State of Ohio Department of Job and Family Services administered Home and Community based Services (HCBS) waiver. These services are provided due to the absence, or need for relief, of persons normally providing care for the consumer.~~

(2) In addition to the requirements set forth in Section [1133.03](#) of this Ordinance, the following requirements and limitations shall apply to the uses or structures that follow in districts where such uses and structures require a conditional use permit:

~~— A. Community residences to be located within the specified spacing distance of any community residence:~~

~~— 1. Whether the cumulative effect of the proposed use will hinder the normalization process for residents of any existing community residence located within the district’s spacing distance around the existing community residence; and~~

~~— 2. Whether the cumulative effect of the proposed use will create a concentration of community residences in the immediate vicinity or zoning district that would change the character of the area from residential to that of a de facto social service district.~~

~~— B. When the State of Ohio, City of Trotwood, or any recognized national or regional licensing or certification agency does not require a license, certification or equivalent approval for the proposed community residence:~~

~~— 1. The community residence shall be found to be in substantial compliance with state licensing standards or certification standards of the appropriate national accreditation agency for a comparable type of community residence.~~

~~— C. The following conditions shall also be required for an Out of Home Respite Care Center:~~

- ~~1. Out of Home Respite services must be prior approved by the State of Ohio Department of Job and Family Services or its designee.~~
- ~~2. Services shall be provided in a residential setting. A maximum of ten (10) beds may be permitted. A minimum of 120 square feet shall be provided in each bedroom. A minimum of 60 square feet of bedroom area per consumer shall be provided.~~
- ~~3. Care providers must be licensed by the Ohio Department of Job and Family Services.~~
- ~~4. The security and safety of consumers is paramount. A security fence, alarm system and security cameras to monitor common areas shall be provided.~~
- ~~5. A staffing ratio of one (1) staff person to three (3) consumers shall be provided during daytime hours. A staffing ratio of one (1) staff person to five (5) consumers shall be provided during nighttime hours.~~
- ~~6. Consumers' length of stay shall be limited from two (2) hours to two (2) weeks.~~

(ed) 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.

(fe) 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 Planning Commission:

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 Planning Commission 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 (f)(5) hereof, except (f)(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 (f)(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 Planning Commission.

(gf) 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.