

CHAPTER 1189

Supplemental Regulations

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CROSS REFERENCES

Junk vehicles - see TRAF. Ch. 353

Fences - see GEN. OFF. 521.07

Noxious odors - see GEN. OFF. 521.09

1189.01 ACCESSORY STRUCTURES.

Accessory structures shall be regulated as follows:

- (a) An accessory structure may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or similar structure with the exception of satellite dishes.
 - (b) An accessory structure may be erected detached from the principal building. However, no such structures or components thereof shall be erected in any required front yard.
 - (c) A detached accessory structure shall be at least six (6) feet from any structure situated on the same lot unless noncombustible materials are used.
 - (d) In the case of a corner lot, no accessory structure shall be erected or altered so as to project beyond the front yard required on any adjacent lot, nor shall it be located closer to either street line than the main building constructed on the lot.
 - (e) A detached accessory structure shall not exceed fifteen (15) feet in height as measured from the point nearest the public street.
 - (f) Detached accessory structures shall be placed no closer than ten (10) feet from a side or rear lot line.
 - (g) Any detached accessory structure shall be erected only within the rear yard.
 - (h) Any established and principally permitted residential use within the "A", "R-E", "RSF-L", "RSF-M", "RSF-H", "R-TF", "R-FF", "RMF-H", "O-R", residential Planned Unit Development Districts, shall have no more than two (2) accessory structures located on the property or utilize more than twenty-five percent (25%) of any available land outside of the required setbacks for accessory structures. The total square footage of all accessory structures on the property shall not exceed fifty percent (50%) of the footprint of the primary structure. Any accessory structure constructed of metal, plastic, or fabric shall not exceed 150 square feet in total floor area except within an Agriculture District, provided that such structure is accessory to a principally or conditionally permitted use (other than a single-family dwelling) within said district.
 - (i) Portable storage units [See 1189.09 Temporary Uses].
 - (j) Semi truck trailers shall not be used for storage purposes in any Zoning District.
- (Ord. 45-08. Passed 12-15-08.)

1189.02 CONVERSION OF DWELLINGS.

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within the district in which a new building for similar occupancy would be permitted under this Zoning Code, only after obtaining a zoning permit and otherwise complying

with the Zoning Code, and only when the resulting occupancy will comply with the requirements governing new residential construction in such district with respect to minimum lot size, minimum floor area per dwelling unit, dimensions of yards, off-street parking, and other applicable requirements for the district in which the conversion is located.

(Ord. 1-99. Passed 1-19-99.)

1189.03 PERFORMANCE STANDARDS.

Performance standards for uses within the City of Trotwood shall be as follows:

- (a) No emission of air pollutants (fumes, gasses, vapors, etc.) shall be permitted which would violate the minimum air quality requirements of the Montgomery County Combined Health District.
- (b) Any operation producing intense light or heat, such as high temperature processes like combustion or welding, shall be performed entirely within an enclosed building and shall not be visible beyond any lot line bounding the property upon which the use is conducted.
- (c) All exterior lighting shall be shielded and no exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or public rights-of-way.
- (d) No odor shall be emitted by any use in such quantities as to be readily detected by an average observer at any point along the lot line without using instruments.
- (e) No uses shall be located and no equipment shall be installed in such a way as to produce intense noise or earth-shaking vibrations which are discernible without instruments at the property lines of the subject premises.
- (f) No activities shall be permitted which utilizes fissionable or radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive materials into the atmosphere or the ground, and no activities shall be permitted which emit electrical disturbance affecting the operation at any point of any equipment other than that of the creator of such disturbance.

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

1189.04 FENCES, WALLS AND HEDGES.

Fences, walls and hedges shall be regulated as follows:

(a) Decorative front yard fences and walls shall be regulated as follows:

- (1) Decorative front yard fences and walls may be permitted provided that they do not create an enclosure, a barrier for access or a divider between properties.
- (2) Decorative front yard fences shall not exceed three (3) feet in height within the required front yard. Decorative front yard walls, when built of solid masonry or stone materials, shall not exceed two (2) feet in height within the required front yard.
- (3) The length of a decorative front yard fence or wall shall not exceed fifty percent (50%) of the property frontage as measured at the public right-of-way. For the purposes of this Code, corner lots shall be considered as having two frontages.
- (4) Support posts for decorative fences and walls shall not exceed forty-two (42) inches in height when used in conjunction with minimum spans of six (6) feet. Masonry and stone posts not exceeding two (2) feet on any side may be permitted.
- (5) A minimum of fifty percent (50%) visibility must be maintained through the decorative fence.
- (6) In no case, shall chain link, wire or steel mesh be permitted in the front yard.

(b) Other fences, walls and hedges shall be regulated as follows:

- (1) No fence, walls, hedges or plantings, when used as a divider, shall be permitted to exceed three (3) feet in height within a front yard.
- (2) No fences, walls, hedges or planting shall be permitted to interfere with visibility to or from a driveway.
- (3) All fences, walls and hedges adjacent to any public sidewalk shall be set back at least three feet from such sidewalk.
- (4) Within a side or rear yard, no fence or wall structure shall be permitted to exceed six (6) feet in height from its base to its top.
- (5) The use of barbed wire for fencing purposes shall only be permitted in the industrial and agricultural districts.
- (6) Prior to the erection, construction or placement of a fence or wall, all property owners shall either have their respective lots surveyed or sign a waiver which exempts the City from liability for illegal or improper placement which has resulted from the submission of incorrect or misleading information.
- (7) No fence shall be erected, constructed or placed so as to interfere with the provision of adequate light and air.
- (8) No fill or earthen berm, which results in a change of existing grade in developed or built-up areas of the City, shall be used to accommodate the placement of a fence or wall.
- (9) No fence shall be constructed so as to alter the natural drainage of an existing property.
- (10) A fence permit shall be required to be obtained from the Zoning Administrator for the erection, construction or placement of all proposed fences, walls and front yard hedges.

(11) Fences used in conjunction with tennis courts and back stops for ball fields shall be exempt from the height limitations; however, in no case, shall a tennis court or back stop be more than twelve (12) feet in height.

(12) All fences shall be installed so that support posts and other support mechanisms face the inside part of the fence.
(Ord. 45-08. Passed 12-15-08.)

1189.05 HOME OCCUPATIONS.

Home occupations shall be regulated as follows:

(a) Home occupations shall be considered an activity which is clearly incidental and secondary to the use of a dwelling for residential purposes.

(b) A home occupation shall not change the residential character of either the dwelling or the surrounding neighborhood.

(c) A home occupation shall be conducted entirely within the dwelling and shall not be permitted in any accessory structure or within any required yard space.

(d) A home occupation shall be operated only by a resident of the dwelling in which such home occupation occurs and, there shall be no employees.

(e) A home occupation shall not have a separate entrance from outside of the dwelling.

(f) A home occupation shall not involve the use of more than one room or twenty-five percent (25%) of the ground floor area of the dwelling unit, whichever is greater.

(g) A home occupation shall not utilize mechanical or electrical equipment except that which is customary for purely domestic or hobby purposes.

(h) No home occupation shall be operated in such a manner as to cause offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, electronic interference or otherwise constitute a nuisance or safety hazard.

(i) No wholesale, jobbing or retail business shall be permitted on the premises unless it is conducted entirely by mail and/or telephone, provided however, that articles produced by the members of the immediate family residing on the premises are not sold upon the premises.

(j) No outdoor storage of materials used to conduct a home occupation shall be permitted.

(k) An individual conducting a home occupation shall be permitted to display one non- illuminated sign not exceeding two square feet per sign face in area.

(l) No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupation, shall be created.

(m) In no event shall a home occupation be interpreted to include an animal hospital or kennel, barber or beauty shop, business, dance or music school, doctor or dentist office, mortuary, private club, trailer rental, repair shop or service establishment, restaurant or bed and breakfast.

(n) A home occupation permit shall be required to be obtained from the Zoning Administrator for all proposed home occupations and shall be subject to renewal on an annual basis.

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

1189.06 OUTSIDE STORAGE AND WASTE.

Outside storage and waste shall be regulated as follows:

(a) With the exception of single and two family residences, all outdoor storage facilities for fuel, raw materials and/or waste products shall be enclosed by a four sided screened fence or wall, or combination thereof, so as to completely conceal such matter from surrounding land uses.

(b) All waste products temporarily stored outdoors shall be placed within closed containers capable of preventing their transfer either outside the required closure area, or, off the lot.

(c) In no case, shall such facilities be placed within a required front yard.

(Ord. 1-99. Passed 1-19-99.)

(d) All construction sites shall include a dumpster to contain construction trash and debris and portable toilet units for construction personnel.

(Ord. 21-03. Passed 11-17-03.)

1189.07 COMMERCIAL, RECREATIONAL, CONSTRUCTION AND AGRICULTURAL VEHICLES.

Commercial, recreational, construction and agricultural vehicles shall be regulated as follows:

(a) A "small commercial vehicle" shall mean a vehicle which:

(1) Is designed primarily for carrying merchandise or freight;

(2) Does not exceed 8,000 pounds empty weight; and

(3) Does not contain provisions for refrigeration, cooking water storage or sleeping.

Such vehicles shall not be permitted to be parked overnight within any Residential, or Office Zoning District.

(b) Other commercial vehicles, which are not considered small commercial vehicles, may be parked periodically, as well as temporarily, but not overnight, in a residential zoning district only for the purpose of making service or delivery calls.

(c) Recreational Vehicle shall mean all travel trailers, pickup trucks with slide in campers, motorized homes, fold-tent trailers, boats and boat trailers.

(1) Such vehicles shall not be permitted to be permanently parked within any required front yard of any zoning district.

(2) Such vehicles may be parked in a required front yard of a residential zoning district for the purpose of loading or unloading not to exceed forty-eight (48) hours within any seven (7) day period of time.

(Ord. 1-99. Passed 1-19-99.)

(3) Such vehicles may be parked for storage purposes in any side yard or rear yard, provided a permanent hard, impermeable dustless surfaced area not less than the overall dimensions of the vehicle is constructed and a permanent, dustless, hard surfaced driveway to the vehicle is provided and maintained. Stored vehicles shall be screened from view from adjacent properties with a fence or landscaping materials.

(Ord. 21-03. Passed 11-17-03.)

(4) None of the above types of vehicles shall be used for living, sleeping or housekeeping purposes when parked or stored on any lot within the City. Travel trailers, pickup trucks with slide-in campers and motorized homes shall not be used for onsite construction offices and twenty-four (24) hour security offices on construction sites.

(5) No person shall permanently remove the wheels or similar transporting devices of any habitable vehicle parked in a residential zoning district, nor shall such vehicle be otherwise fixed to the ground by any person in any manner that would prevent the ready removal of such habitable vehicle.

(6) Parked or stored recreational vehicles shall not be connected to electricity, water, gas or sanitary sewer facilities; and at no time shall this equipment be used for living or housekeeping purposes while on the premises. Furthermore, all parked or stored recreational vehicles shall be solely for the personal use of the occupants of the residence on which the vehicles are located.

(7) All commercial and recreational vehicles, whether used for transportation or storage purposes, shall be required to have current State license plates and/or tags.

(Ord. 1-99. Passed 1-19-99.)

1189.08 PRIVATE SWIMMING POOLS.

Private swimming pools shall be regulated as follows:

(a) Any manmade pool, pond, lake or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet shall, hereafter, be deemed to be a private swimming pool.

(b) Such pool shall be used solely by a property owner, members of the immediate family and invited guests.

(c) Such pool shall be setback at least fifteen (15) feet from all side and rear lot lines and shall be located well away from any electrical power lines.

(d) Pools shall not be permitted in the front or side yard of a property.

(e) Such pools shall be surrounded on all sides by a five (5) foot high fence or wall so as to prevent uncontrolled access. Said fence or wall shall be maintained in good condition and any gate must have a working lock.

(Ord. 1-99. Passed 1-19-99.)

1189.09 TEMPORARY USES.

(a) Carnivals, circuses, fairs, festivals and other similar gatherings shall be permitted for a maximum period of ten (10) days in any GB General Business, or RB Regional Business zoning district upon the approval of a Tent and Festival permit application by the Zoning Administrator. Approval of a permit shall require the following:

(1) Written consent of sixty percent (60%) of all residential property owners within 500 feet of the temporary use from such gathering.

(2) Approval of tents by the Trotwood Fire Department if applicable.

(3) Approval of any electrical hookups by the Montgomery County Department of Building Inspection.

(4) Approval of a Public Safety Plan by the Trotwood Police Department.

(5) Liability insurance in the amount of one million dollars (\$1,000,000). Such activities shall be exempt when authorized by Council or when sponsored in whole or in part by Council.

(b) Temporary sales offices, which are open to the general public, including mobile homes, shall be permitted only as follows:

(1) In a subdivision of not less than five acres.

(2) When located at least 300 feet from any existing residential dwelling; and

(3) When connected to on-site water and sewer utility hookups. Such offices shall be permitted for a maximum six (6) month period of time.

(c) Temporary construction offices, which are not open to the general public, including mobile homes and mobile trailers used for that purpose, shall be permitted in any subdivision provided such use is situated only upon the lot where construction activity is permitted to occur. Such office shall be permitted for a maximum six (6) month period of time or only until the approved construction is completed.

(d) Temporary Outdoor Sales.

(1) The temporary outdoor sales of items such as produce, lawn and garden supplies, seasonal items and similar items thereof shall be permitted on the premises of retail outlets located in any business district when incident to the principal business conducted thereon and sales are made only by employees of the principal business. The sale of any agricultural produce shall be permitted on any property on which it is produced or grown. All such sales shall be subject to the following conditions:

A. No portion of the display shall be on or over publicly owned property or right-of-way.

B. No required off-street parking space or loading area shall be utilized for display, storage or dispensing.

C. A permit is obtained from the Zoning Administrator and a twenty-five dollar (\$25.00) permit fee is paid. Said permits shall remain in effect for so long as the approved use or uses remain unchanged as to type, location and area and the activity has not been adjudged to be a nuisance or in violation of any provisions of this Zoning Ordinance.

(2) Farmers Markets offering outdoor sales of farm produce, homemade foodstuffs such as breads, cakes, pies, pastries and similar items, flowers and other items handmade and not store bought. Farmers

Markets are subject to the following conditions:

A. Individual vendor stands, tents, stalls, etc. may be located only in non-Residential Zoning Districts.

B. No off-street parking spaces required by the use on which property the Market is located may be used for display, sales or storage by the Market vendors.

C. Vendors shall be required to provide adequate parking for the Market during the operation of the Market.

D. Farmers Markets may operate no more than two days per week.

E. Vendors shall be responsible for complying with all requirements of the Montgomery County Health Department.

F. Scales used for weighing products sold shall have a current certification from the Greene County Auditor's Office.

G. A Temporary Use Permit shall be obtained by each vendor from the Zoning Administrator and a twenty-five dollar (\$25.00) permit fee shall be charged each vendor. Said permits shall expire on December 31st of each year.

(e) Portable storage units may be placed in Residential Districts for a period of time not to exceed thirty (30) days per year, unless otherwise approved, subject to the following conditions:

(1) Portable storage units may be located only on the driveway of the property where the unit is being used for temporary storage.

(2) An application for temporary use permit shall have been submitted by the property owner and approved by the City prior to locating the unit on the property.

(3) In instances where the property owner can demonstrate that unusual circumstances create a need to place the unit on the property for a period longer than thirty days, the Zoning Administrator may issue a temporary use permit for a period longer than thirty (30) days, but in no instance may a permit be issued for a period longer than one hundred eighty (180) days.

(4) When the Zoning Administrator approves an extension of the expiration date of a temporary use permit for a Portable Storage Unit, the Zoning Administrator shall submit to the Board of Zoning Appeals at its next regular meeting a written report detailing the circumstances for the issuance of the extension.

(f) Tents: Exemptions.

(1) The use of a tent for any purpose shall require a Tent Permit, unless all of the following provisions are met:

A. The tent does not exceed 100 square feet in area.

B. The fabric of the tent is certified as meeting the flammability standard known as "CPAI-84".

C. The tent will be located at least 20 feet from all property lines, buildings and parked vehicles.

(2) Unless exempt under Section 1189.09 (f) (1) above, a detailed site plan shall be submitted with the application form and must include:

A. Inside dimensions of the tent.

B. Location of tent to property lines, buildings, other tents & canopies, parked vehicles and internal combustion engines.

C. Parking and equipment area.

D. Location and size of exits and aisles.

E. Seating plan.

F. Location of lighting and heating (if used).

G. Fire extinguisher locations.

H. Location of "No Smoking" signs.

I. Certificate of Flame Retardant. **** The structure shall have a permanently affixed label bearing the following information:

1. Identification of temporary membrane structure, tent or canopy, size or fabric or material type.
2. For flame-retardant-treated materials, the date that the temporary membrane structure, tent or canopy and other combustible materials were last treated with an approved flame retardant.
3. The trade name and type of flame retardant utilized in the flame-retardant treatment.
4. The name of the person and firm that applied the flame retardant.

** If the structure does not have the above described label, the applicant must submit a Certificate that the tent meets the flammability standards of CPAI-84.

(3) If required, a Temporary Use Permit shall be granted in compliance with Section 1189.09 (a) or (d).

(4) All tents require inspection by Trotwood Fire Department before use. A copy of the approved tent permit shall be forwarded to the Fire Department by the Zoning Administrator, but it is the responsibility of the applicant to contact the Fire Department to schedule an inspection.

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

1189.10 TRANSFER OF BUILDINGS.

No building, whether now in use or formally used for residential, commercial or industrial purposes, shall be permitted to be physically moved from one lot location to another unless such building and the lot upon which it is placed meet all of the minimum provisions of the applicable zoning district in which they are so situated. Furthermore, such buildings shall, upon transfer, be required to be compatible with the character of the area in which they are placed.

(Ord. 1-99. Passed 1-19-99.)

1189.11 CORNER LOTS.

Corner lots shall be regulated as follows:

(a) In any district, the side yard of the corner lot that abuts the side yard, shall have the same setback requirement as the front yard.

(b) A rear yard shall be provided parallel to and opposite from the front yard. However, in no instance, shall such an area be permitted to consist of less than fifteen (15) feet when measuring the distance between the principal structure and the rear property line.

(c) The rear yard for a corner lot is an area bounded by the side lot lines and an imaginary line on an arc of X feet ("X" being the required rear yard setback of the Zoning District of the property) from a point most distant from the front lot lines at which the side lot lines intersect. In the instance of a through lot, there is no rear yard.

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

1189.12 OUTDOOR STORAGE NOT PERMITTED AS AN ACCESSORY USE.

The outdoor storage of materials such as, but not limited to; junk, wood, lumber, building materials, parking of inoperative or unlicensed motor vehicles or similar items of property, unless specifically permitted by the specific zoning district regulations shall not be permitted as an accessory use in

Agricultural, Residential, Office or Business Districts.

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

1189.13 AUTOMOTIVE SERVICE STATIONS, PUBLIC GARAGES AND PARKING LOTS.

Filling stations, public garages and parking lots shall be regulated as follows:

(a) No automotive filling station or public garage shall be permitted where any dispensing pumps, any oil drainage pit or visible appliance for any such purpose other than underground storage tank filling caps, is located within twelve (12) feet of the established right-of-way line as shown on the Official Thoroughfare Plan for the City of Trotwood or within twenty-five (25) feet of any Residential District, except where such appliance or pit is completely enclosed within a building.

(b) Canopies may be erected over service station pump islands provided that no canopy shall be closer than five (5) feet to the right-of-way and provided that the vertical supports for the canopy shall not be closer than twelve (12) feet to the right-of-way. Such canopy shall not exceed eighteen (18) feet above the ground level and shall be at least fourteen (14) feet above the ground level. On corner lots, no canopy shall be closer than ten (10) feet to the right-of-way of the intersection. All setbacks are taken from the right-of-way as shown on the Official Thoroughfare Plan for the City of Trotwood.

(c) On all corner lots, all vehicular entrances to, or exits from, and curb openings, shall be set back a minimum of twenty-five (25) feet from the corner property lines extended or from the established right-of-way lines as shown in the Official Thoroughfare Plan. All curb openings, whether on a corner lot or not, shall not exceed forty (40) feet in width at the curb line, and thirty (30) feet at the property line. There shall be a minimum of twenty (20) feet measured along the property line, between any series of driveways.

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

1189.14 EXCAVATIONS, DUMPS AND LANDFILLS.

No excavations or dumping of earth, gravel, stone or other natural products shall be carried on in any district unless the same is permitted by the Planning Commission, subject to such conditions and safeguards as it may determine for the protection of the public health, safety and morals of the City. Dumping of refuse or waste matter and/or the burning of such materials on any land, natural land cavity, existing excavations, or quarries shall be prohibited in any district unless the said use exists at the time of the enactment of this Ordinance, and in that case, the Board may establish the necessary conditions so that such process will not be detrimental to the Community.

(Ord. 1-99. Passed 1-19-99.)

1189.15 DRIVEWAYS IN AGRICULTURAL AREAS.

Any driveway or access drive in an agricultural district shall be constructed of a sealed, dustless surface of asphalt or concrete from a point at least fifty (50) feet from the right-of-way to the paved thoroughfare.

(Ord. 1-99. Passed 1-19-99.)

1189.16 HEIGHT MODIFICATIONS.

Height limitations stipulated elsewhere in this Zoning Ordinance shall not apply:

(a) To barns, silos or other farm related structures on farms, provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, bulkheads and elevator penthouses; to parapet walls extending not more than four (4) feet above the limiting height of the building.

(b) To fire towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height; provided, however, that, all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than twenty-five (25) in all parts from every lot line.

(Ord. 1-99. Passed 1-19-99.)

1189.17 LANDS USED FOR AGRICULTURAL PRODUCTION.

Lands used for agricultural production shall be regulated as follows:

(a) As used in this Section, "agricultural production" means commercial, apicultural, animal husbandry, or poultry husbandry, the production for a commercial purpose of timber, field crops tobacco, fruits, vegetables, nursery stock, ornamental shrubs and trees, flowers or sod; the growth of timber for a noncommercial purpose, if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production or growth; and includes the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production or growth.

(b) Notwithstanding any provision to the contrary in this Zoning Ordinance, any parcel of land which, during the five calendar years prior to the adoption of this Zoning Ordinance that has been devoted to agricultural production or is zoned as an agricultural district under any prior Zoning Ordinance or Resolution, may continue or commence agricultural production subject only to the provisions pertaining to agricultural uses of Sections 1171.05 and 1171.06 of this Zoning Ordinance.

(c) Structures utilized for agricultural production purposes shall be exempt from the accessory use provisions of this Zoning Ordinance.

(Ord. 1-99. Passed 1-19-99.)

1189.18 ARCHITECTURAL DESIGN STANDARDS.

(a) Purpose and Intent. The exterior appearance of any building within the City has an effect upon the desirability of the immediate area and of neighboring areas for business, residential, and other purposes. Maintenance of an attractive, compatible, and pleasing exterior appearance of such buildings will prevent a deterioration in the stability of residential neighborhoods and areas of business development, preserve the value of real property, and prevent the deterioration of conditions affecting the general welfare of residents and business owners in the City.

(b) Building Design.

(1) Architectural style is not restricted. Evaluation of the appearance of a project will be based on the quality of its design and relationship to surroundings.

(2) Buildings shall be of similar scale and in harmonious conformance with permanent neighboring development.

(3) Building materials shall be of durable quality. A minimum of fifty percent (50%) brick, stone, or other permanent natural material shall be used in the construction of any single family residence.

(4) Building components such as windows, doors and eaves shall have good proportions and relationships to one another.

(5) Mechanical equipment or other utility hardware on the roof, ground or buildings including antennae; satellite discs; and heating, ventilation and cooling equipment shall be screened from public view with materials that are architecturally compatible with the building or they shall be located so as not to be visible from public roads.

- (6) Exterior lighting shall be included in the architectural concept and shall be designed and installed so as to eliminate glare and be non-intrusive or disruptive to neighboring properties and passers-by.
- (7) Building colors shall include subtle, neutral, earth tone colors and shall be similar and consistent with the colors of the home in the immediate neighborhood. The use of high intensity, metallic or fluorescent colors in any residential zoning district shall be prohibited.
- (8) Protective barriers such as bars, cages, and other barricades placed on doors and windows of any commercial building shall not be readily visible from the exterior of the building. Such devices shall be placed only in the interior of the structure.
- (c) Approval Standards. The appearance, color, texture and materials being used will preserve property values in the immediate neighborhood and will not adversely affect any property values.
- (d) Procedure. The Zoning Administrator shall be authorized to determine compliance of an application for Zoning Permit with this Section 1189.18. The Zoning Administrator may forward any application for review and determination by the Trotwood Design Review Board.
- (Ord. 45-08. Passed 12-15-08.)

1189.19 HORSES.

The keeping of horses may be permitted within the A, Agricultural, RE-Rural Estate, RSF- L, Residential Single Family Low Density and RSF-M, Residential Single Family Medium Density Zoning Districts provided a minimum of one acre of land shall be provided for each horse kept in any of the permitted districts except that horses may not be kept on any lot or parcel of land smaller than two (2) acres within the RSF-L and RSF-M Districts.

(Ord. 21-03. Passed 11-17-03.)

1189.20 MOBILE VENDORS

(a) The purpose of this section is to facilitate the ability of Outdoor Mobile Vendors to operate on private property while ensuring the Use is compatible with surrounding properties, fosters an aesthetically appealing streetscape and does not create a dangerous traffic condition.

(b) An Outdoor Mobile Vendor shall be required to obtain a Commercial Zoning Certificate issued by the Planning & Zoning Department prior to operating within the City of Trotwood.

(c) Review by the Planning & Zoning Department will consider the following standards and criteria for approval:

(1) The mobile vendor business shall not match or duplicate the primary food or retail offerings sold by a permanent business located on the property.

(2) The mobile vendor shall have all applicable federal, state, county, and local licenses and permits. Proof of approved status from Public Health Dayton & Montgomery County is required to be included with the application prior to review. These requirements may be subject to annual review by the City of Trotwood.

(3) The mobile vendor shall provide proof of permission (Agent Form) from the property owner. The mobile vendor shall operate only at the approved location. The Zoning Certificate shall only apply to the specified location. Each location of operation requires a separate application.

(4) The mobile vendor shall include in the application any temporary shelters, such as tents and canopies, which may be utilized. Review and approval by Trotwood Fire Department and Montgomery County Building Regulations may be required.

(5) The mobile vendor shall be permitted at a location for a maximum two (2) occurrences of up to three (3) consecutive days for every 30 days.

(6) The mobile vendor shall only park on improved surfaces and shall not obstruct traffic movement, impair visibility or safety on the site. The mobile vendor shall observe all setback requirements and restrictions.

(7) The mobile vendor shall not occupy more than 10 percent of the required parking for the permitted use of the property.

(8) The mobile vendor is responsible for the disposal of all waste in accordance with all applicable laws and are not permitted to dispose of trash or waste in public trash receptacles.

(9) The mobile vendor shall not connect to any source of electricity, water or sewer. Such connections are prohibited. The mobile vendor must supply their own self sufficient source of power, water and waste disposal.

(10) Hours of operation of a mobile vendor are to be between the hours of 8am and 8 10pm.

(11) The mobile vendor is not permitted to operate within 50 1,000 feet of a residential lot structure.

(12) The Zoning Certificate shall be conspicuously displayed at all times during the operation with the City.

(13) The mobile vendor shall not make use of any sound systems or amplified speaker systems for any reason.