

- vi. No use shall produce erosion, ponding of water, changing of water flow, or pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.
 - vii. No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that may contaminate, pollute, or harm the waters may be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or ground water.
 - viii. Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, scrap metals, or rotting wood shall not be present or accumulate on any property, or the storage or parking of any inoperable vehicle or junk vehicles as those terms are defined herein.
 - ix. This subsection shall not be construed as prohibiting any of the following:
 - (a) The outdoor storage of bona fide farm equipment, farm implements, or farm vehicles, provided such items are being used for ongoing farm operations and are otherwise in compliance with all other applicable ordinances;
 - (b) A motor vehicle which is mechanically operable, but unlicensed because it is owned, leased or cosigned to a duly licensed and lawful new or used car dealer, if the motor vehicle is located on premises under the control of the car dealer for sale or delivery; or
 - (c) A vehicle or motor vehicle which is stored on the premises of a duly licensed and lawful vehicle or motor vehicle repair shop or a licensed and lawful vehicle impoundment facility, if the repair shop or impoundment facility has all licenses or registrations required by the State of Ohio, and all zoning permits required by the City.
- B. Organization of Generally Applicable Standards.
- (1) The generally applicable regulations have been organized within this chapter as follows:
 - i. Overview;
 - ii. Standards Generally Applicable to Detached Single-Family and Attached Single-Family Uses;
 - iii. Standards Generally Applicable to Non-Single-Family Uses; and
 - iv. Regulations Generally Applicable to all Uses.
(Ord. 0-05-21-02. Passed 6-17-21.)

1121.02 STANDARDS GENERALLY APPLICABLE TO DETACHED SINGLE-FAMILY AND ATTACHED SINGLE-FAMILY USES.

- A. Home Occupations.
- (1) A zoning certificate is not required prior to the operation of a home occupation. Home occupations shall be subject to the following standards:
 - i. Home occupations shall clearly be subordinate and incidental to the primary use of the property as a residence;

- ii. No more than twenty-five percent (25%) of the gross floor area of the dwelling, including accessory structures, may be utilized for the home occupation;
- iii. The external appearance of the residence may not be altered to accommodate the home occupation with the exception of one sign no larger than two square feet;
- iv. Outdoor storage of any kind, including products, materials or equipment, is prohibited;
- v. Noise, vibration, smoke, dust, odor, heat, light, glare, radiation, or electromagnetic disturbance generated by the home occupation by any means is prohibited;
- vi. Not more than one (1) person that is not an occupant of the residence on premises may be employed by the home occupation;
- vii. Customers or visitors of the home occupation may not enter the premises before 8:00 am or after 6:00 pm; and

B. Accessory Dwelling Units (ADU).

- (1) A zoning certificate is required prior to the construction of an accessory dwelling unit. An ADU may be created through new construction, conversion of an existing structure, addition to an existing dwelling, or conversion of an existing dwelling to an ADU while simultaneously constructing a new primary dwelling on the site where both structures comply with all applicable zoning regulations. The following standards apply:
- i. Only one ADU is permitted per single-family lot;
 - ii. The ADUs exterior finish materials must be the same as the exterior finish materials of the primary dwelling;
 - iii. The maximum floor area shall be 800 square feet;
 - iv. Both the primary residence and the ADU shall be served by one residential utility connection and one meter and all utilities extended to serve the ADU must be underground;
 - v. The ADU shall have access to one (1) on-site parking space to be located on a driveway or within a garage on the property; and
 - vi. The ADU may be attached or detached from principal structure. If detached, the ADU shall be located in rear yard only and comply with accessory structure standards.

C. Accessory Structures.

- (1) A zoning certificate is required prior to the construction of an accessory structure. The following standards apply to accessory structures on lots containing single-family residential dwellings:
- i. Up to two (2) accessory structures are permitted on a single lot; only one of which may exceed 200 square feet;
 - ii. Accessory structure(s) shall be located in the rear yard only;
 - iii. Any utilities to service accessory structure shall be underground;
 - iv. Accessory structures may not be located within five (5) feet of the primary structure and shall be no closer than five (5) feet to any lot line and not within any recorded easement. An accessory structure located adjacent to a side street shall not be closer to the side street lot line than the required side yard setback for the principal structure;

- v. Accessory structures may be constructed only in conjunction with or after construction of the primary structure on the site with the exception of agricultural properties, which are exempt from this standard; and
 - vi. No accessory structure shall exceed 864 square feet except where a rear yard exceeds 20,000 square feet in area. In this case, the size of the accessory structure may be increased by five percent (5%) of the rear yard area over 20,000 square feet. In any event, an accessory structure shall not exceed 1,800 square feet.
- D. Swimming Pools.
- (1) A zoning certificate is required prior to the construction of a swimming pool or pool house. Swimming pools and pool house are not considered an accessory structure; applicable standards are as follows:
 - i. Only one (1) swimming pool and one (1) pool house is permitted per property;
 - ii. The swimming pool and pool house shall be located in the rear yard only and shall be setback a minimum of fifteen (15) feet from the primary structure and any lot line; and not within any recorded easements;
 - iii. The pool house shall be considered an accessory structure and shall count toward the maximum number of accessory structures on site;
 - iv. The swimming pool shall be surrounded by a wall or fence no less than five feet high with a locked gate to prevent uncontrolled access; and
 - v. A pool house shall not exceed 100 square feet in size.
- E. Keeping of Farm Animals within Residential Districts.
- (1) Hobby Farms, as defined in Chapter 1181, are permitted on a parcel of five (5) acres or more and do not require a zoning certificate.
 - i. Large farm animals, as defined in Chapter 1181, shall be permitted.
 - (2) Backyard farms, as defined in Chapter 1181, shall be permitted if the following conditions are met, and a zoning certificate has been granted:
 - i. No more than one (1) small farm animal shall be kept on a parcel of land for each 100 square feet of enclosed pen/yard;
 - ii. A maximum of six (6) small farm animals, with the exception of babies, may be kept on the property for up to a maximum of ninety (90) days;
 - iii. Small farm animals shall be kept in a coop, enclosed exterior pen/yard or other similar enclosure situated no closer than fifteen (15) feet from side and rear lot line. Owners shall be responsible for providing evidence of location of property line and fifteen (15)-foot setback. A survey may be required in the Zoning Administrator's discretion;
 - iv. All coops, exterior pens/yards, stored feed and manure shall be placed in rear yard only;
 - v. Small farm animals shall be confined to coop, enclosed exterior pen/yard or similar enclosure at all times; animals shall not be allowed to freely pasture on the property;

- vi. Small farm animals shall be provided with enclosed house or coop, properly ventilated; minimum two (2) square feet per animal;
- vii. All winged animals shall be clipped;
- viii. Coops and enclosed exterior pens/yards shall be kept clean, dry, free of odor, and free of accumulated manure;
- ix. Stored feed and manure shall be kept in an air-tight container with sealable lid and situated no closer than fifteen (15) feet from side or rear property line;
- x. No small farm animals shall not be butchered or processed within public or neighboring view;
- xi. No person shall own, keep, or harbor a rooster;
- xii. Off-premise and on-premise signs are not permitted;
- xiii. No person shall sell products produced by a small farm animal from property containing a single-family dwelling;
- xiv. Fences shall be a maximum of six (6) feet in height and comply with this Code;
- xv. Small farm animals shall be kept in compliance with all applicable provisions of Chapter 505 of the Codified Ordinances; and
- xvi. The property shall be inspected on an annual basis for continued compliance and if in compliance, a Renewal Certificate of Completion will be issued. If the property is not in compliance, then it must be brought into compliance within the time frame specified by the Code Enforcement Officer in order to obtain a Renewal Certificate of Completion.

F. Ponds.

- (1) The following regulations shall apply to ponds, as defined in Chapter 1181, which require a zoning certificate; these regulations do not apply to pre-manufactured or inner lined ponds that do not exceed 200 square feet and are exempt from this code:
- i. Ponds may be constructed on a single lot of greater than two (2) acres in total area and no closer than fifty (50) feet from a property line, easement, or right-of-way;
 - ii. The pond shall be constructed in accordance with Montgomery County Soil and Water Conservation District regulations and recommendations; and
 - iii. All plans shall be approved by the City of Clayton Development Department and Montgomery County Soil and Water Conservation District. Following construction, all ponds must be certified by the Montgomery County Soil and Water Conservation District, including seeding.

G. Garage Sales.

- (1) Garage sales (including patio, basement, yard, or block sales) shall be permitted on any lot containing a single-family dwelling and not in any public right-of-way or easement, and subject to the following regulations:
- i. Garage sales may be held from 8:00 a.m. to sundown;

- ii. No sale may extend for more than three (3) consecutive days (or portion thereof);
- iii. Garage sales may be advertised by sign twenty-four (24) hours in advance of said sale and shall be placed only on the property at which the sale is to occur. Off-premise signs are not permitted;
- iv. No more than two (2) garage sales per single-family dwelling may be held on any calendar year;
- v. No person conducting a garage sale under the provisions of this chapter shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Public Health Dayton & Montgomery County;
- vi. No fee or other charge shall be imposed upon members of the public attending any such sale;
- vii. Ballots, balloons, streamers, special lighting, noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale; and
- viii. Estate auctions and moving sales shall be permitted not more than one (1) week per calendar year, provided that such estate auction is made necessary for settling the estate of the resident, or provided that such moving sale is made necessary when a resident is moving away from that dwelling.

H. Parking and Storage of Automobiles, Recreational Vehicles and Equipment in Residential Districts.

- (1) The parking and storage of recreational vehicles and equipment in any district shall be subject to the following regulations:
 - i. The parking or storage of a vehicle or motor vehicle off a paved surface for longer than forty-eight (48) hours is not permitted in any residential or commercial district or property used for a residence or business. This includes vehicles displayed "For Sale."
 - ii. Vehicles displayed "For Sale" on a property must have been registered to a resident of the property on which the vehicle is displayed for not less than ninety (90) days prior to displaying it "For Sale."
 - iii. Paved surface shall mean a durable and dustless hard surface of asphalt, concrete, or other suitable material capable of withstanding 1,000 pounds per square inch (psi);
 - iv. Parked or stored camping and recreational equipment 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;
 - v. If the camping or recreational equipment is parked or stored outside of a garage, it shall be parked or stored no closer to the street than the nearest foundation line of the residence and shall be parked on hard dustless surface; and
 - vi. Notwithstanding the provisions of subsection (h)(1)ii., camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes, for a period of not more than forty-eight (48) hours.

- I. Fences and Walls.
- (1) A zoning certificate is not required for fences or walls.
 - (2) Fences and walls shall not violate the sight distance requirements, which apply to the visibility triangle as defined in Chapter 1181.
 - (3) Fences and walls shall not block or divert natural or designed stormwater flow.
 - (4) Fences and walls in the front yard shall be:
 - i. Decorative in nature; styles can include but are not limited to picket, and split rail utilizing normal fencing materials, such as wood, vinyl, or other as approved by the Zoning Administrator. Chain link will not be permitted for use in front yard fencing;
 - ii. Minimum fifty percent (50%) transparent;
 - iii. Setback fifteen (15) feet from the front property line and up to the side property lines; and
 - iv. Maximum four (4) feet in height.
 - (5) Fences and Walls in the rear and side yard shall be:
 - i. Designed for privacy or containment including normal fencing materials; such as wood, vinyl, chain link, or other material as approved by the Zoning Administrator;
 - ii. Opaque;
 - iii. Located up to the side and rear property lines; and
 - iv. Maximum of six (6) feet in height.
- J. Landscaping.
- (1) No part of any newly planted tree shall be located within any recorded easement.
 - (2) The unfinished front and side foundation walls of the principal structure shall be shielded with landscaping.
- K. Exterior Lighting.
- (1) Exterior lights shall be shielded and shall not directly cast light onto neighboring properties.
- L. Portable Storage Units or Any Enclosed Unit Designed for Temporary Storage that is Transportable.
- (1) A zoning certificate is required prior to the placement of any unit.
 - (2) Portable Storage Units shall be permitted for temporary loading or unloading of personal belongings for a period no longer than ninety (90) consecutive days per calendar year.
 - (3) Units shall be placed on a hard service like a driveway and not on the grass.
- M. Dumpsters, Roll-off.
- (1) A zoning certificate is required prior to the placement of any dumpster.
 - (2) Dumpsters are permitted for a period no longer than fourteen (14) consecutive days at one time with a maximum of twenty-eight (28) total days per calendar year for the clean-up or restoration of a property.
 - (3) Dumpsters shall be placed on a hard surface like a driveway and not on the grass.

N. Care Facilities.

- (1) Residential care facilities, as defined by the Ohio Revised Code, shall be permitted in any district in the City, subject to the following standards:
- i. Suitable space shall be provided for indoor and/or outdoor recreational activities for the number of residents at the care facility;
 - ii. All new structures proposed shall be compatible with the residential design of the surrounding neighborhood;
 - iii. All exterior lighting shall be shielded to prevent glare at four (4) feet in height at any property line;
 - iv. The site must meet all applicable zoning requirements for yard, parking and sign regulations of the district in which it is located; and
 - v. Prior to issuance of a final certificate of completion, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for the proposed use, if such license is required by a governmental body or unit.

O. Outdoor Storage and Displays.

- (1) The permanent or temporary outdoor storage or display of bulk goods, including seasonal items such as firewood and mulch, are subject to the approval of a Zoning Certificate and the following:
- i. The outdoor storage or display of merchandise, inventory or materials shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways;
 - ii. The outdoor storage or display of merchandise, inventory or materials shall not be located in any required yard area within the lot;
 - iii. The outdoor storage or display of merchandise, inventory or materials shall not include the use of banners, pennants or strings of pennants;
 - iv. Outdoor storage areas shall be required to be fully screened, with the exception of a gate or opening for entrance and exit to the storage area, with a fence or wall not to exceed eight (8) feet in height; and
 - v. Temporary outdoor storage of retail goods shall be permitted for a duration no longer than twenty-one (21) consecutive days and no longer than sixty-three (63) days over an entire year. The temporary display area may not be larger than 200 square feet and may not interfere with pedestrian, bicycle or vehicular circulation.
(Ord. 0-05-21-02. Passed 6-17-21.)

1121.03 SHORT-TERM RENTAL STANDARDS - APPLICABLE ANYWHERE PERMITTED.

A. Purpose.

- (1) To prevent long-term rental units from being replaced with Short-Term Rentals and protect affordable housing units from conversion.
- (2) To preserve and protect neighborhood character and livability from nuisances that are often associated with Short-Term Rentals.