

Section 150.300

Districts Established: Map and Boundaries

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150.300.1 Districts Established

For the purpose of this Zoning Code, the City of Dayton is hereby divided into the following zoning districts:

- (A) Residential Districts
 - SR-1 Suburban Single-Family District
 - SR-2 Suburban Single-Family District
 - ER-3 Eclectic Single-Family District
 - ER-4 Eclectic Single-Family District
 - MR-5 Mature Single-Family District

 - SMF Suburban Multi-Family District
 - EMF Eclectic Multi-Family District
 - MMF Mature Multi-Family District

 - MH Manufactured Home District
- (B) Business Districts
 - UBD Urban Business District
 - CBD Central Business District

 - MNC Mature Neighborhood Commercial District
 - ENC Eclectic Neighborhood Commercial District
 - SNC Suburban Neighborhood Commercial District
 - MGC Mature General Commercial District
 - EGC Eclectic General Commercial District
 - SGC Suburban General Commercial District

 - T Transitional District
 - MX Mixed Use Hub District
- (C) Industrial Districts
 - I-1 Light Industrial District

Section 150.325 Commercial Districts

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§150.325.6	Design Standards		
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150.325.1 Purposes.

The Commercial districts (MNC, ENC, SNC, MGC, EGC, SGC) and their regulations are established in order to achieve the following purposes:

- (A) To provide for orderly growth and development in the City of Dayton.
- (B) To provide sufficient areas, in appropriate and convenient locations, for business activities and the exchange of goods and services.
- (C) To reflect and reinforce the existing density and pattern of development while accommodating the need for future growth.
- (D) To provide certainty to property owners, developers and neighbors about the limits of what is allowed in a Commercial district.

To carry out the above principles and to effectuate the goals and objectives in the City's Comprehensive Plan, it has been determined that the following Districts are necessary. The specific purposes for these Districts are:

- (A) Neighborhood Commercial Districts. To accommodate retail and service uses that typically serve a limited neighborhood area, or other retail uses that serve a more general market area but can successfully operate within a neighborhood district. Such commercial uses are necessary to satisfy basic shopping and service needs that occur frequently and must, therefore, be located close to residential areas. The character of these districts is intended to be compatible with that of surrounding residential neighborhoods, and hours of operation are limited. Buildings in these districts are typically smaller in scale than those found in the general commercial districts.
 - (1) Development in the Mature Neighborhood Commercial (MNC) District should have an urban form and be pedestrian-oriented. Preservation of historic buildings is strongly encouraged.
 - (2) The Eclectic Neighborhood Commercial (ENC) District is not quite as urban as the MNC District, but pedestrian-oriented development and preservation of historic buildings is expected.

(3) The Suburban Neighborhood Commercial (SNC) District is characterized by a suburban development pattern. Although a pedestrian orientation is encouraged, development may be more auto-oriented than the MNC or ENC commercial districts.

(B) General Commercial Districts. To provide a wide range of goods and services to a large consumer population coming from an extensive area.

(1) Development in the Mature General Commercial (MGC) District must have an urban development pattern. The buildings are to be at or close to the sidewalk. The land uses may be more intense, than typically found in other neighborhood commercial districts.

(2) Development in the Eclectic General Commercial (EGC) District may be more suburban in form, but pedestrian orientation is still a priority.

(3) The Suburban General Commercial (SGC) District will have a suburban development pattern, with the largest lots and the deepest building setbacks of all the commercial districts. (Ord. 30515-05, passed 12-28-05)

150.325.2 Permitted Uses.

(A) Permitted Uses. See sub-section 150.300.2, Use Regulations.

(B) Schedule 150.325.2 of Permitted Uses. (Ord. 30515-05, passed 12-28-05; amend Ord. 30643-07, passed 3-21-07; amend Ord. 30762-08, passed 7-16-08; amend Ord. 30893-09, passed 7-15-09; amend Ord. 31028-10, passed 10-20-10; amend Ord. 31142-11, passed 12-21-11; amend Ord. 31283-13, passed 12-18-13; amend Ord. 31490-16, passed 5-04-16; amend Ord. 31574-17, passed 7-05-17; amend Ord. 31738-19, passed 5-29-19; amend Ord. 31983-22, passed 8-10-22)

Land Use Category	MNC	ENC	SNC	MGC	EGC	SGC
	Mature Neighborhood Commercial	Eclectic Neighborhood Commercial	Suburban Neighborhood Commercial	Mature General Commercial	Eclectic General Commercial	Suburban General Commercial
(1) Residential						
(a) Single-family dwelling, detached	1	1		1		
(b) Single-family dwelling, attached	P*	P*				
(c) Two-family dwelling	1	1				
(d) Multi-family dwelling	P*	P*	P*	P*	P*	P*
(e) Family day care home for 1-6 children (type B)	P	P		P		

Schedule 150.325.2
PERMITTED USES IN COMMERCIAL DISTRICTS

Land Use Category	MNC	ENC	SNC	MGC	EGC	SGC
	Mature Neighborhood Commercial	Eclectic Neighborhood Commercial	Suburban Neighborhood Commercial	Mature General Commercial	Eclectic General Commercial	Suburban General Commercial
(f) Family day care home for 7-12 children (type A)	C	C				
(2) Residential/Work						
(a) Home Occupation	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴
(b) Live-work unit	P	P	P	P	P	P
(c) Work-live unit	P	P	P	P	P	P
(3) Mixed Use						
(a) Mixed use/residential	P*	P*	P*	P*	P*	P*
(4) Community Facilities/Institutions						
(a) Assembly hall/auditorium			P	P	P	P
(b) Church/religious assembly	P	P	P	P	P	P
(c) Community center	P	P	P	P	P	P
(d) Congregate care facility/nursing home	C	C	C	C	P	P
(e) Cultural institution	P	P	P	P	P	P
(f) Library	P	P	P	P	P	P
(g) Membership Club	P	P	P	P	P	P
(h) Public safety facility	P	P	P	P	P	P
(i) Utility substation/distribution facility, indoor					P	P
(j) Utility substation/distribution facility, outdoor	C	C	C	C	P	P
(5) Educational Facilities						
(a) Day care center, child and adult	P*	P*	P*	P*	P*	P*
(b) School (public/private), college/university				C	C	C

Schedule 150.325.2
PERMITTED USES IN COMMERCIAL DISTRICTS

Land Use Category	MNC	ENC	SNC	MGC	EGC	SGC
	Mature Neighborhood Commercial	Eclectic Neighborhood Commercial	Suburban Neighborhood Commercial	Mature General Commercial	Eclectic General Commercial	Suburban General Commercial
(c) School (public/private), elementary/secondary				C	C	C
(d) School specialty/personal instruction	C	C	C	P	P	P
(6) Recreation/Open Space						
(a) Health club	P	P	P	P	P	P
(b) Model airplane flying facility						C
(c) Park/playground		P	P		P	P
(d) Recreation facility, indoor				P	P	P
(e) Recreation facility, outdoor						
(f) Sports facility					C	C
(g) Theater, drive-in/outdoor					C	C
(h) Theater, indoor				C	C	C
(7) Office/Professional Services						
(a) Financial institution/bank	P	P	P	P	P	P
(b) Medical marijuana establishment, laboratory	P	P	P	P	P	P
(c) Office – administrative/professional	P	P	P	P	P	P
(d) Office – medical/dental/health services	P*	P*	P*	P*	P*	P*
(8) Retail/Personal Services						
(a) Animal hospital/clinic					P ²	P ²

Schedule 150.325.2
PERMITTED USES IN COMMERCIAL DISTRICTS

Land Use Category	MNC	ENC	SNC	MGC	EGC	SGC
	Mature Neighborhood Commercial	Eclectic Neighborhood Commercial	Suburban Neighborhood Commercial	Mature General Commercial	Eclectic General Commercial	Suburban General Commercial
(b) Animal boarding facility with no outside run or kennel						P
(c) Animal boarding facility with outside run and/or-kennel						C
(d) Freestanding Drive-thru facility					C	C
(e) Drive-thru facility	C	C	C	C	P*	P*
(f) Funeral home & related facilities					P	P
(g) Medical marijuana establishment, dispensary	P	P	P	P	P	P
(h) Outdoor display/sales except for motor vehicles	A	A	A	A	C	C
(i) Restaurant, indoor dining	P	P	P	P	P	P
(j) Restaurant, outdoor dining	P*	P*	P*	P*	P*	P*
(k) Retail establishment	P	P	P	P	P	P
(l) Service establishment, business	P	P	P	P	P	P
(m) Service establishment, personal	P	P	P	P	P	P
(9) Lodging						
(a) Bed & breakfast	P*	P*	P*	P*	P*	P*
(b) Hotel/motel				P	P	P
(10) Motor Vehicle/Transportation						
(a) Automobile service station				P*	P*	P*
(b) Car wash					P*	P*

Schedule 150.325.2
PERMITTED USES IN COMMERCIAL DISTRICTS

Land Use Category	MNC	ENC	SNC	MGC	EGC	SGC
	Mature Neighborhood Commercial	Eclectic Neighborhood Commercial	Suburban Neighborhood Commercial	Mature General Commercial	Eclectic General Commercial	Suburban General Commercial
(c) Equipment sales/rental/service (includes agricultural implements)				C	P*	P*
(d) Motor vehicle body shop				C	A ³	A ³
(e) Motor vehicle repair (including boats)				P*	P*	P*
(f) Motor vehicle sales/rental (including boats)					P* ³	P* ³
(g) Parking lot as principal use	C	C	P*	C	P*	P*
(h) Parking lot, restricted	C	C	C	C	C	C
(i) Parking structure	C	C	C	C	C	C
(j) Transit station					C	C
(k) Transit turnaround			C		C	C
(l) Vehicle fueling station					C	C
(11) Storage and Distribution						
(a) Medical marijuana establishment, processing	P	P	P	P	P	P
(b) Recycling collection facility, small						P
(c) Self-storage facility, indoor					P*	P*
(d) Wholesale sales and/or distribution, indoor				C	C	C
(12) Other						
(a) Bee keeping	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
(b) Community garden	P*	P*	P*	P*	P*	P*
(c) Harvesting	P*	P*	P*	P*	P*	P*
(d) Microbottler	P*	P*	P*	P*	P*	P*

Schedule 150.325.2
PERMITTED USES IN COMMERCIAL DISTRICTS

Land Use Category	MNC	ENC	SNC	MGC	EGC	SGC
	Mature Neighborhood Commercial	Eclectic Neighborhood Commercial	Suburban Neighborhood Commercial	Mature General Commercial	Eclectic General Commercial	Suburban General Commercial
(e) Plant nursery/greenhouse					P*	P*
(f) Solar energy structure	C	C	C	C	C	C
(g) Solar panel, building	P*	P*	P*	P*	P*	P*
(h) Telecommunication facility	See Section 150.600	See Section 150.600	See Section 150.600	See Section 150.600	See Section 150.600	See Section 150.600
(i) Utility box	P*	P*	P*	P*	P*	P*
(j) Wall mural	P*	P*	P*	P*	P*	P*
(k) Wind turbine	C	C	C	C	C	C
(l) Windmill, micro	P*	P*	P*	P*	P*	P*
(13) Accessory Uses						
(a) Accessory Buildings	A	A	A	A	A	A
(b) Animal boarding facility with no outside run or kennel ²					A	A
(c) Composting, incidental	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶
(d) Fences and Walls	A	A	A	A	A	A
(e) Home Occupation	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴
(f) Off-street parking areas and loading facilities	A	A	A	A	A	A
(g) Signs	A	A	A	A	A	A
(h) Solar energy structure	A ⁷	A ⁷	A ⁷	A ⁷	A ⁷	A ⁷
(i) Outdoor storage, equipment/vehicles					A	A
(j) Outdoor storage, goods & general materials					A	A
(k) Trash receptacles	A	A	A	A	A	A
Notes to Schedule 150.325.2 on next page						

Schedule 150.325.2
PERMITTED USES IN COMMERCIAL DISTRICTS

Land Use Category	MNC	ENC	SNC	MGC	EGC	SGC
	Mature Neighborhood Commercial	Eclectic Neighborhood Commercial	Suburban Neighborhood Commercial	Mature General Commercial	Eclectic General Commercial	Suburban General Commercial
Notes to Schedule 150.325.2:						
1 Only detached single-family dwellings and two-family dwellings that existed prior to August 1, 2006 shall be permitted. Newly constructed single-family detached and two-family dwellings shall not be permitted.						
2 Animal boarding facilities with no outside facilities may be accessory to a permitted animal hospital or clinic						
3 Motor vehicle sales establishments may have motor vehicle body shops provided these shops are accessory to the principal use.						
4 As regulated by Section 150.440, Home Occupation Regulations						
5 As further regulated by Section 150.420.1, Bee keeping						
6 As further regulated by Section 150.420.1.5, Composting, incidental						
7 As further regulated by Section 150.565, Solar energy structure						
P= Use permitted by right; P* = Use permitted by right as further regulated by Section 150.500, Conditional Use and Specific Use Regulations;						
C= Conditional Use; A=Accessory Use; Blank Cell = Use not permitted						

150.325.3 Lot and Setback Requirements

- (A) **Lot Requirements.** The minimum lot requirements for permitted, conditional, and accessory uses in the Commercial Districts are specified in Schedule 150.325.3 for the district in which the lot is located, except as otherwise regulated in Section 150.350 for planned developments and as otherwise regulated in Section 150.500 for conditional uses and those uses denoted with a **P***.
- (B) **Setback Requirements.** Every permitted use of land and all buildings and structures shall be located on a lot in a manner that maintains the required front, side, and rear setbacks set forth in Schedule 150.325.3 for the commercial district in which the lot is located, measured from the appropriate lot line, except as otherwise regulated in Section 150.500 for conditional uses and those uses denoted with a **P***. The area within each setback shall remain unobstructed by structures except as otherwise permitted in this Code. Any encroachment into the public right-of-way, as defined by Section 95.37 of the R.C.G.O., shall require Permits for Special Licenses and Privileges in Streets, which is issued by the Director of Public Works.
- (C) **Schedule 150.325.3 – Development Standards in Commercial Districts**

Schedule 150.325.3 DEVELOPMENT STANDARDS IN COMMERCIAL DISTRICTS						
	MNC	ENC	SNC	MGC	EGC	SGC
	Mature Neighborhood Commercial	Eclectic Neighborhood Commercial	Suburban Neighborhood Commercial	Mature General Commercial	Eclectic General Commercial	Suburban General Commercial
(1) Lot Requirements						
(a) Minimum lot size (unless specified below)	None	None	5,000 square feet	None	None	5,000 square feet

Schedule 150.325.3
DEVELOPMENT STANDARDS IN COMMERCIAL DISTRICTS

	MNC	ENC	SNC	MGC	EGC	SGC
	Mature Neighborhood Commercial	Eclectic Neighborhood Commercial	Suburban Neighborhood Commercial	Mature General Commercial	Eclectic General Commercial	Suburban General Commercial
(i) Single-family dwelling, detached	2,000 square feet	5,000 square feet		2,000 square feet		
(ii) Single-family dwelling, attached	2,000 square feet	5,000 square feet				
(iii) Two-family dwelling	2,000 square feet	5,000 square feet				
(iv) Multi-family dwelling	2,000 square feet	5,000 square feet	5,000 square feet		5,000 square feet	5,000 square feet
(b) Minimum lot width	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet
(c) Maximum lot coverage	100%	100%	100%	100%	100%	100%
(2) Minimum Setback Depth						
(a) Front Setback						
(i) Minimum	0 feet	0 feet	10 feet	0 feet	0 feet	10 feet
(ii) Maximum	10 feet ¹	20 feet ²	50 feet ³	10 feet ¹	20 feet ²	None ⁴
(b) Side Setback (unless specified below) ⁵	0 ⁵ feet	0 ⁵ feet	0 ⁵ feet	0 ⁵ feet	0 ⁵ feet	0 ⁵ feet
(i) Adjacent to Single Family districts	3 feet	10 feet	15 feet	3 feet	20 feet	20 feet
(ii) Adjacent to Multi-Family districts	3 feet	10 feet	15 feet	3 feet	20 feet	20 feet
(c) Rear setback (unless specified below)	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet
(i) Adjacent to Single Family districts	3 feet	10 feet	15 feet	3 feet	20 feet	20 feet
(ii) Adjacent to Multi-Family districts	3 feet	10 feet	15 feet	3 feet	20 feet	20 feet

Notes to Schedule 150.325.3:

¹ As further regulated by sub-section 150.325.3 (D), Front Setback in MNC & MGC Districts.

² As further regulated by sub-section 150.325.3(G), Front Setback in ENC & EGC Districts.

³ As further regulated by sub-section 150.325.3 (F), Front Setback in SNC District.

⁴ As further regulated by sub-section 150.325.3 (E), Front Setback in SGC District.

⁵ A building not sharing a common wall with an adjacent building shall maintain the minimum separation specified in the Building Code

Schedule 150.325.5 Minimum Parking Setbacks for Surface Parking Lots						
	MNC	ENC	SNC	MGC	EGC	SGC
	Mature Neighborhood Commercial	Eclectic Neighborhood Commercial	Suburban Neighborhood Commercial	Mature General Commercial	Eclectic General Commercial	Suburban General Commercial
(1) Setback from side or rear lot line:						
(a) When the lot line abuts a non-residential district	3 ft.	3 ft.	15 ft.	3 ft.	10 ft.	15 ft.
(b) When the lot line abuts a residential district	10 ft.	10 ft.	15 ft.	10 ft.	15 ft.	15 ft.
(2) Setback from public street rights-of-way:	10 ft.	10 ft.	15 ft.	10 ft.	10 ft.	15 ft.

(F) **Off Street Parking Spaces.** Parking spaces shall be provided in compliance with Section 150.700, Off-Street Parking & Loading Regulations. Vehicle parking and/or storage spaces shall be made of an impervious surface, such as asphalt or concrete. The area surrounding parked or stored vehicles shall be maintained pursuant to all applicable City ordinances, codes, standards, and regulations.

(G) **Loading and Service Areas.**

- (1) Off-street loading and service areas shall be provided in compliance with the regulations in Section 150.700, Off-Street Parking & Loading Regulations.
- (2) Loading and service areas in the Commercial Districts shall be located in the rear yard, unless the Plan Board, the Board of Zoning Appeals, or the Zoning Administrator, whichever is applicable according to the procedures in Section 150.115, determines that placement in a side yard would lessen the impact on adjacent residential uses.
- (3) Loading and service areas shall comply with the applicable parking setback requirements set forth in Schedule 150.325.5 and shall be screened in accordance with the provisions set forth in sub-section 150.800.10, Screening of Accessory Uses.

(H) **Screening.** The area within the parking setback shall be landscaped and screened in accordance with Section 150.800, Landscaping and Screening Regulations. (Ord. 30515-05, passed 12-28-05; amend Ord. 30643-07, passed 3-21-07; amend Ord. 30762-08, passed 7-16-08; amend Ord. 31142-11, passed 12-21-11; amend Ord. 31574-17, passed 7-05-17)

150.325.6 Design Standards for Mature Neighborhood Commercial, MNC; Mature General Commercial, MGC; the Eclectic Neighborhood Commercial, ENC; Electric General Commercial, EGC; and the Suburban Neighborhood Commercial SNC, Districts.

(A) **Purpose.** The buildings in the MNC, MGC, ENC, EGC, and SNC Districts define the urban spaces and built environment in Dayton's commercial districts. Enhancing the quality and compatibility of these buildings and thereby protecting the character of these areas is of utmost importance.

The principles and criteria set forth below are intended to achieve among others the following purposes:

- (1) To strengthen, protect, enhance and improve the existing visual and aesthetic character of the MNC, MGC, ENC, EGC, and SNC Districts.
- (2) To guide development and/or redevelopment of the MNC, MGC, ENC, EGC, and SNC Districts, thereby preserving the historic and architectural resources;
- (3) To ensure that the particular existing design features, which contribute to the unique character of the MNC, MGC, ENC, EGC and SNC Districts are retained and re-created in a manner that ensures the City will retain and enhance its sense of community.
- (4) To ensure that new development and/or redevelopment respects the City's historic qualities and resources through compatible design.
- (5) To protect and enhance property values.
- (6) To provide standards for property owners, architects and contractors to aid in the preparation of appropriate plans;

(B) **Applicability of Regulations.** In addition to the development standards set forth in this Section, the design standards set forth in Schedule 150.325.6 shall apply to the exterior appearance and design of all new construction and building renovations in the Commercial Districts listed in Schedule 150.325.6. The Plan Board, Board of Zoning Appeals, or Zoning Administrator, whichever is applicable according to the procedures in Section 150.115, may exempt applicants from these standards when the exterior building modifications are minor in nature, meaning the design modifications will have no discernable impact on neighboring properties, the public, the public right-of-way, or those intended to occupy or use the proposed development.

(C) **Schedule 150.325.6. Design Standards** (Ord. 30515-05, passed 12-28-05; amend Ord. 31738-19, passed 5-29-19)

- (5) Proximity of proposed relocated off-premise sign to other existing off-premise signs and the cumulative effect of these signs on other properties;
- (6) Illumination, if any, of the proposed relocated off-premise sign;
- (7) The topography and uses of other properties affected by the proposed relocated off-premise sign; and
- (8) The objectives of this Zoning Code and land use plans adopted by the city.

(C) The Plan Board shall conduct its public meeting in accordance with the major site design review procedure set forth in 150.115 of this Zoning Code after giving notice as prescribed by 150.115.8.

(D) In granting an application submitted pursuant to 150.925.6, the Plan Board shall condition its approval upon the removal of the existing non-conforming off-premise sign and the completion of necessary grading, landscaping and site restoration work on the property from which the non-conforming off-premise sign is removed. (Ord. 30716-08, passed 2-06-08; amend Ord. 31142-11, passed 12-21-11; amend Ord. 31738-19, passed 5-29-19)

150.925.7 Non-Conforming Off-Premise Signs in Transitional Districts

A non-conforming off-premise sign located in a Transitional (T) district of the city may be replaced with a new off-premise sign meeting all of the following requirements:

(A) The owner of a non-conforming sign located in the Transitional district of the city may apply to the Plan Board, pursuant to the procedures for Major Site Design Plan Review in Section 150.115, to replace an off-premise sign at the same location.

(B) The Plan Board shall consider an application submitted in accordance with 150.925.7(A) at a public meeting conducted by the Plan Board.

(C) In granting or denying the requested application, the Plan Board shall take in consideration the following factors:

- (1) The beneficial effects, if any, replacement of the existing non-conforming will have on other properties, and
- (2) The objectives of this Zoning Code and land use plans adopted by the city.

(D) The Plan Board shall conduct its public meeting in accordance with the major site design procedure set forth in 150.115 of this Zoning Code after giving notice as prescribed by 150.115.8. (Ord. 30716-08, passed 2-06-08; amend Ord. 31142-11, passed 12-21-11)

150.925.8 Non-Conforming Off-Premise Signs in MGC and ENC Districts

(A) The owner of a non-conforming off-premise sign located in a Mature General Commercial (MGC) or Eclectic Neighborhood Commercial (ENC) District of the city may apply to the Plan Board, pursuant to the procedures for Major Site Design Plan Review in Section 150.115, for permission to replace the non-conforming off-premise