

BY NO

AN ORDINANCE

Repealing, Amending, and Enacting Various
Sections of the Revised Code of General
Ordinances Relating to the Zoning Code.

WHEREAS, ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens; and,

WHEREAS, Effective, expeditious, and responsible regulation of land requires that the City Commission review and amend certain sections of the Revised Code of General Ordinances relating to the Zoning Code to clarify terminology and provisions, make certain regulations consistent from one zoning district to another, and update regulations to reflect experience to date and emerging best practices; and,

WHEREAS, The City Plan Board, at its January 14, 2025, meeting, in Case PLN2024-00417 recommended approval of amendments to various sections of the Revised Code of General Ordinances relating to the Zoning Code; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Sections 150.120.12(C)(4)(a) and 150.120.12(C)(4)(b), Appeals and Variances, Minor Variances by the Zoning Administrator, are amended to read as follows:

- (4) With respect to off-street parking requirements that:
 - (a) For any change of permitted use where no reasonable alternative exists for providing the parking spaces required of the new use; the same number of spaces provided by the previous use may be permitted provided the intensity of the new use is no greater than the previous use. The Zoning Administrator shall use the standards in sub-section 150.140.4(D) to determine if the intensity of the new use is greater than the previous use.
 - (b) For all other parking requirements, the proposed deviation shall not vary more than 4 spaces or 15% of the required number of spaces, whichever is greater.

Section 2. That Section 150.120.12(C)(4)(c), Appeals and Variances, Minor Variances by the Zoning Administrator, is enacted as follows:

- (c) A Transportation Management Plan (TMP) is submitted which addresses the parking needs of the site. The TMP may take into account the following information. The Zoning Administrator may request, or waive, additional information or details to ensure the parking needs of the site are met.
 - (i) The TMP may identify the maximum expected amount of parking demand that will be generated by the site during a typical operational day. This maximum expected parking demand will be based on one of the following:
 - (1) A parking study which uses parking utilization rates from similar construction in a similar development pattern to determine expected parking demand to be generated. Similarities must include number of off-street spaces provided at the comparison site, size and use of facility, location within a rural, suburban or urban context, and other features relevant to parking generation that can be compared between the existing and proposed site.
 - (2) The Institute of Transportation Engineers Parking Generation Report, 5th Edition parking generation ratios or models as applied to the uses of the site.
 - (3) Other unique site characteristics as applicable.
 - (ii) Relevant location-based characteristics that support multi-modal trips to the site may be assessed. These characteristics include:
 - (1) Proximity to a residential service population within walking or biking distance, as determined by the availability of infrastructure that supports a safe and comfortable biking and pedestrian environment.
 - (2) Proximity to a shared parking facility that is available to the project, connected to the site by infrastructure that supports a safe and comfortable biking and pedestrian environment.

- (iii) The TMP may estimate the peak periods of parking demand throughout the typical day, based on the type of uses within the project and hours of operation.
- (iv) The TMP may account for all parking available to the project, including:
 - (1) Number of on-site parking spaces provided;
 - (2) Number of off-site, privately shared, and public parking spaces available; and
 - (3) Number of bicycle parking spaces provided.

Section 3. That Section 150.130.2, Fees, Penalties and Enforcement, Zoning Code Complaints, is amended to read as follows:

150.130.2 Zoning Code Complaints

Any person may submit a complaint to the Zoning Administrator, orally or in writing, alleging a violation of this Zoning Code. The complaint shall include the address or parcel identification number of the property and fully state the factual basis for the complaint.

Section 4. That Section 150.130.3, Fees, Penalties and Enforcement, Enforcement, is amended to read as follows:

150.130.3 Powers of Enforcement

- (A) The powers and duties of the Zoning Administrator in enforcing the provisions of this Zoning Code include, but are not limited to, the following:
 - (1) Investigate, with or without a complaint, alleged violations of this Zoning Code, violations of lawful conditions placed on approvals by a reviewing Board, and/or violations of land use plans in urban renewal project areas;
 - (2) Issue notices, orders, and complaints and take other administrative actions as authorized to enforce the provisions of this Zoning Code and/or land use plans in urban renewal project areas;
 - (3) Deny applications for permits, certificates and approval of plans in violation of this Zoning Code, in violation of the City of Dayton’s property maintenance codes, and in violation of lawful conditions placed on approvals by a reviewing Board, and/or land

use plans in urban renewal project areas, and revoke permits, certificates and plans approved for a change in use or occupancy of a property or structure in violation of this Zoning Code, lawful conditions placed on approvals by a reviewing Board, and/or land use plans in urban renewal project areas;

- (4) Seek any remedy at law or equity, specifically including, but not limited to:
 - (a) Assessing civil penalties and filing misdemeanor complaints and minor misdemeanor citations for violations of this Zoning Code, or violations of terms or conditions set by the Board of Zoning Appeals and Plan Board in the course of their review of applications, and/or,
 - (b) Appearing and testifying in judicial and quasi-judicial proceedings as required in enforcing this Zoning Code.
- (5) The Zoning Administrator may file a misdemeanor complaint pursuant to Section 150.130.6, or assess a civil penalty pursuant to Section 150.130.9, or both, against a person who fails to comply with a notice of violation issued pursuant to Section 150.130.5 of this Zoning Code; provided, however, that as to any one person and violation the Zoning Administrator shall not assess a civil penalty following a misdemeanor conviction, nor shall the Zoning Administrator file a misdemeanor complaint following payment of a civil penalty and correction of the underlying violation.
- (6) The Zoning Administrator may pursue additional legal or equitable remedies, including injunctive relief, as necessary to enforce the provisions of this Zoning Code.
- (B) The powers and duties of the Preservation Officer in enforcing the provisions of this Zoning Code include, but are not limited to, the following:
 - (1) Investigate, with or without a complaint, alleged violations of this Zoning Code as they relate to property designated as HD-1, HD-2, or HD-3; and
 - (2) Issue notices and orders and take other administrative actions as authorized to enforce the provisions of this Zoning Code as they relate to property designated as HD-1, HD-2, or HD-3.

- (3) Appear and testify in judicial and quasi-judicial proceedings as required in enforcing this Zoning Code, or violations of terms or conditions set by the Landmarks Commission in the course of their review of applications.
- (4) The Preservation Officer is empowered to bring such civil action or criminal charges as may be necessary to enforce the provisions of 150.345 Historic Overlay Districts.

Section 5. That Section 150.130.4, Fees, Penalties and Enforcement, Election of Remedies, is amended to read as follows:

150.130.4 Stop Work Order

The Zoning Administrator or Preservation Officer, or their representatives may order, orally if necessary, that work being performed in violation of this Zoning Code be immediately stopped. The Zoning Administrator shall direct the order to the person performing the work and the owner, or authorized agent of the owner, of the property where the work is being performed. The Zoning Administrator shall reduce an oral order to writing as promptly as possible, and serve the order upon the person performing the work and the owner, or authorized agent of the owner, of the property where the work is being performed. Each order issued pursuant to this section shall direct the removal of work performed in violation of this Zoning Code and prohibit the performance of any further work until the requirements of this Zoning Code are met.

Section 6. That Section 150.130.5, Fees, Penalties and Enforcement, Notice of Violation, is amended to read as follows:

150.130.5 Permit Revocation and Vacation of Premises

- (A) The Zoning Administrator may issue a revocation notice to revoke a permit, certificate, or administrative approval that was issued contrary to this code or based upon false information or misrepresentation in the application. Repeated offenses relating to failure to adhere to applicable performance standards, permitted hours of operation, and failure to maintain premises in accordance with the standards of the Zoning Code are also cause for the revocation of a permit. The Zoning Administrator may revoke a permit that has failed to comply with conditions placed by the Board of Zoning Appeals, Plan Board, or Landmarks Commission.
- (B) The Zoning Administrator, on finding a building, premises or a part of a building or premises used or occupied in violation of any provision of the Zoning Code, has the authority to order such illegal use or occupancy terminated. When in the opinion of the Zoning Administrator, the termination of the illegal use or occupancy can only be insured through vacation of the building, premises or part thereof, the Zoning Administrator

may order the owner or the occupant or both to vacate the building, premises, or part of the building or premises that is being illegally used or occupied.

Section 7. That Section 150.130.6, Fees, Penalties and Enforcement, Misdemeanor Offenses, is amended to read as follows:

150.130.6 Procedure for Notices of Violation

- (A) A notice of violation shall:
 - (1) Identify by street address and lot number, if known, the property subject to the notice of violation;
 - (1) Contain a brief statement of the violation and the section or sections of the Zoning Code violated;
 - (2) Order remedial actions required by the Zoning Code to eliminate or correct the violation; and
 - (3) Specify a reasonable time for completing the remedial actions required to eliminate or correct the violation.
 - (4) Provide a notice of penalties should compliance not be gained and civil offenses filed.
 - (5) Provide instructions for appealing the notice of violations to the Board of Zoning Appeals, as provided in 150.120 Appeals and Variances.
- (B) The Zoning Administrator shall serve a notice of violation issued pursuant to this section by one of the following methods:
 - (1) By giving the notice of violation to the person served;
 - (2) By leaving the notice of violation with a person of suitable age and discretion residing with the person served;
 - (3) By sending the notice of violation by ordinary mail to the last known address of the person served and to the subject property.
- (C) The Zoning Administrator may elect to provide additional time to the person or entity to comply with the terms of the notice of violation. A statement of intent, affidavit or other written communication may be used by the Zoning Administrator to schedule and coordinate construction or other activity required to achieve compliance.

- (D) Should a notice of violation, or subsequent agreements for timing of compliance as specified above, fail to be complied with, the Zoning Administrator shall pursue civil penalties or criminal enforcement as specified in Section 150.130.8 below.

Section 8. That Section 150.130.7, Fees, Penalties, and Enforcement, Minor Misdemeanor Citation, is amended to read as follows:

150.130.7 Civil Penalties

Subject to Section 150.130.3, the Zoning Administrator may assess a civil penalty against any person who fails to comply with a notice of violation issued pursuant to section 150.130.5 of this Zoning Code. The purpose of the civil penalty is to fairly and efficiently effect a remediation of the violation. To accomplish this purpose, the Zoning Administrator shall establish and promulgate a schedule of assessed penalties based on the severity of the violation; provided, however, that the maximum civil penalty assessed by the Zoning Administrator pursuant to this section shall not exceed \$1,000.00 per day that has expired after the determined date set for compliance. The Zoning Administrator may assess civil penalties for each day the violation continues.

- (A) The Zoning Administrator shall send a written notice of assessment to a person assessed a civil penalty pursuant to this section. The Zoning Administrator shall send the notice by ordinary mail to the last known address of the person. The notice shall state the total amount assessed against the person based on the schedule of assessed penalties established by the Zoning Administrator. The notice shall also inform the person assessed the civil penalty that the person may appeal the assessment by filing a written notice of appeal with the Director of Planning, Neighborhoods & Development within ten (10) days of the written notice of assessment.
- (B) Once a civil penalty has been assessed, The Director of Planning, Neighborhoods & Development shall hear an appeal filed pursuant to this section within thirty (30) days of receiving the notice of appeal and shall issue a written decision promptly after the hearing. The decision of the Director of Planning, Neighborhoods & Development is final, subject to judicial review.
- (C) In addition to civil fines, a person who causes, whether by neglect or willful action or inaction, an alteration of or environmental change or demolition affecting a historic landmark or a historic site within a Historic District in violation of this chapter shall be required to restore the structure or property to its appearance as the Landmark Commission may approve. The Preservation Officer has the power to bring actions to enforce this section. This civil remedy is in addition to and not in lieu of a criminal prosecution and penalty or civil prosecution.

- (D) Upon passage of any applicable appeal time, the Director of Planning, Neighborhoods & Development shall send to the Director of Finance for collection any unpaid civil penalty assessed pursuant to this section.

Section 9. That Section 150.130.8, Fees, Penalties and Enforcement, Stop Work Order, is amended to read as follows:

150.130.8 Misdemeanor Offenses

- (A) Any person who knowingly violates sections 150.135.1 or 150.135.6 of this Zoning Code, or knowingly violates a stop work order issued pursuant to section 150.130.4 of this Zoning Code, is guilty of a misdemeanor of the first degree. This includes failure to comply with a notice of violation pertaining to citations of the same sections. Each day a violation continues is a separate offense.
- (B) Any person who fails to comply with a notice of violation issued pursuant to section 150.130.5 of this Zoning Code is guilty of a misdemeanor of the third degree. No culpable mental state is required to violate a notice issued pursuant to section 150.130.5; it being the express intent of this section to impose strict criminal liability for each violation. Each day a violation continues is a separate offense.
- (C) Any person who violates the sections listed in Schedule 150.130.8 is guilty of a minor misdemeanor. No culpable mental state is required to violate these sections; it being the express intent of this section to impose strict criminal liability for each violation. Each day a violation continues is a separate offense.
- (D) The penalty for any person convicted pursuant to this section is set forth in Section 130.99 of the Revised Code of General Ordinances. In addition, a court may order a person convicted pursuant to this section to correct the violation, if possible, and to make restitution for any property damage caused by the violation.

Whenever the offender has previously been convicted of a violation of 150.130.6(C), then a subsequent violation shall constitute a fourth degree misdemeanor, punishable by up to thirty days in jail and a fine up to \$250.00. Whenever the offender has been previously convicted of two or more violations of 150.130.6(C), the subsequent violation shall constitute a third degree misdemeanor, punishable by up to sixty days in jail and a fine up to \$500.00.

Section 10. That Schedule 150.130.8, Minor Misdemeanor Violations, is enacted as shown in Exhibit A, attached hereto and incorporated herein.

Section 11. That Section 150.130.9, Fees, Penalties and Enforcement, Civil Penalties, is amended to read as follows:

150.130.9 Minor Misdemeanor Citation

- (A) The Zoning Administrator, and any authorized officer of the City, may issue a minor misdemeanor citation to a person who violates any section of this Zoning Code specified in section 150.130.6(C) of this Zoning Code.
- (B) A minor misdemeanor citation issued pursuant to this section shall:
 - (1) Contain the name and address of the person being served;
 - (2) Describe the offense charged;
 - (3) Give the numerical designation of the applicable section of this Zoning Code;
 - (4) State the name of the person who issued the citation;
 - (5) Order the person served to appear at a stated time and place;
 - (6) Inform the person served that, in lieu of appearing at the time and place stated, the person may, within that stated time, appear personally at the office of the Clerk of Dayton Municipal Court and upon signing a plea of guilty and a waiver of trial pay a stated fine and stated costs, if any;
 - (7) Inform the person served that, in lieu of appearing at the time and place stated, the person may, within a stated time, sign the guilty plea and waiver of trial provision of the citation, and mail the citation and a check or money order for the total amount of the fine and costs to the violations bureau of Dayton Municipal Court;
 - (8) Inform the person served that the person may be arrested if the person fails to appear either at the office of the Clerk of Dayton Municipal Court or at the time and place stated in the minor misdemeanor citation.
- (C) The Zoning Administrator, or other authorized officer of the City, issuing a minor misdemeanor citation pursuant to this section shall complete and sign the citation; serve a copy of the citation to the person either directly or through certified mail, or by regular mail to the last known address should the certified mail fail to be delivered or signed by the recipient; and, without unnecessary delay, swear to and file the original citation with the Dayton Municipal Court.

- (D) Where a person served appears at the time and place designated in the minor misdemeanor citation but does not sign a guilty plea and waiver of trial, the court shall proceed in accordance with Rule 5 of the Ohio Rules of Criminal Procedure.

Section 12. That Section 150.130.10, Fees, Penalties and Enforcement, Fees, is amended to read as follows:

150.130.10 Fees

The City Commission shall establish a non-refundable fee for each notice of appeal and each application for a zoning certificate, occupancy certificate, variance, conditional use permit, sign permit, site design plan, and text or map amendment filed pursuant to this Zoning Code. The Plan Board may waive the fee for any application filed on behalf of the City or any political subdivision of the State of Ohio.

In addition to fees as generally listed for projects in Section 153 Unified Building Code, the following fees shall be applied where applicable to offset the costs of enforcement. These fees shall be applied where an applicant has sought compliance with the Zoning Code and has applied for permits. These fees may be waived at the sole discretion of the Zoning Administrator:

Section 13. That Schedule 150.130.10, Administrative Fees for Enforcement, is enacted as shown in Exhibit B, attached hereto and incorporated herein.

Section 14. That Section 150.200.2, Definitions, is amended to read as follows:

150.200.2 Definitions

Bicycle parking - unprotected. Permanently anchored freestanding bicycle rack, such as an Inverted U rack, Inverted U Series, Post and Ring rack, or other acceptable bicycle parking rack as determined by the Zoning Administrator provided it meets the requirements in Schedule 150.700.10.

Dwelling, multi-family. A dwelling designed for five (5) or more dwelling units, where the units are separated by party walls with varying arrangements of entrances, and which does not meet the definition of attached single-family or neighborhood multi-family dwelling units. This term includes the conversion of non-residential buildings to residential use.

Marijuana establishment, cultivation. An establishment where marijuana is cultivated, harvested, and subsequently delivered to another marijuana establishment in accordance with the marijuana/cannabis licensing laws of the Ohio Revised Code.

Marijuana establishment, dispensary. An establishment where marijuana products are obtained from a licensed cultivator or processing establishment, and

subsequently sold to consumers in a retail setting, in accordance with the marijuana/cannabis licensing laws of the Ohio Revised Code.

Marijuana establishment, laboratory. An establishment where marijuana products are obtained from another licensed marijuana establishment and tested in accordance with the marijuana/cannabis licensing laws of the Ohio Revised Code.

Marijuana establishment, processing. An establishment where marijuana products are obtained from a licensed cultivator, processed into one or more consumable forms, and subsequently delivered to licensed dispensaries, in accordance with the marijuana/cannabis licensing laws of the Ohio Revised Code.

Section 15. That Section 150.200.2(B) is enacted to read as follows:

Dwelling, Neighborhood Multi-Family (3-4 units). A dwelling designed for three to four (3-4) dwelling units, occupied by three to four (3-4) families living independently of each other where the units are separated by party walls with varying arrangements of entrances, and which does not meet the definition of attached single-family dwelling units.

Electric Vehicle (EV). Any motor vehicle, including automobiles, trucks, and motorcycles, licensed and registered for operation on public and private highways, roads, and streets that can operate solely or partially on the power of a rechargeable battery or battery pack (or other storage device that receives electricity from an external source, such as a charger) and meets the applicable state and federal motor vehicle safety standards and registration requirements. Electric vehicles include, but are not limited to, all-electric vehicles and plug-in hybrid electric vehicles (PHEV).

Electric Vehicle Parking Space. Any marked parking space that identifies the use to be exclusively for the parking of a plug-in electric vehicle.

Electric Vehicle Supply Equipment (EVSE). Any device that enables the safe transfer of energy between the local power supply grid and an electric vehicle. EVSE includes all the components for electric vehicle charging stations, including: the conductors; the ungrounded, grounded, and equipment grounding conductors; electric vehicle connectors; attachment plugs, software and all other fittings, devices, power outlets, induction plates or apparatus installed specifically for the purpose of delivering energy from the electric supply grid to an electric vehicle. EVSE may deliver either alternating current or direct current electricity (consistent with fast-charging equipment standard). This definition encompasses EV charging stations.

Food truck/mobile food vendor. A motor vehicle or food cart equipped with facilities for cooking and selling food.

Graffiti. Defacement of another's property with markings or paint that was unauthorized by the owner or is otherwise illegal.

Level 1 Charger. AC Level 1 equipment that provides charging through a 120 volt (V) AC plug. Charging converts AC to DC for the battery within the vehicle itself.

Level 2 Charger. AC Level 2 offers charging through 240 V (typical in residential applications) or 208 V (typical in commercial applications) electrical service. Charging converts AC to DC for the battery within the vehicle itself.

Level 3 Direct Current Fast Charger (DCFC). An industrial grade electrical outlet (208 V or 480 V) that allows for faster recharging of electric vehicle batteries through higher power levels. Equipment (typically a three-phase AC input) enables rapid charging and is usually found along heavy traffic corridors. DC fast chargers convert AC to DC within the charging station and then supply charge directly to the battery.

Wireless Telecommunications.

- (a) **Co-location.** The use of a wireless telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.
- (b) **Lattice tower.** A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
- (c) **Monopole.** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- (d) **Technically Suitable.** The location of a wireless telecommunication antenna that reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within developed areas of the City.
- (e) **Telecommunications.** The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

Section 16. That Illustration 150.200.2 (B), Examples of Accessory Dwelling Units (ADUs), is enacted as shown in Exhibit C, attached hereto and incorporated herein.

Section 17. That Schedule 150.305.2, Permitted Uses in Single-Family Residential Districts, is amended as shown in Exhibit D, attached hereto and incorporated herein.

Section 18. That Schedule 150.310.2, Permitted Uses in Multi-Family Residential Districts, is amended as shown in Exhibit E, attached hereto and incorporated herein.

Section 19. That Section 150.310.3(E), Multi-Family Residential Districts, Area and Density Requirements, Maximum Density, is amended to read as follows:

- (E) **Maximum Density.** In Multi-Family Residential Districts, no maximum density is proscribed. Instead, redevelopment or new

construction projects shall reflect the surrounding development pattern in terms of scale, bulk, and compatibility. Therefore, density is governed by the regulations in Schedules 150.310.3(D), 150.310.4(D), and 150.310.5 as well as the Residential Contextual Regulations in sub-section 150.310.10, Residential Contextual Regulations.

Section 20. That Sections 150.310.5(C)(2)(c) and 150.310.5(C)(2)(d), Multi-Family Residential Districts, Height Regulations, are amended to read as follows:

- (c) If the proposed development or any part thereof including parking areas is within two hundred (200) feet of a single-family residential district boundary and no part of the project boundary abuts a single-family residential district, then the maximum heights listed in Schedule 150.310.5 shall be permitted.
- (d) If the proposed development is greater than two hundred (200) feet from a single-family residential district boundary, then the maximum heights listed in Schedule 150.310.5(a) shall be permitted.

Section 21. That Schedule 150.310.5, Multi-Family Residential Districts, Building Height for Multi-family Uses, is amended as shown in Exhibit F, attached hereto and incorporated herein.

Section 22. That Schedule 150.320.2, Downtown Districts, Permitted Uses in Downtown Districts, is amended as shown in Exhibit G, attached hereto and incorporated herein.

Section 23. That Schedule 150.325.2, Commercial Districts, Permitted Uses in Commercial Districts, is amended as shown in Exhibit H, attached hereto and incorporated herein.

Section 24. That Section 150.325.6, Commercial Districts, 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, is amended to read as follows:

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

- (A) Purpose. The buildings in the MNC, MGC, ENC, EGC, SNC, and SGC 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, SNC, and SGC Districts.
 - (2) To guide development and/or redevelopment of the MNC, MGC, ENC, EGC, SNC, and SGC 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 SNC, and SGC 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

Schedule 150.325.6 Design Standards
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MNC, ENC, & MGC	EGC	SNC	Design Standard
			(1) <u>General Criteria</u>
X	X	X	a. Buildings and structures shall be designed and located on the site and be of a scale and massing to complement adjacent buildings and enhance the character of the surrounding area.
X	X	X	b. Variety in the design of storefronts is desirable to create a lively and attractive pedestrian environment. There shall be no requirement that storefronts in one building use the same design elements.
X	X	X	<p>c. Continuous and safe pedestrian connections shall be provided between buildings, in a multi-building development, and between principal buildings, their parking lots, and public sidewalks and adjacent buildings and sites. A direct pedestrian accessway that is a minimum of 4' in width, shall be made between the front entrance and the public sidewalk. Where a direct connection to the entrance is interrupted by a parking lot, then striping, change in grade, or change in material shall be provided to establish a visible and safe pathway for pedestrians.</p> <p>Curb cuts shall be limited in number and width to the minimum necessary to provide safe ingress and egress to the site. Driveway intersection with the street right-of-way shall be designed to limit risk to pedestrians.</p> <p>c.</p>
			(2) <u>Architectural Criteria.</u>
X	X	X	a. Architectural style is not restricted, but the evaluation of the project's appearance shall be based on the quality of its design and its relationship to the prevailing design characteristics of the surrounding neighborhood.
X	X	X	b. Supplemental architectural features, such as colonnades, columns, windows, awnings, pilasters, and cornices shall be on all walls that can be viewed from a public or private rights-of-way or circulation areas.
X			c. If supplemental architectural features, such as colonnades, columns, pilasters, and cornices are present on adjacent buildings, then those

			architectural features shall be replicated on any rehabilitation, restoration, or new construction project to create a cohesive and coordinated built environment.
X	X	X	d. Monotony of design in multiple building projects shall be avoided. Variation in detail shall be used to provide visual interest.
X	X	X	e. Buildings and principal building entrances shall be oriented toward the public street so as to define the street edge and contribute to a dynamic pedestrian and street environment.
X	X	X	f. Buildings surrounding public spaces shall be oriented so as to focus activity on that area.
X	X	X	g. Any part of the building that is visible from a private right-of-way or public circulation or parking area shall have no more than six (6) feet of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays, or an undulation of the building so that a pedestrian scale, rhythm, and visual interest is created. In no case shall a continuous wall length be devoid of windows for more than twenty (20) feet.
X	X	X	h. The pattern of architectural features, such as windows and doors, shall be placed upon the facade of a building in a pattern that creates a building fenestration that has a constant rhythm, a harmonious appearance, and is proportional to one another and surrounding buildings.
X	X	X	i. Building components, such as cornices; eaves; and parapets, shall be composed on a building facade so as to create a harmonious relationship to one another.
X	X	X	j. Facade openings, including windows, and colonnades shall be vertical in proportion.
X	X	X	k. Facades may be supplemented by awnings.
X			l. The rhythm of windows; doors; bays; and other architectural features, present on adjacent buildings shall be replicated on any restoration, renovation or new construction project.

X	X		<p>m. A transition line shall be provided between the first and second stories, if a two-story building is constructed.</p>
X			<p>n. The building mass, which is adjacent or parallel to the public sidewalk, shall be divided into vertical bays that may vary in width from twenty (20) to forty (40) feet, provided that the fenestration on adjacent buildings shall be replicated. These bays shall be architecturally defined using pilasters, columns, or recesses with transparent windows between the columns or pilasters.</p> <p>A minimum of sixty-five (65) percent of the storefront area (calculated using the area below the transition line) shall be transparent with display type windows, meaning windows that allow a view of the interior to be seen. The bottom edge of such window shall not be higher than three 3 feet above grade.</p> <p>Blank walls, those devoid of openings such as windows and transparent doors, shall not be permitted on the front facade of any building. In no case, shall a building have blank walls parallel to a public street or to its tangent, if the street is curved.</p>
X	X	X	<p>o. Blank walls, those devoid of openings such as windows and transparent doors, shall not be permitted on the front facade of any building. In no case, shall a building have blank walls parallel to a public street or to its tangent, if the street is curved.</p> <p>A minimum of fifty (50) percent, of any wall area, on any ground floor, that can be seen from a public right-of-way, excluding alleys, shall have display-type windows, meaning windows that allow a view of the interior to be seen. The bottom edge of such window shall not be higher than three 3 feet above grade.</p>
X	X	X	<p>p. Only twenty (20) percent of the windows that can be seen from all public rights-of-way, excluding alleys, shall be opaque.</p>
			(3) <u>Building Materials</u>

X	X	X	a. The structural frame of a building shall not be exposed to the exterior of a building.
X	X	X	b. A combination of materials, textures, colors, and finishes shall be utilized to create visual interest.
X	X	X	c. Materials within ten (10) feet of the ground or the sidewalk shall be of a durable material to withstand pedestrian and vehicular traffic. If “dry vit” or E.I.F.S is used as an exterior building material, high impact mesh shall be used on all wall areas within ten (10) feet of the ground or sidewalk. The impact rating is based on the EIMA (EIFS Industry Members Association) Impact Classification System.
X	X	X	d. All roof top equipment shall be enclosed in building materials that match the structure or which are visually compatible with the structure.
X			e. All rooftop mechanical equipment shall be screened from public view with parapets that are architecturally integral to the building. Mechanical roof screens are not acceptable.
X			f. Building materials that are the same as or similar to those on adjacent commercial buildings shall be utilized, provided that if these similar materials are no longer available, then materials that are compatible with the surrounding buildings shall be utilized.

Section 25. That Schedule 150.330.2, Mixed-Use and Transitional Districts, Permitted Uses in Mixed-Use and Transitional Districts, is amended as shown in Exhibit I, attached hereto and incorporated herein.

Section 26. That Section 150.330.3(D), Lot and Setback Requirements, Maximum Density, is amended to read as follows:

- (D) Maximum Density. The maximum permitted density in the Mixed-Use and Transitional Districts shall be governed by the regulations in Schedules 150.330.3, 150.330.4, and 150.330.5 as well as the Design Standards in Schedule 150.330.11.

Section 27. That Schedule 150.335.2, Campus-Institutional District, Permitted Uses in Campus-Institutional Districts, is amended as shown in Exhibit J, attached hereto and incorporated herein.

Section 28. That Schedule 150.340.2, Industrial Districts, Permitted Uses in Industrial Districts, is amended as shown in Exhibit K, attached hereto and incorporated herein.

Section 29. That Section 150.345.7(B)(7), Class of Architectural Modifications, Minor Modifications, is amended to read as follows:

- (7) Construction of new, accessory buildings, such as detached garages and storage buildings that meet the minimum requirements for such structures as determined by the Preservation Officer. Accessory dwelling units, either as free-standing structures or additions to existing non-contributing accessory structures, can be approved administratively so long as they adhere to existing architectural design standards for garages in historic districts (Blueprint for Rehabilitation) or are compatible with the design of the primary structure, and have limited visibility from the street. If it is determined that a new accessory structure would negatively impact a historic streetscape or property, or that it will be highly visible, staff shall not be compelled to issue a Certificate of Appropriateness and may defer to the Landmark Commission for consideration.

Section 30. That Schedule 150.363.2, Source Water Protection Districts, Permitted Uses in Well Head Operation District, is amended as shown in Exhibit L, attached hereto and incorporated herein.

Section 31. That Schedule 150.365.2, Park/Open Space District, Permitted Uses in the Park/Open Space District, is amended as shown in Exhibit M, attached hereto and incorporated herein.

Section 32. That Section 150.430.2(E), Permitted Temporary Uses, is amended to read as follows:

- (E) Seasonal garden center retail outlets located in any **EGC** or **SGC** District for a period not to exceed sixty (60) consecutive days in any 180 day period, subject to the following conditions:
 - (1) Retail sales only, limited to plants in containers and prepackaged garden supplies. No storage or sale of bulk products is permitted.
 - (2) No portion of the display shall be on or over publicly owned property.

Section 33. That Section 150.430.2(G), Permitted Temporary Uses, is amended to read as follows:

- (G) An open-air carnival or tent circus, but only within Downtown, Commercial and Mixed-Use districts, and then only for a period that shall not exceed fourteen (14) consecutive days in any three (3) month period.

Section 34. That Section 150.430.2(H), Permitted Temporary Uses, is amended to read as follows:

- (H) Festivals in any zoning district for a period of only three (3) days. Such use need not comply with the front yard requirements. However, structures or equipment that might block the view of operators of motor vehicles on the public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets, unless a street closure has been permitted by the Department of Public Works.

Section 35. That Section 150.430.2(I), Permitted Temporary Uses, is amended to read as follows:

- (I) Promotional activities of retail merchants, located in any business district, involving the display of goods and merchandise may be conducted outside of enclosed buildings for a period of not more than fourteen (14) consecutive days in any three (3) month period. Alternatively, a retail merchant may have one (1) promotional activity for a period of fifty-six (56) consecutive days in any calendar year. Goods and merchandise that will be used in the promotional activity and are also for sale within the building may be displayed in the area immediately adjacent to the building subject to the following conditions:
 - (1) No portion of the display shall be on or over publicly owned property.
 - (2) No required loading area shall be utilized for such display, storage, or dispensing.
 - (3) No food or drink shall be dispensed outside the building except in accordance with standards and prior written approval of the Montgomery County Combined General Health District.

Section 36. That Section 150.430.2(K), Permitted Temporary Uses, Itinerant Vendors, is amended to read as follows:

- (K) Itinerant Vendors. Itinerant Vendors shall comply with the regulations set forth below:
- (1) Itinerant vendors shall operate solely within the Central Business, Urban Business, Mature Neighborhood Commercial, and Mature General Commercial zoning districts.
 - (2) All itinerant vendors shall obtain and carry, at all times, written permission from the assessed property owner of the parcel on which the business is transacted.
 - (3) No itinerant vendor shall block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street, alley, sidewalk or other public area within the city.
 - (4) No itinerant vendor shall block or impede the ingress or egress of the public into any business.
 - (5) No itinerant vendor shall unreasonably disturb the peace and quiet of the City and shall not shout, cry out, blow any horn, ring any bell, utilize any amplification system, or use any device to attract the attention of the public.
 - (6) Any non-permanent structure shall be removed if regular business hours are not maintained for a period greater than seven (7) consecutive days.
 - (7) All itinerant vendors shall provide at least one (1) garbage receptacle upon the site of business for customer use. The site of business shall be cleared of all debris, trash, and litter at the conclusion of each day's business activities.
 - (8) Itinerant vendors shall obtain all other required permits, such as permits required from the county health department, or any other permits required by the City of Dayton. All permits shall be conspicuously displayed so as to be readily visible to the general public.
 - (9) No itinerant vendor shall operate for more than 184 consecutive days without written consent from the Zoning Administrator.

Section 37. That Section 150.430.2(L). Permitted Temporary Uses, Food Trucks, is amended as follows:

- (L) Food Trucks. Food trucks shall comply with all standards for Itinerant Vendors, except 150.430.2(K)(9). In addition to these standards, the following additional standards shall apply:
- (1) All food trucks intending to operate on a permanent or semi-permanent basis, which shall mean more than three (3) consecutive days at any one location shall apply for a Zoning Certificate annually.
 - (2) All food trucks shall operate on an approved parking surface that meets the Design Standards of 150.700.11.
 - (3) To provide clear identifiers to the public, food truck vendors shall display their business name or logo on the body of the food truck.
 - (4) To limit the potential for noise pollution, food trucks operating longer than three (3) consecutive days at any one location shall use an electric power source and shall not utilize generators for their main power source. The Zoning Administrator may provide an exception to this standard for planned festival events or other extenuating circumstances until an electric power source is supplied. In no case may a generator be used to power a food truck in a single location for more than thirty (30) days in any calendar year.
 - (5) Food trucks are encouraged to create pedestrian-friendly and community-oriented arrangements that allow diners to eat on-site, but must create a safe environment for diners to do so. This may mean the use of proper lighting, separation from vehicular traffic, use of low fencing or other barriers. The Zoning Administrator shall evaluate proposals for outdoor dining, and shall limit hours as indicated within the property's zoning district.
 - (6) Lighting must be provided for any operation that occurs after sunset and before sunrise.

Section 38. That Section 150.430.2(M), Permitted Temporary Uses, is enacted to read as follows:

- (M) The Zoning Administrator may provide permits for categories of temporary uses that are not listed in this section, provided a determination is made that the temporary use is fitting with the stated intent of the Zoning Code and the districts the temporary use takes place in. It shall be the Zoning Administrator's priority to consider all negative externalities of a temporary use, and to prioritize the comfort

of permanent uses neighboring a proposed temporary use. The Zoning Administrator may deny, limit, or place conditions on a temporary use application to limit their intensity or negative effects.

Section 39. That Section 150.430.2(N), Permitted Temporary Uses, is enacted to read as follows:

- (N) Temporary Uses in the Source Water Protection Districts are further regulated by sub-section 150.363.2 (F), Temporary Uses in the Source Water Protection Districts.

Section 40. That Section 150.441, Graffiti, is enacted to read as follows:

150.441 Graffiti

No property owner shall allow graffiti to remain on a structure or any surface of the lot for longer than fourteen (14) days. This standard shall apply to all forms of graffiti, as specified by 150.200.2 Definitions. Repair shall restore surfaces to their permitted and usual appearance, using uniform color found on the corresponding surface. Brick, masonry and other non-painted surfaces of buildings shall be cleaned in a manner that preserves the integrity and appearance of the material.

Section 41. That Section 150.446, Subdivision Record Plans, is enacted to read as follows:

150.446 Subdivision Record Plans

- (A) Minor Subdivision. A Minor Subdivision is a proposed division of a parcel of land that does not involve the opening, widening or extension of any street or road, and involves no more than three (3) lots. A Minor Subdivision may be approved by the Secretary to the Plan Board. This is an administrative process that is not required to go before Plan Board, as long as the proposed lots meet the Dayton Zoning Code and Subdivision Regulations and does not include any of features that define a Major Subdivision. For the purposes of these regulations, a Minor Subdivision is a lot split, lot consolidation, or transfer of land between adjacent property owners and does not require a plat to be approved by Plan Board. An application will not be reviewed until it is complete.

(1) Standards for Approval. The following standards shall be considered in the review of Minor Subdivision applications:

- (a) The proposed subdivision meets all applicable standards of the Zoning Code;
- (b) The proposed lots in the subdivision shall have adequate space to accommodate the building area and other site requirements;

- (c) The subdivision shall not result in or create more than three lots, including the remainder of the original lot;
 - (d) The proposed lot has been approved for access management and storm water management;
 - (e) The subdivision shall not require any public improvements or the dedication of rights-of-way; and
 - (f) The property has been surveyed and an acceptable drawing, legal description, and other information relating to the property has been submitted with the application.
- (2) Authority to Forward to Plan Board. The Plan Board Secretary shall have the authority to forward the minor subdivision application to the Plan Board for review and final action if the Plan Board Secretary determines that the subdivision's complexity, projected impacts, or proximity to conflicting land uses merit such action. At their next regularly scheduled meeting, the Plan Board shall review the minor subdivision and make a final decision to either approve, approve with conditions, or deny the application based on the review criteria for minor subdivisions.
- (B) Major Subdivision. All Major Subdivisions will require a hearing before the Plan Board. An application will not be reviewed until it is complete. A Major Subdivision is a subdivision of land that abuts an existing improved public or private street into more than three (3) lots or includes any of the following features:
- (1) The opening, widening, extension or improvement of a street;
 - (2) The installation, extension, or modification of a public utility service line, excluding tap connections to existing utility service lines;
 - (3) A request involving a parcel of land that the owner or applicant intends to further subdivide, and the planned subdivision together will result in four or more lots;
 - (4) A request that seeks a variance or other relief from the City's subdivision regulations or the Zoning Code;
 - (5) A request that includes one or more rear lots (flag lots);

- (6) A request involving property located in a special flood hazard area, as designated by the Federal Emergency Management Agency.

Section 42. That Section 150.565.33.5(C), Microbottler, is amended to read as follows:

- (C) If the facility has no separate, designated loading area in accordance with subsection 150.700.9(H), loading shall not interfere with vehicular and pedestrian circulation during the facility's hours for wholesale and/or retail sales.

Section 43. That Section 150.565.33.8, Mixed Use/Residential, is amended to read as follows:

150.565.33.8 Mixed Use/Residential

The Specific regulations for mixed use/residential shall be as follows:

- (A) General Requirements
 - (1) The principal orientation of all mixed use/residential buildings shall be the public street(s) on which the lot has frontage(s). There shall be at least one usable storefront entrance for each building facing the street.
 - (2) Mixed use/Residential developments shall comply with the Design Standards required by the applicable Zoning District.
 - (3) Vehicular entrances to mixed use/residential development shall be minimized and designed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.
 - (4) All accessory structures shall be located behind the rear building line of the mixed use/residential development.
 - (5) Samples of exterior building materials may be requested as a part of site design plan approval pursuant to the procedures in Section 150.115.
 - (6) If an alley is present, parking shall be accessed from the alley, and all off-street parking lots shall be located behind the front building line. The Board of Zoning Appeals, or the Zoning Administrator, whichever is applicable pursuant to the procedures in Section 150.115, may grant an exception to these requirements where necessary due to the depth of the lot, the location of mature trees, or other similar factors.

- (7) Applicants must clearly demonstrate that the use will compatibly enhance and reinforce the character of the neighborhood, particularly with regard to traffic circulation, parking, and physical appearance.
- (8) The ground or first floor areas of mixed use/residential buildings shall be commercial (non-residential) in nature and should also be pedestrian scaled with non-residential uses that contribute to activated pedestrian environments. Dwelling units shall be located above the first floor.
- (9) The retention/reuse of existing structures for mixed use/residential occupancy in a manner which contributes to the character of the commercial corridor and surrounding neighborhood shall be taken into consideration.

Section 44. That the heading of Section 150.565.38 is amended to read as follows:

150.565.38 Neighborhood Multi-Family and Multi-Family Dwellings

Section 45. That Section 150.565.42(H), Parking Lot, Restricted, is amended to read as follows:

- (H) Restricted parking lots shall comply with the parking requirements for off-site parking in sub-section 150.700.8 (B), Off-Site Parking.

Section 46. That Section 150.565.80.2(A)(7), Vehicle Fueling Station; Automobile Service Station; Motor Vehicle Repair, Vehicle Fueling Station, is amended to read as follows:

- (7) Vehicle Fueling Station. The only services permitted to be performed at a vehicle fueling station shall be the charging of electric vehicles, dispensing of fuel, oil, air, and windshield wiper fluid and other common vehicular liquids and lubricants.

Section 47. That Section 150.600.2, Definitions is amended to read as follows:

150.600.2 Permitted Locations

A wireless telecommunications tower or facility is permitted in the following areas when in compliance with these regulations and approved by the Plan Board according to Section 150.115, Procedures for Major Site Design Plan Review. Regulations within SGC, I-1, I-2, and BP. New wireless antennas may collocate on existing telecommunication towers or on existing structures, which have been constructed for other purposes, such as but not limited to water towers, church towers, electric transmission towers, chimneys, and cooling towers.

Section 48. That Section 150.600.3, Permitted Locations, is amended to read as follows:

150.600.3 Locations Requiring Conditional Use Approval

A wireless telecommunications tower or facility may be considered outside of the zoning districts outlined in sub-section 150.600.2 according to the procedures set forth in Section 150.500, Conditional Use and Specific Use Regulations. When considering an application, the Board of Zoning Appeals shall determine that the applicant demonstrates compliance with the standards set forth in sub-section 150.600.6, with the General Criteria for Conditional Uses in Section 150.500 and has demonstrated that more preferred locations are not technically suitable.

A wireless telecommunication facility that includes a tower shall not be permitted in a single-family or multi-family residential district with the exception of placement on any property with an institutional use (e.g. church, park, library, municipal government, hospital, school, utility) located in these districts. However, antennas attached to existing buildings or structures are permitted. In applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone.

Section 49. That Section 150.600.4, Locations Requiring Conditional Use Approval, is amended to read as follows:

150.600.4 Approval Required by the Landmarks Commission

Except in the UBD and CBD, if a wireless telecommunication facility is proposed to be located in a HD1, HD-2, and/or HD-3 District, approval from the Landmarks Commission is also required. With approval from the Landmarks Commission, a wireless telecommunications tower or antenna may be located on or in historic structures, districts, or corridors only if concealed so as to be substantially invisible. The views of, and vistas from, such structures, districts, and corridors shall not be impaired or diminished by the placement of telecommunications towers and antennas.

Section 50. That Section 150.600.5, Approval Required by the Landmarks Commission, is amended to read as follows:

150.600.5 Standards Applicable for Conditional Use Applications

A wireless telecommunication facility that is proposed in a location that requires conditional use approval shall comply with the following:

- (A) A wireless telecommunication facility shall be permitted in a location set forth in subsection **150.600.4** only to the extent that a technically suitable location is not available in an area identified in sub-section **150.600.3**. The applicant shall demonstrate that a technically suitable

location in an area identified in sub-section 150.600.3 is not available and:

- (1) The applicant shall provide documentation that supports the applicant's claim that no such technically suitable location exists; or
 - (2) If another tower, building or structure set forth in sub-section 150.600.3 is technically suitable, then the applicant must show that reasonable efforts have been made to:
 - (a) Request co-location on the existing tower(s), building(s) or structure(s) and that each co-location request was rejected by the owner of the tower, building or structure; or
 - (b) Request of all owners of properties determined to be locations that are technically suitable to permit construction of a wireless telecommunication tower, within reasonable terms, and demonstrate that each request was rejected.
- (B) As a condition of approving the conditional use permit to construct and operate a wireless telecommunication tower in the City, the owner/operator of the wireless telecommunication tower shall be required to allow co-location until said tower has reached full antenna capacity. In no event shall the owner/operator agree to allow fewer than two additional antenna platforms. Agreement to this provision shall be included in the applicant's lease with the landowner, if different from the owner/operator of such tower. Written documentation shall be presented to the Board of Zoning Appeals showing that the owner of the property on which such tower is to be located has agreed to the terms of this subsection as well as all other applicable requirements, regulations and standards set forth in this Section.
- (C) Any wireless telecommunication tower proposed as a conditional use shall be located a minimum of one-half mile from any other wireless telecommunication tower proposed or previously approved as a conditional use.

Section 51. That Section 150.600.6, Standards Applicable for Conditional Use Applications, is amended to read as follows:

150.600.6 Standards Applicable to All Wireless Telecommunication Facilities

All wireless telecommunication towers and facilities shall comply with the following standards and conditions.

- (A) The setback of a telecommunication tower from a residential district shall be a minimum of two times the height of the tower.
- (B) Towers should be of monopole design with no guy wires. A lattice-type structure may be approved when the applicant demonstrates that such a structure provides greater ability to collocate additional antenna. Towers and antennas shall be designed to meet all applicable building code requirements.
- (C) All wireless telecommunication towers should be constructed with “stealth” design technology. Examples of stealth technology include architecturally screened roof mounted antennas, antennas integrated into architectural elements, the design of the tower to look like a light pole, power pole and trees, or other structures that may blend into the surrounding area.
- (D) Unless otherwise provided for in this Section, a wireless telecommunication facility shall comply with the setback and yard requirements applicable to buildings in the underlying zone in which it is located. A wireless telecommunication tower shall be placed upon the lot in such a way as to minimize the visual impact on adjoining roads and properties. In no event shall any portion of a wireless telecommunication facility be located in front of the principal use or building on the lot.
- (E) Recognizing that the Federal Aviation Administration (FAA) may impose greater restrictions, a wireless telecommunication tower shall in no event be more than 200 feet in height as measured from the average ground level at the base of the tower. The applicant of a proposed tower shall demonstrate that the proposed tower is the minimum height necessary to accommodate the antenna and is no higher than existing towers housing similar antenna.
- (F) Any accessory structure related to the wireless telecommunication facility shall comply with the district regulations in which the tower is located.
- (G) The base of the tower and all related facilities shall be completely enclosed with a secure fence having a minimum height of eight (8) feet. Such fence shall be equipped with a locked gate.
- (H) A landscaped buffer area of not less than fifteen (15) feet in depth shall be located around the required fence. The buffer area shall be continuously maintained and promptly restored when necessary and shall consist of at least one of the following:

- (1) A row of hardy evergreen trees tightly spaced and deciduous trees planted twelve (12) feet on center with a 2.5-inch caliper. The initial evergreen plantings shall be no less than six feet tall and planted a maximum of five (5) feet on center.
 - (2) Existing vegetation, inclusive of trees and shrubs, shall be preserved to the maximum extent possible.
 - (3) Other appropriate landscaping that achieves the screening objective, as approved by the Plan Board, Board of Zoning Appeals, or the Zoning Administrator, as applicable.
- (I) The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the FAA.
 - (J) The tower shall be equipped with an appropriate anti-climbing device or shall have all climbing pegs from the lower 20 feet of the tower removed and separately secured from the public.
 - (K) All FAA regulations addressing safety marking and obstruction lighting shall be followed when necessary. Lighting for security purposes shall be permitted at the base of the wireless telecommunication tower.
 - (L) “No Trespassing” signs and a warning sign shall be posted on the required fence in clearly visible locations. The warning sign shall include phone numbers for the police, fire and county emergency management facilities, and a local or toll-free telephone number of whom to contact in the event of an emergency. The warning sign shall be a minimum of 24 inches by 24 inches. No other signs or advertising shall be located anywhere on the facility or site.
 - (M) After issuance of a building permit to construct a Wireless Telecommunication Facility, the applicant shall commence construction within six (6) months and shall complete construction within one (1) year or the permit shall expire.
 - (N) All utility lines from the utility source to the Wireless Telecommunication Facility shall be underground.
 - (O) A wireless telecommunication tower may be located within a recorded electric high tension power line easement, provided that the tower shall not exceed the height of the existing high tension power line towers by more than 10 feet and the wireless telecommunication tower shall be located within 40 feet of such existing high tension power line towers.
 - (P) Every wireless telecommunication facility in the Well Head Operation District shall file a Regulated Substance Activity Inventory Report. No wireless telecommunication facility shall be permitted that exceeds the limits on the amount of Regulated

Substances that can be handled in the Well Head Operation District as listed in sub-section 150.363.5.

- (Q) Every wireless telecommunication facility in the Source Water Protection Area districts shall file a Regulated Substance Activity Inventory Report. No wireless telecommunication facility shall be permitted which would result in the sum of the Regulated Substances being handled by all of the uses on the zoning lot to exceed the zoning lot's Total Maximum Daily Inventory, or to be of a type and quantity of Regulated Substances of such hazard that the Facility Hazard Potential Rating assigned to the zoning lot is exceeded.
- (R) A Wireless Telecommunications Tower shall be permitted in any interstate highway right-of-way and shall be set back from a dwelling unit a distance of one hundred ten percent (110%) of the height of the Tower.

Section 52. That Section 150.600.7, Standards Applicable to All Wireless Telecommunication Facilities, is amended to read as follows:

150.600.7 Abandoned Telecommunications Facilities

- (A) In the event the use of a wireless telecommunications tower ceases for a period of six months, whether the tower has had no antenna mounted upon it or the antenna(s) mounted thereon is not operated, the facility shall be considered abandoned. The owner/operator shall agree to remove the nonfunctioning facility within 180 days after receipt of a notice from the Zoning Administrator to do so.
- (B) In the event that more than one wireless telecommunication service provider is using a wireless telecommunications tower, the tower shall not be considered abandoned until all such users cease using the tower, as provided in this Section.
- (C) The site shall be restored to its original state within six (6) months following the date that the wireless telecommunications tower or facility is no longer operational.

Section 53. That Section 150.600.8, Abandoned Telecommunications Facilities, is amended to read as follows:

150.600.8 Approval Required

- (A) All wireless telecommunications towers and facilities shall comply with the procedures for site design review set forth in Section 150.115, Site Design Review Procedures.

- (B) In addition to the submission requirements for site design plans and conditional use permits, the applicant shall submit the following additional items:
- (1) Name, address and telephone number of the owner or lessee of the parcel of land on which the telecommunications facility is to be situated.
 - (2) The legal description, including County Auditor's parcel identification number, city lot number, and address upon which the telecommunications facility is to be situated.
 - (3) The names, addresses and telephone numbers of all owners of other telecommunications facilities within a 2,500 feet radius of the proposed new tower or antenna, including City-owned property.
 - (4) Detailed description of the wireless telecommunications towers or facility's capacity including the number and types of antenna that it can accommodate.
 - (5) Demonstration that the wireless telecommunications tower must be located where it is proposed in order to service the applicant's service area, including an explanation of why a tower at this proposed site is technically necessary.
 - (6) When the telecommunications tower is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.
 - (7) Documentation certifying that the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER).
 - (8) A vicinity map (at a scale of 1" = 1,000') indicating within a two-mile radius of the proposed site the location of all wireless telecommunications towers and facilities and electrical utility high-tension wires.
 - (9) A list of names and phone numbers of whom to contact in an emergency. This list shall be kept current at all times.
 - (10) A list of any and all hazards that are within the secured area.
 - (11) When the proposed facility is to include a new tower, a plot plan, including all building uses within 300 feet, shall be required at a scale not less than one-inch equal to 100 feet. Aerial photos and/or renderings may augment the plot plan.
- (C) Prior to the issuance of a zoning certificate, the applicant shall post a performance bond, the amount of which is determined by the Zoning

Administrator. The bond shall be for the purpose of insuring that an abandoned, obsolete or destroyed wireless telecommunication facility shall be removed in compliance with sub-section 150.600.7. Any successor-in interest or assignee of the applicant shall be required to additionally execute such bond.

- (D) Prior to receiving approval for a new tower, the applicant shall demonstrate to the City that such facility is needed to meet the reasonable service requirements of the applicant. This assessment shall include consideration of alternative sites and the operational implications of such alternatives with respect to, but not limited to, height, opportunities for co-location, impact on residents and impact on service levels. The City may retain consultants to review the information, with the reasonable costs for such consultation being borne by the applicant.
- (E) When the applicant requests a building permit, the following items shall be provided:
 - (1) A report prepared by a licensed professional engineer shall be included with the submitted application and shall contain the height, design and proof of compliance with nationally-accepted structural standards published by the American National Standards Institute/Electronic Industry Association section 222-F, as amended.
 - (2) A soil report complying with the standards of ANSI/EIA 222-F (Annex I: Geotechnical Investigations for Towers), as amended, shall be submitted to the Building Department to document and verify the design specifications of the foundation for the tower, and anchors for the guy wires, if used.
 - (3) Wireless telecommunications towers and antennas shall be designed to withstand sustained winds of at least 80 miles per hour.
 - (4) The ANSI/EIA section 222-F (Annex H: Commentary on Ice Design Criteria for Communications Structures) shall be consulted for ice load specifications.
 - (5) Elevations of existing and proposed structures showing width, depth, and height of the telecommunications facility as well as the specifications of the antenna and support structure shall be presented.
 - (6) The applicant shall present documentation that the tower is designed in accordance with the standards established in the sub-section 150.600.7, Standards Applicable to all Wireless Telecommunication Facilities.

- (7) The applicant shall demonstrate that the proposed tower complies with all Federal Aviation Administration regulations concerning safety.
- (8) The applicant shall demonstrate that the proposed tower complies with all Federal Communications Commission regulations addressing radio frequency emissions standards.
- (9) All applicants shall be required to construct or locate on a base tower structure and structure foundation that is designed to be buildable up to 200 feet above the finished grade. Although the initial capacity may be for one antenna, the structure shall be designed to serve as a base for a reconstructed tower with the capacity for three (3) providers when constructed to the maximum allowable height.

Section 54. That Section 150.600.9, Approval Required, is amended to read as follows:

150.600.9 Exemption of Certain City Property

Regardless of the provisions of this Section, a Wireless Telecommunication Facility used for city services may be permitted on any property owned or controlled by the City and shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as required by the City Commission.

Section 55. That Section 150.600.10, Exemption of Certain City Property, as previously enacted is hereby repealed.

Section 56. That Section 150.700.2(G), Parking and Loading Facilities Required, is amended as follows:

- (G) Bicycle parking may be substituted for a maximum of up to twenty-five (25) percent of required off-street vehicle parking spaces based on the following criteria:
 - (1) For every three (3) non-required unprotected bicycle parking spaces that meet the bicycle parking requirements found in Section 150.700.10(B)(1), the off-street vehicle parking requirement is reduced by one (1) space. Existing off-street parking spaces may be converted to take advantage of this provision.
 - (2) For every one (1) non-required protected bicycle parking space that meets the bicycle parking requirements found in Section 150.700.10(B)(2) or Section 150.700.10(B)(3), the off-street vehicle parking requirement is reduced by one (1) space. Existing off-street parking spaces may be converted to take advantage of this provision.

Section 57. That the introductory paragraph to Section 150.700.3, Units of Measure, is amended as follows:

In computing the number of parking spaces required by this Code, the following rules shall apply. Some parking requirement reductions are permissible pursuant to subsection 150.700.8:

Section 58. That Section 150.700.4, Parking in Residential Districts, is amended as follows:

150.700.4 Off-Street Parking Requirements for all Uses Excluding Downtown Districts (UBD and CBD)

- A. The number of off-street parking spaces for each facility or use in any zoning district, excluding Downtown Districts (UBD and CBD), shall be determined by application of the standards set forth in Schedule 150.700.4 unless further specified in section 150.700.
- B. Schedule 150.700.4 of Combined Parking Table.

Schedule 150.700.4 Off-Street Parking Requirements for all Uses excluding Downtown Districts (UBD and CBD)		
Land Use	Minimum Requirement	Maximum Requirement
1. Residential		
a. Dwelling Unit On or Above the First Floor	1 Per dwelling unit	
b. Single-Family Dwelling, Detached ¹	2 Per dwelling unit	
c. Single-Family Dwelling, Detached Cluster ¹	2 per dwelling unit + 1 per 4 dwelling units	
d. Single-Family Dwelling, Attached ¹	2 per dwelling unit	
e. Two-Family Dwelling ¹	2 Per dwelling unit	
f. Multi-family dwelling	1 per dwelling unit + 1 space per 10 dwelling units	
g. Neighborhood Multi-Family Dwelling	1 Per dwelling unit	
h. Family day care home for 1-6 children (type B)	1 drop-off space ² + residential requirement	

i. Family day care home for 7-12 children (type A)	1 drop-off space ² + residential requirement	
j. Manufactured Home	2 per dwelling unit	
k. Mobile Home Park	2 per dwelling unit + 1 per 4 dwelling units	
l. Residential Conversion	1 per dwelling unit	
2. Group Residential		
a. Adult care facility for 3-5 persons	0.5 per employee + residential requirement	
b. Adult care facility for 6-16 persons	0.5 per employee + residential requirement	
c. Dormitory/Fraternity/Sorority	1 per occupant	
d. Residential facility for 5 or fewer persons	0.5 per employee + residential requirement	
e. Residential facility for 6-8 persons	0.5 per employee + residential requirement	
f. Residential facility for 9-16 persons	0.5 per employee + residential requirement	
3. Residential/Work		
a. Home occupation	None	
b. Live-work unit	1.5 for first 1000 sf + 0.25 for each additional 1,000 sf	
c. Work-live unit	1.5 for first 1000 sf + 0.25 for each additional 1,000 sf	
4. Mixed Use		
a. Mixed use/residential	For commercial use component, follow requirement for applicable commercial use(s). For residential component, 1.0 per dwelling unit + 1 per 10 dwelling units for visitors	
5. Lodging		
a. Bed-and-Breakfast	1 per room/suite + residential requirement	1.5 per room/suite + residential requirement
b. Hotel/Motel	1.25 per room/suite	2 per room/suite
6. Community Facilities/Institutions		

a. Assembly hall/auditorium	1 per 6 persons at design capacity	1 per 4 persons at design capacity
b. Cemetery chapel	0.75 per employee + 1 per 4 persons at design capacity	
c. Church/religious assembly	1 per 4 persons at design capacity + dwelling requirement	
d. Community center	4 per 1,000 sf of floor area	
e. Congregate care facility/nursing home	1 per 2 employees + 1 per 4 beds	
f. Cultural institution	1.5 per 1,000 sf of floor area	4 per 1,000 sf of floor area
g. Emergency Housing	3 per 1,000 sf of floor area	
h. Hospital	1.25 per bed	
i. Library	2 per 1,000 sf of floor area	
j. Membership club	1 per 4 persons at design capacity	
k. Public safety facility	3 per vehicle based at the facility + 3 per 1,000 sf of floor area devoted to office use	
l. Protective Care Facility	4 per 1,000 sf of floor area	
m. Transitional Housing	3 per 1,000 sf of floor area	
n. Utility substation/distribution facility, indoor	None	
o. Utility substation/distribution facility, outdoor	None	
7. Educational Uses		
a. Day care center, child and adult	1 per employee + 1 per 10 attendees	
b. School (public/private), elementary	1 per classroom + 1 per employee or 1 per 3 auditorium seats, whichever is greater	
c. School (public/private), secondary	1 per classroom + 1 per employee + 1 per	

	3 stadium or auditorium seats, whichever is greater	
d. School (public/private), college/university	1 space per 4 students (based on the maximum number of students at design capacity) + 2 spaces for each 3 employees	
e. School (public/private), specialty/personal instruction	2 spaces per classroom, plus 1 space for every 2 students at design capacity	
8. Recreation/Open Space		
a. Campground	1 per campsite + 1 per employee + half of the spaces for other use requirements	
b. Golf/swim/tennis club	1 per 3 persons at maximum capacity for all facilities capable of simultaneous use	
c. Health club	2 per 1,000 sf of floor area	5 per 1,000 sf of floor area
d. Model Airplane Flying Facility	5 per acre	
e. Park/playground, Active	5 per acre + other use requirements	
f. Park, Passive	4 per acre	
g. Recreation facility, indoor	2.5 per 1,000 sf of floor area	5 per 1,000 sf of floor area
h. Recreation Facility, Outdoor	1 per 1,000 sf of recreation area	1 per 250 sf of recreation area
i. Riding Stable	1 per 2 stalls + 1 per employee	
j. Sports Facility	1 per 4 persons at design capacity	1 per 2 persons at design capacity
k. Theater, Drive-in/Outdoor	4 per 1,000 sf of viewing area	20 per 1,000 sf of viewing area
l. Theater, indoor	1 per 4 persons at design capacity	1 per 2 persons at design capacity

9. Office/Professional Services		
a. Medical marijuana establishment, laboratory	2 per 1,000 sf of floor area	4 per 1,000 sf of floor area
b. Office – administrative/professional	2 per 1,000 sf of floor area	5 per 1,000 sf of floor area
c. Office – medical/dental/health services	2 per 1,000 sf of floor area	5 per 1,000 sf of floor area
d. Research/development facility, laboratory	2 per 1,000 sf of floor area	4 per 1,000 sf of floor area
10. Retail/Personal Services		
a. Animal Hospital/Clinic	4 per 1,000 sf of floor area	6 per 1,000 sf of floor area
b. Animal Boarding Facility, with or without Outdoor Kennel/Run	1 per 1,000 sf of floor area	2 per 1,000 sf of floor area
c. Drive-thru facility	Stacking for 2 vehicles per station + other use requirement	Stacking for 5 vehicles per station + other use requirement
d. Freestanding drive-thru facility	1 per employee + stacking for 2 vehicles per station	1 per employee + stacking for 5 vehicles per station
e. Financial institution/bank	1.25 per 1,000 sf of floor area	3.75 per 1,000 sf of floor area
f. Funeral home	1 per 3 persons at design capacity	2 per 3 persons at design capacity
g. Medical marijuana establishment, dispensary	4 per 1,000 sf of floor area	6 per 1,000 sf of floor area
h. Outdoor Display/Sales, except motor vehicles	1.5 per 1,000 sf of outdoor display/sales area	3.25 per 1,000 sf of outdoor display/sales area
i. Restaurant, indoor dining	7.5 per 1,000 sf of floor area	15 per 1,000 sf of floor area
j. Restaurant, outdoor dining	7.5 per 1,000 sf of floor area. If part of a “Restaurant, Indoor Dining,” requirement is zero	15 per 1,000 sf of floor area
k. Retail establishment	2 per 1,000 sf of floor area	5 per 1,000 sf of floor area
l. Service establishment, business	2 per 1,000 sf of floor area	5 per 1,000 sf of floor area

m. Service establishment, personal	2.5 per 1,000 sf of floor area	5 per 1,000 sf of floor area
11. Motor Vehicle/Transportation/Distribution		
a. Automobile Service Station	1.5 per service bay	4 per service bay
b. Car Wash	2 per wash bay	4 per wash bay
c. Equipment Rental/Sales/Service	1 per 1,000 sf of floor area	4 per 1,000 sf of floor area
d. Helicopter landing facility	1.5 per helicopter based at the facility	3 per helicopter based at the facility
e. Medical marijuana establishment, processing	1 per 1,000 sf of floor area	
f. Motor Vehicle Body Shop	1.5 per service bay	4 per service bay
g. Motor Vehicle Repair	1.5 per service bay	4 per service bay
h. Motor Vehicle Sales/Rental	2 per 1,000 sf of floor area	
i. Parking lot, restricted	None	
j. Parking structure	None	
k. Railroad station	None	
l. Railroad Yard	0.75 per employee	
m. Transit Garage	0.75 per employee	
n. Transit Station	0.5 per employee	
o. Transit Turnaround	None	
p. Trucking/Motor Freight Terminal	1 per 1,000 sf of floor area	
q. Vehicle fueling station	1 per pump or fueling port + other use requirements	2.5 per pump or fueling port + other use requirements
12. Storage and Distribution		
a. Outdoor Storage, Equipment/Vehicles	None	
b. Outdoor Storage, General Materials	None	
c. Self-storage facility, indoor	1 per 10 storage bays	
d. Warehouse storage, indoor	0.5 per 1,500 sf of floor area	
e. Wholesale sales and/or distribution, indoor	1 per 1,000 sf of floor area	
13. Industrial		
a. Construction & Demolition Waste Facility	0.75 per employee	
b. Crematorium/Incinerator	0.75 per employee	

c. Junkyard	1 per 10,000 sf of lot area	
d. Manufacturing, Heavy	0.5 per 1,000 sf of floor area	
e. Manufacturing, light	1 per 1,000 sf of floor area	
f. Medical marijuana establishment, cultivation	1 per 1,000 sf of floor area	
g. Microbottler	1 per 2,000 sf of floor area	
h. Recycling Collection Facility, Large or Small	None	
i. Recycling Processing Facility, Indoor or Outdoor	0.75 per employee	
j. Sand & Gravel Operations	None	
k. Sewage/Liquid Waste Treatment Facility	None	
m. Sanitary Waste Facility	None	
n. Water Supply/Treatment Facility	None	
n. All Other Industrial Uses	1 space per 400 sf of floor area	
15. Other		
a. Adult Entertainment	2 per 3 persons at design capacity	
c. Agriculture, Livestock	None	
c. Mural	None	
d. Nightclub	2 per 3 persons at design capacity	
e. Plant Nursery/Greenhouse	3 per 1,000 sf of floor area	4.5 per 1,000 sf of floor area
f. Telecommunication Facility	1 per employee	
¹ See Section 150.305.5 (F), Additional Regulations for Vehicles. ² Drop-off spaces for Family Day Care Home Type A and Type B shall only be required on roads defined as arterials or collectors by the City of Dayton Thoroughfare Plan.		

Section 59. That Section 150.700.6, Parking for Commercial Uses in Commercial, Mixed-Use Hub and Transitional Districts, is amended to read as follows:

150.700.6 Parking in Campus-Institutional and Airport Districts

Parking demand studies are required to determine required parking facilities in Campus-Institutional (CI) and the Airport (AP) Districts. The results of a parking study shall only be considered valid upon review and approval from the Zoning Administrator.

- (A) Campus-Institutional Districts. All schools, hospitals and other large institutional uses in CI Districts must prepare parking master plans that identify existing on-campus parking and the parking requirements of anticipated future expansions. Parking master plans must be updated and coordinated with the general development plan required in Section 150.335, Campus-Institutional District.
- (B) Airport Districts. All parking areas in the Airport AP District shall be in accordance with the Dayton International Airport Master Plan and be in compliance with the applicable Federal Aviation Administration regulations.

Section 60. That Section 150.700.7, Parking for Non-Commercial Uses in Commercial, Mixed-Use Hub and Transitional Districts, is amended to read as follows:

150.700.7 Parking in the Well Head Operation and the Park/Open Space Districts

Specific requirements shall be determined by the Zoning Administrator based on requirements for similar uses, location of proposed use, number of employees on largest shift, surrounding land uses, expected demand and traffic generated by the proposed use, and appropriate traffic engineering and planning criteria and information. Determination of requirements may be appealed to the Board of Zoning Appeals.

Section 61. That Section 150.700.8, Parking in Campus-Institutional and Airport Districts, is amended to read as follows:

150.700.8 Parking Requirement Reductions and Off-Site Parking

- (A) Shared Parking. Because various uses have different hours of peak parking needs, two or more uses may share parking facilities without providing the minimum number of on-site required spaces for each use when all of the following conditions are met.
 - (1) The minimum required number of parking spaces for the combined uses may be reduced by twenty-five (25) percent for shared parking when the hours of operation overlap. Residential uses shall not be allowed to share parking facilities.
 - (2) When the hours of operation do not overlap, the parking facility to be shared shall contain at least the number of spaces required for the use necessitating the greatest minimum quantity of parking spaces.

- (3) The parking facility to be shared shall be owned by the owner of one of the uses or leased for a minimum one (1) year term or through a permanent easement by the owner of the uses being served. If the term of the use is limited by a conditional use permit, then the term of the lease agreement may be limited accordingly. At the expiration of the term of a lease, the owner must replace the off-site parking or end the use which required the parking.
 - (4) No changes shall be made to the shared parking facility that would reduce the parking provided for the uses, unless the owner of one of the uses makes other arrangements to provide parking. No such changes shall be made without prior approval.
 - (5) Parking spaces to be shared shall not be reserved for a specific person, individual or use on a twenty-four-hour basis.
 - (6) Accessible parking spaces may not be shared unless the uses that are to share the spaces are adjacent to the accessible spaces and no inconvenience to the users of such spaces would be created.
 - (7) Loading spaces may not be shared.
 - (8) Any proposed change in the use of a structure that shares a parking facility will require proof that adequate parking is available.
- (B) Off-Site Parking. All off-street parking spaces shall be located on the same lot as the building or use, except under all of the following conditions:
- (1) The use must supply at least fifty (50) percent of its required parking on-site. The Zoning Administrator, upon review of the following criteria, may grant an exception to this requirement:
 - (a) Proximity of the proposed parking area to the use served;
 - (b) Ease and safety of access between the proposed parking area and the use served;
 - (c) Use to be served by the proposed off-site parking; and
 - (d) The hours of operation of the use to be served by the proposed off-site parking.
 - (2) The off-site parking spaces shall be within a walking distance from a building entrance or use. "Walking distance" shall mean within 800 feet as measured in a straight line from a building entrance or use to the nearest parking space. If the pedestrian access is to cross an arterial street, appropriate safety measures shall be present to help the pedestrian cross the street. In any case, safe and convenient

pedestrian access, such as a sidewalk or path, shall exist or be provided from the structure or use to the parking lot.

- (3) Contiguous lots providing off-street parking for more than one use shall provide sufficient spaces to comply with the parking requirements for all uses served.
- (4) The off-site parking lot may be located in a different zoning district than the use it serves if a parking facility is permitted by right or by special use permit in the different zoning district.
- (5) The off-site parking facility shall be owned by the owner of one of the uses or leased for a minimum one (1) year term or through a permanent easement by the owner of the uses being served. If the term of the use is limited by a special use permit, then the term of the lease agreement may be limited accordingly. At the expiration of the term of a lease, the owner shall renew the lease, shall replace the off-site parking, or end the use which required the parking.
- (6) No changes shall be made to the off-site parking lot which would reduce the parking provided for the use, unless other arrangements to provide parking are made by the owner of the use.
- (7) All required accessible spaces shall be located on the same site as the use.
- (8) An existing non-conforming parking lot to be used under this Section as off-site parking must be landscaped, paved and striped according to the standards of this Section.

Section 62. That Section 150.700.9, Parking in Well Head Operation and the Park/Open Space Districts, is amended to read as follows:

150.700.9 Off-Street Loading Requirements

Loading and unloading facilities shall be provided prior to occupancy of every non-residential building hereafter erected, altered, or to be occupied by a new user, and shall be maintained as long as such building is occupied or unless equivalent facilities are provided in conformance with the regulations of this chapter as well as the following:

- (A) All off-street loading spaces shall be located on the same lot as the structure or use.
- (B) No loading space or berth shall be located within the front yard in any zoning district.

- (C) No off-street loading area shall be used to meet the minimum space requirement for offstreet parking, and no loading area shall interfere with the free circulation within the offstreet parking area.
- (D) All off-street loading areas shall have safe and convenient access to a street. If any such areas are contiguous to a street, the street side of such areas shall be curbed.
- (E) All off-street loading areas, including aisles and driveways, shall be constructed and maintained with a dustless surface in accordance with applicable construction standards.
- (F) All off-street loading areas shall be screened in accordance with sub-section 150.800.10, Screening of Accessory Uses.
- (G) When a building includes a combination of uses as set forth in this section, the required number of loading spaces will be the sum of the required loading spaces for each use. In no case shall the development be required to provide in excess of 5 loading spaces.
- (H) Authority of the Zoning Administrator. The Zoning Administrator may waive loading/unloading requirements based on the character of the proposed use or the impracticality of adding loading/unloading docks to existing buildings.
- (I) Classification of Loading Spaces. A loading space shall consist of a rectangular area of one or more of the following classes:
 - (1) Class A. An area at least fourteen feet by fifty-five feet having a vertical clearance of fifteen feet or more, plus adequate area for ingress and egress.
 - (2) Class B. An area at least twelve feet by thirty feet having a vertical clearance of fifteen feet or more, plus adequate area for ingress and egress.
- (J) Minimum Loading Spaces Required. Every non-residential building shall provide a loading space pursuant to the provisions in Schedule 150.700.9.

Schedule 150.700.9		
Minimum Loading Spaces Required		
Activity or Use	Number of Spaces by Class	
1. Industrial, manufacturing and warehousing: (a) 15,000 square feet or less (b) Greater than 15,000 square feet	1 2	Class B space Class A spaces
2. Office uses: (a) Less than 4,000 square feet	None	

(b) Greater than 4,000 square feet	2	Class B space
3. Retail uses:		
(a) Less than 2,000 square feet	None	
(b) 2,000 square feet to 10,000 square feet	1	Class B space
(c) 10,001 square feet to 40,000 square feet	1	Class A space
(d) 40,001 square feet or more	2	Class A space
4. All other nonresidential uses:		
(a) Less than 2,000 square feet	None	
(b) 2,000 square feet or more	1	Class B space

Section 63. That Section 150.700.10, Parking in Industrial Districts, is amended to read as follows:

150.700.10 Bicycle Parking Requirements

- (A) Facilities for the off-street parking of bicycles shall be provided according to Schedule 150.700.10.

Schedule 150.700.10 Bicycle Parking	
Use	Bicycle Spaces Required
Multi-Family Residential Dwellings with more than 20 dwelling units	Twenty-five (25) percent of the total number of bedrooms
Nonresidential Uses	A minimum of two (2) spaces per use, plus one (1) space per fifteen (15) required off-street parking spaces.
Parking Garages	1 per 100 vehicle parking spaces

- (B) For each required bicycle parking space, a permanently anchored object shall be provided which supports the bicycle frame at two points and can enable a user to secure the frame and one wheel of a bicycle with a six (6) foot cable and lock. The bicycle rack shall be conveniently located to the main entrance of the use it serves as determined by the Zoning Administrator. If such a location is within the public right-of-way the approval of the Director of Public Works is required. Acceptable bicycle parking facilities include the following:

- (1) Unprotected. Permanently anchored freestanding bicycle rack, such as an Inverted U rack, Inverted U Series, Post and Ring rack, or other acceptable bicycle parking rack as determined by the Zoning Administrator provided it meets the requirements noted above.
- (2) Protected, Type I. Enclosed bicycle lockers, located inside or outside a building, large enough to accommodate a bicycle with a three- (3) foot handlebar width, a height of four (4) feet from the bottom of the

wheel to the top of the handlebar, and a length of six (6) feet from the front of the front wheel to the back of the rear wheel.

- (3) Protected, Type II. A fenced, covered, locked, or guarded bicycle storage area located inside a building. Such area shall be large enough that each of the required bicycle parking spaces can accommodate a bicycle with a three- (3) foot handlebar width, a height of four (4) feet from the bottom of the wheel to the top of the handlebar, and a length of six (6) feet from the front of the front wheel to the back of the rear wheel. If the storage area is shared by multiple users, lock-to racks shall be provided. At least one rack shall be affixed to the floor to accommodate a bicycle parking space that does not require lifting.
- (C) Unprotected and Protected, Type I bike racks shall be appropriately sited to allow sufficient pedestrian egress while in use.
- (D) Bike racks not permitted: Racks that do not fully support the frame of the bicycle or that may cause damage to a bicycle are not permitted. These include racks that are connected to one another, that only support a bicycle by one wheel or at only one point, that allow a bicycle to fall, or have sharp edges that can be hazardous to the visually impaired.
- (E) Bike Parking in Parking Garages:
 - (1) For safety, parking garages shall provide a separate ground-level entrance for cyclists and/or pedestrians to make entrance to the parking garage.
 - (2) To prevent overcrowding, designs shall provide sufficient space (as defined below) to accommodate the anticipated number and nature of bicycles to be stored, the types of racks and lockers to be used, and the desired amenities.
 - a. Bike areas shall be designed with minimum clear heights of 96-102 inches to allow for both staggered vertical racks and double-tier horizontal racks.
 - b. Routes to and from the area, including hallways, corridors, or passageways, shall be a minimum of 54 inches wide, with a 72 inch width advised.
 - c. Aisle widths shall be at least six (6) feet wide to accommodate egress for two cyclists and their bikes simultaneously.
 - (3) To protect against damage and theft, bicycle parking shall:
 - a. Be protected against harsh and inclement weather;

- b. Provide clear sight lines throughout the room or area, avoiding blind corners;
- c. Be separated from automobile parking; and,
- d. Be adequately illuminated to enhance safety and security.

Section 64. That Illustration 150.700.10 (D), Examples of bike racks not permitted for required bicycle parking, is enacted as shown in Exhibit N, attached hereto and incorporated herein.

Section 65. That Section 150.700.11, Parking Requirement Reductions and Off-Site Parking, is amended to read as follows:

150.700.11 Design Standards

(A) Paving and Drainage. Off-street parking and loading spaces, parking lots, aisles and driveways shall be paved with concrete, bituminous asphalt or other approved dust-free material other than gravel or loose fill as required by any applicable engineering standards. If the applicant proposes to use other dust-free materials, these materials shall be approved, prior to installation, by the Plan Board, Zoning Administrator, or the Board of Zoning Appeals, whichever is applicable according to the procedures in Section 150.115.

- (1) Grading and storm drainage shall be approved by the Department of Public Works.
- (2) All off-street parking, loading and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of storm water cross or onto adjacent lots, properties or streets, and ponding and icy conditions.
- (3) Eighteen (18) inch, concrete curbs, poured in place, shall be required as part of the overall design for all the parking lot perimeter, landscape island perimeter, and driveway perimeter leading to the parking lot. See Illustration 150.700.11(A) Concrete Barrier Curb.
- (4) In all Residential Districts, all parking areas shall be surfaced or paved with concrete, asphalt concrete, or pavers, as approved by the Zoning Administrator.

(B) Design Exceptions. Exceptions to the paving and drainage requirements in subsection 150.700.141 (A) (1, 2, and 3) above may be granted by the Zoning Administrator. To qualify, exceptions shall meet the following criteria:

(C) Parking Dimensions.

- (1) Perpendicular and Angular Parking Spaces. All new or altered off-street parking areas shall comply with the dimensions set forth in Schedule 150.700.141. The number, location and dimension of spaces to be reserved for the disabled shall comply with the federal regulations promulgated pursuant to the Americans with Disabilities Act.
 - (2) Schedule 150.700.11 of Dimensions for Perpendicular and Angular Parking Spaces.
 - (3) Parallel Parking Spaces. All parallel parking spaces shall be twenty-two (22) feet in length and ten (10) feet in width.
 - (4) When parking spaces are located adjacent to a building, property line, or similar circumstances, a wider than normal stall may be required, for example an eleven (11) foot stall versus a nine (9) foot stall.
 - (5) Turnarounds. When perpendicular parking areas terminate in a dead end, a paved area for vehicles to back into shall be provided adjacent to the last parking space.
- (D) Striping. To facilitate movement and help maintain an orderly parking arrangement, all parking spaces and aisles shall be clearly striped with a minimum width of four (4) inches. The width of the parking spaces shall be computed from the centers of the striping. When a parking space is designated for use by persons with disabilities, it shall be clearly marked and signed and otherwise be consistent with the requirements of subsection 150.700.141 (A) above. Unless otherwise stated, all parking spaces shall be striped or otherwise permanently marked to designate the space.
- (1) Parking areas at automobile sales and repair establishments do not require lines or striping.
 - (2) Parking areas at bed and breakfasts do not require lines or striping.
 - (3) Temporary parking areas do not require permanent striping.
- (E) Parking Location Adjacent to Alleys. All parking areas shall be setback a minimum of four (4) feet from the alley right-of-way line and comply with the requirements in Section 150.435.
- (F) Illumination.
- (1) Illumination of parking and loading areas shall be required when the parking and loading area contains twenty-five (25) or more parking spaces, unless the Plan Board, the Board of Zoning Appeals, or the Zoning Administrator, whichever is applicable pursuant to the

procedures in Section 150.115, grants an exception due to the level of illumination emanating from alternative sources. Required lighting shall not emanate from a source that is not controlled by the property owner.

- (2) Lights and light fixtures used to illuminate any parking or loading area shall be flat lenses and arranged to direct and reflect light away from any adjacent residential property and public right-of-way, and away from the sky above the light fixture. Parking areas and loading spaces shall comply with the illumination standards of sub-section 150.420.3, Exterior Lighting Standards.

Section 66. That Illustration 150.700.11(A), Concrete Barrier Curb, is enacted as shown in Exhibit O, attached hereto and incorporated herein.

Section 67. That Schedule 150.700.11, Dimensions for Perpendicular and Angular Parking Spaces, is enacted as shown in Exhibit P, attached hereto and incorporated herein.

Section 68. That Section 150.700.12, Off-Street Loading Requirements, is amended to read as follows:

150.700.12 Improvement and Maintenance Standards

- (A) Improvement. Subject to the design and construction standards set forth in sub-section 150.700.11, Design Standards.
- (B) Maintenance. Parking lots and loading areas shall be maintained in a safe operating condition so as to not create a hazard or nuisance. All materials used in the construction of paving, light fixtures, retaining walls, fences, curbs and benches shall be continuously maintained and kept free of debris and hazards.

Section 69. That Section 150.700.13, Bicycle Parking Requirements, is amended to read as follows:

150.700.13 Landscaping and Screening Requirements

Screening and landscaping of the interior and perimeter of all parking areas shall comply with the requirements set forth in Section 150.800, Landscape and Screening Regulations.

Section 70. That Section 150.700.14, Design Standards, is amended to read as follows:

150.700.14 Electric Vehicle Charging Stations

The requirements in 150.700.14 are intended to encourage equitable access to electric vehicle charging distributed throughout the city to support electric vehicle adoption,

reduce greenhouse gas emissions, ensure that Electric Vehicle Supply Equipment (EVSE) are safe and effective, and achieve City climate and sustainability goals.

- (A) Permitted Locations. EVSE shall be permitted as an accessory use in all zoning districts and may be installed within parking lots of commercial, industrial, institutional, mixed-use, and multi-family residential developments.
- (B) Parking Requirement. In all situations, an Electric Vehicle Parking Space shall be counted toward fulfilling off-street parking standards per the Off-Street Parking Schedules found in 150.700.
- (C) Minimum Parking Requirement Reduction. For every Level 2 or Level Charger 3 installed and made available to the public and that meets all standards provided in 150.700.17(D), the required minimum number of off-street parking spaces for the development shall be reduced by one additional parking space, up to a maximum reduction of 20% of the total required parking spaces.
- (D) Location and Design Standards.
 - (1) EVSE shall be located within areas that provide convenient access to users and minimize conflicts with pedestrian and vehicular circulation, specifically, charging equipment must be mounted on the wall or on a structure adjacent to the EV parking space.
 - (2) EVSE shall comply with all setback, screening, and landscaping requirements of the zoning district in which they are located.
 - (3) EVSE shall be clearly marked and identified with appropriate signage.

Section 71. That existing Section 150.120.12(C)(4)(a), Section 150.120.12(C)(4)(b), Section 150.130.2, Section 150.130.3, Section 150.130.4, Section 150.130.5, Section 150.130.6, Section 150.130.7, Section 150.130.8, Section 150.130.9, Section 150.130.10, Section 150.200.2, Schedule 150.305.2, Schedule 150.310.2, Section 150.310.3(E), Section 150.310.5(C)(2)(c), Section 150.310.5(C)(2)(d), Schedule 150.310.5, Schedule 150.320.2, Schedule 150.325.2, Section 150.325.6, Schedule 150.330.2, Section 150.330.3(D), Schedule 150.335.2, Schedule 150.340.2, Section 150.345.7(B)(7), Schedule 150.363.2, Schedule 150.365.2, Section 150.430.2(E), Section 150.430.2(G), Section 150.430.2(H), Section 150.430.2(I), Section 150.430.2(K), Section 150.430.2(L), Section 150.565.33.5(C), Section 150.565.33.8, Section 150.565.38, Section 150.565.42(H), Section 150.565.80.2(A)(7), Section 150.600.2, Section 150.600.3, Section 150.600.4, Section 150.600.5, Section 150.600.6, Section 150.600.7, Section 150.600.8, Section 150.600.9, Section 150.600.10, Section 150.700.2(G), Section 150.700.3, Section 150.700.4, Section 150.700.6, Section 150.700.7, Section 150.700.8, Section 150.700.9, Section 150.700.10, Section 150.700.11, Section 150.700.12, Section 150.700.13, Section 150.700.14 of the Revised Code of General Ordinances, as previously enacted, are repealed.

PASSED BY THE COMMISSION, 2025

SIGNED BY THE MAYOR, 2025

Mayor of the City of Dayton, Ohio

ATTEST:

Clerk of the Commission

APPROVED AS TO FORM:

City Attorney