

# CHAPTER 7: DAYTON LAND USE AND DEVELOPMENT CODE

## SECTION 7.1.1 GENERAL CODE PROVISIONS

### 7.1.101 TITLE

The provisions of Chapters 7.1 to 7.3 of Title 7 shall be known as the "Dayton Land Use and Development Code."

### 7.1.102 PURPOSE AND SCOPE

#### 7.1.102.01 Purpose

This Development Code is enacted to implement the goals and policies of the City of Dayton Comprehensive Plan; provide methods of administering and enforcing the provisions of this Code; and promote the public health, safety, and general welfare of the community.

#### 7.1.102.02 Conformance Required

Except as otherwise noted, effective from the date of the adoption of this Code, the use of all land, including construction, reconstruction, enlargement, structural alteration, use, or occupation of any structure within the City of Dayton shall conform to the requirements of this Code.

#### 7.1.102.03 Administration

The Development Code shall be administered by the City Manager of the City of Dayton. Unless otherwise specifically prohibited, the City Manager has the authority to delegate his/her duties under this Code. *Revised 9/6/11 ORD 608 effective 10/06/11*

#### 7.1.102.04 Interpretation

The provisions of this Code shall be interpreted as minimum requirements. When this Code imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Code shall control.

When a certain provision of the Development Code conflicts with another provision of this Code, or is unclear, the correct interpretation of the Code shall be determined by the City Manager. The Manager may, at his/her discretion, request that City Legal Counsel, the Planning Commission or the City Council resolve the conflict or uncertainty. *Revised 9/6/11 ORD 608 effective 10/06/11*

#### 7.1.102.05 Effect on Other Public and Private Regulations and Restrictions

It is not the intent of the Development Code to interfere with other laws or Codes relating to the use of structures, vehicles or land, or, relating to the construction or alteration of any buildings or improvements. It is not the intent of this Code to interfere with any easement, deed restriction, covenant or other legally enforceable restriction imposed on the use or development

of land more restrictive than the provisions of this Code. Further, it is not the intent of this Code to enforce deed restrictions, covenants and similar legal instruments.

7.1.102.06 Violations

Violations of the Development Code are subject to the violation provisions of the City.

7.1.102.07 Savings Clause

Should any section, clause, or provision of this Code be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Code as a whole or of the remaining sections. Each section, clause, and phrase is declared severable.

7.1.102.08 Conflicting City Provisions

City of Dayton Ordinances [\*insert appropriate Ord. numbers\*] and all other ordinances, codes or parts thereof in conflict herewith are hereby repealed.

7.1.103 ESTABLISHMENT OF ZONING DISTRICTS

7.1.103.01 Districts

For the purposes of this Code, the City of Dayton is divided into the following zoning districts:

<u>Classification</u>	<u>Abbreviation</u>
Single Family Residential	R-1
Limited Density Residential	R-2
Medium Density Residential	R-3
Commercial Residential	CR
Commercial	C
Industrial	I
Public	P

For the purposes of this Code, the following overlay zones are placed in certain areas of the City of Dayton:

Limited Use Overlay Zone	LUO
Central Business Area Overlay Zone	CBO
Historic Property Overlay Zone	HPO
Restricted Development Overlay Zone	RDO
Flood Plain Overlay Zone	FPO

7.1.103.02 Comprehensive Plan Designation and Zoning Districts

Zone classifications implement the Comprehensive Plan map designations. Only the following zoning districts allowed in each Comprehensive Plan designation:

<u>Comprehensive Plan Designation</u>	<u>Zone Classification</u>
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Residential	R-1, R-2, R-3
General Commercial	CR, C
General Industrial	I
Public Facility	P
Open Space	RDO

7.1.103.03 Boundaries

- A. Zoning Map. The zoning district boundaries are shown on the zoning map of the City of Dayton. This map is made a part of this Code and shall be filed in City Hall. The City Manager shall amend the map as required. The map shall be available for public review with copies provided at reasonable cost. *Revised 9/6/11 ORD 608 effective 10/06/11*
- B. Zoning Map Interpretation. The City Manager shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of the zoning boundaries, the Manager shall rely on the Dayton Comprehensive Plan Map and the following guidelines: *Revised 9/6/11 ORD 608 effective 10/06/11*
1. Right-of-way. Boundaries indicated as approximately following the centerline or the right-of-way boundary of streets, highways, railways or alleys shall be construed to follow such centerline or boundary.
  2. Lot Lines. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
  3. Water Courses. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerline.
  4. Extensions. Boundaries indicated as parallel to or extensions of features indicated in subsections 1., through 3., above, shall be so construed.
  6. Specific Description. Where a Plan map designation or zoning action referenced a specific property description, that description shall establish the boundary. Where two or more property descriptions establish conflicting boundaries, the most recent description shall govern.