

**TITLE 7: LAND USE AND DEVELOPMENT CODE**  
**SECTION 7.2.4 - SUPPLEMENTAL STANDARDS FOR SPECIAL USES**

7.2.402      ACCESSORY DWELLING UNIT

Where permitted as a special use, an accessory dwelling unit shall meet the following use and development standards: *(Amended Effective 06/06/16, Ordinance 633)*

- A.      Only one accessory dwelling unit is permitted per detached single-family dwelling, in association with a primary residence. *(Added ORD 642-Effective 07/02/18)*
  
- B.      Location. The accessory dwelling unit shall be located within the side or rear yard, but not in a side yard adjacent to a street. A detached ADU shall be physically separated from the primary residence by a minimum distance of 6 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. *(Amended ORD 642-Effective 07/02/18)*
  
- C.      Entrance. The entrance to an attached ADU shall not face the street on the same side as the entrance for the primary residence. *(Added ORD 642-Effective 07/02/18)*
  
- D.      Design. All detached ADU's shall meet the design requirements of Section 7.2.310: Single Family Dwelling Design Standards. Detached ADUs that are more than 15 feet in height shall meet the following standards for the exterior of the ADU: Exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match those of the primary dwelling OR must be made from wood, composite boards, vinyl or aluminum products composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern with boards 6 inches or less in width.  
  
ADUs in design or historic overlays may be subject to additional design requirements. ADUs in the Historic Property Overlay Zone (Section 7.2.112) that can be seen from the street must be approved through Historic Resource review. *(Amended ORD 642-Effective 07/02/18)*
  
- E.      Area. The accessory dwelling unit shall contain the lesser of 50% of the floor area of the primary residence or 750 square feet, unless the ADU is a conversion of an existing space, in which case the ADU can exceed this maximum requirement. *(Amended ORD 642-Effective 07/02/18)*
  
- F.      Setbacks. The ADU shall conform to the setback requirements of the primary residence in the zone in which it is located. A detached ADU located in a side yard shall be set back five (5) feet from the front building line of the primary residence. *(Amended ORD 642-Effective 07/02/18)*
  
- G.      Any legal nonconforming structure that doesn't meet current setback requirements is permitted to contain or be converted to an ADU, as long as the development does not increase the nonconformity of the structure. *(Added ORD 642-Effective 07/02/18)*
  
- H.      Height. The maximum height shall be 25 feet but in no case shall the height exceed the height of the primary residence.
  
- I.      Parking. One (1) parking space, in conformance with the parking standards outlined in Section 7.2.303, is required per ADU, in addition to the parking required for the primary residence. No new access is permitted for an additional driveway for the ADU, unless the lot is located on a corner. An ADU on a corner lot may have one driveway per street frontage. Alley access for an ADU is permitted for lots located on an alley. *(Added ORD 642-Effective 07/02/18)*

## ATTACHED DWELLING UNITS

Attached dwelling units are single family homes on individual platted lots that are attached to a similar unit on one or two sides. Where permitted as a special use, attached dwelling units shall meet the following use and development standards:

- A. Permitted development. Any number of attached dwellings may be built contiguous with one or both sides of a separate platted lot with one dwelling per lot.
- B. Setbacks
  - 1. Zero side yard units shall comply with the setback requirements for the front yard, rear yard and yard adjacent to a street in the applicable zone.
  - 2. Interior side yard requirements of the applicable zone shall be met when any part of an exterior wall faces, but is not contiguous to, a side lot line. Otherwise, the interior side yard requirements shall not apply.
- C. Building separation. Buildings on adjacent properties, but not attached to each other, shall be separated by a distance of at least ten feet.
- D. Accessory buildings. The provisions of this section apply to accessory as well as main buildings.

7.2.417 SHORT-TERM RENTALS *(Added Effective 06/06/16, Ordinance 633)*

7.2.417.01 No person shall occupy, use, operate, nor offer or negotiate to use, lease, or rent a dwelling unit as a short-term unless the requirements of this section have been met.

- A. Business Registration. The owner of a short-term rental shall register with the City and pay the associated registration fee as provided in Section 3.3 of the Dayton Municipal Code. The ability to operate a short-term rental in the City of Dayton shall be discontinued for failure to obtain or renew a registration to operate as provided in this section. The registration or lodging tax identification number issued by the City shall be displayed in all marketing materials advertising the short-term rental.
- B. Additional Submittal Requirements. The following information shall be submitted along with the business registration on a form approved by the City.
  - 1. The name, address, email address and telephone number of the property owner. An applications may be submitted by an owner and contract purchaser as the applicant and upon written request, the approval will be granted to both the owner and the buyer.
  - 2. A floor plan of the short-term rental identifying the number of bedrooms proposed for use.
  - 3. Acknowledgment by signature that the owner (and contract purchaser) have read all the regulations relating to the operation of a short-term rental under Section 7.2.417 and 7.1.200.03.
- C. Transient Lodging Tax. The owner of a short-term rental shall comply with the transient lodging tax provisions of Section 3.8 of the Dayton Municipal Code.
- D. Occupancy. The max occupancy for the dwelling unit shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.
- E. Prohibited use. No recreational vehicle, travel trailer, tent, or other temporary shelter shall be used in conjunction with the short-term rental.

7.2.417.02 Owner occupied short-term rentals are permitted in the applicable zone, subject to the requirements for the appropriate dwelling type and the requirements in Section 7.2.417. Establishment of a short-term rental under the provisions of this section shall not constitute a land use action.