

ORDINANCE NO. 1803

AN ORDINANCE OF THE CITY OF DAYTON, WASHINGTON CERTAIN SECTIONS OF THE DAYTON MUNICIPAL CODE, 5-12.050.

WHEREAS, on December 18, 2001, the current City of Dayton Zoning Ordinance, DMC 5-12, was enacted; and,

WHEREAS, prior to the enactment of the current City of Dayton Zoning Ordinance, the City's zoning code set the maximum accessory building height at 25 feet and defined "Building or structure height" as the measurement from finished grade to the highest point of the structure or building roof; and,

WHEREAS, when the current City of Dayton Zoning Ordinance was enacted, the maximum accessory building height was changed to 10, 20 and 35 feet (depending upon the distance from the property line) but the old definition of "Building or structure height" was retained ; and,

WHEREAS, the Planner (and her predecessors) have consistently interpreted DMC 5-12.050 "Building or structure height" definition to mean the distance from finish grade of the building to the top of the wall plate line; and,

WHEREAS, the rationale for this interpretation was that City of Dayton lots are on the average 60 feet wide and application of DMC 5-12.050 "Building or structure height" definition as written – measuring "height" from finished grade to the highest point of the structure – would result in exceptionally narrow structures or flat roofs; and,

WHEREAS, exceptionally narrow structures and flat roofs are not desirable outcomes from a planning, development or structural perspective; and,

WHEREAS, when considering DMC 5-12 as a whole, there is an ambiguity in the interpretation of the definition of building height; and,

WHEREAS, on July 20, 2010 the Dayton Planning Commission recommended, by Resolution, that the City Council amend the definition of DMC 5-12.050 "Building or structure height".

THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DO ORDAIN as follows:

SECTION 1.

Title 5, Chapter 12-050 of the Dayton Municipal Code is hereby amended to read as follows:

5.12-050 Definitions and Interpretive language

"Building or structure height" means the vertical distance measured from the ground elevation of the finished grade (finished foundation) to the top of the wall plate.

SECTION 2.

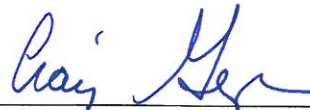
Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts which shall remain in full force and effect.

SECTION 3.

Effective Date. This Ordinance shall become effective from and after its passage by the City of Dayton City Council. Ordinance is effective for one year from the signed date.

PASSED BY THE CITY COUNCIL OF THE CITY OF DAYTON this 22nd day of September, 2010.

APPROVED:



Craig George, Mayor

ATTEST:



Trina D. Cole, City Clerk

APPROVED AS TO FORM:



Kimberly Boggs, City Attorney w 878A # 24387

**ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NUMBER 1803**

**AN ORDINANCE OF THE CITY OF DAYTON, WASHINGTON AMENDING
CERTAIN SECTIONS OF THE DAYTON MUNICIPAL CODE, 5-12.050.**

The full text of Ordinance 1803, adopted the 22nd day of November, 2010, is available for examination at the City Clerk's Office, 111 S. 1st St., Dayton, WA during normal business hours, 9:00 a.m. to 4:00 p.m., Monday – Friday.

By: /s/ Craig George, Mayor

Attest: /s/ Trina Cole, City Clerk-Treasurer

Published: 12/15/2010