

ORDINANCE 1841 - ATTACHMENT B

DAYTON MUNICIPAL CODE

TITLE 11 - ZONING CODE

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5-12-01011-01.010- - AUTHORITY.

This section of the municipal ordinances is adopted pursuant to the authority contained in RCW 35A.63 (Planning and Zoning in Code Cities), RCW 36.70A (Growth Management Act), and related state regulations.

5-12-02011-01.020. - Title—Citation.

This ~~chapter-title~~ shall be known as the City of Dayton Zoning Code. For the purpose of this ~~chapter-title~~ the words "code" and "zoning code" and "zoning ordinance" shall refer to this ~~chapter-title~~. The word "city," when not capitalized means the territory within the corporate boundaries of the City of Dayton, Washington and may mean any real property owned by the City of Dayton situated beyond the corporate limits. The word "city," when capitalized means the City of Dayton, Washington, a municipal corporation acting as appropriate under charter, ordinance or other law.

5-12-03011-01.030 - Purpose.

- A-. The purpose of this title is to implement the city's comprehensive plan. This title will be used to further the growth and development of the city consistent with the adopted comprehensive plan and it's implementing elements. This chapter will also further the purpose of promoting the health, safety, morals, convenience, comfort, prosperity, and general welfare of the city's population and to prevent and abate public nuisances.
- B. The specific zones and regulations set out in this title are designed to:
1. Provide adequate public facilities and services, including utilities, roads, schools, and parks in conjunction with development;
 2. Provide housing with essential light, air, privacy, and open space;
 3. To ensure that land use decisions are made in accordance with the public interest and applicable laws of the State of Washington, including the Growth Management Act and subsequent amendments.
 4. Facilitate the safe and efficient movement of traffic on the city's streets;
 5. Stabilize and enhance property values;
 6. Facilitate adequate provisions for doing public and private business and thereby safeguard the community's economic structure upon which the prosperity and welfare of all depends; and
 7. Through such achievements, help ensure the safety and security of home life, foster good citizenship, and create and preserve a more healthful, serviceable and attractive municipality and environment in which to live.
- C. To most effectively accomplish these purposes, this title divides the city into zones wherein the location, height and use of buildings, the use of land, the size of setback areas and other open space, and the provision of off-street parking and loading are regulated and restricted in accordance with the comprehensive plan for the city. These zones and regulations are deemed necessary and are made with reasonable consideration, among other things, as to the character of each zone and its particular suitability for specific uses, the need for such uses, the common rights and interests of all within the zones as well as those of the general public, and with the view of conserving and encouraging the most appropriate use of land throughout the city and to prevent and abate public nuisances.

The purpose of this zoning code is to implement the Dayton Comprehensive Plan and promote the general health, safety and welfare of the present and future inhabitants of the Dayton Urban Area. The regulations in this chapter limits the individual's use of and development of his/her property in order to minimize congestion in the streets, to secure safety from fire and other dangers, to promote public health, safety, and welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to support the adequate provision of transportation, water, sewerage, schools, parks and other public requirements and necessities. In dividing the city into zones, consideration has been given to the character of the individual zones and their suitability for particular uses with a view toward conserving the value of property, permitting a reasonable use of property and encouraging the most appropriate use of land throughout the City of Dayton. This chapter is intended to assist in the implementation of the following Comprehensive Plan goals:

- ~~Goal LU 1: Support a strong local economy through the economic revitalization of Dayton's commercial areas.~~
- ~~Goal LU 2: Support a strong local economy through the revitalization of Dayton's residential and commercial areas.~~
- ~~Goal LU 3: Encourage development of a wide range of commercial uses to support local and regional needs including those of the traveling public.~~
- ~~Goal LU 4: Strengthen the City of Dayton's economic base while maintaining the character and quality of the community.~~
- ~~Goal LU 5: Strengthen the City of Dayton's environmental quality of life while maintaining the character and quality of the community.~~
- ~~Goal LU 6: Preserve and enhance Dayton's parks and open space areas.~~
- ~~Goal LU 7: Support annexations that allow for orderly and efficient patterns of growth in the unincorporated areas, adjacent to the city, within the urban growth area.~~
- ~~Goal CF 1: Sustain the facilities and services to meet existing needs and provide for future expansion.~~
- ~~Goal H 1: Encourage the availability of different housing types and densities compatible to the needs of the community and its individual neighborhood.~~
- ~~Goal H 2: Improve and maintain the physical appearance of the neighborhoods.~~
- ~~Goal H 3: Preserve and enhance the buildings and properties in Dayton that are historically significant or of architectural importance.~~
- ~~Goal T 1: Provide for a convenient safe and efficient transportation network.~~

~~5-12.040.11-01.040 - COMPLIANCE AND CONCURRENCY.~~

- A. All development within the City of Dayton must be concurrent and consistent with the Comprehensive Plan.
- B. All land, building, structure or premises shall be used or occupied and buildings or parts of buildings shall be erected, moved, reconstructed, extended, enlarged or altered in conformance with the limitations contained in this ~~chapter title~~. Refer to Chapter 11-09, Article VIII for restrictions on continued use of existing nonconforming buildings and uses.

Where the conditions imposed by any provision of this title differ from comparable conditions imposed by any other provisions or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

- C. All plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands must contain a notice that states: "The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration." In the case of proximity to mineral resource lands, notice must also state: "Notice is given that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals."

5-12-050-11-01.050 - DEFINITIONS AND INTERPRETATION OF LANGUAGE.

All words, unless defined below, are defined by the "Webster's New World Dictionary of the American Language." As used in this title:

- A. Words in the present tense include the future;
- B. Words in the singular include the plural;
- C. The word "*person*" includes an individual, family, household, association, firm, partnership, trust, company or corporation;
- D. Words designating gender include all genders unless otherwise specified;
- E. The word "*lot*" includes parcel;
- F. The word "*structure*" includes buildings;
- G. The words "*shall*", "*must*", and "*will*" are always mandatory, and
- H. The word "*may*" is permissive.
- I. The words and phrases set out in this article, unless the context of the title otherwise requires, shall have the meaning provided herein.

"Abut" means to be contiguous with or touching property lines or right-of-way

"Accessory dwelling unit" (ADU) means a habitable living unit created within, attached to, or detached from a principle single-family residence that provides the basic requirements of shelter, heating, cooking and sanitation within the unit. The primary dwelling or ADU must be occupied by the owner of property. ~~housing unit that is used by the family that occupies the principal dwelling unit as a living unit for a relative, a guest house for short term guests, or as a rental unit.~~

"Accessory use or structure" means a use or structure on the same lot(s), parcel or tract with and subordinate to the permitted principal use or structure. ~~Examples of generally accepted and permitted accessory buildings and uses related to a primary residence are garages for vehicles owned and operated by residence occupants, ADU's, shops for hobby work or repairing personal property, garden buildings, shelters for pets.~~

"Alley" means a service drive providing a secondary means of access to abutting property and not intended for general traffic circulation. ~~right-of-way that is 15 feet or more in width and is dedicated to public use for providing service access to adjoining properties.~~

"Aquifer recharge area" means an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into underground water supplies.

"Adult family home" means a family home occupied by persons who are providing personal care, room, and board to more than one but not more than four unrelated adults per RCW 70.128.010

"Amateur radio tower" means an antenna and tower which transmits non-commercial communication signals and is licensed as an amateur radio tower by the Federal Communications Commission. Guy wires for amateur radio towers are considered part of the structure for the purposes of meeting development standards.

"Amendment" means a change in the wording of this title, adoption of a zoning map hereunder, a change in the zone boundaries upon zoning.

"Automobile Repair" means fixing, incidentals body or fender work, painting, upholstering, engine tune-up, major engine or transmission repair, adjusting lights or brakes, brake repair, other similar repair work and supplying and installing replacement parts of or for passenger vehicles and light trucks.

"Automobile Towing/Storage Operation" means any person, corporation or enterprise engaged in the moving of inoperable motor vehicles and storing (long-term or short-term) in an enclosed area. All such operation shall be in compliance with minimum State standards prior to commencing.

"Automobile Wrecking" means any person, corporation or enterprise engaged in the dismantling or wrecking of motor vehicles or trailers, or in the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

~~"Bed and breakfast guest house" means a single-family residence with a resident owner/operator, one kitchen, shared dining area and three or fewer guests rooms providing lodging for guests and travelers for a period of no longer than 30 days and generally serving breakfast only to those people registered to use the facility.~~
~~"Assisted care home" means a home for more than five handicapped or elderly residents with staffing assistance provided on a 24-hour-a-day basis.~~

"Beauty Salon" means a service business operating to provide services related to hair, skin, nail and cosmetology care.

"Basement" means the usable portion of a building that is below the first story of a building and at least partly below grade.

"Bed and breakfast guest house" means a dwelling unit which serves as the primary residence for the owner/operator within in which three to no more than five (3-5) bedrooms are available for paying guests. Nightly lodging accommodations may serve guests and/or travelers for a period of no longer than thirty days and may serve breakfast only to those people registered to use the facility for lodging.

"Boarding house" or "rooming house" means a residential use consisting of at least one dwelling unit together with three to six rooms, that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units, primarily evidenced by not having separate kitchen facilities. A boarding house is distinguished from a Bed and Breakfast guest home in that the boarding house is designed to be occupied by long-term residents (at least month to month tenants) as opposed to overnight or weekly guests.

~~"Boarding house" or "rooming house" means a building where not more than ten sleeping rooms are available for rent on a weekly or longer term basis and the operator lives in the building.~~

"Building" means a structure designed to be used to provide a place of business, residence, storage or shelter to occupants for occupancy, storage or shelter for the purposes of setback standards, it does not include minor utility structures, light poles, utility boxes, benches, signs or other similar structures.

"Building or structure height" means the vertical distance measured from the ground elevation of the finished grade (finished foundation(s)) to the highest point of the structure or building roof. For sloped property the average of the lowest and highest ground elevation shall be considered the point of measurement. Architectural elements that do not add floor area to a building such as chimneys, vents or antennae are not part of the height of a building, but all portions of the roof are included to the top of the wall plate. Maximum height limits based on the proximity to property lines(s) are measured by calculating vertical distance from finished grade of an exterior wall(s) to the top of the wall plate for only that portion of the building within the regulated height/setback area from a property line.

"Building, principal" means a building in which the principal use on the lot is conducted.

"Church or Religious Use Facility" is a structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

"Church and Religious Use Facility, Accessory" Uses which are secondary to the religious purpose of the religious use facility and are considered as providing services to members and other individuals. The uses include, but are not limited to, bookstores, cafeterias, child day cares, educational classes, social services, and limited retail sales of only religious use facility related materials. A caretaker's quarters or living quarters for an employee and family is also permissible as an accessory use.

"Communication tower" means any tower, pole, mast, whip, or antenna, or any combination thereof used for radio, cellular phone, pager, or television transmission or line-of-site relay. This definition includes towers erected for use in the amateur radio service.

"Conditional use" is a use that may be compatible only under certain conditions in specific locations in a zone and if the site is regulated in a certain manner in order to achieve the purposes of this title means a use permitted with conditions and restrictions that are needed to provide for the compatibility of the conditional use with permitted uses within the zone and conditions needed to protect health, safety and

general welfare of the public. ~~Specific proposals for a conditional use must be approved through the procedures and requirements described in Article IX of this chapter.~~

"Community Center" means a facility used for and providing recreational and/or social programs, but not including overnight shelters.

"Community Residential Facilities (CRF)." include housing for over 5 persons with disabilities, children and domestic abuse shelters, as well as, transitional housing for victims of domestic violence, for children, or for the disabled. CRFs do not include overnight shelters, halfway houses or transitional housing for other populations.

"Conditional use" means a use permitted in a zone only after review and approval by the Hearing Examiner. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zone, or if the site is regulated in a certain manner in order to achieve the purposes of this title.

"Day care" means child care facilities, including: family day care homes, mini-day care centers, and day care centers, defined as:

- ☐ "Family day care home" means a person regularly providing care during part of the twenty-four-hour day to six (6) or fewer children in the family abode of the person or persons under whose direct care the children are placed.
- ☐ "Mini-day care center" means a person or agency providing care during part of the twenty-four-hour day to twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through twelve children in the family abode of such person or persons.
- ☐ "Day care center" means a person or agency that provides care for thirteen or more children during part of the twenty-four-hour day.

~~"Day care family" means a child care arrangement provided in the home of the day care provider and care is provided for compensation or other valuable consideration for more than three children but not more than 12 children and care is provided on a regular recurring basis for more than three hours per day and more than two days per week. "Day care center" means a child care facility where care is provided for compensation or other valuable consideration, care is provided on a regular recurring basis for more than three hours per day and more than two days per week, and care is provided outside of the home of the day care provider or the home of the children, or care is provided in the home of the day care provider for more than 12 children.~~

"Driveway" means an access which serves a single lot or parcel, and the structures or parking surface on the lot or parcel"

"Dwelling Unit, Duplex" means two residential dwelling units within one building on one lot, parcel or tract, designed for occupancy by two separate and independent households. This definition does not include ADU's.

"Dwelling Unit, Multifamily Residential" means three or more dwelling units within one building, designed for occupancy by three or more households on one lot, parcel or tract.

"Dwelling Unit, Single Family" means any building which contains independent living facilities, including provisions for living, sleeping, eating, cooking and sanitation, intended for occupancy by not more than one family.

"Dwelling or housing unit" means an independent living unit with cooking, toilet and living space designed and intended for occupancy by not more than one household. "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore the norm. An emergency shall not include noncompliance to the extent caused by lack of preventative maintenance.

"Emergency Construction" means construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with development processes.

Emergency construction does not include development of new permanent structures where none previously existed. Where new structures are deemed by the Planning Director to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, obtained. All emergency construction shall be consistent with the policies of the Comprehensive Plan. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

"Espresso/Coffee Stand" means a pedestrian walk-up or auto-oriented (drive-through) business that dispenses primarily hot and/or cold beverages.

"Essential public facilities" means capital facilities typically hard to site (see WAC 365-195-340).

"Family" means a person or group of people who are related to each other by birth or marriage or adoption or related in another similar legally recognized manner or a household of up to five non-related people who are living in a single dwelling unit.

"Farming, general" means the cultivation, breeding, raising and production for commercial purposes of plants, animals, fish ~~or~~ and products from plants, animals ~~and~~ fish, ~~but not including~~ excluding feedlots.

"Feedlot" means any land, structure, pen or corral where more than five animals are maintained in close and confined quarters with less space than required in DMC Section 11-03.100 A. (animal densities).

"Fence" means an accessory structure, including landscape planting, designed and intended to serve as a barrier, or as a means of enclosing a yard or other area or other structure, or to serve as a boundary feature separating two or more properties.

"Floodplain" means any land area susceptible to being inundated in a 100-year flood (base flood) as delineated in the "flood boundary and floodway map."

"Floodway" means, as delineated in the "flood boundary and floodway map," the channel of a watercourse and adjacent land areas that must be kept open in order to permit the discharge of a 100-year flood without raising the surface elevation more than one foot.

"Floor area" means total floor area within the walls of all buildings on a lot or building site, except for the spaces therein devoted to vents, shafts and light courts and except for the area devoted exclusively to loading and unloading facilities and to parking of motor vehicles. ~~"Floor area" means the area of a floor that is the area within the exterior face of the walls of a building and includes all areas usable for human occupancy or storage.~~

"Food Processing" means an industrial production of food from a natural state to a packaged state through approved FDA processes and standards.

"Garage, private" means an accessory building or portion of a main building used for the parking or temporary storage of private automobiles, trailers, ~~recreational vehicles~~ mobilehomes, boats, or other vehicles owned or used by occupants of the residence or main building. ~~Carports are also included in this definition.~~

"Garage, publiccommercial" means a building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

"Gasoline/Service Station" means a building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only; auto repair is incidental and no storage or parking space is offered for rent.

"General Repair Services" means the repair of appliances, stereo equipment, electronic equipment, and computers. This term does not include the repair of motor vehicles in any form.

"Glare" means the reflection of harsh, bright light, or the physical effect resulting from high luminance or insufficiently shielded light sources in the field of view.

"Grading" means any excavation, filling, removing the duff layer or any combination of top soils thereof.

"Grade, finished" means the average of the finished ground level at the center of all exterior walls of the building, unless otherwise specified.

"Group home" means ~~a dwelling shared by more than five people who live together in a single dwelling unit, a~~ publicly or privately operated residential facility, limited to: group homes for children, for those with disabilities, or for the elderly; homes for recovering, non-using alcoholics and addicts; or shelters for domestic violence victims. Group homes are single-family structures, allowed in all residential and commercial zones. They may house up to five (5) residents plus two (2) caregivers, with the special exception that State-licensed adult family homes and foster family homes are exempt from the City's numerical limit. Group homes do not include halfway houses, overnight shelters, or transitional housing.

"Hazardous substance and waste storage and treatment" means the holding of hazardous substances or waste for a temporary period or means the physical, chemical or biological processing of hazardous substances or waste for the purpose of rendering such waste non-dangerous or less dangerous, safer for transport, amenable for storage, or reduced in volume, as regulated by the State Dangerous Waste Regulations, WAC Chapter 173-303, or its successor.

"Hazardous substance or waste" means any substance or material that because of its properties may be detrimental to the health of any person coming in contact with the material or substance and all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), or its successor, except for moderate risk waste as set forth in RCW 70.105.010(17), or its successor.

"Health Club" means facilities offering the use of exercise equipment for public use, and services such as, but not limited to, expertise and instruction for fitness training and aerobics classes; does not include massage or other medically related services.

"Health Hazard" means sanitation problems, including, but not limited to, sewage spills, raw sewage in any form, rodent infestation, potential disease causes as determined by an environmental health official and chemicals that leads to acute or chronic health effects in exposed persons.

"Historic Structure" means any building, portion of a building, bridge, ship, railroad car, dam, or any other structure that is either listed in the National Register of Historic Places or located in a registered historic district or listed on the Dayton's local register for historic places.

"Home business or occupation" means a business, or professional enterprise conducted within a dwelling or accessory building by the occupants of the dwelling and the commercial use is incidental and accessory to the primary residential use of the premises and the commercial activity does not alter or detract from the residential character of the residence, or the neighborhood.

"Hotel" means a building or complex with more than ten guest units, and consisting of individual guest sleeping rooms available for short term (less than monthly) rental. Entry to the guest rooms is provided primarily through a lobby/reception area. Additional services such as meeting rooms, restaurants, health spas, retail shops and beauty salons may be provided.

"Impervious Surface" means any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water in the soil mantle including, but not limited to, roof tops, tents, patios, swimming pools, roads, driveways, walkways and parking areas that are paved, graveled or soil compacted, but excluding landscaping and surface water retention/detention facilities.

"Inn" or "hostel" means a building with not more than 20 beds for guests ~~with~~ in not more than ten guest sleeping rooms available for rent on a short-term basis (less than 30 days) and generally serving breakfast only to those people registered to use the facility for lodging.

"Junkyard" or "wrecking yard or salvage yard" means any premises not enclosed by a building devoted wholly or in part to the storage, buying or selling of, or otherwise handling or dealing in, old rags, sacks, bottles, cans, papers, metal, rubber or other articles commonly known as junk. an area of more than 2,500 square feet not enclosed by a building, and used for the dismantling of vehicles or other machinery, or for the purpose of storage of dismantled material, used parts and scrap metal.

"Kennel/Cattery" means a commercial establishment which houses, cares for, breeds, raises or sells dogs or cats for profit. Four (4) or more adult dogs or cats or any combination thereof constitute a kennel. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of six (6) months. ~~means any premises or building in which three or more dogs, cats or other household pets are kept for a commercial purpose (temporary home for a fee, raising animals to sell, etc.).~~ This does not include a veterinary clinic where animals are kept only as a necessary part of medical treatment.

"Livestock" means domesticated animals, such as horses, cows, goats, sheep, and fowl. Swine is not allowed to be raised or cared for within the city limits, except that potbelly pigs are allowed as pets.

"Loading, off-street" means space conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

"Lot" means a legally created parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record or a parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created that does not meet the requirements of this ~~chapter~~ title.

"Lot area" means the total horizontal area within the lot lines of a lot; however, the area contained in access easements, tracts or panhandles shall not be included in the lot area or any other lot size computation.

"Lot, corner" means a lot abutting on two intersecting streets other than an alley.

"Lot, coverage" means the portion of a lot that is occupied by all buildings and structures on the lot, including all roofed areas.

"Lot, developable" means a lot that provides a building site appropriate for the intended use when all physical characteristics, required improvements and all zoning requirements are considered.

"Lot frontage" means the portion of the lot where the lot line abuts a street or right-of-way. For the purpose of determining yard requirement on corner lot and through lots, all sides of a lot adjacent to street shall be considered a front yard.

"Lot Lines" mean the property lines that establish the boundaries of lots.

"Lot Line, Front": The boundary line(s) that abuts street right of way(s), but not an alley.

"Lot Line, Rear": The line opposite, most distant and most parallel with the front lot line. For irregularly shaped lots, a line ten (10) feet in length within the lot and farther removed from the front line and at right angles to the line comprising the depth of the lot shall be used as the rear lot line.

"Lot Line, Side": All lot lines which do not qualify as a rear or front lot line.

"Lot of record" means a lot which is part of a subdivision recorded in the office of the Columbia County Assessor, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

"Lot, through" means a lot other than a corner lot with frontage on more than one street excluding an alley and may also be referred to as a double frontage lot.

"Manufactured home subdivision" means a planned subdivision in which all lots are specifically dedicated for the placement of manufactured homes on individually owned lots.

"Manufactured house" means a residential structure constructed to the National Manufactured Housing Construction and Safety Standards (HUD standards) that is built off-site and transported to the building site, in accordance with state and federal requirements and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis and (iii) exceeds forty (40) feet in length and eight (8) feet in width. This definition does not include mobile, modular homes or recreational vehicles. ~~A manufactured house is further classified as a~~

~~"A single-wide" manufactured house has a width less than 17 feet as measured at any point perpendicular to the length of the manufactured home.~~

~~"A multi-wide" manufactured house has a minimum width of not less than 17 feet as measured at all points perpendicular to the length of the manufactured home.~~

~~"A designated" manufactured house has at least two fully enclosed parallel sections each of not less than 12 feet wide by 26 feet long; has a composition of wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch; and has exterior siding similar in appearance to siding materials commonly used on conventional site-built single family residences.~~

"Massage Business" means a commercial professional establishment in which massage or other touching (considered medically necessary) of the human body is provided.

"Mini-Storage" means a building or group of buildings containing separate storage spaces of varying sizes that are leased or rented as individuals units.

"Mobile home" means a self-contained dwelling unit with its own independent sanitary facilities, that is intended for year-round occupancy, and is composed of one or more major components which are mobile in that they can be supported by wheels attached to their own integral frame or structure and towed by an attachment to that frame or structure over the public highway under license or by special permit. designed so that it can serve as a primary housing unit for a household, and designed to be movable. This definition does not include a manufactured home, modular homes or recreational vehicles.

"Mobile Home, Class A" means a mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

1. The home is new;
2. The home is no less than twenty (20) feet wide and has a length not exceeding four (4) times its width;
3. The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
4. The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
5. A continuous, permanent masonry foundation, un-pierced except for required ventilation and access, is installed under the home; and
6. The tongue, axles, transporting lights and removable towing apparatus are removed after placement on the lot and before occupancy.

"Mobile Home, Class B" means a mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A Mobile Home.

"Mobile or manufactured home park" means a lot, parcel or tract of land in which a minimum of five mobile or manufactured homes are located and the land is under single ownership.

"Modular house" means a residential structure built of conventional materials to Uniform Residential Building Code Standards and local codes applicable to site-built homes that is built off-site and transported to the building site for final assembly on a permanent foundation.

"Motel" means a building or complex with more than ten guest rooms (ten or fewer rooms is defined for zoning purposes as an inn), and consisting of individual guest sleeping rooms available for short term (less than monthly) rental. Motels are designed for easy access from the guest's cars to the guest rooms.

~~"Multifamily" means more than two dwelling units on one lot, parcel or tract designed for occupancy by more than two households.~~

"Noise" means the intensity, duration and character of sound from any and all sources.

"Nonconforming lot, use or structure" means lot, use or structure created, used or constructed in conformance with codes at the time established, which in existence at as the effective date of this ordinance codified in no longer in this chapter that does not meet the minimum requirements of the zone in which it is located.

"Nursing Home/Convalescent Center" means residential facilities offering twenty-four (24) hour skilled nursing care for patients who are recovering from an illness, or receiving care for chronic conditions, mental or physical disabilities, terminal illness, or alcohol or drug detoxification. Care may include in-patient administration of medicine, preparation of special diets, bedside nursing care, and treatment by a physician or psychiatrist. Out-patient care is limited to prior patients only.

"Occupancy or use" means the purpose for which a lot or building is used or intended to be used.

"Open Space" means a variety of lands which are created and preserved for park and open space purposes, including:

- ☐ Natural areas with outstanding scenic or recreational (active or passive) value;
- ☐ Public access areas to creeks, rivers or lakes;
- ☐ Lands that define, through natural features, urban and rural areas;
- ☐ Lands that create corridors between natural features;
- ☐ Lands held in separate private tracts for preservation of critical areas.
- ☐ Any landscaped area that exceeds the minimum adopted landscape requirements;
- ☐ Active outdoor recreation areas;
- ☐ Multi-purpose green spaces;

"Outdoor Sales Lot" means an area where more than 20% of the goods are stored and/or displayed either temporarily or permanently outdoors such as nursery and garden centers, farm supply and machinery sales, vehicle sales and rentals.

"Overnight Shelter" means a facility providing overnight, temporary lodging, with or without meals, for homeless families or individuals and meeting the standards of Chapter 246-360 WAC.

"Park" means land used for active and passive recreation including, but not limited to, local and regional parks, playgrounds, ball fields, and trails.

"Parking Lot" means a public or private area other than a street or alley that provides parking for motor vehicles.

"Parking, off-street" means a space providing parking for vehicles with related access to a public street or alley.

"Pet, household" means a domesticated animal of ordinary species that lives, or is commonly known to be capable of living, within the confines of a residence. Animals considered to be common household pets include but are not necessarily limited to the following: dogs, cats, rabbits, indoor birds, small rodents, and fish, miniature goats, potbelly pigs, and domestic fowl. Animals not considered to be common household pets include but are not necessarily limited to the following: horses, cows, goats, sheep, swine, donkeys, full-size swine, full-size goats, endangered or exotic species and any similar species.

"Recreational vehicle or travel trailer" means a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is towed by another vehicle, including, but not limited to: travel trailer, park trailer, folding camper trailer, motor home, multi-use vehicles, or truck camper.

~~means a vehicle or portable structure designed to temporarily shelter persons en route on a recreational trip.~~
~~"Recreational vehicles" include, but are not limited to, campers, motor homes and travel trailers.~~

"Recreational vehicle park" means a lot where five-two or more sites are available for short term (less than monthly) rental for parking recreational vehicles as temporary living quarters.

"Recycling collection center" means a collection area for small items such as bottles, cans and newspapers to be recycled.

"Replacement Cost" means the current cost to reconstruct a structure or part of the structure in a manner similar to its previous condition to the current code standards.

"Restaurant" means a commercial use (excluding fast food restaurants) which sells prepared food or beverages and generally offers accommodations for consuming the food or beverage on the premises.

"Restaurant, Fast Food" means a commercial use which serves food or beverages, is built to include drive-through business, and minimizes the number of interior accommodations for on-site consumption of the product.

"Right-of-way" means the land dedicated for public use for utilities, vehicular travel, or pedestrian travel.

"Roadway" means the portion of a right-of-way that is improved for vehicular traffic.

"Secondhand Store" means a retail establishment in which the principal portion of the articles, commodities or merchandise handled, offered for sale, or sold on the premises are not new.

"Setback" means the minimum distance that buildings/structures, or uses, must be set back from a property line. In no event shall any structure, fence or paved area encroach upon public right-of-way.

"Sight-obscuring fence or screening" means a method by which a view of one site is shielded from view from adjacent sites or streets. To qualify as a sight-obscuring fence, at least 75 percent of the fence surface must consist of opaque material.

"Sign" means a device, letters, figures, symbols or structure visible from a public right-of-way that carries or constitutes a message designed, intended, or used to attract attention to the medium for purposes of the commercial advertisement or location of a place, product, or service, or the promotion or advocacy of an idea, proposition, or person, excluding traffic control devices. Requirements for signs Sign standards are located in in the City of Dayton can be found in the Title 12, "Dayton Sign and Light Code".

"Skirting" means a permanent material used to cover the undercarriage of a manufactured or mobile home and made of similar material, color, and pattern as the siding, or of some other material which is similar in appearance to site built foundations.

"Single-family house" means a residential building containing one residential dwelling unit designed for occupancy by one household family.

"Street, private" means any easement, tract or street for ingress and egress which is not a public street. Driveways which are not part of an easement, tract or street for ingress and egress shall not be considered a street. For the purposes of this title, a private street will be considered as being a public street for determining setback provisions only.

"Street, public" All streets, highways, avenues, lanes, alleys, courts, places, or other public ways in the City, whether improved or unimproved, held in public ownership and intended to be open as a matter of right to public vehicular and/or pedestrian access. means a public right of way not less than 50 feet in width with an approved roadway not less than 24 feet in width which provides access to abutting property.

"Structure" means anything which is built or constructed (above or below grade), an edifice of building of any kind, or any piece of work artificially built-up or composed of parts joined together in some definite manner excluding vehicles, lawn/yard furniture, statuary, utility boxes/lights, minor utility apertures, planter boxes, fences seventy-two inches (72" or 6-foot) or under in height, and residential tent structures.

"Structure" means any artificially built device composed of parts joined together in some definite manner other than vehicles, furniture or appliances.

"Tent Structure, Residential" means a canopy, not exceeding four hundred (400) square feet, or a tent, not exceeding two hundred (200) square feet, consisting of a metal or plastic frame, covered with canvas or other similar material, used in a residential zone. A canopy is defined as an enclosure or other shelter which is open without sidewalls or drops on seventy-five percent (75%) or more to the perimeter. A tent is defined as an enclosure or shelter with twenty-five percent (25%) or greater sidewalls or drops on its perimeter. A canopy

greater than four hundred (400) square feet or a tent greater than two hundred (200) square feet shall be subject to all building and fire codes.

"Variance" means a change in requirements in this ~~chapter title~~ to accommodate unusual or unique conditions peculiar to a property, not the result of the actions of the applicant, which prevent a reasonable use of the property without undue hardship where such change will not be contrary to the public interest. A variance may be used only for changes in requirements for height, area and size of structure or size of yards and open spaces. A variance can not be used to establish or expand a use otherwise prohibited and a variance can not be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

"Vehicle" means any contrivance in or on which persons or things may be contained, carried or conveyed, whether in motion or standing, and includes cars, trucks, travel trailers, campers, trailers, motorcycles, farm vehicles or other similar mechanical devices fitted with wheels or runners.

"Vision clearance area" means a triangular area on a lot at the intersection of two streets, or of a street and an alley within which landscaping and structures that would block the vision of ~~on coming~~ oncoming pedestrians or traffic on the other street are prohibited. ~~(See 5-12-125, 5-12-225 and 5-12-330 for dimensions of required area.)~~

"Yard" means an open space on a lot or parcel which is required to be unoccupied and unobstructed from the ground upward to the sky by any structure except fences, platforms, walks and other customary yard ornaments and furniture.

~~"Yard" means a required open space unoccupied and unobstructed by any structure except fences and other customary yard ornaments and furniture.~~

"Yard, front" means ~~the yard~~ the area extending across the full width of the lot required on each portion of a lot facing a street front.

"Yard, rear" means the area extending across the full width of the lot ~~required yard on a lot~~ facing an adjacent property or alley right-of-way and generally on the opposite side of the lot from the front yard.

"Yard, side" means the area extending across the full width of the lot ~~required yard on the lot~~ facing an adjacent property and generally at a right angle to the front yard, not including the front yards of a corner lot or a through lot.

"Zone" means distinct geographic areas into which the land area of the city is divided for purposes of regulating land use.

ARTICLE II - Chapter 11-02 DESIGNATION AND ESTABLISHMENT OF ZONING DISTRICTS

~~5-12.060 - Zoning districts.~~ 11-02.010 - ZONING DISTRICTS.

~~5-12.065 - Overlay zones.~~ 11-02.020 - OVERLAY ZONES.

~~5-12.070 - Official zoning map.~~ 11-02.030 - OFFICIAL ZONING MAP.

~~5-12.080 - Interpretation of zoning district boundaries.~~ 11-02.040 - INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

5-12.060-11-02.010 - ZONING DISTRICTS.

The following zoning districts are hereby established in conformance with the goals of the Dayton Comprehensive Plan:

District Name:	Symbol:
Residential Districts:	
_ Urban Residential	UR
_ Agricultural Residential	AR
Commercial Districts:	
_ Central Commercial	CC
_ Fringe Commercial	FC
Industrial District <u>Industrial</u>	IN
Public Purpose Districts	
Open Space and Recreation	OR
Public and Quasi-Public Zone	PQ

5-12.065-11-02.020. - OVERLAY ~~zones~~ ZONES-/DISTRICTS

Overlay zones are established to recognize and respond to special conditions such as historic districts, floodplains and slide-prone areas with special standards for development. The ~~designated-adopted~~ overlay ~~zone-districts~~ within the City of Dayton ~~include are~~:

Overlay Zone Name:	Symbol:
Downtown Commercial Historic District	DCHD
Residential Historic District	RHD
<u>South Side Historic District</u>	<u>SSHD</u>
<u>Washington Street Historic District</u>	<u>WSHD</u>

~~5-12-070~~**11-02.030** - **OFFICIAL ZONING MAP.**

- A. The area within the city is divided into zones and overlay areas as shown on the official zoning map which is adopted by reference and declared to be a part of this ~~chapter~~title. Land area(s) under an approved development agreement shall be designated on the zoning map. The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and shall bear the seal of the city. The official zoning map shall be made available for public inspection within Dayton City Hall.
- B. No amendment to this ~~chapter~~title which involves boundaries on the official zoning map shall become effective until such change and entry is made on the zoning map.

~~5-12-080~~**11-02.040** - **INTERPRETATION OF ZONING DISTRICT BOUNDARIES.**

Where uncertainty exists as to the boundaries of the zoning districts as shown on the official zoning map, the following rules shall apply:

- A. Boundaries on streets, highways, alleys or waterway follow the center of these elements.
- B. Other boundaries shall follow the nearest platted lot line. In the event a single lot appears to be located within two or more different zones, the zoning district regulations applying to the larger portion of the lot shall apply to the entire lot.
- C. In the event physical features existing on the ground differ from those shown on the official zoning map, or in other circumstances not covered by subsections A. and B. above, the ~~city planner~~Planning Director shall interpret the zoning district and overlay district boundaries.

~~ARTICLE III -~~Chapter 11-03 -RESIDENTIAL ZONES

~~5-12.100,11-03.010~~ - INTENT AND PURPOSE OF RESIDENTIAL ZONES.

~~5-12.110. Uses,11-03.020 - USES.~~

~~5-12.120,11-03.030~~ - ~~STANDARDS~~ - LOT AREA, HEIGHT, SETBACK, LOT COVERAGE REQUIREMENTS AND EXCEPTIONS.

~~11-03.040 - TENT STRUCTURES, RESIDENTIAL~~

~~5-12.130. Building construction - All buildings in residential zones,11-05.050 - BUILDING CONSTRUCTION -ALL BUILDINGS IN RESIDENTIAL ZONES.~~

~~5-12.140. Limits on businesses,11-03.060 - LIMITS ON BUSINESSES.~~

~~11-03.065 - VISION CLEARANCE AREA REQUIREMENTS~~

~~5-12.150. Off street parking,11-03.070 - OFF-STREET PARKING.~~

~~5-12.160. Landscaping - Required,11.03.080 - LANDSCAPING -REQUIRED.~~

~~5-12.170. Exterior lighting,11-03.090 - EXTERIOR LIGHTING.~~

~~5-12.180,11-03.100 - ANIMAL DENSITIES AND RESTRICTIONS. -LIVESTOCK, PRODUCTION and ANIMALS AND HOUSEHOLD PETS restrictions.~~

~~5-12.190. Mobilehome parks,11-03.110 - MOBILE HOME PARKS.~~

~~5-12.195. Historic District Overlay Zone.~~

~~5-12.100,11-03.010~~ - INTENT AND PURPOSE OF RESIDENTIAL ZONES.

~~The intent and purpose of the residential zone is to provide for residential uses and such other uses as may be compatible to the following zones:~~

- ~~A. Agricultural Residential (AR). The intent of the agricultural residential zone is to retain a single-family, low-density residential character. The base density for the agricultural residential zone is three to four (3-4) dwelling units per acre. Varied housing types may be allowed through approved planned residential development, manufactured home parks, and manufactured home subdivisions.~~
- ~~B. Urban Residential (DR). The intent of the urban residential zone is to provide for a mixture of housing unit types including single-family, duplex and multifamily dwellings. The base density is four to six (4-6) dwelling units per acre. This zone also includes provisions for the manufactured home sub-divisions.~~

~~The residential section of the zoning code is intended to assist in the implementation of the following Comprehensive Plan goals:~~

~~• Goal LU 2: Support a strong local economy through the revitalization of Dayton's residential and commercial areas.~~

~~Objective LU 2.1: Allow home occupations in residential areas.~~

~~Objective LU 2.2: Allow bed and breakfast establishments in residential areas.~~

~~• Goal LU 5: Strengthen the City of Dayton's environmental quality of life while maintaining the character and quality of the community.~~

~~• Goal H 1: Encourage the availability of different housing types and densities compatible to the needs of the community and its individual neighborhood.~~

~~Objective H 1.1: Establish residential densities which are reflective of the area's needs.~~

~~Objective H 1.2: Allow manufactured homes in certain residential areas without damaging the historic fabric of Dayton or of a specific neighborhood.~~

~~Objective H 1.3: Provide for auxiliary apartments in residential zones.~~

~~• Goal H 3: Preserve and enhance the buildings and properties in Dayton that are historically significant or of architectural importance.~~

~~Objective H 3.1: The city should encourage development which is compatible with the existing historic integrity of the community.~~

~~Agricultural Residential (AR). The intent of the agricultural residential zone is to retain a single family, low-density residential character. The base density for the agricultural residential zone is four dwelling units per acre. Varied housing types may be allowed through approved planned residential development including multifamily dwellings, manufactured home parks and manufactured home subdivisions.~~

~~Urban Residential (UR). The intent of the urban residential zone is to provide for a mixture of housing unit types including single family and multifamily dwellings. The base density is six dwelling units per acre. This zone also includes provisions for the manufactured home subdivisions and planned residential development allowing a variety of housing unit types at increased densities.~~

5-12-110-11-03.020 - USES.

All uses in residential zones shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in the Use Chart of this section 110. If a use is not listed, it is prohibited unless the ~~city planner~~ Planning Director determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any use which is permitted as a similar use.

<u>USE CHART 110</u> <u>Uses in Residential Zones</u>	<u>RESIDENTIAL ZONES</u>	
	AR	UR
A. Residential.		
Accessory dwelling unit (ADU <u>guest house or granny apartment</u>) <u>¹ Accessory only to one primary single family dwelling, also see DMC 11-01.020 G.</u>	A ¹	A ¹
<u>Adult family home</u>	P	P
Assisted care home	A	P
Boardinghouse	A	P
Duplexes (<u>two attached dwellings units with a minimum of 3,600 square feet of lot area for each unit</u>)	X	P
Group home	X P	P
Manufactured and mobile home parks	C	P C
Multifamily (three or more <u>attached dwelling units</u>) with <u>a minimum of a required lot area of 3,600 square feet of lot area</u> for each unit)	X	P
<u>Pets, household - See DMC 11-03.100 for zoning limitations on the number of pets</u>	<u>A</u>	<u>A</u>
Private garages and storage buildings, <u>including carports</u>	A	A
Private recreational facilities (pools, patios, and similar)	A	A
Single-family house <u>Dwelling</u>	P	P
<u>Tent Structure, Residential See DMC 11-03.040 for iimitations</u>	<u>A</u>	<u>A</u>
B. Agricultural Uses.		
Feedlots	X	X
General farming ²	P	A
<u>Large Sized Livestock²</u>	<u>P²</u>	<u>X</u>
<u>Moderate Sized Livestock²</u>	<u>P²</u>	<u>X</u>

<u>Small production animals²</u>	<u>P²</u>	<u>A²</u>
² See DMC 11-03.100 for limitations to livestock and production animals		
C. Community Facilities.		
Community centers and similar facilities	C	C
Fire and police stations	C	C
Hospitals	X	C
Medical clinics	X	C
Parks	P	P
Religious facilities, <u>faith centers and churches</u>	C	C
Schools	C	C
Utility transformers, pump station, etc.	C	C
D. Commercial Uses. (Limitations on Commercial Uses- See 11-03.060)		
Bed and breakfast guest house (three or fewer guest rooms)	A	A ³
Inn (three to ten guest rooms)	X	C
Communication towers including phone, radio, TV and similar	A	A
<u>Community Residential Facilities (CRF)</u>	<u>X</u>	<u>C</u>
Day Care Facilities		
Day care center	C	C
Mini Day Care Center	C	C
Family day care facility home	A	A
Home business or occupation	A	A
Kennels	A	X
Nursing homes	C	C
Professional, administrative and service offices	A	A
Retail nurseries and greenhouses	A	A
Veterinary clinic	X	C

P - Permitted Principal use; C - Conditional use; A - Accessory use; X - Prohibited use

~~Conditional uses are uses that are permitted with conditions and restrictions that are needed to provide for the compatibility of the conditional use with permitted uses within the applicable zone and conditions needed to protect health, safety and general welfare of the public. Specific proposals for a conditional use must be approved through the procedures and requirements described in Article IX of this chapter.~~

~~Accessory uses are uses and facilities that are supportive of and normally associated with a permitted principal use. Examples of these generally accepted and permitted accessory facilities and uses are garages for vehicles owned and operated by occupants of a related residence, shops for hobby work or repairing personal property, garden buildings, shelters for pets or animals raised for the consumption by residents, barns where general farming is permitted, etc.~~

~~5-42-420-11-03.030~~ - **Standards:** Lot area, height, setback, lot coverage requirements and exceptions.