

ORDINANCE 1841 - ATTACHMENT E

DAYTON MUNICIPAL CODE

CHAPTER 1-22 HEARING EXAMINER

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1-22.010 HEARING EXAMINER.

The purpose of this chapter is to establish the office of hearing examiner and the authority of the hearing examiner, which shall include conducting administrative hearings and other proceedings as prescribed by this code or other city ordinance, and to provide an administrative land use regulatory system which will best satisfy the following basic needs:

- A. The need to separate the city's land use regulatory function from its land use planning function;
- B. The need to ensure and expand the principles of fairness and due process in public hearings; and
- C. The need to provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making processes for land use matters.

1-22.020 OFFICE OF HEARING EXAMINER.

The hearing examiner shall exercise the authority of the hearing body, designated in City of Dayton Title 10, Administration of Development Regulations for the land use matters. Hearings held by the hearing examiner shall constitute the hearings required by state law for such land use matters. The hearing examiner shall also have any duties and related authority prescribed to the hearing examiner by this code or other city ordinance.

1-22.030 APPOINTMENT.

The examiner shall be appointed by the city mayor, the examiner shall be appointed solely with regard to qualifications for the duties of such office and shall have such training or experience as will qualify the examiner to conduct administrative or quasi-judicial hearings on land use regulatory matters. The examiner shall hold no other appointive or elective public office or position in the city government except as herein provided.

1-22.040 APPOINTMENT OF HEARING EXAMINERS PRO TEMPORE.

The city mayor may appoint one or more hearing examiners pro tempore to act in the absence of the regular hearing examiner. Such appointment shall be from qualified applicants as determined

by the Planning Director. Hearing examiners pro tempore, when acting in such capacity, shall have all powers and duties of the hearing examiner as prescribed in this code or elsewhere.

1-22.050 HEARING EXAMINER – CONFLICT OF INTEREST AND FREEDOM FROM IMPROPER INFLUENCE.

- A. The examiner shall not conduct or participate in any hearing or decision in which the examiner has a direct or substantial financial interest.
- B. No councilmember, city official or any other person shall attempt to influence or in any way interfere with the examiner in the performance of his designated duties.

1-22.060 POWERS.

- A. The examiner shall have the authority to and shall conduct public hearings and prepare a record thereof, and enter written findings and conclusions, recommendations or decisions for the following land use matters as stated in DMC Title 10, including but not limited to:
 - 1. Applications for reclassifications (non-docket);
 - 2. Applications for conditional uses and variances;
 - 3. Applications for conditional uses and variances in shorelines districts;
 - 4. Applications for subdivisions;
 - 5. Appeals of administrative decisions;
 - 6. Appeals of short plat decisions;
 - 7. Appeals of State Environmental Policy Act threshold determinations; and
 - 8. Any other matter designated by this code or other city ordinance.
- B. The examiner's decision shall be based upon the policies of the comprehensive plan, Shorelines Management Act, State Environmental Policy Act, the standards set forth in the various land use regulatory codes of the city, or any other applicable program adopted by the city council. The examiner may attach reasonable conditions found necessary to make a project compatible with its environment and to carry out the goals and policies of the city's comprehensive plan, shoreline master program, or other applicable plan or program adopted by the city council.

Such conditions may include but are not limited to the following:

- 1. Exact location and nature of development, including additional building and parking area setbacks, screenings in the form of landscaped berms, landscaping, or fencing;
- 2. Impact of the development upon other lands;
- 3. Hours of use of operation or type and intensity of activities;
- 4. Sequence and scheduling of development;
- 5. Maintenance of the development;
- 6. Duration of use and subsequent removal of structures;
- 7. Granting of easements for utilities or other purposes and dedication of land or other provisions for public facilities, the need for which the examiner finds would be generated in whole or in significant part by the proposed development;
- 8. Mitigation of any adverse environmental impacts; and

9. Provisions which would bring the proposal into compliance with the comprehensive plan policy.
- C. The examiner shall have any duties and related authority prescribed to the hearing examiner by this code or other city ordinance.
- D. The examiner shall have the power to prescribe rules and regulations concerning procedures for hearings and other proceedings authorized herein, subject to confirmation by the city council, to issue summons for and compel the appearance of witnesses, to administer oaths and to preserve order. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with rules of the examiner.

1-22.070 PROCEDURES.

All procedures of DMC Title 10 shall be followed, as applicable, will apply to the land use matters heard by the examiner.

ORDINANCE 1841 - ATTACHMENT F
DAYTON MUNICIPAL CODE
TITLE 11 - ZONING CODE Corrections and Updates

NEW - DMC 11-01.030 "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 placement standards, building codes and fire codes.

NEW - DMC 11-03.040 Residential Tent Structures

Tent structures as defined in this title are allowed in residential zones as accessory structures subject to setback, and height/setback requirements of the zone for buildings and the following additional standards:

- A. A maximum of one (1) residential tent structures is allowed on a lot.
- B. A residential tent structure may be used only for the storage of motor vehicles, recreational vehicles, or boats.
- C. A residential tent structure shall conform to the off-street parking area requirements under DMC 11.08.
- D. The maximum height to the peak of the roof for a residential tent structure must not exceed fifteen (15) feet.
- E. All structures, including a residential tent structure on a lot, must not exceed the allowable building lot coverage for the parcel of property as defined under DMC 11-03.030.
- F. All residential tent structures must be white, a subdued color, or substantially match the appearance of the primary structure on the property. No residential tent structure shall be blue. All residential tent structures shall maintain an appearance of integrity. Residential tent structures that do not maintain an appearance of integrity must be removed from the property by the property owner within 30 days.
- G. All residential tent structures must be installed and anchored pursuant to the manufacturer's instructions.
- H. A residential tent structure must be constructed of approved fire retardant materials.

AMEND - DMC 11-03.050 Building Construction—All Buildings in Residential Zones

... B. Temporary or mobile buildings may remain on a lot for up to 60 days of a twelve month calendar year, except for:

1. A mobile or manufactured home in a mobile home park; or
2. After a building permit has been obtained, a temporary construction office or a recreational vehicle that serves as the residence for an owner/builder who is building a residence on the lot can be placed on the lot and can remain on a lot for the term of the construction work or one year, whichever is shorter, unless extended ~~as a conditional use by the Planning Director~~ to accommodate a longer construction period; or
3. An **unoccupied** recreational vehicle or travel trailer parked on a land parcel that includes the primary residence of the owner of the recreational vehicle or travel trailer. ~~or~~
- ~~4. Two movable buildings including garden storage buildings, provided:
 - ~~• The height of the building measured to the peak do not exceed ten feet,~~
 - ~~• The siding must be similar in appearance to siding material commonly used on residential buildings,~~
 - ~~• The roof must have a 3:12 or steeper pitch with roofing material similar in appearance to roofing material commonly used on residential buildings,~~
 - ~~• The floor area of all moveable structures on a lot cannot exceed 250 square feet.~~~~

RENUMBER the following sections of Chapter 11-04 in Attachment B to the Development Regulations Ordinance _____ to correctly reference Chapter 11-04:

<u>11-04.060</u>	<u>11-05.060</u>	11-04.060	OFF-STREET PARKING.
<u>11-04.070</u>	<u>11-05.070</u>	11-04.070 -	SCREENING AND LANDSCAPING Required .
<u>11-04.080</u>	<u>11-05.080</u>	11-04.080 -	EXTERIOR LIGHTING.
<u>11-04.090</u>	<u>11-05.090</u>	11-04.090	RECREATIONAL VEHICLE PARK STANDARDS.