

CITY OF DAYTON WASHINGTON

ORDINANCE NO. 1873A

AN ORDINANCE ADOPTING NEW AND AMENDED 2014 DEVELOPMENT REGULATIONS, Title 11-ZONING AND TITLE 17-CRITICAL AREAS CODES AND MAPS IN COMPLIANCE WITH RCW 36.70A (GMA), ESTABLISHING NEW DAYTON MUNICIPAL CODE (DMC) TITLE 20 "COMPREHENSIVE PLAN", AND AMENDING ORDINANCE 1841.

WHEREAS, the City Council did consider the following Findings, and having fully considered all agency comments, public testimony and the entire public record, and;

WHEREAS, these amendments was identified as docket items as part of a series of amendments considered by the City under the umbrella of the 2014 Comprehensive Plan and Development Regulations Update. The final docket was approved by the City Council on Nov. 24, 2014 at their regularly scheduled meeting.

WHEREAS, the purposes of the amendments in this ordinance are:

DR14-001 - New DMC Title 20, Comprehensive Plan. The purpose is to establish a location in the Dayton Municipal Code DMC where the Comprehensive Plan adoption is officially referenced under ordinance and to assure compliance with RCW 36.70A.290(2)(a).

DR14-002 - Seismic Hazard Code Revision. The purpose of amendment is to eliminate code conflicts and severely restrict and unreasonable limit development; and to clearly identify the level of seismic risks and hazards.

DR14-003 - Historic District Zoning Standards. The purpose of amendment is to revise standards to allow greater flexibility and discretion by the Historic Preservation Commission in review of Certificates of Appropriateness (COA).

DR14-004 – Corner Lots. The purpose of amendment is to provide reasonable setback standards for residential properties allowing greater flexibility in placement of closer to one of two street property lines.

DR14-006 – Zoning Map. The purpose of the map update is to convert the 1993 adopted Zoning Map to a GIS format and utilize updated parcel layer and accurate City boundaries.

DR14-007 - Zoning Map Overlay - Local Historic Districts & Registered Properties. The purpose of the map is to reflect registered local properties and districts on the Zoning Map as required by DMC Chapters 5.18 and 11-02; updated the parcel layer; and district boundaries in a GIS format.

DR14-008 – Critical Area Maps. The purpose of the City critical areas maps is to provide easy access to mapping of critical areas designations and to provide layered mapping in a GIS format for use by City, businesses and citizens.

WHEREAS, this ordinance amends the City of Dayton Development Regulations for zoning and critical areas as adopted by Ordinance 1841.

WHEREAS, on December 1, 2014, the City of Dayton issued to the Department of Commerce its 60 day notice of intent to adopt the 2014 Docket for Comprehensive Plan and Development Regulation amendments, and;

WHEREAS, the City as lead agency issued a State Environmental Policy Act (SEPA) threshold determination of non-significance (DNS) on Dec. 1, 2014, stating that the series of amendments docketed with the 2014 Comprehensive Plan and Development Regulations Update would not have a probable significant impact on the environment. The comment and appeal period ended on December 18, 2014.

WHEREAS, public outreach to the community was performed. The public was invited to submit individual docket applications. Newspaper notice, notice to agencies, tribes and community groups; and posting of notice and docket items on the City website and City Hall was accomplished. Key stakeholders identified by the jurisdiction were also invited, to review and comment on the amendments.

WHEREAS, the Dayton Planning Commission conducted a public meeting on Nov. 18, 2014 where they were presented with the draft docket amendments. On behalf of the City Council, they held public hearings on Dec. 16 2014, Jan. 6, 2015 and Jan.16, 2015 for the Final Docketed Amendments; and considered best available science, alternatives used by other jurisdictions, written correspondence and testimony submitted prior to the close of the public hearings.

WHEREAS, the City has considered the "Minimum Guidelines" as set forth in Chapter 365-190 WAC to classify and update Critical Areas and its decisions have been informed by this guidance, and;

WHEREAS, the Dayton Planning Commission serves the City Council making advisory recommendation to the Dayton City Council in the matters of land use, plans, policies, codes and standards. After the close of the public hearings, on January 20, 2015, the Dayton Planning Commission recommended to the Dayton City Council, to adopt these amendments and additions to the Dayton Municipal Code.

WHEREAS, the Dayton City Council recognizes the Dayton Planning Commission's abilities to provide sound advice, together with providing the greatest possible benefits for the citizens of Dayton; and,

WHEREAS, the proposed development regulations are necessary to protect the health, safety and general welfare of the community and its residents, and;

WHEREAS, the proposed development regulations have been found consistent with the comprehensive plan and comprehensive plan amendments, and;

WHEREAS, the amendments and additions to development regulations have been found consistent with State and federal laws,

NOW, THEREFORE, BE IT ORDAINED BY THE DAYTON CITY COUNCIL:

Section 1. Under Substantive Authority of SEPA, RCW 36.70 Planning Enabling Act and RCW 36.70A GMA, Ordinance 1841 is hereby amended; and the Dayton Municipal Code is hereby amended as follows:

DR14-001 - Establishment of a new title of the Dayton Municipal Code, Title 20 – Comprehensive Plan as included as Attachment H.

DR14-002 - Amendment of DMC 17-04.013 and 17-04.040 as follows:

17-04.013 SEISMIC HAZARD AREAS.

Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting including:

- A. Areas subject to surface faulting during a seismic event;*
- B. Areas with underlying deposits indicative of a risk of liquefaction during a seismic event, including those areas mapped as **severe** by the Washington State Department of Natural Resources;*
- C. Areas subject to slope failure during a seismic event;*
- D. Areas that are at risk of mass wasting due to seismic forces.*

Seismic hazards shall be as identified in Washington State Department of Natural Resources seismic hazard and liquefaction susceptibility maps for eastern Washington and other geologic resources.

Seismic hazards shall be as identified in Washington State Department of Natural Resources seismic hazard and liquefaction susceptibility maps for eastern Washington and other geologic resources.

One indicator of potential for future earthquake damage is a record of earthquake damage in the past.

Ground shaking is the primarily affected by [See WAC 365-190-080(4)(e)]:

- The magnitude of an earthquake;*
- The distance from the source of an earthquake; and*
- The type of thickness of geologic structure.*

Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table.

17-04.040 ALLOWED ACTIVITIES – GEOLOGICALLY HAZARDOUS AREAS

Activities allowed in geologically hazardous areas:

- A. Erosion and landslide hazard areas. Except for installation of fencing or as otherwise*

provided for in this Chapter, only those activities approved and permitted consistent with an approved critical area report in accordance with this title shall be allowed in erosion or landslide hazard areas.

B. Seismic hazard areas. The following activities are allowed within seismic hazard areas, without preparation of a special study:

- 1. Construction of new ~~residential~~ buildings with less than 2,500 square feet of floor area or roof area, whichever is greater; and which are not residential structures or used as places of employment or public assembly;*
- 2. Additions to existing single-story residences that are 250 square feet or less; and*
- 3. Installation of fences.*

C. Volcanic hazard areas. The following activities are allowed within volcanic hazard areas:

- 1. Construction of new buildings with less than 2,500 square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly;*
- 2. Additions to existing residences that are 250 square feet or less; and*
- 3. Installation of fences.*

DR14-003 - Amendment of DMC 11-07.020 and 11-07.030 as follows:

11-07.020 - SOUTH SIDE HISTORIC DISTRICT (SSHD) OVERLAY ZONE

The intent of the SSHD Overlay Zone is to maintain the historic nature of the SSHD neighborhood. The following requirements are in addition to the applicable limits of the underlining residential zone:

- A. Exterior building material shall be similar in appearance to the materials of the historic buildings within the SSHD neighborhood. ~~Siding material shall be installed horizontally.~~*
- B. The style of new buildings shall be compatible and complementary with the historic buildings structures within the SSHD neighborhood.*
- C. No temporary structures may be installed and used in this zone for more than sixty (60) days of a calendar year.*
- D. Traditional street widths should be preserved to promote the historic nature of the neighborhood.*
- E. New building construction shall retain similar setbacks on adjacent properties.*
- ~~F. The roof pitch on buildings shall be 6/12 or greater.~~*
- ~~G. There shall be a minimum eighteen inch (18") roof overhang on all new construction.~~*
- H. New porch construction shall be compatible with adjacent historic buildings and porches within the SSHD neighborhood.*
- I. ~~No~~ Tent, steel, or pole structured buildings ~~shall be~~ are not allowed.*

11-07.030 WASHINGTON STREET HISTORIC DISTRICT (WSHD) OVERLAY ZONE

The intent of the WSHD Overlay Zone is to maintain the historic nature of the WSHD neighborhood. The following requirements are in addition to the applicable limits of the underlining residential zone:

- A. Exterior building material shall be similar in appearance to the materials of the historic buildings within the WSHD neighborhood. ~~Siding material shall be installed horizontally.~~
- B. The style of new buildings shall be compatible and complementary with the historic buildings structures within the WSHD neighborhood.
- C. No temporary structures may be installed and used in this zone for more than sixty (60) days of a calendar year.
- D. Traditional street widths should be preserved to promote the historic nature of the neighborhoods.
- E. New building construction shall retain similar setbacks on adjacent properties.
- ~~F. The roof pitch on buildings shall be 6/12 or greater.~~
- ~~G. There shall be a minimum eighteen inch (18") roof overhang on all new construction.~~
- H. New porch construction shall be compatible with adjacent historic buildings and porches within the SSHD and WSHD neighborhoods.
- I. ~~No~~ Tent, steel, or pole structured buildings ~~shall be~~ are not allowed.

DR14-004 - Amendment of DMC 11-01.050 as amended by Ordinance No. 1864, revising the definition of "Lot frontage"; and, amend DMC 11-03.030, as follows:

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:

...I. The words and phrases set out in this article, unless the context of the title otherwise requires, shall have the meaning provided herein:

... "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. For a corner lot, the "primary front line" is the shorter of the two intersecting street lines and the "flanking front line" is the longer of the front lines, unless otherwise determined through a zoning interpretation by the Planning Director or approval of a zoning variance.

...

11-03.030 – Standards: Lot area, height, setback, lot coverage requirements and exceptions.
The lot areas, setbacks, structure heights and lot coverage required or permitted in residential zones, and additional specific standards are listed below:

Lot Areas, Setbacks, Structure Heights and Lot Coverage Required or Permitted	ZONES	
	AR	UR
Lot Area Minimum	10,800 sf	7,200 sf
Lot Width Minimum	80'	50'
Lot Depth Minimum	120'	100'
Principal Building Setbacks Minimum front and rear yard setbacks for principal buildings including setbacks for front yards of a corner lot and through lot Minimum primary front (P), flank front (F) and rear (R) yard setbacks for principal buildings on a corner lot: P/F/R Minimum garage setback for garage entry. P and/or F Minimum side yard setback	25' <u>25'/15'/25'</u> <u>25'/20'</u> 10'	20' <u>20'/10'/20'</u> <u>20'/20'</u> 5'
Accessory Building Setbacks Minimum front yard setbacks including setbacks for front yards of a lot, corner lot and through lot Minimum primary front (P), and flank front (F) yard setbacks for an accessory buildings on a corner lot: P/F Minimum garage front setback for garage entry. P/F Minimum rear yard setback Minimum side yard setback	25' <u>25'/20'</u> <u>25'/20'</u> 10' 10'	20' <u>20/15'</u> <u>20'/20'</u> 5' 5'
Maximum Height for structures and buildings (exceptions listed below):		
Fence Height: (refer to section 11-03.065 for vision clearance area requirements)		
On back property or side property line or within the rear or side yard setback	6'	6'
Fences on the front property line(s) or in the front yard setback(s) area	4'	4'
Buildings, portions of buildings or structures within 10 feet of a property line	10'	10'
Buildings, portions of buildings or structures more than 10 feet but less than 20 feet from a property line	20'	20'

<i>Buildings, portions of buildings or structures 20 feet or more from the property line</i>	<i>35'</i>	<i>35'</i>
<i>Lot Coverage - Maximum</i>	<i>40%</i>	<i>50%</i>
<i>Impervious surface – Maximum</i>	<i>65%</i>	<i>65%</i>

Building height and setback exceptions in residential zones.

- A. The building height limitations in Chart 120 do not restrict the height of water reservoirs, church spires, and other similar structures or facilities.*
- B. Cornices, eaves, chimneys, belt courses, leaders, sills, pilasters or other similar architectural or ornamental features; open balconies or unenclosed stairways not covered by a roof or canopy; and open, unenclosed porches, platforms, or landings not covered by a roof or canopy, which do not extend above the level of the first floor may extend or project into a required yard up to one foot.*
- C. Open, unenclosed patios, terraces, courtyards and decks or similar surfaced areas, not covered by a roof or canopy, that do not extend more than 18 inches above the finished grade may occupy, extend or project into a required yard.*
- D. If the principal residential buildings on both abutting lots have front or rear yard setbacks less than the required depth, the yard for the lot need not exceed the average yard depth of the setbacks on the abutting lots. In no case shall the front and rear yard setback be less than ten feet.*
- E. On a steep site, a detached or attached garage may be constructed in a natural bank of earth without regard to front yard regulations, provided at least 75 percent of all exterior walls, except the front, are underground.*
- F. One accessory structure that does not exceed 10 feet in height to the peak of the roof or 120 feet in floor area may be located within the rear yard setback*
- G. Accessory Dwelling Units (ADU's) shall be designed to preserve or complement the architectural design, style, and appearance of the principal structure with not less than two hundred twenty (220) gross square feet and no more than eight hundred (800) gross square feet of floor area. If detached from the primary residence, an exterior height of twenty five (25) feet to the top peak of the roof is allowed; providing, however, that all other the maximum lot coverage, setback and height limit limitations pursuant to DMC -11-03.030 are met. All owners must register their ADU with the city's Planning Department. An occupancy permit must be obtained, if required by building codes.*

**DR14-006 - Approval of the Zoning Map dated December 11, 2014 as the Official Zoning Map.
A reduced copy is included as Attachment I.**

Add to the official printed map:

This note certifies that this is the Official Zoning Map adopted on February 9, 2015, Ordinance 1873A, as referred in Title 11 of the City of Dayton, Washington, Zoning Code.

DR14-007 - Approval of the Zoning Map Overlays dated December 11, 2014 and January 16, 2015 as the Official Zoning Map Overlays. Reduced copies are included as Attachment J-1 and J-2.

Add to the official printed map:

This note certifies that this is an Official Zoning Map Overlay, adopted on February 9, 2015, Ordinance 1873a), as referred in 11 of the City of Dayton, Washington, Zoning Code.

DR14-008 – Recognition of Critical Area GIS data layers/mapping prepared as the “Dayton Critical Area Maps”. Maps will be made available for view to the public at City Hall and the City website along with links to other maps of other agencies referenced in Title 17. Reduced copies of the Critical Area GIS data layers/maps are included as Attachments:

- K-1 Floodplain (100 & 500 yr.), Floodway FIRM Zones & 1997 LOMR
- K-2 Wellhead Protection
- K-3 Soils
- K-4 Erosion
- K-5 Seismic Map dated 2/2/2015
- K-6 Wetland w/Rivers, Streams, Tributaries & Drainage HUC12

Official printed maps are to include a statement notifying the public that:

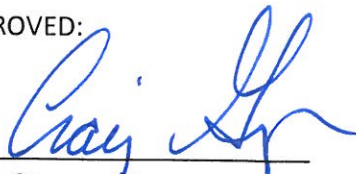
“Critical areas maps are to be used as a general guide to the location and extent of critical areas. Critical areas indicated on the map(s) are presumed to exist in the locations shown and critical areas are protected under all provisions of Title 17 whether they are identified or not on the critical areas map(s).”

Section 2. Validity. If any section, paragraph, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases may subsequently be found by competent authority to be unconstitutional or invalid.

Section 3. Effective Date. This Ordinance shall be effective from and after five (5) days after its passage and publication as required by Law.

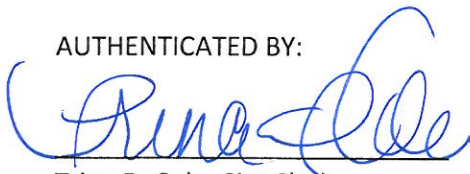
Passed by the City Council, City of Dayton, this 9th day of FEBRUARY, 2015

APPROVED:




Craig George, Mayor

AUTHENTICATED BY:



Trina D. Cole, City Clerk

APPROVED AS TO FORM:



Gregory Lutchter, City Attorney

List of Attachments:

- ATTACHMENT H Dayton Municipal Code, Title 20 – Comprehensive Plan
- ATTACHMENT I Official Zoning Map
- ATTACHMENT J-1 Official Zoning Map Overlay (Local Registered Historic Properties and Districts)
- J-2 Official Zoning Map Overlay (Local Historic Districts)
- ATTACHMENT K - Critical Area Dayton GIS Layers/Maps
 - K-1 Floodplain (100 & 500 yr), Floodway FIRM Zones & 1997 LOMR
 - K-2 Wellhead Protection
 - K-3 Soils
 - K-4 Erosion
 - K-5 Seismic
 - K-6 Wetland w/Rivers, Streams, Tributaries & Drainage Sub-Basins.

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NO. 1873(A)

AN ORDINANCE ADOPTING NEW AND AMENDED 2014 DEVELOPMENT REGULATIONS, Title 11-ZONING AND TITLE 17-CRITICAL AREAS CODES AND MAPS IN COMPLIANCE WITH RCW 36.70A (GMA), ESTABLISHING NEW DAYTON MUNICIPAL CODE (DMC) TITLE 20 "COMPREHENSIVE PLAN", AND AMENDING ORDINANCES 1841.

The full text of Ordinance 1873(A) adopted the 9th day of February, 2015 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.

By: /s/ Craig George, Mayor

Authenticated By: /s/ Trina Cole, City Clerk-Treasurer

Approved as to form: /s/ Gregory L. Lutchter, City Attorney

Published: 02/19/2015

The Times