

ORDINANCE NO. 1899
CITY OF DAYTON, WASHINGTON

AN ORDINANCE REPEALING ALL LOCAL HISTORIC RESIDENTIAL DISTRICTS AND THEIR ZONING OVERLAYS BY REPEALING ORD. 1785 AS CODIFIED IN DMC 5-18.38, 5-18.39, AND 5-18.40; CITY COUNCIL MOTION OF 2/9/2009; ORD 1841 SECTION 2 ATTACH. B SECTIONS 11-07.020 AND 11-07.030, AND ORD. 1873A, SECTION 1, SUBSECTION DR14-003 AS CODIFIED IN DMC 11.07.020 AND 11-07.030; AND AMENDING ORD. 1873A SECTION 1, SUBSECTION DR14-007 ATTACH. J-1 AND J-2 DELETING ALL LOCAL HISTORIC RESIDENTIAL DISTRICTS ON ZONING OVERLAY MAPS, IN COMPLIANCE WITH RCW 36.70A (GMA).

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, in November 2015, the Dayton Historic Preservation Commission (DHPC) and Dayton Planning Department surveyed the property owners of the Dayton Register South Side Historic District (SSHD) and Dayton Register Washington Street Historic District (WSHD) to better understand opinions regarding the process for obtaining a Certificate of Appropriateness, restrictions of Zoning Overlays and how the DHPC might better serve owners of historic property; and,

WHEREAS, the DHPC held five workshops in February 2016, examining options for policy, code and procedures in regards to local register historic properties, districts, and overlay zones; and,

WHEREAS, between March 31, 2016 to June 14, 2016 the DHPC facilitated the "Advisory Vote to the Dayton City Council" by the Dayton Register South Side Historic District (SSHD) and Dayton Register Washington Street Historic District (WSHD) property owners. Property owners of each district had opportunity to cast two sets of ballots advising the City Council whether to retain or dissolve the two local register historic districts; and,

WHEREAS, the property owners of the SSHD voiced their desire to have the City Council dissolve the SSHD with a vote of 40 out of 61 returned ballots to dissolve; and,

WHEREAS, the property owners of the WSHD voiced their desire to have the City Council dissolve the WSHD with a vote of 9 out of 13 returned ballots to dissolve; and,

WHEREAS, the "Advisory Vote to the Dayton City Council" by the SSHD and WSHD property owners and this resolution pertain to the Dayton Registry of Historic Places. Neither the "Advisory Vote" nor this resolution relate to the listing of individual properties and districts on the National Register of Historic Places.

WHEREAS, under Resolution 1283, the Dayton City Council amended the Historic Preservation Project-2016 schedule to facilitate City Council consideration of whether to dissolve the SSHD and WSHD and Zoning Overlay restrictions in the most expeditious manner; and,

WHEREAS, the City as lead agency issued a State Environmental Policy Act (SEPA) threshold determination of non-significance (DNS) on July 20, 2016, stating that the proposed repeal and amendments codes would not have a probable significant impact on the environment. The comment period ended on August 4, 2016 without comment; and,

WHEREAS, on July 20, 2016, the City of Dayton published a notice in the Dayton Chronicle for notice of the SEPA DNS; and, notice of the City Council Special Meeting and City Council public hearing scheduled for August 15, 2016 at 6 pm. Additionally, notice was sent to agencies, tribes, community groups and property owners; notice was posted on the City website; and, was available for review at City Hall; and,

WHEREAS, on July 20, 2016, the City of Dayton requested that the Washington State Department of Commerce provide an expedited review of the notice of intent to repeal and amend development regulations. Expedited review was officially granted on August 8, 2016; and,

WHEREAS, the City Council held a public hearing on August 15, 2016, to receive public testimony regarding dissolving of the SSHD and WSHD and eliminating Zoning Overlay restrictions and maps for SSHD and WSHD. The public hearing closed on August 15, 2016, after interested persons in attendance had opportunity to testify; and,

WHEREAS, while the Dayton Comprehensive Plan (DCP) Goal HP-1 is to "Preserve and enhance the buildings and properties in Dayton that are historically significant or of architectural importance", DPC Page 74 states "Preservation is to be approached in a positive nonrestrictive manner. The rights of property owners as well as cost to owners should be respected"; and,

WHEREAS, the repeal and amendment of City ordinances, motion, and Dayton Municipal codes under this ordinance have been found consistent with the Dayton Comprehensive Plan; and,

WHEREAS, the City considers it in the best interest of the City to dissolve the SSHD, dissolve the WSHD; remove the SSHD and WSHD zoning overlay restrictions; and, delete the WSHD and SSHD from the Zoning Overlay Maps; and,

WHEREAS, the repeal and amendment of the development regulations under this ordinance are necessary to protect the health, safety and general welfare of the community and its residents; and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. REPEAL OF ORDINANCE 1785.

Ordinance 1785 as codified in Dayton Municipal Code Section 5-18.38. - Designation of Southside Historic District and boundary description; Section 5-18.39. - List of properties within the Southside Historic District and ownership thereof; and, Section 5-18.40. - Southside Historic District boundaries on the official zoning map; is hereby repealed.

SECTION 2. REPEAL OF CITY COUNCIL MOTION OF FEBRUARY 9, 2009

Dayton City Council Motion of February 9, 2009, to "accept the Dayton Historic Preservation

Commission's recommendation creating the Washington Street Historic District" is hereby repealed.

SECTION 3. REPEAL OF ALL ZONING OVERLAYS OF LOCAL HISTORIC RESIDENTIAL DISTRICTS.

The following Sections and Subsections of codified Dayton Ordinances are repealed:

Ordinance No. 1841, Section 2, Attachment B, Sections 11-07.020 and 11-07.030 as codified under DMC 11-07.020 - South Side Historic District (SSHD) Overlay Zone, and DMC 11-07.030 – Washington Street Historic District (WSHD) Overlay Zone.

Ordinance No.1873A, Section 1, Subsection DR14-003 as codified under DMC 11-07.020 - South Side Historic District (SSHD) Overlay Zone and DMC 11-07.030 – Washington Street Historic District (WSHD) Overlay Zone.

SECTION 4. AMENDING ORD 1873A, DELETING ALL LOCAL HISTORIC RESIDENTIAL DISTRICTS ON ZONING OVERLAY MAPS.

Ord. # 1873A, Section 1, Subsection DR14-007, Attachment J-1 Historic District Zoning Overlay Map and Attachment J-2 Zoning Overlay - Dayton Local Registered Historic Properties and Districts Map, are hereby amended by deleting the "South Side Historic District" and "Washington Street Historic District".

Amendments to Zoning Overlay Maps are displayed on Exhibit A attached to this Ordinance.

SECTION 5. ORDINANCE TO BE TRANSMITTED TO DEPARTMENT.

Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce.

SECTION 6. VALIDITY.

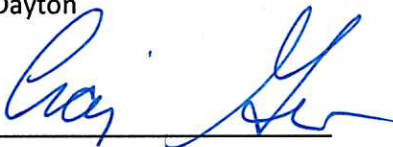
If any section, paragraph, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that they would have passed this ordinance and each section, 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 7. EFFECTIVE DATE.

A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of its publication.

PASSED by the City Council of the City of Dayton this 15TH day of August, 2016.

City of Dayton



By: Craig George, Mayor

Authenticated By:



Trina Cole, City Clerk-Treasurer

Approved as to form:

Menke Jackson Beyer, LLP



Quinn Plant, City Attorney

Attachments:

Exhibit A - Zoning Overlay Maps with WSHD and SSHD

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NO. 1899

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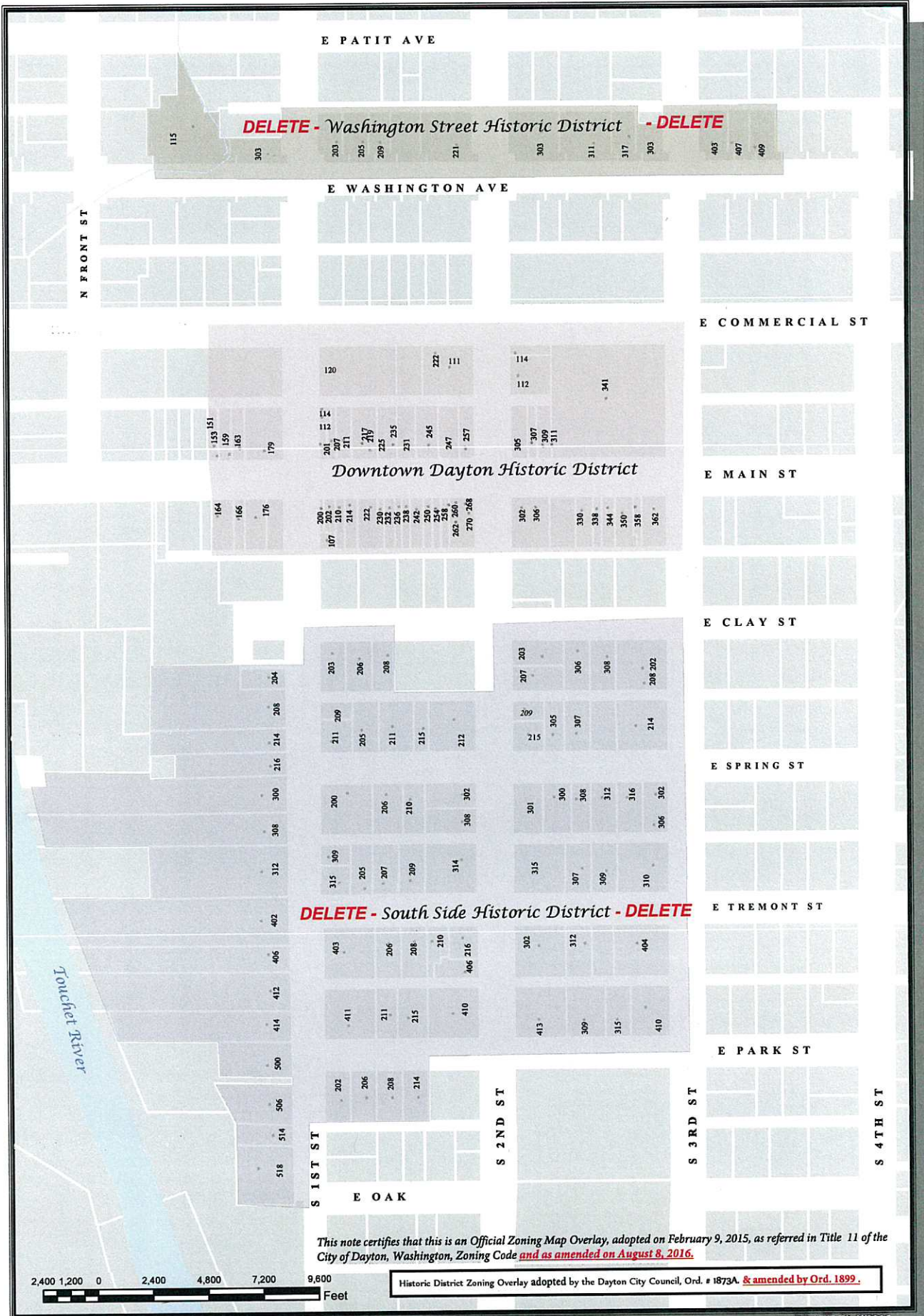
The full text of Ordinance No. 1899 adopted the 15th day of August, 2016 is available for examination at the City Clerk's Office, 111 S. 1st St., Dayton, WA during normal business hours, 8:00 a.m. to 4:00 p.m.

By: /s/ Craig George, Mayor
Attest: /s/ Trina Cole, City Clerk-Treasurer
Approved as to form: /s/ Quinn P. Plant, City Attorney

Published: 08/24/2016
Dayton Chronicle


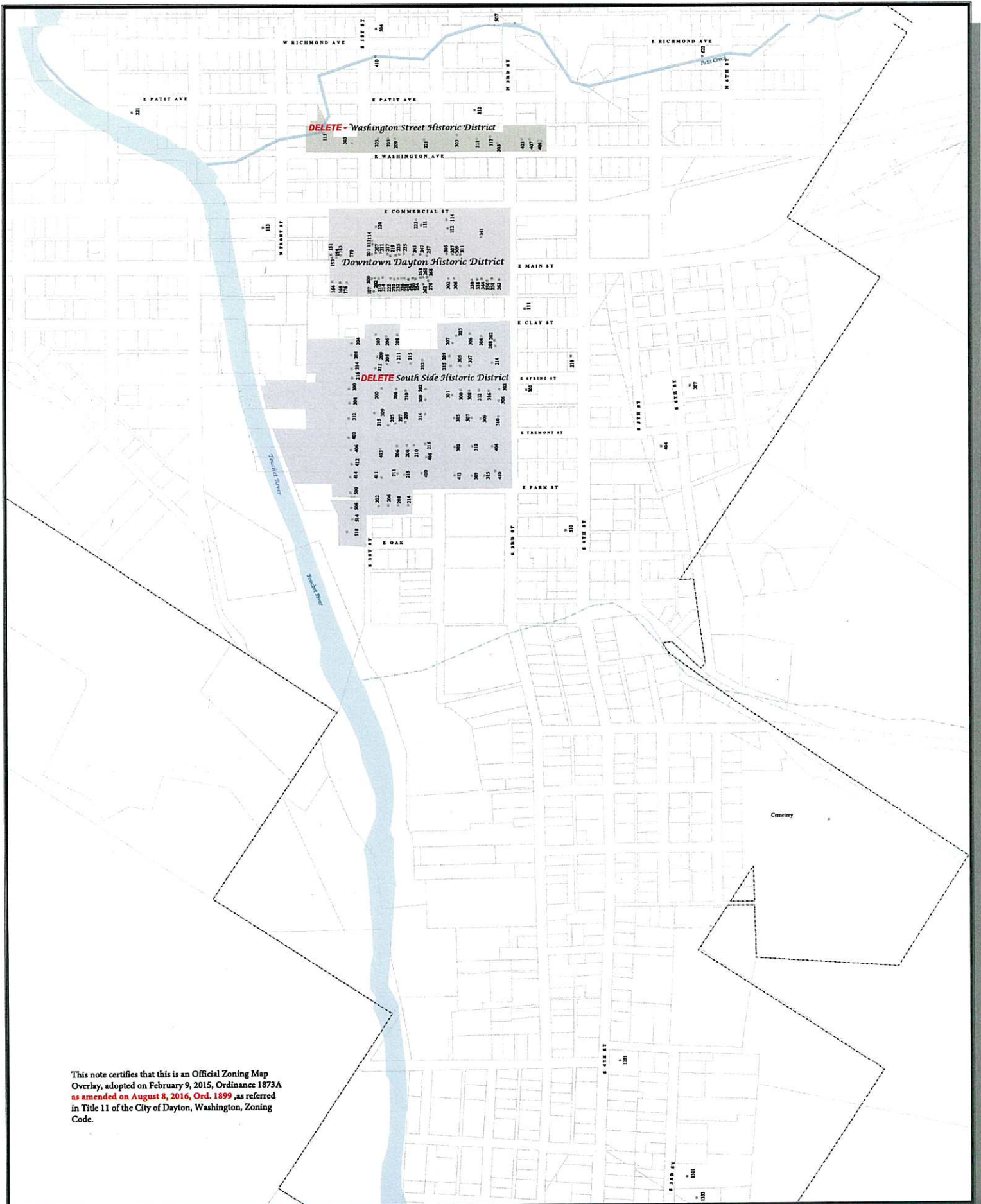
Dayton Historical Districts

Adopted August 15, 2016

Zoning Overlay - Dayton Local Registered Historic Properties and Districts

Adopted August 15, 2016

This note certifies that this is an Official Zoning Map Overlay, adopted on February 9, 2015, Ordinance 1873A as amended on August 8, 2016, Ord. 1899, as referred in Title 11 of the City of Dayton, Washington, Zoning Code.