

ORDINANCE NO. 1967

AN ORDINANCE OF THE CITY OF DAYTON, WASHINGTON AMENDING PORTIONS OF TITLE 11 OF THE DAYTON MUNICIPAL CODE AND ADOPTING REVISED REGULATIONS OF THE ZONING ORDINANCE

WHEREAS, RCW 36.70A, also known as the Growth Management Act (the act), requires local governments subject to the requirements of the act to adopt comprehensive plans and implement regulations consistent with the act; and,

WHEREAS, the City of Dayton comprehensive plan was updated and adopted in 2019 via ordinance 1955 on November 13, 2019; and,

WHEREAS, the comprehensive plan directs the City to review and amend its development regulations to ensure success in achieving goals and policies set forth in the comprehensive plan; and,

WHEREAS, the Dayton Planning Commission and the Director of Planning and Community Development reviewed and compiled necessary changes to ensure compliance with the comprehensive plan and the directive adopted within the comprehensive plan; and,

WHEREAS, on July 29, 2020, the Director of Planning and Community Development transmitted to the Washington State Department of Commerce (Commerce) the proposed amendments and request for expedited review pursuant to RCW 36.70A.16(3)(B), which was granted on August 12, 2020; and,

WHEREAS, on July 29, 2020, the Director of Planning and Community Development issued a threshold determination of nonsignificance (DNS) pursuant to the State Environmental Policy Act (SEPA); and,

WHEREAS, the SEPA DNS was advertised in the manner required by law and no public comments were received; and,

WHEREAS, the Dayton Planning Commission held a duly advertised public hearing on August 26, 2020, and received public comment in favor of the proposed amendments to the zoning ordinance; and,

WHEREAS, on August 25, 2020 the City of Dayton Planning Commission voted to recommend that city council adopt the proposed zoning code amendments as presented.

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

Section 1. Dayton Municipal Code section 11-01.050, "Definitions and interpretations of language," is hereby amended to read as follows:

11-01.050. – Definitions and interpretations 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 subsection, 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.

"Accessory use or structure" means a use or structure on the same lot, 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, ADUs, shops for hobby work or repairing personal property, garden buildings, shelters for pets.

"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.

"Alley" means a service drive providing a secondary means of access to abutting property and not intended for general traffic circulation.

"Apiary" means the assembly of one or more colonies of bees at a single location.

"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.

"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.

"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 bedrooms are available for paying guests. Nightly lodging accommodations may serve guests and/or travelers for a period of no longer than 30 days and may serve breakfast only to those people registered to use the facility for lodging.

"Beekeeper" means a person owning, possessing or controlling one or more colonies of bees.

"Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

"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.

"Building" means a structure designed to be used to provide a place of business, residence, storage or shelter to occupants 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 average height vertical distance of each façade 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 finished ground elevation along each facade shall be considered the point of measurement for the grade.

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.

Maximum height limits based on the proximity to property lines(s) are measured by calculating vertical distance from finished grade of an exterior wall 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.

"Cargo containers" are standardized reusable vessels that were (A) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or (B) designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and characteristics of cargo containers.

"Cattery" means an establishment having four or more cats for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling. An adult cat is one of either sex, altered or unaltered, that has reached the age of six months. This does not include a veterinary clinic where animals are kept only as a necessary part of medical treatment.

"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.

"Colony or hive" means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the bees.

"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.

"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 five 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" 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 to protect health, safety and general welfare of the public.

"Cottage housing developments (CHDs)" means the grouping of small, single family dwelling units on one legal lot clustered around a common area and developed with a coherent plan for the entire site.

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

1. "Family day care home" means a person regularly providing care during part of the 24-hour day to six or fewer children in the family abode of the person or persons under whose direct care the children are placed.
2. "Mini-day care center" means a person or agency providing care during part of the 24-hour day to 12 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 12 children in the family abode of such person or persons.
3. "Day care center" means a person or agency that provides care for 13 or more children during part of the 24-hour day.

"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 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 ADUs.

"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.

"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 and products from plants, animals and fish, but 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.

"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, boats, or other vehicles owned or used by occupants of the residence or main building. Carports are also included in this definition.

"Garage, commercial" 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.

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

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

"Group home" means 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 residents plus two 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. "Marijuana related use(s)" as defined in subsection 11-01-050(J) are not "home business or occupation" use(s).

"Honeybee" means all life stages of the common domestic honey bee, *Apis mellifer species*.

"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 within 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.

"Kennel" means an establishment having four or more dogs for the purpose of housing, caring for, boarding, breeding, buying, grooming, letting for hire, training for fee, or selling. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months. 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, and sheep. Swine is not allowed to be raised or cared for within the city limits.

"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 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. 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.

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

"Lot line, front" means the boundary line(s) that abuts street right-of-way(s), but not an alley.

"Lot line, rear" means the line opposite, most distant and most parallel with the front lot line. For irregularly shaped lots, a line ten 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" means 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 40 feet in length and eight feet in width. This definition does not include mobile, modular homes or recreational vehicles.

"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, excluding the use of cargo containers as storage spaces.

"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. 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 20 feet wide and has a length not exceeding four times its width;
3. The pitch of the home's roof has a minimum vertical rise of one foot for each five 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 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.

"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 as the effective date of the ordinance from which this title is derived no longer meet the minimum requirements of the zone in which it is located.

"Nursing home/convalescent center" means residential facilities offering 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:

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

"Outdoor sales lot" means an area where more than 20 percent 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, nonvenomous reptiles or amphibians and fish, and potbellied pigs.

Animals not considered a domesticated animal of ordinary species that lives, or not commonly known to be capable of living within the confines of a residence are not allowed as pets. Animals not allowed as pets include but are not necessarily limited to the following: horses, cows, goats, sheep, swine, donkeys, full size swine, chickens, roosters, endangered or exotic species (not listed above) and any similar species.

"Production animals, small" means small domesticated animals, such as chickens, roosters, rabbits, or other similar animals or fowl, but does not include pets.

"Requeen" means to replace a queen in a hive, usually to replace an old queen with a young one.

"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.

"Recreational vehicle park" means a lot where 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.

"Residential infill" means where new residential construction takes place in space between existing structures within existing residential zones.

"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. Sign standards are located in title 12, "Dayton Sign and Light Code."

"Single-family house" means a residential building containing one residential dwelling unit designed to be owned or rented as a residence and for occupancy by one family.

"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.

"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.

"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 72 inches (or six-foot) or under in height, and residential tent structures.

"Tent structure, residential" means a canopy, not exceeding 400 square feet, or a tent, not exceeding 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 75 percent or more to the perimeter. A tent is defined as an enclosure or shelter with 25 percent or greater sidewalls or drops on its perimeter. A canopy greater than 400 square feet or a tent greater than 200 square feet shall be subject to all building and fire codes.

"Vacation rental" means rental of a single-family house for vacation use, one or more days by a family as defined in this title.

"Variance" means a change in requirements in this 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 cannot be used to establish or expand a use otherwise prohibited and a variance cannot 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 oncoming pedestrians or traffic on the other street are prohibited.

"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, front" means 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 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 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.

All definitions contained in this subsection apply to this title only in relation to marijuana related use and, shall have the meanings established pursuant to RCW Chapter 69.50, RCW Chapter 69.51A and WAC 314-55-010, as the same exist now or as they may later be amended and as described in RCW 69.51A.250. Select definitions have been included below for ease of reference.

"Marijuana" or "marihuana" or "cannabis" means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plants, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant which is incapable of germination.

"Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, usable marijuana and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, usable marijuana and marijuana-infused products at wholesale to marijuana retailers.

"Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

"Marijuana products" means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in RCW 69.50.101.

"Marijuana retailer" means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, usable marijuana and marijuana-infused products in a retail outlet.

"Marijuana retailer with a medical marijuana endorsement" means a marijuana retailer that has been issued a medical marijuana endorsement by the state liquor and cannabis board pursuant to RCW 69.50.375.

"Medical marijuana cooperative" or "cooperative" is the use as described in RCW 69.51A.250.

"Qualifying patient" has the meaning provided in RCW 69.51A.010.

Section 2. Dayton Municipal Code section 11-02.020, "Overlay zones/districts," is hereby amended to read as follows:

Section 11-02.020 – Overlay zones/districts

Overlay Zone Name:	Symbol
Downtown Commercial Historic District	DCHD
<u>Clay Street Transitional District</u>	<u>CSTD</u>

Section 3. Dayton Municipal Code section 11-03.010, "Intent and purpose of residential zones," is hereby amended to read as follows:

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 low-density residential character. The base density for the agricultural residential zone is three to four 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 (UR)*. The intent of the urban residential zone is to provide for a mixture of housing unit types including single-family, duplex, manufactured and multifamily dwellings. The base density is four to six dwelling units per acre. This zone also includes provisions for the manufactured home subdivisions.

Section 4. Dayton Municipal Code section 11-03.020, "Uses," is hereby amended to read as follows:

11-03.020. - Uses.

Use Chart	Residential Zones	
	AR	UR
A. Residential Uses.		
Accessory dwelling unit (ADU) > Accessory only to one primary single-family dwelling, also see DMC 11-01.020 G.	A	A
Adult family home	P	P
Boardinghouse	A	P
<u>Cottage housing development (DMC 11-01)</u>	<u>P</u>	<u>P</u>
<u>Duplexes</u>	<u>X</u>	<u>P</u>
Group home	P	P
Manufactured and mobile home parks	C	C
<u>Multifamily</u>	<u>X</u>	<u>P</u>
Pets, household	A	A
Private garages and storage buildings, including carports	A	A
Single-family dwelling	P	P
<u>Single manufactured home</u>	<u>P</u>	<u>P</u>
Tent structure, residential—See DMC 11-03.040 for limitations	A	A
Vacation rental	P	P

B. Agricultural Uses		
<u>Apiary</u>	<u>A</u>	<u>A</u>
Feedlots	X	X
General farming (See DMC 11-03.100 for limitations to pets, livestock and production animals)	P	A
Large sized livestock	P	X
Moderate sized livestock	P	X
Small production animals	P	A
Marijuana producers and production including medical marijuana	X	X
Medical marijuana cooperative	X	X
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, faith centers and churches	C	C
Schools	C	C
Utility transformers, pump station, etc.	C	C
D. Commercial Uses		

Bed and breakfast guest house	A	A
Inn	X	C
Communication towers including phone, radio, TV and similar	A	A
Community residential facilities (CRF)	X	C
Day care facilities		
Day care center	C	C
Mini day care center	C	C
Family day care home	A	A
Home business or occupation	A	A
Kennels	A	X
Marijuana processor and processing	X	X
Marijuana retailers and retail stores with or without a medical marijuana endorsement	X	X
Nursing homes	C	C
Professional, administrative and service offices	A	A
Retail nurseries and greenhouses	A	A
Veterinary clinic	X	C

Section 5. Dayton Municipal Code section 11-03.030, "Standards-Lot area, height, setback, lot coverage requirements and exceptions," is hereby amended to read as follows:

Section 11-03.030 – Standards—Lot area, height, setback, lot coverage requirements and exceptions.

Lot Areas, Setbacks, Structure Heights and Lot Coverage Required or Permitted	Zones	
	AR	UR
<u>Lot area minimum</u>	<u>10,800</u> <u>s.f.</u>	<u>NO</u> <u>MIN</u>
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 through lot	20'	10'
<u>Minimum primary front (P), flank front (F) and rear (R) yard setbacks for principal buildings on a corner lot: P/F/R</u>	<u>20'/10'</u> <u>/20'</u>	<u>10'/10'</u> <u>10'</u>
Minimum garage setback for garage entry. P and/or F	25'/20'	20'/20'
Minimum side yard setback	10'	5'
Accessory building setbacks		
Minimum front yard setbacks including setbacks for front yards of a lot and through lot	25'	20'
Minimum primary front (P), and flank front (F) yard setbacks for an accessory buildings on a corner lot: P/F	25'/20'	20'/15'
Minimum garage front setback for garage entry. P/F	25'/20'	20'/20'

Minimum rear yard setback	10'	5'
Minimum side yard setback	10'	5'
Maximum Height for structures and buildings (exceptions listed below):		
Fence height: (refer to section 11-03.065 for vision clearance area requirements)		
<u>On back property, flank property, or side property line or within the rear, flank front, or side yard setback (11-03.065 – Vision clearance area requirements still applicable)</u>	<u>6'</u>	<u>6'</u>
<u>Fences on the front property line(s) or in the primary front yard setback(s) area</u>	<u>4'</u>	<u>4'</u>
Buildings, portions of buildings or structures within 10 feet of a property line, shall have a maximum height from the finished grade to the top of the wall plate:	10' hgt.	10' hgt.
Buildings, portions of buildings or structures shall have a maximum height from the finished grade to the top of the roof:	35' hgt.	35' hgt.
Lot coverage—Maximum	40%	50%
Impervious surface—Maximum	65%	65%

Section 6. Dayton Municipal Code section 11-03.050, "Building construction -All buildings in residential zones," is hereby amended to read as follows:

11-03.050. - Building construction—All buildings in residential zones.

A. All buildings built or installed must:

1. Be built to the International Building and Residential Building Code requirements, or must be a designated manufactured house;
2. Meet the State Energy Code requirements;
3. Be installed on and attached to a permanent foundation; and the permanent foundation of a building must meet the requirements for

footings and foundations contained in the International and Residential Building Codes or, for a designated manufactured house the footings and foundations must:

- a. Be installed below the frost line to the ground level as required in the International Building Code;
 - b. Be installed from the ground level to the house as required in the Washington Administrative Code and in the specifications provided by the manufacturer;
 - c. The area between the lowest inhabitable floor and the ground level at the perimeter of a designated manufactured house must be enclosed with solid material that provides an appearance similar to crawl space enclosures on permanent site-built single-family residences. The crawl space enclosure material and installation must meet the International and Residential Building Code requirements; and
 - d. Be permanently attached to all required utilities.
- 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 home 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 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.

Section 7. Dayton Municipal Code section 11-03.100, "Animal densities-Livestock and production animals and household pet restrictions, is hereby amended to read as follows:

11-03.100. - Animal densities—Livestock and production animals and household pets restrictions.

A. Livestock and production animals such as horses, cows, goats, sheep and fowl are allowed subject to DMC 11-03.020 and as follows:

1. In the AR zone, large sized livestock animals such as a horse, cow or similar-sized animals require a minimum of 40,000 square feet of usable pasture area for the first large animal with an additional minimum usable pasture area of 20,000 square feet per each additional large animal.
2. In the AR zone, moderate sized livestock animals such as a sheep, goat or similar-sized animals totaling 200 pounds or less require a minimum of 10,000 square feet of usable pasture for the first moderate sized animal with an additional minimum usable pasture area of 5,000 square feet per each additional animal.
3. In the UR zone, moderate sized livestock animals such as sheep, goats or similar-sized animals totaling 200 pounds or less will only be allowed where the lot, or combination of lots owned by the same person and where the livestock will be kept, has at least 10,000 square feet of usable pasture (open space) for the first moderate sized animal with an additional minimum usable pasture area of 5,000 square feet per each additional animal, to a maximum of three moderate sized livestock.
 - a) Fencing shall be of a non-penetrable type so as to reduce nuisance impact on adjacent land uses.
 - b) Male moderate size livestock must be de-scented and/or neutered using humane standards.
 - c) All confinement areas shall be kept in a manner as not to cause a noise, odor, or visual nuisance with respect to neighboring property. All enclosure areas shall be kept clean.
 - d) Food and animal waste must be removed to keep the areas free from insect infestations, rodents or disease, as well as to prevent obnoxious or foul odors, and must not constitute a nuisance. Manure shall not be allowed in any place where it can affect any source of drinking water.

- e) Offspring of animals legally permitted under this chapter may be kept for a period not to exceed four months. Beyond this period, offspring must meet the per-animal limitations of this chapter.
- 4. Small sized production animals such as chickens, rabbits or similar sized animals:
 - a) In the UR zone, a maximum of six small production animals are allowed on a lot 7,200 square feet or larger. A variation may be requested to allow small production animals on a substandard sized lot in the UR zone (see 11-03.100 A5(a)).
 - b) In the AR zone, a minimum of 100 square feet of useable fenced or enclosed area is required for the first small production animal with an additional minimum area of 50 square feet per each additional animal.
- 5. The calculation of the number of livestock and production animals allowed shall be cumulative and the aggregate of the total number of animals shall not exceed the densities allowed in this section. For example, a 10,000 square foot lot in the UR zone may allow for six chickens or one goat, but not both.
 - a) To offer slight variation to the code, the director may authorize the presence of small production animals in the UR zone that coincides with a ratio of 1 animal: 1,200 square feet of lot space. An administrative permit shall be applied for and approved prior to bringing animals on site.
- 6. Swine are prohibited.
- 7. No feedlots or similar dense animal-raising facilities or operations are permitted.
- 8. Shelters, fenced areas or corrals for animals shall be built 30 feet or more from any property line. Except that, a shelter, fenced area or corral for six or fewer small production animals shall be built 20 feet or more from any property line.

- B. Household pets. Household pets including but not limited to dogs, cats, indoor birds, small rodents, nonvenomous reptiles or amphibians, fish, and potbellied pigs, subject to the following standards and limitations:
1. Three dogs per residence, regardless of lot size.
 2. Full-size swine are prohibited.
 3. Goats are prohibited except as allowed in [subsection] A.3., above.
 4. Reptiles or amphibians weighing more than ten thousand pounds are prohibited.
 5. A maximum of three household pets may be housed outside the residence in a shelter or fenced area.
- C. Livestock, small production animals and pets are subject to the provisions of DMC Chapter 6-8, animal control.
- D. Any person or persons being the owner or having possession or control of any livestock found in violation of section 11-30.100, above, shall be subject to penalties as listed in Title 21: code compliance.

Section 8. A new Dayton Municipal Code section 11-3.105, "Beekeeping," is added to read as follows:

11-03.105. – Beekeeping.

- A. The intent of this section is to establish standards for beekeeping in a manner which will not endanger the health, peace, and safety of the citizens of the city and which will assure that bee hives are appropriately placed, maintained and managed.
- B. The keeping of bees for accessory use is permitted in the Urban Residential (UR) and Agricultural Residential (AR) zones, subject to the requirements of subsections B, C, and D of section 11-03.105:
- a) Number of hives allowed:
 1. No more than four production colonies or hives are allowed on properties 7,200 square feet or larger within the UR and AR zones:

2. Properties less than 7,200 square feet shall be limited to two production colonies or bee hives.

b) Hive placement requirements:

1. Hives shall not located within 1- feet of any side or rear lot line and shall be screened by vegetation and/or non-permeable fence at least six (6) feet in height.

c) Hive, apiary management requirements:

1. All hives shall be registered with the Department of Agriculture and comply with Chapter 15.60 RCW and rules adopted thereunder;
2. All hives shall consist of moveable frames and combs, unless exempted by the Department of Agriculture;
3. Hives shall be managed for swarm prevention and gentleness;
4. Hives shall be requeened if bee behavior is likely to cause a nuisance;
5. A consistent source of water shall be provided at the apiary when bees are flying unless the hive occurs naturally. The water may be "sweetened" with mineral salt or chlorine to enhance its attractiveness. This requirement is intended to discourage bee visitation at swimming pools, hose bibs, animal watering sources, bird baths, or where people congregate;
6. Apiaries shall be managed and kept in a clean and orderly manner and appearance to prevent a nuisance;
7. Hives shall not be placed where they are a threat to animals who are chained or penned up and cannot flee if they are attached;
8. Nuisance: bees shall be considered a nuisance and subject to abatement under the provisions of Title 21 when any of the following occurs:
 - i. Colonies of bees are defensive or exhibit objectionable behavior, or interfere with the normal use of property, or

- the enjoyment of persons, animals or property adjacent to an apiary;
- ii. Colonies of bees swarm;
- iii. Hives of bees do not conform with the regulations within this code;
- iv. The hive becomes deceased, as defined by the Department of Agriculture; or,
- v. The hive becomes abandoned by its beekeeper.

Section 9. Dayton Municipal Code section 11.04.020, "Uses," is hereby amended to read as follows:

11-04.020. - Uses.

Uses in Commercial Zones	Zones	
	CC	FC
A. Commercial uses.		
1. General retail sales and services:		
Grocery stores and general merchandise stores	P	P
Lumber, builder supplies, nurseries and greenhouses	A	P
Marijuana retailers and retail stores with or without a medical marijuana endorsement*	P	P
<u>Pedestrian oriented specialty retail stores or lower volume in and out customer service such as books, music, stationary, jewelry, pet shops not including kennels, printing, second hand shops, and similar shops with related services</u>	<u>P</u>	<u>P</u>
<u>Specialty retail shops primarily providing in and out service that do not need major warehouse space such as cleaners, copying, laundries, convenience stores and similar</u>	<u>P</u>	<u>P</u>

Specialty retail that needs customer and delivery access such as household appliances, heating, plumbing, hardware, locksmiths, retail nursery, paint and glass and similar	A	P
Specialty food shops such as bakeries, confectionery, ice cream and similar specialty foods	P	P
2. Hospitality businesses:		
Bowling alley, skating rinks, billiard halls and similar recreational uses	A	P
<u>Drive in and take out restaurants</u>	<u>P</u>	<u>P</u>
Eating and drinking establishments for service and consumption on site	P	P
Hotels, inns and hostels	P	P
Motels and recreational vehicle parks	X	P
Theaters and similar places of public assembly not including drive-ins	P	A
3. Professional and personal services:		
Banks	P	P
Community Residential Facilities (CRF)	C	P
Day care center	P	P
Insurance, accountants, attorneys, real estate and other professional service offices	P	P
Kennels	X	P
Medical Offices and clinics	P	P
Nursing homes	C	P

Veterinary clinic	C	P
4. Vehicle sales, repair and other services:		
<u>Automobile, truck and farm equipment sales, repair, fuel, service and commercial garages</u>	<u>P</u>	<u>P</u>
Bicycles and motorcycles sales, parts, repair and service	P	P
<u>Boats, snowmobiles, recreational vehicles and similar sales, repair, parts, fuel and service</u>	<u>X</u>	<u>P</u>
Dismantling and/or salvaging of vehicles, equipment or parts	X	C
<u>Vehicle parts SALES only</u>	<u>P</u>	<u>P</u>
5. Other commercial operations:		
Bus station, and other public transportation facilities	C	P
Communication towers including phone, radio and TV	C	C
General warehouse	A	P
Light manufacturing and production such as cabinet shops, production bakeries and meat processing	A	P
Marijuana processors and processing including medical marijuana	X	X
Marijuana producers and production including medical marijuana	X	X
Medical marijuana cooperative	X	X
Mini-storage	A	P
Parking and general outdoor sales lots	A	P
B. Community facilities.		

Community centers, lodge halls and museums	P	P
Fire and police stations	P	P
Governmental equipment repair and maintenance shops	A	C
<u>Governmental offices</u>	<u>P</u>	<u>P</u>
Hospital	C	P
<u>Parks and playgrounds</u>	<u>P</u>	<u>P</u>
Recycling collection center	C	P
Religious facility, faith centers and churches	P	P
Schools	C	P
Utility transformers, pump station, etc.	C	P
<u>C. Residential.</u> At least 45% of the main floor adjacent to the street front of the building shall be used for commercial space. The remaining 55% of the main floor area and other floors may be used for residential purposes.		
Adult family homes	P	P
Boardinghouse	P	X
Caretaker or business owner/manager's unit	A	A
Group home	P	P
<u>Mobile home parks</u>	<u>X</u>	<u>X</u>
<u>Multi-family (three or more units, attached or detached)</u>	<u>X</u>	<u>P</u>
<u>Short term rental units</u>	<u>A</u>	<u>A</u>

D. Agricultural uses.	X	X
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*where existing and legally established Marijuana retail stores exist in the Urban Growth Area and are annexed into the City Limits, those retail store shall continue to exist. County managed development agreements or conditional use permits shall be adopted upon annexation. This allowance does not enable or allow the development of new Marijuana retail stores in the City of Dayton.

Section 10. Dayton Municipal Code section 11-07.040, "Clay Street Transitional District (CSTD) Overlay Zone," is hereby amended to read:

11-07.040. - Clay Street Transitional District (CSTD) Overlay Zone.

The intent of the CSTD overlay zone is to allow flexibility of the type of uses along the north side of E. Clay St between S. 1st St. and lots on the east side of S. 4th St. as shown on the CSTD overlay map adopted under Ord. No. 1886. The CSTD allows existing single-family homes to be recognized as permitted by zoning. The following uses are allowed as "permitted principal and accessory uses" in addition to the uses listed for the underlining zones (central commercial or fringe commercial):

- A. Single-family residence
- B. Duplex or multi-family
- C. Governmental offices.
- D. Schools.

Section 11. Dayton Municipal Code section 11-08.020, "Off-street parking-Required spaces," is hereby amended to read as follows:

11-08.020. - Off-street parking—Required spaces.

Required Off-Street Parking

Use Description	Required Off-Street Parking and Loading Spaces
A. Residential:	
<u>1. Boarding houses, group homes and similar</u>	<u>1 stall for each two sleeping rooms</u>
<u>2. Duplex and multi-unit except</u>	<u>1 stall for each dwelling unit</u>

<u>housing for seniors</u>	
<u>3. Nursing homes, and congregate care facilities</u>	<u>1 stall for each 5 beds</u>
<u>4. Multi-unit housing for seniors</u>	<u>1 stall for each dwelling unit</u>
<u>5. Single-family houses and mobile homes</u>	<u>2 stalls for each dwelling unit</u>
<u>6. Accessory Dwelling Units</u>	<u>1 stall</u>
<u>7. Cottage Development</u>	<u>1 stall per cottage house</u>
B. Commercial Uses:	
1. Vehicle sales and service	
a. Car, pick-up, motorcycles, bicycles, boats and recreational vehicle sales	1 space for each 350 square feet of gross building floor area (GBFA) plus 1 space per 1,000 square feet of outdoor display and sales area
b. Commercial truck and farm vehicle sales	1 space for each 500 square feet GBFA plus 1 space per 1,500 square feet of outdoor display and sales area
c. Vehicle part sales	1 space for each 350 square feet GBFA
d. Gas stations	1 space for each 250 square feet GBFA
e. Repair services	1 space for each 500 square feet GBFA
2. General retail sales and services:	
a. Grocery stores, department stores, general merchandise and similar	1 space for each 500 square feet GBFA plus 1 space per 1,000 square feet of outdoor display and sales area. One loading space per 10,000 square feet of

	GFA.
b. Pedestrian oriented and low volume retail sales including books, music, stationary, jewelry, pet shops, printing, second hand shops and similar	1 space for each 750 square feet GBFA plus 1 space per 1,500 square feet of outdoor display and sales area. One loading space per 15,000 square feet of GFA.
c. Specialty retail sales and services that need customer and delivery access including florists, appliance, hardware, paint and glass, lumber, nurseries, bakeries and similar	1 space for each 350 square feet GBFA plus 1 space per 1,000 square feet of outdoor display and sales area. One loading space per 10,000 square feet of GFA.
d. High volume retail stores including convenience stores and similar	1 space for each 250 square feet GBFA plus 1 space per 500 square feet of outdoor display and sales area. One loading space per 5,000 square feet of GFA.
3. Hospitality businesses:	
a. Recreational facilities including bowling alleys, billiard halls, miniature golf and similar	1 space for each 250 square feet GBFA plus 1 space per 500 square feet of outdoor activity area
b. Eating/drinking establishments and recreation centers or similar	1 space for each 200 square feet GBFA plus 1 space per 200 square feet of outdoor dining area
c. Lodging (hotels, motels, and bed and breakfast)	1 space for each sleeping room
d. Theaters and similar places of public assembly	1 space for every 5 seats

4. Professional and personal services	
a. Day care centers	1 space for each 6 children plus 1 loading and unloading space for each 12 children
b. Businesses that provide high volume customer services on site including medical offices and clinics, dental clinics, banks and similar	1 space for each 250 square feet of GBFA
c. Businesses that provide moderate volume customer services on site including insurance, attorneys, real estate, vet clinics, kennels and similar	1 space for each 350 square feet of GBFA
d. Offices providing no or light customer services on site including administrative offices, wholesale sales, business consulting services and similar	1 space for each 500 square feet GBFA
5. Other commercial uses	1 space for each 500 square feet GBFA
C. Community Facilities and Institutions	
1. Governmental services:	
a. Police, fire and other facilities where services are provided on-site to the public	1 space for each 350 square feet GBFA
b. Shops and maintenance facilities with no services provided	1 space for each 1,000 square feet of GBFA

to walk-in public	
2. Schools:	
a. Elementary and middle schools	1.25 space for each classroom
b. High schools	5 spaces for each classroom
c. Technical and advance education facilities	1 space for each 250 square feet of GBFA
3. Hospitals	1 space for each 2 beds
4. Parks, playgrounds and golf courses	1 space for each 350 square feet GBFA plus 1 space for each 10,000 square feet of park area, plus 1 space for each 5 fixed seats in activity viewing areas.
5. Community centers, religious facilities, and lodges/fraternal organizations	In assembly or theater areas with fixed seats, 1 space for each 5 fixed seats plus 1 for each 1,000 square feet of other areas.
D. Warehouse and storage.	1 for each 5,000 square feet of storage area. One loading space per 20,000 square feet GBFA.
E. Manufacturing.	
1. Small scale manufacturing in facilities in 5,000 square feet of covered area	1 space for each 1,000 square feet of GBFA used for manufacturing. One loading space per 5,000 square feet of GBFA.
2. Moderate sized manufacturing facilities in 5,000 to 10,000 square feet of covered area	1 space for each 1,500 square feet of GBFA used for manufacturing and storage or 1 space for every 2 work stations, plus 1 space for each 500 square feet of GBFA used for offices or sales area. One loading space per 5,000 square feet of GBFA.

3. Large scale manufacturing in facilities larger than 10,000 square feet including lumber mills, salvage and recycling, agricultural product processing and similar	1 space for each 2,000 square feet of GBFA or 1 space for every 3 work stations, plus 1 space for each 500 square feet of GBFA used for offices or sales area. One loading space per 10,000 square feet GBFA.

Section 12. Dayton Municipal Code section 11-08.040, "Dimensions—Parking spaces and loading berths," is hereby amended to read as follows:

11-08.040. - Dimensions—Parking spaces and loading berths.

- A. Required parking spaces shall be no less than 18 feet in length and no less than nine feet in width. The minimum width of two-way traffic circulation aisles shall be 20 feet and minimum width of one-way traffic aisles shall be 12 feet. Graveled parking areas providing required parking must have an area 25 percent greater than required for a paved parking area.
- B. Required loading spaces shall be a minimum of 25 feet in length, ten feet in width and 15 feet of unobstructed height. There shall be adequate access to each loading and unloading space and maneuvering space adjacent to the loading dock which shall not include space allocated for required street parking.
- C. Required barrier free parking spaces must be paved and be no less than 13 feet in width including the adjacent aisle and no less than 18 feet in length.

Section 13: Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this ordinance.

Section 14: Effective Date. A summary thereof 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 publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS 14th DAY OF OCTOBER 2020.

City of Dayton


Zac Weatherford, Mayor

Attested/Authenticated by:


Trina Cole, City Administrator

Approved as to form:


Quinn Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NUMBER 1967

**AN ORDINANCE OF THE CITY OF DAYTON, WASHINGTON AMENDING
PORTIONS OF TITLE 11 OF THE DAYTON MUNICIPAL CODE.**

The full text of Ordinance 1967, adopted the 14th day of October 2020, is available for examination at the City Clerk's Office, 111 S. 1st St., Dayton, WA during normal business hours, 9:00 a.m. to 4:00 p.m., Monday – Friday.

Section 1 – Section 12: Amendments
Section 13: Severability
Section 14: Effective Date

By: /s/ Zac Weatherford, Mayor

Attest: /s/ Trina Cole, City Administrator

Approved as to from: /s/ Quinn Plant, City Attorney

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