

ORDINANCE NO. 1957

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON,
REVISING TITLE 11. - ZONING, AS PART OF THE 2019 COMPREHENSIVE PLAN
UPDATE**

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, IN ACCORDANCE WITH THE ACT, THE MOST RECENT UPDATE TO THE CITY OF DAYTON COMPREHENSIVE PLAN WAS COMPLETED IN 2015; AND,

WHEREAS, THE ACT REQUIRES THE CITY OF DAYTON TO TAKE LEGISLATIVE ACTION TO REVIEW AND, IF NEEDED, REVISE ITS COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION TO ENSURE THEIR CONTINUED COMPLIANCE WITH THE REQUIREMENTS IN CHAPTER 36.70A BY JUNE 30, 2020 (ALSO KNOWN AS THE "PERIODIC REVIEW"); AND

WHEREAS, THE DAYTON CITY COUNCIL ADOPTED RESOLUTION NO. 1354 ON OCT. 10, 2018, REJECTING ITEMS FOR PROCESSING DURING THE PERIODIC UPDATE PER DAYTON MUNICIPAL CODE CHAPTER 10-09 - AMENDING THE COMPREHENSIVE PLAN; AND,

WHEREAS, THE ITEMS THEREFORE NOT REJECTED CREATED THE FINAL DOCKET LIST FOR THE 2019 COMPREHENSIVE PLAN UPDATE, AND INCLUDED ITEMS SUBMITTED BY MEMBERS OF THE PUBLIC, AS WELL AS STAFF SUBMITTED REQUESTS AND STATE MANDATED UPDATES; AND,

WHEREAS, THE CITY PROVIDED PUBLIC NOTICE AND INVITED AND ENCOURAGED PUBLIC PARTICIPATION IN THE CONSIDERATION OF THE PROPOSED UPDATES, INCLUDING THE USE OF AN EMAIL REGISTRY, BROAD AND EFFECTIVE NOTICING MEASURES, AND COLOR POSTERS IN HIGHLY VISITED AREAS IN THE COMMUNITY; AND,

WHEREAS, ON MAY 28, 2019, THE PLANNING DIRECTOR TRANSMITTED TO THE WASHINGTON STATE DEPARTMENT OF COMMERCE ("COMMERCE") THE PROPOSED UPDATES AS PART OF THE 2019 PERIODIC PLAN AND CODE UPDATE; AND SAID TRANSMITTAL HAVING SATISFIED THE REQUIREMENTS OF THE GROWTH MANAGEMENT ACT; AND,

WHEREAS, COMMERCE RECEIVED THE DRAFTED AMENDMENTS AT LEAST 60 DAYS PRIOR TO THE ANTICIPATED ADOPTION OF THE UPDATES; AND,

WHEREAS, ON JULY 15, 2019 COMMERCE PROVIDED A COMMENT LETTER INDICATING GENERAL ACCEPTANCE OF THE DRAFT PLAN, WITH SUGGESTED CHANGES, WITH NO MANDATORY CHANGES IDENTIFIED; AND,

WHEREAS, UNDER THE STATE ENVIRONMENTAL POLICY ACT ("SEPA"), THE PLANNING DIRECTOR ISSUED A DETERMINATION OF NONSIGNIFICANCE ("DNS") ON JULY 11, 2019; AND

WHEREAS, NO COMMENTS WERE RECEIVED DURING THE COMMENT PERIOD FOR THE ISSUED DNS; AND,

WHEREAS, THE CITY OF DAYTON HELD DULY ADVERTISED PUBLIC MEETINGS CONCERNING VARIOUS ITEMS AS WELL AS ITEMS ASSOCIATED WITH THE 2019 COMPREHENSIVE PLAN UPDATE BETWEEN NOVEMBER 2018 AND OCTOBER 2019; AND,

WHEREAS, THE DAYTON PLANNING COMMISSION REVIEWED THE PROPOSED REVISIONS HEREIN AT DULY ADVERTISED PUBLIC MEETINGS ON DECEMBER 18, 2018 AND JANUARY 15, 2019, AND THE CHAIR SIGNED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON JANUARY 15, 2019, RECOMMENDING THE REVISIONS HEREIN BE ADOPTED AS PART OF THE 2019 COMPREHENSIVE PLAN UPDATE; AND,

WHEREAS, NOTICE OF PUBLIC HEARING WAS PUBLISHED IN THE NEWSPAPER OF RECORD ON OCTOBER 10, 2019 AND OCTOBER 17, 2019, PUBLISHED ON THE CITY WEBSITE, POSTED AT CITY HALL AND THE DAYTON MEMORIAL LIBRARY AT LEAST 14 DAYS PRIOR TO THE HEARING, OFFERING BROAD AND EFFECTIVE NOTICING FOR THE HEARING SCHEDULED FOR OCTOBER 22, 2019; AND,

WHEREAS, AT THE SCHEDULED PUBLIC HEARING, THE CITY OF DAYTON PLANNING COMMISSION CONSIDERED ALL TESTIMONY FOR OR AGAINST THE PROPOSED AMENDMENTS; AND,

WHEREAS, THE CITY OF DAYTON PLANNING COMMISSION THEREAFTER MADE THEIR RECOMMENDATION TO ADOPT THE 2019 COMPREHENSIVE PLAN AND ASSOCIATED AMENDMENTS TO THE DEVELOPMENT REGULATIONS AS PRESENTED.

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

SECTION 1: FINDINGS AND CONCLUSIONS. THE CITY COUNCIL OF THE CITY OF DAYTON BASES ITS FINDINGS AND CONCLUSIONS ON THE ENTIRE RECORD OF TESTIMONY AND EXHIBITS, INCLUDING THE RECOMMENDATION FROM THE CITY OF DAYTON PLANNING COMMISSION. PART OF THE RECORD CONSIDERED IS THE FINAL STAFF REPORT FROM THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT ("STAFF REPORT"), HEREIN ADOPTED BY REFERENCE AS "EXHIBIT A".

SECTION 2: ADOPTION. THE CITY COUNCIL OF THE CITY OF DAYTON HEREBY ADOPTS AMENDED CHAPTER 11-01 AND 11-03 OF THE DAYTON MUNICIPAL CODE, REFERENCED AS "EXHIBIT B".

SECTION 3: TRANSMITTAL TO COMMERCE. THIS ORDINANCE AND ASSOCIATED EXHIBITS SHALL BE TRANSMITTED TO COMMERCE WITHIN 10 DAYS OF ADOPTION.

SECTION 4: 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 5: EFFECTIVE DATE. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECTIVE FIVE (5) DAYS AFTER ITS PASSAGE AS REQUIRED BY LAW.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A SPECIAL MEETING THIS 20TH DAY OF NOVEMBER 2019.

APPROVED:


Zac Weatherford, Mayor

ATTEST:


Trina D. Cole, City Clerk

APPROVED AS TO FORM:


Quinn Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NO. 1957
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON,
AMENDING TITLE 11 OF THE DAYTON MUNICIPAL CODE AS PART OF THE 2019
COMPREHENSIVE PLAN UPDATE

The full text of the Ordinance No. 1957 adopted the 20TH day of November 2019, is available for examination at the Dayton City Hall, 111 South 1st Street, Dayton, WA during normal business hours, 7:00 a.m. to 4:00 p.m., Monday - Thursday.

By: /s/ Zac Weatherford, Mayor
Attest: /s/ Trina Cole, City Clerk-Treasurer
Approved as to from: /s/ Quinn Plant, City Attorney

Published: _____
The Dayton Chronicle

2019 COMPREHENSIVE PLAN AMENDMENTS - DEVELOPMENT REGULATIONS
PERTAINING TO INCENTIVE ZONING TECHNIQUES FOR DAYTON, WASHINGTON
(NEW CODE SECTION)

Chapter 11-01 - General Provisions and Definitions

Residential Infill: where new residential construction takes place in space between existing structures within existing residential zones

Cottage housing developments (CHDs): 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.

Chapter 11-03.035 - Residential Zone Infill

Where undeveloped lots exist between developed spaces within an existing residential zone per the official zoning map of the City of Dayton, the following incentive techniques shall be permitted to incentivize urban density within the incorporated areas for the development of one dwelling unit per lot:

A. Lot Area. Minimum lot area for one (1) detached dwelling unit shall be two thousand five hundred (2,500) square feet.

B. Height Limit and Roof Pitch. The basic height limit shall be twenty-five (25) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend above the height limit to thirty (30) feet. All parts of the roof above twenty-five (25) feet shall be pitched.

C. Structure Depth. The depth of any structure shall not exceed sixty (60) feet. Decks, balconies, and bay windows shall be excluded from measurement for the purposes of this provision.

D. Yards and setbacks

1. Front and rear yards

a. The sum of the front yard plus the rear yard shall be a minimum of thirty (30) feet.

b. In no case shall either yard have a depth of less than ten (10) feet.

2. Side setbacks. The required minimum side setback is 5 feet. The side setback may be averaged. No

portion of the side setback shall be less than three (3) feet, except as follows:

a. Street side setbacks shall be a minimum of five (5) feet.

3. Exceptions from standard yard and setback requirements. The following parts of structures may project into a required yard or setback:

a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than four (4) feet on average above existing grade, are no closer than three (3) feet to any side lot line, no wider than six (6) feet, and project no more than six (6) feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.

b. Certain features of a structure

1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than eighteen (18) inches into a required yard or setback.

2) Bay windows that are no wider than eight (8) feet and project no more than two (2) feet into a required front or rear yard or street side setback.

3) Other external architectural features that include interior space such as garden windows, and project no more than eighteen (18) inches into a required yard or setback, starting a minimum of thirty (30) inches above the height of a finished floor, and with maximum dimensions of six (6) feet in height and eight (8) feet in width.

E. Lot Coverage.

1. Where the above standards are met, lot coverage can be up to 75% maximum, with a maximum of impervious surface coverage of 85%.

Where undeveloped lots exist between developed spaces within an existing residential zone per the official zoning map of the City of Dayton, the following incentive techniques shall be permitted to incentivize urban density within the incorporated areas for the development of cottage housing developments (CHDs):

A. Accessory dwelling units shall not be permitted in cottage housing developments.

B. Density and Minimum Lot Area.

1. In cottage housing developments (CHDs), the permitted density shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.
2. Cottage housing developments shall contain a minimum of TWO (2) cottages arranged on at least two (2) sides of a common open space, with a maximum of twelve (12) cottages per development.
3. The minimum lot area for a cottage housing development shall be six thousand four hundred (6,400) square feet.
4. On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but must be utilized as a cottage, in reference to the standards of this section.

C. Height Limit and Roof Pitch.

1. The height limit permitted for structures in cottage housing developments shall be eighteen (18) feet.
2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty-eight (28) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty-three (23) feet. All parts of the roof above eighteen (18) feet shall be pitched.

D. Lot Coverage and Floor Area.

1. The maximum lot coverage permitted for principal and accessory structures in cottage housing developments shall not exceed forty (40) percent.
2. The lot coverage for an individual principal structure in a cottage housing development shall not exceed six hundred fifty (650) square feet.
3. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or nine hundred seventy-five (975) square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than twelve (12) feet above finished grade, or below the main level, shall be limited to no more than fifty (50) percent of the enclosed space of the main level, or three hundred seventy-five (375) square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.

E. Yards and Setbacks

1. Front Setback. The minimum front setback for cottage housing developments is an average of ten (10) feet, and at no point shall it be less than five (5) feet.
2. Rear Yards. The rear yard for a cottage housing development shall be minimum ten (10) feet.
3. Side Yards. The side yard for a cottage housing development shall be minimum five (5) feet. If there is a principal entrance along a side facade, the side yard shall be no less than ten (10) feet along that side for the length of the pedestrian route.
4. Interior Separation. A minimum separation of six (6) feet is required between principal structures. Facades of principal structures facing facades of accessory structures shall be separated by a minimum of three (3) feet. If there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be ten (10) feet.
5. Exceptions from standard yard, setback and interior separation requirements. For all

developments, only structures that comply with the following may project into a required yard, setback or interior separation:

a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required front setback, a side or a rear yard, if the porch or steps are no higher than four (4) feet on average above existing grade, no closer than 3 feet to any side lot line, no wider than six (6) feet, and project no more than six (6) feet into a required front setback or rear yard. The heights of porches and steps are to be calculated separately.

b. Certain features of a structure

1) External architectural features with no living area such as chimneys, eaves, cornices and columns, that project no more than eighteen (18) inches into a required yard or into a required interior separation between structures;

2) Bay windows that are no wider than eight (8) feet and project no more than two (2) feet into a required front setback or rear yard;

3) Other external architectural features that include interior space such as garden windows, and project no more than eighteen (18) inches into a required front setback or rear yard, starting a minimum of thirty (30) inches above the height of a finished floor, and with maximum dimensions of six (6) feet in height and eight (8) feet in width;

F. Required Open Space.

1. Quantity of Open Space. A minimum of four hundred (400) square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:

a. A minimum of two hundred (200) square feet per unit shall be private usable open space; and

b. A minimum of one hundred fifty (150) square feet per dwelling unit shall be provided as common open space.

2. Development Standards.

a. Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of two hundred (200) square feet. No horizontal dimension of the open space shall be less than ten (10) feet.

b. Required common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of one hundred fifty (150) square feet per unit. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two (2) sides.

c. The minimum horizontal dimension for open space shall be ten (10) feet.

G. Parking

1. One (1) parking space per dwelling unit shall be required.

2. Access. Access to parking shall be from the alley when property abuts a platted improved alley or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be on the same lot as the cottage housing development.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking outside a structure may not be located between cottages.

(2) Parking may not be located in the front yard.

(3) Parking may be located between any structure and the rear lot line of the lot,

or between any structure and a side lot line
which is not a street side lot line.

FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR DAYTON INCENTIVE ZONING TECHNIQUES

WHEREAS: The City of Dayton Planning Commission having held public meetings on December 18th, 2018, and January 15th, 2019, and having fully considered the entire record and all public testimony, correspondence, Growth Management requirements and all those matters of record presented to the Planning Commission, recommends adoption of these amendments to the Dayton Municipal Code during the 2020 Comprehensive Plan amendment cycle.

NOW: The City of Dayton Planning Commission recommends to Dayton City Council its approval of the Incentive Zoning Amendments as supported by the following findings:


1. Discussion regarding these proposed amendments took place during the Dayton Planning Commission regular meetings on 12/18/2018 and 1/15/2019; and,
2. Notice of the regular meeting schedule, including location, date, and time was advertised in the Paper of Record on January 25th, 2018; and,
3. Notice of the regular meeting schedule for 2019, including location, date, and time was advertised in the paper of record on December 27th, 2018; and
4. The Planning Commission feels the policies do comply with the purpose and intent of the Growth Management Act and does bring the County into compliance; and,
5. It is unlikely that adopting the policies will have a disruptive effect on the stability and continuation of land use patterns on land in the City of Dayton; and,
6. The policies do not unreasonably restrict or prevent use of land within the City of Dayton; and,
7. The public interest will best be served by the policies.
8. Final adoption of the incentive zoning techniques provided herein will occur in conjunction with the adoption of the City of Dayton's 2020 periodic update to the Comprehensive Plan and associated development regulations.

CONCLUSIONS

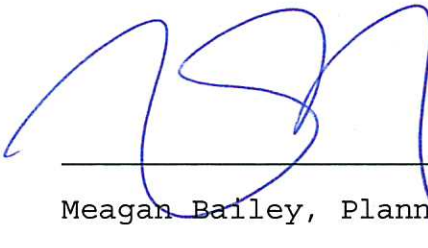
Based on the above Findings, and following review of the record, and the recommendations of the Planning Director and after consideration of the City of Dayton Comprehensive Plan, consideration for the public health, safety and welfare of the citizens of the City of Dayton, the Planning Commission recommends approval of the Incentive Zoning Amendments herein to

the Dayton City Council, to be adopted as part of the 2020 Comprehensive Plan and associated development regulations.

Dated this 15th day of January, 2019

A handwritten signature in blue ink, appearing to read 'Byron Kaczmariski', written over a horizontal line.

Byron Kaczmariski, Chair

A handwritten signature in blue ink, appearing to read 'Meagan Bailey', written over a horizontal line.

Meagan Bailey, Planning Director