

Dayton City Planning Commission

Regular Meeting—Agenda

Tuesday, February 20th, 2018 at 6:30 PM

114 South 2nd Street, Dayton, Washington 99328



1. Call to Order
2. Roll Call
3. Minutes
4. Communications from Citizens
5. Old Business
 - a. Public Hearing
 - i. Public hearing on Ordinance 1926, amending Title 19 of the Dayton Municipal Code to include new processes and development regulations regarding Planned Unit Developments
 - ii. Recommendation from Dayton Planning Commission
6. New Business
 - i. Amendments to Title 11: Zoning
 1. Amending allowed uses within the Open Space Recreational zone
 2. Additional recommended changes from Dayton Planning Commission
 - ii. Carol Rahn
 1. Dayton Planning Commission term to expire March, 2018.
7. Adjournment
 - a. Next meeting: Tuesday, March 20th, 2018 at 6:30 PM



DAYTON CITY PLANNING COMMISSION

114 S. 2nd Street, Dayton, WA
Meeting Minutes

Tuesday, January 16th, 2018 – 6:30 pm

Call to Order: by Chair, Joe Huether at 6:30 pm.

Roll Call: Members Present: Joe Huether, Carol Rahn, Kathryn Witherington, and Byron Kaczmarski.

Also in attendance: Meagan Bailey, Planning Director

A quorum of Council members was present.

Minutes: of the December 20th, 2017 meeting were reviewed as distributed.

- A motion to approve the minutes of the December 20th, 2017 meeting as distributed was made by Rahn and seconded by Witherington. Motion passed.

Communication from Citizens: (none)

Public Hearing for changes to Title 5 – Buildings:

A Public Hearing on proposed updates to Ordinance 1932, amending Title 5 of the Dayton Municipal Code was opened by the Chair at 6:34 pm.

Proposed changes were reviewed and summarized by the Planning Director.

The Commission received a comprehensive staff report, including a SEPA determination of non-significance. Other State departments have reviewed the proposed changes in the ordinance. The proposed amendments are within full compliance of all environmental and developmental regulations.

No additional comments or questions had been received.

The Public Hearing was closed by the Chair at 6:38 pm.

- A motion was made by Rahn and seconded by Kaczmarski to recommend adoption of the revised ordinance to the City Council.

Old Business:

- Comments and review for a new ordinance for Planned Unit Developments (PUD)

The Planning Director led a discussion of the features and desirability of a PUD ordinance for our community.

No additional substantial changes were proposed.

- A motion was made by Kaczmarski and seconded by Rahn to set a date for a public hearing on the proposed new PUD ordinance at our next regularly scheduled meeting – February 20th, 2018 at 6:30 pm.

New Business:

- No new business was presented for consideration at this time.

Additional Comments:

- The Planning Director reviewed the anticipated process and timeline for update of our Comprehensive Plan, including a collaborative effort that includes the City of Dayton, Columbia County, and the City of Starbuck.

Other current development activities in the city and county were also discussed.

Adjournment: at 7:05 pm.

Announcements:

- Next Scheduled Commission Meeting: Tuesday, February 20th, 2018 @ 6:30 pm.

Approved, February 20th, 2018,

Joseph Huether, City Planning Commission Chair Date

Attest:

Meagan Bailey, Planning Director

Columbia County
Department of Planning and Building

Staff Report
PUD Ordinance

Amending Dayton Municipal Code: Title 19 Land Divisions

To: City of Dayton Planning Commission
For: Recommendation
By: Department of Planning and Building
Date: February 20, 2018

SEPA Determination: Determination of Nonsignificance per WAC 197-11-340(2)
Public hearing: February 20, 2018

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**Proposal:** Columbia County Planning and Building is entering a new era in which a Regional Planning Department is being formed to include Columbia County and incorporated Dayton, Washington. Upon this contract, the Department of Planning and Building has begun reviewing the Dayton Municipal Code in its' entirety, and noticed that any reference to a Planned Unit Development was missing. With such, the proposal to incorporate such code was brought forth to the Dayton Planning Commission, and with their agreement that this should be in the DMC, we moved forward to draft a new ordinance. The drafting process began in late 2017. Throughout multiple regular meetings, the Planning Commission reviewed the purpose of a PUD, example ordinances, and have crafted the draft we present currently.

**Analysis:** Planned Unit Developments are a common tool to develop land. While a building and development process, it is also a regulatory process to ensure compatible use. A PUD is distinguishable when compared to other land uses and standard subdivisions. PUD's commonly house a mixed-zoning feature, such as residential and commercial. They also allow the flexibility to stay away from the standard "gridlock" that may pose issues to certain developments. Additionally, the flexibility of a PUD ensures a higher chance of protecting the natural resources, including floodplains and critical areas. With these benefits, the Dayton Planning Commission agreed to move forward and draft a new ordinance for the City of Dayton.

**Findings of Fact:**

1. The proposal was made by Planning Director, Meagan Bailey.
2. The recommended changes were compiled wholly by the Dayton Planning Commission through review of other PUD ordinances and discussion.
3. SEPA Checklist was completed and reviewed by the Lead Agency, and a determination of nonsignificance (DNS) was issued per WAC 197-11-340(2).
4. The DNS was advertised within the Paper of Record on 01/25/2018.

5. Notice of the DNS was sent to the Department of Ecology on 01/22/2018. No comments received.
6. Comment close for the DNS on 02/02/2018.
7. Public notice of the draft ordinance was published in the paper of record on 01/25/2018.
8. Request for expedited review was sent to the Department of Commerce on 01/22/2018, with confirm of receipt of the request on 01/23/2018.
9. The proposed amendments are within full compliance of all environmental and developmental regulations.

**Discussion:** PUD Ordinance is referred to the City of Dayton Planning Commission for review. The Department of Planning and Building requests either:

1. Recommend adoption to the City Council;
2. Recommend with changes to the City Council; or,
3. Deny any recommendation until further review.

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Meagan Bailey, Planning Director

Chapter 19-07  
Planned Unit Developments (PUD)

Sections:

|           |                                                      |
|-----------|------------------------------------------------------|
| 19-07.010 | Purpose and Goals                                    |
| 19-07.015 | Who May Apply                                        |
| 19-07.020 | Procedure for Approval                               |
| 19-07.025 | Decision Criteria                                    |
| 19-07.030 | Development and Design Standards                     |
| 19-07.035 | Density Standards                                    |
| 19-07.040 | Density Standards – Residential Zone                 |
| 19-07.045 | Density Standards – Nonresidential Zone.             |
| 19-07.050 | PUD Application                                      |
| 19-07.055 | Staff Recommendations to Planning Commission         |
| 19-07.060 | Final Approval - Effect                              |
| 19-07.065 | Zoning Map Notation                                  |
| 19-07.070 | Permits                                              |
| 19-07.075 | Subdivision Requirements                             |
| 19-07.080 | Termination of PUD - Failure to Commence or Continue |
| 19-07.085 | Minimum Site Area                                    |
| 19-07.090 | Filing Fees                                          |

19-07.010 Purpose and Goals. A Planned Unit Development (PUD) is a regulatory process by which the City may permit a variety in type, design, and arrangement of structures. A Planned Unit Development allows for innovations and special features in site development.

The purpose of the PUD is to provide greater flexibility and encourage more design creativity than is generally accomplished under conventional standards and development approaches. The PUD concept is intended to promote efficient land use, provide amenities, and preserve natural values and qualities to a greater extent than conventional development schemes. The PUD is also used to facilitate development adaptations to meet anticipated market demands and/or better utilize sites with special features such as environmentally sensitive areas or unusual size and slope of the lands. This is accomplished by using development design alternatives such as clustering or grouping lots or housing types to maximize common open space and amenities.

To be approved as a PUD under this Chapter, a development proposal should accomplish the following general goals:

- A. Produce a development as good or better than that resulting from traditional lot-by-lot development by permitting flexibility in design and development standards, design and placement of buildings, circulation facilities, parking areas, and other elements of the development to best use the characteristics of the site.
- B. Encourage a creative approach in the development of land which will result in an efficient, aesthetic and desirable use of land area, while at the same time maintaining substantially the same unit density and area coverage, or in the case on nonresidential, the same area coverage, as that permitted on non-PUD developments in the zone in which the project is located.
- C. Avoid overburdening public utilities, services and roads.
- D. Encourage developments that will provide a desirable and stable development in harmony with surrounding land uses.

- E. Allow development that, on balance, will be more desirable than the traditional lot-by-lot development of the underlying land use and/or will enhance the enjoyment and use of the property and of the adjoining nearby area.

19-07.015 Who May Apply. The property owner, or a developer with the property owner's consent and signed authorization, may apply for a PUD

19-07.020 Procedure for Approval. The PUD application will be processed as a Type V application per DMC 10-01.030, in which the following steps are taken prior to approval:

- A. The applicant must file with the Department of Planning and Building a complete application for PUD approval, in which staff will forward to the City Planning Commission.
- B. The City Planning Commission will consider the application and conduct a public, open-record hearing on the application. After the hearing the City Planning Commission will make findings and a recommendation to the City Council.
- C. The City Council will conduct a closed-record review and will take final action on the application.
- D. The decision of the City Council is final, and may be appealed by a party of record with standing to file a land use petition in Columbia County Superior Court. Just petition must be filed as provided in RCW 36.70C.

The specific procedures to be followed in receiving an application for a PUD, determining whether the application is complete, review of the application, holding hearings, making findings and recommendations, taking final action, and similar procedural actions, all shall be governed by 10-01.030 of this Code.

19-07.025 Decision Criteria. The City Council may approve or approve with modifications a PUD application if:

- A. The PUD accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development; and
- B. The PUD results in no greater burden on present and projected public utilities and services than would result from traditional development; and
- C. There are adequate public utilities and facilities including streets, fire protection, water, storm water control, and sanitary sewer, to serve the PUD; and
- D. Landscaping within and along the perimeter of the PUD enhances the visual compatibility of the development with the surrounding neighborhood; and
- E. At least two major circulation points are functionally connected to a public right-of-way; and
- F. As a minimum, the development provided open space as follows:
  - a. Common open space shall comprise at least 30 percent of the gross area of the PUD, and shall be used as an amenity for collective enjoyment by occupants of the development. Up to 30 percent of the required open space may be composed of open space on contiguous privately owned properties reserved by easement or covenant to assure that the open space will be permanent.
  - b. At least 50 percent of the common open space area must be usable for active or passive recreation.
  - c. Common open space may contain such structures and improvement as are necessary and appropriate for the out-of-doors enjoyment of the residents of the PUD; and
  - d. Open space is an identifiable greenbelt area that is accessible and available to all occupants of dwelling units for whose use the space is intended. This includes private as well as common open space.
  - e. Open space does not include:

- i. An area of the site covered by buildings, streets, roads, sidewalks, parking structures or accessory structures.
  - ii. Proposed public rights-of-way.
  - iii. Open parking areas and driveways for dwellings.
  - iv. School sites.
  - v. Commercial areas.
- f. The total area of the development, minus undevelopable area and bodies of water, is the gross site area.
- g. Open space within the PUD is an integrated part of the project rather than an isolated element of the project.
- h. Required open space must be permanently designated in restrictive covenants; and
- G. The PUD is harmonious and appropriate in design, character and appearance with the existing or intended character of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property; and
- H. The proposed development presents a unified and organized arrangement of buildings, service facilities and open spaces; and
- I. Roads and streets, whether public or private, within and contiguous to the site comply with guidelines for construction of streets that are contained in the other Chapters of this Subdivision Article; and
- J. Streets and sidewalks, existing and proposed, are suitable and adequate for pedestrian traffic and comply with applicable WMC Titles, Articles, and Chapters relating to the same; and
- K. The development contains the adequate parking spaces, open space, recreation space, landscaping and utility areas necessary for creating and sustaining a desirable and stable environment; and
- L. The proposed project will not be detrimental to present and potential surrounding land use, but will have a beneficial effect which could not be achieved except for the proposed PUD; and
- M. The site is physically suitable for the type and intensity of land use being proposed; and
- N. The negative impacts of the proposed use are mitigated; and
- O. The proposed location, size and design of the development would not be detrimental to the public interests, health, safety or welfare of the City; and
- P. Commercial or industrial land uses shall be primarily to serve the residential uses within the PUD and shall be compatible with the residential uses within the PUD and the land uses within the surrounding area to the extent that no occupancy shall be permitted which produces unusually loud noise, emits large amounts of smoke or gases, uses highly inflammable or explosive materials, or which would generate heavy traffic congestion. Commercial use within a PUD shall be limited to the commercial uses permitted, outright or by conditional use, within the R-1 Zone by Chapter 10.1K of Article 10.1 of this Title; and
- Q. All land with the PUD shall be subject to such contractual agreements or recorded covenants as the City Council may deem necessary to protect the public interest; and
- R. The development, or the portion thereof for which approval is sought, shall be completely planned and the City Council may require the inclusion of such facilities as sidewalks, street lights, storm sewers, sanitary sewers, water lines, underground power and telephone lines and other utilities, landscaping, adequate off-street parking, natural open space, parks, playgrounds and other recreational facilities.

19-07.030 Development and Design Standards. Provided that the overall development plan of a proposed PUD satisfies the Goals of this Chapter, as stated in Section 19-07.010 above, and the Criteria of this Chapter, as stated in Section 19-07.025 above, then in a PUD. any requirements of the Zoning Article of this Title may be varied or reduced, provided that structures located on the perimeter of the PUD shall be set back in accordance with front yard setbacks of the underlying zone.

19-07.035 Density Standards.

- A. The following standards apply to a PUD in any zone:



B. The PUD shall:

- a. Contain at least 10,000 square feet of real property located in the city limits;
- b. Be connected to existing roads to provide safe and reasonable access;
- c. Have new utilities underground;
- d. Have properly controlled storm water drainage which does not adversely affect adjoining property nor degrade the quality of natural storm runoff into the flood control area;
- e. Have landscaping for all areas not covered by structures, parking lots, sidewalks or other improvements;
- f. Meet or exceed all city standards, regulations and uniform codes; and
- g. Public improvements for streets and utilities shall be in accordance with the latest edition of Standard Specifications for Roads, Bridges and Municipal Construction (WSDOT & APWA) and the City of Dayton Municipal Code
- h. Have paved roads.

19-07.040 Density Standards – Residential Zone

The following standards further apply to a PUD in any residential zone:

- A. A density of one dwelling unit per 2,000 square feet lot size is permitted if the following features are included:
  - a. Compatible design;
  - b. Preservation of open space, natural features and views;
  - c. Energy conscious construction;
  - d. Private open space;
  - e. One covered parking space/unit; and
  - f. Sidewalk, curb and street construction.
- B. A density of one dwelling unit per 1,250 square feet lot size is permitted if the following features are included:
  - a. Compatible design;
  - b. Preservation of open space, natural features and views;
  - c. A minimum 20,000 square foot parcel;
  - d. Energy conscious construction;
  - e. Private open space;
  - f. One covered parking space per unit;
  - g. Sound transmission reduction; and
  - h. Sidewalk and curb construction and asphalt streets.
- C. In the event the PUD does not satisfy all of the standards in either subparagraph A or B of this section, then any use of the property must comply with the density standards otherwise applicable to that zone.
- D. A minimum of twenty-five percent of the site will be usable open space. A minimum of ten percent and a maximum of fifty percent will be personal open space. In multi-story dwellings balconies and decks can be used to calculate personal open space.
- E. A buffer containing landscaping, fencing, walks and/or plants shall be located along any boundary which is adjacent to a nonresidential area or arterial road.
- F. Uses permitted in a residential zone PUD include residential, residential accessory, neighborhood convenience, personal and professional use, recreation, religious or educational. The location, size and type of any nonresidential use shall be specified on all site plans and specifically evaluated by the planning commission.

19-07.045 Density Standards – Nonresidential Zone.

The following standards further apply to a PUD in any nonresidential zone:

- A. A minimum of twenty percent of the site shall be open space.

- B. Buffers shall be constructed to include visual screening and sound attenuation if the PUD is within one hundred feet of a residential area or an arterial road.
- C. Noise reduction barriers shall be constructed if the use produces or may likely produce sounds in excess of one hundred decibels.

19-07.050 PUD Application. The applicant shall submit a formal application to the City Planning Commission for review. The application shall include the following:

- A. A written program for development setting out detailed information concerning the following subjects:
- B. Name, address, zip code and telephone number of the applicant; and if applicable, the names, addresses zip codes and telephone numbers of all persons who have a real or possessory interest in the subject property.
- C. A description of the plans for operation and maintenance of the project (i.e. homes, associations, condominium, co-op, or other), and the intent as to final ownership, including plans for rental, sale or combination.
- D. Site areas, including:
  - a. Total site area
  - b. Area of bodies of water
  - c. Gross area of site [a minus b]
  - d. Total number of dwelling units
  - e. Density [d divided by c]
  - f. Usable open space [expressed as a % of a]
  - g. Common open space [expressed as a % of f]
- E. Proposed land uses, intensities and densities, including the total number of units and the purpose or use of each.
- F. Legal description of site and statement of present ownership.
- G. Description of the natural setting, including slope, topography, soil type, trees and other vegetation, surrounding buildings, and areas requiring substantial recontouring or grading.
- H. Development schedule including dates of start, completion and phasing.
- I. Elevation and perspective drawings of structures and improvements showing scale, bulk and architectural character of structures; provided that a general description of building size and architectural features may be substituted where the PUD plan contemplates that individual owners will select their own residential structures at a later time.
- J. The proposed method of insuring permanent retention and maintenance of open space areas. The manner in which open space, parks, playgrounds, or other recreational facilities are to be maintained shall be presented with the plans for the development project.
- K. The proposed treatment of the perimeter of the PUD, including materials and techniques used such as landscaping, fences and walls.
- L. Provisions to assure permanence and maintenance of common open spaces through homeowner association formation, condominium development, or other means acceptable to the city.
- M. Proposed methods to mitigate development impacts.
- N. Site development map(s) depicting:
  - a. Topographic lines at 20-foot intervals.
  - b. Natural features including major landforms and flood hazard areas.
  - c. Areas of significant vegetation and how they are affected by the plan.
  - d. Property lines; easements.
  - e. Existing street names.
  - f. Configuration and function of all existing and proposed buildings, noting proposed heights of each and distance between property lines and nearest buildings; provided that a general description of building size and architectural features may be substituted where the PUD plan contemplates that individual owners will select their own residential structures at a later time.

- g. Vehicular circulation, parking area, and storage areas (including number of parking spaces for each use and which parking is intended for occupants versus visitors).
  - h. Proposed pedestrian and vehicular circulation pattern and proposed types of circulation facilities.
  - i. Areas of private open space.
  - j. Recreational facilities, if any.
  - k. Landscaping.
  - l. Areas requiring substantial grading or recontouring.
  - m. Graphic scale with north arrow, date and title.
  - n. A legible sketch of the vicinity within 500 feet of the proposed development showing significant features and buildings.
  - o. Proposed public dedications.
  - p. Lighting.
  - q. Utility lines and easements (water, sewer, electric, etc.).
  - r. Lot lines, proposed lot lines, and the size and dimensions of each lot.
  - s. The road lineage, and acreage of road area and percentage it represents of the total land area.
- O. Environmental Checklist.
  - P. An application for Shoreline Substantial Development permit if the proposed site is within a Shoreline Management jurisdiction.
  - Q. Application for Floodplain Permit, if required.
  - R. Any other local, state, or federal permit applications.
  - S. A description of the means by which the proposed PUD meets the criteria of 19-07.010 above, and the Criteria of this Chapter, as stated in Section 19-07.025 above, Decision Criteria, including a description of the rationale behind the assumptions and choices made by the applicant.
  - T. Where only a portion of the site is submitted for approval, a preliminary plan indicating in general the proposed layout for the portions of the site proposed to be developed in the future shall be submitted with the complete plans of the area proposed to be immediately improved.
  - U. A market analysis for any PUD application for five or more residential units; or, a market analysis for any PUD application that includes one or more commercial site.

19-07.055 Staff Recommendations to City Planning Commission. After receiving a complete PUD application, the Department of Planning and Building shall route the same to all appropriate city, county, and state departments, and each department shall submit its' comments to the Department of Planning and Building. Those comments and recommendations shall be presented to the City Planning Commission at the open-record public hearing.

19-07.060 Final Approval - Effect. Approval by the City Council of a PUD pursuant to this Chapter shall authorize the owner or owners to proceed with the project, and shall bind such owner or owners to implement the final approved development plan and carry out the construction and maintenance of the PUD in strict accordance with the approved plan and the provisions of this Chapter.

19-07.065 Zoning Map Notation. Upon approval of the final development plan, a notation shall be affixed to the official zoning map to:

- A. Reflect the existing underlying zoning for the parcel or parcels involved; and
- B. Indicate the approval of a PUD thereon.

19-07.070 Permits.

- A. The building official shall issue building permits for buildings and structures which conform with the approved final approved development plan for the PUD. and with all of the applicable City codes,

ordinances and regulations. The building official shall issue a certificate of occupancy for completed buildings or structures that conform to the requirements of the approved final development plans and all other applicable City codes, ordinances and regulations. The construction and development of all the open spaces and facilities of each project phase must be completed or bonded before any certificate of occupancy will be issued.

- B. The City shall issue no permit or certificate of occupancy for any public improvement that does not conform to the plans approved by the City Council.

19-07.075 Subdivision Requirements. Approval of a subdivision shall be required of all projects that involve or contemplate the subdivision of land, and the procedures set forth in the Chapters of this Article pertaining to subdivisions shall be followed concurrently herewith. Lots in a platted PUD may be sold to separate owners according to the separate lots shown in the plat approved in connection therewith. No sale shall be permitted which subdivides a lot in such a manner as will create a new lot line, except as permitted by the City's short plat or long plat provisions of this Article.

19-07.080 Termination of PUD - Failure to Commence or Continue.

- A. If no construction has begun within six months of final approval of the PUD, the authorization granted for the PUD project shall terminate and all permits and approval issued pursuant to such authorization shall expire and be null and void. The City Planning Commission may extend approval for an additional six-month period if an application for extension is received before the authorization expires. If no construction has begun at the end of this extension, the final development plan shall become null and void, and a new one shall be required for any development on the subject property. In cases that require platting, the six-month period shall not begin to run until a final plat is approved.
- B. The time period for commencing or continuing construction shall not include periods of time during which commencement of construction or continuation of construction was reasonably halted or reasonably delayed due to the pendency of legal action challenging an approval granted by the City pursuant to this Chapter.

19-07.085 Minimum Site Area. The minimum site area for a PUD shall be 10,000 square feet.

19-07.090 Filing Fee.

- A. The Fee for processing a PUD will be set forth by resolution.

11-06.020. - Uses.

All uses in the open space and public zone shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as listed in the chart below. If a use is not listed, it is prohibited unless the planning director determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any use which is permitted as a similar use.

| Uses in Open Space and Public Use Zones                                               | Zones    |          |
|---------------------------------------------------------------------------------------|----------|----------|
|                                                                                       | OS       | PU       |
| Community centers, theaters, lodge halls and museums                                  | C        | P        |
| Fire and police stations                                                              | X        | P        |
| Governmental equipment repair and maintenance shops                                   | X        | P        |
| Governmental offices                                                                  | X        | P        |
| Hospital                                                                              | X        | P        |
| Marijuana processing and production including medical marijuana                       | X        | X        |
| Marijuana producers and production including medical marijuana                        | X        | X        |
| Marijuana retailers and retail stores with or without a medical marijuana endorsement | X        | X        |
| Medical marijuana cooperatives                                                        | X        | X        |
| Parks, playgrounds, golf courses and other outdoor recreation uses                    | P        | P        |
| Open space                                                                            | P        | P        |
| Religious facilities, faith centers and churches                                      | C        | P        |
| Schools                                                                               | C        | P        |
| Utility transformers, pump station, etc.                                              | C        | P        |
| <b>Pre-Existing Inert Waste Sites</b>                                                 | <b>P</b> | <b>X</b> |

P—Permitted principal use; X—Prohibited use; A—Accessory use; C—Conditional use

Title 11 - ZONING CODE

CHAPTER 11-01. - GENERAL PROVISIONS AND DEFINITIONS

11-01.010. - Authority.

This section of the municipal ordinances is adopted pursuant to the authority contained in RCW 35A.63 (Planning and Zoning in Code Cities), RCW 36.70A (Growth Management Act), and related state regulations.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-01.020. - Title—Citation.

This title shall be known as the City of Dayton Zoning Code. For the purpose of this title the words "code" and "zoning code" and "zoning ordinance" shall refer to this title. The word "city," when not capitalized means the territory within the corporate boundaries of the City of Dayton, Washington and may mean any real property owned by the City of Dayton situated beyond the corporate limits. The word "city," when capitalized means the City of Dayton, Washington, a municipal corporation acting as appropriate under charter, ordinance or other law.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-01.030. - Purpose.

- A. The purpose of this title is to implement the city's comprehensive plan. This title will be used to further the growth and development of the city consistent with the adopted comprehensive plan and it's implementing elements. This chapter will also further the purpose of promoting the health, safety, morals, convenience, comfort, prosperity, and general welfare of the city's population and to prevent and abate public nuisances.
- B. The specific zones and regulations set out in this title are designed to:
1. Provide adequate public facilities and services, including utilities, roads, schools, and parks in conjunction with development;
  2. Provide housing with essential light, air, privacy, and open space;
  3. To ensure that land use decisions are made in accordance with the public interest and applicable laws of the State of Washington, including the Growth Management Act and subsequent amendments;
  4. Facilitate the safe and efficient movement of traffic on the city's streets;
  5. Stabilize and enhance property values;
  6. Facilitate adequate provisions for doing public and private business and thereby safeguard the community's economic structure upon which the prosperity and welfare of all depends; and
  7. Through such achievements, help ensure the safety and security of home life, foster good citizenship, and create and preserve a more healthful, serviceable and attractive municipality and environment in which to live.
- C. To most effectively accomplish these purposes, this title divides the city into zones wherein the location, height and use of buildings, the use of land, the size of setback areas and other open space, and the provision of off-street parking and loading are regulated and restricted in accordance with the comprehensive plan for the city. These zones and regulations are deemed necessary and are made with reasonable consideration, among other things, as to the character of each zone and its particular suitability for specific uses, the need for such uses, the common rights and interests of all within the zones as well as those of the general public, and with the view of conserving and encouraging the most appropriate use of land throughout the city and to prevent and abate public nuisances.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-01.040. - Compliance and concurrency.

- A. All development within the City of Dayton must be concurrent and consistent with the comprehensive plan.
- B. All land, building, structure or premises shall be used or occupied and buildings or parts of buildings shall be erected, moved, reconstructed, extended, enlarged or altered in conformance with the limitations contained in this title. Refer to Chapter 11-09 for restrictions on continued use of existing nonconforming buildings and uses.

Where the conditions imposed by any provision of this title differ from comparable conditions imposed by any other provisions or of any other ordinance, resolution or regulation, the provisions that are more restrictive shall govern.

All plats, short plats, development permits, and building permits issued for development activities on, or within 500 feet of, lands designated as agricultural lands, forest lands, or mineral resource lands must contain a notice that states: "The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration." In the case of proximity to mineral resource lands, notice must also state: "Notice is given that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals."

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-01.050. - Definitions and interpretation of language.

All words, unless defined below, are defined by the "Webster's New World Dictionary of the American Language." As used in this title:

- 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.

“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 that 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~~ ~~unit that~~ 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.

“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.

1. 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.
2. 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.



3. 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 propertyline.

*“Building, principal”* means a building in which the principal use on the lot is conducted.

*“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.

*“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.

*“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 that 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).

*“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.

*“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. Outpatient 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.

1. Animals not considered a domesticated animal of species that does not live, 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.

“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.

“Restaurant” means a commercial use (excluding fast food restaurants) that 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 that 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 that 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 that 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 that 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 throughlot.

“Zone” means distinct geographic areas into which the land area of the city is divided for purposes of regulating land use.

- J. 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, useable 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, useable 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, useable 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.

(Ord. No. 841, § 2(Atts. B, F), 11-12-2013; Ord. No. 1864, § 1, 9-8-2014; Ord. No. 1873A, § 1, 2-9-2015; Ord. No. 1886, § 1, 12-7-2015; Ord. No. 1901, § 1, 10-10-2016)

**Comment [JH1]:** Note that editing going forward from this point includes a lot of formatting and corrections to headings and subheadings lettering/numbering for consistency. Format editing is not shown for review and has been incorporated without the need to accept changes. However, edits that involve content (clarifications, wording, grammar, etc.) ARE shown for review and will need to be accepted (or rejected) for final revision.

CHAPTER 11-02. - DESIGNATION AND ESTABLISHMENT OF ZONING DISTRICTS

11-02.010. - Zoning districts.

The following zoning districts are hereby established in conformance with the goals of the Dayton Comprehensive Plan:

| District Name:                   | Symbol |
|----------------------------------|--------|
| <b>Residential Districts:</b>    |        |
| Urban Residential                | UR     |
| Agricultural Residential         | AR     |
| <b>Commercial Districts:</b>     |        |
| Central Commercial               | CC     |
| Fringe Commercial                | FC     |
| <b>Industrial District:</b>      |        |
| Industrial                       | IN     |
| <b>Public Purpose Districts:</b> |        |
| Open Space and Recreation        | OR     |
| Public and Quasi-Public Zone     | PQU    |

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-02.020. - Overlay zones/districts.

Overlay zones are established to recognize and respond to special conditions such as historic districts, floodplains and slide-prone areas with special standards for development. The adopted overlay districts within the City of Dayton include:

| Overlay Zone Name:                    | Symbol |
|---------------------------------------|--------|
| Downtown Commercial Historic District | DCHD   |
| South Side Historic District          | SSHHD  |
| Washington Street Historic District   | WSHD   |

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-02.030. - Official zoning map.

- A. The area within the city is divided into zones and overlay areas as shown on the official zoning ~~map which is adopted by reference and declared to~~map that is adopted by reference and declared to be a part of this title. Land area(s) under an approved development agreement shall be designated on the zoning map. The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and shall bear the seal of the city. The official zoning map shall be made available for public inspection within Dayton City Hall.
- B. No amendment to this ~~title which involves boundaries on the official zoning map~~title that involves boundaries on the official zoning map shall become effective until such change and entry is made on the zoning map.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-02.040. - Interpretation of zoning district boundaries.

Where uncertainty exists as to the boundaries of the zoning districts as shown on the official zoning map, the following rules shall apply:

- A. Boundaries on streets, highways, alleys or waterway follow the center of these elements.
- B. Other boundaries shall follow the nearest platted lot line. In the event a single lot appears to be located within two or more different zones, the zoning district regulations applying to the larger portion of the lot shall apply to the entire lot.
- C. In the event physical features existing on the ground differ from those shown on the official zoning map, or in other circumstances not covered by subsections A and B above, the planning director shall interpret the zoning district and overlay district boundaries.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

CHAPTER 11-03. - RESIDENTIAL ZONES

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 a single-family, 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 and multifamily dwellings. The base density is four to six dwelling units per acre. This zone also includes provisions for the manufactured home subdivisions.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-03.020. - Uses.

All uses in residential zones shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in the Use Chart of this section. If a use is not listed, it is prohibited unless the planning director determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any ~~use which~~ use that is permitted as a similar use.

| Use Chart                                                                                                                     | Residential Zones |                |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------|
|                                                                                                                               | AR                | UR             |
| <b>A. Residential <u>Uses</u>.</b>                                                                                            |                   |                |
| Accessory dwelling unit (ADU)<br><sup>1</sup> Accessory only to one primary single-family dwelling, also see DMC 11-01.020 G. | A <sup>1</sup>    | A <sup>1</sup> |
| Adult family home                                                                                                             | P                 | P              |
| Boardinghouse                                                                                                                 | A                 | P              |
| Duplexes (two attached dwellings units with a minimum of 3,600 square feet of lot area for each unit)                         | X                 | P              |
| Group home                                                                                                                    | P                 | P              |
| Manufactured and mobile home parks                                                                                            | C                 | C              |
| Multifamily (three or more attached dwelling units with a minimum of 3,600 square feet of lot area for each unit)             | X                 | P              |
| Pets, household                                                                                                               | A <sup>2</sup>    | A <sup>2</sup> |
| Private garages and storage buildings, including carports                                                                     | A                 | A              |
| Private recreational facilities (pools, patios, and similar)                                                                  | A                 | A              |
| Single-family dwelling                                                                                                        | P                 | P              |
| Tent structure, residential—See DMC 11-03.040 for limitations                                                                 | A                 | A              |
| Vacation rental                                                                                                               | P                 | P              |
| <b>B. Agricultural Uses.</b>                                                                                                  |                   |                |
| Feedlots                                                                                                                      | X                 | X              |

|                                                                                       |                |                |
|---------------------------------------------------------------------------------------|----------------|----------------|
| General farming                                                                       | p <sup>2</sup> | p <sup>2</sup> |
| Large sized livestock                                                                 | p <sup>2</sup> | X              |
| Moderate sized livestock                                                              | p <sup>2</sup> | X              |
| Small production animals                                                              | p <sup>2</sup> | A <sup>2</sup> |
| 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. (Limitations on Commercial Uses—See 11-03.060)                    |                |                |
| 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                                                                   | C              | C              |
| 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              | A              |
| 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              |

P—Permitted use; C—Conditional use; A—Accessory use; X—Not allowed

<sup>1</sup>Accessory only to one primary single-family dwelling, also see DMC 11-01.020(G)

<sup>2</sup>See DMC 11-03.100 for limitations to pets, livestock and production animals

(Ord. No. 1841, § 2(Att. B), 11-12-2013; Ord. No. 1864, § 2, 9-8-2014; Ord. No. 1886, § 1, 12-7-2015; Ord. No. 1901, §§

2, 3, 10-10-2016)

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

The lot areas, setbacks, structure heights and lot coverage required or permitted in residential zones, and additional specific standards are listed below:

| Lot Areas, Setbacks, Structure Heights and Lot Coverage Required or Permitted                                                                                                              | Residential Zones |             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------|
|                                                                                                                                                                                            | AR                | UR          |
| Lot area minimum                                                                                                                                                                           | 10,800 sf         | 7,200 sf    |
| Lot width minimum                                                                                                                                                                          | 80'               | 50'         |
| Lot depth minimum                                                                                                                                                                          | 120'              | 100'        |
| Principal building setbacks                                                                                                                                                                |                   |             |
| Minimum front and rear yard setbacks for principal buildings including setbacks for front yards of a through lot                                                                           | 25'               | 20'         |
| Minimum primary front (P), flank front (F) and rear (R) yard setbacks for principal buildings on a corner lot: P/F/R Minimum garage setback for garage entry. P and/or F                   | 25'/15'/25'       | 20'/10'/20' |
| Minimum side yard setback                                                                                                                                                                  | 25'/20'10'        | 20'/20'5'   |
| 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 <a href="#">section 11-03.065</a> for vision clearance area requirements)                                                                                          |                   |             |
| On back property or side property line or within the rear or side yard setback                                                                                                             | 6'                | 6'          |
| Fences on the front property line(s) or in the front yard setback(s) area                                                                                                                  | 4'                | 4'          |
| Buildings, portions of buildings or structures within 10 feet of a property line, shall have a maximum height from the finished grade to the top of the wallplate:                         | 10' hgt.          | 10' hgt.    |
| Buildings, portions of buildings or structures more than 10 feet but less than 20 feet from a property line shall have a max. height from the finished grade to the top of the wall plate: | 20' hgt.          | 20' hgt.    |
| Buildings, portions of buildings or structures shall have a max. 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%         |

*Building height and setback exceptions in residential zones.*

The building height limitations above in DMC 11-03.030 do not restrict the height of water reservoirs, church spires, and other similar structures or facilities.

- A. Cornices, eaves, chimneys, belt courses, leaders, sills, pilasters or other similar architectural or ornamental features; open balconies or unenclosed stairways not covered by a roof or canopy; and open, unenclosed porches, platforms, or landings not covered by a roof or canopy, which do not extend above the level of the first floor may extend or project into a required yard up to one foot.
- B. Open, unenclosed patios, terraces, courtyards and decks or similar surfaced areas, not covered by a roof or canopy, that do not extend more than 18 inches above the finished grade may occupy, extend or project into a required yard.
- C. If the principal residential buildings on both abutting lots have front or rear yard setbacks less than the required depth, the yard for the lot need not exceed the average yard depth of the setbacks on the abutting lots. In no case shall the front and rear yard setback be less than ten feet.
- D. On a steep site, a detached or attached garage may be constructed in a natural bank of earth without regard to front yard regulations, provided at least 75 percent of all exterior walls, except the front, are underground.
- E. One accessory structure that does not exceed 10 feet in height to the peak of the roof or 120 feet in floor area may be located within the rear yard setback.
- F. Accessory dwelling units (ADU's) shall be designed to preserve or complement the architectural design, style, and appearance of the principal structure with not less than 220 gross square feet and no more than 800 gross square feet of floor area. If detached from the primary residence, an exterior height of 25 feet to the top peak of the roof is allowed; providing, however, that all the other maximum lot coverage, setback and height limit limitations pursuant to DMC 11-03.030 are met. [Apartments above garages/shops are permitted to be used as ADU's, if the following conditions are met: all zoning requirements of DMC Title 11 are met, including lot coverage and setbacks, egress must be provided in a way that tenants can get out of the apartment/unit without entering the garage/shop, and all applicable Fire and Building codes are met.](#) All owners must register their ADU with the city's planning department. An occupancy permit must be obtained, if required by building codes.

Swimming pools, spas, and hot tubs:

- A. Setbacks. Swimming pools, spas, and hot tubs shall have a minimum setback of five feet from a property line and above ground swimming pools, spas, and hot tubs may be required to setback greater than five feet from a property line per DMC 11-03.030 setback/height restrictions.
- B. Under DMC 5-2.04, the International Property Maintenance Code Section 303 addresses the requirements for fencing and maintenance of swimming pools, spas and hot tubs. Fencing height limitations within front setbacks and for sight triangles are applicable unless a variance is obtained.

(Ord. No. 1841, § 2(Att. B), 11-12-2013; Ord. No. 1873A, § 1, 2-9-2015; Ord. No. 1886, § 1, 12-7-2015)

11-03.040. - Residential tent structures.

Tent structures as defined in this title are allowed in residential zones as accessory structures subject to setback, and height/setback requirements of the zone for buildings and the following additional standards: A maximum of one residential tent structures is allowed on a lot.

- A. A residential tent structure may be used only for the storage of motor vehicles, recreational vehicles, or boats.
- B. A residential tent structure shall conform to the off-street parking area requirements under DMC 11.08.
- C. The maximum height to the peak of the roof for a residential tent structure must not exceed 15 feet.
- D. All structures, including a residential tent structure on a lot, must not exceed the allowable building lot coverage for the parcel of property as defined under DMC [11-03.030](#).

- E. All residential tent structures must be white, a subdued color, or substantially match the appearance of the primary structure on the property. No residential tent structure shall be blue. All residential tent structures shall maintain an appearance of integrity. Residential tent structures that do not maintain an appearance of integrity must be removed from the property by the property owner within 30 days.
- F. All residential tent structures must be installed and anchored pursuant to the manufacturer's instructions.
- G. A residential tent structure must be constructed of approved fire retardant materials.

(Ord. No. 1841, § 2(Att. F), 11-12-2013)

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

All buildings built or installed must:

- A. Be built to the International Building and Residential Building Code requirements, or must be a designated manufactured house;
- B. Meet the State Energy Code requirements;
- C. 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:
  - 1. Be installed below the frost line to the ground level as required in the Uniform Building Code;
  - 2. Be installed from the ground level to the house as required in the Washington Administrative Code and in the specifications provided by the manufacturer;
  - 3. 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
  - 4. Be permanently attached to all required utilities.
- 5. Temporary or mobile buildings may remain on a lot for up to 60 days of a twelve-month calendar year, except for:
  - a. A mobile or manufactured home in a mobile home park; or
  - b. 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
  - c. 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.

(Ord. No. 841, § 2(Atts. B, F), 11-12-2013)



## 11-03.060. - Limits on businesses.

It is the intent of this chapter to permit any legal economic activity in a residential unit to the extent that the business activity does not detract from the residential character of the neighborhood and the activity does not create a nuisance (noise, odors, visual blight, etc.) to neighbors. Businesses in residential zones must conform to the following requirements:

- A. Unless the business use is a conditional use authorized in this chapter and the business has been specifically reviewed the business must be a use that is accessory to a principal residential use and the area used only for the business use more than 40 percent of the gross floor area of all structures on a lot;
- B. Traffic and parking volumes created by the business may not create a detrimental effect on the surrounding residential uses and generally should not exceed ten vehicles arriving and departing per day and should not result in on street parking that takes up parking space beyond the lot frontage where the business is located;
- C. The business may not produce odor, gas, vibrations, noise, magnetic interference, or other elements that are detrimental to the surrounding residential uses;
- D. The noise level of the work in the business may not exceed normal residential noise levels;
- E. No items related to the business may be stored outside;
- F. The business may not employ on-site more than two people who are not residents of the dwelling unit on the lot where the work is occurring;
- G. No business related window displays, or exterior displays are permitted and no structures can be built on the lot that reflect any use other than a residential use; and
- H. Identification signs may not exceed three square feet in area and may not rotate, flash, be internally lighted or include changing image, changing message or message boards or be installed on a roof.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

## 11-03.065. - Vision clearance area requirements.

At street intersections and at intersections of streets and alleys, in the area adjacent to each intersection shall be maintained in a clear and open condition to provide for safe vision of traffic on the intersecting streets. The area shall include all areas within a sight triangle, measured ten feet back from the intersecting property lines along each street front or alley property line. Within this triangle area no fences, bushes, structures or other vision obstructing elements may be more than three feet higher than the finished grade of the adjacent streets and no signs, tree limbs or other vision obstructing elements may be less than eight feet above the finish grade of the adjacent streets.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

## 11-03.070. - Off-street parking.

The intent of parking requirements in residential zones is to maintain the residential character of the area and to reduce congestion on the street. The amount of off-street parking spaces required for each use is listed in [chapter 11-08](#). Parking in residential zones shall be located on the lot on which the use is located.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

## 11-03.080. - Landscaping—Required.

The intent of the landscaping requirements in residential zones is to decrease the potential negative effect of higher-density residential uses and intensity of nonresidential uses on lower-density residential uses.

- A. All multifamily developments, mobile home parks and commercial uses in residential zones must provide landscaping and screening including a street tree on each street frontage and one additional tree for every 50 lineal feet of street frontage.
- B. In addition to these general requirements, refer to Chapter 11-08, for landscaping, screening, lighting and surfacing requirements for surface parking and outdoor storage ~~areas which~~ areas that are larger than 2,500 square feet.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

## 11-03.090. - Exterior lighting.

Exterior lighting in residential zones shall be shielded and directed away from adjacent property. Elevated exterior lighting shall not exceed a height of 15 feet above finished grade, and shall be scaled in size and intensity to match the magnitude of the area to be lit.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

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

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

- A. 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.
- B. 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.
- C. Small sized production animal such as chickens, rabbits or similar sized animals:
  - 1. In the UR zone, a maximum of six small production animal are allowed on a lot 7,200 square feet or larger. A variance may be requested to allow small production animals on a substandard sized lot in the UR zone.
  - 2. 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.
- D. Swine are prohibited.
- E. No feedlots or similar dense animal-raising facilities or operations are permitted.
- F. Shelters, fenced areas or corrals for animals may be built 25 feet or more from a property line or 50 feet or more from an existing residential building on adjacent properties. Except that, a shelter, fenced area or corral for six or fewer small production animals may be located 15 feet from a side or rear property line and 20 feet from a front property line.

*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:

- A. Three dogs per residential lot, regardless of lot size.
- B. Full-size swine are prohibited.

- C. Goats are prohibited.
- D. Reptiles or amphibians weighing more than ten pounds are prohibited.
- E. A maximum of three household pets may be housed outside the residence in a shelter or fenced area.
- F. Livestock, small production animals and pets are subject to the provisions of DMC chapter 6-8, animal control.

(Ord. No. 1841, § 2(Att. B), 11-12-2013; Ord. No. 1886, § 1, 12-7-2015)

11-03.110. - Mobile home parks.

In addition to the requirements that apply to all developments in a zone, the following requirements apply to all mobile home parks and shall be shown on a mobile home park site plan.

- A. *Setback from property lines.* All mobile homes must be setback at least 20 feet from the mobile home park property line.
- B. *Space between mobile homes.* No mobile home shall be placed within 20 feet of another mobile home.
- C. *Access to mobile homes.* All access shall be provided from a central access road to the park. No access shall be permitted from a public right-of-way or public street directly to individual mobile homes. The park access road must be a 20-foot-wide surfaced road.
- D. *Pedestrian walkways.* Surfaced walkways shall be provided to all service buildings, to all recreation areas and to all other areas designed or reserved for use of the occupants of the park.
- E. *Recreation area.* Each mobile home park must provide and maintain a recreation area equal to or larger than 2,500 square feet plus 100 square feet per mobile home space.
- F. *On-site parking.* Each mobile home space is counted as a dwelling unit to determine the amount of off-street parking spaces required.
- G. *Utility areas.* All areas for dumpsters, garbage cans, utilities and other similar service areas must be screened from view and secured to prevent the entry of children and animals.
- H. *Landscaping and screening.* The perimeter of the mobile home park shall be landscaped and screened except in access areas such as driveways and sidewalks. The access areas may not occupy more than 30 percent of the perimeter of the park. The required perimeter landscaped area (on all property lines) shall be five feet deep. The required perimeter screening may be either a six-foot-high sight-obscuring fence or a four-foot-high landscaped berm or a ~~hedge which~~ hedge that is at least two feet high when planted. The berm or hedge may be within the required perimeter landscaped area. A sight-obscuring fence must be set back behind the required perimeter landscaping (set back five feet from the property line). The landscaped area and berms shall be planted and maintained with trees, shrubs and evergreen ground cover in a manner which covers the required landscaped and berm area within three years from the date the development permit is issued, and the landscaped cover shall be maintained as long as the mobile home park is in use. One tree is required to be planted and maintained in each 50 lineal feet of the perimeter-landscaped area. If the parking area in the park is larger than 2,500 square feet, refer to Chapter 11-08 for landscaping requirements in the parking area.
- I. *Minimum park size.* The minimum required lot area is 30,000 square feet and the minimum required number of fully developed mobile home sites is five.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

CHAPTER 11-04. - COMMERCIAL ZONES

11-04.010. - Intent and purpose of commercial zones.

This section of the zoning code is intended to assist in the implementation of the following zone classifications:

- A. *Central commercial (CC) zone* . The intent of the central commercial zone is to promote and maintain a downtown commercial center having standards of development and permitted uses oriented toward businesses that generate high pedestrian activity. Uses are discouraged that are land consumptive such as warehouses, automobile and equipment dealers, building *supply* outlets and similar uses that diminish the zoning district's compactness and convenience as an integrated shopping and service area. Desirable uses within this zone include, but are not limited to, professional and business offices, service providing establishments, entertainment facilities and retail establishments.
- B. *The fringe commercial (FC) zone*. The intent of the fringe commercial zone is to accommodate vehicular oriented and land consumptive commercial uses in addition to commercial uses generally considered beneficial to the traveling public. Building density *shall* be relatively low to reduce traffic congestion and traffic hazards on related streets and highways.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-04.020. - Uses.

All uses in commercial zones shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in Use Chart below. If a use is not listed, it is prohibited unless the planning director determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any ~~use which~~ use that is permitted as a similar use.

| 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, building supplies, nurseries and greenhouses                                                                                                                                                                                     | A     | P  |
| Marijuana retailers and retail stores with or without a medical marijuana endorsement                                                                                                                                                    | X     | X  |
| 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 | P     | A  |
| 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                                                                | A     | P  |
| 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  |
| Drive in and take out restaurants                                                                                                                                                                                                        | A     | P  |
| 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-in theaters                    | 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:                                                      |   |   |
| Automobile, truck and farm equipment sales, repair, fuel, service and commercial garages          | X | P |
| Bicycles and motorcycles sales, parts, repair and service                                         | P | P |
| Boats, snowmobiles, recreational vehicles and similar sales, repair, parts, fuel and service      | X | P |
| Dismantling and/or salvaging of vehicles, equipment or parts                                      | X | C |
| Vehicle parts only                                                                                | P | P |
| 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 |
| Governmental offices                                                                              | C | P |
| Hospital                                                                                          | C | P |
| Parks and playgrounds                                                                             | C | P |
| Recycling collection center                                                                       | C | P |

|                                                                                                                                                            |   |   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| Religious facility, faith centers and churches                                                                                                             | P | P |
| Schools                                                                                                                                                    | C | P |
| Utility transformers, pump station, etc.                                                                                                                   | C | P |
| C. Residential: The first floor street front of a building and 60% of the building area on the first floor cannot be <del>used</del> for residential uses. |   |   |
| Adult family homes                                                                                                                                         | P | P |
| Boardinghouse                                                                                                                                              | A | X |
| Caretaker or business owner/manager's unit                                                                                                                 | A | A |
| Group home                                                                                                                                                 | P | P |
| Mobile home parks                                                                                                                                          | X | P |
| Multi-family (three or more units)                                                                                                                         | P | P |
| D. Agricultural uses:                                                                                                                                      | X | X |

P—Permitted use; C—Conditional use; A—Accessory use; X—Not allowed

(Ord. No. 1841, § 2(Att. B), 11-12-2013; Ord. No. 1864, § 3, 9-8-2014; Ord. No. 1886, § 1, 12-7-2015; Ord. No. 1901, §§ 4, 5, 10-10-2016)

11-04.030. - Standards for lot area, height, setback, lot coverage, floor areas and exceptions.

The general lot areas, setbacks, structure heights and lot coverage required or permitted in commercial zones, and additional specific standards are listed below:

| General Standards                                                                             | Zones                |                      |
|-----------------------------------------------------------------------------------------------|----------------------|----------------------|
|                                                                                               | CC                   | FC                   |
| Minimum lot area                                                                              | 2,500 sf             | 5,000 sf             |
| Minimum Lot width                                                                             | 25'                  | 50'                  |
| Minimum lot depth                                                                             | 60'                  | 75'                  |
| Minimum front yard setback (exceptions listed below)                                          | 0'                   | <del>5'</del> 15'    |
| Minimum rear yard setback (exceptions listed below) Loading area may be in rear yard set back | 10'                  | 10'                  |
| Minimum side yard (exceptions listed below)                                                   | 0'                   | 5'                   |
| Maximum structure or building height (exceptions listed below)                                | 50'                  | 35'                  |
| Maximum floor area                                                                            | 3 times the lot area | 2 times the lot area |
| Maximum lot coverage                                                                          | 80%                  | 60%                  |

*Specific standards and exceptions.*

- A. Maximum size of some uses. To maintain the continuity of the commercial street fronts, residential uses are not permitted on the first floor street front and cannot use more than 40 percent of the floor area on the first floor.
- B. Building height *exceptions*. The building height limitations do not restrict the height of water reservoirs, church spires and other similar structures or facilities.

- C. Commercial zoned property adjacent to a residential zone must maintain setbacks equal to the setbacks required in the adjacent *residential* zone along any property line adjacent to or abutting a residential zone.
- D. The following *outdoor* activities shall be located at least 50 feet from any residential zone:
  - 1. Outdoor sales and/or service of food or beverages;
  - 2. Outdoor recycling collection stations; and
  - 3. Outdoor storage.
- E. Animals maintained as part of a business and structures housing them shall not be located within 50 feet of any residential zone.
- F. Commercial communication towers and transmitting antennas may not be located within 100 feet of a residential zone.
- G. Manufacturing, fabricating, repairing, refuse compacting and recycling and other ~~activities which~~ activities that are major noise generators shall be conducted wholly within an enclosed structure. These and other major noise generating uses shall not be located within 50 feet of a residential zone.
- H. Venting from ~~uses which~~ uses that produce major odors, vapors, smoke, cinders, dust, gas and fumes shall be at least ten feet above *finished* sidewalk grade and cannot be vented within 100 feet of a residential zone.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-04.040. - Building construction—Mobile homes and temporary structures.

All buildings in commercial zones shall be installed on and attached to a permanent foundation and permanently attached to utilities. The foundation and all building elements must meet all city building code standards. No temporary or mobile structure can remain on a site for more than 60 days except:

- A. A mobile or manufactured home in a mobile home park;
- B. After a building permit has been obtained, a temporary construction office can be placed on the lot and can remain on the lot for the term of the construction work or one year, whichever is shorter, unless extended as a conditional use to accommodate a longer construction period;
- C. 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;
- D. Vehicles that are a necessary part of an authorized commercial use; or
- E. Movable buildings within the following limits:
  - 1. The height of the building shall not exceed ten feet; and
  - 2. Floor area of all moveable structures on a lot that does not exceed ten percent of the lot area.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-04.050. - Vision clearance area requirements.

At street intersections and at intersections of streets and alleys, in the area adjacent to each intersection shall be maintained in a clear and open condition to provide for safe vision of traffic on the intersecting streets. The area shall include all areas within a sight triangle, measured ten feet back from the intersecting property lines along each street front or alley property line. Within this triangle area no fences, bushes, structures or other vision obstructing elements may be more than three feet higher than the finished grade of the adjacent streets and no signs, tree limbs or other vision obstructing elements may be less than eight feet above the finish grade of the adjacent streets.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-04.060. - Off-street parking.

The intent of the commercial parking requirements is to insure reasonably convenient customer parking and reduce congestion on adjacent streets without disrupting the continuity of the commercial street front.

The amount of off-street parking required for each use is listed in section 11-08.020. Additionally, parking in commercial zone located within 150 feet of the lot on which the use is located. Within the CC zone, the off-street parking must be located behind the building.

(Ord. No. 841, § 2(Atts. B, F), 11-12-2013)

11-04.070. - Screening and landscaping.

The intent of the screening and landscaping requirements is to develop a commercial area which is attractive, and to buffer adjacent residential areas from the effect of neighboring commercial uses. The following landscaping is required on all lots in commercial zones:

- A. If the distance from the curb to the property line is eight feet or more, a street tree shall be planted on each street frontage and one additional tree shall be planted for every 50 lineal feet of street frontage.
- B. A landscaped berm or landscaped area five or more feet deep shall be installed and maintained adjacent to each street front property line, except where a permanent structure, driveway or sidewalk is in this area. In addition to the general required landscaping, refer to section 11-08.080 for the screening, landscaping, lighting and surfacing required on outdoor parking, sales and storage areas. Areas or berms required to be landscaped shall be planted with trees, shrubs, and evergreen ground cover within three years from the date of issuance of the permit. Features such as walkways, decorative paving, sculptures or foundations may cover a maximum of 30 percent of each required landscaped area or berm. Trees shall be selected from the city's recommended list for tree planting.

(Ord. No. 841, § 2(Atts. B, F), 11-12-2013)

11-04.080. - Exterior lighting.

Exterior lighting in commercial zones shall be shielded from and directed away from residential uses. Exterior lighting on poles other than on public rights-of-way or signs in compliance with the sign ordinance shall not exceed a height of 20 feet above finished grade.

(Ord. No. 841, § 2(Atts. B, F), 11-12-2013)



11-04.090. - Recreational vehicle park standards.

The following requirements apply to all recreational vehicle parks and shall be shown on the recreational vehicle park site plan:

- A. The park shall provide a minimum area of 1,000 square feet per recreational vehicle;
- B. Individual recreational vehicle spaces shall be served by a vehicular service aisle having a minimum width of 20 feet;
- C. Each recreational vehicle space shall provide 180 square feet of automobile parking area which shall be located and clearly defined within the park property boundaries; and,
- D. The park shall comply with the standards that apply to all developments in the zone.
- E. Recreational vehicle parks serving five or more recreational vehicles and shall meet the following additional standards which shall be shown on the recreational vehicle park site plan.
  - 1. Each recreational vehicle space shall be supplied with an electrical service outlet equipped with an externally operated switch or fuse nor less than 30 ampere capacity.
  - 2. The recreational vehicle park shall provide and maintain sight-obscuring screening between the park and all adjoining land uses. Screening shall be composed of trees, hedges or shrubs or other vegetative matter approved by the planning director and shall have a minimum height of six feet. Screening shall be omitted within the portion of the park providing ingress/egress.
  - 3. Each park shall provide a holding tank emptying station and service building(s) including a laundry facility with a washing machine and clothes dryer and separate men's and women's sanitation facilities. The rest rooms shall provide a minimum of one lavatory, one water closet and one shower for every ten recreational vehicle spaces.
  - 4. Property used for a recreational vehicle park shall be contiguous and under single ownership.

(Ord. No. 841, § 2(Atts. B, F), 11-12-2013)

CHAPTER 11-05. - INDUSTRIAL ZONE

11-05.010. - Intent and purpose of industrial zone.

*The industrial zone (IN).* The intent of the industrial zone is to recognize and provide for a combination of environmental, recreational and industrial development options with the appropriate standards to maintain Dayton's air and water quality and to assure safe and compatible levels of noise.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-05.020. - Uses.

All uses in the industrial zone shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in this section of the DMC. If a use is not listed, it is prohibited unless the planning director determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any ~~use which~~ use that is permitted as a similar use.

| Uses in the Industrial Zone                                                                                                                                            | Zones |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|                                                                                                                                                                        | IN    |
| A. Industrial and fabrication uses including:                                                                                                                          |       |
| Agricultural product value added processing such as:                                                                                                                   |       |
| Vegetable, fruit and grain processing                                                                                                                                  | P     |
| Production of food and beverages including baked goods, meat and dairy products                                                                                        | P     |
| Processing leather and production of leather products                                                                                                                  | P     |
| Fabrication of equipment, machinery, tools, instruments, vehicles and other mechanical fabrication.                                                                    | P     |
| Hazardous waste processing and storage (not permitted in flood plain or within 200 feet of a water way, in an aquifer recharge area or in a well head protection area) | C     |
| Lumber and planing mills                                                                                                                                               | P     |
| Manufacturing of products from natural resources including wood products, concrete, glass, pottery, and gravel and other similar processes                             | P     |

|                                                                                                                                                                                                                          |   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Marijuana processors and processing including medical marijuana                                                                                                                                                          | X |
| Marijuana producers and production including medical marijuana                                                                                                                                                           | X |
| Medical marijuana cooperatives                                                                                                                                                                                           | X |
| Production of apparel or other finished products                                                                                                                                                                         | P |
| Production printing, publishing and binding                                                                                                                                                                              | P |
| Salvage, recycling operations, wrecking or junkyards less than 2,500 square feet in area (not permitted in flood plain or within 200 feet of a water way, in an aquifer recharge area or in a well head protection area) | A |
| Salvage, recycling operations, wrecking or junk yards 2,500 square feet or larger (not permitted in flood plain or within 200 feet of a water way, in an aquifer recharge area or in a well head protection area)        | C |
| Vehicle restoration, rebuilding repair shops and commercial garage.                                                                                                                                                      | P |
| B. Commercial uses that require large spaces or support other industrial uses:                                                                                                                                           |   |
| Eating and drinking establishments                                                                                                                                                                                       | P |
| Recreation uses that need large open areas such as bowling alley, skating rinks, miniature golf and similar                                                                                                              | P |
| Sales and services dependent on large warehouse space such as lumber, building supplies, nurseries and greenhouses                                                                                                       | P |
| Truck and farm equipment sales, repair, parts, fuel, service, and repair                                                                                                                                                 | P |
| Sales and services of products produced in the industrial zone                                                                                                                                                           | A |
| Other commercial operations and support businesses including:                                                                                                                                                            |   |
| Bus station, public garages and other public transportation facilities                                                                                                                                                   | P |
| Communication towers including phone, radio, TV and similar                                                                                                                                                              | P |
| General warehouse                                                                                                                                                                                                        | P |
| Mini-storage                                                                                                                                                                                                             | P |

|                                                     |   |
|-----------------------------------------------------|---|
| C. Community facilities:                            |   |
| Fire and police stations                            | P |
| Governmental equipment repair and maintenance shops | P |
| Governmental offices                                | C |
| Utility transformers, pump station, etc.            | P |
| Vocational and technical schools                    | P |
| D. Residential: Caretaker, owner or manager's unit  | A |
| E. Agricultural uses:                               |   |
| Aquaculture                                         | P |
| Feedlots                                            | X |
| Production nurseries and greenhouses                | P |

P—Permitted principal use; X—Prohibited use; A—Accessory use;  
 C—Conditional use (Ord. No. 1841, § 2(Att. B), 11-12-2013; Ord. No. 1864, § 4, 9-8-2014; Ord. No. 1901, § 6, 10-10-2016)

11-05.030. - Standards—Area, height, setback, and lot coverage required, or permitted and exceptions.

The lot areas, setbacks, structure heights and lot coverage required or permitted in the industrial zone and additional specific standards are listed below:

| Standards                                                                | Zones                                          |
|--------------------------------------------------------------------------|------------------------------------------------|
|                                                                          | IN                                             |
| Minimum lot area                                                         | No requirement                                 |
| Minimum lot width                                                        | No requirement                                 |
| Minimum lot depth                                                        | No requirement                                 |
| Minimum front yard setback (see special conditions and exceptions below) | No requirement unless special conditions apply |

|                                                                                    |                                        |
|------------------------------------------------------------------------------------|----------------------------------------|
| Minimum rear yard setback (see special conditions and exceptions below)            | 15' unless<br>special conditions apply |
| Minimum side yard (see special conditions and exceptions below)                    | 10' unless<br>special conditions apply |
| Maximum structure or building height (see special conditions and exceptions below) | 75'                                    |
| Maximum lot coverage                                                               | 75%                                    |

A. *Building height exceptions.* The building height limitations do not restrict the height of water reservoirs, agricultural product storage structures, communication towers, church spires and other similar structures or facilities. Communication towers that exceed building height limits may not be located within one mile of a lot that has existing communication towers that exceed building height limits.

B. *Setbacks—Special conditions and exceptions.*

1. Industrial zoned property adjacent to a residential zone must maintain setbacks equal to the setbacks required in the adjacent residential zone along any property line which is adjacent to or abuts the residential zone.
2. The following outdoor activities and similar activities shall be set back at least 50 feet from any residential zone:
  - a. Outdoor sales, display or service;
  - b. Outdoor recycling collection stations; and
  - c. Outdoor storage.
3. Animals maintained as part of a business and structures housing them shall not be located within 100 feet of any residential zone.
4. Communication towers and transmitting antennas may not be located within 100 feet of a residential zone.
5. Manufacturing, fabricating, repairing, refuse compacting, recycling, salvaging and other activities which are major noise generators must be set back a minimum of 50 feet from a residential zone and must be conducted within an enclosed structure unless the activities are located more than 100 feet from a residential zone.
6. Venting from uses that produce major odors, vapors, smoke, cinders, dust, gas and fumes shall be at least 20 feet above finished grade and shall not be vented within 100 feet of residential zoned property.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-05.040. - Building construction—Mobile and temporary structures.

All buildings in the industrial zone shall be installed on and attached to a permanent foundation and permanently attached to any required utilities. The foundation and all building elements must meet all city building code standards. No temporary or mobile structure shall remain on an industrial zoned site for more than six months, except:

- A. After a building permit has been obtained, a temporary construction office may be placed on a lot and may remain the lot for the term of the construction work or one year, whichever is shorter, unless extended as a conditional use to accommodate a longer construction period, and
- B. Movable buildings must be within the following limits:
  - 1. A maximum height of ten feet;
  - 2. A maximum floor area not to exceed 20 percent of the lot area.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-05.050. - Vision clearance area requirements.

At street intersections and at intersections of streets and alleys, in the area adjacent to each intersection shall be maintained in a clear and open condition to provide for safe vision of traffic on the intersecting streets. The area shall include all areas within a sight triangle, measured ten feet back from the intersecting property lines along each street front or alley property line. Within this triangle area no fences, bushes, structures or other vision obstructing elements may be more than three feet higher than the finished grade of the adjacent streets and no signs, tree limbs or other vision obstructing elements may be less than eight feet above the finish grade of the adjacent streets.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-05.060. - Off-street parking.

The amount of off-street parking required for each use is listed in section 11-08.020. (Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-05.070. - Screening and landscaping.

- A. The screening and landscaping requirements are intended to promote the development of industrial areas which are attractive locations for stable, long-term industrial businesses and to buffer adjacent residential areas from the effect of industrial uses.
- B. The following types of landscaping are required of all uses in industrial zones:
  - 1. A street tree from the city's list of acceptable street trees must be planted on each street frontage and one additional tree must be planted for every 50 lineal feet of street frontage.
  - 2. A landscaped berm or landscaped area at least five feet deep shall be installed and maintained adjacent to each street property line.
- C. Outdoor storage areas on lots adjacent to or abutting residential or commercial zoned property shall be screened with six-foot-high sight obscuring screening between the storage area and all property lines adjacent to or abutting residential or commercial zoned property.
- D. Outdoor recycling and salvage operations and wrecking or junk yards larger than 2,500 square feet shall be screened on all sides with six-foot-high sight obscuring screening.
- E. Wherever six-foot-high screening is required, it may be either:

1. A sight-obscuring fence or wall six feet in height; or
  2. A landscaped berm at least four feet in height or a hedge that is at least two feet high at the time of planting.
- F. Areas or berms required to be landscaped shall be planted with trees, shrubs, and evergreen groundcover, in a manner which covers the required area within three years from the date of issuance of the permit. Trees shall be selected from the city's recommended list for tree planting.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-05.080. - Access.

All sides of buildings and all areas of storage lots in the industrial zone shall be accessible to fire-fighting equipment.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-05.090. - Exterior lighting, glare and heat.

Exterior lighting in the industrial zone shall be shielded and directed away from residential zoned areas. Exterior lighting on poles shall not exceed a height of 30 feet above finished grade. Any operation producing intense glare or heat shall be conducted within an ~~enclosure which~~ enclosure that prevents significant glare or heat on adjacent streets or property.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-05.100. - Toxic, noxious, explosive, flammable or hazardous material.

- A. No use shall, at any time, discharge toxic, noxious or flammable matter into the storm drain or sewer system, across the boundaries of the property where the use is located, onto the ground or into streams. The disposal of industrial waste shall be subject to the regulations of the appropriate federal, state and local regulatory agencies.
- B. The storage, utilization or manufacture of materials, goods or products which are or produce flammable or explosive vapors or gases is permitted only where the materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

CHAPTER 11-06. - OPEN SPACE/~~RECREATION~~ AND PUBLIC ZONES

11-06.010. - Intent and purpose of open space/~~recreation~~ and public zones.

- A. *The open space/recreation (OR) zone.* The intent of the open space/recreation zone is ~~intended~~ to promote and preserve the unique landscape bordering the Touchet River and ~~to~~ encourage its traditional use for recreation.
- B. *The public and quasi-public (PU) zone.* The intent of the public and quasi-public zones is to provide for the location of major facilities that are in public or semi-public ownership or are operated for the purpose of benefiting the public. Included are Dayton public parks, schools, government buildings, cemetery, hospital, golf course and utility stations.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-06-020. – Uses.

All uses in the open space/recreation and public zones shall either be permitted as a principal use, as an accessory use, ~~or~~ as a conditional use, or prohibited as listed in the chart below. If a use is not listed, it is prohibited unless the planning director determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any ~~use which use~~ that is permitted as a similar use.

| Uses in Open Space/ <u>Recreation</u> and Public <del>Use</del> Zones                 | Zones           |          |
|---------------------------------------------------------------------------------------|-----------------|----------|
|                                                                                       | <del>OSOR</del> | PU       |
| Community centers, theaters, lodge halls and museums                                  | C               | PU       |
| Fire and police stations                                                              | X               | P        |
| Governmental equipment repair and maintenance shops                                   | X               | P        |
| Governmental offices                                                                  | X               | P        |
| Hospital                                                                              | X               | P        |
| Marijuana processing and production including medical marijuana                       | X               | X        |
| Marijuana producers and production including medical marijuana                        | X               | X        |
| Marijuana retailers and retail stores with or without a medical marijuana endorsement | X               | X        |
| Medical marijuana cooperatives                                                        | X               | X        |
| Parks, playgrounds, golf courses and other outdoor recreation uses                    | P               | P        |
| Open space                                                                            | P               | P        |
| Religious facilities, faith centers and churches                                      | C               | P        |
| Schools                                                                               | C               | P        |
| Utility transformers, pump station, etc.                                              | C               | P        |
| <u>Pre-Existing Inert Waste Sites</u>                                                 | <u>P</u>        | <u>X</u> |

P—Permitted principal use; X—Prohibited use; A—Accessory use; C—Conditional use

(Ord. No. 1841, § 2(Att. B), 11-12-2013; Ord. No. 1901, § 7, 10-10-2016)

11-06.030. - Standards—Height and setbacks.

The minimum lot setbacks and structure heights required or permitted are listed below. Greater standards may be required as part of a conditional use permit approval:

| Standards                                                            | Zones           |     |
|----------------------------------------------------------------------|-----------------|-----|
|                                                                      | <del>OSOR</del> | PU  |
| Minimum front yard setback                                           | 25'             | 25' |
| Minimum rear yard setback, loading area may be in rear yard set back | 20'             | 20' |
| Minimum side yard                                                    | 20'             | 20' |
| Maximum structure or building height (exceptions listed below)       | 40'             | 40' |

*Building height exceptions.* The building height limitations above do not ~~restrict-apply to~~ the height of water reservoirs, church spires and other similar structures or facilities.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)



11-06.040. - Vision clearance area requirements.

At street intersections and at intersections of streets and alleys, in the area adjacent to each intersection, shall be maintained in a clear and open condition to provide for safe vision of traffic on the intersecting streets. The ~~area~~ shall include requirements apply to all areas within a sight triangle, measured ten feet back from the intersecting property lines along each street front or alley property line. Within this triangle area no fences, bushes, structures or other vision obstructing elements may be more than three feet higher than the finished grade of the adjacent streets and no signs, tree limbs or other vision obstructing elements may be less than eight feet above the finish grade of the adjacent streets.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

CHAPTER 11-07. - OVERLAY ZONES, SPECIAL DISTRICTS AND DEVELOPMENT AGREEMENTS

11-07.010. - Downtown Commercial Historic District (DCHD) Overlay Zone.

The intent of the DCHD is to maintain the historic and pedestrian nature of the downtown commercial core. The following restrictions are in addition to the limits included in the underlying zone:

- A. Exterior building material must be similar in appearance to the materials in the historic buildings within this zone;
- B. The front of the principal building must be within ten feet of the front property line;
- C. Outdoor sales, display and parking areas may not take up more than 40 percent of the street front area;
- D. The front 50 feet of the lot shall not be used for outdoor storage;
- E. Lot coverage 100 percent maximum is allowed;
- F. No off street parking is required; and
- G. No temporary structures shall be installed and used in this zone for more than 90 days of a calendar year.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-07.020. - Reserved.

Editor's note— Ord. No. 1899, § 3, adopted August 15, 2016, repealed § 11-07.020, which pertained to a South Side Historic District (SSHD) Overlay Zone and derived from Ord. No. 1841, adopted November 12, 2013 and Ord. No. 1873A, adopted February 9, 2015.

11-07.030. - Reserved.

Editor's note— Ord. No. 1899, § 3, adopted August 15, 2016, repealed § 11-07.030, which pertained to a Washington Street Historic District (WSHD) Overlay Zone and derived from Ord. No. 1841, adopted November 12, 2013 and Ord. No. 1873A, adopted February 9, 2015.

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 uses" in addition to the uses listed for the underlining zones (central commercial or fringe commercial):

- A. Single-family residence.
- B. Duplex based on 3,600 square feet of lot area per dwelling unit.
- C. Governmental offices.
- D. Schools.

( Ord. No. 1886 , § 1, 12-7-2015)

11-07.060. - Development agreements.

Development agreements executed by the city are entered by reference. (Ord. No. 1841, § 2(Att. B), 11-12-2013)

CHAPTER 11-08. - OFF-STREET PARKING REQUIREMENTS

11-08.010. - Intent and purpose of the parking requirements.

The intent of the off-street parking and loading requirements is to ensure that, in most circumstances, each user will not reduce the adequacy of the public road and street network by providing adequate off-street parking and loading for the normal occupancy on their lot.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

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

The minimum number of off-street parking spaces required for specific uses are set forth in this section. Any use not specifically listed shall meet the requirements of the most similar identified use as determined by the planning director. In the case of a mixture of uses on a single lot, the total requirement for off-street parking shall be the sum of the number of parking spaces required for each use subject to the conditions stated in DMC 11-08.050.

*Required Off-Street Parking*

| Use Description                                            | Required Off-Street Parking and Loading Spaces |
|------------------------------------------------------------|------------------------------------------------|
| A. Residential.                                            |                                                |
| <u>1.</u> Boarding houses, group homes and similar         | 1 for each two sleeping rooms                  |
| <u>2.</u> Duplex and multi-unit except housing for seniors | 1½ for each dwelling unit                      |
| <u>3.</u> Nursing homes, and congregate care facilities    | 1 for each 5 beds                              |

|                                                                                                                                                                                 |                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>4.</u> Multi-unit housing for seniors                                                                                                                                        | 1 for each dwelling unit                                                                                                                                         |
| <u>5.</u> Single-family houses and mobile homes                                                                                                                                 | 2 for each dwelling unit                                                                                                                                         |
| B. Commercial Uses.                                                                                                                                                             |                                                                                                                                                                  |
| <u>1.</u> 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                                                                                                                            |
| <u>2.</u> 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 GBFA.    |
| 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 of GBFA plus 1 space per 1,000 square feet of outdoor display and sales area. One loading space per 10,000 square feet of GBFA. |
| 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 GBFA.       |
| <u>3.</u> 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                                                                       |
| <u>4.</u> 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 gross floor area (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 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                                                           |
| <u>5.</u> Other commercial uses                                                                                                                        | 1 space for each 500 square feet GBFA                                                           |
| C. Community facilities and institutions.                                                                                                              |                                                                                                 |
| <u>1.</u> 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 to walk-in public                                                                        | 1 space for each 1,000 square feet GBFA                                                         |
| <u>2.</u> 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                                                                                                                                                                                                         |
| <u>3.</u> Hospitals                                                                                                                                                         | 1 space for each 2 beds                                                                                                                                                                                                                          |
| <u>4.</u> 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.                                                                                      |
| <u>5.</u> 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.                                                                                                                                                           |                                                                                                                                                                                                                                                  |
| <u>1.</u> 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.                                                                                                                              |
| <u>2.</u> 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 oices or sales area. One loading space per 5,000 square feet of GBFA. |
| <u>3.</u> 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 oices or sales area. One loading space per 10,000 square feet GBFA.                                      |

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-08.030. - Barrier-free parking spaces—Required.

Unless more space is required under state rules and regulations, barrier-free parking spaces, accessible to disabled persons, shall be provided in every off-street parking facility with ten or more parking spaces at the rate of one accessible parking space for every 50 parking spaces.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

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 eight 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 off-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.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-08.050. - Shared parking.

Where adjoining parking facilities of two or more ownerships are developed and designed as one parking facility and where the parking spaces required for the uses total 15 or more spaces, a reduction of 20 percent of the combined total required spaces shall be permitted; provided, a record of the covenant or contract between the cooperating property owners is filed with the county auditor.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-08.060. - Off-street parking—Change of use.

Any area once designated as required off-street parking shall not be changed to any other use until equal parking facilities are provided elsewhere and the approved site plan, if applicable, is amended to illustrate the change.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-08.070. - Off-street parking—Existing structures.

Structures with uses that were lawfully developed prior to the adoption of this chapter shall not be required to comply with the off-street parking requirements in this section unless there is a change of use within the structure. If a new use requires more parking than the use in existence when these requirements were adopted, the planning director may include in the parking required to meet the off-street parking requirements:

- A. The number of available on-street parking spaces adjacent to the building; and
- B. The off-street parking spaces available to the use through a cooperative use agreement. Any off-site parking used to meet the off-street parking requirements shall be no more than 300 feet from the location of the use that the parking is serving.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-08.080. - Improvement of parking, outdoor sales and outdoor storage areas.

Any parking, outdoor sales or outdoor storage areas larger than 2,500 square feet shall be improved in accordance with the following requirements:

- A. *Surface.* The area shall be surfaced with a durable and dustless (gravel, asphalt, concrete, etc.) surface, shall be graded and drained in a manner which disposes of the surface water without the water crossing the surface of any sidewalk, and shall be maintained in good condition, free of weeds, dust, trash, and debris.

- B. *Lighting.* Any lighting used to illuminate these areas shall be arranged so as to direct light away from any adjoining residential area.
- C. *Landscaping and screening.* One tree or evergreen shrub shall be planted and maintained for every 2,500 square feet of surface area. A five-foot-deep landscaped setback shall be maintained along all lot lines adjacent to a street or a residential zoned lot. A six-foot-high screen shall be installed around outdoor storage areas larger than 2,500 square feet. Whenever screening is required, the required perimeter screening may be either a six-foot-high sight- obscuring fence or a four-foot-high landscaped berm or a hedge which is at least two feet high when planted.

#### CHAPTER 11-09. - NONCONFORMING USES AND STRUCTURES

##### 11-09.010. - INTENT AND PURPOSE.

Within the zones established by this title or subsequent amendments thereto, there exists lots, structures and uses, which were lawfully established or created, but which would be prohibited, regulated or restricted under the terms of this title or future amendments. It is the intent of this title to permit nonconforming lots, structures and uses to continue while prohibiting further nonconformity. Nonconformities are declared by this title to be incompatible with permitted uses, structure and lots in the zones involved. These nonconforming lots, structures or use shall not be extended or enlarged unless after passage of this title. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which a building permit has been issued as long as substantial construction has been started within six months of the issuance of the permit provided that work is carried out diligently.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

##### 11-09.020. - Nonconforming lots.

If, on or after November 16, 2001, a single lot is in separate ownership and is not contiguous with other lots owned by same owner, and if the lot is in a zone where single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected even if the lot fails to meet the zoning requirements for minimum area, or lot depth or lot width provided that the development shall conform to all other zoning requirements.

If two or more adjacent lots of record or combinations of lots and portions of lots are in single ownership as of November 16, 2001 no lot or portion of the lots shall be used or sold in a manner which diminishes compliance with lot width or depth or area requirements established by this chapter, nor shall any division of any parcel be made that creates a lot with width, or depth or area below the requirements stated in this chapter.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

##### 11-09.030. - Nonconforming buildings and structures.

Where a lawful structure exists as of November 16, 2001 that does not conform to the requirements in this title, such structure may be continued to be used and maintained so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure, or portion thereof may be altered to decrease its nonconformity. The terms "enlarged and extended" as used herein mean the enlargement of a building or structure by increasing square footage, increasing building or structure height or the enlargement or extension thereof by the addition of accessory building or structures or other similar enlargements or extensions;
- B. If a nonconforming structure or nonconforming portion of structure is destroyed by any means to an extent that its replacement cost will exceed 75 percent of its value at the time of destruction, it may only be reconstructed in conformity with the provisions of this title.

- C. If the structure is moved for any reason, for any distance, it must be brought into conform to the regulations for the zone in which it is located.
- D. *Value.* The value of a nonconforming building or structure shall be determined from the International Conference of Building Officials (ICBO) building permit valuation tables in use on the date the damage occurs. The owner of a damaged building or structure may obtain an independent appraisal from a certified professional appraiser.
- E. *Maintenance and alterations.*
1. Ordinary maintenance and repair of a nonconforming building or structure are allowed.
  2. ~~Alterations which~~Alterations that conform to all provisions of title 5, do not result in any enlargement or extension of a nonconforming lot, use, building or structure are allowed.
  3. Alterations required by law to meet health and safety regulations are allowed.
- F. *Damage and reconstruction.*
1. If any nonconforming structure located in a non-residential zone is destroyed or sustains damages amounting to 75 percent or more of its value, then any future use of the property formerly occupied by that building or structure shall conform to all requirements of title 5.
  2. If any nonconforming building or structure located in a nonresidential zone sustains damages amounting to less than value, it may be reconstructed and used for the nonconforming use in existence at the time the damage occurred if it begins within one year from the date the damage occurred. The structure may be rebuilt having the same zoning nonconformities no more than as existed before the damage occurred. The damage to the structure must be the result of some unforeseen event such as a fire or flood or the result of natural deterioration, as opposed to voluntary demolition of part of the structure by the owner.
  3. In any nonconforming residential structure located in a residential zone is destroyed or sustains damages up to 100 percent of its value, the structure may be reconstructed having the same zoning nonconformities, but no more than as existed before the damage occurred. The damage to the structure must be the result of some unforeseen event such as a fire or flood, or natural calamity, as opposed to the voluntary demolition of all or part of the structure by the owner.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

#### 11-09.040. - Nonconforming uses.

A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Nonconforming uses may not be enlarged, extended, expanded or moved in any way except as herein allowed, nor may the structure in which it is located be enlarged or extended in any way such as by increasing square footage, increasing building or structure height or the extension thereof by the addition of accessory buildings, or other similar extension. Changes in a nonconforming use such as the addition of more employees, the addition of more or better equipment, extending the hours of operation, and other similar changes which could or do result in an intensification of a nonconforming use are allowed and conditional use permits shall not be required for making any such change or changes.
- B. When a nonconforming use is discontinued or abandoned for 12 consecutive months, the structure and land shall thereafter be used only in conformity with the regulations of the zone in which it is located. If any nonconforming use is not occupied or operated because its building has sustained damage amounting to less than 75 percent of its value, that use may be reestablished if construction of a new or repaired building begins within one year of the date the damage occurred.



- C. *Conditional uses.* A legal use does not become nonconforming if the zone in which it is located is changed to a zone in which a conditional use permit is required for that use. However, the use may not be altered or changed; nor, may the building or structure in which it is located be enlarged or extended without obtaining a conditional use permit. Any use legally existing prior to the effective date of this title, or prior to the effective date of subsequent amendments to the title or the official zoning map which is within the scope of uses permitted by a conditional use permit in the zone in which the property is located shall be deemed a conditional use without the necessity of a conditional use permit, provided that any expansion or alteration of said use shall conform to all regulations pertaining to conditional uses.
- D. *Conversions.* A nonconforming use may be converted to another nonconforming use if the Dayton Hearing Examiner issues a conditional use permit for the conversion, pursuant to the procedures of DMC title 10. The commission may issue such a conditional use permit only after finding the following:
1. The structure housing the existing nonconforming use cannot reasonably be used for any permitted use because of its particular design; and
  2. The proposed use will be as compatible with uses permitted in the zone district as the existing nonconforming use; and
  3. Measures will be taken, where necessary, to protect the neighborhood from any detrimental effects to the public health and welfare that will or probably will result from the conversion of the nonconforming use.
  4. In cases involving the conversion of a nonconforming use to another nonconforming use, it is not necessary for the hearing examiner to make findings as set forth in DMC 11-09.040 in addition to the findings required by this subsection.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

#### CHAPTER 11-10. - CONDITIONAL USE AND VARIANCES

##### 11-10.010. - Conditional use—Intent.

It is the intent of this title to allow for uses that are not permitted outright within a zone. Such uses typically require a special degree of control to make sure that they are consistent with the intent of the zone and compatible with other existing and permitted uses within the zone and to protect health, safety and general welfare of the public prior to the use being approved.

Only those uses listed as requiring a conditional use permit (CUP) within a particular zone qualify for this process.  
(Ord. No. 1841, § 2(Att. B), 11-12-2013)

##### 11-10.020. - Conditional use findings of fact.

Conditional use permits may only be approved if findings of fact are drawn to support the following:

- A. The use will not have a substantively greater adverse effect on the health, safety or comfort of persons living or working in the area and will not be substantively more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district. Among matters to be considered are traffic flow and control, access to and circulation within the property, off-street parking and loading, refuse and service area, utilities, screening and buffering, signs, yards and other open spaces, height, bulk, and location of structures, location of proposed open space uses, hours and manner of operation, and noise, lights, dust, odor, fumes and vibration;
- B. The proposal is in accordance with the goals, policies and objectives of the comprehensive plan;
- C. The proposal complies with all requirements of this title and title 10;
- D. The proposal can be constructed and maintained so as to be compatible, harmonious and appropriate in design, character, and appearance with the existing or intended character of the neighborhood;

- E. The proposal will be supported by adequate public facilities and services and will not adversely affect the public infrastructure;
- F. The proposal will not cause or create a public nuisance; and
- G. The proposal's impacts can be appropriately mitigated through the application of conditions of approval, as applicable.  
(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-10.030. - Conditions and period of approval.

- A. In order to mitigate any significant adverse impact, assure compatibility with the neighborhood, or support a finding of fact or prevent and abate public nuisances associated with the proposal, conditions may be imposed which could increase requirements in the standards, criteria, or regulations of this title or other city legislation or adopted policies.
- B. Conditional use permit approvals shall be valid for the specific use authorized on a property, subject to the revocation provisions of DMC 11-18. A change in use shall cause the conditional use permit to automatically expire.
- C. Conditional use permit approvals, or the portions thereof, that authorize hours of operation shall be valid for the specific use and hours of operation authorized on a property, subject to the revocation provisions of DMC 11-18.  
(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-10.040. - Variances—Intent.

A variance on the dimensional or development requirements of this title is intended to provide relief where, due to geographic, topographic or other similar conditions, complete compliance with all requirements of this title prevents the use of a property which is generally available to other properties in the same zone.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-10.050. - Conditions for granting a variance.

A variance from the dimensional or development requirements of this title may be granted only if the following facts and conditions exist:

- A. Due to geography, topography, or other similar conditions, a strict application of the requirements of this title would deprive the subject property of rights and privileges enjoyed by other properties in the same zone;
- B. Due to physical conditions, the development of the lot in strict conformity with the provisions of this title will not allow for reasonable use;
- C. That the variance, if granted, will not alter the character of the neighborhood, or be detrimental to surrounding properties in which the lot is located;
- D. The variance requested will not permit a condition which is materially detrimental to the public welfare, nor injurious to other properties and improvements in the vicinity of the subject property;
- E. The variance is not required due to conditions created by the actions of the applicant, property owner or their agents;
- F. The granting of the requested variance will not provide a special privilege to the property or the applicant that is denied by this title to other lands, structures or buildings within the same zone;
- G. The variance will not allow an increase in the number of dwelling units permitted by the zoning district;

- H. The variance shall not allow a land use which is not permitted under the zoning district in which the property is located;
- I. Justification for the issuance of a variance shall not be based on the illegal use of neighboring lands, structures or buildings in the same zone, and the illegal or permitted uses of lands, structures or buildings in other zones.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-10.060. - Variance findings of fact.

Before a variance can be granted or denied, the hearing body must find that:

- A. The application is complete as required in title 10;
- B. The variance requested are within the conditions specified in DMC 11-10.050;
- C. The variance is the minimum variance that will make possible the reasonable use of land, building or structure; and,
- D. The granting of any particular variance will be consistent with the general purpose and intent of this title, is in compliance with the comprehensive plan and will not be injurious to any affected neighborhood or otherwise detrimental to the public welfare.
- E. The hearing body may attach conditions to any variance if such conditions are necessary to protect the public welfare or the purpose of this title. If the hearing body finds that the applicant is not eligible for a variance or does not fulfill the requirements, the hearing body shall state the reasons for the denial of the variance.

(Ord. No. 1841, § 2(Att. B), 11-12-2013; Ord. No. 1886, § 1, 12-7-2015)

11-10.070. - Application.

An application for a conditional use permit or variance may be initiated by a property owner or his authorized agent. The application must be on forms provided by the city as set forth in DMC section 10-02.020.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-10.080. - Conditional use and variance review process.

An application for a conditional use permit and/or variance shall be processed in accordance with DMC title 10 as a type III application and follow the procedures for notice and review contained in title 10. Except for minor variances with 10 percent or less deviation from the standard may be processed as a type II application.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-10.090. - Expiration.

In addition to any time limits established as a condition of a specific use, the conditional use permit or variance shall expire:

- A. If no building permit has been obtained within 12 months and all applicable construction including special conditions have not been completed within 24 months; or
- B. The authorized use is discontinued for a period of 12 months.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-10.100. - Revocation.

The planning director may revoke or suspend any permit or variance granted under this title subject to section 11-18.050. (Ord. No. 1841, § 2(Att. B), 11-12-2013)

#### CHAPTER 11-14. - ESSENTIAL PUBLIC FACILITIES

##### 11-14.010. - Purpose.

The purpose of this chapter is to provide a process to site necessary public uses that may otherwise be difficult to site. This process involves the community and identifies and minimizes adverse impacts. Essential public facilities are defined in section 11-01.050 DMC, definitions. Essential public facilities which meet the definition but are not listed in chapters 11-03 through 11-07 DMC shall also be reviewed according to the essential public facility review process.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

##### 11-14.020. - List of essential public facilities.

A use or facility may be added to the list of essential public facilities based on one of the following criteria:

- A. The use meets the definition of an essential public facility; and
- B. The use is identified on the state list of essential public facilities maintained by the State of Washington Office of Financial Management.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

##### 11-14.025. - Essential public facilities use descriptions.

Essential public facilities uses are those uses typically difficult to site. All essential public facilities shall be subject to review in accordance with title 10 and chapter 11-14.

- A. *Correctional institutions.* Correctional institutions use type means a facility operated by a government agency, designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following arrest or conviction of an offense.
- B. Halfway houses, overnight shelters, or transitional housing which do not meet the definition of group home and do not include facilities protected by Washington's law against discrimination, the Fair Housing Act or Fair Housing Act amendments. Halfway houses, overnight shelters, or transitional housing include, but are not limited to, facilities where one or more individuals reside for the purposes of incarceration, sex offender housing including secure community transition facilities, or drug or alcohol abuse treatment for a person or persons currently using alcohol or drugs. These are essential public facility and subject to review in accordance with this chapter. Individuals may be provided with a combination of personal care, social or counseling services and transportation.
- C. *Organic waste processing facilities.* Organic waste processing facilities use type refers to any solid waste facility specializing in the controlled decomposition of organic solid waste and which requires a solid waste permit under RCW Chapter 70.95. Typical uses include MSW composting facilities, composting facilities, and soil treatment facilities.
- D. *Recycling processor.* Recycling processor use type refers to any large-scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. Examples include facilities where commingled recyclables are sorted, baled or otherwise processed for transport off site.

- E. *Sewage treatment facilities.* Sewage treatment facilities use type refers to facilities used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation, including alternative treatment works and package treatment plants. Also included are all of the various types of associated equipment, structures, and operations as they are currently constructed and operating or will result from technology, including, but not limited to, administrative offices, storage, laboratories, headworks, sedimentation basins, clarifiers, digesters, and biosolid handling including piping, filters, pumps, together with public walkways, recreational and educational uses, and parking lots. It shall not include any facility used exclusively by a single-family residence, septic tanks with subsoil absorption, industrial pretreatment facilities, or privately owned treatment plants.
- F. *Waste disposal facilities.* Waste disposal facilities use type refers to permanent disposal sites for solid waste. Typical uses include wood waste, inert/demolition waste, municipal solid waste, special waste and biosolids landfills, and waste-to-energy facilities.
- G. *Waste transfer facilities.* Waste transfer facilities use type refers to solid waste facilities where solid waste is collected or subjected to interim processing before being transported to a permanent disposal site. Typical uses include recycling collection sites, drop box transfer stations, transfer stations, recyclables recovery facilities, waste separation recovery facilities, moderate risk waste facilities, and tire piles.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-14.030. - Applicability.

- H. *Listed essential public facilities.* All listed essential public facilities shall be reviewed through the essential public facility review process.
- I. *Unlisted facilities.* The planning director shall make a determination that a facility be reviewed pursuant to this section based on the following criteria:
1. The facility is a type difficult to site because of one of the following:
    - a. The facility needs a type of site of which there are few sites;
    - b. The facility can locate only near another public facility;
    - c. The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site;
    - d. The facility is of a type that has been difficult to site in the past;
    - e. It is likely that the facility will be difficult to site; or
    - f. There is a need for the facility and the City of Dayton is in the facility service area.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-14.040. - Essential public facilities review process.

Agencies planning on siting essential public facilities shall submit an application to the department. The application shall be on a form provided by the city and shall be accompanied by the following documents and information as are determined to be necessary by the director.

- J. Essential public facilities shall be reviewed as follows:
1. Essential public facilities shall require a conditional use permit.
  2. If an essential public facility is not listed within the zoning district, then the use shall be limited to the industrial zone. Essential public facilities that are not expressly listed in a zoning district are subject to either:
    - g. Conditional use permit process; and

h. Comprehensive plan/rezone process.

3. In addition to a conditional use permit, all essential public facilities shall be subject to review in accordance with the requirements of this title.

K. An applicant may *have one or more alternative sites considered during the same process.*

L. *The director has the authority to require the consideration of sites outside of the City of Dayton. Alternative sites shall cover the service area of the proposed essential public facility.*

M. *An amplified public involvement process shall be required. The purpose of the public involvement process is to involve affected persons of likely and foreseeable impacts if the involvement process has the potential to lead to more appropriate design/location or if that process could lead to development of incentives to address modifications to the facility which would make the siting of that facility more acceptable.*

N. *The applicant shall propose an acceptable public involvement process to be reviewed and approved by the director.*

O. *Public involvement activities shall be conducted and paid for by the applicant.*

P. *The public involvement process shall be initiated by the applicant as early as possible.*

Q. *The director may require a multidisciplinary review process if the facility serves a regional, countywide, statewide, or national need.*

R. An analysis of the facility's impact on city finances shall be undertaken. Mitigation of adverse financial impacts *shall be required.*

S. *The following criteria shall be used to make a determination on the application:*

1. The federal, state, regional, or local agency (applicant) shall provide a justifiable need for the essential public facility and for its location within the City of Dayton.
2. The impact of the facility on the surrounding uses and environment, the city and, if applicable, the region.
3. Whether the design of the facility or the operation of the facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the affected area and the environment.
4. Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts in affected areas and the environment.
5. Whether the proposed essential public facility is consistent with the City of Dayton comprehensive plan.
6. If a variance is requested, the proposal shall also comply with the variance criteria.
7. Essential public facilities shall also comply with all other applicable state siting and permitting requirements.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-14.050. - Burden of proof.

The applicant has the burden of proving that the proposed use meets all criteria set forth in DMC 11.40.040(K).  
(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-14.060. - Decision.

The hearings examiner may approve an application for an essential public facility, approve with conditions or require modification of the proposal to comply with specified requirements or local conditions. The hearing examiner may deny an application for an essential public facility if the placement of the use would be unreasonably incompatible with the surrounding area or incapable of meeting the criteria required for approval or with specific standards set forth in this code.

(Ord. No. 1841, § 2(Att. B),  
11-12-2013) CHAPTER 11-16. -  
AMENDMENTS AND REZONES

11-16.010. - Amendments and rezone requests.

Proposed changes to zoning district boundaries when in compliance with the comprehensive plan shall follow the process requirements set forth in title 10 for type IV, site specific rezone requests. Specific requests for rezones that do not comply with the comprehensive plan may be submitted with a docketed request for amendment to the comprehensive plan by submittal of an application for an amendment as set forth in title 10, for type V, legislative actions. Amendments to the text of title 11 may be requested as set forth in title 10 as a type V application.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-16.020. - Application contents.

A type IV rezone application must include a legal description of the property to be rezoned, shall indicate the existing zone designation of the property and the zone designation of all adjacent property, and shall include a map of the affected neighborhood area. The application shall state the reasons for the requested action, a statement specifying conformance of the proposed revision with the comprehensive plan and any perceived benefits to the public the action would cause. Signatures and addresses of all property owner(s) and shall be filed with the city on city application form(s) together with any required fee. Docketed applications must meet the requirements of DMC 10-09.080.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-16.030. - Rezone findings.

The city shall make findings of fact that support the conclusion that the requested reclassification is in the public interest and the proposed rezone is consistent with the Dayton Comprehensive Plan prior to rezone approval.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

CHAPTER 11-18. - ADMINISTRATION AND ENFORCEMENT

11-18.010. - Appeals of administrative decisions or requests for interpretations.

Appeals of administrative decisions that relate to interpretations of this title or the comprehensive plan and requests for interpretations of this title or the plan shall follow the procedures and requirements set forth in DMC title 10, administration of development regulations.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-18.020. - Application and review fees.

It is the intent of the schedule of fees to reasonably recover costs of administration, inspection, publication of notice; environmental checklists and similar items associated with special requests for development permits, variance, special permits and appeals. The city council shall establish a schedule of fees pertaining to matters of this title. The schedule of fees shall be made available at City Hall by the city clerk and may be altered by amendment only by the city council. Any administrative city official shall be exempt from such fees when initiating requests on behalf of the city.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)

11-18.030. - Violation—Enforcement authority, notice and penalties.

It is the intent of this section to establish consistent procedures for code enforcement toward violations of this title. The planning director or any designated alternate empowered by ordinance or authorized by the mayor shall be responsible for the investigation of potential violations of this title and shall follow the notice requirements and procedures of Dayton Municipal Code (DMC) title 21, code compliance for violations of the zoning code, unless DMC 11-18.040 is applicable. Penalties for violations are set forth in DMC title 21, code compliance.

(Ord. No. 1841, § 2(Att. B), 11-12-2013; Ord. No. 1903, § 2, 11-14-2016)

11-18.040. - Revocation of permit or variance.

The planning director may revoke or suspend any approval, permit, or variance granted under this title if any of the following conditions is found to exist:

- A. Fraud in obtaining the approval, permit, or variance;
- B. Concealment or misrepresentation of any material fact on the application or on any subsequent applications or reports;
- C. The operation is found to be in violation of the approved plans, conditions of approvals, time limits or the terms of the permit and the owner has failed to correct the violation after proper notice thereof.
- D. The decision of the planning director is appealable as set forth in title 10 as a type II application.
- E. Code enforcement under DMC 11-18-030 shall apply to a violation, where there was no approval, permit, or variance issued by the city.

(Ord. No. 1841, § 2(Att. B), 11-12-2013; Ord. No. 1903, § 3, 11-14-2016)

11-18.050. - Severability.

If any provision of this title or its application to any person or circumstance is held invalid, the remainder of this title or the application of the provision to other persons or circumstances shall not be affected.

(Ord. No. 1841, § 2(Att. B), 11-12-2013)



## City of Dayton Planning Commission Appointments/Terms

| <u>Member</u>        | <u>Appointment Date</u> | <u>Term Expiration</u> | <u>Appt.</u> | <u>ReAppt.</u> |
|----------------------|-------------------------|------------------------|--------------|----------------|
| Carol Rahn           | Apr. 14, 2014           | March, 2018            |              | X              |
| Joe Huether          | March, 2015             | March, 2019            |              | X              |
| Byron Kaczmarski     | Dec. 7, 2015            | March, 2019            | X            |                |
| Kathryn Witherington | Dec. 2017               | March, 2021            | X            |                |