

~~Chart 120~~ The lot areas, setbacks, structure heights and lot coverage required or permitted in residential zones, and additional specific standards are listed below:

Chart 120 Lot Areas, Setbacks, Structure Heights and Lot Coverage Required or Permitted in Residential Zones	ZONES	
	AR	UR
<u>Lot Area</u> Minimum lot area	10,800 sf	7,200 sf
<u>Lot Width</u> Minimum lot width	80'	50'
<u>Lot Depth</u> Minimum lot depth	120'	100'
<u>Principal Building Setbacks</u> Minimum front and rear yard setbacks for principal buildings <u>including setbacks for front yards of a corner lot and through lot (exceptions listed below)</u> Minimum side yard setback	25' <u>10'</u>	20' <u>5'</u>
<u>Accessory Building Setbacks</u> Minimum front yard setbacks <u>including setbacks for front yards of a lot, corner lot and through lot</u> Minimum rear yard setback for accessory buildings Minimum side yard setback	25' 10' 10'	20' 5' 5'
Maximum <u>Height</u> for structures and-or buildings height (exceptions listed below):		
Fence Height: (refer to section 5-12-125-11-03.065 for vision clearance area requirements) On back property or side property line or within the back-rear or side yard setback Fences on the front property line(s) or in the front yard setback(s) area	6' 4'	6' 4'
Buildings, <u>portions of buildings</u> or structures within 10 feet of a property line	10'	10'
Buildings, <u>portions of buildings</u> or structures more than 10 feet but less than 20 feet from a property line	20'	20'
Buildings, <u>portions of buildings</u> or structures 20 feet or more from the property line	35'	35'
<u>Lot Coverage</u> - Maximum lot coverage	40%	50%
<u>Impervious surface</u> - Maximum	<u>65%</u>	<u>65%</u>

Building height and setback exceptions in residential zones.

- A. The building height limitations in Chart 120 do not restrict the height of water reservoirs, church spires, and other similar structures or facilities.
- B. Cornices, eaves, chimneys, belt courses, leaders, sills, pilasters or other similar architectural or ornamental features; open balconies or unenclosed stairways not covered by a roof or canopy; and open, unenclosed porches, platforms, or landings not covered by a roof or canopy, which do not extend above the level of the first floor may extend or project into a required yard up to one foot.
- C. Open, unenclosed patios, terraces, courtyards and decks or similar surfaced areas, not covered by a roof or canopy, that do not extend more than ~~one foot~~ 18 inches above the finished grade may occupy, extend or project into a required yard.

- D. If the principal residential buildings on both abutting lots have front or rear yard setbacks less than the required depth, the yard for the lot need not exceed the average yard depth of the setbacks on the abutting lots. In no case shall the front and rear yard setback be less than ten feet.
- E. On a steep site, a detached or attached garage may be constructed in a natural bank of earth without regard to front yard regulations, provided at least 75 percent of all exterior walls, except the front, are underground.
- F. One accessory structure that does not exceed ~~six~~ ten feet in height to the peak of the roof or 120 feet in floor area may be located within the rear yard setback
- G. Accessory Dwelling Units (ADU's) shall be designed to preserve or complement the architectural design, style, and appearance of the principal structure with not less than two hundred twenty (220) gross square feet and no more than eight hundred (800) gross square feet of floor area. If detached from the primary residence, an exterior height of twenty five (25) feet to the top peak of the roof is allowed; providing, however, that all other the maximum lot coverage, setback and height limit limitations pursuant to DMC -11-03.030 are met. All owners must register their ADU with the city's Planning Department. An occupancy permit must be obtained, if required by building codes.

5-12-13011-03.050. - BUILDING CONSTRUCTION—ALL BUILDINGS IN RESIDENTIAL ZONES.

- ~~A. No temporary or mobile buildings can remain on a lot for more than 60 days except:~~
- ~~1. A mobile or manufactured home in a mobile home park; or~~
 - ~~2. After a building permit has been obtained, a temporary construction office or a recreational vehicle that serves as the residence for an owner/builder who is building a residence on the lot can be placed on the lot and can remain on a lot for the term of the construction work or one year, whichever is shorter, unless extended as a conditional use to accommodate a longer construction period; or~~
 - ~~3. An unoccupied recreational vehicle or travel trailer parked on a land parcel that includes the primary residence of the owner of the recreational vehicle or travel trailer.~~
- ~~Movable buildings including garden storage buildings within the following limits:~~
- ~~▲ The height of the building can not exceed ten feet;~~
 - ~~▲ The siding must be similar in appearance to siding material commonly used on residential buildings;~~
 - ~~▲ The roof must have a 3:12 or steeper pitch with roofing material similar in appearance to roofing material commonly used on residential buildings;~~
 - ~~▲ The floor area of all moveable structures on a lot can not exceed 250 square feet.~~

- A. ~~In all other circumstances,~~ All buildings built or installed must:
- 1. Be built to the ~~Uniform International~~ Building and Residential Building Code requirements, or must be a designated manufactured house;
 - 2. Meet the State Energy Code requirements;
 - 3. Be installed on and attached to a permanent foundation; and the permanent foundation of a building must meet the requirements for footings and foundations contained in the ~~Uniform international and Residential Building Codes~~ or, for a designated manufactured house the footings and foundations must:
 - 1a . Be installed below the frost line to the ground level as required in the Uniform Building Code; and
 - 2b . Be installed from the ground level to the house as required in the Washington Administrative Code and in the specifications provided by the manufacturer.
 - 3c. 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 ~~Uniform~~ the International and Residential Building Code requirements; and,

4d. Be permanently attached to all required utilities.

B. Temporary or mobile buildings may remain on a lot for up to 60 days of a twelve month period, except for:

1. A mobile or manufactured home in a mobile home park; or
2. After a building permit has been obtained, a temporary construction office or a recreational vehicle that serves as the residence for an owner/builder who is building a residence on the lot can be placed on the lot and can remain on a lot for the term of the construction work or one year, whichever is shorter, unless extended as a conditional use to accommodate a longer construction period; or
3. An unoccupied recreational vehicle or travel trailer parked on a land parcel that includes the primary residence of the owner of the recreational vehicle or travel trailer; or
4. Two movable buildings including garden storage buildings, provided:
 - The height of the building measured to the peak do not exceed ten feet,
 - The siding must be similar in appearance to siding material commonly used on residential buildings,
 - The roof must have a 3:12 or steeper pitch with roofing material similar in appearance to roofing material commonly used on residential buildings,
 - The floor area of all moveable structures on a lot cannot exceed 250 square feet.

~~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. 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 Uniform Building Code requirements~~

~~11-03.0605-12.140~~ - **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.~~ 1. Unless the business use is a conditional use authorized in this chapter and the business has been specifically reviewed and approved, the business must be a use that is accessory to a principal residential use and the area used only for the business use can not occupy more than 40 percent of the gross floor area of all structures on a lot;
- ~~2.~~ 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;
- ~~3.~~ C. The business may not produce odor, gas, vibrations, noise, magnetic interference, or other elements that are detrimental to the surrounding residential uses;
- ~~4.~~ D. The noise level of the work in the business may not exceed normal residential noise levels;
- ~~5.~~ E. No items related to the business may be stored outside;
- ~~6.~~ 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;
- ~~7.~~ 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

~~8H.~~ 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.

~~5-12-125~~**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.~~

~~At street intersections and at street and alley intersections, on each corner of the lot adjacent to the street or alley, a triangular area shall be maintained in a clear and open condition to provide for safe vision of traffic on the intersecting streets. The triangle shall be established from the corner of the intersecting property lines and shall have equal sides of ten feet along each street front. Within this 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 tree limbs or other vision obstructing elements may be less than eight feet above the finish grade of the adjacent streets.~~

~~11-03.0705-12-150.~~ **11-03.0705 - 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 section 5-12-420 to 5-12-490. Parking in residential zones shall be located on the lot on which the use is located.

~~11-03.0805-12-160--~~ **11-03.0805 - 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 ~~section~~ Section 11-08.5-12-490 for landscaping, screening, lighting and surfacing requirements for surface parking and outdoor storage areas which are larger than 2,500 square feet.

~~11-03.0905-12-170.~~ **11-03.0905 - 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.

~~11-03.100 -~~ **11-03.100 - ANIMAL DENSITIES—LIVESTOCK AND ANIMAL RESTRICTIONS.**

~~5-12-180—Animal densities—A.~~ **5-12-180—A. Livestock and production animal restrictions. -**

Livestock and production animals such as horses, cows, goats, sheep and fowl that are allowed as follows:

- ~~A1.~~ Large size livestock animals such as a horse, cow or similar-sized animals require ~~⇒A~~ a minimum of 40,000 square feet of usable pasture area is required for the first large animal with an additional minimum usable pasture area of 20,000 square feet per each additional large animal.
- ~~B2.~~ Moderate sized livestock animals such as a sheep, goat or similar-sized animals (totaling 200 pounds or less) require a minimum of ~~Ten thousand~~ 10,000 square feet of usable pasture is required for the first moderate sized animal with an additional minimum usable pasture area of 5,000 square feet per each additional animal.
- ~~C3.~~ Small size production animal such as chickens, rabbits or similar sized animals:
 - a. A maximum of 10 small production animal in the UR zone on a lot 7,200 sf. or larger. A variance may be requested to allow small production animals on a substandard sized lot in the UR zone.
 - b. In the AR zone, a minimum of 100 ~~Five hundred~~ 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.
- 4. Swine are prohibited.
- ~~D5.~~ No feedlots or similar dense animal-raising facilities or operations are permitted.
- ~~E6.~~ No shelter or corral for animals may be built within 25 feet of a property line or within 50 feet of an existing residential building on adjacent properties. Except that, a shelter for six (6) or fewer small production animals may be located 15 feet from a side or rear property line.

B. Household Pets – Household pets including but not limited to dogs, cats, rabbits, caged indoor birds, small rodents, miniature goats, potbelly pigs and nonvenomous reptiles or amphibians subject to the following standards and limitations:

- 1. Three dogs per residential lot, regardless of lot size.
- 2. Full-size swine and full-size goats are prohibited.
- 3. Reptiles or amphibians weighing more than 10 pounds are prohibited.

C. Livestock, small production animals and pets are subject to the provisions of DMC Chapters 6.8, Animal Control.

~~11-03.110 -5-12-190-~~ **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 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 17.28 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.

~~5-12-195 Historic District Overlay Zone~~

~~The intent of the Historic District Overlay Zone is to maintain the historic nature of these neighborhoods. The following restrictions are in addition to the limits included in the applicable residential zone:~~

- ~~▲ Exterior building material should be similar in appearance to the materials in the historic buildings within this zone;~~
- ~~▲ The style of new buildings should be compatible with the historic buildings within the zone;~~
- ~~▲ No mobile or manufactured homes are permitted in these zones, and~~
- ~~▲ No temporary structures may be installed and used in this zone for more than 30 days.~~

~~ARTICLE IV. COMMERCIAL ZONES~~ **Chapter 11-04 COMMERCIAL ZONES**

~~11-04.0105-12-200.~~ - INTENT AND PURPOSE OF COMMERCIAL ZONES.

~~11-04.0205-12-210.~~ - USES.

~~11-04.0305-12-220.~~ - ~~STANDARDS~~ FOR LOT AREA, HEIGHT, SETBACK, LOT COVERAGE, FLOOR AREAS AND EXCEPTIONS

~~5-12-225. Vision clearance area requirements.~~

~~11-04.0405-12-230.~~ - BUILDING CONSTRUCTION—MOBILE HOMES AND TEMPORARY STRUCTURES.

~~11-04.050 - VISION CLEARANCE AREA REQUIREMENTS.~~

~~11-04.0605-12-240.~~ - OFF-STREET PARKING.

~~11-04.0705-12-250.~~ - SCREENING AND LANDSCAPING ~~Required.~~

~~11-04.0805-12-260.~~ - EXTERIOR LIGHTING.

~~11-04.0905-12-270.~~ - RECREATIONAL VEHICLE PARKS ~~standards.~~

~~5-12-280. Main Street Overlay Zone.~~

~~11-04.010 5-12-200.-~~ **INTENT AND PURPOSE OF COMMERCIAL ZONES.**

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

~~Comprehensive Plan goals:~~

~~Goal LU 1: Support a strong local economy through the economic revitalization of Dayton's commercial areas.~~

~~Objective LU 1.1: Encourage downtown revitalization.~~

~~Goal LU 2: Support a strong local economy through the revitalization of Dayton's residential and commercial areas.~~

~~Goal LU 3: Encourage development of a wide range of commercial uses to support local and regional needs including those of the traveling public.~~

~~Goal LU 4: Strengthen the City of Dayton's economic base while maintaining the character and quality of the community.~~

~~Goal LU 5: Strengthen the City of Dayton's environmental quality of life while maintaining the character and quality of the community.~~

~~Goal H 1: Encourage the availability of different housing types and densities compatible to the needs of the community and its individual neighborhood.~~

~~Objective H 1.4: Encourage ancillary residential development in the existing commercial buildings.~~

~~Goal H 3: Preserve and enhance the buildings and properties in Dayton that are historically significant or of architectural importance.~~

- 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.

~~11-04.0205-12-210.-~~ **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 210 below. If a use is not listed, it is prohibited unless the ~~city planner~~ 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.

Chart 210 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
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	X
Motels and recreational vehicle parks	X	P
Theaters and similar places of public assembly not including drive-ins	P	A
3. PROFESSIONAL AND PERSONAL SERVICES		
Banks	P	P
<u>Community Residential Facilities (CRF)."</u>	<u>C</u>	<u>P</u>
Day care center	P	P
Nursing homes	C	P
Insurance, accountants, attorneys, real estate and other professional service offices	P	P
Kennels	X	P
Medical offices and clinics	P	P
<u>Nursing homes</u>	<u>C</u>	<u>P</u>
Veterinary clinic	C	P
4. VEHICLE SALES, REPAIR AND OTHER SERVICES		

Automobile, truck and farm equipment sales, repair, fuel, and service <u>and commercial garages</u>	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, public garages 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
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, <u>faith centers and churches</u>	X 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 can not be used for residential uses.		
<u>Adult family homes</u>	<u>P</u>	<u>P</u>
Assisted care home	P	X
Boardinghouse	P	X
Caretaker or business owner/manager's unit	A	A
Group home	C P	X P
Mobile home parks	X	P
Multi-family (three or more units)	P	P
D. Agricultural Uses.		
	X	X

P - Permitted principal use; X - Prohibited use; A - Accessory use; C - Conditional use
~~Conditional uses are uses permitted with conditions and restrictions that are needed to provide for the compatibility of the conditional use with permitted uses within the zone and conditions needed to protect health, safety and~~

~~general welfare of the public. Specific proposals for a conditional use must be approved through the procedures and requirements described in Article IX of this chapter. Accessory uses are uses and facilities that are supportive of and normally associated with a permitted principal use. Accessory uses can not use more than 40 percent of the total floor area of structures on the lot or more than 40 percent of the total lot area.~~

5-12-220-11-04.030 – 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:

Chart 220 Lot Area, Height, Setback, Lot Coverage and Floor Areas Permitted in Commercial Zones <u>General Standards:</u>	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 set-back (exceptions listed below)	0'	15'
Minimum rear yard set-back (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%

B. Specific Standards:

1. 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.
 2. Building height exceptions. The building height limitations ~~in Chart 220~~ do not restrict the height of water reservoirs, church spires and other similar structures or facilities.
- ~~Building setbacks—special conditions.~~
- ~~A.~~ 3. 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.
 - ~~B.~~ 4. The following outdoor activities shall be located at least 50 feet from any residential zone.
 - a. ~~1.~~ Outdoor sales and/or service of food or beverages;
 - b. ~~2.~~ Outdoor recycling collection stations; and
 - c. ~~3.~~ Outdoor storage.
 - ~~C.~~ 5. Animals maintained as part of a business and structures housing them shall not be located within 50 feet of any residential zone.
 - ~~D.~~ 6. Commercial communication towers and transmitting antennas may not be located within 100 feet of a residential zone.

~~E.7.~~ Manufacturing, fabricating, repairing, refuse compacting and recycling and other activities which 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.

~~F.8.~~ Venting from uses which 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.

~~5-12-225 - 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 ten feet of the intersecting property lines along each street front. Within this 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.~~

~~5-12-230~~ **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:

- ~~1A.~~ A mobile or manufactured home in a mobile home park;
- ~~B2.~~ 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;
- ~~C3.~~ 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;
- ~~D4.~~ Vehicles that are a necessary part of an authorized commercial use; or
- ~~E5.~~ Movable buildings within the following limits:
 - ~~1.~~ The height of the building ~~can 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.

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.

~~11-05.0605-12.240-~~ **OFF-STREET PARKING.**

- A. 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.
- B. The amount of off-street parking required for each use is listed in Section 11-08.020. and following sections. Additionally, parking in commercial zones shall be located within 150 feet of the lot on which the use is located. Within the CC zone, the off-street parking must be located beside or behind the building.

~~11-05.0705-12-250.~~ - SCREENING AND LANDSCAPING ~~Required.~~

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:

1. 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.
2. 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~~ ~~section 5-12.490~~ 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.

~~11-05.0805-12-260.~~ - 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.

~~11-05.0905-12-270.~~ - RECREATIONAL VEHICLE PARK STANDARDS.

- ~~A.~~ ~~In addition to the requirements that apply to all developments in a zone,~~ ~~the~~ following requirements apply to all recreational vehicle parks and shall be shown on the recreational vehicle park site plan.
- ~~A~~1. The Park shall provide a minimum area of 1,000 square feet per recreational vehicle;
 - ~~B~~2. Individual recreational vehicle spaces shall be served by a vehicular service aisle having a minimum width of 20 feet;
 - ~~C~~3. 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,
 4. The park shall comply with the standards that apply to all developments in the zone.
- ~~B.~~ 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.
- ~~D~~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.
 - ~~E~~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 ~~city planner~~ Planning Director and shall have a minimum height of six feet. Screening shall be omitted within the portion of the park providing ingress/egress.
 - ~~F~~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.

~~64.~~ Property used for a recreational vehicle park shall be contiguous and under single ownership.

~~5-12-280. Main Street Overlay Zone~~

~~The intent of the Main Street Overlay Zone 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 Central Commercial Zone:~~

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

~~ARTICLE V - Chapter 11-05-~~ INDUSTRIAL ZONE

~~11-05.0105-12.300.~~ - INTENT AND PURPOSE OF INDUSTRIAL ZONE.

~~11-05.0205-12.310.~~ - USES.

~~11-05.0305-12.320.~~ - LOT AREA, HEIGHT, SETBACK, AND LOT COVERAGE REQUIRED, OR PERMITTED AND EXCEPTIONS.

~~5-12.330. - Vision clearance area requirements.~~

~~11-05.040 5-12.340.~~ - BUILDING CONSTRUCTION—MOBILE AND TEMPORARY STRUCTURES.

~~11-05.050 - VISION CLEARANCE AREA REQUIREMENTS.~~

~~11-05.0605-12.350.~~ - OFF-STREET PARKING.

~~11-05.0705-12.360.~~ - SCREENING AND LANDSCAPING—REQUIRED.

~~11-05.0805-12.370.~~ - ACCESS.

~~11-05.0905-12.380.~~ - EXTERIOR LIGHTING, GLARE AND HEAT.

~~11-05.1005-12.390.~~ - TOXIC, NOXIOUS, EXPLOSIVE, FLAMMABLE OR HAZARDOUS MATERIAL.

~~11-05.0105-12.300.~~ - INTENT AND PURPOSE OF INDUSTRIAL ZONE.

~~This section of the zoning code is intended to assist in the implementation of the following Comprehensive Plan goal: Goal LU 4: Strengthen the City of Dayton's economic base while maintaining the character and quality of the community.~~

~~Objective LU 4.1: Existing industrial property should be maintained and strengthened.~~

~~Objective LU 4.2: Recognize and provide for the site location requirements of different kinds of industries with respect to the infrastructure needed.~~

~~Objective LU 4.4: Ensure that industrial activities conform to development standards that minimize adverse impacts on adjacent land use areas.~~

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

~~11-05.0205-12.310.~~ - 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 ~~city planner~~ **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.

Chart 310 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
Production of apparel or other finished products	P
Production printing, publishing and binding	P
<u>Salvage, recycling operations, wrecking or junk yards less than 2,500 sq. ft 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)</u>	A
Salvage, recycling operations, wrecking or junk yards <u>2500 sq. ft. or larger</u> (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 and repair shops <u>and commercial garage.</u>	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
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P - Permitted principal use; X - Prohibited use; A - Accessory use; C - Conditional use

~~Conditional uses are uses permitted with conditions and restrictions that are needed to provide for the compatibility of the conditional uses with permitted uses within the zone and conditions needed to protect health, safety and general welfare of the public. Specific proposals for a conditional use must be approved through the procedures and requirements described in Article IX of this chapter.~~

~~Accessory uses are uses and facilities that are supportive of and normally associated with a permitted principal use. Accessory uses must not use more than 40 percent of the total floor area of structures on the lot or more than 40 percent of the total lot area.~~

~~11-05.030 - Standards 5-12-320~~ - 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:~~

Chart 320 Lot Area, Height, Setback, and Lot Coverage Permitted in the Industrial Zone Standards	ZONES
	IN
Minimum lot area	No requirement
Minimum lot width	No requirement
Minimum lot depth	No requirement
Minimum front yard set-back (see special conditions and exceptions below)	No requirement unless special conditions apply
Minimum rear yard set-back (see special conditions and exceptions below)	15' unless special conditions apply
Minimum side yard (see special conditions and exceptions below)	10' unless 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 ~~in Chart 320~~ 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:~~

~~A1.~~ 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.

~~B2.~~ The following outdoor activities and similar activities shall be set back at least 50 feet from any residential zone:

- ~~1a.~~ Outdoor sales, display or service;
- ~~2b.~~ Outdoor recycling collection stations; and
- ~~3c.~~ 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 ~~cannot~~ **shall not** be vented within 100 feet of residential zoned property.

~~11-05.0405-12-349.~~ - 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 ~~can~~ **shall** remain on an industrial zoned site for more than six months, except:

1. After a building permit has been obtained, a temporary construction office ~~can~~ **may** be placed on a lot and ~~can~~ **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
2. Movable buildings must be within the following limits:
 - ~~The height of the building can not exceed~~ **A maximum height of** ten feet;
 - ~~The A maximum floor area of all moveable structures on a lot can~~ **not to** exceed 20 percent of the lot area.

~~11-05.0505-12-330.~~ - **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.~~
~~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 ten feet of the intersecting property lines along each street front. Within this 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.~~

~~11-05.0605-12-350.~~ - **OFF-STREET PARKING.**

The amount of off-street parking required for each use is listed in Section ~~5-12.420~~ ~~11-08.020~~ **and following sections.**

~~11-05.0705-12-360~~ - SCREENING AND LANDSCAPING ~~Required~~

- 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.

~~11-05.0805-12-370~~ - ACCESS.

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

~~11-05.0905-12-380~~ - 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 prevents significant glare or heat on adjacent streets or property.

~~11-05.1005-12-390~~ - 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.