

**ORDINANCE 619
CITY OF DAYTON, OREGON**

An Ordinance Amending Chapter 7 – The City of Dayton Land Use and Development Code, to Make Changes to Definitions, Special Permitted Uses and Conditional Uses, Supplemental Standards for Special Uses, and Off-street Parking.

WHEREAS, the City Council desires to adopt the amendments to Chapter 7 included in Exhibits 1 and 2; and

WHEREAS, the Planning Commission has considered the amendments to Chapter 7 – The City of Dayton Land Use and Development Code (DLUDC) pursuant to DLUDC Section 7.3.112 to make changes to the Definitions, Special Permitted Uses and Conditional Uses, Supplemental Standards for Special Uses, and Off-street Parking; and

WHEREAS, a public hearing was held before the Planning Commission on July 10, 2014; and

WHEREAS, the Planning Commission recommended that said amendments be adopted; and

WHEREAS, the City has timely forwarded a copy of the proposed amendments to the Department of Land Conservation and Development of the State of Oregon and provided proper notice pursuant to DLUDC Section 7.3.204; and

WHEREAS, the City Council of the City of Dayton conducted a public hearing to consider changes to the to the Definitions, Special Permitted Uses and Conditional Uses, Supplemental Standards for Special Uses, and Off-street Parking on July 21, 2014; and

WHEREAS, on July 21, 2014, the City Council considered the information provided by staff and deliberated on the proposed action.

The City of Dayton ordains as follows:

Section 1. The City Council hereby adopts Ordinance 619 and the findings in the Staff Reports dated July 15, 2014 included in Exhibits 1 and 2 and incorporated by reference herein; and

Section 2. The City Council adopts the amendments to Chapter 7 of the DLUDC attached as Exhibits 1 and 2, and incorporated by reference herein; and

Section 3. This Ordinance shall become effective 30 days after adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 2nd day of September, 2014.

**ORDINANCE 619
CITY OF DAYTON, OREGON**

Date of first reading: August 2nd 2014

Date of second reading: September 2nd 2014

No Council member present at the meeting requested that the ordinance be read in full.


A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

In Favor: Bixler, Frank, Marquez, Price, Utt, Wytoski

Opposed: None

Absent: Collins

Abstained: None



Elizabeth Wytoski
Mayor

9/15/2014
Date of Signing

ATTESTED BY:



Peggy Selberg,
City Recorder

9/2/2014
Date of Enactment

CITY OF DAYTON
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Dayton, OR 97114-0039
503-864-2221 FAX: 503-864-2956

STAFF REPORT
July 15, 2014
(for City Council Hearing: July 21, 2014)

File: Code Amendments 2014-01

Applicant: City of Dayton

Request: A text amendment to the City of Dayton Land Use and Development Code, 7.1.200, Definitions; Section 7.2.103, Limited Density Residential; 7.2.104, Medium Density Residential; 7.2.106, Commercial; 7.2.107, Industrial; 7.2.303, for Off-Street Parking and Loading; 7.2.406, Home Occupations; and 7.2.407, Bed and Breakfast Establishments.

Criteria: Dayton Land Use and Development Code, Section 7.3.112.03

Procedure: Type IV (Land Use and Development Code, Section 7.3.112)

Attachments: Attachment A: Draft Code amendments

I. PROCESS

According to the Dayton Land Use and Development Code (DLUDC), subsection 7.3.101.04, a Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. The amendments were initiated by city staff. According to a Type IV process, a public hearing is conducted before the Planning Commission and the Commission makes a recommendation to the City Council. The Planning Commission held their public hearing on July 3, 2014.

City Council conducts a public hearing before making a final decision. Newspaper publications and postings provide notice for the hearings.

II. BACKGROUND

The updates/corrections to sections of the code are staff initiated changes to correct discrepancies within the code, adopt an amended sign code for home occupations and bed and breakfasts, restrict Medical Marijuana Dispensaries that might otherwise be considered permitted in all Commercial and Industrial zones though House Bill 3460; clarify text to allow bed and breakfasts as special permitted uses in all residential zones, and clarify off-street parking and loading provisions.

III. CRITERIA

Amendments to the Development Code text shall be reviewed in accordance with the Type IV review procedure. DLUDC section 7.3.112.03 provides the criteria for amendments to the development as follows:

- A. Impact of the proposed amendment on land use and development patterns within the City, as measured by:*
- 1. Traffic generation and circulation patterns;*
 - 2. Demand for public facilities and services;*
 - 3. Level of park and recreation facilities;*
 - 4. Economic activities;*
 - 5. Protection and use of natural resources; and*
 - 6. Compliance of the proposed with existing and adopted special purpose plans or programs, such as public facilities improvements.*

Finding: Changes to the DLUDC related to bed and breakfasts in residential areas is an administrative clarification requested by staff and is determined to have no impact upon the measurements above as residential zones are already listed as permitted bed and breakfast establishments under DLUDC 7.2.407. The updates to the parking standards for storage will not change traffic patterns but rather seeks to clarify time limits for on-street storage while allowing gravel to be used as one of several surfaces permitted for on-site storage.

Amending the sign code for home occupations and bed and breakfasts is not expected to impact demand for facilities or revise traffic patterns. The permitted uses under the zone are not revised and no negative economic impact is anticipated for property owners as signage is still permitted and expanded in some cases.

The code updates are not determined to negatively impact traffic, increase demand on public facilities and service, change the level of needed park/recreational facilities, or diminish protection and use of natural resources.

Staff and the Planning Commission found this criteria was met.

- B. A demonstrated need exists for the product of the proposed amendment.*

Finding: Staff is seeking to clarify portions of the residential zones to list bed and breakfast as special permitted uses, as currently included under DLUDC 7.2.407. Amendments to the sign code for permitted home occupations and bed and breakfasts were requested of staff and the City Council. House Bill 3460 (2013) permits medical marijuana dispensaries (MMD's) on all commercial and industrial properties more than 1000 feet from schools and other MMDs'. Adoption of the code amendments to the City commercial and industrial zone is intended to address this recent legislation and further protect areas where minors congregate as is intended from the House Bill. Amendments to parking standards are intended to limit use of on-street parking for storage but allow more permissive use of gravel for on-site storage.

Staff and the Planning Commission found this criteria was met.

C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

Finding: The City of Dayton Comprehensive Plan helps to ensure compliance with Statewide Planning Goals. In reviewing the City's Comprehensive Plan that localizes the State Goals for the City of Dayton, staff and the Planning Commission found the amendments are in compliance with the applicable Goals and Policies.

Goal 1 (Citizen Involvement) is used in the process upon considering the code amendments during the public hearing process. Notice was mailed to the Department of Land Conservation and Development 30 days prior to the first hearing date and notices were published in the paper on June 27, 2014 in compliance with 7.3.204. Staff and the Planning Commission found this goal is met. Goal 2 (Land Use Planning) establishes the planning process and framework for land use decisions. The code update is considered a legislative amendment and subject to the Section 7.3.112 of the DLUDC. Notice was published in the paper and posted outside of city hall per the procedures outlined in section 7.3.112. The staff report was available for review one week prior to the public hearings on the proposed amendments.

Goal 9 (Economic Development) includes Goal 2, "To provide sufficient, orderly and convenient commercial and industrial development that will enhance the livability of the community and meet the needs of the citizens". The Council directed the Planning Commission to work on providing code clarity on existing portions of the sign code. House Bill 3460 provides additional commercial uses in permitting MMD's in commercial and industrial zones. Responding to this statewide legislation, the City is not prohibiting MMD's but is rather further regulating their potential locations in regards to minors without limiting/removing all potential economic uses.

Staff and the Planning Commission found these criteria were met.

Staff and the Planning Commission founds Goals 3-8 and 10-19 do not apply and are not impacted by the proposed code updates. This criterion is met.

D. The amendment is appropriate as measured by at least one of the following criteria:

- 1. It corrects identified error(s) in the provision of the plan.*
- 2. It represents a logical implementation of the plan.*
- 3. It is mandated by changes in federal, state, or local law.*
- 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Finding: Staff has identified some of the amendments as clarifications required to implement the code and existing requirements. The amendment for MMD's is in response to mandated changes to state laws. The City Council directed staff and the Planning Commission to work on portions of the sign code, including signage for home occupations and bed and breakfasts.

Staff and the Planning Commission founds condition D.1 -3 were met.

IV. CITY COUNCIL ACTION

Following a public hearing conducted by the City Council and based upon the findings as indicated above and as recommended by the Planning Commission, the City Council may take one of the following actions:

- A. Adopt the findings in the staff report and adopt the code amendments as presented in Attachment A; or
- B. Adopt the code amendments with modifications to Attachment A indicating the changes and stating the findings and conclusions to support the modifications; or
- C. Reconsider the code amendments as presented in Attachment A indicating the basis for not adopting the findings in the staff report and stating the additional information needed to complete the adoption process.
- D. Continue the City Council hearing, to a date and time certain and stating the date and time, in order to collect more information.

7.1.200.03 DEFINITIONS

Attachment A

The following words and phrases, when used in this Code, shall have the meanings ascribed to them in this Section:

Historic Resource: A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. See Chapter [7.2.112](#). Resource types are further described as:

Building: A construction made for purposes of shelter or habitation, e.g. house, barn, store, theater, garage, and etc.

Structure: A construction made for functions other than shelter or habitation, e.g. bridge, dam, highway, boat, and etc.

Object: A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e.g. statue, fountain, milepost, monument, sign, and etc.

Site: The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e.g. battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, and etc.

Medical Marijuana Facility or Dispensary: [a facility or dispensary registered by the Oregon Health Authority under ORS 475.300 to 475.346 that is authorized to receive from a registered marijuana grow site and to transfer to a registered identification holder and designated primary caregivers usable marijuana and immature plants.](#)

Storage Container: [A container or structure designed for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation or wheels for movement. Examples include piggyback containers that can be transported by mounting on a chassis, and "POD" type boxes that can be transported on a flatbed or other truck.](#)

7.2.101 GENERAL PROVISIONS

7.2.101.01 Interpretation of Uses

A. Types of Uses. Within each zone, uses are classified as "permitted," "special permitted" and "conditional." Further, uses are functionally classified by description of the particular activity (such as "single-family residence").

B. Interpretation of Uses. Where a use is not otherwise defined in Section 7.1.2, the words of this zoning Code describing such use are to be given their ordinarily accepted meaning, except where the context in which they are used otherwise clearly requires.

C. Prohibited Uses. Uses not specifically identified as permitted, special permitted or conditionally permitted within the zone, or, otherwise allowed through interpretation, shall be considered prohibited uses.

7.2.102 SINGLE FAMILY RESIDENTIAL (R-1)

7.2.102.01 Purpose

The purpose of the R-1 zone is to allow development of single family homes on individual lots provided with urban services at urban densities. Other uses compatible with residential development are also appropriate. These areas are designated as Residential in the Comprehensive Plan.

7.2.102.02 Permitted Uses

The following uses, when developed under the applicable development standards in this Code, are permitted in the R-1 zone:

- A. One detached single family dwelling on a separate lot or parcel.
- B. Residential homes.
- C. Child day care service, including family day care provider, for 12 or fewer children.

7.2.102.03 Special Permitted Uses

The following uses, when developed under the applicable standards in this Code and special development requirements, are permitted in the R-1 zone:

- A. Partitions, subject to the provisions in Section 7.2.307.
- B. Subdivision, subject to the provisions in Section 7.2.307.
- C. Accessory structures and uses prescribed in Section 7. 2.203 and subject to the provisions in Section 7.2.309.
- D. Two-family dwellings (duplexes) subject to the following:

The duplex shall be located on a corner lot.

- 2. Access shall be subject to the following:

a. Where both adjacent streets are of the same street designation (e.g. local street) the duplex may obtain access from each adjacent street or share a single access.

b. Where the adjacent streets are of a different street designation (e.g. local and collector) a shared access shall be required from the lower street designation.

E. The following uses, subject to the applicable standards in Section 7.2.4:

1. Manufactured homes on individual lots (Section 7.2.404)

2. Home occupations (Section 7.2.406).

[3. Bed and breakfast establishments \(Section 7.2.407\).](#)

7.2.103 LIMITED DENSITY RESIDENTIAL (R-2)

7.2.103.01 Purpose

The R-2 zone is intended to provide for detached and attached dwellings on a lot or multiple dwellings on a lot at an intermediate density. Other uses compatible with residential development are also appropriate. R-2 zones are located in areas designated Residential in the Comprehensive Plan.

7.2.103.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Code, are permitted in the R-2 zone:

A. One detached single family dwelling on a separate lot or parcel.

B. Buildings with two or more dwelling units.

C. Combination of permitted attached or detached dwellings on a lot.

D. Residential homes and facilities.

E. Child day care service, including family day care provider, for 12 or fewer children.

7.2.103.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the R-2 zone:

A. Partitions, subject to the provisions in Section 7.2.307.

B. Subdivision, subject to the provisions in Section 7.2.307.

C. Accessory structures and uses prescribed in Section 7.2.203 and subject to the provisions in Section 7.2.309.

D. The following uses, subject to the applicable standards in Section 7.2.4:

1. Accessory residential housing (Section 7.2.402).
2. Attached dwelling units (Section 7.2.403).
3. Manufactured homes on individual lots (Section 7.2.404).
4. Manufactured home parks (Section 7.2.405).
5. Home occupations (Section 7.2.406).

[6. Bed and breakfast establishments. \(Section 7.2.407\).](#)

7.2.104 MEDIUM DENSITY RESIDENTIAL (R-3)

7.2.104.01 Purpose

The R-3 zone is intended for multiple family development on a parcel at higher residential densities. Other uses compatible with residential development are also appropriate. RM zoned property is suited to locations near commercial areas and along collector, and preferably, arterial streets. The appropriate Comprehensive Plan designation is Residential.

7.2.104.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Code, are permitted in the R-3 zone:

- A. Residential buildings containing two or more dwelling units.
- B. Residential homes and facilities.
- C. Child day care service, including family day care provider, for 12 or fewer children.

7.2.104.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the RM zone:

- A. Partitions, subject to the provisions in Section 7.2.307.
- B. Subdivision, subject to the provisions in Section 7.2.307.
- C. Accessory structures and uses prescribed in Section 7.2.203 and subject to the provisions in Section 7.2.309.
- D. The following uses subject to the applicable standards in Section 7.2.4:
 1. Manufactured home parks (Section 7.2.405).
 2. Home occupations (Section 7.2.406).

[3. Bed and breakfast establishments \(Section 7.2.407\)](#)

7.2.106 COMMERCIAL (C)

7.2.106.01 Purpose

The Commercial (C) Zone is the primary commercial zone within the City. The zone is specifically designed to provide area for commercial activities to serve the residents of the City and the surrounding area. The Commercial Zone is suitable for the Commercial Plan designation.

7.2.106.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Zoning Code, are permitted in the C zone:

- A. Pre-schools, nurseries and kindergartens.
- B. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- C. Public and semi-public buildings, structures and uses, such as parks, parking, municipal offices, libraries, police and fire stations and hospitals.
- D. Public utility structures and buildings, such as pump stations, reservoirs, electric substations, and necessary right-of-way for public utilities.
- E. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, newspaper, periodical, publishing and printing offices, and, similar business offices.
- F. Professional offices and clinics including, but not limited to, medical, dental, engineering and legal services, but excluding veterinary clinics.
- G. Banks services, brokerages, loan companies, investment companies and other financial institutions.
- H. Hotels and motels.
- I. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist and garden supply including greenhouse, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities.
- J. Restaurants, drive-in, taverns, snack shops and other types of eating and drinking establishments, including entertainment facilities.
- K. Retail and service related stores such as TV and radio sales and service, bicycle shop, equipment rental or other similar activities where a service department is customarily a secondary activity to the retail use.
- L. Service related businesses such as barber shops, beauty shops, advertising agencies, printing or photocopying, or other activities which provide a service to retail customers.

M. Residences limited to second or upper stories.

N. Wineries with retail sales. (*amended effective 9/6/07, Ordinance #583*)

O. Churches (*Amended by Ordinance # _____, (date) – Effective (date)*)

7.2.106.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the C zone:

A. Partitions, subject to the provisions in Section 7.2.307.

B. Subdivision, subject to the provisions in Section 7.2.307.

C. Accessory structures and uses prescribed in Section 7.2.203 and subject to the provisions in Section 7.2.309.

D. The following uses subject to the applicable standards in Section 7.2.4:

1. Home occupations (Section 7.2.406).

2. RV Parks (Section 7.2.408).

E. Small wind energy systems, subject to the provision in Section 7.2.413.

F. Drive-through windows and walk-up windows as part of a permitted use, subject to the provisions of Section 7.2.414 and 7.2.415 respectively.

7.2.106.04. Conditional Uses:

The following uses require a Conditional Use Permit:

A. Automobile service station, including towing service and vehicle washing and polishing facilities, and services.

B. Automobile, truck, motorcycle, trailer, agricultural equipment, recreational vehicle and boat sales, lease and rentals.

C. Tractor, farm equipment, heavy construction equipment, and logging equipment, rental, sales and service.

D. Vehicle repair and maintenance, including electric motor repair, paint and body shop, tire recapping and similar automotive repair facilities.

E. Part and accessory sales for automobiles, trucks, motorcycles, trailers, agricultural equipment, recreational vehicles and boats, including retail tire sales; but, specifically prohibiting junk yards, wrecking yards, or auto salvage and restoration yards.

F. Laundry or dry cleaning.

- G. Warehouse for short term storage, including mini-warehouse.
- H. Lumber yard and contracting supplies for lumber, stone, masonry or metal.
- I. Special trade contracting facilities such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
- J. Cabinet shop where activities are conducted wholly within a building.
- K. Welding and blacksmith shop.
- L. Mortuary
- M. Small-scale manufacturing businesses conforming to requirements in Section 7.2.411.
- N. Park and Ride Lot: Parking spaces cannot count as required parking or be used for vehicle storage.
- O. Wireless Communication Facility, subject to the provisions in Section 7.2.412.

P. Medical marijuana facilities or dispensary as defined in Chapter 7.1.200, restricted under ORS 475.314 and located more than 1000 feet from properties where minors congregate, including but not limited to public or private daycares, elementary, or secondary schools attended primarily by minors, public library, public park, recreation center or facility, playgrounds and athletic fields, and public transit centers. The distance shall be measured in a straight line from the closest edge of each property. (Amended by Ordinance # 619, September 2, 2014 – Effective October 2, 2014)

7.2.107 INDUSTRIAL (I)

7.2.107.01 Purpose

The purpose of the I Zone is to provide areas suitable for warehousing, primary and secondary processing, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental sales. The Industrial zone is appropriate in those areas designated Industrial in the Comprehensive Plan where the location has access to an arterial street or highway and where the noises, lights, odors, and traffic will not conflict with residential areas.

7.2.107.02 Permitted Uses

The following uses, when developed under the applicable development standards in this Zoning Code, are permitted in the I zone:

- A. Dwelling for a caretaker or watchman on the premises being cared for or guarded.
- B. Commercial activities:
 1. Vehicle repair and maintenance, including electric motor repair, paint and body shop, tire recapping and similar automotive repair facilities.
 2. Warehouse for short term storage, including mini-warehouse.
 3. Lumber yard and contracting supplies for lumber, stone, masonry or metal.

4. Special trade contracting facilities, such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.

5. Cabinet shop.

6. Tractor, farm equipment, heavy construction equipment, and logging equipment, rental, sales and service.

7. Welding and blacksmith shop.

8. Machine shop, and sales, service and repair of machinery

C. Manufacturing and Assembly, Secondary Processing

1. Food processing, including canning, freezing, drying, dairy products and similar food processing and preserving., beverage bottling facility, including warehousing and distribution. BUT EXCLUDING processes which involve the slaughter of animals.\

2. Textile mill products including apparel and other finished products made from fabrics and similar materials.

3. Furniture and fixtures including retail wood products.

4. Printing, publishing, and allied industries.

5. Rubber and miscellaneous plastics.

6. Leather and leather goods (31) BUT EXCLUDING leather tanning and finishing.

7. Cement, glass, clay and stone products manufacturing.

8. Fabricated metal products, BUT EXCLUDING metal forgings , metal plating, coating and engraving, ordnance and accessories.

9. Electrical and electronic equipment, machinery and supplies BUT EXCLUDING storage batteries and primary batteries, dry and wet.

10. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks.

11. Freight terminals, including loading docks, storage, warehousing and wholesale distribution, cold storage lockers and similar personal storage facilities such as mini-storage warehouses.

D. Wholesale trade and distribution facilities, BUT EXCLUDING trade and distribution involving:

1. Metals and minerals

2. Machinery and equipment

3. Scrap and waste material
4. Farm-product raw materials
5. Chemicals and allied products
6. Petroleum and petroleum products

7.2.107.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the I zone:

- A. Partitions, subject to the provisions in Section 7.2.307.
- B. Subdivision, subject to the provisions in Section 7.2.307.
- C. Accessory structures and uses prescribed in Section 7.2.203 and subject to the provisions in Section 7.2.309.
- D. Small wind energy systems, subject to the provision in Section 7.2.413.

7.2.107.04 Conditional Uses

The following uses shall require a Conditional Use permit:

- A. Recycling depots, excluding composting.
- B. Wrecking, demolition, junk yards.
- C. Battery manufacture, sales and service.
- D. Petroleum products storage and distribution, including asphalt plants.
- E. Feed and seed facilities, grain elevators and storage; including agricultural chemical, fertilizer, insecticide storage and distribution
- F. Chemical manufacturing including agricultural chemicals, fertilizers and insecticides.
- G. Manufacture of primary and secondary wood products, including sawmills, paper and allied products.
- H. Auction yard.
- I. Park and Ride Lot: Parking Spaces cannot count as required parking or be used for vehicle storage.
- J. All uses not specifically identified as a permitted use in, or specifically excluded from, Section 7.2.107.02 or Section 7.2.107.03 may be established by a conditional use permit.
- K. Wireless Communication Facility, subject to the provisions in Section 7.2.412.

L. Medical marijuana facilities or dispensary as defined in Chapter 7.1.200, restricted under ORS 475.314 and located more than 1000 feet from properties where minors congregate, including but not limited to public or private daycares, elementary, or secondary schools attended primarily by minors, public library, public park, recreation center or facility, playgrounds and athletic fields, and public transit centers. The distance shall be measured in a straight line from the closest edge of each property. (Amended by Ordinance # 619, September 2, 2014 – Effective October 2, 2014)

7.2.303 OFF-STREET PARKING AND LOADING

7.2.303.01 Purpose

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading, and unloading of vehicles for all land uses in the City.

7.2.303.03 General Provisions Off-Street Parking and Loading

A. Owner Responsibility. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Code.

B. Interpretation. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Manager based upon the requirements of comparable listed uses.

C. Combined Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking.

D. Use of Parking Spaces. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons or employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the use.

E. Park and ride spaces, handicapped parking and parking for carpools and vanpools ~~cannot~~ shall not count as required parking, loading, or be used for vehicle storage.

7.2.303.05 Shared Use

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to City Manager approval for public, commercial, and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.

A. Tandem parking stalls (Added by Ordinance # 619, September 2, 2014 – Effective October 2, 2104)

1. For the purpose of this section, "tandem parking stall" shall be defined as a parking space within a group of two parking spaces arranged one behind the other such that the space nearest the parking access serves as the only means of access to the other space.

2. Tandem parking stalls are permitted in privately owned parking garages and privately owned parking areas provided that:

a. Both parking stalls shall be assigned to the same dwelling unit.

b. Parking stalls for guest parking cannot be tandem and shall be easily accessible.

c. Tandem parking shall be limited to a maximum of two (2) cars in depth, and both parking stalls shall meet the dimensional standards for standard vehicles, under DLUDC 7.2.303.09.

d. Handicap parking shall not be included as one of the tandem parking spaces stalls.

7.2.303.10 Residential Parking Provisions

In addition to the parking requirements in Section 7.2.303, vehicle parking and storage within the R-1, R-2, R-3 and CR zones shall be subject to the following provisions:


A. For the purpose of this Section, the following terms shall apply:

1. Parking - "Parking" shall refer to the temporary storage of registered vehicles that are used on a daily or weekly basis. "Registration" shall mean a currently licensed and insured vehicle that may operate on the public roads and streets of the State.

2. Storage - "Storage" shall refer to the long-range parking of vehicles, and may include but is not limited to automobiles, trucks, motorcycles, boats, trailers, recreational vehicles and similar equipment. Storage is distinguished from "parking" in that the vehicle is used occasionally or seasonally and often for recreational purposes. The term "storage" shall apply to all non-registered vehicles and those registered vehicles that are not self-propelled.

3. Storage Containers- "Storage Containers" shall refer to non-vehicle storage such as dumpsters and storage containers, and shall be limited to those licensed or permitted by the Oregon Department of Transportation in compliance with ORS 825.240 and under a for-hire service agreement. (Added by Ordinance # _____, (date) – Effective (date))

B. Yard Parking Restrictions. Exclusive of driveways, it shall be prohibited for any automobile, truck, motorcycle, boat, trailer, recreational vehicle or similar vehicle to be parked or stored in a front yard or yard adjacent to the street, for a period in excess of 24 hours within any 7-day period.

C. Storage. The storage of vehicles, trucks, motorcycles, utility ~~trailers~~  trailers, house or vacation trailers, boats, or other similar vehicles not located within a garage shall be subject to the following:

1. A property owner shall be permitted to locate one vehicle storage space adjacent to a driveway. This storage space shall be paved with concrete, asphalt, or surfaced with similar improvements such as brick or concrete paving stones or gravel surface. Dirt, bark dust, ~~gravel~~ or similar material shall not be used as a surfacing material. This additional space shall be limited solely to registered, ~~self-propelled~~ vehicles. (As amended by Ordinance # _____, (date) – Effective (date))

2. All remaining vehicle storage space(s) shall be located in the rear or side yards and screened by a six-foot, sight-obscuring fence, wall or hedge. The enclosure shall comply with the provisions regarding the location for fences and maintaining a clear vision area. These space(s) shall be paved with concrete, asphalt or surfaced with similar improvements such as brick or concrete paving stones. Dirt, bark, dust, gravel or similar material shall not be used as a surfacing material. The number of vehicles stored in this manner shall be consistent with provisions in the Dayton Municipal Code.

3. For properties located within a floodplain, all recreational vehicles shall be fully licensed and ready for highway use, on its wheels or jacking system, have no permanently attached additions, and comply with all other applicable City Regulations.

4. Extended Parking Prohibited. It is unlawful to locate any mobile home, recreational vehicle, residential trailer, boat trailer, or storage container upon a public right of way for a period of more than seventy-two (72) hours and only for the purpose of loading, unloading or otherwise preparing the mobile home, recreational vehicle, residential trailer, or trailer for use, unless otherwise approved in writing by the City Manager. (Added by Ordinance # _____, (date) – Effective (date))

5. Violation - Penalty. Any person, firm or corporation or other entity who violates any provision of this section shall be punished by a fine according to the City of Dayton fee schedule. Each day that the violation continues shall constitute a separate offense. (Added by Ordinance # _____, (date) – Effective (date))

7.2.303.11 Bicycle Parking Development Requirements

A. Minimum Development Requirements: At a minimum bicycle parking facilities shall be consistent with the following design guidelines.

1. Location: All bicycle parking shall be:
 - a. Within 100 feet from a building entrance;
 - b. Located within a well lighted area; and
 - c. Clearly visible from the building entrance.
2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility.
3. Each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 6 feet.
4. An access aisle of at least 5 feet in width shall be provided in each bicycle parking facility.
5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle ~~can~~ may be stored or a stationary object, i.e., a "rack", upon which the bicycle can be locked. Structures that require a user supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary).
6. Where bicycle parking is provided for employees on a "work shift", it shall be sheltered, i.e., covered, from the weather or employees shall be provided access to a secure room within a building for bicycle parking.

7.2.4 Supplemental Standards for Special Uses

7.2.401 GENERAL PROVISIONS

A. Application. Special uses are subject to specific development standards. These standards are non-discretionary so that special review of a proposed development is not required. The standards contained in this Section apply where a special use is identified as a permitted use. If the special use is listed as a conditional use, the standards contained in this Section shall be considered guidelines and may be modified or eliminated. The special use standards do not automatically apply unless the subsection number is referenced following the use title (eg. Manufactured Home Park, Section 7.2.405).


B. Development Requirements. Unless specifically modified by the provisions of this Section, special uses are still subject to the development requirements of the underlying zone. Where the special use standard imposes a standard higher, the special use standard shall apply.

7.2.406 HOME OCCUPATIONS

Where permitted as a special use, a home occupation shall meet the following use and development standards:

A. Operations. The owner/operator of the home occupation shall reside in the home in which the home occupation is conducted. No more than one outside employee shall be permitted per residence.

B. Compatibility. The home occupation shall be continuously conducted in such a manner as not to create any off premise nuisance, including but not limited to traffic, noise, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference.

 C. Signs. Signs ~~shall be limited to those~~ placed within a window shall be limited to 12 square feet. Signs physically attached and not projecting more than 18 inches from the primary structure shall be limited to three (3) square feet. The maximum total sign area permitted per home occupation shall be 12 square feet. Window displays and outdoor signage shall be prohibited. External illumination of signs within a window is permitted but shall be limited to the hours of operation of operation as approved with the corresponding business license. Internal illumination, fluorescent, neon or LED, rotating, flashing or intermittent signs shall be prohibited. (As Revised by Ordinance # _____, (date) – Effective (date)

D. Location. The home occupation shall be conducted entirely within the dwelling, any attached garage, or in an unattached accessory building.

E. Area. The total floor area devoted to the home occupation, shall not exceed 500 square feet.

F. Alterations. Structural alterations are permitted provided the residential character of the building is not altered.

G. Parking. The number of required on-site parking spaces shall not be reduced; however, no additional parking is required.

H. Hours of Operation. Visits by suppliers or customers are limited to the hours of 8:00 a.m. and 8:00 p.m.

I. Outdoor Storage. Outdoor storage or display of materials, equipment, or merchandise shall be prohibited.

J. Vehicle Repair. The repair, alteration, painting (including body work), cleaning, detailing or rebuilding of vehicles, including automobiles, motorcycles, tractors and similar mechanized equipment, shall be prohibited.

K. Day Care Provisions. The provisions in this section do not apply to day care or family day care providers

7.2.407 BED AND BREAKFAST ESTABLISHMENT

Where permitted as a special use, Bed and Breakfast establishments shall meet the following use and development standards:

A. Rooms. The maximum number of guest rooms shall be 4 for homes within the R-1 zone and 6 for homes in other zones.

B. Owner Occupancy. The property owner or manager shall reside on the property.

C. Signage. Signs are limited to 12 square feet per sign with a The maximum total sign area permitted shall be of 24 32 square feet per establishment. No more than two on-premise signs shall be permitted per establishment. Illumination of signage is limited to external and indirect lighting. Internal illumination, fluorescent, neon or LED, Interior illumination, rotating, flashing or intermittent signs shall be prohibited. (As Revised by Ordinance # _____, (date) – Effective (date)

D. Parking. Off-street parking for the guest rooms shall be screened from adjacent property by a 6 foot high sight-obscuring fence or hedge.