

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 04-16

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING SECTIONS 1.01.060(2), 19.12.010, 19.12.180, 19.12.580, 19.20.060(2.a.i.B), AND 20.01.070(2) BMC CLARIFYING AND CORRECTING THE CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the municipal code is a system of regulations; and

WHEREAS, with use the regulations show certain contradictions or ambiguity; and

WHEREAS, the planning commission desires the city's regulations based on the comprehensive plan to be clear; and

WHEREAS, staff compiled a list of issues for review; and

WHEREAS, environmental review was conducted on the proposed correction ordinance and a determination of non-significance was issued December 2, 2015; and

WHEREAS, the request for expedited review in lieu of the required 60-day notice was sent December 8, 2015, to the Washington State Department of Commerce informing it of the proposed change in development regulations; and

WHEREAS, the notice was received December 8, 2015, under Material ID Number 21888; and

WHEREAS, the expedited review was granted January 3, 2016; and

WHEREAS, the planning commission conducted a public hearing on this proposal on January 11, 2016;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1.     Definitions generally. BMC 1.01.060(2) is amended as follows:

**1.01.060 Definitions....** (2) "Council" means the city council of the city of Buckley, Washington. "All its members" or "all council members" means the total number of council members provided by the general laws of the state of Washington;...

Section 2.     Zoning definitions.

**19.12.010 Definitions generally.**

In addition to the definitions in Sections 1.01.060 and 1.01.070 BMC, the definitions set forth in this chapter are to be used in construing the Buckley zoning code.

Section 3. Definitions. BMC 19.12.180, Dwelling, two-family or duplex, is amended as follows:

**19.12.180 Dwelling, two-family or duplex.**

“Two-family dwelling” or “duplex” means a building designed or used by two families for residential purposes; provided two townhome units are not considered a duplex.

Section 4. Definitions. BMC 19.12.580, yard, is amended as follows:

**19.12.580 Yard.**

“Yard” or “setback” means any open space on the same lot with a building or building group lying between the building or building group and the nearest lot line.

Section 5. Density calculation. BMC 19.20.060(2.a.i.B), HDR high density residential zone section (2)(B) is amended as follows:

...(B) For duplex dwellings, the minimum lot area per dwelling unit shall be 6,450 square feet. ...

Section 6. Legislative Rezones. BMC 20.01.070 is amended as follows:

**20.01.070 Exemptions from project permit application processing.**

...

(2) Legislative Actions. The following Type C-1 decisions are legislative, and are not subject to the procedures in this chapter:

- (a) City of Buckley comprehensive plan adoption and amendments;
- (b) Municipal code amendments (zoning code text, development regulations and zoning district amendments);
- (c) Area-wide rezones to implement city policies contained within the city of Buckley comprehensive plan and any amendments thereto;
- (d) Annexations; and
- (e) All other master land use and utility plans and amendments thereto.

The administrative procedures for the legislative decisions specified in this section are set forth coordinately by adopted ordinances. Nothing in this chapter or the permit processing procedures shall limit the authority of the city to make changes to the Buckley comprehensive plan, as part of an annual revision process, or to the city’s development regulations, or to undertake any other legislative actions.

...

Section 7. Copy to the Department of Commerce. Pursuant to RCW 36.70A.106, the City Administrator is hereby authorized and directed to provide a copy of this ordinance to the State Department of Commerce within 10 days of adoption.

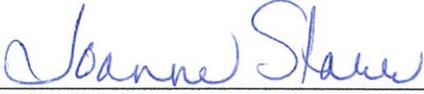
Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 26<sup>th</sup> day of January, 2016.

  
MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:

  
CITY CLERK, JOANNE STARR

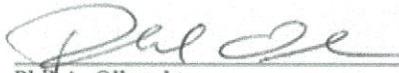
APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:

PUBLISHED: FEBRUARY 3, 2016

BY

EFFECTIVE: FEBRUARY 8, 2016

  
Phil A. Olbrechts