

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 13-20

AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, ADOPTING AN ADMINISTRATIVE VARIANCE PROVISION IN BUCKLEY'S ZONING CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, additional tools are needed to improve the efficiency of permits related to Buckley's zoning code; and

WHEREAS, the City of Buckley's code, like most cities, currently includes a zoning variance process in which applicants can request deviations from certain zoning code requirements; and

WHEREAS, Buckley's zoning variance process can take several months and requires significant staff review, 2-3 rounds of public noticing, and a public hearing and hearing examiner's decision – resulting in significant staff time and costs to applicants; and

WHEREAS, the time and costs associated with Buckley's existing variance process is normal, appropriate and expected for many variance requests, however there are a wide range of reasons, large and small, that applicants request zoning variances; and

WHEREAS, in addition to the more traditional zoning variance permit process, many jurisdictions provide an administrative variance process that allows for administrative/Planning Director approval for requests to deviate slightly from quantifiable zoning code requirements, and typically only when the applicant shows that they meet several strict criteria; and

WHEREAS, while it's anticipated that administrative variances would be infrequently requested and approved, Buckley contains many uniquely shaped and situated lots for which an administrative variance provision could provide an additional tool for more streamlined permit decisions when unusual project and site circumstances are encountered; and

WHEREAS, the Planning Commission considered and discussed the attached administrative variance zoning code provision for Buckley's zoning code; and

WHEREAS, the 60-day notice of intent to adopt Buckley's administrative variance zoning code provision was sent to the Washington State Department of Commerce on March 13, 2020; and

WHEREAS, a public hearing notice was published and posted on July 29, 2020; and

WHEREAS, the Planning Commission conducted a public hearing on this proposal on August 17, 2020 and received and heard no public comments; and

WHEREAS, at the August 17, 2020 public hearing the Planning Commission recommended the City Council adopt this administrative variance provision;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. BMC Title 19.40.115, Administrative Variance, as attached to this ordinance, is hereby adopted.

Section 2. 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 3. 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.

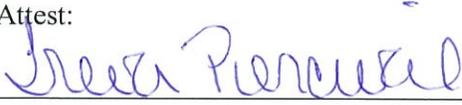
Section 4. Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

Introduced, passed, and approved this 25th day of August 2020.



Pat Johnson, Mayor

Attest:



Treva Percival, City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

PUBLISHED: September 2, 2020

EFFECTIVE: September 7, 2020