

CITY OF BUCKLEY

ORDINANCE NO. 19-19

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, CONCERNING DESIGN GUIDELINES IN COMMERCIAL DISTRICTS, ADOPTING THE CITY OF BUCKLEY RAINIER GATEWAY SUBAREA PLAN; REPEALING CHAPTERS 19.50 AND 19.51, BMC; ADDING A NEW CHAPTER 19.50, BMC; AND ADOPTING BY REFERENCE A NEW DESIGN GUIDELINE MANUAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the city created the City of Buckley Guidelines for Redevelopment in 1991 and updated the guidelines under Ordinance 11-08 in 2008; and

WHEREAS, the city is reshaping its highway corridor through a construction plan; and

WHEREAS, the highway corridor is the city's "front yard"; and

WHEREAS, the highway corridor between SR 410 and River Avenue is largely owned by the city and zoned for commercial development; and

WHEREAS, the area between SR 410 and River Avenue contains the Foothills Trail and should meet a commercial design that welcomes the public into the city; and

WHEREAS, the historic district contains buildings that were erected in the late 1800s and early 1900s; and

WHEREAS, the planning commission conducted a public hearing on this proposal on June 6, 2016; and

WHEREAS, the required notice was received July 5, 2016, by the Washington State Department of Commerce under Material Identification Numbers (MID#) 22591 informing it of the proposed change in development regulations; and

WHEREAS, environmental review was performed on the initial proposal and a determination of non-significance was issued July 5, 2016; and

WHEREAS, minor revisions to the proposed guidelines were created by staff in early 2019, that were environmentally insignificant; and

WHEREAS, because the guidelines looked different and contained updated information, it was determined that a new public hearing would be beneficial before adoption; and

WHEREAS, a hearing before the planning commission was conducted June 3, 2019; and

WHEREAS, the commission considered one person's comments before rendering its recommendation for the city council to approve the proposal; and

WHEREAS, the council met in study session August 6, 2019, to discuss the guidelines and proposed adopting ordinance;

NOW, THEREFORE,

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

Section 1. The City of Buckley Guidelines for Redevelopment is hereby repealed.

Section 2. The City of Buckley Rainier Gateway Subarea Plan attached as Attachment A is hereby adopted in full.

Section 3. The City of Buckley Design Guidelines attached as Attachment B together with its attached maps are hereby adopted in full.

Section 4. Chapters 19.50 and 19.51 BMC are hereby repealed.

Section 5. A new Chapter 19.50 BMC addressing each of the three design areas is adopted as follows:

19.50.010 Purpose.

The purpose of this chapter is to establish criteria and procedures for the development within the city's three commercial areas to:

- (1) Implement the comprehensive plan;
- (2) Serve the public interest in public peace, health, safety, morals and welfare by helping to assure residents of an aesthetically and culturally pleasing environment by promoting and perpetuating educational, cultural, aesthetic, and social values as well as economic development; and
- (3) Preserve the beauty and history of the community for its citizens.

19.50.020 Relationship to other regulations.

The requirements of this chapter are in addition to other regulations affecting land use and construction within the city including, without limitation, the comprehensive plan, zoning and subdivision codes, SEPA, Shorelines Management Act, and building and mechanical codes. In case of conflict between this and other regulatory provisions, the stricter enactment shall prevail.

19.50.030 Review procedures.

- (1) A person who proposes to construct or alter a structure or fixture that is subject to design review shall submit to the planning director a written application that complies with the requirements set forth in the "City of Buckley Design Guidelines." The application shall be considered at the next regular meeting of the design review committee that convenes 20 days or more after the date of the application.
- (2) The permit process is as follows:
 - (a) Type C-3 for proposals that meet BMC 19.50.040(1); and
 - (b) Type A-3 for proposals that meet BMC 19.50.040(2).

19.50.040 Review required.

No structure or fixture that is subject to review under the city's Design Guidelines may be constructed or altered until the city council's design review committee (DRC) examines any application for construction or alteration.

- (1) The DRC shall transmit its recommendation to the ~~decision maker council~~, or as specified in BMC 20.08.030 Table 2, for construction that does not meet the description in Subsection 2 of this section. These projects are considered "major."
 - (a) The DRC shall consider the application and the director's report at its next regular meeting following receipt of the director's recommendation transmitted to the committee no less than 7 days prior to its meeting. The DRC will base its recommendation on the city's design guidelines.
 - (b) The DRC may recommend the decision maker approve, approve with conditions, or deny a project.
 - (i) Conditions shall be given that bring a project into conformance with the code or design guidelines.
 - (ii) Where practical difficulties are involved in carrying out the design standards, the City Council shall have the authority to grant modifications for individual cases, provided the City Council shall first find that special individual reasons makes the strict letter of the design standards impractical and the modification is in compliance with the intent and purpose of the design standards and doesn't create a material departure from any consistent design in surrounding buildings. If no condition will bring a project into conformance with the code or design guidelines, the project must be denied; provided that the DRC may recommend approval of a project that fails to comply with design guidelines, but only upon finding that imposition of the guidelines would be impractical or would impose an undue hardship upon the applicant through no fault of his own, or that waiver of the requirements would not cause a detriment to the public interest.
- (2) The DRC shall transmit its recommendation for other projects, which are considered "minor," to the planning commission or as specified in BMC 20.08.030 Table 2 for ~~r~~Repair or maintenance that does not change the physical exterior of the structure or fixture (e.g. siding or windows) ~~is permitted without committee review~~. Any and/or all repairs and maintenance must conform to the "City of Buckley Design Guidelines," and Chapter 19.36 BMC for nonconforming uses and structures if applicable.

19.50.050 Design criteria.

- (1) The City of Buckley Design Guidelines (Design Guidelines) dated ~~June 17~~August 27, 2019, and any amendments or modifications thereto ~~is~~are adopted by reference as though it were set forth in full in this chapter. Three copies of the document shall be placed on file in the city clerk-treasurer's office together with associated maps and shall be maintained there for public examination and copying.
- (2) In determining whether to recommend approval, approval with modification, or denial of a project, the decision maker shall apply criteria set forth in the Design Guidelines.

19.50.060 Design Districts Described.

The three design districts are as shown on the maps adopted in this ordinance as Attachments A, B, and C and will be on file in the planning office as well as the city clerk's office.

19.50.070 Historic District purpose and applicability.

- (1) The purpose of the historic district is to:

- (a) Recognize the significant role of the city and its pioneer residents in the history and development of Pierce County and the state of Washington;
 - (b) Preserve the comfort and prosperity of Buckley citizens by preserving a downtown core that is active and interesting to Buckley's citizens and to those passing through; and
 - (c) Promote growth and enhance property values by minimizing discordant, unsightly developments.
- (2) The design review requirements of this chapter pertain to all structures and fixtures that are used for commercial purposes that lie within the historic-commercial design review district as shown on the map in the guidelines.
- (a) These guidelines do not apply to single-family detached residences and the home occupations that may be within them.

19.50.080 Gateway District purpose and applicability.

- (1) The purpose of the gateway district is to:
- (a) The design of the Rainier Gateway Subarea shall reflect the community's desire to preserve open space and views of Mount Rainier.
 - (b) Transition from the auto-dependent SR 410 to the more pedestrian-friendly historic Downtown.
 - (c) Strive to build non-motorized connections created by the Foothills Trail.
- (2) The design review requirements of this chapter pertain to all structures and fixtures that are used for commercial purposes that lie within the Gateway Design review district.
- (a) These guidelines do not apply to single-family detached residences and the home occupations that may be within them.

19.50.090 SR 410 District purpose and applicability.

- (1) The purpose of the SR 410 District is to:
- (a) Regulate growth to provide reasonable access on and off Highway 410;
 - (b) Promote economic development by preventing unsightly strip development that presents a massive flat aspect to Highway 410; and
 - (c) Help assure residents of an aesthetically and culturally pleasing environment
 - (d) Promote and perpetuate educational, cultural, aesthetic, and social values by encouraging the construction of buildings that reflect the city's agricultural, railroad and logging antecedents.
- (2) The following proposed or existing structures and fixtures are subject to review under the Highway 410 design review criteria:
- (a) The structure or fixture is on or proposed for property located within the SR 410 design review district as indicated on the applicable district map; and/or
 - (b) The proposal is a sign also regulated under Chapter 19.30 BMC; and/or
 - (c) The structure or fixture is used for commercial purposes; and
 - (d) These guidelines do not apply to single-family detached residences and the home occupations that may be within them.
- (3) An overlay district is established as follows: 150 feet north and 150 feet south of SR 410 right-of-way lines between Mundy Loss and SR 165. The following criteria shall be met:
- (a) Development in this subarea shall meet design guidelines for the SR 410 district. If no development is in this subarea, then the entire parcel shall be subject to the SR 410 design guidelines.
 - (b) Development in this subarea shall meet the uses and regulations of the General Commercial zone regardless of the parcel's zoning.

- (c) Development outside the subarea, if not hidden by another building, shall meet all of the design guidelines.
- (d) Development outside the subarea that is hidden by another building in accordance with this chapter shall meet building height, landscape, and parking requirements of the city's code.
 - (i) If the building next to SR 410 is removed, the building behind it shall be remodeled or altered to meet the SR 410 design criteria in effect at the time it is remodeled.

Section 6. 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 7. 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 8. 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.

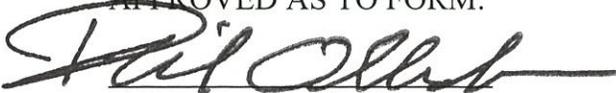
Introduced, passed, and approved this 27th day of August 2019.


Pat Johnson, Mayor

Attest:


Treva Percival, City Clerk

APPROVED AS TO FORM:


Phil Olbrechts, City Attorney

PUBLISHED: September 4, 2019
EFFECTIVE: September 9, 2019