

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 27-16

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING SUBSECTIONS 19.20.020(2.b), 19.29.050(1), AND 20.01.030 (PART OF TABLE 2); AMENDING SECTIONS 18.16.030, 19.12.295, 19.12.330, 19.20.050, 19.20.070, 19.20.080, 19.20.110, 19.22.160, 19.25.030, 19.33.020, AND 19.33.090, BMC FOR CODE CORRECTIONS AND CLARIFICATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, the city desires to have a code that is internally consistent and clear; and

WHEREAS, the planning commission considered various anomalies during its regularly scheduled meetings in 2016; and

WHEREAS, by prior action of the city council under Ordinance Number 06-16, the board of adjustment was decommissioned; and

WHEREAS, Title 19 allows the planning director to make administrative interpretations on the meaning of the land use code; and

WHEREAS, Title 20 does not refer to administrative interpretations; and

WHEREAS, the request for expedited review was received October 19, 2016, by the Washington State Department of Commerce of the proposed change in development regulations under Material Identification Number (MID#) 22982; and

WHEREAS, environmental review was issued October 26, 2016; and

WHEREAS, the planning commission conducted a public hearing on this proposal on November 21, 2016; and

WHEREAS, on November 26, 2016, the planning commission recommended approval of the considered amendments;

NOW, THEREFORE,

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

Section 1. BMC 18.16.030 is amended as follows:

**18.16.030 Final approval.**

(1) The final plat shall conform to the preliminary plat as approved by the hearing examiner. If desired by the applicant/developer, the final plat may constitute only that portion of the

preliminary plat which is proposed to be recorded and developed at the time. The developer shall submit a mylar tracing and eight prints of the final plat and other required exhibits to the planning department. A complete final plat application shall be submitted to the planning department within five years after approval of the preliminary plat. The director of planning may extend the time for submission of a final plat up to an additional ~~12~~ 24 months for good cause shown. If no final plat is filed within five years or no extension given, the preliminary plat approval shall lapse.

(2) The planning department shall review the final plat to determine if the plat conforms with the conditions of the preliminary plat, and within 30 days from the date of filing shall prepare a staff report and recommendation on the final plat, unless the applicant consents to an extension of such time period. The final plat staff report and recommendation shall be submitted to the city council for final action. Upon approval of the final plat by the city council, the developer shall obtain the required signatures on the final tracing, and record the plat in accordance with RCW 58.17.160.

(3) Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of five years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision. Sales or agreements to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval shall be governed by the provisions of RCW 58.17.200 and 58.17.205.

Section 2. Section 19.12.295 BMC, lot depth, is amended as follows:

**19.12.295 Lot depth.**

“Lot depth” means:

- (1) If the front and rear lot lines are parallel, the shortest distance between such lines.
- (2) If the front and rear lot lines are not parallel, the distance between the midpoint of the front lot line and midpoint of the rear lot line.
- (3) For lots without rear lot lines, lot depth shall be determined by the director.

Section 3. Section 19.12.330, lot width, is amended as follows:

**19.12.330 Lot width.**

“Lot width” means the horizontal distance of a lot, measured at right angles to its depth along a straight line at the minimum required front setback line.

Section 4. Subsection 19.20.020(2.b) is amended as follows:

Lot Dimensions. The minimum dimensions for any new lot or shall be:

- (i) Minimum lot width:
  - (A) Forty-five feet for a single-family residence, except as allowed in flag lots.
  - (B) Twenty-nine feet when attached units are provided.
- (ii) Minimum lot depth: 85 feet;
- (iii) Minimum lot width at street frontage on a cul-de-sac or hammerhead terminus: 30 feet.
- (iv) Flag lots: flag lots are permitted subject to the bulk modification conditions set forth in the zoning code.

Section 5. Section 19.20.050 is amended as follows:

**19.20.050 NMU neighborhood mixed-use zone.**

(1) Intent and Purpose. The NMU zone is intended to implement the policies of the adopted Buckley comprehensive plan for areas designated for mixed residential and commercial development after the date of implementation.

(a) The primary purpose is to allow development of small commercial businesses in residential neighborhoods (such as neighborhood grocery stores or convenience stores), especially residential above ground floor commercial per the Buckley comprehensive plan.

(b) Structures in this zone shall meet the intent of the Buckley comprehensive plan with respect to the design and placement of commercial and residential structures to relate positively at the pedestrian scale and to contribute to the public realm.

(2) Performance Standards – Dimensional Requirements.

(a) Lot Area and Coverage.

(i) Lot Area.

(A) For single-family dwellings, the minimum lot area shall be 8,000 square feet.

(B) For townhomes, the minimum lot area per dwelling unit shall be 3,500 square feet.

(C) For multiple-family dwellings, the minimum lot area per dwelling unit shall be 3,000 square feet.

(D) For senior citizen low-income housing, the minimum lot area shall be 2,000 square feet per unit.

(E) For commercial and commercial mixed-use units, the minimum lot area shall be 3,500 square feet per unit.

(ii) Lot Coverage.

(A) For single-family, multiple-family and townhome dwellings, the maximum lot coverage of the primary dwelling unit shall be 30 percent, not including outbuildings or accessory units. The maximum lot coverage of all structures shall be 40 percent. The maximum of all impervious coverage, including driveways, sidewalks and related impervious surfaces, shall be 55 percent.

(B) For senior citizen low-income housing and commercial mixed-use units, the maximum lot coverage of the primary dwelling unit shall be 70 percent, not including outbuildings or accessory units. The maximum lot coverage of all structures shall be 75 percent. The maximum of all impervious coverage, including driveways, sidewalks and related impervious surfaces, shall be 85 percent.

(C) For commercial uses, the maximum lot coverage of all structures shall be 75 percent. The maximum of all impervious coverage, including parking, driveways, sidewalks and related impervious surfaces, shall be 90 percent, subject to applicable landscape provisions (Chapter 19.29 BMC) and permeable surfaces.

(iii) Floor Area Ratio. For all new subdivisions, the second story of single-family residences shall be smaller than the first story by 10 percent of the first floor area (square footage) footprint excluding attached garage, unless the bulk of the living space is located above the attached garage.

(b) Lot Dimensions. The minimum dimensions shall be:

(i) Lot width:

(A) Forty feet except as allowed for attached units and flag lots.

(B) Twenty-nine feet when attached units are provided.

(ii) Lot depth: 75 feet.

- (c) Setback Requirements. The minimum setback requirements shall be:
- (i) Commercial. Unless the landscape code requires different setbacks, the following minimum setbacks shall be used:
    - A. Front: 10 feet.
    - B. Side: 5 feet.
    - C. Rear: 5 feet.
  - (ii) Residential. The minimum setback requirements shall be:
    - (A) Single-family, multifamily and townhome residential:
      - 1. Front yard: 20 feet, except where a front porch more than or equal to two-thirds of the total length of the living space of a house with a minimum six feet in depth exists, then the minimum front yard setback shall be 15 feet to the front of the porch.
      - 2. Twenty-two-foot yard-to-garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel, whichever is closest, except when:
        - a. The garage is accessed from an alleyway, in which case the minimum setback shall be:
          - i. Twelve feet if the garage entrance is facing (parallel to) the access alleyway;
          - ii. Five feet when the garage entrance is perpendicular to the access alleyway.
        - b. An attached and/or detached garage already exists that prevents adherence to subsection (2)(c) of this section.
    - (B) Side: Minimum seven-foot side yard, except for attached dwellings, then the common wall separating the dwellings may have a zero side yard setback.
    - (C) Corner: 15-foot street side yard (corner lot).
      - 1. Where a structure on a corner lot qualifies for reduced front setback requirements by meeting porch standards (as identified in subsection (2)(c)(ii) of this section), they shall apply this credit only across one street-fronting property line. If one street-fronting property line is adjacent to a less-busy street than the other, then this is the property line that shall receive the less-stringent setback requirement.
    - (D) Rear: 15-foot rear yard.
  - (iii) Mixed-Use Commercial.
    - (A) Front: 10 feet front yard
    - (B) Side: 10 feet side yard
    - (C) Corner: 10 feet yard
    - (D) Rear: 10 feet yard
- (d) Off-street parking requirements shall be per Chapter 19.28 BMC.
- (e) Standards for street and utility construction shall be as specified under Chapter 17.08 BMC. Full street frontage improvements shall be required.

Section 6. Section 19.20.070 is amended as follows:

**19.20.070 GC general commercial zone.**

- (1) Intent and Purpose. The GC zone is intended to implement the policies of the Buckley comprehensive plan for areas designated for commercial development along primary motorized transportation routes. The primary purpose is to develop commercial parcels oriented along primary transportation routes.
- (2) Performance Standards – Dimensional Requirements.
  - (a) Lot Area and Coverage.
    - (i) Lot Area. No minimum requirements.

- (ii) Lot Coverage. The maximum lot coverage of the primary unit shall be 90 percent.
- (b) Lot Dimensions. No minimum requirements.
- (c) **Setback Requirements.** Unless the landscape code requires different setbacks, the following minimum setbacks shall be used:
  - i. Front: 10 feet.
  - ii. Side: 5 feet.
  - iii. Rear: 5 feet.
- (d) Off-Street Parking. Off-street parking requirements shall be per Chapter BMC.
- (e) Standards for street and utility construction shall be as specified under Chapter 17.08 BMC.

Section 7. Section 19.20.080 is amended as follows:

**19.20.080 CC central commercial zone.**

- (1) Intent and Purpose. The CC zone is intended to implement the policies of the Buckley comprehensive plan for areas designated for commercial development and privileging pedestrian traffic first, and motorized transportation second, after the date of implementation. The primary purpose is to develop commercial parcels for neighborhood-oriented businesses and pedestrian connectivity per the Buckley comprehensive plan (Urban Design Element Goals 4.3, 4.4, and 4.5, Policy 4.4.3). Lots approved under old zoning provisions shall be subject to the code in effect at the time of approval.
- (2) Performance Standards – Dimensional Requirements.
  - (a) Lot Area and Coverage.
    - (i) Lot Area. The minimum lot area shall be 3,000 square feet per unit.
    - (ii) Lot Coverage.
      - (A) For commercial mixed-use units, the maximum lot coverage of the primary unit shall be 70 percent, not including outbuildings or accessory units. The maximum lot coverage of all structures shall be 75 percent. The maximum of all impervious coverage, including driveways and sidewalks, shall be 85 percent.
      - (B) For commercial units, the maximum lot coverage of the primary unit shall be ~~100~~ 90 percent.
  - (b) Lot Dimensions. The minimum dimensions shall be:
    - (i) Lot width: 40 feet.
    - (ii) Lot width at street on a radius: 30 feet.
  - (c) **Setback Requirements.**
    - (i) Commercial. Unless the landscape code requires different setbacks, the following minimum setbacks shall be used:
      - A. Front: 10 feet.
      - B. Side: 5 feet.
      - C. Rear: 5 feet.
    - (ii) Mixed-Use Commercial.
      - (A) Front: 10 feet.
      - (B) Side: 10 feet.
      - (C) Corner: 10 feet.
      - (D) Rear: 10 feet.
  - (d) Off-street parking requirements shall be per Chapter 19.28 BMC.
  - (e) Standards for street and utility construction shall be as specified under Chapter 17.08 BMC.

Section 8. Section 19.20.110 is amended as follows:

**19.20.110 P public zone.**

- (1) Intent and Purpose. The purpose of the public zone is to provide public services for all public needs to create a strong and sustainable economy and provide public services efficiently.
- (2) **Lot Area and Coverage. No minimum requirements for lot area or lot coverage.**
- (3) Lot Dimensions. No minimum requirements.
- (4) **Setback Requirements.**
  - (a) Setbacks from adjacent residentially zoned property shall be the same as dictated for that residential zone (e.g., 25 feet if adjacent to an R-8,000 rear lot line or 12 feet if adjacent to an R-8,000 side lot line).
  - (b) Setbacks from commercially zoned property shall be 10 feet.
  - (c) Setbacks from publicly zoned property shall be in accordance with the landscape and building codes.
  - (d) Building setbacks from rights-of-way shall be 10 feet.
- (5) Parking Requirements. Off-street parking requirements shall be as specified under Chapter 19.28 BMC, except that facilities for public works, utilities, and cemetery shall be based on the number of employees working at the peak shift for the particular site, plus 10 percent.
- (6) Roads and Utilities. Standards for street and utility construction shall be as specified under Chapter 17.08 BMC.

Section 9. Section 19.22.160 BMC is amended as follows:

**19.22.160 Flag lots.**

Flag lots shall meet the following criteria:

- (1) No other lot shall be provided access via the flag lot;
- (2) Flag lots can only be utilized for single-family or duplex dwellings;
- (3) The lot, exclusive of its driveway, must meet lot dimension requirements for the zone in which it is to be located;
- (4) Setback requirements.
  - (a) For flag lots that are not further sub-dividable all property lines shall be side lot lines. The lot width and lot depth requirements shall be as determined by the director.
  - (b) For sub-dividable flag lots, the front lot line shall be parallel to the access drive; the rear lot line shall be opposite the front lot line; all other lot lines shall be sides.
- (5) The access driveway width shall not be less than 30 feet and this access driveway length shall be no longer than two times the minimum required lot width within the zone in which the flag lot is to be located; provided, however, that there shall be no maximum access driveway length on any lot located within the R-20,000 zone serving a single-family dwelling;
- (6) The access driveway shall be owned by and maintained by the lot owner to the boundary to the public street right-of-way;
- (7) A sign with numbering not less than three inches in height shall be maintained at the public street right-of-way, said sign containing the address for the flag lot;
- (8) Improvements to the margin of the public street shall be in accordance with zoning code requirements for the zone in which the flag lot is located and shall be completed as a portion of the platting process in which the lot is created;
- (9) Improvements to the public street right-of-way that abuts the flag lot shall be the improvements required for any other subdivision within the zone;

- (10) Minimum driving surface on the driveway shall be 20 feet in width and constructed of two-inch asphalt concrete pavement in the R-6,000, R-8,000, NMU, and HDR zones. Crushed gravel surface will be allowed within the R-20,000 zone;
- (11) Storm drainage and retention/detention facilities shall be installed in accordance with the city design and construction standards;
- (12) Minimum clear, vertical clearance for one vehicle, eight feet in width, shall be 14.5 feet;
- (13) There shall be no parking on the access driveway; and
- (14) There shall be a vehicular turn-around area adjacent to the garage on each flag lot to permit adequate vehicular access to the public or private street or accessway.

Section 10. Telecommunication exemption. Section 19.25.030 is hereby amended as follows:

**19.25.030 Exemptions from wireless facilities requirements.**

The following are exempt from the provisions of the wireless facilities portion of this chapter:

- (1) Routine maintenance or repair of a personal wireless service facility and related equipment (excluding structural work or changes in height or dimensions of antennas, towers, or buildings); provided, that compliance with the standards of this chapter is maintained.
- (2) A COW or other temporary personal wireless telecommunications facility shall be permitted during an emergency declared by the city.
- (3) Emergency services' telecommunication devices.

Section 11. BMC 19.29.050(1) is hereby amended as follows:

**19.29.050 Landscaping plan and submittal.**

(1) Compliance. This chapter does not intend to stifle creative problem solving, but is rather a guideline for landscape requirements. Where strict interpretation of requirements is impractical, variances may be approved by the designated official subject to the provisions of Chapter 20.01 BMC. ...

Section 12. Section 19.33.020 is amended as follows:

**19.33.020 Applicability.**

- (1) Site plan review and approval shall be required prior to a use being established on an undeveloped lot or the issuance of a building permit for:
  - (a) any public building or activity;
  - (b) any commercial or light industrial building that is a significant change of use (such as but not limited to a business changing use, adding staff, increasing traffic flow);
  - (c) residential or multi-family buildings in which more than two dwelling units would be contained or an increased number of dwelling units is proposed on a single lot; or
  - (d) any development or redevelopment that doesn't qualify as a technical adjustment or amendment in BMC 19.33.090.
- (2) Accessory structures and/or improvements and/or modifications to an existing site or structure that does not exceed the thresholds of 19.33.090 may be reviewed as an A-1 process, provided the structure or use is SEPA-exempt and the proposal is not a change of use. Such accessory structures, improvements, or modifications may include but not be limited to the following:
  - (a) Garages and parking lots;

- (b) Outbuildings and storage buildings; or
- (c) Greenhouses.
- (3) Normal or emergency repair and/or maintenance are exempt.
- (4) Interior remodeling and tenant improvements to buildings previously reviewed and approved are exempt from this chapter.

Section 13. BMC 19.33.090 is amended as follows:

**19.33.090 Technical adjustments and amendments.**

- (1) Technical and/or minor adjustments may be needed to an approved-site plan to accommodate actual field conditions, minor adjustments in building placement, or construction level of detailed information that affects the proposed location of streets and other utilities. Technical adjustments may be permitted by the planning director, provided the proposed adjustment does not include any of the following:
  - (a) A change that, in the opinion of the planning director, significantly affects any of the findings of the decision maker in approving the site plan;
  - (b) A change that modifies the building location more than 20 feet, or the orientation of a building more than 45 degrees, or increases the amount of building floor area by more than 10 percent;
  - (c) A change that reduces the amount or dimensions for critical area;
  - (d) The amount of common open space by more than 10 percent;
  - (e) A change that increases off-site traffic or stormwater impacts more than 10 percent; or
  - (f) A change that would in the opinion of the SEPA official require additional environmental review under the State Environmental Policy Act.
- (2) All technical adjustments shall be processed and decided by the planning director. The planning director shall require full compliance with applicable city codes including mitigation in conformance with currently applicable city standards for any impacts associated with a technical adjustment.
- (3) All amendments to an approved site plan beyond the scope of technical adjustment shall be processed in the same manner as a site plan application. Technical adjustments shall not be considered amendments. (Ord. 10-13 § 4, 2013).

Section 14. Administrative interpretations. BMC 19.20.030, Table 2: Application Type, is hereby amended to add the following line under “zoning”:

**BMC 20.01.030, Table 2**

19.08.070 Administrative interpretation A-1

Section 15. 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 16. 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 17. 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 13<sup>th</sup> day of December, 2016.

  
MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:

  
CITY CLERK, JOANNE STARR

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:  
BY 

PUBLISHED: DECEMBER 21, 2016

EFFECTIVE: DECEMBER 26, 2016

PHIL OLBRECHTS