

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 11-962

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, WASHINGTON, RELATING TO AGRICULTURE IN THE SINGLE-FAMILY RESIDENTIAL DISTRICTS, R4 & R6; AMENDING BDMC 13.30.010 RELATING TO THE INTENT OF SINGLE-FAMILY RESIDENTIAL DISTRICT; AMENDING BDMC 18.30.020 TO PERMIT AGRICULTURAL USES IN SINGLE-FAMILY RESIDENTIAL DISTRICTS; AMENDING BDMC 18.50.060 RELATING TO FENCES AND WALLS IN SINGLE-FAMILY RESIDENTIAL DISTRICTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in recent years, there has been a growing interest both nationally and regionally in locally-produced fresh food products; and

WHEREAS, the Planning and Community Services Committee of the City Council asked the Planning Commission to consider this issue and examine what code changes may be necessary to allow local food production; and

WHEREAS, the Planning Commission reviewed Black Diamond's Zoning Code and developed amendments to allow both food production and selling of homegrown products within residential zones, including community gardens; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendments on April 12, 2011 and, at the conclusion of the hearing, voted to recommend the City Council adopt the proposed changes contained herein;

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. BDMC Section 18.30.010, Amended. Black Diamond Municipal Code Section 18.30.010 (Intent) is hereby amended to read as follows:

18.30.010 Intent.

It is the intent of this chapter to:

A. Enhance the residential quality of the city by providing a high standard of development for single-family residential areas;

B. Designate certain areas in which single-family structures on individual lots are the predominant type of dwelling unit;:-

C. Guide residential development to those areas where public sewers are in place or can be extended efficiently at reasonable cost;:-

D. Guide development of residential areas in such manner as to assure availability of public services and community facilities such as utilities, police and fire protection, schools, parks and recreation; and:-

E. Preserve existing agricultural activities within the city and provide opportunities for small-scale agricultural uses meeting the needs of city residents.

Section 2. BDMC Section 18.30.020, Amended. Black Diamond Municipal Code Section 18.30.010 (Permitted uses) is hereby amended to read as follows:

18.30.020 Permitted uses.

A. Residential.

1. Single-family detached structures on individual lots.

2. Manufactured housing as provided in Chapter 18.90.

3. Agricultural uses, including farms, nurseries and community gardens/pea patches. Greenhouses, storage sheds and similar buildings accessory to such uses are also permitted.

B. Other or Related Uses.

1. Accessory buildings or structures as provided in Chapter 18.50.

2. Temporary uses as provided in Chapter 18.52.

3. Home occupations as provided in Chapter 18.54.

4. Utilities, underground.

5. Child day care for up to twelve children.

6. Agricultural stands for sales of produce and plants grown on-site.

Section 3. BDMC Section 18.50.060, Amended. Black Diamond Municipal Code Section 18.50.060 (Fences and walls) is hereby amended to read as follows:

18.50.060 Fences and walls.

The height of the fence or wall shall be determined from the existing, established grade on the property.

A. Fences and walls may be constructed to a height not to exceed the following in each of the required setback areas, as regulated per each zone, or as modified by subsection B of this section:

1. Front yard: Forty-two inches; provided, that fences constructed of wrought iron or similar materials that provide visibility may be seventy-two inches in height; Exception: fences protecting an agricultural use or community garden may exceed forty-two inches in height, provided they are at least seventy-five percent (75%) open.

2. Side yard: Seventy-two inches;
3. Rear yard: Seventy-two inches;
4. Street side yard: Seventy-two inches.
5. These limitations do not apply within the public zone district.

B. Special Height Restrictions. There shall not be anything constructed or reconstructed, and no obstruction permitted to grow, other than a post, column or tree not exceeding one foot square or one foot in diameter, between a height three feet and ten feet above the established grade within the triangular areas described below, without the express approval of the public works director:

1. The triangular area formed by a line extending twenty feet along the right-of-way lines of a street and alley or edge of a private driveway, measured from the point of intersection and the line connecting the two ends of the two twenty-foot lines;

2. Fences located at the corner of intersecting streets shall comply with the sight distance requirements of the city public works standards.

C. In general, no fence, wall, hedge, structure or other obstruction shall act as a sight hazard to traffic, and the public works director may order the removal of such hazard whether or not such object otherwise complies with the provisions of this title.


D. Other than in the public, industrial or business/industrial park zones, no fence may include the use of barbed wire, razor wire, etc.; provided, that pasture areas a minimum of one acre in area may be fenced with barbed wire in any zone. Barbed wire may be attached to the top of and in addition to the height of a seventy-two-inch fence, provided it does not extend more than one additional foot in height.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

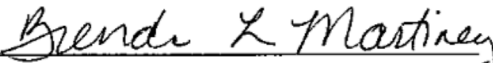
Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 7TH DAY OF JULY, 2011.

CITY OF BLACK DIAMOND


Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:


Brenda L. Martinez, City Clerk

Approved as to form:

Chris D. Bacha,
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk: 7-8-11
Passed by the City Council: 7-7-11
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Effective Date: 7-20-11