

ORDINANCE NO. 1407

**AN ORDINANCE OF THE CITY OF RUSTON, RELATING
TO LAND USE AND ZONING, CREATING A NEW
CHAPTER 25.06 OF THE RUSTON MUNICIPAL CODE
ENTITLED "DESIGN STANDARDS" WHICH
CONSOLIDATES DESIGN STANDARDS, EXPANDS THE
APPLICABILITY OF DESIGN STANDARDS TO ALL
COMMERCIAL ZONES IN THE CITY, AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Ruston is a community of fewer than 800 people which is primarily residential in nature; and

WHEREAS, the City is a family-oriented residential and business community with attendant community standards; and

WHEREAS, the City is a non-charter code city under the Constitution and statutes of the State of Washington, its population as of the 2010 Census is approximately 749 and more than 20% of its population is under the age of 18 years; and

WHEREAS, the City occupies an area of approximately 0.56 square miles and within its boundaries has approximately 355 dwelling units; and

WHEREAS, approximately 27.6% of the land area within the City is publicly held open space, community facilities, and public right-of-way, and the remaining 260 acres is land potentially available for private development; of that private land, approximately 57% is zoned for residential use (RES), approximately 2.5% is zoned for Commercial (COM), approximately 3.5% is zoned for Commercial-Pearl (COM-P), approximately 29.7% is zoned for Master Development Plan (MDP), and no property is zoned intensive commercial/light industrial; and

WHEREAS, this City of Ruston is located next to Commencement Bay which is a regional tourist and recreational destination; and

WHEREAS, the City of Ruston is also located immediately adjacent to a ferry landing and Tacoma's Point Defiance Park, both of which bring tourist and recreational traffic to and through the City of Ruston; and

WHEREAS, given its small size, highly residential nature, small commercial area and location as a recreational and tourist area, certain uses and standards are more appropriate for the City's residential and commercial areas; and

WHEREAS, given the limited commercial space in Ruston, it is desirable to have a pedestrian-oriented commercial area with improved walk-ability; and

WHEREAS, cities have the right and duty to enact laws for the protection of public health, safety, general welfare, and morals; and

WHEREAS, the City Council is committed to protecting the general welfare of the City through the creation and enforcement of appropriate zoning and development standards; and

WHEREAS, the City of Ruston has previously established certain design standards for development in the City specific to the COM-P zone; and

WHEREAS, it is in the best interest of the City and the businesses and residents therein for such design standards to be expanded to all commercial zones in the City; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) on May 16, 2013; and

WHEREAS, in accordance with RCW 36.70A.106, this amending ordinance has been sent to the State Department of Community, Trade and Economic Development with a request for expedited review on May 16, 2013; and

WHEREAS, the request for expedited review was granted and the required time has passed to allow adoption by the City Council on the date of adoption; and

WHEREAS, on May 22, 2013, the Ruston Planning Commission held a public hearing on certain revisions to the City's Zoning Code, including consolidating design standards and making such standards applicable to all commercial zones city-wide; and

WHEREAS, following the public hearing the Planning Commission deliberated on the appropriate balance of zoning regulation and design standards; and

WHEREAS, the Planning Commission recommends the zoning regulations and design standards contained in Ordinance 1407; and

WHEREAS, after a full deliberation and consideration, the Planning Commission recommends that the City Council adopt this Ordinance; and

WHEREAS, on June 4, 2013 the City Council by super-majority vote waived the first reading of this Ordinance and voted to move immediately to second reading; and

WHEREAS, on June 4, 2013, the City Council adopted this Ordinance during its regular meeting; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. A new Chapter 25.06 is hereby added to the Ruston Municipal Code to read as follows:

Chapter RMC 25.06 – Design Standards

Sections:

- | | |
|------------------|------------------------------------------|
| 25.06.010 | Intent. |
| 25.06.020 | Applicability. |
| 25.06.030 | Building Design—Commercial Zones. |
| 25.06.040 | Building Design Standards. |

25.06.010 Intent.

This chapter is intended to implement the goals and policies established in the City's Comprehensive Plan by providing design standards for the review of projects described herein.

The design review standards contained herein are intended to protect the general health, safety and welfare of the citizens by protecting property values; protecting the natural environment; promoting pedestrian activities; promoting community pride; protecting historical resources; preserving the aesthetic qualities which contribute to the city's small town characteristics which have attracted residents, businesses and customers; and promoting the economic viability of the community by preserving and creating well-designed commercial districts which attract customers and businesses.

25.06.020 Applicability.

The requirements of this chapter apply to all proposals to subdivide land under the provisions of RMC Title 29 and to all proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building or other visible element of the facade of the structure or building or site, including, but not limited to: landscaping, parking lot layout, signs, outdoor furniture in public or commercial locations, outdoor lighting fixtures, fences, walls and roofing materials.

25.06.030 Building Design – Commercial Zones.

Building facades upon buildings located within a commercial zone which are closer than 20 feet to the front property line must meet the following requirements:

- (A) Facades over 25 feet wide must provide a five foot yard setback for 50% of the total facade length. The five foot wide area must include street furniture available to the public such as benches and trash receptacles
- (B) At least 60% of the first floor facade must be glass.
- (C) The remaining percentage of the first floor facade material must be brick, copper, or natural stone.
- (D) Awnings must be provided for over 50% of the depth and length of sidewalk area but no greater than seven feet in depth or closer than 4 feet to the curb.
- (E) Buildings over one story must provide retail or commercial space for the entire first floor open to the public on the ground floor fronting Pearl Street or 51st Street.
- (F) Lights must be provided capable of lighting the sidewalk in front of the property. Building wall mounted lights must provide soft "pedestrian friendly" character and environment illumination.

25.06.040 Building Design Standards.

- (A) General Applicability.

The design standards of this section are required to implement the goals of the City of Ruston for Pearl Street Commercial District (COM- P) and the Commercial District

(COM). The building design standards apply to all new development in the COM-P and COM districts, except as follows:

- (1) Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.
- (2) Temporary. Temporary structures are exempt from the design standards of this section. Temporary structures require review under the building code. Temporary structures, regardless of International Building Code (IBC) classification shall be required to comply with the standards of this chapter if they occupy a site for more than 180 calendar days.
- (3) Remodel. Interior remodel projects valued below 60 percent of the building value, as determined by the Building Code, are exempt from the design standards of this section.
- (4) Existing Single Family Residential. Existing single family structures not proposing to increase gross floor area are exempt from the design standards of this section.

(B) Mass Reduction.

The design choices of this item are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.

1. Mass Reduction Requirements	a. Buildings under 7,000 square feet; gross floor area are not required to provide mass reduction.
	b. Buildings from 7,000 square feet; gross floor area to 30,000 square feet gross floor area shall provide at least one mass reduction feature from the mass reduction choices listed in the next section.
	c. Buildings over 30,000 square feet; gross floor area shall provide at least two mass reduction features from the choices listed in the mass reduction choices listed in the next section.
2. Mass reduction Choices	a. Upper story. Buildings with a maximum footprint of 7,000 square feet gross floor area, that do not exceed 14,000 square feet gross floor area, may count use of a second story as a mass reduction feature.
	b. Upper story setback. An 8 feet minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of 2 elevations.
	c. Wall modulation. Maximum 100 feet of wall without modulation, then a minimum 2 feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential

uses.

d. Public plaza. A public plaza of at least 800 square feet of gross floor area or 5 percent of gross floor area, whichever is greater shall be required. The plaza shall be located within 50 feet of and visible to the primary public entrance; and contain a minimum of a bench or other seating, tree, planter, bike rack, or art work for each 200 square feet of gross floor area. Plaza contents may count toward other requirements when meeting the required criteria. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza.

(C) Rooflines.

These requirements are intended to ensure that roofline is addressed as an integral part of building design to avoid flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with residential and human scale development.

1. Roofline Choices (All buildings shall use one or more of the roofline options)	a. Sloped roof. Use of a roof form with a pitch no flatter than 5/12. Rounded, gambrel, and/or mansard forms may be averaged.
	b. Modulated roof. Use of features such as a terracing parapet, multiple peaks, jogged ridge lines, dormers, etc., with a maximum of 100 feet uninterrupted roofline between roof modulation elements. Modulation elements shall equal a minimum of at least 15 percent of the roofline on each elevation. The maximum shall be 50 feet of uninterrupted roofline along the eave between roof modulation elements. Roof forms with a pitch flatter than 5/12 are permitted with this option; provided, the appropriate modulation is incorporated. Parapet walls shall be designed in such a way as to prevent the back side of the parapet wall from being visible from outside the building footprint.
	c. Corniced roof. A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. The height of the cornice shall be at least 12 inches high for buildings 10 feet or less in height; 18 inches for buildings greater than 10 feet and less than 30 feet in height; and 24 inches for buildings 30 feet and greater in height. Cornices shall not project over property lines, except where permitted on property lines abutting public right-of-way.

(D) Windows and Openings.

These requirements are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, and to provide architectural detailing and variety to building elevations on each story.

1. Street level	a. Front, side, or corner side exterior walls facing streets or that contain customer entrances and face customer parking lots of 20 stalls or greater shall have transparent window or openings for at least 60 percent of the area of the ground level wall area, which is defined as the area between 2 feet and 8 feet above the sidewalk on a minimum of 2 such building elevations. The window and opening requirements shall be reduced to 40 percent of the ground level wall area for building elevations that are impacted by steep grades, as outlined below in the steep grade exemption section. The requirement shall be further reduced to 20 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades and the correlating location of the floor plates of the building. Rough openings are used to calculate this requirement.
	b. Required view. Required windows or openings must provide either views into building work areas, sales areas, lobbies, merchandise displays, or artworks.
	c. Limited alternatives. Alternatives of decorative grilles, art work, or similar features can be substituted for those portions of uses where the provision of natural light can be demonstrated to nullify the intended use (examples include movie theater viewing areas and light sensitive laboratories) and for parking structures, provided an equivalent wall area is covered.
2. Upper levels	a. Front, side, or corner side exterior walls facing streets or walls that contain customer entrances and face customer parking lots of 20 stalls or greater shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor on a minimum of 2 such building elevations.
	b. Upper level windows shall be a different type than the ground level windows on the same elevation.
	c. For purposes of this requirement, a window type is either a grouping of windows, or a window size, or a window shape.
3. Exemptions	a. Steep grades. The window and opening requirement shall not apply to that portion of a facade where the grade level of the sidewalk of the abutting street is 4 feet or more above or below the adjacent floor level of the building.
	b. Residential privacy. On sides where COM or COM-P District boundaries adjoin

Residential District boundaries, structures within the COM or COM-P District that are set back at least 7 feet from the property line and screened by landscaping to a minimum height of 6 feet are exempt from the window and opening requirements on the effected side.

(E) Facade Surface.

These requirements are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of facade materials and/or treatment and to encourage more active consideration of the surrounding setting.

1. Blank wall limitation	a. Unscreened, flat, blank walls on the first story more than 25 feet in width are prohibited facing a public street and/or highway right-of-way, residential zone, or customer parking lot. These walls shall use modulation, windows, openings, landscaping, or architectural relief such as visibly different textured material to achieve the required visual break. The visual break shall be at least 1 foot in width. Items provided for other requirements may satisfy this requirement as appropriate. Stored or displayed merchandise, pipes, conduit, utility boxes, air vents, and/or similar equipment do not count toward this requirement.
	b. COM and COM-P District facades. Pedestrian access to uses above or below street level shall not exceed a maximum of 25 percent of the width of the structure's front facade.
2. Facade variety	a. Buildings under 2,000 square feet gross floor area are exempt from the variety requirement.
	b. Buildings from 2,000 square feet gross floor area to 30,000 square feet gross floor area shall use at least 2 different materials, textures, or patterns on each building elevation.
	c. Buildings over 30,000 square feet gross floor area shall use at least 3 different materials, textures, or patterns on each building elevation.
	d. For purposes of this requirement, each material, texture, or pattern must cover a minimum of 10 percent of each building elevation. Glass does not count toward this requirement. Different texture or pattern shall be visibly different from adjacent public right-of-way or parking area.
3. Building face	a. The building elevation(s) facing street or highway public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters,

orientation	and/or dumpsters.
	b. This requirement applies to a maximum of 2 building elevations on any given building.

(F) Pedestrians.

These requirements are intended to enhance pedestrian mobility and safety in commercial areas by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.

1. Customer entrances	a. Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only 1 elevation.
	b. Non-residential or mixed-use buildings shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facing, and visible to the designated street. For such buildings over 30,000 square feet of gross floor area, the maximum distance is increased to 60 feet.
2. Street level weather protection	a. Weather protection shall be provided to cover a minimum of 50 percent of the length of hard surfaced, public or private walkways and/or plazas along facades containing customer and/or public building entries or facing public street frontage.
	b. Weather protection may be composed of awnings, canopies, overhangs, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.
	c. Weather protection must cover at least 50 percent of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar building accessories to not less than 3 feet in width.
	d. Irrespective of above requirements, the weather protection shall not extend closer than 4 feet to the curb.

(G) Screening and Mechanical Equipment.

These requirements are intended to minimize visibility of utilities, mechanical equipment, and service areas to mitigate visual impact on residential privacy, public views, and general community aesthetics.

1. Mechanical Equipment Screening	a. Rooftop. All rooftop mechanical for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form, or an equivalent architectural feature, which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. The function of the HVAC equipment may not be compromised by the screening requirement. Building height requirements include utility screening.
	b. All ground level mechanical or utility equipment, loading areas, and dumpsters shall be screened from adjacent public street right-of-way, including highways, or residential uses. Items that exceed 4 feet in height must use fencing, structure, or other form of screening, beyond landscaping.
	c. Small ground level items that do not exceed 4 feet above ground level may be screened with landscaped screening. All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting.
	d. Chain link fencing, with or without slats, is prohibited for required screening.
2. Fencing type limitation	a. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to either a public street or to an adjacent residential use.
	b. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses. Chain link fencing, when allowed, shall be black or brown color coated only.
	c. Electrified. The use of electrified fencing is prohibited.
	d. Fencing between the front of the building line and sidewalk may not be higher than 36 inches and shall have ornamental design and be made of material such as wrought iron or metal chain with bollards or glass and frame.

(H) Residential Compatibility Standards.

The following items apply when the COM or COM-P zones are adjacent to Residential zones. The standards are required to help ensure compatibility between non-residential development and adjacent residential districts, in terms of building bulk and scale, location of activity areas for privacy and noise reduction, provision of green space, and visual separation:

1. Upper Story Setback	a. Structures with frontage along Pearl Street and N. 51 st Street shall not intercept a 25° daylight plane inclined into the residential district measured at a height of 25 feet above existing grade from the rear building line setback of the commercial lot.
2. Storage Parking and/or Service Openings	<p>a. Vehicle parking, and building loading or service areas shall be screened from any residentially-zoned property.</p> <p>b. Sound barriers (solid wall higher than the noise generating source) must be provided for parking lots with more than three cars per 25 feet of frontage along Pearl Street and N. 51st Street.</p> <p>c. Sound barriers (solid wall higher than the noise generating source) must be provided for all garbage and loading areas</p>
3. Lighting	a. As required by RMC 25.01.103.

(I) Off Street Parking Requirements.

Three on-site parking spaces are required for every 25 feet of arterial frontage. The minimum dimensions for the first three on-site spaces is 8 feet by 19 feet. Additional parking shall comply with RMC 25.01.090, except that one business and three units of housing may be developed without providing additional on site parking between N. 50th and N. 52nd Streets. One business and two units of housing may be developed without providing additional parking on site south of 50th Street and north of N. 52nd Street.

Parking must comply with RMC 25.01.090 for development over the levels listed in the previous paragraph; except that, multiple unit residential units may provide one parking space per unit.

Commercial space existing at the time of this code amendment may be remodeled for any commercial use without providing additional parking. Building enlargements will require additional parking at rates set forth in this section. Parking must be located in the rear yard if alley access is available. If additional on site parking is required, it may not be located within 20 feet of the front lot line and must be screened from view.

Sound barriers (solid wall higher than the noise generating source) must be provided for parking lots with more than three cars per 25 feet of frontage; garbage and loading areas.

(J) Fences.

See RMC 25.01.101 for further regulations related to rockery/retaining wall height and height of fences on rockeries; and RMC 25.06.030(G), herein, regulating fencing for screening of utilities.

1. Fences less than less than 20 feet from front property line: 36 inches maximum height. Fences must be made of material such as wrought iron or metal chain with bollards or glass and frame. Chain link fencing is prohibited in any yard abutting Pearl Street or N. 51st Street.
2. Fences in required side yard: 72 inches maximum height, 36 inches maximum height within 20 feet of the front property line.
3. Fences in required rear yard: 72 inches maximum height.
4. Chain link fencing, when permitted, must be black or brown color coated.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

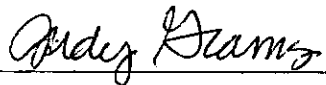
ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 4th day of June, 2013.

APPROVED by the Mayor this 4th day of June, 2013.

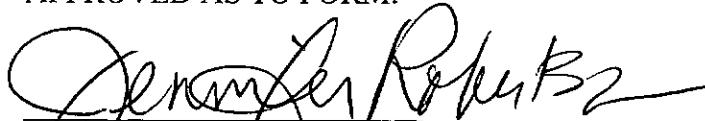


Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:


Judy Grams, City Clerk

APPROVED AS TO FORM:


Office of the City Attorney

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

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