

ORDINANCE NO.

~~1131~~

AN ORDINANCE ~~ESTABLISHING~~ AMENDING ORDINANCE NO. 1131 AND CHAPTER 15.30 ON RREGULATIONS FOR DESIGN STANDARDS FOR AND REVISING THE TITLE TO “THE TUSCAN/OLD WORLD EUROPEAN-THEME” AND GUIDELINES FOR THE CITY OF ZILLAH, WASHINGTON.

THE CITY COUNCIL OF THE CITY OF ZILLAH, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Purpose.

The purpose of this chapter is to assist and guide all involved in the design and construction of new buildings, remodeling of existing buildings and/or improvements of real property in the implementation and promotion of Zillah’s ~~Tuscan/~~Old World ~~European~~-theme. The design guidelines are intended to assist in the implementation of the adopted design theme; to create a visual environment and character that attracts visitors to the city; allow for a reasonable degree of control to be exercised over the site development and architecture of the private and public buildings erected therein, recognizing the interdependence of land values, aesthetics and good site planning; promote economic and environmental well-being as they are affected by the distinctive character and natural attractiveness which contributes substantially to the City of Zillah; enrich the lives and well-being of the citizens by promoting harmonious, safe, attractive and compatible development of the private and public buildings; promote economic development and opportunity; and further the public peace, health, safety and social, cultural and economic welfare of the citizens of the city.

Section 2. Applicability.

Any and all construction, alterations or modifications to buildings, structures, walkways, signs, landscaping or lighting, and designs on properties located within the boundaries designated on the Design District maps 1 and 2 attached herein, except for existing single-family residence dwellings not used for commercial purposes, shall conform in exterior design to the ~~Tuscan/~~Old World ~~European~~-architectural theme adopted by the city. All such areas shall be designated as being in the ~~Tuscan/~~Old World ~~European~~-Design District. These requirements shall include, but are not limited to, any painting, signage, doors, windows, wall finish, fencing, exterior improvements or substantial alteration or remodeling of structures as well as new construction. The goal is to capture the Old World character through design elements representative of the land and surrounding area. Important elements of the design philosophy include function, appropriateness, harmony, natural materials, site orientation, and simplicity in detail.

Section 3. Boundaries.

The boundaries of the design district shall be as shown on maps, entitled “Design District Map 1 & 2,” ~~which are included in this ordinance as exhibits A and B which is included in the Tuscan/~~Old World ~~European~~-Design Standards Packet herein attached as Appendix A.

Section 4. Permitted Uses.

Any use permitted by the existing zones over which this design district is superimposed shall be allowed.

Section 5. Building Official Review.

~~A. No building or structure (regardless of the size), walkway, or lighting shall be placed, constructed, changed, altered or remodeled on any properties located within the boundaries of the Design Districts without first completing a design review application and/or building permit, if applicable.~~ All applications for building permits for construction, changes, painting, alterations or remodeling of buildings, structures,

walkways, signs, landscaping or lighting, of properties located within the boundaries of the Design District shall first be submitted to, and approved by, the Building Official for compliance with this chapter for the ~~Tuscan/Old World-European~~ architectural theme.

B. All applications for building permits required by this chapter shall be accompanied by a complete set of plans and blueprints, drawn to scale, clearly defining the construction, changes, alterations, ~~or~~ remodeling, roofing and siding materials to be used, and also show all colors accurately portrayed for any finish, paint or other materials to be used or applied on all exterior walls and trims and stating the proposed location, dimension, ~~all colors accurately portrayed~~ and types of construction and design. The plans and blueprints shall ~~be drawn to scale and shall clearly define the roofing materials and siding materials to be used and also the finish, paint or other materials to be used or applied on all exterior walls and trims and shall~~ state a contemplated date of commencement and completion of such construction, change, alteration of remodeling, and shall become the property of the city upon submission of the application.

C. In determining whether the proposed construction, change, alteration or remodeling conforms to exterior design of the Old World architectural theme, the building official shall consider the compatibility of the proposed exterior design with any existing old world structures and designs on properties located within the boundaries designated on the design district maps 1 and 2 attached herein, and may in addition, consult Old World design examples that are available at city hall. Materials in the guidelines are suggested examples however; stylistically distinguishing and innovative materials may be available or become available in the future that can comply with the standards. Approval of alternative materials shall be subject to the standards, purpose, and intent contained in this chapter.

~~The applicant shall submit a colored rendering of the proposal. The colored rendering shall be either done in the form of paint, colored pencils, colored pens, or be computer-generated. Paint chips or paint samples shall be submitted with the colored rendering for all colors included in the rendering.~~

~~—D. Copies of the above related reference materials shall be kept on file by the City Clerk/Treasurer for review. In determining whether the proposed construction, change, alteration or remodeling conforms to exterior design of the tuscan/old world european architectural theme, the building official shall consider the compatibility of the proposed exterior design with the existing tuscan/old world european structures and designs on properties located within the boundaries designated on the design district maps 1 and 2 attached herein, and may in addition, consult tuscan/ old world european design examples that are available at city hall.~~

E. An applicant may submit a preliminary sketch prior to furnishing a complete set of plans and/or blueprints for review at City Hall. Building Official shall review and provide guidance with respect to design guidelines, standards, and requirements. Upon review by the Building Official, the applicant shall complete the application and supporting materials in accordance with this code. ~~Copies of the above publication and similar related reference materials shall be kept on file by the City Clerk/Treasurer for review.~~

F. Design review applications shall be processed in accordance with the Class I, administrative review process. ~~An applicant may submit a preliminary sketch prior to furnishing a complete set of plans and blueprints for review at City Hall. Building Official shall review and provide guidance with respect to design guidelines, standards and requirements. Upon review by the Building Official, the applicant shall complete the application and supporting materials in accordance with this code.~~

~~_____ G. Design review applications shall be processed in accordance with the Class I, administrative review process.~~

~~_____ HG.~~ Changes to an approved design, which are subsequently proposed during the construction phase of a project, shall be submitted to the Building Official for approval prior to construction of the design change. Alternative design solutions, that are consistent with the spirit of the design principles identified in this document, may be considered.

HI. The Building Official or designee shall also administratively review and determine design compliance of retaining walls, landscaping structures, landscaping planter, sign bases, and similar structures, as well as fences or fence type walls on properties located within the boundaries of the Design Districts of the City of Zillah. Approval shall be subject to the standards contained in this chapter.

I. In the event that an applicant disagrees with determinations and/or interpretations of the Building Official, supporting reference materials shall be supplied to the Building Official by the applicant together with a written summary of points of disagreement. Building Official shall review such points of disagreement and issue a final determination.

~~_____ KJ.~~ Any appeal of a Building Official determination shall be as set forth in Section ~~16~~15.

_____ Section 6. Application Procedure. Any application for a design review permit for the erection or construction of a new building, alteration, or remodeling of an existing structure, which would affect the exterior appearance of any existing building or structure, including signs, located within the district shall be filed with the Building Official. Building design review is required for improvements made to the exterior of a building or structure. Building design review shall not be required in the case of single-family dwellings or noncommercial buildings.

_____ Section 7. Design Characteristics and Elements. The Building Official, in granting or denying approval of a design in accordance with this chapter, shall consider the criteria in the City of Zillah's ~~Tusean/Old World European~~ Design Standards Packet. This packet is intended to serve as a guide for prospective developer's representative of ~~Tusean/Old World European~~ design features on property located within the boundaries of the Design Districts. The design elements shall be incorporated, as applicable, in design proposals submitted to the Building Official to implement the ~~Tusean/Old World European~~ architectural theme in the City of Zillah. Decorative design details include, but are not limited to, incorporation of simple, stepped massing, highlighted with towers, cupolas and varied chimney forms, painting, painted trim, decorative ~~fascia~~facade, window treatments, balconies, murals, fountains, ~~grape rustic~~ motifs, exterior railings, fences and gates ~~of wrought iron, stone and/or brick veneers~~, large roof overhangs, detailed eaves, ~~subtle/rich colors from "warm" palettes,~~ architectural canvas awnings and wood pergolas, wood window shutters/faux shutters, lanterns/faux lanterns, window (flower) boxes, faux doors with strap hinges, columns and archways compatible with the ~~Tusean/Old World European~~ theme and street address plaques. Use of subtle/rich colors from "warm" palettes with some cooler colors permitted as accents or trim. Some examples of the above are included in the Old World Design Standards Packet available at city hall.

_____ Section 8. Supplemental Regulations.
A. The Building Official may require the following structures or improvements to comply to the maximum extent practical and ~~feasible~~reasonable with the ~~Tusean/Old World European~~ architectural theme when they are located on property within the boundaries designated on the Design District maps 1 and 2 attached herein: (1) utility boxes, (2) meters, (3) garbage receptacles and dumpsters, (4) outside fuel containers, (5) outside vending machines, (6) newspaper dispensers; and (7) public telephone booths.

B. Serving windows to outdoor, privately owned staging areas shall be set back a minimum of eight feet from the sidewalk or public right-of-way wherever possible.

C. The terms, provisions and requirements of this chapter shall be in addition to and not in lieu of the requirements set forth in the International Building Code and other uniform codes adopted by the city or in any other ordinance, state statute or regulation governing the construction, building, zoning or other similar regulations applicable to the city.

D. The painting of a new or existing building in a color different from the color originally approved shall require approval by the Building Official.

E. New buildings shall not be occupied or opened for business until the approved exterior design features of that building are finished. A temporary exemption may be granted by the Building Official for not more than six months, provided that the reason for delayed completion is due to weather or other circumstances beyond the control of the owner.

F. Rain gutters, downspouts, and heat tapes shall be required for all eaves to eliminate the possibility of drainage onto sidewalks.

G. ~~Section 9.~~ Exemptions for Pre-Existing Structures. If a pre-existing structure is unable to reasonably or is impractical to meet a certain requirement(s) of the old world architectural theme, the Building Official (with verification from two other designees) may issue a written exemption stating the requirement(s) of the Old World architectural theme which cannot be complied with on the structure.

H. Landscaping shall be continuously maintained in a neat and orderly fashion such that it presents a well kept, visually pleasing appearance at all times. Plants need to be maintained to avoid insect accumulation. Storm runoff occurring on all new lots and developments (private property) shall be retained and disposed of on site.

Section 9. Small Commercial Buildings. Single-story buildings that are under one hundred sixty square feet, such as roadside stands, coffee stands, etc. follow the same ~~Tuscan~~/Old World ~~European~~ roof construction and design standards as larger buildings. They may have all wood outside wall construction. Usually the siding is applied horizontally. Plywood, steel, aluminum or metal siding is generally unacceptable however; materials may be available or become available in the future that can comply with the standards. Stucco and brick may be used. These buildings should have extensive overhangs front and back, with more modest overhangs on the sides. Natural tone stains predominate in the ~~Tuscan~~/Old World ~~European~~ theme, with little or no painting of the trim. Roofing materials shall be the same as larger buildings. The overall feeling should be *rustic* and *old-world* in nature. Approval shall be required by the Building Official.

~~Section 10. Mechanical Equipment. All mechanical equipment, e.g., heating and air conditioning equipment, air handling ducts, and compressors, shall be screened from view. False balconies, false chimneys, railings, and parapet walls may be utilized as long as they do not detract from the Tuscan/Old World European theme. Screening plans/designs must be included in architectural elevations presented to the Building Official.~~

~~Section 1110. Signs.~~

A. All signs must conform to the City ~~sign~~-Sign Ordinance and be designed with ~~Tuscan~~/Old World ~~European~~ features.

B. General locations for signage are to be indicated on the design review application drawings, with evidence that flowers and other features will not interfere.

Section 1211. Powers – Duties – Jurisdiction.

A. The Building Official shall have the power to approve, conditionally approve, or disapprove all applications for permits as required by this chapter basing ~~its~~ their decision on the criteria set forth in design guidelines and this Ordinance.

B. It shall be the responsibility of the applicant to establish that the proposed design, construction, and improvements comply with the intent and purpose of the design district and the ~~Tuscan~~/Old World ~~European~~ architectural theme.

C. The Building Official, upon receiving an application, may impose such conditions as it may deem reasonable and/or necessary in order to fully carry out the provisions and intent of this chapter. Violation of any such condition shall render any permit null and void as of the date of such violation.

Section 1312. Findings.

A. The Building Official shall approve, with or without conditions, an application or portion thereof, if they find that:

1. Compliance with all provisions of ordinances of the city and applicable design guidelines; and
2. Compliance with applicable provisions of the master plans, the general plan and development policies and standards of the city.

B. The Building Official shall deny an application or a portion of an application if it is determined that the proposal fails to comply with any ordinance of the city or design guidelines, applicable general or master plans, or the development policies and standards of the city.

Section 1413. Expiration of approval.

A. The approval of an application shall expire and become null and void six months from the date of approval, providing that a building permit is issued.

B. An extension of approval for an additional six-month period may be granted if the applicant submits a written request for extension prior to the permit expiration date and establishes a justifiable basis for the extension of permit.

Section 1514. Enforcement.

A. Prior to issuance of any required permit, under the ordinances of the city, the Building Official shall determine that the time limitations imposed by this chapter have not elapsed and improvements have been constructed in accordance with applicable permit approvals.

Section 1615. Appeals. The approval, with or without conditions, or denial of an application may be appealed within twenty (20) days from the date of issuance of a Design Review Decision by Building Official. Any appeal shall be in writing to the ~~Planning Commission~~ Appeals Board on forms provided by the City and filed with the City Clerk/ Treasurer. City Clerk/Treasurer shall schedule the appeal for the Planning Commission ~~Appeals Board~~ agenda. ~~Planning Commission~~ Appeals board shall conduct a public hearing on such appeal in accordance with applicable processes.

A. ~~Planning Commission~~ Appeals Board may uphold, modify, or reverse the decision of the Building Official.

B. ~~Planning Commission~~ Appeals Board shall also have authority to vary the application of design standards upon a finding of undue hardship, disproportionate cost or expense, or other material impediment or condition rendering the application of such standards unfeasible or materially impractical. Any variance shall be applied in a manner consistent with determinations under similar conditions or circumstances.

Section 1716. Appendix – A. ~~Tuscan~~/Old World ~~European~~ Design Standards Packets for the City of Zillah will be available at City Hall. The City Clerk/Treasurer shall make copies of it available to the public to view and they may be purchased per city fee schedule. The ~~Tuscan~~/Old World ~~European~~ Design Standards Packet dated ~~May 21st, 2007~~ _____, 2011 is incorporated herein by this reference and is hereby adopted as part of this chapter.

PASSED BY THE CITY COUNCIL OF THE CITY OF ZILLAH, WASHINGTON, this ~~21st~~ _____ day of ~~May, 2007~~ 20.

CITY OF ZILLAH, a municipal corporation

Gary Clark, Mayor

Attest:

Sharon Bounds, City Clerk/Treasurer

Approved as to form:

Jaime Carmody, City Attorney

Date Published:

Effective Date: