



CITY OF BLACK DIAMOND
September 11, 2008 Workstudy Agenda
25510 Lawson St., Black Diamond, Washington

7:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL

1.) Nestlé Discussion

Mr. Boettcher
Ms. Miller

2.) Transfer of Development Rights Program

Mr. Nix

3.) Development Guidelines

Mr. Pilcher

ADJOURNMENT:



CITY OF BLACK DIAMOND

Interoffice Memorandum

TO: MAYOR AND COUNCIL MEMBERS
FROM: AARON NIX, NATURAL RESOURCES DIRECTOR
SUBJECT: REVISED TRANSFER OF DEVELOPMENT RIGHTS (TDR) CODE
DATE: 9/9/2008

Honorable Mayor and Council Members,

AS PROMISED, I'VE TAKEN THE OPPORTUNITY TO REVISE THE TRANSFER OF DEVELOPMENT RIGHTS (TDR) CODE IN ORDER TO ALLOW THE PROGRAM TO FUNCTION MORE SMOOTHLY. THE CHANGES ARE HIGHLIGHTED IN A DIFFERENT COLOR AND I NEED YOUR INPUT.

My hope is that we can get the program administration fixed and then move on to revising the TDR map. I envision that this would include another study session, but I wanted to allow some time for staff to get our GIS program up and functioning. I'm open to your thoughts on the matter and look forward to a lively discussion on Thursday.

Please call me if you have any questions prior to the study session!

Thanks,

Aaron C. Nix
Natural Resources Director
X220

Chapter 19.24 TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM

19.24.010 Definitions.

When used in this chapter, unless the context indicates otherwise, the following words when capitalized shall be defined as set forth in this section.

"Development right certificate (DRC)" means a document issued by the city administrator indicating the development rights available for transfer. City DRCs shall mean DRCs that are created by the TDR bank.

"DRC holder" means the person or entity who appears in the TDR program database as the person entitled to use the development rights specified in a DRC.

"Final letter of notification" means the official action of the city, through the city administrator that establishes a parcel as being a TDR sending area.

"Preliminary letter of notification" means the written notice provided to parcel owners of eligible sending sites notifying them of the parcel's potential eligibility to participate in the transfer of development rights program.

"Public benefit lands" mean parcels that have been or may be approved as TDR sending areas due to the presence of outstanding environmental, resource or recreational values, or provide significant public benefit(s) by preserving or defining the character of the city or will provide a site for necessary city facilities.

"TDR receiving area" means the real property designated by the city to which development rights can be transferred under the TDR program. The TDR receiving areas are identified on the map entitled the TDR program map, which is attached to Ordinance 752 as Exhibit 2 and is dated December 18, 2003. Further TDR receiving areas may be established pursuant to the process set forth in the TDR program.

"TDR receiving area parcel(s)" means the lot of record upon which the TDR receiving area is located. **Further TDR sending areas may be established as set forth in the TDR program section 19.24.155.**

"TDR sending area" means the real property from which development rights can be transferred under the TDR program. The initial TDR sending areas are identified on the map entitled TDR sending area map, which is attached to Ordinance 752 as exhibit 2 and is dated the 26th day of December, 2003. **Further TDR sending areas may be established as set forth in the TDR program section 19.24.140.**

"TDR sending area parcel(s)" means the lot of record upon which the TDR sending area is located.

"Transferable development right (TDR)" means an interest in real property that represents the difference between the existing use of a parcel and its potential development use. This right is made severable from the parcel to which the interest is attached and transferable to another parcel for development and use under Black Diamond's TDR program.

"Treasured place" means a public benefit land that, due to its high significance for environmental, cultural, aesthetic, community or strategic city planning purposes, its immediate acquisition by the city is deemed to be of the utmost importance to the public welfare.

"UGA agreement" means the agreement between the city of Black Diamond, King County, Plum Creek Timber Company, L.P. and Palmer Coking Coal Company, dated December 31, 1996. (Ord. 752 § 2 Exh. 1 (part), 2003)

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19.24.020 Parcel owner notification.

A. Prior to sending the preliminary letter of notification the city administrator will hold a public meeting to explain the TDR program to interested persons. Written notice of the meeting will be sent to parcel owners whose property is identified on the TDR sending area map as a TDR sending area, to all persons who have requested notification, and shall also be posted and published in the same manner as an official city notice.

B. The mayor is hereby directed as soon as possible, but no later than April 30, 2004, based upon available staffing and funding, to direct the preparation and submittal of the preliminary letter of notification. The city administrator will identify each parcel that qualifies as a TDR sending area and send the owner of record a preliminary letter of notification. The preliminary letter of notification will indicate that the property has been identified as a TDR sending area, and will provide an estimate of the number of development rights that are available on the parcel based upon information existing at the time of notification, including any "bonus development right" as authorized by the TDR program. Neither the preliminary letter of notification nor the final letter of notification creates a vested right to the number of development rights indicated. The actual number of development rights attached to a qualifying parcel will only be calculated at the time an owner files an application for a development right certificate (DRC) pursuant to Section 19.24.060.

C. The city administrator shall create a parcel database to be known as the TDR program database that will provide information that will track the development rights created pursuant to the TDR program. It shall include such information as the city administrator deems necessary to administer the TDR program and shall include information for tracking the identified TDR sending areas, the owners of the TDR sending areas and the estimated development rights available for transfer. It shall also include information regarding development right certificates (DRC) including the names and addresses of DRC holders, and details of any DRC transfers. Each development right eligible for sale or transfer will be serially numbered preceded by its King County tax parcel number and entered in the city's parcel database by the city administrator. The numbering system will include a code to identify those development rights which were created as a result of a successful administrative appeal and a code to indicate the status of the development rights (e.g., final letter of notification, DRC applied for, DRC issued, development right sold or transferred, or modified by zone classification change). The TDR program database shall be available for public inspection upon reasonable notice.

D. After sending out the preliminary letters of notification, the city administrator will hold a second public meeting to review the program and describe the procedures for exercising and transferring development rights. At the city administrator's discretion, additional public meetings may be held, if necessary, for the purpose of explaining the TDR program and procedures.

E. As soon as practicable after the conclusion of the public meetings the city administrator shall issue a final letter of notification (FLN) regarding each parcel for which a preliminary letter of notification was provided. The FLN shall identify the tax parcel that contains a TDR sending area and an estimate of the number of transferable development rights associated therewith. This information shall be entered in the TDR program database.

F. Any parcel owner who does not receive a final letter of notification but believes its parcel is eligible to participate in the TDR program, may submit a letter to the city administrator requesting a final letter of notification. The city administrator will determine whether the parcel contains a TDR sending area and either a final letter of notification or an explanation as to why the parcel is not eligible.

G. The issuance of an FLN or a refusal to issue an FLN shall be a final decision for purposes of determining whether a property contains a TDR sending area. This decision may be appealed to the city council following the same procedures provided in Section 19.24.070 for appeals relating to development right certificates (DRC). If the basis for appeal includes a dispute with regards to the size of the TDR sending area, then the appeal application, in addition to the requirements of Section 19.24.070, must include a survey, stamped by a licensed surveyor or professional engineer authorized to practice in the state of Washington, showing the alleged dimension error in relation to the actual field conditions. (Ord. 755 § 1, 2004; Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.030 Allocation/calculation of transferable development rights.

A. The issuance of an FLN does not impact the use of a parcel containing a TDR sending area. The underlying development and zoning regulations continue to apply.

B. Once a DRC is issued for a TDR sending area, only those uses consistent with the conservation easement and as further limited by Black Diamond zoning and development regulations shall be allowed on the TDR sending area.

C. Parcels zoned community commercial prior to January 1, 2004 shall have three TDRs transferable for each one-fourth acre within the TDR sending area. All other parcels shall have one TDR transferable for each one-fourth acre within the TDR sending area. Provided, parcels designated as low density residential on the TDR program map must retain at least one development right per one acre or portion thereof. That portion of a parcel that was used to satisfy zoning bulk requirement or other conditions of development, or that is already subject to a conservation easement or other encumbrance that was not created as part of the TDR process and that effectively results in the same protection from development that is afforded by being a TDR sending area, shall be excluded from being considered in the calculation to determine the number of available TDRs.

D. In calculating available development rights, the area of the parcel that is within the TDR sending area shall be used. A minimum of one-fourth acre of the parcel must be contained within the area to be protected for transferable development right eligibility. No fractional development rights shall be created. For the parcels designated as low density residential on the TDR program map a minimum of one-half acre of the parcel must be contained within the area to be protected for transferable development right eligibility. Any fraction of a development right that provides for at least one development right shall be rounded to the closest whole number.

E. Optional Bonus. Fee ownership of certain TDR sending areas may be preferred by the city. These are areas to which intensive public access may be desired, such as active recreation parks, public trails, or other properties for which significant expenditure of monies are anticipated to be made by the city, in order for the property to maximize the potential for which it was preserved. If the city accepts an offer to convey a fee ownership interest, or a lesser estate, such as for a public trail that will have high public

use but, due to real property laws regarding conveyances the fee cannot be transferred the owner will receive two transferable development rights for every unused development right associated with the parcel. Notwithstanding the eligibility of the parcel, acceptance of a fee interest or public trail easement is within the discretion of the city council. If a property has been designated a treasured place, then it shall receive the bonus density established in the treasured place designation process, which will not be more than three TDRs for every unused development right.

F. If the city acquires fee ownership of a parcel that was designated as a TDR sending area, and the development rights were not already transferred from the parcel, then the city may receive a DRC for the TDR sending area so acquired. The TDR associated with TDR sending area acquired by the city shall equal the total development potential of the site, even though the site will subsequently be developed consistent with the purpose for which it was acquired. (Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.040 Treasured place designation process.

The treasured place designation process can only be initiated by the city council adopting a resolution identifying an area as a potential treasured place. The process set forth in subsections 19.24.160 (B) through (E) shall be followed, with the additional requirement that the staff report and the planning commission recommendation shall also set forth whether or not all or a portion of the property meets the criteria for treasured place designation, and, if so, what conditions, if any, should be place upon the designation, and the recommended density bonus credit that should be given. The council may set a time limit on how long an area will be designated a treasured place without further council confirmation of its continuing treasured place status. (Ord. 752 § 2 Exh. 1 (part), 2003)

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19.24.050 Effect on other laws; Sending area parcels under moratorium on the conversion of forest land to other use.

A. Nothing contained herein shall be construed as allowing a use that is not otherwise permitted by applicable federal, state and local laws, regulations, codes and ordinances.

B. Sending and receiving site parcels subject to a forest practices moratorium pursuant to Title 76 RCW on conversions of forestland to other uses shall not be eligible to transfer or receive development rights during the term of the moratorium. (Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.055 Creation of TDR bank.

A. There is created a TDR bank within the TDR program. The city administrator shall include information regarding TDR bank issued DRCs (city DRCs) in the TDR program database.

B. The TDR bank may buy, sell, and issue DRCs. Any monies generated from the sale of DRCs from the TDR bank, shall only be used to purchase TDR sending area parcels, to purchase DRCs already issued for TDR sending areas, or to develop, preserve or enhance properties acquired by the city pursuant to the TDR program.

C. The TDR bank shall initially have one thousand city DRCs which will be identified in the TDR program database as city DRCs. City DRCs shall immediately be transferred to the receiving site upon purchase from the TDR bank. Any DRCs that are otherwise purchased by the TDR bank from a property identified as a TDR sending area, shall only be transferred to the receiving site in accordance with the provision of Section 19.24.100.

D. The TDR bank may not sell city DRCs unless all of the following conditions are met:

1. The city has received an application to buy city DRCs that sets forth the tax parcel number of the intended receiving site, the number of city DRCs requested, the number of DRCs already acquired for the intended receiving site, and the efforts made to acquire DRCs from other property owners. The application must be signed by all owners of record for the intended receiving site.

2. The applicant will pay all city costs associated with the purchase and sale of city DRCs and in complying with the terms of this code section, whether or not a sale is consummated, including, but not limited to notice costs, appraisal costs, and city staff time. The city may require that the applicant deposit with the city an amount that is estimated to cover the costs before the city processes the application.

3. The sales price must be at no less than the fair market value at the time of sale, as determined by a qualified real estate appraiser hired by the city.

4. The city must first notify all property owners to which a FLN has been issued and that have not sold their DRCs, that the city intends to sell a designated number of city DRCs at the designated price, unless owners of property for which FLNs have been issued agree to sell their DRCs on the same terms and conditions. If a property owner(s), within fifteen days of being sent the notice, notifies the city administrator, in writing, that it will sell its DRCs on the same terms and conditions, then the city will delay the sale of the city DRCs for sixty days to allow the private sale to be consummated. If the sale is not consummated within that time through no fault of the party seeking to buy the DRCs, or, if the private sale is for fewer development credits than the buyer was seeking, then the city may consummate the sale for the number of city DRCs necessary to provide the number of credits sought by the buyer up to the number of available city DRCs.

5. In no event shall the city sell more DRCs than are in the TDR bank, nor more than the sending site is eligible to receive.

6. Regardless of the number of city DRCs purchased the sending site may only develop to the density authorized by development regulations and other city approvals.

E. DRCs acquired by the TDR bank, other than city DRCs, may be sold by the city through a sealed bid process following the same procedures as required for calling for bids on a public works project for which formal bids are required, except as expressly modified herein. The terms of sale shall be cash, and a cashier's check in the amount of five percent of the bid amount must be included with the bid as a bid guarantee. The bid must be irrevocable for sixty days from the bid date. The full purchase price must be paid within ten days of bid award or the five percent bid guarantee is forfeited. The bid guarantee of the unsuccessful bidders shall be returned after the full purchase price has been paid. In addition, each owner of record, as determined by the county assessor's records, for each property within the city that has been officially designated as a TDR sending site shall be mailed a copy of the call for bids, at the address appearing in the county assessor's records, at least twenty-one calendar days before the intended sale date. The city reserves the right to reject any and all bids or to only sell a portion of the

available TDRs that were offered. If two or more bids are for the same amount, and the council determines that it will accept the bid, then the mayor, by random drawing between the tied bids, shall select the winning bid.

F. The TDR bank shall be administered by the city administrator, subject to the terms and conditions of the TDR program.

G. The TDR bank is authorized to place DRCs in trust, subject to the conditions set forth in Black Diamond Municipal Code Section 19.24.065. (Ord. 767 § 1, 2004; Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.060 Issuance of development right certificates Perfecting the right to sell.

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A. Parcel owners receiving a final letter of notification may request a development right certificate (DRC) from the city administrator. Upon receiving the request for a DRC, the city administrator will calculate the number of development rights attached to the parcel pursuant to the provisions of the TDR program.

B. A DRC certifies that a specific number of development rights are available for severance from a parcel and authorizes the rights to be sold or transferred to an eligible receiving site. The amount of development rights indicated in the DRC may be held by the parcel owner for future sale and/or transfer if not applied to the TDR sending area parcel. The DRC is valid for a period of five years following its issuance. However, the five-year period shall be tolled commencing when the DRC holder submits a preliminary plat application for a receiving site that is eligible for additional residential density in accordance with the TDR program. The five-year period shall continue to be tolled until the preliminary or final plat application is withdrawn or the city issues a final decision on a final plat application or five years after preliminary plat approval, whichever is earlier. Following the expiration of the five-year period, the DRC becomes void and the sending area owner must apply for a new DRC to sell or transfer development rights from the parcel. The number of development rights available for transfer may be recalculated at any time after the DRCs term of validity has expired.

C. Development rights eligible for transfer remain with the parcel that contains the TDR sending area until transferred to a receiving site. A DRC may be requested by successive parcel owners if one is not issued to an earlier owner.

D. Requests for DRCs must include the following:

1. Name(s) and address(es) of the parcel owner(s) of the site;
2. Legal description and parcel numbers;
3. Copy of the parcel deed and title;
4. Application fee in the amount set forth in the city of Black Diamond's fee resolution;
5. Title report confirming that applicant is the owner of the parcel and has unrestricted legal right to transfer the development;
6. Mortgage and/or Lien Holder Subordination and Release. The mortgage and/or lien holder must provide an acknowledgment that a conservation easement will be placed on the parcel and that they agree to subordinate their interest in the parcel to the conservation easement;
7. Acknowledgment of intent to grant to the city of Black Diamond a conservation easement in a form provided by the city permanently restricting development uses to those allowed by the remaining development rights attached to the parcel, if any, and preserving the parcel's environmental/resource value;

8. A description of any changes in the parcel (development, dredging, clearing, etc.) occurring since the final letter of notification was issued; and

9. Acknowledgement of intent to grant a fee simple deed to the parcel or a public trail easement, if bonus development rights are requested.

E. Upon review and approval of the required documentation, and confirmation of the remaining development rights, the city administrator will issue individual DRCs for each eligible parcel for which an application is received. The certificate will cite the serial numbers of each development right certified for sale or transfer to an eligible receiving site. A notice of issuance of the DRC shall be recorded by the city with the King County recorder's office in order to provide notice that the certificate has been issued and shall state the name of the DRC holder.

F. The city administrator will promptly notify DRC holders if the development rights available for transfer under the DRC are to be modified by the Black Diamond City Code after the term of validity has expired. Notification of modifications to the DRC is not required for those DRCs that have already been applied to a receiving site.

G. A DRC must be surrendered if the TDR sending area parcel is developed using all or a portion of the density included within the previously issued DRC. The development of the TDR sending area parcel will not be approved until the DRC is surrendered. (Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.065 DRCs held in trust by the TDR bank.

A. The city may authorize a DRC to be placed into trust with the TDR bank. A DRC may only be placed into trust with the TDR bank if all of the following conditions are met:

1. The city council has determined that the immediate removal of development rights from a specified sending area prior to the time that they are transferred to a receiving area will further the goals and purposes of the city comprehensive plan, the TDR program and the 1996 Black Diamond urban growth area agreement;

2. A permanent conservation easement in a form approved by the city attorney, has been recorded on the receiving area;

3. All of the receiving area property owners have signed a DRC trust agreement with the city.

B. The provisions of Section 19.24.060 notwithstanding, the following special conditions shall only apply to a DRC placed into trust with the TDR bank:

1. The DRCs shall be permanently removed from the receiving area as of the date they are placed into trust;

2. The DRC shall not have an expiration date;

3. The DRC shall remain in trust until the DRC holder provides the city TDR bank administrator with written notice that the DRC should be transferred to a specific receiving area, and the designated receiving area is eligible to receive the development rights identified in the DRC.

C. The TDR program database shall identify the trust status of DRCs held in trust by the TDR bank. (Ord. 767 § 2, 2004)

19.24.070 Request for administrative appeal.

A. Parcel owners who dispute the number of development rights identified as available for transfer from their parcel or the eligibility of the parcel for participation in the program may submit a request for administrative appeal to the city council.

B. Requests for an administrative appeal must be filed with the city clerk within twenty-one calendar days from the issuance of the DRC, from the receipt of the written denial of eligibility for participation in the program, or from the date of any final action made pursuant to the terms of the TDR Program for which an appeal is allowed.

C. The request for administrative appeal shall include the appeal fee set forth in the city's fee resolution, and shall contain the following information: the name, address and phone number of the property owner for the parcel(s) affected by the appeal, identify the decision being appealed, the alleged error that is contained in the appealed decision, the facts that are the basis for the appeal, the legal basis for the appeal, and the requested relief. The appeal request must be signed by the owners of record for the affected parcel.

D. The city administrator will review each request for an administrative appeal and may prepare a report assessing the eligibility of the parcel or the number of development rights identified as available for transfer from the parcel. The city council will consider the city administrator's recommendations and report, if applicable, and will issue a final decision on the administrative appeal request after holding a closed record hearing. The city council shall issue findings and a decision either denying the appeal or directing the city administrator to issue a new or revised development right certificate or FLN. (Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.080 Conservation easement and restrictive covenant.

A. In order to sever development rights from a TDR sending area parcel for transfer to a receiving site, a conservation easement must be placed on the TDR sending area parcel permanently restricting development of the site to the uses allowed by the remaining development rights attached to the parcel,

if any, and protecting/preserving the environmental/resource values associated with the TDR sending area. The conservation easement must be signed by all owners of record for the TDR sending area parcel and the city of Black Diamond mayor or his/her designee and recorded with the county recorder's office. If fee ownership is to be acquired, then a perpetual restrictive covenant shall be placed on the property that restricts its future use to only the uses for which it was acquired under the TDR program, in addition to the other restrictions set forth below for conservation easements.

B. Conservation easements shall be on a form approved by the Black Diamond city attorney and shall contain at a minimum the following basic provisions:

1. The uses of the TDR sending area shall be limited to uses that further the intent for which the specific TDR sending area was designated as a sending area;

2. Future use of the TDR sending area parcel will be governed by zoning regulations in effect at the time of development to the extent they are not inconsistent with the terms of the conservation easement;

3. Restrictions are granted in favor of the city of Black Diamond and the residents and property owners within the city and are enforceable by the city of Black Diamond and if the city fails or refuses to enforce them that they can be enforced by any city resident or owner of property within the city;

4. Restriction is granted in perpetuity, and shall bind existing and future parcel owners;

5. Unless specifically provided for, nothing in the restrictions shall be construed to convey to the public a right of access or use of the parcel, and the owner of the parcel, his/her heirs, successors and assigns shall retain exclusive right to such access or use subject to the terms of the easement; and

6. If enforcement action is commenced then the substantially prevailing party shall be entitled to their costs and attorneys fees incurred in the action.

C. At the point of transfer of TDRs from an eligible sending area, the conservation easement must be recorded with the King County recorder's office, and a copy of the recorded document filed with the city clerk.

D. The city's TDR program database must be amended to show that the development rights have been removed from these parcels. (Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.090 Sale or transfer of right to acquire development rights.

The right to use the development rights specified in a DRC may be transferred to the owner of record of any eligible receiving site for use on that receiving site, or a person who has acquired the right to develop the receiving site. Provided, however, in order for a person or entity to have the right to use any of the development rights specified in a DRC he must be the DRC holder. If the city receives written notification from a DRC holder that he has conveyed the right to use the development rights specified in the DRC, then the city administrator, upon receipt of the notice and payment of the applicable transfer fee as specified in the city fee schedule, will enter that data into the TDR program database, change the name of the DRC holder to reflect the transfer, issue a written notice to the new DRC holder and the former DRC holder that the TDR program database has been updated to reflect the transfer, and record with the King County recorder's office notification that the DRC holder has changed. (Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.100 Transfer and application of development rights to receiving sites.

A. The TDRs shall remain with the TDR sending area parcel until the receiving site parcel is authorized to apply the TDRs pursuant to a final plat approval. All transfers shall occur by a deed of transfer to the receiving site, the form of which shall be provided by the city. The deed of transfer shall specify the number and source of development rights sold or otherwise conveyed and the legal description of the receiving site. The deed of transfer will be recorded simultaneously with the conservation easement for the TDR sending area parcel.

B. The development rights may be used only on a receiving site(s) that is eligible for additional residential density through the transfer of development rights in accordance with the Black Diamond zoning regulations. The process for transferring and applying TDRs to an eligible receiving site is as follows:

1. The DRC and a title report for the TDR sending area parcel shall be included with the application for preliminary plat approval for subdivision or development of a receiving site.

2. At such time as the receiving site owner submits an application for final plat approval, the application shall be accompanied by an updated title report for the TDR

sending area parcel, a draft conservation easement and a draft deed of transfer, both of which shall be in a form designated by the city.

3. The city administrator will review the conservation easement and deed of transfer to ensure compliance with the TDR program and the updated title report to verify ownership of the development rights.

4. As a condition of final plat approval the TDR sending area and receiving site owners shall execute and record a deed of transfer and the sending area owner shall simultaneously execute and record a conservation easement.

5. The conservation easement for the TDR sending area parcel and deed of transfer shall be recorded with the King County recorder's office and a recorded copy filed with the city clerk. The deed of transfer must comply with any other requirements imposed by law on the conveyance of interest in real property.

6. The TDR sending area parcel and receiving site parcel owners shall be responsible for all costs of recording.

C. The development density allowed on the receiving site parcel shall not exceed that allowed by the zone in which the parcel is located.

D. If the preliminary plat application is denied or only a portion of the available TDRs are permitted for use, the city will reissue the DRC indicating the remaining TDRs available for sale or transfer. (Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.110 Density rights appurtenant to the land.

A. Subject to applicable federal and state laws, all TDRs shall be deemed to be appurtenant to the TDR sending area until such rights are separated from the parcel by the proper recording of a deed of transfer severing the development rights from the parcel.

B. After a deed of transfer is executed and recorded the density associated with the deed of transfer becomes appurtenant to the receiving site. (Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.120 Program evaluation.

A. The city shall review the TDR program or any components thereof within three years after adoption and then as deemed necessary by the city, making a written report and recommendations to the city council on the following matters:

1. Program Utilization. The use of the program, including the number of and distribution of all sales, transfers, and purchases of development rights during the reporting period;

2. Program Functioning. The functioning of the program itself, including such issues as administration, cost, application processing, monitoring, etc... Validity of existing sending and receiving areas based on updated information.; and

3. Program Effectiveness. The effectiveness of the program in meeting its land preservation goals. (Ord. 752 § 2 Exh. 1 (part), 2003)

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19.24.130 Stewardship program.

A. Strategic Purchase Program.

1. The city of Black Diamond may elect to purchase and hold development rights which have been designated as TDR sending areas when the purchase will significantly further the objectives of Black Diamond's comprehensive plan. In determining whether to purchase development rights from an eligible parcel, the council will consider the availability of adequate funds and the extent to which the purchase is necessary for:

- a. The protection of parcel which is of significant ecological importance;
- b. The protection of parcel which is contiguous to, or buffers, publicly owned or managed conservation lands;
- c. The transfer of development rights to a residential development project would further a compelling public need such as affordable housing;
- d. The demonstration of a significant and positive example of the TDR program in operation;
- e. The enhancement or improvement of the parcel's environmental, resource, or recreational values (e.g., habitat restoration) and is consistent with the terms of the restriction on the deed to the parcel; or
- f. Otherwise furthering the goals of the city of Black Diamond's comprehensive plan.

2. In selecting between two equally beneficial properties, the city may also consider additional public policy and equity concerns relative to the sale of development rights to the city. Notwithstanding the availability of funds and eligible parcel, the strategic purchase program is solely discretionary by the city council and it may elect to delay or decline the purchase of development rights.

B. Fee Ownership.

1. The principal interest of the city of Black Diamond is to ensure that quality open space lands are preserved and subsequently stewarded in a manner that maintains and enhances their open space values. There may be some instances where there is a public interest in holding a fee interest in the land, for continued stewardship and protection of the land. In these instances, either fee simple or less-than-fee parcel interests may be acquired for eligible lands. Whether a fee interest is acquired will depend on a variety of considerations including:

- a. The degree to which the land will require management or stewardship and the resources available to conduct the necessary activities;
- b. Whether public access is necessary or beneficial;
- c. The scope of parcel interests the land owner/donor has offered; or
- d. The administrative, monitoring and enforcement issues associated with the interest to be acquired and the resources available to address the issues.

C. Stewardship/Ownership Review.

1. The city of Black Diamond will include as part of its review of the potential acquisition of transferable development rights or a fee parcel interest an assessment of whether the city or a non-profit organization would be the optimal owner or steward of the acquired parcel interests over the long term. The principal concern regarding the ownership of the parcel is to ensure the preserved lands are cared for in a manner that maintains and enhances their open space values. If the city of Black Diamond concludes another organization would be the preferable owner of the development rights, it may seek that organization's cooperation and involvement during negotiations, or, if appropriate, transfer the newly acquired interests to that organization at some later date. The city will consider:

- a. The preferences of the donor or seller;
 - b. Maintenance and stewardship costs;
 - c. The entity that is best equipped to provide maintenance and stewardship; or
 - d. The jurisdiction in which the parcel is located; and
 - e. The entity that can provide for appropriate public access.
2. No transfer will be authorized until the city attorney certifies that to do so would not be an unconstitutional gift of public funds. (Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.140 Establishing additional TDR sending areas.

The TDR program encourages preservation of targeted open space land by enabling owners of designated TDR sending area parcels to transfer the development rights from the land to permissible TDR receiving areas. The initial TDR sending areas are set forth on the TDR program map as adopted. The city may consider designation of additional sites for preservation by designating them as TDR sending areas after careful evaluation to ensure adequate receiving areas for these additional development rights. The following procedures and processes apply to the designation of additional TDR sending areas. (Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.150 Lands eligible for TDR sending area designation.

Public benefit lands are eligible for TDR sending area designation by the city in accordance with the criteria and procedures set forth below. Eligible parcels for sending area designation must be at least one-fourth acre in size and contain one or more of the following features, as defined in the city's comprehensive plan:

A. Category I Wetlands.

1. Documented habitat for endangered or threatened fish or animal species or for potentially extirpated plant species recognized by state or federal agencies;
2. High quality native wetland communities, including documented category I or II quality natural heritage wetland sites and sites which qualify as a category I or II quality natural heritage wetland;
3. High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, estuarine, wetlands, or mature forested swamps; or
4. Wetlands of Exceptional Local Significance. The criteria for such a designation shall be developed and adopted by the local jurisdiction under appropriate public review and administrative appeal procedures. The criteria may include, but not be limited to, rarity, groundwater recharge areas, significant habitats, unique educational sites or other specific functional values within a watershed or other regional boundary.

B. Freshwater Bodies.

1. High Priority Freshwater Bodies. For those freshwater sites which meet any of the following criteria, property is of high priority for acquisition which, by itself or in conjunction with other offered or already preserved property, includes a material portion of a category I or II wetland and a buffer in accordance with chapter 19.12, and the

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a. Either the presence of species proposed or listed as endangered or threatened or which receives some other legal protection, or the presence of critical or outstanding actual habitat for those species;

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b. Wetlands with forty percent to sixty percent coverage by permanent open water in dispersed patches with two or more subclasses of vegetation;

c. Wetlands equal to or greater than ten acres in size and having three or more wetland classes, one of which is open water; or

d. The presence of plant associations of infrequent occurrence.

2. Priority Freshwater Bodies. For those freshwater sites which meet any of the following criteria, property is eligible which by itself or in conjunction with other offered or already preserved property includes an entire freshwater site or category I or II wetland along with a buffer of fifty feet beyond the wetland boundary.

a. Wetlands greater than one acre in size;

b. Wetlands equal to or less than one acre in size that have three or more wetland classes;

c. Wetlands equal to or less than one acre in size that have a forested wetland class or subclasses; or

d. The presence of heron rookeries or raptor nesting sites.

C. Wildlife Corridors. Eligible wildlife corridors should have high species abundance and diversity, or provide a critical wildlife access link between two or more important wildlife areas, or contain species listed as threatened, rare or endangered.

D. Stream and Small Creek Corridors. Lands under this category include property which either by itself or in conjunction with other offered or already preserved property is contiguous with the established high water mark of a type 1 or type 2 streams. Property may extend up to five hundred feet from the center of the stream channel or up to two hundred feet in elevation above the channel in order to buffer the stream with sufficient vegetative cover and runoff protection.

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E. Historic Landmarks/Archaeological Sites. Historic and archaeological lands are those which constitute, or upon which is situated, a historical landmark formally listed or registered by the county or city for local regulatory protection.

F. Open Space Lands. Open spaces lands are those that contain environmentally sensitive areas and buffers. In addition, open space lands include those parcels adjacent to environmentally sensitive areas that also provide community valued open space and treasured areas, urban/rural buffers, in-city urban separators, public and private parks and recreation and community facilities.

G. Urban Wildlife Pocket. Lands under this category provide some open space and wildlife habitat in the urban setting. These naturally vegetative lands are found in densely configured communities where an undeveloped lot is the exception in the area. Although single lots may be eligible as an urban wildlife pocket, a higher priority will be given to those lands offered in conjunction with other offered or already preserved properties or where there exists a high probability of other properties that may be preserved in the vicinity. The natural and wildlife amenities of such lands should be reasonably certain to remain unaffected over the foreseeable future.

H. Critical Fish and Wildlife Habitat Areas. Lands under this category should provide high quality habitat and support a diversity and abundance of wildlife. High quality fish and wildlife habitat areas also tend to protect rare, unique, or threatened habitat.

I. Endangered, Threatened, or Sensitive Species Habitat. Lands under this category have been identified by the Washington State Department of Wildlife as areas with threatened or endangered species, or species of special concern.

J. Trails. Lands under this category should contribute to the completion of trails designed and scheduled for eventual right-of-way acquisition or surface preparation. These trails should provide public access between and through open spaces in the city, serving bicyclists, pedestrians, equestrians or other appropriate users. (Note: Public access makes this land category suitable for fee acquisition.)

K. Greenways. Lands under this category should lie within a greenway or greenbelt, which are land areas that are naturally vegetated, provide public access to and linkages between open space resources.

L. Viewpoints and Vistas. Vista properties are parcels of land which offer sweeping views of lakes, mountains, valleys, rivers, streams, historic structures, farms and other rural landscapes, or landmarks. The quality of a view from a vista property should be reasonably certain to remain unaffected over the foreseeable future. For instance, a potential property may not be of high priority under this particular land type if development is likely to occur that would materially diminish the quality of the view from the vista property.

M. Parklands. Property in its natural state, open to the public and located in an urban growth area, which will enhance opportunities for passive recreational needs, as determined at the time of land classification.

N. Parksites and Active Recreation Sites. Property which has been identified as land which the city, school district, other municipal corporation or other qualified not-for-profit land conservation organization may, at a future date, want to purchase as park, recreation, or open space parkland. (Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.155 Lands not eligible for TDR sending area designation.

Any lands identified under section 19.24.150 that are located within identified receiving areas or are part of separate open space agreements shall not be eligible for designation as TDR sending areas.

19.24.160 Application and designation process for TDR sending areas.

A. Applications. Applications requesting inclusion of public benefit lands into the TDR program as a TDR sending area shall be submitted to the city administrator. Applications shall be completed on forms supplied by the city and shall include the following information:

1. Name(s) and address(es) of each parcel owner(s);
2. Legal description and parcel number of the parcel;
3. Description of the parcel, to include size, existing zoning, site characteristics, current use and the resources and/or features that may be considered in evaluating the property's eligibility as a qualifying land type under Section 19.24.030;
4. Copy of the parcel deed and title;
5. Expected area or population to benefit from the preservation of the parcel;
6. Proposed property interest to be conveyed to the city; and

7. Statement(s) and or letter(s), if any, evidencing community support of the property's designation for inclusion into the TDR program.

8. Signed by all owners of record.

B. City Review. Applications will be screened by the city administrator or designee to determine eligibility and to evaluate each application according to the listed criteria. The city administrator may conduct an inspection of the nominated property and may also require the submission of additional information necessary to evaluate the property's resources/features. The city administrator will provide to the planning commission a report that sets forth: 1) whether the property meets the requisite criteria for sending area designation, and 2) whether its designations as a TDR sending area will impair in any appreciable degree the operation of the TDR program; and 3) what bonus density, if any, should be credited to the TDR sending area.

C. Planning Commission Review and Recommendation. The city administrator will present his/her analysis and recommendations to the Black Diamond planning commission for review and consideration. The commission will consider the city administrator's report and submit its recommendation to the Black Diamond city council as to whether or not the area should be designated as a TDR sending area, and whether the area should be considered for bonus density.

D. City Council Action. The city council will hold a public hearing, consider the planning commission's recommendation and the city administrator's report, and will issue a final decision on the application for TDR sending area designation. The city council may deny the application or approve the application and direct the city administrator to issue a final letter of notification. Parcels that are approved for TDR sending area designation are subject to the city's TDR program procedures for transfer of development rights, including the DRC process. As a condition of granting TDR sending area status, the city may require either a fee transfer or grant of conservation easement within the discretion of the city council. The council shall also determine whether bonus density should be allowed. The designation of a TDR sending area, a treasured place, and the appropriate density bonus are legislative actions. (Ord. 752 § 2 Exh. 1 (part), 2003)

19.24.165 Establishing additional TDR receiving areas

The City Council shall maintain discretion of designating additional or removing existing receiving areas in order to ensure an adequate balance within the TDR Program.

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19.24.170 Public benefit land evaluation criteria.

The following evaluation criteria are designed to assist the city's review and assessment of designating additional properties as TDR sending areas:

A. Significant Land Resource. The property supports multiple environmental, resource or recreational purposes by materially satisfying one or more of the definitions of eligible land types.

B. Educational or Recreational Value. The property promotes conservation principles by example or by offering educational opportunities or enhancing recreational opportunities.

C. Size of Parcel. The size of the property is significant to the environmental, resource or recreational value and/or public benefit provided by the property in preserving or defining the character of the city.

D. Threat to Property. The property's open space value is substantially threatened. Evidence of substantial threat could include:

1. There is development activity nearby the parcel;
2. The property is presently listed for sale;
3. Development permits have been submitted on the property;
4. There is commercial development within the vicinity of the property; or
5. Preservation assistance offered by another entity is available for a limited time, including matching funds, contributions of conservation easements or other property interests, or sale at less than full value.

E. Community Support. The community supports designation of the property as a TDR sending area. The following support will be recognized:

1. Letters supporting not only the preservation of the property, but the intended permanent open space or resource objectives for the property if it is preserved;
2. Resolution of support by an established citizens organization or community land trust; or
3. Endorsement by other agencies or local governments.

F. Geographic Distribution. The property is located in an area where the environmental, resource or recreational value is scarce and the preservation of any land would provide a significant benefit.

G. TDR Program Functionality. Designating the parcel as a TDR sending area will not impair in any appreciable degree the functionality of the TDR program. (Ord. 752 § 2 Exh. 1 (part), 2003)

Tables

Files listed below require Adobe Acrobat Reader 3.0.

Statutory References

Ordinance List and Disposition Table

Deleted: 19.24.180 Treasured place designation process.¶
The treasured place designation process shall be initiated by the city council adopting a resolution identifying an area as a potential treasured place. The process set forth in subsections 19.24.160 (B) through (E) shall be followed, with the additional requirement that the staff report and the planning commission recommendation shall also set forth whether or not all or a portion of the property meets the criteria for treasured place designation, and, if so, what conditions, if any, should be placed upon the designation, and the recommended density bonus credit that should be given. The council may set a time limit on how long an area will be designated a treasured place without further council confirmation of its continuing treasured place status. (Ord. 752 § 2 Exh. 1 (part), 2003)¶

BLACK DIAMOND DESIGN GUIDELINES

for

The Town Center

The Town Center

Introduction and Purpose

The 1996 Comprehensive Plan established a blueprint for growth that will both preserve and enhance the city's physical characteristics and community values. These design guidelines for the Town Center District provide specific recommendations to ensure that this district can maintain its unique, semi-rural, small town atmosphere while accommodating compact forms of new development.

Site Design

New development in the Town Center district should place a strong visual emphasis on the street, and support active public space. Fulfillment of these broad design objectives requires an integrated approach to site planning. Buildings, parking, service access, plazas and courtyards must each recognize the important relationship between public and private space.

Building Design

The overriding objective of the building design objectives is to establish a high standard of design for new development within the community. The hallmark of design excellence will be to create places of enduring quality that uniquely fit into the district's small town setting. In particular, new development adjacent to historic structures should respect the existing fabric and provide a transition between the old and the new.

SITE DESIGN



Seating

A. Orientation to the Street

Intent

The life of the Town Center district is closely tied to the character of its public space. Collectively, buildings configure and shape the streetscape and other open spaces. New buildings should be located towards the street, at or near the sidewalk to promote community commercial activity, and heighten the presence and maintain the identity of the historic town center.

Guidelines

1. Locate and orient buildings to define public streets and civic spaces. In general, build up to the sidewalk and limit gaps to the minimum necessary to accommodate parking and access. Buildings with no setback need to include two or more of the following. Buildings that setback up to 10 feet from the back of sidewalk need to include three or more of the following:
 - a. Covered porch or boardwalk
 - b. Pedestrian scale bollard or other accent lighting
 - c. Special paving, such as colored/stained concrete, brick, or other unit paver
 - d. Seating, such as benches, tables, or low seating walls
 - e. Water feature
 - f. Sculptural art



Covered porch



Bollards

4

SITE DESIGN

B. Parking Lot Location

Intent

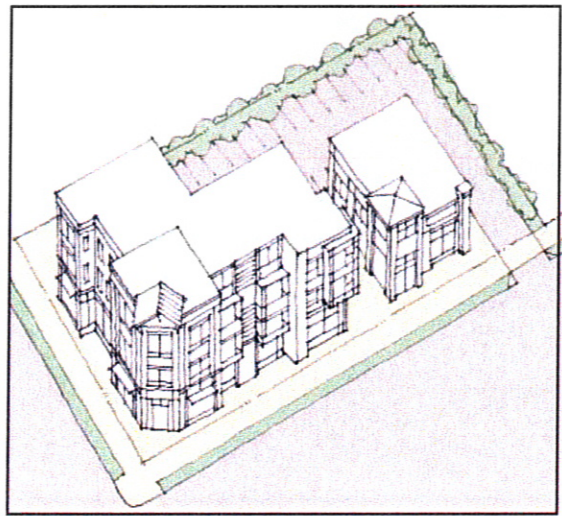
To locate parking in a manner that is as visually unobtrusive as possible, and provides safe, convenient access without detracting from the pedestrian environment.

Guidelines

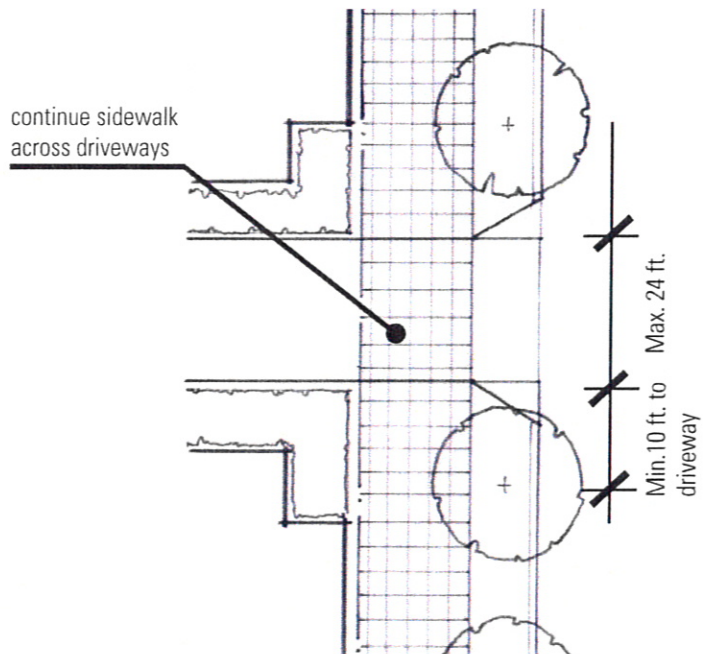
1. Locate parking lots to the side or behind buildings when possible.
2. Parking lots shall not abut street intersections (corner lots).
3. Enhance pedestrian safety by reducing and consolidating driveways, while providing for adequate access:
 - a. Distance between curb cuts in the same parcel or development should not be less than 100 feet.
 - b. Continue sidewalk pattern and material across the driveway.
 - c. Driveways shall not exceed 24' in width.
4. No parking stalls or drive lanes shall be placed between the building and the street.



Parking to the side of the building



Parking to the rear of the building



SITE DESIGN



Screen surface parking from public view

C. Parking Lot Screening

Intent

To reduce the impacts of surface parking.

Guidelines

1. Screen parking lots located beside buildings from the right-of-way with one or more of the following treatments:

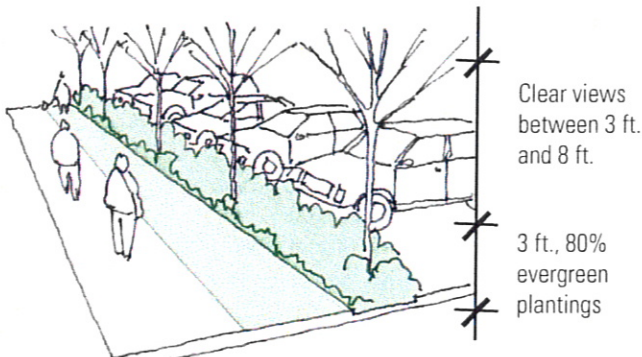
- a. Landscaping to sufficiently screen the first 3 feet in height.
- b. Low walls made of concrete, masonry, or other similar material and not exceeding a height of 3 feet.
- c. Raised planter walls planted with a minimum of 80% evergreen shrubs not to exceed 3 feet in height.

2. Reduce visual impact of surface parking lots.

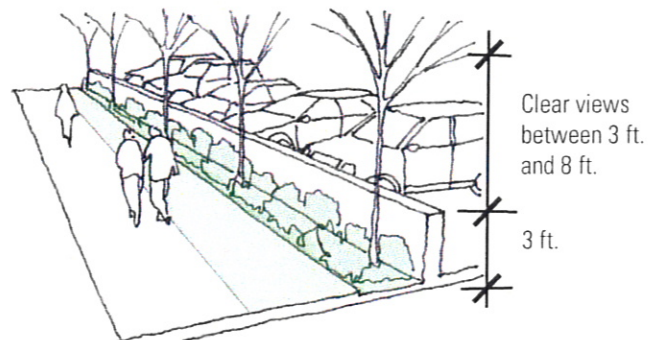
-Where the parking lot is located to the side of the building and partially abuts the public right-of-way, one tree for every six spaces shall be provided;

-Where the parking is behind the building and not visible from the public right-of-way, one tree for every eight spaces shall be provided.

note: no planting strip shall be less than 3 feet wide



Example landscaping meeting screening requirement



Examples of low wall and landscaping

SITE DESIGN

D. Pedestrian Connections

Intent

The commercial district should connect through a network of public spaces and paths. New development should improve the pedestrian environment by making it easier, safer, and more comfortable to walk between businesses, to the sidewalk, to transit stops, and through parking lots.

Guidelines

1. Clearly define pedestrian connections with a combination of two or more of the following ways:
 - a 6 inch vertical curb in combination with a raised walkway.
 - a trellis, special railing, bollards, and/or other architectural features to accent the walkway at key points.
 - a continuous landscape area minimum 3 feet wide on at least one side of the walkway.
2. Pedestrian connections should be reinforced with pedestrian-scale lighting to aid in way-finding.
3. Pedestrian walkways should include clear sight-lines to building entrances and should not be less than 4 feet wide.



Provide separated pedestrian connections to and through parking



Walkways should connect to the surrounding city pedestrian network, including sidewalks and crosswalks

SITE DESIGN



E. Screening of Trash and Service Areas

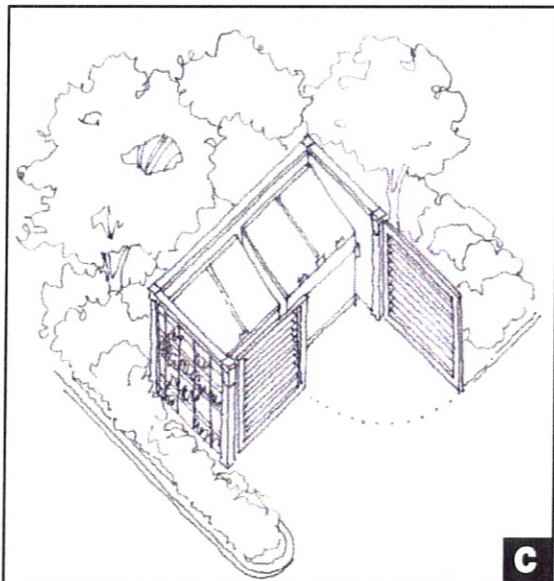
Intent

To reduce the impact of service, loading, and trash/recycling areas.

Guidelines

1. Screen service, loading and trash/recycling collection areas from public view with solid evergreen plant material or architectural treatment similar to the design of the adjacent building.

note: alternatives may be considered if designs meet the intent and are approved by the Community Development Director



screening with natural material (a), brick and plantings (b), and a combination of heavy wood and vine covered trellis (c)

BUILDING DESIGN

A. Building Entrance

Intent

To ensure that entrances are easily identifiable and accessible from streets and sidewalks.

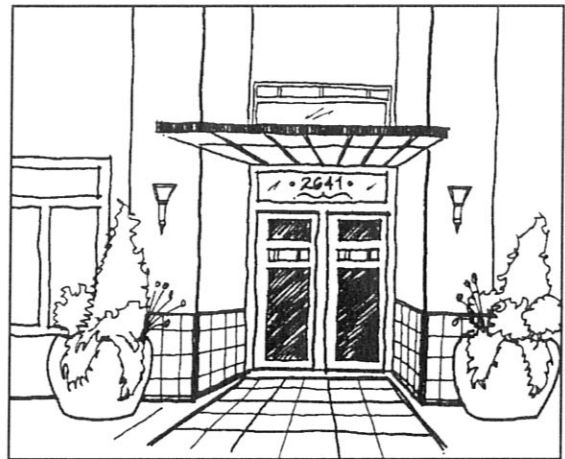
Guidelines

1. Locate primary entrances so that they are visible from the public right-of-way.
2. Main entrances shall have weather protection in the form of an awning, canopy or covered porch.
3. Main entrances shall include two or more of the following:

- Pedestrian lighting
- Decorative paving
- Special materials like ornamental tile
- Side lights
- Clerestory
- Landscaped pots and/or window boxes
- Corner Entrance



Consider placing the main building entrance at a street corner, where feasible



Use design elements such as light fixtures, potted plants, canopies and special paving to accentuate a buildings entrance at the street

BUILDING DESIGN



Vary the three dimensional character of the building from bottom to top



Rely on building massing and materials to place a strong visual emphasis on the street; upper level is both set back and broken up into separate volumes to reduce the perceived scale of the building

B. Massing and Bulk

Intent

Reduce the apparent bulk of multi-story buildings and maintain a pedestrian scale compatible with Black Diamond's character.

Guidelines

Buildings above 30 feet in height shall:

1. Distinguish a "base" at ground level using articulation and materials such as stone, masonry, or decorative concrete.
2. The "top" of the building will emphasize a distinct profile or outline with elements such as a projecting parapet, cornice, upper level setback or pitched roof line.
3. The "middle" of the building may be distinguished by a change in materials or color, windows, balconies, or stepbacks.

BUILDING DESIGN

C. Transparency

Intent

Improve the pedestrian experience and safety by providing vision glass at the ground level.

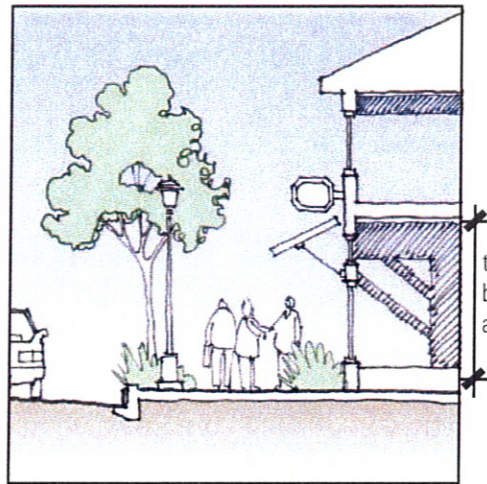
Guidelines

For new commercial buildings in the Town Center:

1. A minimum of 60% of any ground floor facade between 2 feet and 12 feet above grade and facing a street or public space shall be comprised of clear, "vision" glass.



Generous street-level shop windows and entrances animate the street



BUILDING DESIGN



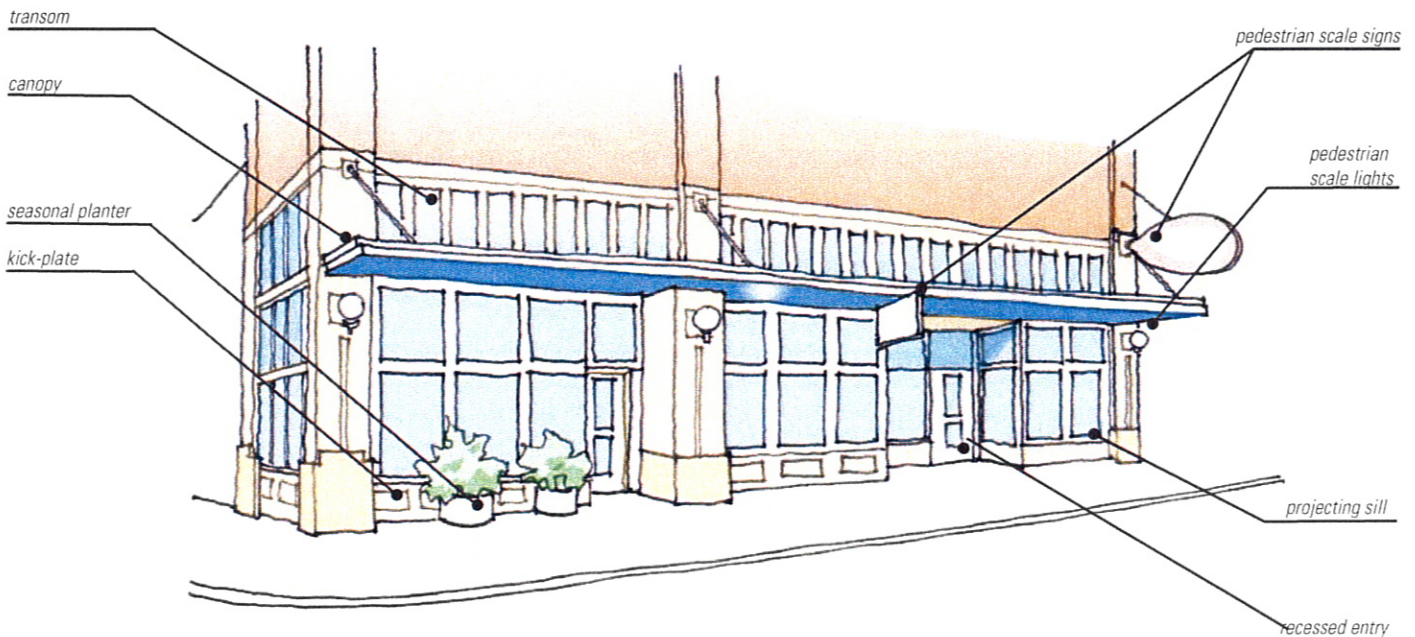
D. Ground Level Details

Intent

To create a socially and visually stimulating commercial district with street level facades that support pedestrian activity.

Guidelines

1. Reinforce the character of the streetscape with the greatest amount of visual interest placed along the ground level of buildings. Facades of commercial and mixed-use buildings shall be designed to be pedestrian-friendly through the inclusion of at least three of the following elements:
 - a. kickplates for storefront windows
 - b. projecting window sills
 - c. pedestrian scale signs
 - d. canopies
 - e. plinth
 - f. ornamental tilework
 - g. lighting or hanging baskets supported by ornamental brackets
 - h. an element not listed here that meets the intent



BUILDING DESIGN

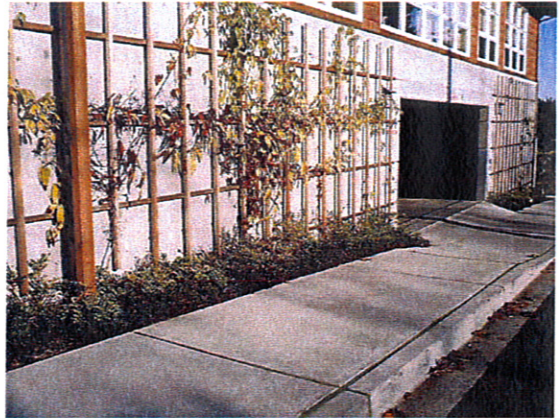
E. Blank Wall Treatments

Intent

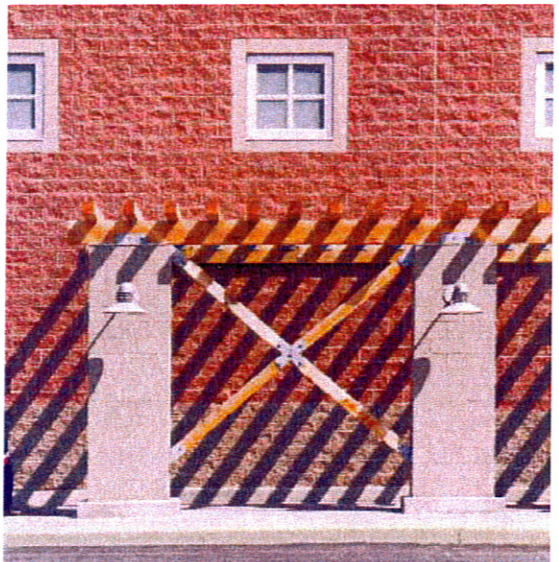
To reduce the visual impact of blank walls by providing visual interest.

Guidelines

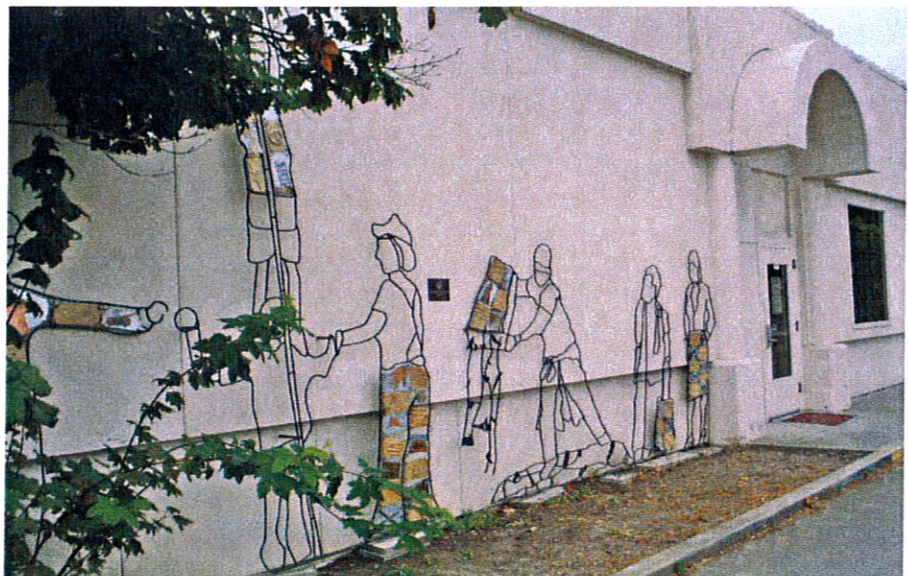
1. Blank walls longer than 30 feet that face streets or are visible from residential areas shall incorporate two or more of the following:
 - a. Vegetation, such as trees, shrubs, ground cover and/or vines adjacent to the wall surface;
 - b. Artwork, such as bas-relief sculpture, murals, or trellis;
 - c. Seating area with special paving and seasonal plantings;
 - d. Architectural detailing, reveals, contrasting materials or other special visual interest.



Ground cover and vines help soften a flat facade



Architectural elements including building base, columns, lighting, trellis and faux windows



Artwork can provide visual interest and reveal a place's culture and history

BUILDING DESIGN



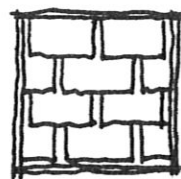
F. Historical Context

Intent

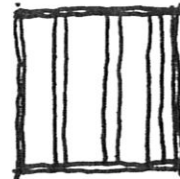
To promote building design that is sensitive to the overall character of Black Diamond.

Guidelines

1. Incorporate architectural elements into new development that reinforce the established character of Black Diamond including:
 - natural materials
 - window proportions
 - facade and canopy lines
 - covered boardwalks
 - front porch or stoop
 - extended parapets
 - decorative railings



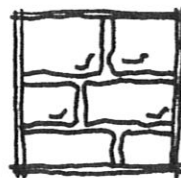
wood shingles



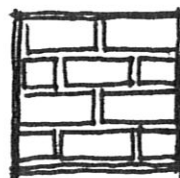
board & batten



ship-lap



stone



brick



exposed log

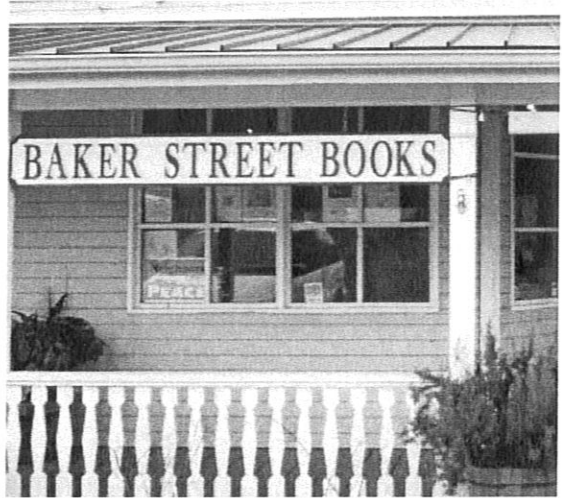
SIGN DESIGN

A. Sign Design*Intent*

To encourage small-scale, pedestrian-oriented signage that is compatible with the rural, historic character of Black Diamond.

Guidelines

1. Required sign placement:
 - a. On or under a marquee's, awning's, or canopy's vertical face (valance);
 - b. On the building facade, integrated with the architectural elements of the building;
 - c. On lower story windows.
2. Internally lit or backlit signs and billboard wall signs are prohibited.
3. Allow increased size for signs that are highly graphic in form, expressive and individualized.



Town Center Precedent: small-scale signs add individual expression of the storefront and detail and richness to the street level facade



BLACK DIAMOND

DESIGN GUIDELINES

for

Commercial Zones

Commercial Zones

Introduction and Purpose

This section of the Design Standards and Guidelines focuses on site planning and design guidance for the Commercial Zones of the city. These standards and guidelines serve to promote successful and vibrant commercial activity in the city while maintaining the rural and historic character that defines Black Diamond.

Site Design

Site design in Commercial Zones serves to orient buildings and transportation corridors in a way that allows for pedestrian and vehicular access while screening undesirable features such as trash areas and parking lots. A focus on landscaping and connectivity to adjacent uses will be stressed to meet the overall site design objectives.

Building Design

Building design in Commercial Zones will be compatible with the historic and rural context of the City of Black Diamond. These standards and guidelines ensure the objectives are met by addressing building design features individually to maintain pedestrian friendly and visually appealing commercial areas that cater to residents and visitors alike.



Storefronts and entrances should enhance the activity on the street



Pulling back the entrance from the corner and providing additional sidewalk and landscaping

A. Orientation to the Street

Intent

The life of the commercial district is closely tied to the character of its public space. Collectively, buildings configure and shape the streetscape and other open spaces. New buildings should be located towards the street, near the sidewalk to promote community commercial activity, and to heighten the presence and improve the identity of commercial areas.

Guidelines

1. Locate and orient buildings to define public streets and civic spaces. Locate buildings close to the sidewalk and limit gaps to the minimum necessary to accommodate parking and access. Allow larger developments to pull back from the street edge for plazas and entry forecourts. Plazas, courtyards and other pedestrian space should include at least three of the following:
 - a. Special landscape
 - b. Pedestrian scale bollards
 - c. Accent lighting
 - d. Special paving, such as colored/stained concrete, brick or other unit paver
 - e. Seating, such as benches, tables, or low seating walls
 - f. Water feature
2. Provide clear, recessed main building or shop entrances that do not interrupt street and/or retail continuity.
3. Set back buildings at the corners of intersections from the corner property lines at the ground floor to allow for both a more generous sidewalk and additional street landscaping to support a high level of activity and visibility.

SITE DESIGN

B. Parking Lots

Intent

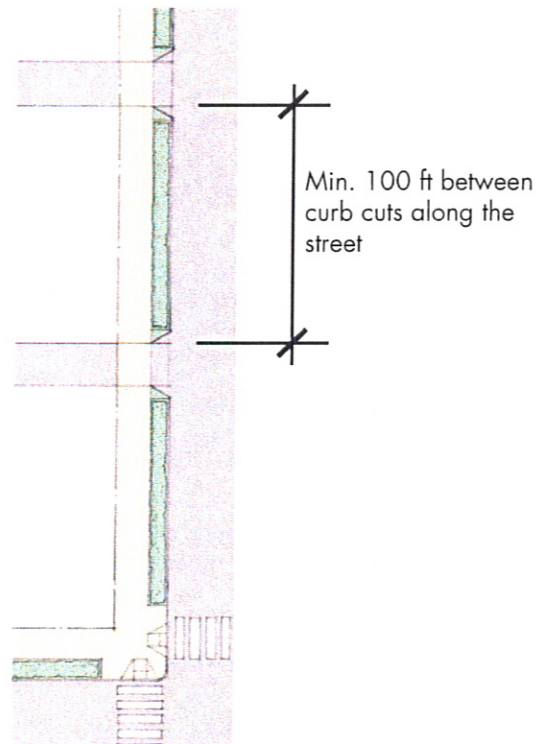
To locate parking in a manner that is as visually unobtrusive as possible and provides safe, convenient access without detracting from the pedestrian environment.

Guidelines

1. Locate parking lots behind buildings when possible.
2. Parking lots shall not abut street intersections (corner lots).
3. Where parking lots are beside buildings, screen them from the right-of-way with one or more of the following treatments:
 - a. Low walls made of concrete, masonry, or other similar material and not exceeding a height of 3 feet.
 - b. Raised planter walls planted with a minimum 80% evergreen shrubs with a total height not to exceed 3 feet.
4. Enhance pedestrian safety by reducing and consolidating driveways, while providing for adequate access:
 - a. Distance between curb cuts should not be less than 100 feet.
 - b. The sidewalk pattern and material shall continue across the driveway.
5. Require adjacent developments to share driveways.
6. Reduce the visual impact of surface parking lots.
 - a. Where the parking lot is located to the side of the building and partially abuts the public right-of-way, one tree for every six spaces shall be provided;
 - b. Where the parking is behind the building and not visible from the public right-of-way, one tree for every eight spaces shall be provided.



Parking lot screened with low walls and landscaping



Pedestrian connections can be maintained in larger parking lots

STREET DESIGN



Connections provide safety and comfort through large sites

C. Pedestrian Connections

Intent

The commercial district should connect through a network of public spaces and paths. New development should improve the pedestrian environment by making it easier, safer, and more comfortable to walk between businesses, to the sidewalk, to transit stops, and through parking lots.

Guidelines

1. Pathway Widths and Surfaces:

	WIDTHS	SURFACE MATERIAL
Business Entry Walkways	8 feet or more	Concrete and/or pavers
Parking Lot Pathways	5-8 feet	Concrete and/or pavers
Business Connecting Walkways	8-16 feet	Concrete, pavers, gravel, stone or brick
Multi-purpose Regional Trail	5-12 feet	Concrete, asphalt, gravel, stone, brick or wood

2. Provide adequate building lighting at entries and along all walkways and paths through parking lots.

C. Pedestrian Connections *continued*

Guidelines

3. On-Site Pedestrian Circulation

Provide pedestrian paths or walkways connecting all businesses and the entries of multiple buildings on the same development site.

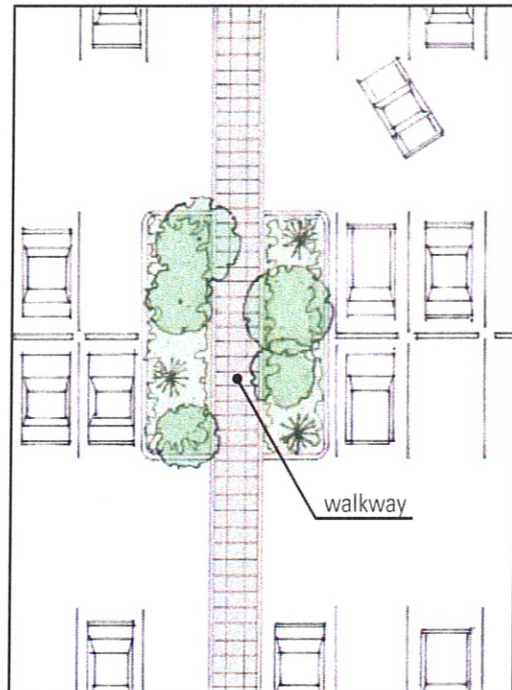
Provide pathways and crosswalks through parking lots along every fourth parking aisle or at intervals of less than 150 feet. Use contrasting surface materials for pathways to delineate pedestrian areas from travel lanes.

4. Site Integration with Transit Facilities

Integrate transit stops into the planning of adjacent site improvements.

- a. Extra space for waiting areas with benches, newspaper and bicycle racks, trash receptacles, a clock, bus schedule. Pavement for expanded waiting areas may be located within required setbacks and may count as landscape areas.
- b. Covered walkway directly from the transit stop into the project's entrance.
- c. Integration of transit shelter into the building by providing overhead weather protection (building canopy) with appropriate height and depth, and lean bars affixed to the base of the building.

Note: Reduction in required parking may be granted if convenient connections to transit are provided.



On-Site Pedestrian Circulation



Pedestrian connectivity near a transit stop

D. Screening of Trash and Service Areas

Intent

All unsightly uses (service, loading and trash collection areas) should be screened from the public realm in the Commercial area.

Guidelines

1. All service, loading and trash collection areas shall be screened by a combination of planting and architectural treatment. Examples include: masonry, wood, and fencing that complements the materials used in the development. Chain link fencing is prohibited.



Open and closed examples of trash screening areas

SITE DESIGN

E. Maintain and Enhance Landscape Traditions

Intent

New development should build upon the rural character found within the local landscape to improve the commercial area's built environment and support the design intentions of a project's architectural character.

Guidelines

1. Landscape plans shall include existing vegetation on the site and ways to preserve significant and noteworthy plantings.
2. At a minimum, landscape plans shall include the following elements:
 - a. A unified pedestrian circulation system with amenities and plantings;
 - b. Plantings and/or site features that enhance the buildings' architectural qualities.



A pedestrian circulation system can integrate landscaping principles in a commercial setting

STREET DESIGN

BUILDING DESIGN

A. Massing

Intent

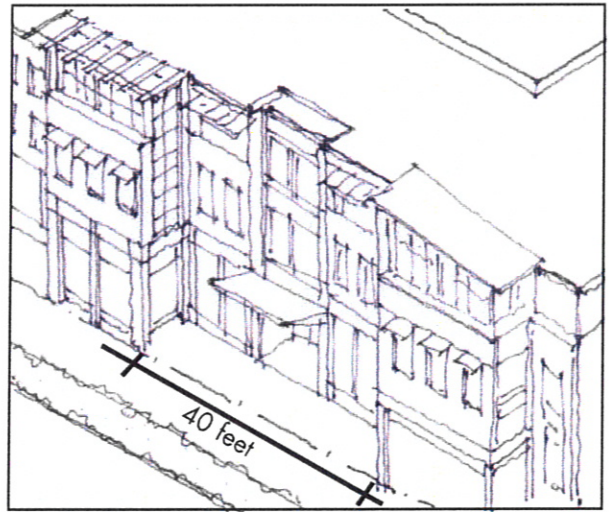
Give proper consideration to the scale and massing of individual buildings to be compatible with Black Diamond's desired architectural scale and character.

Guidelines

1. Design building volumes to maintain a compatible scale with their surroundings. In general, break down the scale and massing of larger buildings.
 - a. All new buildings with over a 100 ft. wall facing a public right-of-way shall modulate those facades visible from the public right-of-way every 40 feet.
2. Use articulated sub-volumes as a transition in size to adjacent historic or residential structures that are smaller in scale.
3. Express rooflines in a visually interesting manner that complements the composition of the building and the surrounding area:
 - a. Use a strong, detailed cornice or parapet in conjunction with a flat roof. Modulate the roofline at least every 100 feet.
 - b. Gable, hipped or shed roofs with a slope of at least 3 feet vertical to twelve feet horizontal are acceptable.
 - c. Other roof forms, such as arched, vaulted, dormer, or saw-toothed may be acceptable provided they don't exceed 100 feet without a change in plane or design.
 - d. Mechanical equipment shall be screened from the public right-of-way by an extended parapet wall or other roof form.



Buildings should match Black Diamond's small, rural character



Example of building facade modulation standard



Gabled roofline with differentiated slopes to articulate the building composition

B. Articulation

Intent

A set of responsive, regulating proportions will contribute to a coherent building design and promote cohesiveness within Commercial zones.

Guidelines

For buildings 25' or higher.

1. Emphasize the number of stories in a building using physical articulation, a change in materials, a belt course, or other methods that satisfies the intent.
2. Building facades abutting the street shall have an upper level setback at a height 25-40 feet above grade, with a minimum depth of 10 feet.



In this case, third story articulation breaks up the perceived bulk of the building

BUILDING DESIGN

C. Ground Level Details

Intent

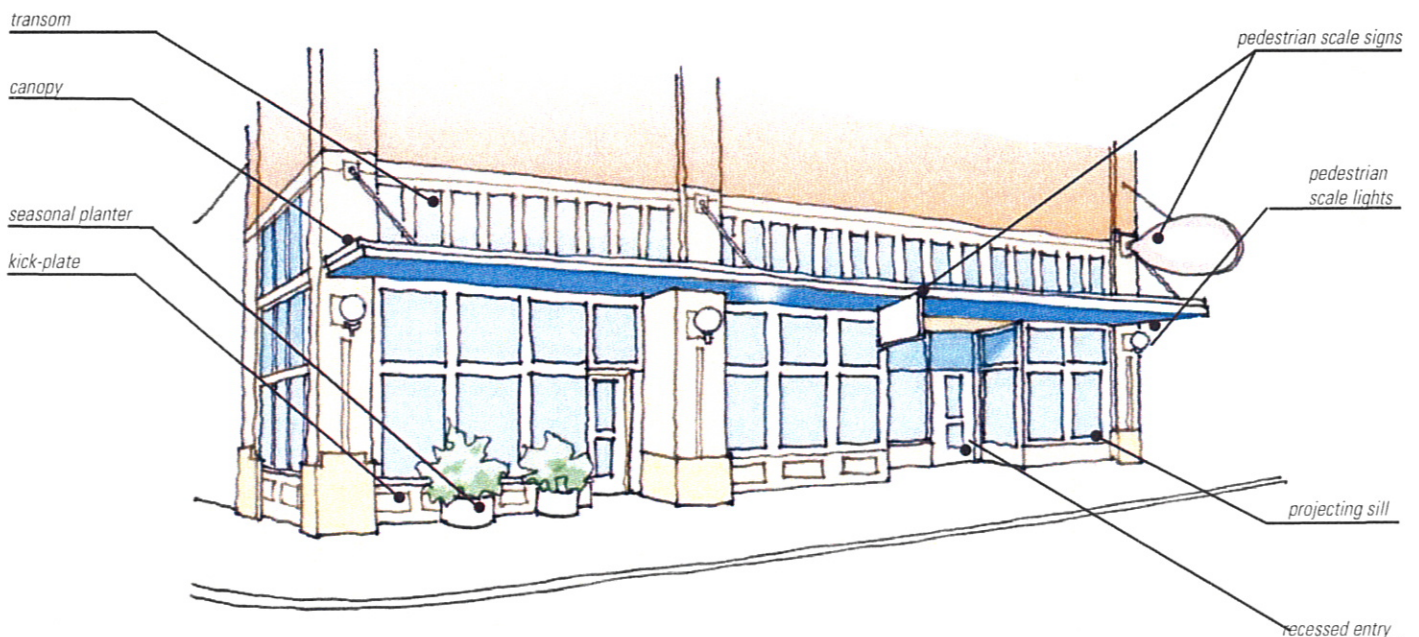
To create a socially and visually stimulating commercial district with street level facades that support pedestrian activity.

Guidelines

1. Promote active, pedestrian-oriented uses with a high degree of transparent window area. Reflective, opaque and highly tinted glass is prohibited.
2. Reinforce the character of the streetscape with the greatest amount of visual interest placed along the ground level of buildings. Facades of commercial and mixed-use buildings shall be designed to be pedestrian-friendly through the inclusion of at least three of the following elements:
 - a. kickplates for storefront windows
 - b. projecting window sills
 - c. pedestrian scale signs
 - d. canopies
 - e. transom windows
 - f. lighting or hanging baskets supported by ornamental brackets
 - g. an element not listed here that meets the intent



Good pedestrian oriented ground level detailing improves the street life of a commercial street



BUILDING DESIGN

D. Blank Wall Treatments

Intent

To reduce the visual impact of blank walls by providing visual interest.

Guidelines

1. Blank walls longer than 30 feet facing streets or visible from residential areas shall incorporate two or more of the following:
 - a. Vegetation, such as trees, shrubs, ground cover and/or vines adjacent to the wall surface;
 - b. Artwork, such as bas-relief sculpture, murals, or trellis;
 - c. Seating area with special paving and seasonal plantings;
 - d. Architectural detailing, reveals, contrasting materials or other special visual interest.



Historic mural work can fit with the character of a commercial area and break up blank walls

BUILDING DESIGN

E. Corner Lots, Marking Gateways

Intent

To promote civic identity through prominent building features at important locations.

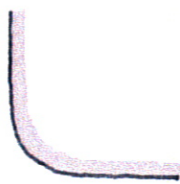
Guidelines

1. Buildings located at “gateways” or corners of blocks, should be given significant architectural expression in the facade, roof form, massing and orientation, such as:
 - a. tower forms
 - b. peaked roofs
 - c. larger entrances

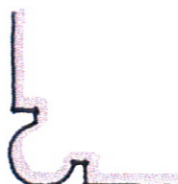
2. Gateways development shall also integrate special landscaping, artwork, and/or pedestrian open space along the street edge(s).



A significant corner building with unique architectural form can mark entry into the commercial area



curved



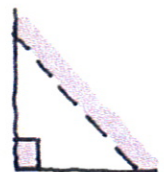
hinged



beveled



mitred



open bay w/ bevel

BLACK DIAMOND DESIGN GUIDELINES

for

Business Park/Industrial Areas

Business Park/Industrial Areas

Introduction and Purpose

This section of the Design Standards and Guidelines focuses on site planning and design guidance for the Business Park/Industrial Zones. Details on site design and building design are included in these guidelines to promote sensitive site planning and low impact development to preserve significant natural features and overall community character.

Site Design

Emphasis on the siting of buildings should be placed on clustering buildings and parking to preserve open space and significant natural features as community amenities, and to take advantage of opportunities to reflect and express the community's semi-rural character through the arrangement of buildings and landscape.

Building Design

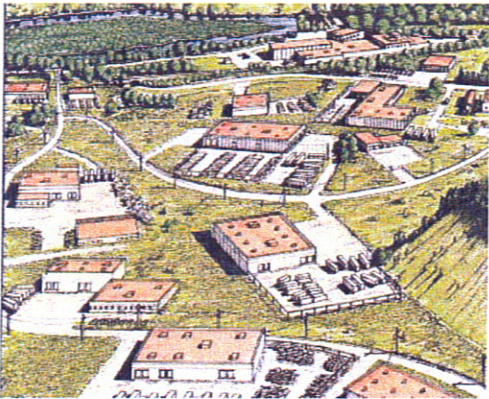
Typically, office campuses present a unified character to lend brand identity, professionalism and credibility. These guidelines stress a semi-rural, contextual approach to this development pattern with the following design directives:

- acknowledge and respect local natural features;
- design for compatibility with adjacent uses;
- design for overall cohesiveness;
- consider each building as a high-quality, long term addition to the city

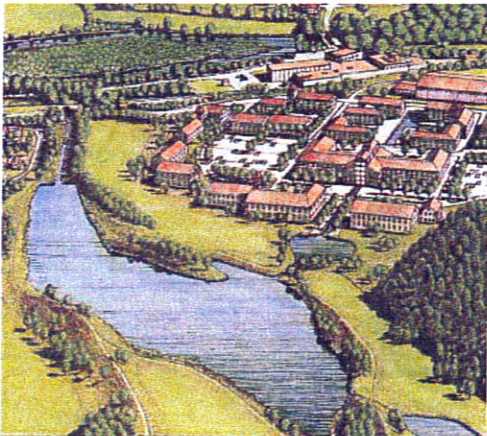
SHED-DESIGN

Over-arching Site Design Intent

Emphasis on the siting of buildings within a business park should be placed on clustering buildings and parking to preserve open space and significant natural features as community amenities, and to take advantage of opportunities to reflect and express the community's semi-rural character through the arrangement of buildings and landscape. Site design should also recognize and relate to adjacent streets and adjacent developments.



Sprawling development patterns tend to ignore natural features and can negatively impact neighboring uses.



Integrated development can preserve and take advantage of unique natural features by clustering buildings, parking, access and circulation.



A. Integrated Site Planning

Intent

Each component of a business park and industrial campus should contribute to a coherent sense of the whole, including:

- encouraging cluster development to preserve open space and significant natural features as community assets;
- discouraging developments that result in “left-over” open space; and
- recognizing the important relationship between private, semi-public and public spaces in the arrangement of buildings, parking, service access, and pedestrian areas.

Guidelines

1. Preserve natural features (wooded areas, knolls, ponds and streams) and community landmarks (significant trees, farmhouses) by concentrating and clustering buildings on the land of least natural sensitivity/significance.
2. Establish clear pedestrian connections on site that are well-marked and ADA-compliant. Pedestrian paths or walkways should connect to all businesses and building entries, and through parking lots to direct pedestrians to buildings, streets and public spaces.
3. Discourage buildings that are internally focused at the expense of improving the pedestrian environment.
4. Buffer adjacent sensitive land uses from undesirable impacts that may originate from the site; buffers may be landscape and/or architectural in character.

SITE DESIGN

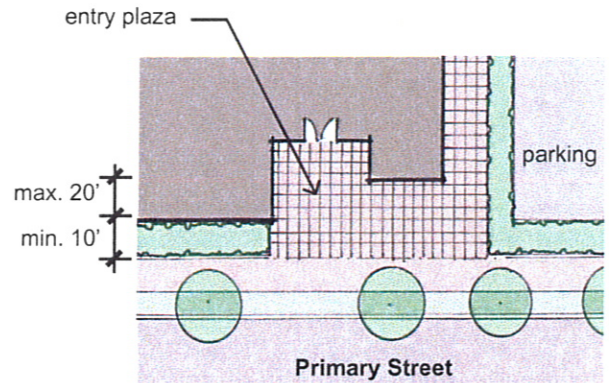
B. Building Orientation: Street Front

Intent

Buildings should be oriented with consideration to the visual impact from the perspective of the driver or pedestrian on the primary roadway. It is important to create the immediate first impression of a high quality business park, as part of the city's overall community character and identity.

Guidelines

1. Provide sidewalks along principal streets, including the following:
 - a. Sidewalk area with a clear zone of 5 feet for pedestrian travel;
 - b. A 4-foot-wide continuous planted area.
2. Require buildings to be developed with "principal" facades on the primary street. Establish a streetscape defined by attractive buildings located near the street edge within a landscape setting:
3. Site buildings should be sited in ways which make their entries or intended use clear to approaching visitors. Sole building entries from parking lots are discouraged.
4. Set buildings back at the corners of intersections from the corner property lines to allow for more generous sidewalk, additional street landscaping, and business signage.
5. Front internal access drives with a combination of buildings and landscaping and served by pedestrian walkways.



Building orientation and setbacks on primary street



Walkways, planting strips and a variety of trees make internal drives more visually appealing and safer for pedestrians

SITE DESIGN



Low masonry wall with landscaping

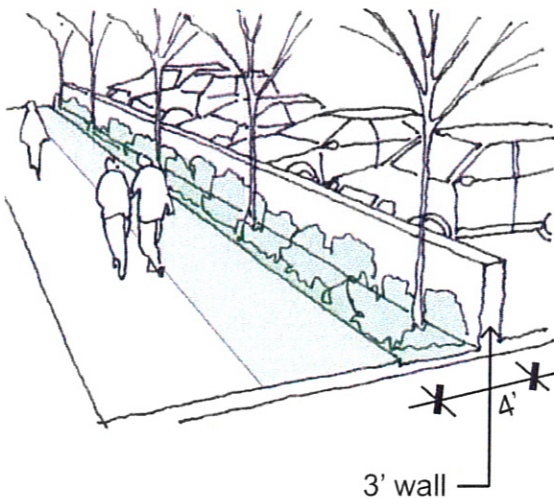
C. Parking Lot Screening

Intent

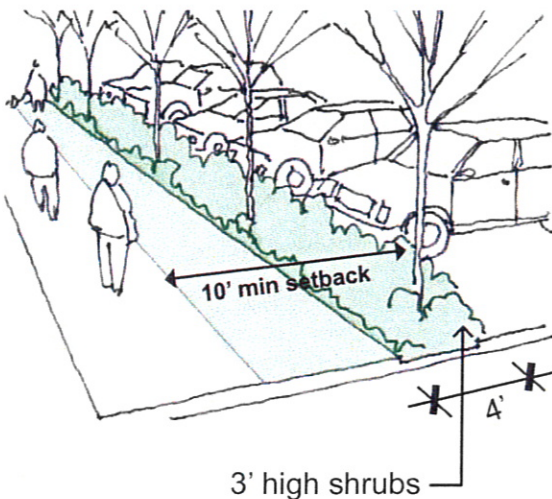
To reduce the impacts of surface parking while also maintaining visibility for surveillance.

Guidelines

1. Screen portions of parking lots that are in front of or beside buildings along the primary street(s) from the right-of-way with one or more of the following treatments:
 - a. Landscaping to sufficiently screen the first 3 feet in height adjacent to the parking area, within a 4' planting area.
 - b. Low walls made of concrete, masonry, or other similar material and not exceeding a height of 3 feet. Ground cover and trees must still be provided in the required 4' planting area.
 - c. Raised planter walls planted with a minimum 80% evergreen shrubs not to exceed 3 feet in height.



Surface parking from public view with wall and vegetation



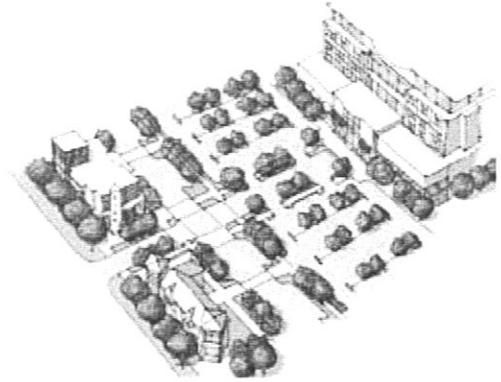
Surface parking from public view with vegetation

SITE DESIGN

D. Parking Lot Location and Landscape

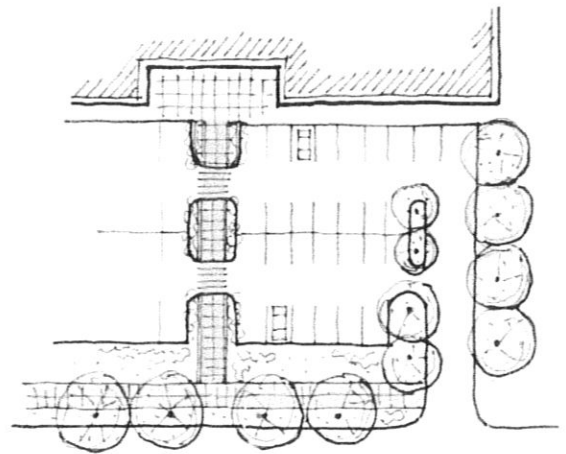
Intent

To reduce the visual impact of parking lots through landscaped areas that complement the overall design and character of development, providing both aesthetic and environmental benefit.



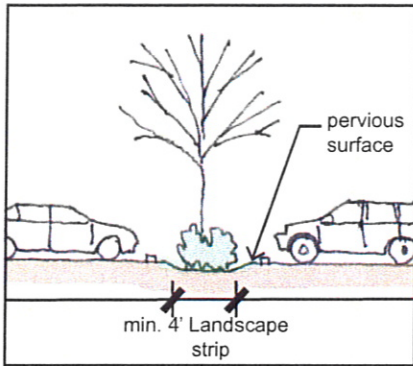
Guidelines

1. Locate parking lots to the side or behind buildings when possible. Parking located on the side or in front of the building shall meet the following:
 - a. Parking is set back a minimum of 10' from the property line;
 - b. Surface parking areas include 5' of perimeter landscaping and meet Guideline B when facing a Primary Street(s);
 - c. Parking area does not exceed 50% of the total frontage along the Primary Street(s); and
 - d. Promote shared parking access and shared parking among adjacent businesses.
2. Parking lots shall not abut street intersections (corner lots).

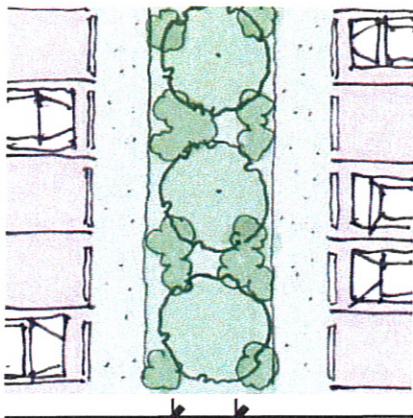


Screen parking from all neighboring properties and public rights-of-way with perimeter landscaping

SITE DESIGN



Interior parking lot landscaping strips



min. 4' Landscape strip with ground cover, shrubs and trees

Interior parking lot landscaping strips, plan view

D. Parking Lot Location and Landscape

Guidelines

3. Dedicate 10% of all parking areas to interior landscaping, including the following:
 - a. Provide interior landscaping should be provided every 16 parking stalls and at the ends of each row of parking;
 - b. Landscaping strips should be a minimum of 4 feet wide and consist of ground cover, drought tolerant shrubs at a rate of 1 shrub per space, and at least one tree per every 6 spaces.

4. Allow the use of pervious pavers and other low impact methods of stormwater runoff infiltration in the design of parking areas to count towards the 10% interior landscaping requirement.



Landscaped 'fingers' break up the expanse of asphalt

SITE DESIGN

E. Pedestrian Connections

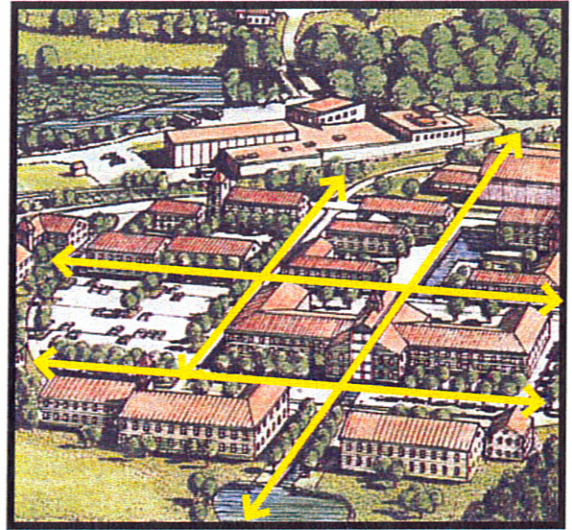
Intent

Business parks and campuses are enhanced when it is easier, safer, and more comfortable to walk between buildings and parking areas.

New developments should connect to surrounding uses, including streets, businesses, transit facilities, and residential areas, where appropriate.

Guidelines

1. Separate pathways through parking lots from vehicle parking and travel lanes by a combination of 2 or more of the following ways:
 - a 6 inch vertical curb in combination with a raised walkway.
 - a trellis, special railing, bollards, and/or other architectural features to accent the walkway at key points.
 - a continuous landscape area minimum 3 feet wide on at least one side of the walkway.
2. Use pathways to connect open spaces within the business park or campus, and link to adjacent trails, where appropriate. Use wayfinding elements, including signage and paving inlays to direct visitors to specific businesses and buildings within a park or campus.
3. Reinforce pedestrian connections with pedestrian-scale lighting for safety. Pedestrian scale lighting should be a maximum of 16 feet in height.



Pedestrian connections provide safe and comfortable access within a campus.



Connections can be naturalistic in character

SITE DESIGN



F. Site Lighting

Intent

Lighting is an important aspect of overall site development as it contributes to a feeling of safety and consistent “site vocabulary” to create a campus identity.

Guidelines

1. Short masted and local area lighting are the preferred lighting standards. Short masted lights should not exceed a maximum of 16 feet in height. Parking lot lighting should not exceed 30 feet in height.
2. Mount site lighting required for loading, staging and storage areas on the building facades if facing towards the site. The lighting should not be oriented towards any public right-of-way or adjacent properties.
3. Integrate building mounted lights should be integrated into the building character.
5. Use bollard lighting for pedestrian pathways and sidewalks.



Various lighting methods including bollard lighting for pedestrian sidewalks

SITE DESIGN

G. Screening of Trash, Loading and Service Areas

Intent

To reduce the impact of service, loading, and trash/recycling areas.

Guidelines

1. Screen service, loading and trash/recycling collection areas from public view with solid evergreen plant material or architectural treatment similar to the design of the adjacent building.
2. Loading and service areas should not face any residential district, unless no other location is possible. See Figure ___ for screening requirements if adjacent to residential zones.



H. Ancillary Uses and Storage Facilities

Intent

An important objective of the Business Park and Industrial design guidelines is to minimize clutter that can be associated with these uses.

Guidelines

1. Consolidate outdoor storage areas should be consolidated into a single area, and screened from the street and/or neighboring uses by buildings and/or landscaping.



Examples of landscaping screening methods

BUILDING DESIGN

Over-arching Building Design Intent

A clear visual and functional relationship between buildings, grounds, security and layout creates a cohesive campus. These guidelines emphasize a consistent “site vocabulary” to unify the site with similar signage and graphics, hierarchical paving, site furniture and landscaping. Within this concept, design emphasis is placed on building massing to complement the site furnishings, while distinctive design treatments in individual buildings can add three-dimensional quality and variety in character.



Example of simple modulation with deep openings that create shadow lines, provide visual relief that is carried to the top of the building.



Semi-rural character expressed in the form and roof line of a commercial building to help reduce apparent bulk

A. Massing and Bulk

Intent

The form and articulation of Business Park and Industrial buildings are expected to contribute to the desired campus environment. Large, monolithic buildings are discouraged.

Guidelines

1. Break down the scale and massing of larger buildings by modulating the building, both horizontally and vertically into smaller scale volumes. Carry this modulation up to the roofline.
2. Use floor to floor terracing on multi-story buildings to reduce bulk and increase amenity space as well as views.
3. Step buildings down towards surrounding residential uses and orient massing towards taller buildings nearby.
4. Design roofs to complement the composition and form of the building and the surrounding area. Gable or hipped roofs should be used if interpreted in a manner appropriate for an office or industrial use (such as metal materials). Use a strong, detailed cornice or parapet in conjunction with a flat roof. Employ high quality roofing material for roofs that are visible from the street.

BUILDING DESIGN

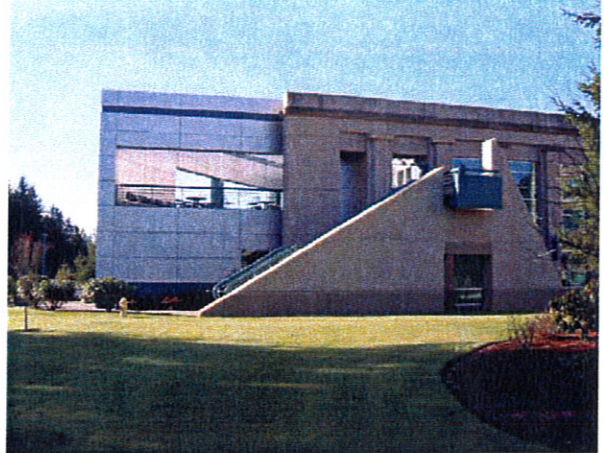
B. Form and Articulation

Intent

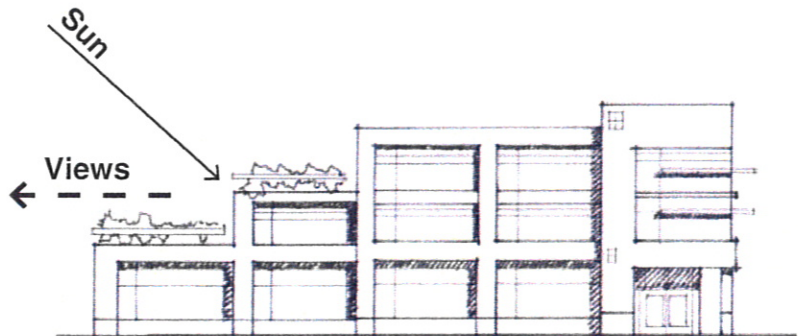
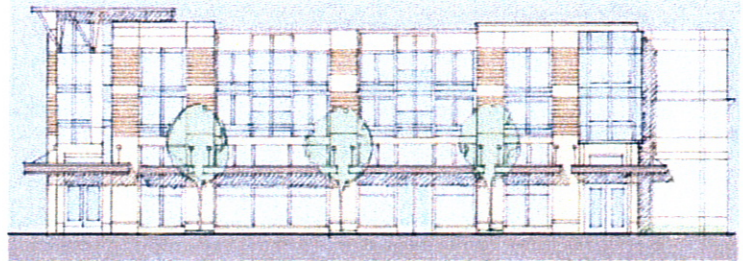
Reduce the apparent bulk of multi-story buildings and add richness and variety to Business Park/Industrial Campus architecture.

Guidelines

1. Maintain similar style, materials and scale with surrounding buildings. Use regulating lines such as soldier courses and rhythms like columns to break up long facades.
2. Provide a clear pattern of building openings. Windows, doors and other openings should unify a building's facade and add considerably to the facade's three-dimensional quality.



Unique architectural articulation reduces the perception of building bulk



Terracing provides visual relief and amenity

BUILDING DESIGN

C. Building Entrances

Intent

Provide well-marked, articulated entrances oriented to public spaces.

Guidelines

1. Orient main building entrances on either the primary street or main internal vehicle drive.
2. Accentuate the entrance(s) to a building's main lobby or interior office space; these main building entrances should be prominent in terms of size, articulation and use of materials.
3. Encourage the use of highly crafted materials or civic art pieces to further enhance the appearance and prominence of entrances.



Double height glazing, columns and landscaping give prominence and identity to a main building entrance



Separate entrance structures increase the prominence of building entrances

BUILDING DESIGN

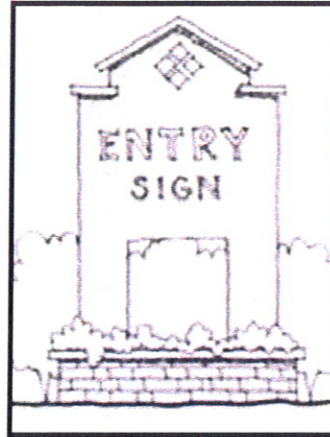
A. Sign Design

Intent

To ensure that business park and industrial campus signs are not solely oriented to automobile traffic.

Guidelines

1. Pole signs are prohibited. Ground signs should be no higher than 6 feet, and an integral part of the development's architectural design.
2. The base of any ground sign should be planted with shrubs and seasonal flowers.



Various sign styles that cater to pedestrians and motor vehicles

CITY OF BLACK DIAMOND

MASTER PLAN
DEVELOPMENT

**DESIGN STANDARDS
& GUIDELINES**

WORKING DRAFT

May 20, 2004

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 - Commercial Building Design

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- B. Dark Sky
- C. Cottage Housing

I. STANDARDS FOR MASTER PLANNING

INTEGRATING DEVELOPMENT WITH OPEN SPACE

INTENT

To allow for an efficient use of land, to lower the cost of infrastructure and construction and to maintain a small town character. Development is intended to be complemented by networks of preserved natural features and open space for both active and passive recreational uses.

GUIDELINES

1. *Black Diamond has a specific history and setting that involves varied topography, an agricultural past, forested areas, mining, and a small town scale. Care should be taken to reflect these previous patterns in forms of any new development. Use of conventional, suburban-style subdivision templates, such as isolated cul-de-sacs, are not desired.*

2. *Groupings of primarily residential development of approximately 400-600 units should be contained generally within an area of a quarter mile radius to support walking and future transit service. Development clusters shall be surrounded by a network of open space with a variety of recreational uses including trails to provide connections between clusters.*

3. Methodology for Planning Development in Clusters

a. environmentally sensitive areas to be protected (including streams, wetlands, steep slopes, wildlife corridors, and their buffers) shall be identified and mapped

b. areas for development of housing and commercial shall be indicated

c. streets and public spaces (as well as sites for public facilities such as schools, fire stations and other civic structures) shall be shown

d. lots and groups of lots with various ownerships (i.e. fee simple by occupant, condominium, single ownership apartments, etc) shall be indicated

e. views of Mt. Rainier shall be identified

GENERAL SITE PLANNING
**USING OPEN SPACES AS
ORGANIZING ELEMENT**

INTENT

To emphasize community activity and maintain a traditional and compact small town setting.

GUIDELINES

1. *Any new development shall include a wide range of open spaces including the following:*

- *green belts*
- *village greens*
- *parks*
- *squares*
- *trails*
- *wide planted medians in streets*

These will be planned not merely as "leftover" spaces but deliberately to organize the pattern of development, to punctuate intersections and serve as center pieces to clusters.

2. *Open spaces shall be linked into a network through sidewalks, trails and parkways. Network shall be delineated at MPD approval and implemented through subsequent plats and permits*

3. *Stands of Trees as an Element of Open Space*

Due to the propensity of severe wind events in the Black Diamond geographical setting, an MPD should incorporate the preservation of larger stands of trees rather than smaller stands of trees.

ENSURING CONNECTIVITY

INTENT

To promote ease of mobility and access between uses within the development.

GUIDELINES

1. Pedestrian Connectivity

Similar to a traditional small town, services and common spaces are to be easily accessible to residents on foot. Off-street pedestrian trails are to be provided as a network throughout the development.

2. Street Connectivity

The system of streets shall demonstrate a high degree of both vehicular and pedestrian connectivity, allowing residents and visitors multiple choices of movement. Isolated and dead-end pockets of development are not desired.

Cul-de-sacs shall be avoided unless there are no other alternatives such as loop roads.

GENERAL SITE PLANNING
**MIXING TYPES OF
HOUSING**



INTENT

To encourage a diversity of population and households within Black Diamond through choices in housing.

GUIDELINES

1. MPDs shall include various types of housing, such as:
 - Single Family, detached, on various-sized lots ranging from 2400 sf to 7200 sf.
 - Single Family, attached:
 - duplexes
 - townhouses (semi-attached)
 - row houses (attached, common walls)
 - courtyard houses
 - Cottage Housing
 - Apartments
 - Accessory Dwelling Units

2. Each cluster of development shall include a variety of unit types and densities.

3. While Black Diamond desires to see denser forms of housing within MPD's, large complexes of apartments and other repetitive housing types are not desired.

GENERAL SITE PLANNING
**GROUND FLOOR
COMMERCIAL USES**

INTENT

To allow residents within development to offer and have access to services through ground floor home occupation businesses and other neighborhood commercial uses.

GUIDELINES

1. *Visible ground floor businesses within principally residential buildings are allowed.*
2. *While visibility is appropriate, a commercial character is not desired for the ground floor. Development should appear predominantly residential.*

CREATING NEIGHBORHOOD CIVIC / COMMERCIAL CENTERS

INTENT

To conveniently concentrate services and activities within developments and to serve multiple residential clusters.

GUIDELINES

1. *Civic / Commercial Centers shall be located to serve groupings of clusters as well as pass-by traffic in order to support an array of shops and services.*
2. *Such centers shall be anchored by a public green space and, ideally, a public building such as a school or meeting hall.*
3. *Housing over retail or commercial spaces is strongly encouraged within Civic / Commercial Centers.*



INTENT

To establish a safe , efficient and attractive street network that supports multiple choices of circulation, including walking, biking, transit, and vehicles.

GUIDELINES

1. Connectivity

Streets within MPDs shall create a network that promotes traffic circulation and is well connected to other existing City streets

2. Reduced Pavement Widths

Pavement widths should be minimized to slow vehicular traffic and maintain an area friendly to pedestrians

3. Low-Impact Design

Runoff should be reduced through "natural" techniques: flush curbs, biofiltration swales, drought-tolerant vegetation, etc.

4. Traffic Calming Methods should include:

*Roundabouts
Traffic Circles
Chicanes*

5. Lanes and Alleys

Access to rear residential garages and commercial loading and service areas shall be available through lanes and alleys

6. Pedestrian Circulation

All streets shall include either sidewalks or trails

7. Street Trees

All streets shall include street trees planted within a strip abutting the curb

8. On-Street Parking

Curbside parallel parking shall be included along certain street types





Black Diamond MPD

INTENT

To provide safe, continuous pedestrian linkages and consistent street frontage character within the street right-of-way.

GUIDELINES**1. Width**

The minimum clear pathway shall generally be between 5' and 8'. Additional width between 4' and 20' is required for trees and planting strips within the right-of-way. Total sidewalk width shall fall within the range of 9' to 28' depending on street type.

2. Lighting

All lighting shall be shielded from the sky and surrounding development.

3. Furnishings

Street furnishings including seating, bike racks, and waste receptacles shall be located along main streets in Civic/Commercial areas.

Furnishings for businesses (outdoor seating) will require a building setback and no obstruction of the sidewalk.

II. STANDARDS FOR PROJECTS

CLUSTER DEVELOPMENT

INTENT

To ensure that development is compatible with the small town character.

GUIDELINES

1. Larger groupings of development should be divided into smaller neighborhood clusters of 20-50 units separated by open space.

2. Clustering

Within projects, higher density residential development shall be designed to have a village-like configuration. This includes elements such as:

- Houses of varying sizes, styles, and form;
- A maximum number of attached units that shall not be more than 8 within one building



SITE DESIGN
**NEIGHBORHOOD
COMMON SPACE**

INTENT

To provide a variety of usable and interesting open space(s) that can support an active community.

GUIDELINES

1. Amount

In general for on-site common (shared) spaces within higher density residential and commercial development, a minimum of 1% of the lot area plus 1% of the building area shall be the amount of additional area set aside for common space

2. Location

Accessible and visible to users, as well as integrated into overall project through connections and trails

3. Landscaping / Hardscaping

Commercial areas shall provide common space in the form of plazas, courtyards, and/or seating areas with some additional features noted below

Higher density residential areas shall have usable outdoor spaces that provide at least four of the following features to accommodate a variety of ages and activities:

Site furnishings (benches, tables, bike racks)

Picnic areas

Patios or courtyards

Gardens

Open lawn with trees

Play field

Special interest landscape

Special paving, such as colored or stained concrete, stone, brick, or other unit pavers

Public art

Water feature(s)

Sports courts such as tennis, basketball, or volleyball

4. Lighting

Pedestrian scale, bollard, or other accent lighting



LANDSCAPING & PLANTING DESIGN

INTENT

To provide well-designed public parks and greens within development.

GUIDELINES

1. *Incorporate native, drought-tolerant vegetation.*
2. *A minimum of 40% of the landscaped area (not including recreational areas) should be planted with plants other than turf or lawn. Perennials and/annuals are encouraged to provide special interest and highlight pedestrian areas such as walkways and trails.*
3. *Where landscape areas are located adjacent to a street right-of-way, landscaping shall be used to provide a buffer.*
4. *Rocks, pebbles, sand, and similar non-living materials shall not be used as groundcover substitutes, but may be used as accent features provided such features do not exceed a maximum 5% of the total landscape area.*



INTENT

To reduce the visual impact of parking lots associated with higher density residential and commercial and provide adequate security, safety, and lighting for drivers and pedestrians.

GUIDELINES

1. Preferred Location
Rear or side of commercial use buildings
2. Screening from Streets and Roads
Landscaping
Low walls (3') or fencing (up to 6') with 75% transparency
No chain link fencing adjacent to streets
3. Interior Landscaping
Preserve stands of trees versus isolated trees
One tree per 4 (8?) parking stalls, depending on location
4. Lighting
Max. 24' height
Shielded from sky and surrounding development
5. Walkways (other than sidewalks)
Defined by curb, bollards, special paving, and/or landscape strip
Min. 5' unobstructed pathway
Provide direct and clear connections between building main entrances and public sidewalks and transit stops, as well as parking areas

SERVICE AREAS

INTENT

To reduce the visual impact and provide screening of site service elements.

GUIDELINES

1. Location

Side or rear of buildings, where there is proper access

2. Screening

Combination of masonry, wood, walls and landscaping

Service areas shall not face residential areas unless unavoidable



STORMWATER DETENTION / RETENTION PONDS

INTENT

To integrate stormwater facilities into developments as project amenities.

GUIDELINES

1. Location

Natural site topography plus low-impact development methods to determine location, which is to be integrated into the overall project design

2. Landscaping

Where possible, provide facilities that are site amenities, in order to reduce need for fencing

3. Fencing

Chain link fencing shall not be allowed. Other forms of non-obscuring fencing may be permitted when ponds exceed a safe slope. However, it is generally expected that ponds will be gently integrated into the design of the site with slopes that are safe to traverse on foot (less than 8%? grade). Ideally, such ponds should be designed as amenities within a



WALKWAYS AND TRAILS

INTENT

To provide safe, continuous pedestrian linkages throughout and sensitive to the project site, either open to the public or residents.

GUIDELINES

1. Location

Walkways and trails shall be integrated with the overall open space network as well as provide access from individual properties.

1. Width

Not less than 8' wide

2. Materials

Walkways connecting buildings and hardscaped common spaces shall have a similar paved surface

Trails throughout the development and connecting to larger landscaped common spaces shall be of at



ARCHITECTURAL FORM AND CONSTRUCTION

INTENT

To ensure that new development complements and strengthens the character of Black Diamond.

GUIDELINES

1. Setbacks of Houses to Create a Sociable Environment

The front facades of houses should be set to a point between 5 and 20 feet from the back of the sidewalk.

2. Setbacks of Garage to Reduce Visual Impact

Garages shall be set at a point no closer than 20 feet to the back of the sidewalk (preferably 30-40 feet or facing an alley).

3. Architectural Features

Housing shall include features such as:

- Dormers
- Brackets supporting roof overhangs
- Corner boards
- Wide trim around windows
- Railings around balconies and porches
- Low picket fencing

Fronts of houses shall face the street and incorporate usable porches, stoops, and steps.

Upper floors of houses shall be smaller than the floors below.

Orientation of ridgelines of homes shall be varied.

4. Materials

Wood frame construction with horizontal wood siding is the predominant building materials in Black Diamond, and shall be incorporated into new building design.



RESIDENTIAL BUILDING DESIGN

INTENT

To allow for maximum flexibility in location, size, and configuration of houses while ensuring that residential structures are in scale with smaller lot areas.

GUIDELINES

1. Floor Area Ratio (Building Size to Lot Size)

FAR for detached residential development should be .5;

Attached forms of residential may be up to 1.0 FAR;

However, withing Commercial/Civic Centers, residential development FAR may be as high as 2.5.

2. Height

Minimum 1 1/2 stories

Maximum 2 1/2 stories

3. Massing

Horizontal facades longer than 30' shall be articulated into smaller units, using methods such as: distinctive roof forms, changes in materials and/or patterns, color differentiation, and recessess or offsets.

4. Roof Pitch

May range from 6:12 to 12:12

5. Architectural Features

Front Porch - at least 6' in depth (or deep enough to allow for seating)

Garage Location - building floor area shall extend at least 5' closer to the front lot line than the garage; design measures for de-emphasizing garages: porches, trellises, location of entry, break up massing/doors for double garages, overhanging second floor.

In situations where garages face the street, the garage shall be set back 20' from the property line. Where garages face an alley, the garage doors should be within 10' of the alley.



COMMERCIAL BUILDING DESIGN

INTENT

To ensure that the size, volume, and appearance of commercial and mixed use buildings in Civic/Commercial Centers maintain and cultivate the pedestrian scale.

GUIDELINES

1. Floor Area Ratio

1.0 (not including residential)

2. Height Limit

30 feet

If housing is located above the first floor, the height may be 40 feet

3. Roof Line

Extended parapets and projecting cornices shall create prominent edges; No visible roof-top mechanical equipment

4. Street-Facing Facade

Transparency - min. 50% of ground floor facade shall be transparent

Entrances - Principal entries shall be prominent and visible from the street

Weather Protection - Awning, canopy, marquee, or other, where facades and entries are along the sidewalk; Min. 8' overhead height and 5' width

Details - On ground floor street-facing facade, incorporate a few of the following: lighting or hanging baskets with ornamental brackets, medallions, belt courses, plinths for columns, window kickplates, projecting sills, tilework, pedestrian scale signage, planter box.

5. Rear Facades

When visible from residential areas, rear facades (blank walls) shall have architectural treatment in the form of a few of the following: masonry, belt courses of different texture and color, projecting cornice, trellis, artwork, recesses, or other.



BLACK DIAMOND DESIGN
GUIDELINES

for

**Residential Uses in the
Historic Village Core**

The Historic Village Core Residential

Introduction and Purpose

These guidelines are intended to guide infill development within the Historic Village Core and Morganville that reflects the late 19th century vernacular characteristic of these areas. These guidelines are intended to apply to new construction and remodels and/or additions to existing homes that are over 75 years in age. Newer construction that may be located within these areas is not required to comply with these guidelines.

The guidelines are intended to encourage the preservation and restoration of historic homes within the city, recognizing that they are valuable community assets (both economically and aesthetically), to the town and its citizens.

The most common types of homes historically constructed in these areas are commonly described as “company cottages” or “vernacular” style. Homes were small in size, with standardized configuration. Although some homes are two story, most were built as one story with an attic and a large front porch. The material used was wood, usually over a stone foundation.

The areas impacted by these regulations are as shown on Figure 1, below.

BUILDING DESIGN

A. Building Entrances

Intent

To provide building facades that feature traditional building elements and details, such as gabled roofs, porches, dormers and cornice lines, that add visual interest and reduce apparent bulk and scale..

Guidelines

1. Include the following features in new residential building facades:
 - a. gable or hipped roof;
 - b. porches or entry enhancement, such as an overhang or a sidelight;
 - c. vertically proportioned windows;
 - d. eaves.
2. Design principal building entries to be visible from the street and directly accessible from the public sidewalk.
3. Accent principal entries by building elements (stairs, roofs, special fenestration, etc.) and elevation at least 18 inches above the grade level of the sidewalk or street.
4. Provide a recess, porch, portal or other protected exterior area that encourages human activity.
5. Retain existing historic doors or replace with doors that match historic doors in materials, size and style, series of panels and same dimension frames.

B. Windows

Intent

Provide traditional-oriented windows that highlight and accent a structure. Windows are vital elements of historic homes and are typically highlighted or accented. Historic window frames are wood, surrounded by a thick sash that accents and celebrates the window, while protecting it from wind and rain.

Guidelines

1. Reflect the fenestration patterns of the neighborhood in new construction.
2. Use vertically proportioned windows in new construction. Prohibit the use of horizontally proportioned windows. Grouping of vertically proportioned windows is acceptable.

3. For remodeling of existing structures, replace windows facing the street with new windows of similar style and proportions.

C. Rooflines

Intent

To add visual interest to a building and the street and complement neighboring structures by providing prominent roofs.

Guidelines

1. Roof designs shall incorporate at least one of the following:
 - a. gable or hipped roof;
 - b. broken or articulated roofline;
 - c. prominent cornice or fascia that emphasizes the top of the building;
 - d. other elements that emphasize a building's concept.
2. Create prominent pitched roofs with minimum slope of 6:12 vertical to horizontal ratio and maximum 12:12 ratio.
3. Allow different roof pitches for accessory structures not visible from the street.
4. For historic buildings, replicate the original shape or form of the roof in remodels or additions, unless the character of the original roof is not consistent with the type or style of roof of neighboring buildings.

D. Exterior materials and colors

Intent

Ensure that exterior materials relate to typical historic patterns and add visual interest, and are of durable, high quality and easy to maintain.

Guidelines

2.
 1. Use horizontal wood siding (4 to 6 inch shiplap, clapboard, or wood shingles). Use compatible materials (wood siding or brick) for detached garages.
3. Use muted colors for the background color of buildings, with brighter/lighter colors being appropriate for trim.

SITE DESIGN

A. Orientation to the Street

Intent

Historic homes are typically oriented to the street, site to make their entries and use clear to neighbors and visitors. These features provide for a pleasant streetscape that enhances pedestrian access and walking, promoting interaction among neighbors.

Guidelines

1. Provide a front façade facing the primary street, siting a structure to make its entry and residential use clear to approaching visitors.
2. Provide vehicular access from alleys where alleys exist.
3. Street-facing garages should be architecturally compatible with and never dominate a residence.
4. Locate driveways no closer than 3 feet to side property lines to provide room for landscaping.
5. For new buildings that project beyond the footprint of homes on adjacent lots:
 - a. limit the length and height of the projection into the rear yard area to reduce the impact of neighboring rear yards;
 - b. minimize windows, decks, and balconies overlooking neighboring yards or screen in order to protect privacy.

B. Fences and hedges

Intent

Prevent the installation of intrusive, nontraditional fences and tall hedges that cut the views of structures from the street.

Guidelines

1. Limit the height of front yard fences to no greater than 42 inches.
2. Use traditional materials such as wrought iron or wood pickets; prohibit the use of chain link fencing in front yards.