ORDINANCE NO. 3955

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS COMMUNITY DEVELOPMENT CODE SECTION 16.43.020 RELATING TO LIMITING CERTAIN OFFICE USES FROM LOCATING IN BUSINESS SPACES ALONG DESIGNATED GROUND FLOOR STREET FRONTAGES WITHIN THE DOWNTOWN BUSINESS 1 (BD1 - DOWNTOWN RETAIL CORE) ZONE.

WHEREAS, the existing City of Edmonds, Washington Economic Development Plan contains goals to foster a healthy business community that provides employment and other economic opportunities, revitalization of the City's business districts, balancing redevelopment, preservation and the need for consumer amenities, diversifying the tax base and increasing revenues, as well as strengthening the quality of life and vitality of the community for residents, workers and visitors to enjoy; and

WHEREAS, city or town downtown centers/districts typically promote compact, pedestrian-oriented development with a diverse mix of business, commercial, entertainment, and other uses for workers, visitors, and residents; and

WHEREAS, Goal 2, Policy 2i of the Economic Development Plan states "Create synergy for commercial businesses where possible, for example, by implementing a "retail core" area in the downtown"; and

WHEREAS, the City's Comprehensive Plan has goals and policies which include "define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity" (pg. 45); and "....provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core...." (pg. 45); and

WHEREAS, currently the ECDC allows the ground floor of buildings along designated commercial street frontages within the BD1 Zone to be used for commercial purposes other than those tied to retail, eating and drinking establishments, theaters and cultural facilities; and

WHEREAS, the City Council approved in year 2011, new commercial depth requirements of 45 feet along commercial street frontages within Edmonds' Downtown Zones; and

WHEREAS, in 2011, the Council requested a review of a proposal to limit certain office uses along street frontages of the BD1 Zone; and more specifically within business spaces located within the first 45 feet of commercial street frontages of BD1 Zones measured from public rights-of-way; and

WHEREAS, the City held two (2) downtown community meetings with property owners in 2013 regarding a proposal to limit certain office uses along commercial street frontages within the BD1 Zone and provided many opportunities for the involvement of private, public agencies, civic, education, and other community and interested groups during the review process which took place in 2011, 2012 and 2013; and

WHEREAS, the Edmonds Planning Board and City Council held public workshops and public hearings in 2013 during which the they received and considered written and oral comments; and

WHEREAS, there is a desire to create an active thriving downtown commercial core that serves as the City's primary gathering place for greater social interaction; create a compact assembly of storefronts housing a mix of uses, short walkable blocks, and pedestrian amenities; create a place that represents a unique, attractive, and memorable destination for visitors and residents; and strengthen opportunities for economic vitality and support pedestrian activity; and

WHEREAS, this ordinance is intended to preserve and strengthen the distinctive character and charm of downtown Edmonds by providing improved opportunities for retail/entertainment oriented establishments to cluster for the convenience of the public and to create mutually beneficial business relationships thereby creating a dedicated area for "destination retail/entertainment"; and

WHEREAS, the City Council introduced this ordinance at its meeting of January 21, 2014;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Section 16.43.020 of the Edmonds City Code, entitled "Uses," is hereby amended to read as set forth in Attachment A hereto, which is incorporated herein by this reference as if set forth in full (new text shown in underline; deleted text shown in ~~strike through~~):

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Approved:

MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:

CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY:
Jeffrey B. Taraday, City Attorney

FILED WITH THE CITY CLERK: 01-17-2014
PASSED BY THE CITY COUNCIL: 01-21-2014
PUBLISHED: 01-26-2014
EFFECTIVE DATE: 01-31-2014
ORDINANCE NO. 3955

SUMMARY OF ORDINANCE NO.
3955

of the City of Edmonds,
Washington

On the 21st day of January, 2014, the City Council of the City of Edmonds, passed Ordinance No. 3955. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS COMMUNITY DEVELOPMENT CODE SECTION 16.43 RELATING TO LIMITING CERTAIN OFFICE USES FROM LOCATING IN BUSINESS SPACES ALONG DESIGNATED GROUND FLOOR STREET FRONTAGES WITHIN THE DOWNTOWN BUSINESS 1 (BD1 - DOWNTOWN RETAIL CORE) ZONE..

The full text of this Ordinance will be mailed upon request.

DATED this 22nd day of January, 2014.

CITY CLERK: SCOTT PASSEY

Attachment A

16.43.020 Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD1 GFSF[1]	BD2	BD3	BD4	BD5
Commercial Uses						
Retail stores or sales	A	A	A	A	A	A
Offices	A	X	A	A	A	A
Legal/Law Firms	A	X				
Financial	A	X				
Advising	A	X				
Mortgage	A	X				
Banks (without tellers)	A	X				
Accounting	A	X				
Counseling	A	X				
Architecture	A	X				
Engineering	A	X				
Advertising	A	X				
Insurance	A	X				
Fitness related business (yoga/pilates/gym/fitness club)	A	X				
Service uses	A	A[2]	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant, microbreweries/distilleries or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A	A
Automobile sales and service	X	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	X	A	A	A	X
Printing, publishing and binding establishments	C	X	A	A	A	C

Public markets licensed pursuant to provisions in Chapter 4.90 ECC[1]	A	A	A	A	A	A
Residential						
Single-family dwelling	A	X	A	A	A	A
Multiple dwelling unit(s) – must be located on second floor or behind first 45 feet from sidewalk or rights of way.	A	X	A	A	A	A
Other Uses						
Bus stop shelters	A	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	X	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	C	A	C
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	X	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	X	B	B	B	X
Commercial parking lots	C	X	C	C	C	X
Wholesale uses	X	X	X	C	X	X
Hotels and motels	A	A	A	A	A	A
Amusement establishments	C	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	X	C	C	C	C
Drive-in/through businesses (businesses with drive through facilities)	X	X	C	A	C	X
Laboratories	X	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	X	C	X	X

Day-care centers	C	X	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	X	C	C	A	X
Medical uses, e.g., Physicians Dental Optometrist (without retail) Physical Therapy (without retail) Counseling Other similar medical services	A A A A A A A	X X X X X X X				
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	X	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	X	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	X	X	D	D	D	D

A = Permitted primary use
B = Permitted secondary use
C = Primary uses requiring a conditional use permit
D = Secondary uses requiring a conditional use permit
X = Not permitted

NOTES:

(1) BD1 Zone GFSF = Ground Floor Designated Street Frontage (first 45 feet measured from public rights of way/sidewalk or parks/plazas) as defined under Edmonds Community Development Code Map 16.43-1: Designated Street Front for BD Zones. Buildings set back 15 feet or more from the sidewalk shall not be subject to the BD1 Zone GFSF requirements.

(2) Services - by appointment uses not providing open door retail/dining/entertainment functions as a primary component of the business are not allowed within BD1 GFSF (first 45 feet). Open door businesses, e.g., real estate offices, banks (with tellers and no drive throughs), nail and hair salons are allowed.

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

a. Architectural features or details;

b. Artwork;

c. Landscaping. [Ord. 3932 § 6, 2013; Ord. 3918 § 1 (Att. 1), 2013; Ord. 3894 § 4, 2012; Ord. 3700 § 1, 2008].

16.43.020.B

Exception to the BD1 GSFS - The owner of a building in the BD1 zone may apply for an exception from the restrictions on offices and medical uses within the designated street front for leasable space meeting all of the following criteria:

1. The space is less the 500 square feet;

2. The space does not contain direct access to the street or sidewalk;

3. The previous use was a nonconforming use (e.g. not retail); and

4. The space has been vacant for a period of more than six months.

Everett Daily Herald

Affidavit of Publication

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH } ss

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice is a true copy of City Ordinances - Ordinance Summaries 3955-3959 540131
a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:
1 issue(s), such publication commencing on 01/26/2014 and ending on 01/26/2014 and that said newspaper was regularly distributed to its subscribers during all of said period. The amount of the fee for such publication is $ 79.12.

Karen E. Zroma

Subscribed and sworn before me on this 26TH day of JANUARY, 2014.

Laura Damron

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

City of Edmonds EDH101416 - **PO: ORD 3955-3959**

ORDERED BY: LINDA HYND

ORDINANCE SUMMARIES
of the City of Edmonds, Washington

On the 21st Day of January, 2014, the City Council of the City of Edmonds, Washington, passed the following Ordinances. The summaries consisting of titles are provided as follows:

ORDINANCE NO. 3955
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS COMMUNITY DEVELOPMENT CODE SECTION 16.43.020 RELATING TO LIMITING CERTAIN OFFICE USES FROM LOCATING IN BUSINESS SPACES ALONG DESIGNATED GROUND FLOOR STREET FRONTAGES WITHIN THE DOWNTOWN BUSINESS 1 (BD1 - DOWNTOWN RETAIL CORE) ZONE.

ORDINANCE NO. 3956
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, RELATING TO CONTRACTING INDEBTEDNESS; PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF AN UNLIMITED TAX GENERAL OBLIGATION BOND TO CARRY OUT A CURRENT REFUNDING OF THE CITY'S OUTSTANDING UNLIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, 2003, AND TO PAY THE COSTS OF ISSUANCE AND SALE OF THE BOND; FIXING CERTAIN TERMS AND COVENANTS OF THE BOND; AND PROVIDING FOR OTHER RELATED MATTERS.

ORDINANCE NO. 3957
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CERTAIN DOG LICENSING FEE PROVISIONS OF ECC 5.05; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 3958
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC 8.52 TO REVISE CERTAIN PROVISIONS OF THAT CODE SECTION RELATING TO PARKING PERMIT FEES; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE

ORDINANCE NO. 3959
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 2.10 OF THE EDMONDS CITY CODE RELATING TO CONFIRMATION OF CERTAIN MAYORAL APPOINTMENTS AND PORTIONS OF CHAPTER 2.01 AND 2.03 OF THE EDMONDS CITY CODE RELATED TO THE EXECUTIVE ASSISTANTS TO THE CITY COUNCIL AND MAYOR

The full text of any Ordinance will be mailed upon request. Dated this 22ND Day of January, 2014.

CITY CLERK, SCOTT PASSEY

Published: January 26, 2014.