

ORDINANCE NO. 504

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTING INTERIM ZONING CODE AMENDMENTS RELATING TO THE GENERAL BUSINESS (GB) AND CENTRAL BUSINESS (CBD) ZONING DISTRICTS; MAKING FINDINGS OF FACT; ADDING A NEW SECTION 21.06.297 TO THE WOODINVILLE MUNICIPAL CODE TO ESTABLISH THE DEFINITION OF "GROSS SQUARE FOOTAGE"; AMENDING SECTION 21.12.040 OF THE WOODINVILLE MUNICIPAL CODE TO ESTABLISH THE MAXIMUM GROSS SQUARE FOOTAGE OF ANY RETAIL ESTABLISHMENT IN THE GB AND CBD ZONING DISTRICTS; ADDING A NEW SECTION 21.14.312 TO THE WOODINVILLE MUNICIPAL CODE TO ESTABLISH DESIGN DISTRICTS WITHIN THE GB AND CBD ZONING DISTRICTS; SETTING A PUBLIC HEARING FOR AUGUST 3, 2010, IN ORDER TO TAKE PUBLIC TESTIMONY REGARDING THE INTERIM ZONING CODE AMENDMENTS; PROVIDING FOR SEVERABILITY, EXPIRATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, the City of Woodinville is required to develop and adopt development regulations implementing its Comprehensive Plan; and

WHEREAS, RCW 36.70A.130 requires that the City of Woodinville, a "fully planning" city within King County shall update its Comprehensive Plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

WHEREAS, on March 18, 2008, the Woodinville City Council adopted the Downtown and Little Bear Creek Corridor Master Plan to guide future downtown development in a manner that implements the vision of Woodinville's citizens as expressed in the Comprehensive Plan, City Council goals and as further refined by public input received during the planning process; and

WHEREAS, as a part of the City's annual comprehensive plan and zoning map amendment process, the City Council included on the 2009 Annual Docket several potential amendments, including permanent amendments to implement the Downtown and Little Bear Creek Corridor Master Plan; and

WHEREAS, both the Planning Commission and City Council have held numerous public hearings to receive public comment on the 2009 Annual Docket, and the process is ongoing; and

WHEREAS, while the City Council continues to work on several items on the 2009 Annual Docket including the permanent amendments to implement the Downtown and Little Bear Creek Corridor Master Plan, unless the Woodinville Municipal Code is immediately amended to adopt building size restrictions in the downtown area, development applications could be filed and become vested under the existing codes, thereby resulting in building sizes that are not consistent with the Council's intent in adopting the Downtown and Little Bear Creek Corridor Master Plan, severely impacting the City's vision for the Downtown and Little Bear Creek Corridor areas; and

WHEREAS, the City of Woodinville is authorized to impose moratoria and interim land use controls pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

WHEREAS, the Woodinville City Council has determined that the issue of potential development of unlimited building size in conflict with the Downtown and Little Bear Creek Corridor Master Plan can be addressed without the need for a moratorium by adopting interim regulations to bridge the gap while the City Council completes the permanent amendments in the 2009 Annual Docket process; and

WHEREAS, the Woodinville City Council considered this ordinance at first and second reading on June 8, 2010;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the following findings in support of this ordinance, together with the recitals expressed above.

1. Pursuant to Chapter 17 of the City of Woodinville Municipal Code (WMC), the Planning Commission is required to hold a public hearing on the amendments included on the 2009 Annual Docket and to make a recommendation to the City Council.
2. The City SEPA Official reviewed the 2009 Annual Docket amendments for environmental impacts under SEPA (RCW 43.21C), and issued Determination of Non-Significances (DNS) on October 19, 2009. The appeal period ended without any comments or appeals being filed. The amendments in this ordinance are within the scope of SEPA review.
3. The Planning Commission reviewed the 2009 Annual Docket proposed Downtown Zoning Code and Map amendments during its March 18, April 1, May 20, June 3 and 17, July 1, August 5 and 19, September 9, October 7 and 28 and November 4, 2009 public meetings.
4. To encourage public involvement, the City published notice and held three public open house meetings on June 10, August 5, and November 4, 2009 to receive public comment on the 2009 Annual Docket proposed Downtown Zoning Code and Map amendments.
5. The Planning Commission held a public hearing for the 2009 Annual Docket proposed Downtown Zoning Code and Map amendments on November 4, 2009.
6. The Planning Commission received written comments and public testimony; deliberated and produced a public record and recommendations on the 2009 Annual Docket proposed Downtown Zoning Code and Map amendments during the November 4, and November 18, 2009 Planning Commission meetings.
7. The City Council considered the Planning Commission's public record and recommendations concerning the 2009 Annual Docket proposed Downtown Zoning Code and Map amendments at a public hearing on January 19, February 9, March 2, April 6, April 20, May 4, May 11, May 18, and June 1, 2010.

8. Because the 2009 Annual Docket review is ongoing, the City Council deems it necessary and in the public interest to accelerate adoption of provisions relating to maximum building size in the GB and CBD zoning districts in order to ensure future building sizes are consistent with the Downtown and Little Bear Creek Corridor Master Plan.
9. The proposed amendments provide consistency with GMA and add language to the zoning code to further implement the Comprehensive Plan and the Downtown Little Bear Creek Corridor Master Plan.
10. The City Council held first and second reading of Ordinance No. 504 on June 8, 2010, and has determined that adoption of this ordinance is necessary for the public benefit.

Section 2. Interim Amendment of Chapter 21.06 WMC Establishing Definition for "Gross Square Footage". A new section 21.06.297 is added to the Woodinville Municipal Code to read as follows:

21.06.297 Gross Square Footage.

Gross square footage: the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the centerline of division walls, and including basement space, garage space, elevator shafts and stairwells at each floor, mechanical equipment rooms and attic spaces with a headroom of more than seven feet, interior balconies, mezzanines and enclosed porches.

Section 3. Interim Amendment of WMC 21.12.040 Establishing Maximum Building Gross Square Footage.

A. Section 21.12.040A of the Woodinville Municipal Code is hereby amended to read as follows:

21.12.040 A. Densities and Dimensions – Public and Commercial/Industrial Zones

Z O N E S	PUBLIC		COMMERCIAL/INDUSTRIAL				
	PUBLIC/ INSTITUTIONAL	NEIGHBORHOOD BUSINESS	TOURIST BUSINESS	GENERAL BUSINESS	CENTRAL BUSINESS	OFFICE	INDUSTRIAL
STANDARDS	P/I	NB	TB	GB	CBD	O	I
Base Density: Dwelling Unit/Acre			12 du/ac		36 du/ac	36 du/ac	
Maximum Density: Dwelling Unit/Acre					48 du/ac (1) (3)	48 du/ac (3)	
Minimum Lot Area							
Minimum Depth/Width							
Minimum Street Setback (17)	10 ft	10 ft (5) 20 ft. (11)	10 ft (2) (5) (14)	10 ft (5) 25 ft (15)	10 ft (10) (5)	10 ft	25 ft 10 ft (9) (14) (15)
Minimum Interior Setback (13)	20 ft (7) (16)	10 ft.	20 ft (7) (14)	25 ft (7) (15)	20 ft (7)	20 ft (7)	20 ft (7) (14) (15) 50 ft (8) (14)
Base Height (10)	45 ft (4)	35 ft.	35 ft (14)	35 ft	35 ft (6) (12)	45 ft (4)	45 ft (14)
Maximum Building Coverage: Percentage							

Commercial/Industrial Maximum Floor/Lot Ratio: Square Feet	4/1	1/1	1/1	2/1	2.5/1	4/1	3/1
Maximum Impervious Surface: Percentage	85%	75%	85% (14)	85%	90%	75%	90% (14)
Maximum Building Sq. Footage		10,000		(21)	(21)		

B. A new subsection (21) is hereby added to section 21.12.040B of the Woodinville Municipal Code to read as follows:

(21) In the Design Districts pursuant to WMC 21.14.312 and in the CBD zoned area west of the Sammamish River hereby designated as the Old Town District, no retail establishment, whether in a single building or combination of buildings, shall exceed the gross square footage (GSF) in the aggregate as follows:

- (a) Little Bear Creek Corridor Design District retail GSF limit: 80,000 square feet
- (b) Civic/Gateway Design District retail GSF limit: 25,000 square feet
- (c) Pedestrian Core Design District retail GSF limit: 30,000 square feet
- (d) East Frame Design District retail GSF limit: 150,000 square feet
- (e) Transition Area Design District retail GSF limit: 45,000 square feet
- (f) Old Town District retail GSF limit: 35,000 square feet

The GSF of adjacent stores shall be aggregated in cases where the stores: (1) are engaged in the selling of similar or related goods, wares, or merchandise and operate under common ownership or management; (2) share checkout stands, a warehouse, or a distribution facilities; or (3) otherwise operate as associated, integrated or co-operative business enterprises.

Section 4. Interim Amendment to Chapter 21.14 WMC Establishing Design Districts. A new section 21.14.312 is hereby added to the Woodinville Municipal Code to read as set forth in Attachment A, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 5. Public Hearing. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council hereby sets a public hearing for August 3, 2010, at 7:00 p.m. or as soon thereafter as the matter may be heard in order to take public testimony on the amendments adopted by this ordinance. The City Council may, in its discretion, adopt additional findings justifying the interim amendments after the close of the hearing.

Section 6. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance, or any change in a land use designation is held to be invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence, clause, phrase, or land use designation in effect prior to the effective date of this ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

Section 7. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

Section 8. Effective Period for Amendments. The interim Zoning Code amendments adopted by this ordinance shall remain in effect a period of six months and shall automatically expire unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220 prior to that date, or unless the same are repealed or superseded by permanent amendments prior to that date.

Section 9. Effective Date. The adoption of this ordinance, which is a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

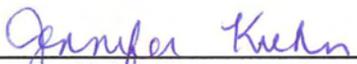
ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 8th DAY OF JUNE 2010.

Charles E. Price, Mayor
(The Mayor declined to sign)

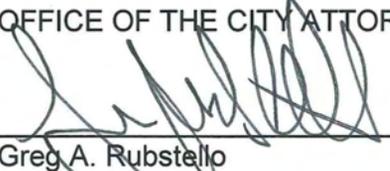
I, the undersigned City Clerk of the City of Woodinville, Washington (the "City"), hereby attest as follows:

- 1) Ordinance No. 504, was approved at a regular meeting of the Woodinville City Council, held at the regular meeting place thereof on June 8, 2010; and
- 2) A quorum of the members of the Woodinville City Council was present throughout the regular meeting of June 8, 2010 and a majority of the full membership of the City Council voted in the proper manner for the adoption of Ordinance No. 504. All City procedures were followed for the passage and publication of Ordinance No. 504.
- 3) Vote: Motion carried 4-2
Yes: Councilmember Glickman, Councilmember Bauman, Deputy Mayor Talmas, Councilmember Boundy-Sanders
No: Mayor Price, Councilmember Hageman
Absent: Councilmember Aspen

ATTEST/AUTHENTICATED:



Jennifer Kuhn
City Clerk/CMC

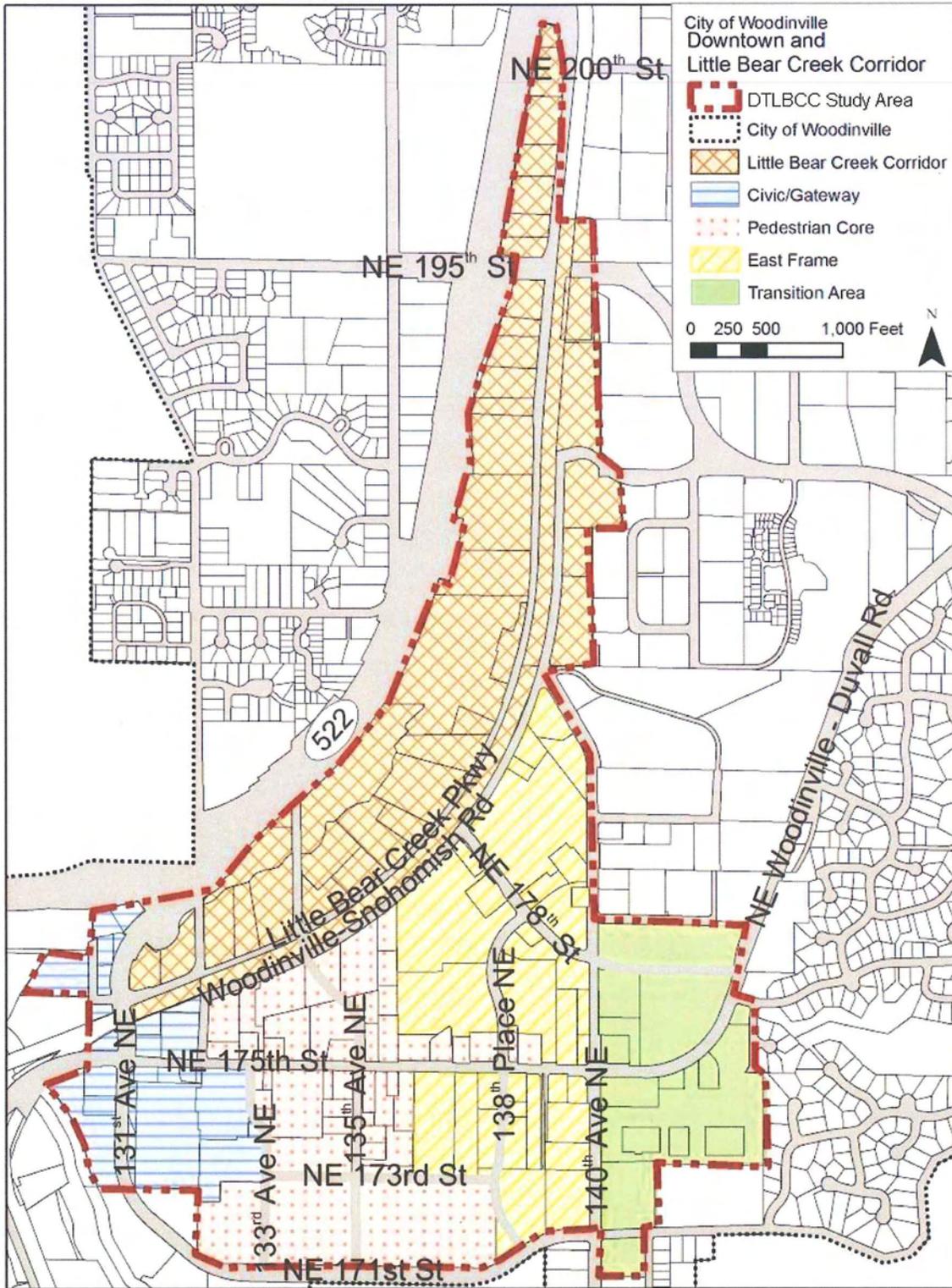
APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY


Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 6-08-2010
PUBLISHED: 6-14-2010
EFFECTIVE DATE: 6-21-2010
ORDINANCE NO. 504

21.14.312 Design Districts - Established.

- (1) Figure 1 identifies the Downtown and Little Bear Creek Corridor (DTLBCC) Study Area. The following design districts are established as described below and shown on Figure 1:
 - (a) **Civic/Gateway Design District:** Public and high visibility (e.g.: hotel) uses. Emphasis on attractive streets, landscaping and pedestrian connections. Development standards/guidelines emphasize design character as seen from streets and pedestrian connections.
 - (b) **Pedestrian Core Design District:** Highly integrated mix of smaller, pedestrian oriented commercial services (specialty shops, restaurants, personal services, community oriented retail, etc.) and residential. Offices above ground floor are also encouraged. The goal is to develop at least 1,000 dwelling units in this area to support retail and provide activity. Development standards/guidelines emphasize pedestrian oriented streets, efficient, but non-intrusive auto access, plazas, small open spaces and amenities, and human scale, high quality architecture. Also important is to provide enough development capacity to ensure feasible high quality development, but modulating building bulk to retain sunlight and views.
 - (c) **East Frame Design District:** Mix of uses including accommodation of larger format retail centers. Development standards/guidelines emphasize integrated site development with good interior pedestrian circulation, ample, "garden like" landscaping, compatibility with adjacent uses (minimization of service area impacts), and an attractive eastern entry into the downtown.
 - (d) **Little Bear Creek Corridor Design District.** General commercial and office uses. Up to 5 stories allowed if development includes structured parking and "greensward" corridors on the side yard that provide pedestrian connections to the Creek and water quality treatment. The emphasis is on enhancing the environment and providing access to Little Bear Creek.
 - (e) **Transition Area Design District:** Mix of uses including accommodation of medium format retail centers. Development standards/guidelines emphasize many of the same characteristics of the East Frame, but focus on transitioning to the residential areas to the east.



Note: See adopted Official City Street Map for future street alignment options north of the NE 175th Street/135th Avenue NE intersection

Figure 1. Downtown and Little Bear Creek Corridor Design Districts



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE

128 - 10th Avenue SW • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000

June 17, 2010

Jennifer Kuhn
City Clerk
City of Woodinville
17301 - 133rd Avenue Northeast
Woodinville, Washington 98072

Dear Ms. Kuhn:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Woodinville - Adopted Ordinance 504, amending the City of Woodinville Municipal Code. These materials were received on June 16, 2010 and processed with the Material ID # 15799.

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please call me at 360.725.3056.

Sincerely,

Linda Weyl
for

Ike Nwankwo
Technical & Financial Assistance Manager
Growth Management Services