

ORDINANCE NO. 505

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING INTERIM ZONING CODE AMENDMENTS RELATING TO THE GENERAL BUSINESS (GB) AND CENTRAL BUSINESS (CBD) ZONING DISTRICTS; REGARDING THE MAXIMUM GROSS SQUARE FOOTAGE OF ANY RETAIL ESTABLISHMENT IN THE GB AND CBD ZONING DISTRICTS; PROVIDING FOR SEVERABILITY, EXPIRATION AND AN EFFECTIVE DATE.

WHEREAS, on June 8, 2010 the Woodinville City Council adopted Ordinance No. 504 to establish interim regulations for development of properties in the Central Business District and General Business District Zones; and

WHEREAS, Ordinance No. 504 placed unintentional restrictions on the size of certain retail buildings and businesses; and

WHEREAS, the City Council intends to correct those unintended restrictions;

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

Section 1. Findings. The City Council hereby finds:

1. Findings 1-9 contained in Ordinance No. 504 are hereby adopted.
2. The WHEREAS clauses above are herein incorporated as Findings.
3. The City Council held first and second reading of Ordinance No. 505 on August 3, 2010, and has determined that adoption of this ordinance is necessary for the public benefit.

Section 2. Maximum Building Gross Square Footage.

Section 21.12.040B(21) is hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

(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: 75,000 square feet
- (f) Old Town District retail GSF limit: 35,000 square feet

"Gross square footage" ("GSF") is measured according to subsection 21.06.297 of this title. "Retail establishment" means a business engaged in the selling of goods or merchandise from a fixed location for direct purchase by the consumer, including services incidental to the sale of such goods. The GSF of adjacent stores abutting retail establishments shall be aggregated in cases where the stores establishments: (1) are engaged in the selling of similar or related goods, wares, or merchandise and operate under common ownership or management; or (2) share checkout stands, a warehouse, or a distribution facilities; or (3) otherwise operate as associated, integrated or co-operative business enterprises.

Section 3. 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 4. 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 5. Effective Period for Amendments. The interim Zoning Code amendments adopted by this ordinance shall automatically expire upon the expiration of Ordinance No. 504, 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.

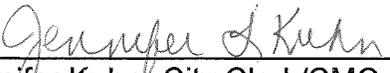
Section 6. Effective Date. The adoption of this ordinance, which is a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 3rd DAY OF AUGUST 2010.



Charles E. Price, Mayor

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: 8-03-2010
PUBLISHED: 8-09-2010
EFFECTIVE DATE: 8-16-2010
ORDINANCE NO. 505



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE

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

August 12, 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 Ordinances 505 and 507, amending the Woodinville Municipal Code. These materials were received on August 11, 2010 and processed with the Material ID # 15987.

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