

ORDINANCE NO. 540

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; IMPOSING A TEMPORARY MORATORIUM UPON THE RECEIPT AND PROCESSING OF APPLICATIONS FOR PERMITS FOR THE ESTABLISHMENT, OPERATION, AND/OR MAINTENANCE OF CERTAIN LAND USES WITHIN THE "GB" AND "CBD" ZONING DISTRICTS; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SAID MORATORIUM; STATING THE EFFECT ON VESTED RIGHTS; PROVIDING FOR SEVERABILITY; SCHEDULING A PUBLIC HEARING DATE; AUTHORIZING OFFICIAL INTERPRETATIONS BY THE CITY OF WOODINVILLE PLANNING DIRECTOR; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE; AND ALLOWING FOR SUMMARY PUBLICATION BY TITLE ONLY.

WHEREAS, the Woodinville City Council, has directed the City Planning Commission to study and make recommendation to the City Council regarding the appropriateness of certain uses currently permitted in the CBD and/or GB zoning districts of the City; and

WHEREAS, the City Council desires that the uses listed in Appendix A hereto (both by name and by NAIC number) not be expanded or increased within the CBD and/or GB zoning districts until the City Council has received, reviewed and made decisions on which of the uses listed in Appendix A should remain permitted and which should be removed as allowed uses in; and

WHEREAS, it is essential that a moratorium prohibiting the vesting of new applications for the uses listed in Appendix A become immediately effective in order for the purpose and intent of this Ordinance to be accomplished; and

WHEREAS, the City is permitted by RCW 35A.63.220 and RCW 36.70A.390 to impose a moratorium for up to six months without a public hearing;

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

Section 1. Moratorium Imposed/Term. The City Council hereby imposes a moratorium upon the receipt and processing of applications for permits for the establishment, operation, and/or maintenance of the land uses listed in Appendix A hereto, which appendix by this reference is incorporated herein as if specifically set forth. This term of the moratorium shall be six months from the effective date of this ordinance unless extended or earlier terminated by ordinance of the City Council.

Section 2. Findings. The Woodinville City Council hereby adopts by reference the recitals set forth above as findings in support of the moratorium imposed by this ordinance:

Section 3. Effect upon Vested Rights. The moratorium imposed under Section 1 of this ordinance shall apply prospectively only, and shall operate to prevent the acceptance and processing of any permit application submitted after the effective date of this Ordinance. Nothing in this ordinance shall be construed to extinguish, limit or otherwise infringe upon any

permit applicant's vested development rights — as defined by state law and City of Woodinville regulations — with respect to any complete permit application submitted before the effective date hereof.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court, board or tribunal 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.

Section 5. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a public hearing on the moratorium imposed under Section 1 of this ordinance is hereby scheduled for February 5, 2013, at 7:00 p.m. or as soon thereafter can be heard, in the City Council Chambers of Woodinville City Hall, 17301 133rd Avenue NE. The City Clerk is authorized and directed to provide public notice of said hearing in accordance with applicable City standards. The City Council may in its discretion adopt additional findings of fact at the conclusion of said hearing.

Section 6. Interpretative Authority. The City of Woodinville Planning Director is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

Section 7. Declaration of Emergency, Effective Date and Authorization for Summary Publication. The City Council declares an emergency for the protection of the public welfare and to enable the purpose and intent of this Ordinance to be accomplished. This Ordinance shall take effect immediately when approved by the City Council. Publication may be by summary publication of the ordinance title.

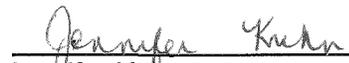
PASSED by the City Council of the City of Woodinville this 8th day of January, 2013 on first reading. The requirement for a second reading having been suspended pursuant to council motion.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 8th DAY OF JANUARY, 2013.



Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:



Jennifer Kuhn
City Clerk/CMC

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Greg Rubstello, City Attorney

PASSED BY THE CITY COUNCIL: 1-8-2013

PUBLISHED: 1-14-2013

EFFECTIVE DATE: 1-8-2013

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Ordinance No. 540 - Appendix A
CBD and GB Permitted Uses – Moratorium

Uses that are proposed to be prohibited in the zones

Both Zones	CBD only
1. * Mobile Home Park	1. 512132 Drive-in Theater
2. * Destination Resorts	2. 81221 Funeral home/crematory
3. * Marina	3. 81222 Cemetery/Columbarium
4. 71391* Golf Driving Range	4. 5417 Research, development and testing
5. * Shooting Range	5. * Bulk Retail
6. 71311 Amusement Park	
7. 71213 Arboretum	
8. * Conference Center	
9. 81111-81112 Automotive Repair	
10. 81119 Automotive Service	
11. * Public agency or utility yard	
12. * Interim recycling facility	
13. <u>236-238 Construction and trade</u>	
14. * Individual transportation and taxi base (does not prohibit taxi stands)	
15. 4841-2 & 492 Trucking and courier service	
16. <u>53113* Self-service storage</u>	
17. 54185 Outdoor advertising service	
18. 5324 Machinery and equipment rental	
19. * Helistop	
20. 4471 Gasoline service stations	
21. <u>45431 Fuel Dealers</u>	
22. 4412 Truck and motorhome dealers	
23. 51211 Movie production/distribution	
24. * Jail	
25. * Secure community transition facility	
26. * Work release facility	
27. * Public agency animal control facility	
28. * Public agency training facility	
29. * Nonhydroelectric generation facility	
30. * Earth Station	
31. 21111 Oil and gas extraction	
32. *Wastewater treatment facility	
33. * Municipal water production	
34. * Airport/Heliport	
35. * Landing Field	
36. * Transit base	
37. * <u>School Bus Base</u>	
38. 711212 Racetrack	
39. * Fairground	
40. 71213 and 71219 Zoo/Wildlife Exhibit	
41. 71131 Stadium/Arena	

Uses that are proposed to have a change in scope

Both zones

1. 61111 Elementary or middle/junior high schools: limited to 15,000 square feet
2. 61111 Secondary or high school limited: to 15,000 square feet. Limited to indoor instruction. Prohibits manufacturing instruction.
3. 61151* Vocation schools: limited to 15,000 square feet. Limited to indoor instruction. Prohibits manufacturing instruction.
4. * Specialized instruction: limited to 15,000 square feet. Limited to indoor instruction. Prohibits manufacturing instruction.
5. * Preschool: limited to 15,000 square feet
6. * School district support facility: Limited to administrative offices.
7. 611620 Gymnastic schools: Limited to 15,000 square feet.
8. 611620 Sports and recreational instruction: limited to 15,000 square feet.
9. 611699 Miscellaneous schools and instruction: limited to 15,000 square feet.
10. * Utility facility: limited to accessory as a permitted use, otherwise a CUP is required.
11. 81293 Automotive parking: required to be within an enclosed structure if it is the primary use.
12. * Motor vehicle and boat dealers: special development criteria in GB zone. Not allowed in pedestrian core design district or civic gateway district.
13. * Transit park and ride lot: requires a special use permit through the essential public facilities process
14. 6112-6113 Junior College and College/University: requires a special use permit through the essential public facilities process.

CBD zone

1. 721199* Youth hostel: limited to 25,000 square feet
2. 53212 and 5322-3 Miscellaneous equipment rental: limited to 5322 Consumer Goods Rental

GB zone

1. 3271-3279 Stone, clay, glass and concrete products: limited to artists studios