

0006.900000
WSS/gjz
4/21/04

ORDINANCE NO. 3496

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE EDMONDS CITY CODE TO REPEAL AND REENACT CHAPTERS 8.51 EDMONDS EMPLOYEE PERMIT PARKING PROGRAM AND CHAPTER 17.50 OFF-STREET PARKING REGULATIONS IN ORDER TO BETTER CONFORM THE CITY'S DOWNTOWN PARKING POLICY AND PROGRAMS TO THE NEEDS OF THE CITY, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council engaged the services of a consultant to evaluate the City's parking regulations, and

WHEREAS, the recommendations of the consultant who reviewed the same with the City staff, the public and key stakeholders in the Edmonds downtown business community have been considered by the City Council, and

WHEREAS, the Edmonds Planning Board considered the proposed amendments to Chapter 17.50 Off-Street Parking Regulations and has given the City Council its favorable recommendation, and

WHEREAS, the City Council deems it appropriate to amend its regulations relating to employee parking and its zoning code requirements relating to the provision of parking spaces, and

WHEREAS, the City Council deems such changes to be in the public interest,
NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The Edmonds City Code is hereby amended by the repeal and reenactment of Chapter 8.51 Edmonds Employee Permit Parking Program to read as follows:

Chapter 8.51

EDMONDS EMPLOYEE PERMIT PARKING PROGRAM

Sections:

- 8.51.010 Purpose.**
- 8.51.020 Definitions.**
- 8.51.030 Commute exemption from three-hour parking limits.**
- 8.51.040 Issuance of employee parking permits.**
- 8.51.045 Employee permit parking fund created.**
- 8.51.050 Unlawful employee permit parking activities and revocation.**
- 8.51.060 Penalties.**

8.51.010 Purpose.

The purpose of this chapter is to provide more parking to the general public in high demand parking areas by encouraging Edmonds business owners and employees to park in lower demand parking areas.

8.51.020 Definitions.

A. “Employee parking permit” means a permit that authorizes permit employees to park for more than three hours in three-hour parking areas if the parking is part of a commute to work as required by this chapter. The employee parking permit shall not guarantee a parking space, nor shall it exempt the vehicle or operator from observing zones where a party is prohibited at all times, including but not limited to no parking zones, load zones, fire zones and all other applicable regulations contained in the Edmonds City Code.

B. “Employee permit business” means a business that is located within the city of Edmonds.

C. “Permit employee” means an owner or employee of an employee permit business.

8.51.030 Commute exemption from three-hour parking limits.

A. The three-hour parking time limits for streets identified in ECC 8.51.030(B) shall not apply to motor vehicles that satisfy the following criteria:

1. The motor vehicle displays a current employee parking permit that hangs from the rear view mirror of the vehicle or is conspicuously placed on the dashboard if there is no rear view mirror; and
2. The motor vehicle is parked in a three-hour parking area identified in ECC 8.51.030(B); and
3. The motor vehicle initially driven to the parking area was occupied by a person who:
 - a. Is employed by a business that has been issued employee parking permit(s); and
 - b. Is identified in ECC 8.51.040 (C)(1); and
4. The motor vehicle is parked while the person identified in ECC 8.51.030(A)(3) is working for the employee permit business that provided the employee parking permit that is displayed in the vehicle; and
5. The motor vehicle is identified in ECC 8.51.040(C)(1); and
6. The motor vehicle is parked in a three-hour parking area between 7:00 a.m. and 6:00 p.m., Monday through Saturday, except for parking in the parking lot for the Edmonds public works division, identified by ECC 8.51.030(B)(15), at which the motor vehicle is parked between 7:00 a.m. and 6:00 p.m., Monday through Friday.

B. An employee parking permit shall be effective in the three-hour parking areas located along the following streets:

1. Both sides of Edmonds Street from Sunset Avenue to Fifth Avenue North.
2. Both sides of Bell Street from Sunset Avenue to Fifth Avenue North.

3. South side of Bell Street from Fifth Avenue North to Sixth Avenue North.
4. North side of James Street from Sunset Avenue to Third Avenue South.
5. South side of James Street from Sunset Avenue to 250 feet east of Second Avenue South.
6. Both sides of Dayton Street from Sunset Avenue (State Route 104) to Fifth Avenue South except the north side of Dayton Street from Third Avenue South to 150 feet east of Third Avenue South.
7. Both sides of Walnut Street from 120 feet west of Fifth Avenue South to 120 feet east of Fifth Avenue South.
8. Both sides of Maple Street from Fifth Avenue South to 120 feet east of Fifth Avenue South.
9. Both sides of Alder Street from Fifth Avenue South to 120 feet east of Fifth Avenue South.
10. Both sides of Second Avenue North from Bell Street to Edmonds Street.
11. Both sides of Third Avenue North from Bell Street to a point 265.5 feet north of its intersection with Edmonds Street.
12. Both sides of Fourth Avenue North from Bell Street to Edmonds Street.
13. Both sides of Fifth Avenue North from Bell Street to Edmonds Street.
14. West side of Sixth Avenue North from Dayton Street to Bell Street.
15. East side of Sixth Avenue from Dayton Street to the alley between Main Street and Bell Street.
16. Both sides of Fourth Avenue South from Walnut Street to Dayton Street.
17. The 20 parking spaces located in the northwest corner parking lot for the building located at 200 Dayton Street.

18. Both sides of Howell Way from Fourth Avenue South to Fifth Avenue South.

19. Both sides of Second Avenue South from Dayton Street to its dead end, located south of Alder Street.

20. Both sides of Alder Street between its intersections with Second Avenue South and Third Avenue South.

21. Both sides of Admiral Way from its intersection with Dayton Street and south thereof to the end of the public right-of-way (approximately 2,300 feet).

8.51.040 Issuance of employee parking permits.

A. An owner or the lead supervisor in employee permit business shall be the only person(s) who may acquire employee parking permits for himself or herself and their employees from the Edmonds city clerk.

B. The owner or lead supervisor shall be responsible for distribution of employee parking permits to permit employees employed by the employee permit business. Employee parking permits may be transferred from one employee or owner within an employee permit business to another.

C. Applications for employee parking permits shall be made upon forms provided by the city of Edmonds and shall at a minimum contain the following information:

1. Name and address of all persons who will use the employee parking permits for the three-hour parking exemptions granted by this chapter.

2. Name and address of the employee permit business and the owner or lead supervisor responsible for the application.

3. Employee permit business address.

4. Responses by each person who will be using an employee parking permit to a parking survey issued by the city clerk that will be used to verify the assumptions used to justify this chapter.

D. Employee parking permit application forms shall be signed by the owner or lead supervisor identified in ECC 8.51.040(C)(2) as well as every person who will be using an employee parking permit issued as a result of the application.

E. The issuance of employee parking permits under this chapter shall be contingent upon the payment of a \$50.00 application fee per permit for applications received through June 29th of each calendar year. The application fee for applications received on or after June 30th of each calendar year shall be reduced to \$25.00. Application forms can be updated to reflect changes in the information required by this section so long as no additional employee parking permits are requested.

F. Employee parking permits shall be effective for the calendar year for which they are issued, except that permits applied for after December 1st shall be effective through the subsequent calendar year.

8.51.045 Employee permit parking fund created.

There is hereby created a special fund to be known as the “employee parking permit fund”. All application fees received by the city pursuant to ECC 8.51.040(E) shall be deposited in this fund. All monies in this fund shall be used solely and exclusively for the administration of the employee permit parking program created by this chapter or for costs associated with parking enforcement in the downtown area or future parking inventories and studies in the downtown area.

8.51.050 Unlawful employee permit parking activities and revocation.

A. It shall be unlawful for any person to duplicate and use an employee parking permit for purposes of parking more than three hours in a three-hour parking area and it shall also be unlawful to otherwise use an employee parking permit for purposes of avoiding parking restrictions in any manner not specified by this chapter.

B. The city clerk may revoke the employee parking permit of any person the clerk determines has abused the employee parking program by engaging in unlawful activities specified in ECC 8.51.050(A). The city clerk’s determination may be appealed by the permit holder to the city council, which shall grant a hearing for the appeal and issue written findings of fact and conclusions of law in support of its decision. A permit holder who has had his or her permit revoked shall be ineligible for reissuance of the permit for a period of one year from the date of revocation.

8.51.060 Penalties.

A. Any person who both (1) parks a vehicle for more than three hours in violation of ECC 8.64.060 or 8.64.065 or any other city ordinance imposing a three-hour parking limit; and (2) displays an employee parking permit as required in ECC 8.51.030(A)(1) without using the parking area as part of a commute to work as specified in ECC 8.51.030(A)(2) to (5) shall have committed a parking infraction subject to the provisions of Chapter 8.48 ECC and shall be fined at twice the civil penalty for overtime parking levied under ECC 8.48.215.

B. Any person who parks a vehicle in a three-hour parking area for more than three hours with an employee parking permit that the person knows has been duplicated or made to appear to be an employee parking permit shall have committed a parking infraction subject to the provisions of Chapter 8.48 ECC and shall be fined a civil penalty of \$50.00.

Section 2. The Edmonds Community Development Code is hereby amended by the repeal and reenactment of ECDC Chapter 17.50 Off-Street Parking Regulations to read as follows:

**Chapter 17.50
OFF-STREET PARKING REGULATIONS**

Sections:

- 17.50.000 Purposes.**
- 17.50.010 Off-street parking required.**
- 17.50.020 Parking space requirements.**
- 17.50.030 Calculations.**
- 17.50.040 Location.**
- 17.50.050 Standards.**
- 17.50.060 Joint use.**
- 17.50.070 Downtown business area parking requirements.**
- 17.50.075 Parking requirements for sexually oriented businesses.**
- 17.50.090 Temporary parking lots.**
- 17.50.100 Commercial vehicle regulations.**

17.50.000 Purposes.

The purposes of this chapter are:

- A. To reduce street congestion and avoid crowding of on-street parking space;

- B. To require adequate landscaping of off-street parking areas;
- C. To protect adjacent property from the impact of a use with inadequate off-street parking.

17.50.010 Off-street parking required.

A. New Uses or Structures not including the Downtown Business area.

1. Off-street parking facilities which comply with this chapter shall be provided before any new use is begun, or any new structure is approved for occupancy. A detailed plan and provisions specifically setting forth the method and location by which the off-street parking required for the proposed use will be met, whether by construction, a joint use agreement, or any other method provided by this code, shall be filed and approved in conformance with the applicable provisions of this code before any building permit is issued.

2. If any change of use occurs, or any addition is built, additional parking spaces to meet the requirements of this chapter shall be provided.

B. Existing Uses or Structures not including the Downtown Business area.

1. Existing uses or structures shall not be required to comply with the requirements of this chapter except under paragraphs B(2) or B(3) of this section, if they have off-street parking which complied with applicable regulations at the time the use began or the structure was occupied.

2. If a change of use takes place, or an addition is built, which increases the number of off-street parking spaces normally required by this chapter by more than 10 percent but less than 100 percent, the number of additional off-street parking spaces required by this chapter for the new use or addition shall be required to be provided in addition to the number of spaces previously existing. In no case shall the total requirement exceed that required by this chapter.

3. If a change of use takes place, or an addition is built, which increases the number of off-street parking spaces normally required by this chapter by 100 percent or more, the full number of spaces required by this chapter for the new use or the entire altered building shall be provided.

C. The Downtown Business area.

1. All new buildings or additions in the Downtown Business area shall provide parking at a flat rate of 1 parking stall for every 500 sq. ft. of gross floor area of building. If it is a mixed use building, the portions of the building used exclusively for residential uses shall only be required to provide parking at one stall per dwelling unit. For purposes of this chapter, “residential uses” shall refer to lobbies, stairwells, elevators, storage areas and other similar features.

2. All existing and new uses in existing buildings are considered to comply with the parking requirements set forth in this Chapter of the code.

17.50.020 Parking space requirements.

[Refer to ECDC 17.50.010(C) and 17.50.070 for standards relating to the Downtown Business Area.]

A. Residential.

1. Single- and multi-family.

a. Single-family dwellings: two spaces per dwelling unit, except:

b. Multiple residential according to the following table:

Type of multiple dwelling unit	Required parking spaces per dwelling unit
Studio	1.2
1 bedroom	1.5
2 bedrooms	1.8
3 or more bedrooms	2,9

2. Boarding house: one space per bed.

3. Rest home, nursing home, convalescent home, residential social welfare facilities: one space per three beds.

4. Single-family dwellings with accessory dwelling unit: three spaces total.

B. Business.

1. Retail stores, including art galleries, convenience stores, department stores, discount stores, drug stores, grocery stores, supermarkets: one space per 300 square feet;

2. Furniture, appliances, and hardware stores: one space per 600 square feet;

3. Services uses, including barber shops, beauty shops, dry cleaners, laundries, repair shops: one space per 600 square feet;

4. Medical, dental and veterinarian offices, banks and clinics: one space per 200 square feet;

5. Business and professional offices with on-site customer service: one space per 400 square feet;

6. Offices not providing on-site customer service: one space per 800 square feet;

7. Bowling alley: four spaces per bowling lane;

8. Commercial recreation: one space per 500 square feet, or one space for each customer allowed by the maximum permitted occupant load;

9. Car repair, commercial garage: one space per 200 square feet;

10. Drive-in restaurants, automobile service station, car dealer, used car lot: one space per 500 square feet of lot area;

11. Restaurant, tavern, cocktail lounge: if less than 4,000 square feet floor area, one per 200 square feet gross floor area; if over 4,000 square feet floor area, 20 plus one per 100 square feet gross floor area in excess of 4,000 square feet;

12. Plant nurseries (outdoor retail area): one space per five square feet of outdoor retail area;

13. Motels and hotels: one space per room or unit;

14. Retail warehouse, building materials yard: one space per 1,000 square feet of lot area or one per three employees;

15. Manufacturing, laboratories, printing, research, automobile wrecking yards, kennels: one space per two employees on largest shift;
16. Mortuary: one space per four fixed seats or per 400 square feet of assembly area, whichever is greater;
17. Marina: to be determined by the hearing examiner, using information provided by the applicant, and the following criteria:
 - a. The type of storage facility (moorage, dry storage, trailer parking) and intended use (sailboats, fishing boats, leisure boats),
 - b. The need to accommodate overflow peak parking demand from other uses accessory to the marina,
 - c. The availability and use of public transit;
18. Storage warehouse: one space per employee;
19. Wholesale warehouse: one space per employee;
20. Adult retail store: one space per 300 square feet;
21. Sexually oriented business (except adult retail store): one space for each customer allowed by the maximum permitted occupant load.

C. Community Facilities.

1. Outdoor places of public assembly, including stadiums and arenas: one space per eight fixed seats, or per 100 square feet of assembly area, whichever is greater;
2. Theaters: one space per five seats;
3. Indoor places of public assembly, including churches, auditoriums: one space per four seats or one space per 40 square feet of assembly area, whichever is greater;
4. Elementary schools, junior high schools, boarding schools (elementary through senior high), residential colleges and universities: six spaces per classroom, or one space per daytime employee, whichever is greater;
5. Non-residential colleges and universities: one space per daytime employee;
6. High schools (senior): one space per daytime employee;

7. Museums, libraries, art galleries: one space per 250 square feet;
8. Day-care centers and preschools: one space per 300 square feet, or one per employee, plus one per five students, whichever is larger;
9. Hospitals: three spaces per bed;
10. Maintenance yard (public or public utility): one space per two employees.

17.50.030 Calculations.

- A. Square Feet. Unless otherwise specified, square feet refers to the gross building square footage, including outdoor areas used for the same use (such as an outdoor eating area for a restaurant).
- B. Combination of Uses. Combination of uses shall meet the requirement based on the sum of all the uses reduced by any applicable joint use provisions (see ECDC 17.50.060). Examples of such combined uses are: a furniture store with a retail display area and attached storage warehouse, a storage warehouse with attached office, a church with a parochial school, mixed use building with commercial and residential uses and so forth.
- C. Different Uses on Same Site. The requirement for different uses on the same site shall be the sum of all requirements for the individual uses, reduced by any applicable joint use provisions.
- D. Uses Not Specified. Any use not listed above shall meet the requirements of the most similar listed use as determined by the community development director.
- E. Fractions. When the requirements of this chapter result in a fractional number of parking spaces, one space shall be provided for a fraction of one-half or more, and no space shall be required for a fraction of less than one-half.

17.50.040 Location.

- A. Permitted Uses in Residential Zones. Off-street parking shall be located on the same lot and within 100 feet walking distance of the use for which it is required.
- B. All Other Uses. Off-street parking shall be located within 300 feet walking distance of the use for which it is required, except that the only requirement of the location of off-street parking

required for a use in the downtown business area shall be that such parking be located within the downtown business area that is zoned for commercial business (BC). If the off-street parking is not on the same lot as the use for which it is required, the owner or lessor shall provide to the city for recording with the county auditor an agreement specifying:

1. The location, by legal description or survey, of the off-street parking and the use for which it is required;
2. A restriction on the property designated for off-street parking that it may not be used for any other purpose unless the parking is no longer required for the use specified in paragraph B(1) of this section.

17.50.050 Standards.

See Chapter 18.95 ECDC for size, construction and maintenance of off-street parking.

17.50.060 Joint use.

See Chapter 20.30 ECDC for joint use of off-street parking facilities.

17.50.070 Downtown business area parking requirements.

A. See section 17.50.010.C for the parking requirements in the Downtown Business area.

B. Downtown Business Area Defined. The downtown business area consists of all land zoned BC or CW and located in the area east of Puget Sound, south of Edmonds Street, west of Seventh Avenue, and north of Pine Street. For the purposes of Chapter 17.50 ECDC only, the downtown business area shall include all commercially-zoned properties within the specified boundaries.

C. Exceptions to the required parking standards in the downtown area. When requested by the developer the staff, using information provided by the applicant, may decrease the required parking for a building listed on the Edmonds Register of Historic Places in order to retain historic elements of the building during its expansion, remodeling or restoration. Any building construction or remodeling activities serving as the justification for the parking exception shall be consistent with the criteria and procedures governing historic buildings contained in Chapter 20.45 ECDC. The decision on the parking exception shall be processed as a Staff

decision – Notice required, as provided for in Chapter 20.95.050 ECDC.-

17.50.075 Parking requirements for sexually oriented businesses.

A. All off-street parking areas shall be clearly visible from the street.

B. Off-street parking facilities shall be illuminated by overhead lighting at a minimum average of 20 footcandles. Lighting shall be directed downward and away from external property lines.

17.50.090 Temporary parking lots.

A. Conditional Use. A conditional use permit shall be required in order to construct or maintain a temporary parking lot in any B (business) or C (commercial) zone. The initial permit shall be valid for a term of one year; provided, however, that extensions may be approved under the following conditions:

1. The applicant may apply to the community services director to have said permit extended for a period of one year upon the filing of a written application stating the reasons for said requests prior to the expiration of the original permit.

2. The applicant may, in addition, apply for an additional two-year extension through the vehicle of a conditional use permit for a temporary parking lot. In addition to satisfying the criteria of ECDC 20.05.010, the applicant shall be required to demonstrate that a public benefit will result from the issuance of the two-year extension. In no event shall a temporary parking lot be permitted to continue beyond four years from the date the initial conditional use permit is granted.

3. Applications for a conditional use permit, or an appeal of a staff decision approving or denying a one-year extension thereof shall be reviewed by the hearing examiner under the same terms and conditions as any conditional use permit utilizing the criteria contained in Chapter 20.05 ECDC and under the procedural requirements contained in Chapter 20.100 ECDC. An application for a two-year extension shall be processed in the same manner as an initial application for a conditional use permit for a temporary parking lot and new or changed conditions may be imposed in the course of that process. A final decision on the granting of any permit or extension shall be appealable under the process as

contained in ECDC 20.100.010 with final recourse to the city council.

B. Improvements. The hearing examiner shall require the applicant to meet the public improvement and dedication requirements for permanent use of the director of community services. The applicant shall also be required to provide a durable, well-drained, dust-free and hard surface for the parking lot.

C. Review by the Architectural Design Board. If the conditional use permit is approved, the applicant shall then submit the proposal for review to the architectural design board, and shall comply with any requirements of the board as to signage, lighting, screening and landscaping. Nothing herein shall be interpreted to prohibit an applicant from filing a simultaneous request for review of his conditional use permit application by the hearing examiner and/or review of said lot by the architectural design board.

17.50.100 Commercial vehicle regulations.

A. No person shall park or store more than one commercial vehicle or any commercial vehicle over 10,000 pounds licensed gross vehicle weight per dwelling unit on any lot in any R zoned district unless he/she has first obtained a conditional use permit. For the purposes of this section, “commercial vehicle” means any motor vehicle, the principal use of which is the transportation of commodities, merchandise, produce, freight, vehicles, animals, passengers for hire, or which is used primarily in construction or farming, including but not limited to bulldozers, backhoes, tractors and cranes.

B. The provisions of this section shall not apply to commercial vehicles which are being loaded or unloaded.

Section 3. 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 GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK:	04/23/2004
PASSED BY THE CITY COUNCIL:	04/27/2004
PUBLISHED:	05/02/2004
EFFECTIVE DATE:	05/07/2004
ORDINANCE NO. <u>3496</u>	

SUMMARY OF ORDINANCE NO. 3496

of the City of Edmonds, Washington

On the 27th day of April, 2004, the City Council of the City of Edmonds, passed Ordinance No. 3496. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE EDMONDS CITY CODE TO REPEAL AND REENACT CHAPTERS 8.51 EDMONDS EMPLOYEE PERMIT PARKING PROGRAM AND CHAPTER 17.50 OFF-STREET PARKING REGULATIONS IN ORDER TO BETTER CONFORM THE CITY'S DOWNTOWN PARKING POLICY AND PROGRAMS TO THE NEEDS OF THE CITY, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 28th day of April, 2004.

CITY CLERK, SANDRA S. CHASE