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ORDINANCE NO. 3624

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ENACTING A NEW CHAPTER 16.43 RELATING TO BD-DOWNTOWN BUSINESS ZONING, AMENDING THE CITY'S ZONING MAP TO REZONE CERTAIN PROPERTY SPECIFIED THEREIN TO BD CATEGORIES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council has received the recommendation of its Planning Board and held public hearings regarding draft BD zone proposals on September 18, 2006 and deliberated regarding those amendments on October 3 and December 12, 2006, and

WHEREAS, the City Council finds that the amendment enacting new BD-Downtown Business zones complies with the criteria of the Edmonds Community Development Code in consideration of criteria or in conformance with the City's Comprehensive Plan and are in the best interest of the citizens of the City of Edmonds, and

WHEREAS, the City Council has also received the recommendation of the Planning Board and held public hearings regarding amendments to the City's zoning map to enact certain changes to the zoning of properties within the BD-Downtown business zone, and

WHEREAS, following public hearings on the aforementioned dates and the deliberation of City Council, the Council adopts the recommendation of its Planning Board, finding that the amendment of the City's zoning map and the rezone of the properties specified therein in the attached Exhibit A are in conformance with the requirements and decisional criteria of the Edmonds Community Development Code, are consistent with the City's

Comprehensive Plans and are in the best interests of the health, safety and welfare of the citizens of the City of Edmonds, NOW, THEREFORE,

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

Section 1. The Edmonds Community Development Code is hereby amended by the enactment of a new Chapter 16.43 BD-Downtown Business zone to read as follows:

Chapter 16.43
BD – DOWNTOWN BUSINESS

Sections:

- 16.43.000 Purposes.
- 16.43.010 Sub-districts.
- 16.43.020 Uses.
- 16.43.030 Site development standards.
- 16.43.040 Operating restrictions.

16.43.000 Purposes.

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC.

- A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.
- B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown’s identity.
- C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. 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 area.
- D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multi-family residential uses.

16.43.010 Sub-districts.

The “Downtown Business” zone is subdivided into five (5) distinct sub-districts, each intended to implement specific aspects of the Comprehensive Plan that pertain to the Downtown Waterfront Activity Center. Each sub-district contains its own unique mix of uses and zoning regulations, as described in this chapter. The five sub-districts are:

- BD1 – Downtown Retail Core
- BD2 – Downtown Mixed Commercial
- BD3 – Downtown Convenience Commercial
- BD4 – Downtown Mixed Residential
- BD5 – Downtown Arts Corridor

16.43.020 Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices	A	A	A	A	A
Service uses	A	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
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Residential Uses					
Single family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A
Local public facilities subject to the requirements of ECDC 17.100.050	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
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in businesses	C	C	A	C	X
Laboratories	X	C	C	C	X

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	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
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	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	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
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	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

For Conditional Uses listed in Table 16.43-1, above, 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 be only be provided consistent with Chapter 18.80.060 ECDC. 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 (4) feet in height along street lot lines shall only be permitted if they are at least 50% 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.

16.43.030 Site development standards.

A. Table 16.43-2.

Site Development Standards	BD1⁵	BD2⁵	BD3⁵	BD4^{3 5}	BD5⁵
Minimum Lot Area	0	0	0	0	0
Minimum Lot Width	0	0	0	0	0
Minimum Street Setback	0	0	0	0	0
Minimum Side Setback ¹	0	0	0	0	0
Minimum Rear Setback ¹	0	0	0	0	0
Maximum Height ²	25'	25'	25'	25'	25'
Minimum Height of Ground Floor ⁴	15'	12'	12'	12'	12'

¹ The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

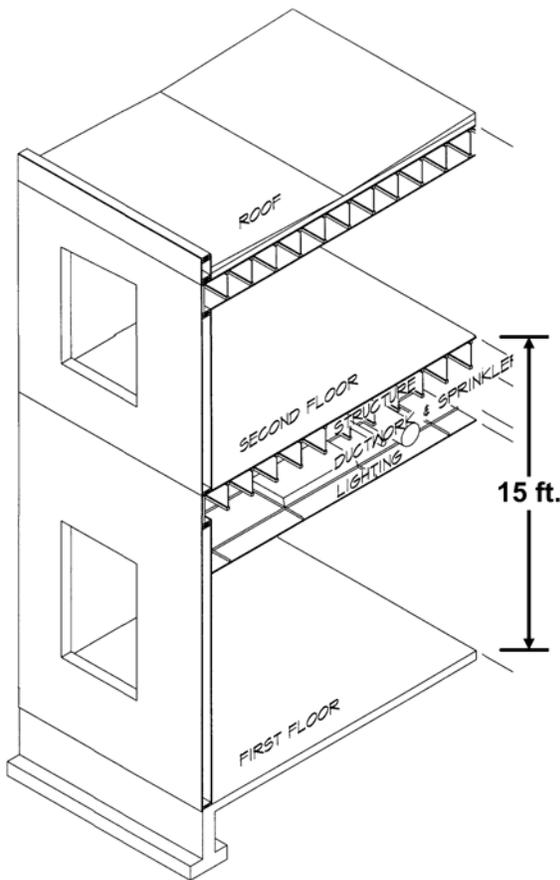
² Specific provisions regarding building heights are contained in Chapter 16.43.030.C ECDC.

³ Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least 60 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g. an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030.B.4 for further detail.

⁴ “Minimum height of ground floor” means the vertical distance from top to top of the successive finished floor surfaces; and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. “Floor finish” is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete., as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the ‘finished’ ceiling height is only approximately 11 feet in this example. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25%.

⁵ Site development standards for single family dwellings are the same as those specified for the RS-6 zone.

Figure 16.43-1: Ground Floor Height Measurement



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. When a commercial use is located on the ground floor, the elevation of the ground floor and associated entry shall be within 7 inches of the grade level of the adjoining sidewalk. “Grade” shall be as measured at the entry location.
2. When the street frontage of a building is on a slope which does not allow both the elevation of the entry and ground floor to be entirely within 7 inches of the grade level of the sidewalk, the building may be designed so that either:

- a. The entry for the commercial portion of the ground floor is located within 7 inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor is within 7 inches of the grade level of the entry; or,
 - b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within 7 inches of the grade of the sidewalk.
 - c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.
3. Within the BD1 zone, development on the ground floor shall consist of only commercial uses. Within the BD2, and BD3 zones, development on the ground floor shall consist of only commercial uses to a minimum building depth of 60 feet, as measured from the street front of the building.
 4. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in ECDC 16.43.030.B.3, above. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in Chapter 16.43.030.B.3, above, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four (4) feet in height above sidewalk grade unless it is at least 50% open, such as in a lattice pattern.
 5. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in ECDC 16.43.030.B.3, above. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:
 - a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:
 - i. At least one building entry shall face 4th Avenue.
 - ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e. ground floor) level.
 - iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.
 - b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.
 - i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. Live/work space means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed

so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: BD5 Development

Building at right (foreground) shows landscaping located between building and street. Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.



6. Exceptions and clarifications. The regulations for the ground floor contained in ECDC 16.43.030.B.1-5 (above) apply with the following exceptions or clarifications.
 - a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.
 - b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.
 - c. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement (i.e. when the first 60 feet of the building, as measured perpendicular to the street, is required to be in commercial use, parking may not be located within that 60 feet). However, for properties with less than 90 feet of depth measured from the street front, parking may be located in the rear-most 30 feet of the property, even if a portion of the parking extends into the first 60 feet of the building. In no case shall the depth of commercial space as measured from the street front of the building be less than 30 feet.
 - d. Within the BD2, BD3 and BD4 zones, if the first 60 feet of the building as measured perpendicular to the street consists only of commercial uses and permitted secondary uses, then permitted multiple family residential unit(s) may be located behind the commercial uses.

- e. Within the BD1 zone, ground floor windows parallel to street lot lines shall be transparent and unobstructed by curtains, blinds, or other window coverings intended to obscure the interior from public view from the sidewalk. This provision does not apply to any residential uses located behind commercial uses.
- f. Within the BD1 zone, each commercial space located on the ground floor shall be directly accessible by an entry from the sidewalk.

C. Building Height Regulations.

1. The basic height limit is 25 feet (see definition of “height” detailed in Chapter 21.40.030 ECDC).
2. Step-back rules. The following rules apply when calculating the maximum building height for any building in the specified zone(s) (see Figures 16.43-3 and 16.43-4 for illustrated examples).
 - a. Within the BD2, BD3, or BD4 zones, an additional 5 feet of building height, not to exceed 30 feet, may be obtained if the building is designed to meet all of the following conditions:
 - i. A building step-back is provided within 15 feet of any street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade at the property line (e.g. normally the back of sidewalk) or 30 feet above the “average level” as defined in Chapter 21.40.030 ECDC. For corner lots, a 15-foot step-back is required along both street fronts. If a building located on a corner lot has insufficient lot width (i.e. less than 40 feet of lot width) to enable it to provide the required step-back on both street fronts, then the step-back may be waived facing the secondary street. This waiver may not be granted for building step-backs required from Fifth Avenue, Dayton, or Main Streets.
 - ii. A 15-foot step-back is provided from the property line opposite the street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade or 30 feet above the “average level” as defined in Chapter 21.40.030 ECDC. For corner lots for which a 15-foot step-back is required on more than one street front, there is no 15-foot step-back required from the property line opposite each street front. For the purpose of determining step-back requirements, alleys are not considered to be streets.
 - iii. A building setback, in which the entire building is set back from the property line, may be substituted on a foot-for-foot basis for the required building step-back. For example, a 5-foot building setback can be combined with a 10-foot building step-back to meet the 15-foot step-back requirement.
 - b. Within the BD1 zone, building height may be a maximum of 30 feet in order to provide for a minimum height of 15 feet for the ground floor. The allowable building height is measured from the "average level" as defined in Chapter 21.40.030 ECDC.

Figure 16.43-3: Uphill Example

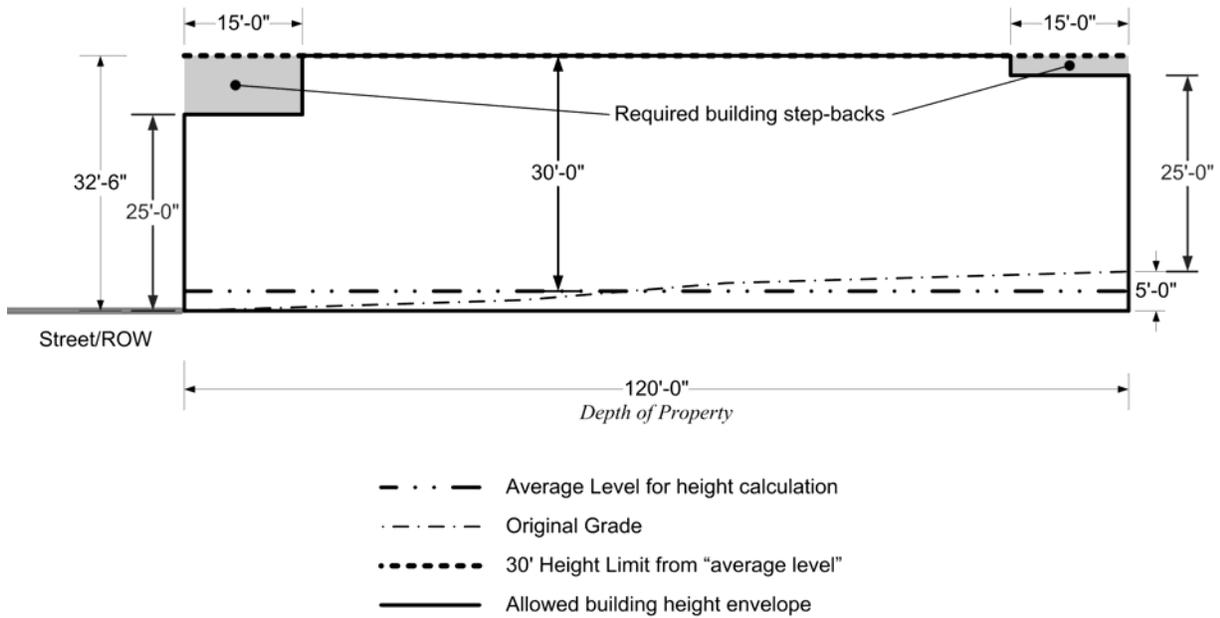
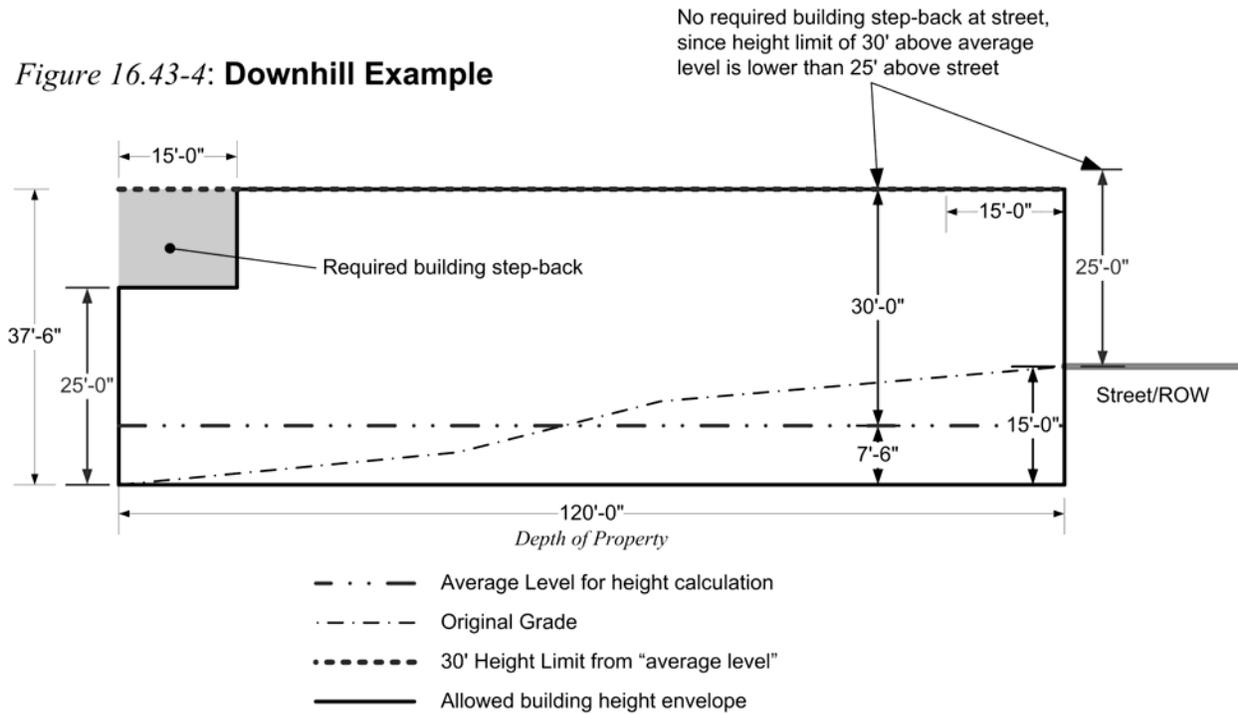


Figure 16.43-4: Downhill Example



3. Within the BD5 zone, the maximum height may be increased to 30 feet if the building meets one of the following conditions. In addition, if the building is located within 15 feet of the public right-of-way, architectural details and/or applied art shall be incorporated into the building design, and the ground floor shall be distinguished from the upper portions of the building through the use of differences in materials, windows, and/or architectural forms.
 - a. All portions of the building above 25 feet consist of a pitched roof such that the pitch of all portions of the roof are at least 6-in-12 and the roof includes architectural features, such as dormers or gables of a steeper pitch, that break up the roof line into distinct segments.
 - b. If the building does not make use of a pitched roof system as described in (a), above, step backs shall be required the same as for the BD2 zone, as described in ECDC 16.43.030.C.2.
4. Height exceptions. In addition to the height exceptions listed in Chapter 21.40.030 ECDC, the following architectural features are allowed to extend above the height limits specified in this Chapter.
 - a. A single decorative architectural element, such as a turret, tower, or clock tower, may extend a maximum of 5 feet above the specified height limit if it is designed as an integral architectural feature of the roof and/or façade of the building. The decorative architectural element shall not cover more than 5% of the roof area of the building.
 - b. Roof or deck railings may extend a maximum of 42 inches above the specified height limit within any building step-back required under ECDC 16.43.030.C.2, provided that the railing is constructed so that it has the appearance of being transparent. An example meeting this condition would be a railing that is comprised of glass panels.

D. Off-Street Parking and Access Requirements. The parking regulations included here apply specifically within the BD zone. Whenever there are conflicts between the requirements of this Chapter and the provisions contained in ECDC 17.50 – Off-Street Parking Regulations, the provisions of this Chapter shall apply.

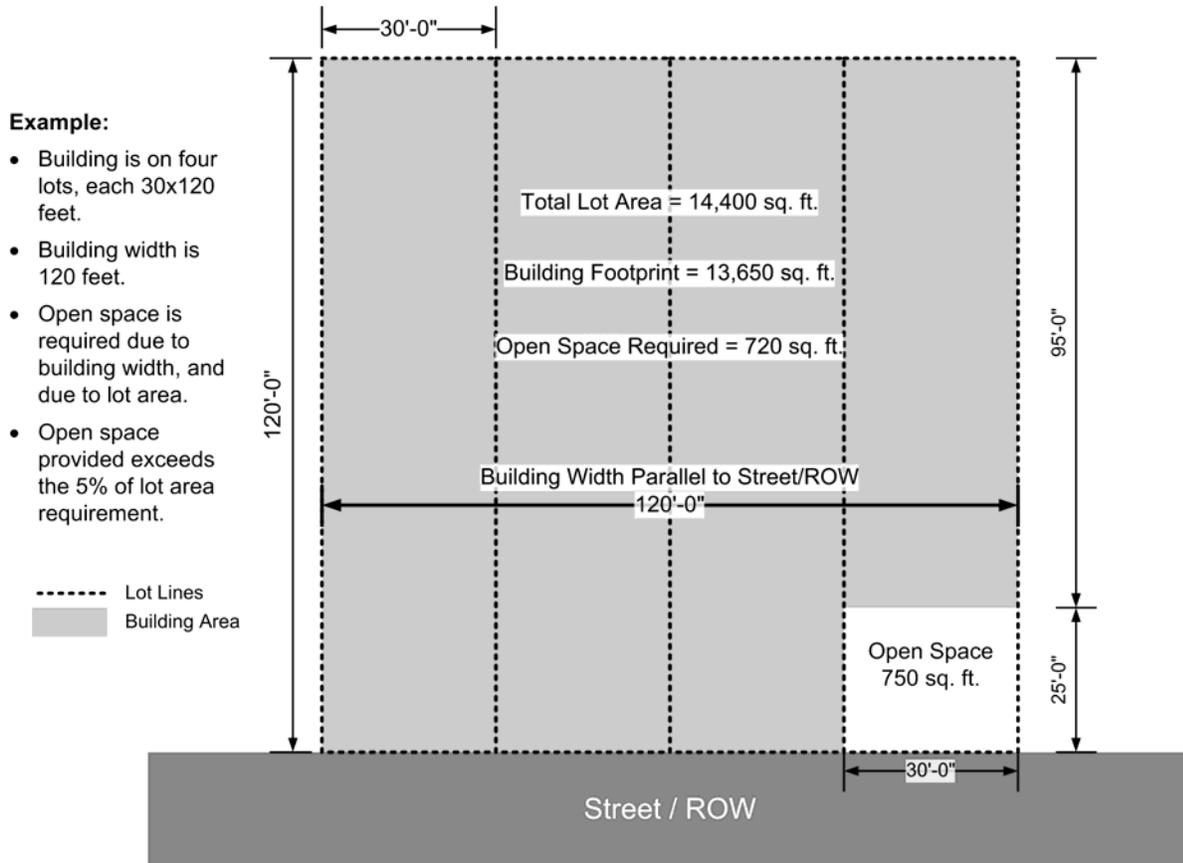
1. Within the BD1 zone, no new curb cuts are permitted along 5th Avenue or Main Street.
2. No parking is required for any commercial floor area of permitted uses located within the BD1, BD2, BD4, and BD5 zones.
3. No parking is required for any floor area in any building with a total building footprint of less than 4,800 square feet.

E. Open Space Requirements

1. For buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet (as measured parallel to the street lot line), at least 5% of the lot area shall be devoted to open space. Open space shall not be required for additions to existing buildings that do not increase the building footprint by more than 10%. Open space shall be provided adjacent to the street front (street lot line). Such open space may be provided as any combination of:
 - a. outdoor dining or seating areas (including outdoor seating or waiting areas for restaurants or food service establishments);

- b. public plaza or sidewalk that is accessible to the public;
 - c. landscaping which includes a seating area that is accessible to the public.
2. Required open space shall be open to the air and not located under a building story.
 3. In overall dimension, the width of required open space shall not be less than 75% of the depth of the open space, measured relative to the street (i.e. width is measured parallel to the street lot line, while depth is measured perpendicular to the street lot line).

Figure 16.43-5: **Building Size, Width and Open Space**



F. Historic Buildings. The exceptions contained in this section apply only to buildings listed on the Edmonds Register of Historic Buildings.

1. If a certificate of appropriateness is issued by the Edmonds Historic Preservation Commission under the provisions of Chapter 20.45 ECDC for the proposed project, the staff may modify or waive any of the requirements listed below that would otherwise apply to the expansion, remodeling, or restoration of the building. The decision of staff shall be processed as a Staff decision – Notice required, as provided for in ECDC 20.95.050.
 - a. Building step backs required under ECDC 16.43.030.C.2.
 - b. Open space required under ECDC 16.43.030.E.

2. No off-street parking is required for any permitted uses located within a building listed on the Edmonds Register of Historic Buildings. Note that additional parking exceptions involving building expansion, remodeling or restoration may also apply, as detailed in 17.50.070.C.
3. Within the BD5 zone, if a building listed on the Edmonds Register of Historic Buildings is retained on site, no off-street parking is required for any additional buildings or uses located on the same property. To obtain this benefit, an easement in a form acceptable to the City shall be recorded with Snohomish County protecting the exterior of the historic building and ensuring that the historic building is maintained in its historic form and appearance so long as the additional building(s) obtaining the parking benefit exist on the property. The easement shall continue even if the property is subsequently subdivided or any interest in the property is sold.

G. Density. There is no maximum density for permitted multiple dwelling units.

H. Screening. The required setback from R zoned property shall be landscaped with trees and ground cover and permanently maintained by the owner of the BD lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback, except for that portion of the BD zone that is in residential use.

I. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC. Sign standards shall be the same as those that apply within the BC zone.

J. Satellite Television Antennas. In accordance with the limitations established by the Federal Communications Commission, satellite television antennae greater than two meters in diameter shall be reviewed in accordance with the provisions of ECDC 16.20.050.

16.43.040 Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC.
7. Bistro and outdoor dining meeting the criteria of Chapter 17.70.040 ECDC.
8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards.

Section 2. The official zoning map of the City of Edmonds is hereby amended to reflect the changes shown on the attached Exhibit A, incorporated by this reference as fully as if herein set forth. Such incorporated changes amend the zoning of certain downtown properties to

rezone such properties in conformance with the attached Exhibit A. The Development Services Director or his designee is hereby authorized to effectuate such changes to the official zoning map of the City.

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 _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	January 12, 2007
PASSED BY THE CITY COUNCIL:	January 16, 2007
PUBLISHED:	January 21, 2007
EFFECTIVE DATE:	January 26, 2007
ORDINANCE NO. 3624	

SUMMARY OF ORDINANCE NO. 3624

of the City of Edmonds, Washington

On the 16th day of January, 2007, the City Council of the City of Edmonds, passed Ordinance No. 3624. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, REPEALING AND REENACTING CHAPTER 16.43 RELATING TO BD-DOWNTOWN BUSINESS ZONING, AMENDING THE CITY'S ZONING MAP TO REZONE CERTAIN PROPERTY SPECIFIED THEREIN TO BD CATEGORIES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 17th day of January, 2007.

CITY CLERK, SANDRA S. CHASE