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ORDINANCE NO. 3635

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF THE EDMONDS COMMUNITY DEVELOPMENT CODE TO REPEAL CHAPTER 16.60 RELATING TO GENERAL COMMERCIAL ZONES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council has reviewed suggested changes to the CG and CG2 Zones; and

WHEREAS, following public hearing and with the recommendation of its Planning Board, the City Council finds it to be in the public interest to amend the requirements applicable to the General Commercial zones; NOW, THEREFORE,

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

Section 1. The Edmonds Community Development Code Chapter 16.60 General Commercial: CG and CG2 Zones is hereby repealed and reenacted to read as follows:

Chapter 16.60
CG – GENERAL COMMERCIAL: CG AND CG2 ZONES

Sections:	
16.60.000	CG and CG2 zones.
16.60.005	Purposes.
16.60.010	Uses.
16.60.015	Location standards for sexually oriented businesses.
16.60.020	Site development standards – General.
16.60.030	Site development standards – Design Standards.
16.60.040	Operating restrictions.

16.60.000 CG and CG2 zones.

This chapter establishes the general commercial zoning district comprised of two distinct zoning categories which are identical in all respects except as specifically provided for in ECDC 16.60.020(A).

16.60.005 Purposes.

The CG and CG2 zones have the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

- A. Encourage the development and retention of commercial uses which provide high economic benefit to the city. Mixed use and transit-oriented developments are encouraged which provide significant commercial uses as a component of an overall mixed development scheme.
- B. Improve access and circulation for people by encouraging a development pattern that supports transit and pedestrian access. Improve vehicular circulation and access to support business and economic development.
- C. Provide and encourage the opportunity for different sections along the Highway 99 corridor to emphasize their unique characteristics and development opportunities rather than require the corridor to develop as an undifferentiated continuum. New development should be high-quality and varied – not generic – and include amenities for pedestrians and patrons.
- D. Encourage a variety of uses and building types. A variety of uses and building types is appropriate to take advantage of different opportunities and conditions. Where designated in the Comprehensive Plan, the zoning should encourage mixed use or taller high-rise development to occur.
- E. Encourage development that is sensitive to surrounding neighborhoods. Protect residential qualities and connect businesses with the local community. Pedestrian connections should be made available as part of new development to connect residents to appropriate retail and service uses.
- F. New development should be allowed and encouraged to develop to the fullest extent possible while assuring that the design quality and amenities provided contribute to the overall character and quality of the corridor. Where intense development adjoins residential areas, site design (including buffers, landscaping, and

the arrangement of uses) and building design should be used to minimize adverse impacts on residentially-zoned properties.

G. Upgrade the architectural and landscape design qualities of the corridor. Establish uniform signage regulations for all properties within the corridor area which provide for business visibility and commerce while minimizing clutter and distraction to the public. Make the corridor more attractive and pedestrian-friendly (e.g., add trees and landscaping) through a combination of development requirements and – when available – public investment.

H. Within the Corridor, highrise nodes designated in the Comprehensive Plan should provide for maximum economic use of suitable commercial land. Highrise nodes should be:

Supported by adequate services and facilities;

Designed to provide a visual asset to the community through the use of distinctive forms and materials, differentiated facades, attractive landscaping, and similar techniques.

Designed to take advantage of different forms of access, including automobile, transit and pedestrian access.

Designed to provide adequate buffering from lower intensity uses and residential neighborhoods.

16.60.010 Uses.

A. Permitted Primary Uses.

1. All permitted or conditional uses in any other zone in this title, except as specifically prohibited by subsection C of this section or limited by subsection D of this section;

2. Any additional use except as specifically prohibited by subsection C of this section or limited by subsection D of this section;

3. Halfway houses;

4. Sexually oriented businesses, which shall comply with the location standards set forth in ECDC 16.60.015, 16.60.015, the development regulations set forth in Chapter 17.50 ECDC, and the licensing regulations set forth in Chapter 4.52 ECC.

B. Permitted Secondary Uses.

1. Off-street parking and loading areas to serve a permitted use.
2. Storage facilities or outdoor storage areas secondary or integral to a permitted primary use, such as storage or display areas for automobile sales, building materials or building supply sales, or garden/nursery sales. Such outdoor storage or display areas shall be designed and organized to meet the design standards for parking areas for the CG zone, contained in this Chapter.

C. Prohibited Uses.

1. Residential Uses located within the first or second story of any structure, in areas designated “Highway 99 Corridor” or “High-rise Node” on the comprehensive plan map. There are two exceptions to this prohibition:
 - a. Residential uses may be allowed as part of large-scale mixed use developments, as described in Section 16.60.020.B; and,
 - b. Residential uses are allowed on the second floor of buildings that are not located in areas designated as “High-rise Node” on the comprehensive plan map and which are not located on lots that have frontage on Highway 99.
2. Mobile Home parks.
3. Storage facilities or outdoor storage areas intended as a primary use, not secondary to a permitted commercial or residential use. Automobile wrecking yards, junk yards, or businesses primarily devoted to storage or mini storage are examples of this type of prohibited use.

D. Uses Requiring a Conditional Use Permit.

1. Aircraft landings as regulated by Chapter 4.80 ECC;

16.60.015 Location standards for sexually oriented businesses.

All sexually oriented businesses shall comply with the requirements of this section, the development regulations set forth in Chapter 17.50 ECDC, and Chapter 4.52 ECC. The standards established in this section shall not be construed to restrict or prohibit the following activities or products: (a) expressive dance; (b) plays, operas, musicals, or other dramatic works; (c) classes,

seminars, or lectures conducted for a scientific or educational purpose; (d) printed materials or visual representations intended for educational or scientific purposes; (e) nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities; (f) nudity within a hospital, clinic, or other similar medical facility for health-related purposes; and (g) all movies and videos that are rated G, PG, PG-13, R, and NC-17 by the Motion Picture Association of America.

A. Separation Requirements. A sexually oriented business shall only be allowed to locate where specifically permitted and only if the following separation requirements are met:

1. No sexually oriented business shall be located closer than 300 feet to any of the following protected zones whether such protected zone is located within or outside the city limits:

- a. A residential zone as defined in Chapter 16.10 ECDC;
- b. A public use zone as defined in Chapter 16.80 ECDC.

2. No sexually oriented business shall be located closer than 300 feet to any of the following protected uses whether such protected use is located within or outside the city limits:

- a. A public park;
- b. A public library;
- c. A nursery school or preschool;
- d. A public or private primary or secondary school;
- e. A church, temple, mosque, synagogue, or other similar facility used primarily for religious worship; and
- f. A community center such as an amusement park, public swimming pool, public playground, or other facility of similar size and scope used primarily by children and families for recreational or entertainment purposes;
- g. A permitted residential use located in a commercial zone;
- h. A museum; and
- i. A public hospital or hospital district.

3. No sexually oriented business shall be located closer than 500 feet to any bar or tavern within or outside the city limits.

B. Measurement. The separation requirements shall be measured by following a straight line from the nearest boundary line of a protected zone specified in subsection (A) of this section or nearest physical point of the structure housing a protected use specified in subsection (A) of this section, to the nearest physical point of the tenant space occupied by a sexually oriented business.

C. Variance From Separation Requirements. Variances may be granted from the separation requirements in subsection (A) of this section if the applicant demonstrates that the following criteria are met:

1. The natural physical features of the land would result in an effective separation between the proposed sexually oriented business and the protected zone or use in terms of visibility and access;

2. The proposed sexually oriented business complies with the goals and policies of the community development code;

3. The proposed sexually oriented business is otherwise compatible with adjacent and surrounding land uses;

4. There is a lack of alternative locations for the proposed sexually oriented business; and

5. The applicant has proposed conditions which would minimize the adverse secondary effects of the proposed sexually oriented business.

D. Application of Separation Requirements to Existing Sexually Oriented Businesses. The separation requirements of this section shall not apply to a sexually oriented business once it has located within the city in accordance with the requirements of this section.

16.60.020 Site development standards – General.

A. Table. Except as hereinafter provided, development requirements shall be as follows:

	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side/Rear Setback	Maximum Height	Maximum Floor Area
CG	None	None	4' ²	None ¹	60' ³	None
CG ²	None	None	4' ²	None ¹	75' ³	None

¹ Fifteen feet from all lot lines adjacent to RM or RS zoned property regardless of the setback provisions established by any other provision of this code.

² Street setback area shall be fully landscaped.

³ None for structures located within an area designated as a high-rise node on the Comprehensive Plan map.

B. Mixed Use Developments.

1. A mixture of commercial and residential uses, including residential uses located on the first or second floors of buildings, may be permitted for developments meeting the following requirements:

a. The proposed development's combined site area is at least two (2) acres.

b. Floor area equivalent to the combined total leaseable area of the first (ground) floor for all buildings located on the site is devoted to commercial use. This commercial floor area may be provided in any manner desirable on-site, except that for all buildings oriented to and facing frontage streets, the street-facing portions of the ground floor shall be occupied by commercial uses. Parking area(s) are excluded from this calculation. This requirement is not intended to require commercial uses facing service drives, alleys, or other minor access easements that are not related to the main commercial streets serving the site.

16.60.030 Site development standards – Design Standards.

Design review by the Architectural Design Board is required for any project that includes buildings exceeding 60 feet in height in the CG zone or 75 feet in height in the CG2 zone. Projects not exceeding these height limits may be reviewed by staff as a staff decision. Regardless of what review process is required, all projects proposed in the CG or CG2 zone must meet the design standards contained in this section (16.60.030).

A. Screening and Buffering

1. General

- a. Retaining walls facing adjacent property or public rights-of-way shall not exceed seven feet in height. A minimum of four feet of planted terrace is required between stepped wall segments.
- b. Landscape buffers are not required in land use zones with no required building setback.
- c. Tree landscaping may be clustered to block the view of a parking lot, yet allow visibility to signage and building entry.
- d. Landscape buffers shall be integrated into the design and layout of water detention and treatment elements, to minimize the physical and visual impacts of the water quality elements.
- e. All parking lots are required to provide Type V interior landscaping.
- f. Type I landscaping is required for commercial, institutional and medical uses adjacent to single-family or multi-family zones. The buffer shall be a minimum of ten feet in width and continuous in length.
- g. Type I is required for residential parking areas adjacent to single-family zones. The buffer shall be a minimum of four feet in width and continuous in length.
- h. Type I landscaping is required for office and multi-family projects adjacent to single-family zones. The buffer shall be a minimum of four feet in width and ten feet in height and continuous in length.
- i. If there is a loading zone and/or trash compactor area next to a single-family or multi-family zone, there shall be a minimum of a six-foot high concrete wall plus a minimum width of five feet of Type I landscaping. Trash and utility storage elements shall not be permitted to encroach within street setbacks or within setbacks adjacent to single family zones. Mechanical equipment, including heat pumps and other mechanical elements, shall not be placed in the setbacks.
- j. Landscape buffers, Type I, shall be used in parking areas adjacent to single-family zones.
- k. When no setback is otherwise required, Type III landscaping three feet in width and continuous in length is required between uses in the same zone.

2. Parking Lots Abutting Streets.

- a. Type IV landscaping, minimum four feet wide, is required along all street frontages.
- b. All parking located under the building shall be completely screened from the public street by one of the following methods:
 - i. Walls,
 - ii. Type I planting and a grill that is 25 percent opaque,
 - iii. Grill work that is at least 80 percent opaque, or
 - iv. Type III landscaping.

B. Access and Parking

- 1. Not more than 50% of total project parking spaces may be located between the building's front facade and the primary street.
- 2. Parking lots may not be located on corner locations adjacent to public streets.
- 3. Paths within Parking Lots
 - a. Pedestrian walkways in parking lots shall be delineated by separate paved routes that are approved by federal accessibility requirements and that use a variation in textures and/or colors as well as landscape barriers.
 - b. Pedestrian access routes shall be provided at least every 180 feet within parking lots. These shall be designed to provide access to on-site buildings as well as pedestrian walkways that border the development.
 - c. Pedestrian pathways shall be six feet in width and have two feet of planting on each side or have curb stops at each stall in the parking lot on one side and four feet of planting on the second side.
 - i. Parking lots shall have pedestrian connections to the main sidewalk at a minimum of every 100 feet.
- 4. Bonus for Parking Below Grade
 - a. For projects where at least 50% of the parking is below grade or under the building, the following code requirements may be modified for the parking that is provided below-grade or under-building.
 - The minimum drive aisle width may be reduced to 22 feet.

- The maximum ramp slope may be increased to 20%.
 - A mixture of full- and reduced-width parking stalls may be provided without meeting the ECDC requirement to demonstrate that all required parking could be provided at full-width dimensions.
5. Drive-through facilities such as, but not limited to, banks, cleaners, fast food, drug stores, espresso stands, etc., shall comply with the following:
- a. Drive-through windows and stacking lanes shall not be located along the facades of the building that face a street.
 - b. Drive-through speakers shall not be audible off-site.
 - c. Only one direct entrance or exit from the drive-through shall be allowed as a separate curb cut onto an adjoining street. All remaining direct entrances/exits to the drive-through shall be internal to the site.

6. Pedestrian and Transit Access

- a. Pedestrian building entries must connect directly to the public sidewalk and to adjacent developments if feasible.
- b. Internal pedestrian routes shall extend to the property line and connect to existing pedestrian routes if applicable. Potential future connections shall also be identified such that pedestrian access between developments can occur without walking in the parking or access areas.
- c. When a transit or bus stop is located in front of or adjacent to a parcel, pedestrian connections linking the transit stop directly to the new development are required.

C. Site Design and Layout

1. General. If a project is composed of similar building layouts that are repeated, then their location on the site design should not be uniform in its layout. If a project has a uniform site layout for parking and open spaces, then the buildings shall vary in form, materials, and/or identity. The following design elements should be considered, and a project shall demonstrate how at least 5 of the elements were used to vary the design of the site:
- a. building massing and unit layout,

- b. placement of structures and setbacks,
- c. location of pedestrian and vehicular facilities,
- d. spacing from position relative to adjoining buildings,
- e. composition and types of open space, plant materials and street trees,
- f. types of building materials and/or elements
- h. roof variation in slope, height and/or materials.

2. Individuality for Particular Structures

a. If a project contains several new or old buildings of similar uses or massing, incorporate two of the following options to create identity and promote safety and feeling of ownership:

- i. Individual entry design for each building.
- ii. Create variety in arrangement of building forms in relation to site, parking, open spaces, and the street.
- iii. Create variety through facade materials and organization.
- iv. Create variety through roof forms.
- v. Vary the size/mass of the buildings so they are not uniform in massing and appearance.

3. Lighting

a. All lighting shall be shielded and directed away from adjacent parcels. This may be achieved through lower poles at the property lines and/or full “cut off” fixtures.

b. Parking lots shall have lighting poles with a maximum of 25 feet in height.

c. Pedestrian ways shall have low height lighting focused on pathway area. Pole height shall be a maximum of 14 feet although lighting bollards are preferred.

d. Entries shall have lighting for safety and visibility integrated with the building/canopy.

D. Building Design and Massing

1. Buildings shall convey a visually distinct ‘base’ and ‘top’. A ‘base’ and ‘top’ can be emphasized in different ways, such as masonry pattern, more architectural detail, step backs and overhangs, lighting, recesses, visible ‘plinth’ above which the wall rises, storefront, canopies, or a combination thereof. They can also be emphasized by using architectural elements not listed above, as approved, that meet the intent.

2. In buildings with footprints of over 10,000 square feet, attention needs to be given to scale, massing, and façade design so as to reduce the effect of large single building masses. Ways to accomplish this can include articulation, changes of materials, offsets, setbacks, angles or curves of facades, or by the use of distinctive roof forms. This can also be accomplished by using architectural elements not listed above, as approved, that meets the intent. Note that façade offsets or step-backs should not be applied to the ground floor of street-front facades in pedestrian-oriented zones or districts.

3. Alternatives to massing requirements may be achieved by:

a. Creation of a public plaza or other open space may substitute for a massing requirement if the space is at least 1,000 sq. ft. in area. In commercial zones, this public space shall be a public plaza with amenities such as benches, tables, planters and other elements.

b. Retaining or re-using an historic structure listed on the National Register or the Edmonds Register of Historic Places. Any addition or new building on the site must be designed to be compatible with the historic structure.

4. To ensure that buildings do not display blank, unattractive walls to the abutting streets or residential properties, walls or portions of walls abutting streets or visible from residentially-zoned properties shall have architectural treatment applied by incorporating at least four of the following elements into the design of the façade:

- a. Masonry (except for flat concrete block)
- b. Concrete or masonry plinth at the base of the wall
- c. Belt courses of a different texture and color
- d. Projecting cornice

- e. Projecting metal canopy
- f. Decorative tilework
- g. Trellis containing planting
- h. Medallions
- i. Artwork or wall graphics
- j. Vertical differentiation
- k. Lighting fixtures
- m. An architectural element not listed above, as approved, that meets the intent.

16.60.040 Operating restrictions.

- A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except the following:
 - 1. Public utilities;
 - 2. Off-street parking and loading areas;
 - 3. Drive-in business;
 - 4. Secondary uses permitted under ECDC 16.60.010.B;
 - 5. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC.
 - 6. Community-oriented Open Air Markets or Seasonal Farmers Markets.
 - 7. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

Section 2. 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:	03/29/2007
PASSED BY THE CITY COUNCIL:	04/03/2007
PUBLISHED:	04/08/2007
EFFECTIVE DATE:	04/13/2007
ORDINANCE NO. <u>3635</u>	

SUMMARY OF ORDINANCE NO. 3635

of the City of Edmonds, Washington

On the 3rd day of April, 2007, the City Council of the City of Edmonds, passed Ordinance No. 3635. 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 PROVISIONS OF THE EDMONDS COMMUNITY DEVELOPMENT CODE TO REPEAL CHAPTER 16.60 RELATING TO GENERAL COMMERCIAL ZONES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 4th day of April, 2007.

CITY CLERK, SANDRA S. CHASE