

ORDINANCE NO. 2007-08

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING INTERIM ZONING CODE AMENDMENTS TO SUBSECTION (A)(1) OF TABLE 18.24.020 AND SUBSECTION 18.24.060 OF THE POULSBO MUNICIPAL CODE IN ORDER TO PROVIDE THAT RESIDENTIAL USES ARE ALLOWED IN COMMERCIAL DISTRICTS ONLY WHEN THEY ARE ABOVE THE GROUND FLOOR AND IN ORDER TO PROVIDE THAT RESIDENTIAL USES IN THE DOWNTOWN CORE DISTRICT SHALL PROVIDE OFF-STREET PARKING AS REQUIRED FOR RESIDENTIAL USES UNDER CHAPTER 18.52; SETTING MAY 9, 2007 AS THE DATE FOR A PUBLIC HEARING ON SAID INTERIM AMENDMENTS; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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WHEREAS, the City of Poulsbo is authorized to impose moratoria and interim zoning controls by RCW 36.70A.390 and RCW 35A.63.220, and

WHEREAS, Subsection (A)(1) of Table 18.24.020 of the Poulsbo Municipal Code currently provides that residential uses are allowed in the commercial zones of the City as long as the uses are “not on [the] ground floor of a structure,” and

WHEREAS, the intent of the Poulsbo City Council in allowing residential uses in the commercial zones was to facilitate pedestrian-friendly mixed-uses with commercial uses on the ground floor and residential uses above the ground floor, and

WHEREAS, use of the phrase “not on the ground floor” in Subsection (A)(1) of Table 18.24.020 does not comport with the Council’s intent because it could allow residential uses below the ground floor as well as above the ground floor, and

WHEREAS, the City Council has therefore determined that Subsection (A)(1) of Table 18.24.020 should be amended so as to clearly effectuate the intent of the Council and to avoid development that is not consistent with such intent, and

WHEREAS, parking is critical to the overall health and sustainability of businesses in the City's Downtown Core District, and

WHEREAS, Subsection 18.24.060(B) of the Poulsbo Municipal Code currently provides that there is no requirement for off-street parking in the Downtown Core District, and

WHEREAS, if mixed-use development occurs in the Downtown Core District as envisioned by Chapter 18.24 of the Poulsbo Municipal Code, there is a significant risk that parking from residential uses associated with mixed-use development will overwhelm the existing parking in the Downtown Core, causing a severe impact to the businesses located in the District, and

WHEREAS, the Council has therefore determined that PMC 18.24.060(B) should be amended in order to provide that residential uses locating in the Downtown Core District should provide off-street parking to the same extent required of residential uses locating within the residential districts of the City, and

WHEREAS, unless the Poulsbo Municipal Code is immediately amended, development applications could be filed and become vested under the existing codes, thereby resulting in residential uses that are not consistent with the Council's intent in enacting Subsection (A)(1) of Table 18.24.020 and that severely impact that parking needed to maintain the City's vibrant business community in the Downtown Core, and

WHEREAS, the Poulsbo City Council has therefore determined that an emergency exists which necessitates that this ordinance be enacted as an interim zoning code amendment on an emergency basis in order to preserve the public health, safety, and welfare and avoid to vesting of development applications that are contrary to the provisions of this ordinance, now, therefore,

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

**Section 1. Preliminary Findings.** The recitals set forth above are hereby adopted as the Poulsbo City Council's preliminary findings in support of the interim zoning code amendments adopted by this ordinance. The Poulsbo City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 6 below.

**Section 2. Residential Uses in Commercial Zones.** Subsection (A)(1) in Table 18.24.020 of the Poulsbo Municipal Code is hereby amended to read as follows:

<b>Zone</b>	<b>C</b>	<b>DC</b>
<b>A. Residential</b>		
1. Residential uses (above the ground floor, i.e., above the floor located at street level )	P	P

**Section 3. Parking for Residential Uses in Downtown Core.** Subsection 18.24.060(B) of the Poulsbo Municipal Code is hereby amended to read as follows:

B. Downtown core: There is no requirement for off-street parking and loading for commercial uses in the Downtown Core. Residential uses in the Downtown Core shall provide off-street parking and loading according to the provisions of Chapter 18.52, Off-Street Parking and Loading.

**Section 4. Effect of Amendments.** The amendments adopted in Sections 2 and 3 above shall apply to all development applications that vest, i.e., that become technically complete under the provisions of Title 19 of the Poulsbo Municipal Code, after adoption of this ordinance. The amendments adopted in Sections 2 and 3 above shall not affect any development application that vested, i.e., that was technically complete pursuant to Title 19 of the Poulsbo Municipal Code, prior to adoption of this ordinance.

**Section 5. Effective Period for Moratorium.** The interim zoning code amendments adopted by this ordinance shall remain in effect through September 13, 2007 and shall automatically expire on that date unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220 prior to said date, or unless the same are repealed or superseded by permanent amendments prior to said date.

**Section 6. Public Hearing.** Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the Poulsbo City Council hereby sets a public hearing for May 9, 2007 at 7:15 p.m. or as soon thereafter as the matter may be heard in order to take public testimony on the amendments adopted by this ordinance. The Poulsbo City Council may, in its discretion, adopt additional findings justifying the interim amendments at the close of the hearing.

**Section 7. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

**Section 8. Effective Date.** The Poulsbo City Council hereby finds and declares that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

APPROVED:



MAYOR KATHRYN H. QUADE

ATTEST/AUTHENTICATED:

Karol Jones  
CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY James E. Haney  
JAMES E. HANEY

FILED WITH THE CITY CLERK: 3/14/2007  
PASSED BY THE CITY COUNCIL: 3/21/2007  
PUBLISHED: 3/28/2007  
EFFECTIVE DATE: 3/21/2007  
ORDINANCE NO. 2007-08

**SUMMARY OF ORDINANCE NO. 2007-08**

of the City of Poulsbo, Washington

On the 21<sup>st</sup> day of March, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-08. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING INTERIM ZONING CODE AMENDMENTS TO SUBSECTION (A)(1) OF TABLE 18.24.020 AND SUBSECTION 18.24.060(B) OF THE POULSBO MUNICIPAL CODE IN ORDER TO PROVIDE THAT RESIDENTIAL USES ARE ALLOWED IN COMMERCIAL DISTRICTS ONLY WHEN THEY ARE ABOVE THE GROUND FLOOR AND IN ORDER TO PROVIDE THAT RESIDENTIAL USES IN THE DOWNTOWN CORE DISTRICT SHALL PROVIDE OFF-STREET PARKING AS REQUIRED FOR RESIDENTIAL USES UNDER CHAPTER 18.52; SETTING MAY 9, 2007 AS THE DATE FOR A PUBLIC HEARING ON SAID INTERIM AMENDMENTS; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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

DATED this 22<sup>nd</sup> day of March, 2007.

Karol Jones  
CITY CLERK KAROL JONES, CMC