

ORDINANCE NO. 2007-11

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING INTERIM ZONING CODE AMENDMENTS TO SUBSECTION 18.24.060(B) OF THE POULSBO MUNICIPAL CODE, AS PREVIOUSLY AMENDED ON AN INTERIM BASIS BY ORDINANCES 2007-08 AND 2007-09 IN ORDER TO PROVIDE THAT NEW AND EXPANDED COMMERCIAL STRUCTURES IN THE DOWNTOWN CORE DISTRICT SHALL PROVIDE OFF-STREET PARKING AS REQUIRED FOR COMMERCIAL USES UNDER CHAPTER 18.52; SETTING JUNE 6, 2007 AS THE DATE FOR A PUBLIC HEARING ON SAID INTERIM AMENDMENTS; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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

WHEREAS, in order to provide parking in the Downtown Core, the City of Poulsbo built the King Olav parking lot and properties in the Downtown Core paid for the construction through assessments levied under City of Poulsbo Local Improvement District No. 11, and

WHEREAS, in recognition of the assessment of such properties under the LID, 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, the City of Poulsbo has continued to grow rapidly since the completion of the King Olav parking lot and development in the Downtown Core has now expanded to the point where parking is in extremely short supply and where the continued vitality of the City's downtown businesses is threatened, and

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, through the passage of Ordinances 2007-08 and 2007-09 the Poulsbo City Council has enacted an interim amendment of Subsection 18.24.060(B) that addresses parking for residential uses in the Downtown Core and the Council has determined that such interim amendment and Subsection 18.24.060(B) should be further amended to address parking requirements for new and expanded commercial uses, and

WHEREAS, the Poulsbo City Council has determined that PMC 18.24.060(B) should be amended in to provide that all new commercial development in the Downtown Core should provide off-street parking to the same extent required of commercial development in other areas of the City and that expansions of existing commercial developments in the Downtown Core should be required to provide off-street parking for the additional floor area, 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 uses that severely impact that parking needed to maintain the City's business community in the Downtown Core, and

WHEREAS, the Poulsbo City Council 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 and in Ordinances 2007-08 and 2007-09 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. Parking in the Downtown Core. Subsection 18.24.060(B) of the Poulsbo Municipal Code, as previously amended on an interim basis by Ordinances 2007-08 and 2007-09 is hereby further amended to read as follows:

B. Downtown Core: All new commercial structures in the Downtown Core shall provide off-street parking and loading according to the provisions of Chapter 18.52, Off-Street Parking and Loading. Whenever any existing commercial structure in the Downtown Core is enlarged, off-street parking and loading shall be provided for the increased gross floor area. The required off-street parking for the increased gross floor area shall be as provided in Chapter 18.52, Off-Street Parking and Loading, except that the threshold for providing parking shall not be the fifty percent of value or fifty percent of gross floor area set forth in Subsections 18.52.010(B) or (C). Parking for the increased gross floor area shall be provided whenever the increase meets or exceeds the per stall thresholds set forth in Section 18.52.030. All 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 3. Effect of Amendments. The amendments adopted in Section 2 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 Section 2 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 4. 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 5. Public Hearing. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the Poulsbo City Council hereby sets a public hearing for June 6, 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: 5/16/2007
PASSED BY THE CITY COUNCIL: 5/16/2007
PUBLISHED: 5/23/2007
EFFECTIVE DATE: 5/16/2007
ORDINANCE NO. 2007-11

SUMMARY OF ORDINANCE NO. 2007-11

of the City of Poulsbo, Washington

On the 16th day of May, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-11. 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 18.24.060(B) OF THE POULSBO MUNICIPAL CODE, AS PREVIOUSLY AMENDED ON AN INTERIM BASIS BY ORDINANCES 2007-08 AND 2007-09 IN ORDER TO PROVIDE THAT NEW AND EXPANDED COMMERCIAL STRUCTURES IN THE DOWNTOWN CORE DISTRICT SHALL PROVIDE OFF-STREET PARKING AS REQUIRED FOR COMMERCIAL USES UNDER CHAPTER 18.52; SETTING JUNE 6, 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 16th day of May, 2007.

Karol Jones
CITY CLERK KAROL JONES, CMC