

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2007-29

SUBJECT: Interim Zoning Code Amendments - Residential Uses in
Commercial Zones

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk 9/12/2007
- (X) Passed by the City Council 9/19/2007
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication 9/26/2007
- (X) Effective 9/19/2007 (Emergency)
- () Recorded _____

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City Clerk

9/20/2007
Date

ORDINANCE NO. 2007-29

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING INTERIM 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 ALL NEW RESIDENTIAL USES AND ALL NEW AND EXPANDED COMMERCIAL STRUCTURES IN THE DOWNTOWN CORE WILL BE REQUIRED TO PROVIDE OFF-STREET PARKING; SETTING NOVEMBER 14, 2007 AS THE DATE FOR A PUBLIC HEARING ON SAID INTERIM AMENDMENTS; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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

WHEREAS, on March 21, 2007, the Poulsbo City Council adopted Ordinance 2007-08 establishing interim amendments to the City's zoning code requiring that residential uses in the Downtown Core to be located above ground level and requiring that all new residential units provide off-street parking as required by Chapter 18.52 of the Poulsbo Municipal Code, and

WHEREAS, on May 16, 2007, the Poulsbo City Council adopted Ordinance 2007-11 establishing interim amendments to the City's zoning code in order to require all new and expanded commercial structures in the Downtown Core to provide off-street parking, and

WHEREAS, both interim amendments expired September 13, 2007, and

WHEREAS, for the reasons set forth hereinafter, the need for both amendments continues to exist, and

WHEREAS, permanent amendments to the City's zoning code addressing parking in the Downtown Core and addressing residential uses are expected to be considered by the Poulsbo Planning Commission and Poulsbo City Council later this year, and

WHEREAS, the Poulsbo City Council has determined to enact new interim zoning code amendments to bridge the gap in the City's zoning code until the new permanent amendments are adopted, 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 preliminary findings in support of the interim zoning code amendments adopted by this ordinance. The following additional findings are also adopted:

1. 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."
2. 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.
3. 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.
4. The City Council 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. On March 21, 2007, the Poulsbo City Council enacted Ordinance 2007-08, which was extended by Ordinance 2007-09, in order to amend the table on an interim basis and directed the Poulsbo Planning Commission to consider and recommend permanent amendments to the Poulsbo Municipal Code to address the issue.

5. Parking is critical to the overall health and sustainability of businesses in the City's Downtown Core District.
6. 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.
7. As new commercial and residential 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 these uses will overwhelm the existing parking in the Downtown Core, causing a severe impact to the businesses located in the District.
7. The Poulsbo City Council therefore determined that PMC 18.24.060(B) should be amended in order to provide that new residential uses locating in the Downtown Core District and new and expanded commercial structures in the Downtown Core District should provide off-street parking to the same extent as uses locating within other zoning districts in the City. On May 16, 2007, the Poulsbo City Council passed Ordinance 2007-11, amending PMC 18.24.060(B) to require such parking and directed that the Poulsbo Planning Commission make recommendations for permanent amendments to the Poulsbo Municipal Code to address the issue.
8. The Poulsbo Planning Commission is currently working on the permanent amendments, which will be coming to the Poulsbo City Council along with other comprehensive amendments to the City's zoning code later this year. However, the interim regulations adopted by Ordinances 2007-08, 2007-09, and 2007-11, expired on September 13, 2007, restoring the zoning code to its prior state.
9. 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 resulting in residential and commercial development that would severely impact that parking needed to maintain the City's vibrant business community in the Downtown Core.
10. The Poulsbo City Council therefore finds that an emergency exists which necessitates a new enactment of interim regulations so that the Planning

Commission and City Council can finish their work and adopt permanent regulations as envisioned. The necessary interim regulations are those set forth in 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:

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

Section 3. Parking in the Downtown Core. Subsection

18.24.060(B) of the Poulsbo Municipal Code is hereby 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 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 Amendments. The interim zoning code amendments adopted by this ordinance shall remain in effect through March 19, 2008 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 November 14, 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:


CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JAMES E. HANEY

FILED WITH THE CITY CLERK: 9/12/2007
PASSED BY THE CITY COUNCIL: 9/19/2007
PUBLISHED: 9/26/2007
EFFECTIVE DATE: 9/19/2007
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SUMMARY OF ORDINANCE NO. 2007-29

of the City of Poulsbo, Washington

On the 19th day of September, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-29. 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 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 ALL NEW RESIDENTIAL USES AND ALL NEW AND EXPANDED COMMERCIAL STRUCTURES IN THE DOWNTOWN CORE WILL BE REQUIRED TO PROVIDE OFF-STREET PARKING; SETTING NOVEMBER 14, 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 20th day of September, 2007.

Karol Jones
CITY CLERK KAROL JONES, CMC