



Legislation Details (With Text)

File #: CB 119093 **Version:** 1 **Name:** CB 119093
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 10/2/2017
Final Action: 10/5/2017 **Ord. No.** Ord 125425

Title: AN ORDINANCE relating to land use and zoning; adopting a moratorium on the filing, acceptance, or processing of applications for the establishment, expansion, or change of use for certain uses on parcels with a Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning designation within the Aurora-Licton Urban Village; declaring an emergency and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Sponsors: Debora Juarez

Indexes:

Attachments: 1. Ex A - Aurora-Licton Comprehensive Plan Goals and Policies, 2. Ex B - Aurora-Licton Urban Village Zoning, 3. Summary and Fiscal Note, 4. Summary Att A - Central Staff Memo, 9/25/17, 5. Signed Ordinance 125425, 6. Affidavit of Publication

Date	Ver.	Action By	Action	Result
10/5/2017	1	City Clerk	attested by City Clerk	
10/5/2017	1	Mayor	returned	
10/5/2017	1	Mayor	Signed	
10/4/2017	1	City Clerk	submitted for Mayor's signature	
10/2/2017	1	City Council	passed	Pass
9/25/2017	1	City Council	referred	
9/25/2017	1	Council President's Office	sent for review	
9/25/2017	1	City Clerk	sent for review	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; adopting a moratorium on the filing, acceptance, or processing of applications for the establishment, expansion, or change of use for certain uses on parcels with a Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning designation within the Aurora-Licton Urban Village; declaring an emergency and establishing an immediate effective date; all by a 3/4 vote of the City Council.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council hereby makes the following legislative findings of fact and declarations:

- A. The City's Comprehensive Plan incorporates neighborhood plan goals and policies for the Aurora-Licton Urban Village that include those shown in Exhibit A to this ordinance.
- B. Land uses permitted by Title 23 on lots with a Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning designation located within the Aurora-Licton Urban Village, as shown in Exhibit B, include uses that are not the types of development envisioned by these neighborhood plan goals and policies, such as auto-oriented uses, warehouses, and heavy commercial and manufacturing uses.
- C. Since 2014, half of permit applications for new development within those zones in the Aurora-Licton Urban Village have included uses, such as mini-warehouses, that are not envisioned by these neighborhood plan goals and policies.
- D. Proliferation of these types of uses could preclude development that is more aligned with the neighborhood plan goals and policies.
- E. A work plan for analyzing permitted uses on commercially zoned parcels within the Aurora-Licton Urban Village will inform permanent controls and other relevant issues that the Council may wish to address in permanent regulations.
- F. The work plan calls for developing and recommending permanent regulations to replace these interim regulations by June of 2018.
- G. If the right to develop specific uses vests before the analysis described in the work plan is performed and final controls are adopted, the City's goals as identified in the Comprehensive Plan may be thwarted. Accordingly, it is necessary for the City to temporarily foreclose new applications for permits to establish or expand specific uses, either as principal or accessory, or applications for a change of use to one of these specific uses, either as principal or accessory, in the Aurora-Licton Urban Village that are not consistent with adopted neighborhood goals and policies.
- H. Limiting the controls in this ordinance to only those lots with Commercial 1, Commercial 2, and Neighborhood Commercial 3 zoning designations within the Aurora-Licton Urban Village will help ensure that

there are still opportunities for these uses to be allowed elsewhere in the City.

I. Moreover, this ordinance exempts from the moratorium complete but pending applications for the establishment, expansion, or change of use for certain uses with Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning within the Aurora-Licton Urban Village.

J. The City has legal authority to establish moratoria and interim measures pursuant to the authority granted by Article 11, Section 11 of the Washington Constitution; the Growth Management Act, RCW 36.70A.390; and *Matson v. Clark County*, 79 Wn. App. 641 (1995).

Section 2. Unless expressly excluded under Section 4 of this ordinance, the Council hereby adopts a moratorium on the filing, acceptance, processing, and/or approval of new applications to establish or expand the following uses, either as principal or accessory, or change of use to any of the following uses, either as principal or accessory for parcels with a Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning designation within the Aurora-Licton Urban Village. The moratorium applies to all such uses whether as components of a project or as the entire project for which a permit is sought.

- A. Drive-in businesses;
- B. Dry boat storage;
- C. General manufacturing;
- D. Heavy commercial services, except laundry facilities existing as of April 1, 2001;
- E. Sales and rental of large boats;
- F. Vessel repair (major or minor);
- G. Mini-warehouse;
- H. Principal use, nonresidential long-term parking;
- I. Outdoor storage;
- J. Heavy commercial sales;
- K. Sales and rental of motorized vehicles, except within an enclosed structure;

- L. Solid waste management;
- M. Recycling uses;
- N. Towing services;
- O. Principal use vehicle repair (major or minor);
- P. Wholesale showroom; and
- Q. Warehouse.

Section 3. The moratorium set forth in this ordinance shall be in effect for a period of one year from the date this ordinance is effective and shall automatically expire after the one-year period unless the same is extended as provided by statute, or unless terminated sooner by the City Council.

Section 4. Exemptions. The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent acceptance and processing of any permit application to establish, expand, or change a use in the Aurora-Licton Urban Village to any use listed in Section 2, for which application is made after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe upon any current applicant’s vested development rights, as defined by state law and City of Seattle regulations.

Section 5. Pursuant to RCW 36.70A.390, the Council will hold a public hearing within 60 days of adoption of this moratorium to take public testimony and to consider adopting further findings.

Section 6. Under RCW 36.70A.390, the Council approves the following work plan for the development of regulations to address the issues in this ordinance and directs the Office of Planning and Community Development and the Seattle Department of Construction and Inspections to transmit proposed legislation to the Council by June 2018.

Analyze Current Land Uses and Development Trends, Draft legislation, and Conduct State Environmental Policy Act (SEPA) Review on Proposed Permanent Controls	November 2017 - March 2018
Publish SEPA Threshold Determination	April 2018
Mayor Transmits Legislation to Council	June 2018

Council Deliberations and Public Hearing on Proposed Permanent Controls	July 2018
Permanent Controls Effective	August 2018

Section 7. Under Seattle Municipal Code Section 25.05.880, the Council finds that an exemption from conducting SEPA review before adopting a moratorium is necessary to prevent new vesting of development rights leading to development that is incompatible with City goals on parcels with a Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning designation within the Aurora-Licton Urban Village. SEPA review of any permanent regulations modifying existing zoning will be conducted according to the work plan cited in Section 6 of this ordinance.

Section 8. Based on the authority of RCW 36.70A.390 and the findings in Section 1 of this ordinance, Section 23.76.062 of the Seattle Municipal Code is waived for the adoption of this ordinance.

Section 9. Based on the findings of fact set forth in Section 1 of this ordinance, the City Council hereby finds and declares this ordinance is a public emergency ordinance that shall take effect immediately and is necessary for the protection of the public health, safety, and welfare. The City Council may, in its sole discretion, renew said moratorium for one or more six-month periods in accordance with state law.

Section 10. By reason of the findings set out in this ordinance, and the emergency that is declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4 vote of the Council, and its approval by the Mayor, as provided by Article 4, Subsection 1.I of the Charter of the City.

Section 11. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Passed by a 3/4 vote of all the members of the City Council the _____ day of _____, 2017, and signed by me in open session in authentication of its passage this _____ day of _____, 2017.

President _____ of the City Council

Approved by me this _____ day of _____, 2017.

Tim Burgess, Mayor

Filed by me this _____ day of _____, 2017.

Monica Martinez Simmons, City Clerk

(Seal)

Exhibits:

Exhibit A - Aurora-Licton Comprehensive Plan Goals and Policies

Exhibit B - Aurora-Licton Urban Village Zoning