

Ordinance No. 121245

Council Bill No. 114595

AN ordinance relating to land use and zoning, amending Seattle Municipal Code (SMC) Section 23.61.008 to correct provisions of the Station Area Overlay District.

The City of Seattle
Council Bill/Ordinance

8/5/03 - Pass

8-11-03 Passed

CF No. _____

Date Introduced:	<u>JUN 16 2003</u>	
Date 1st Referred:	<u>JUN 16 2003</u>	
To: (committee)	<u>Land Use Committee</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	<u>8-11-03</u>	
Full Council Vote:	<u>7-0</u>	
Date Presented to Mayor:	<u>8-12-03</u>	
Date Approved:	<u>8/19/03</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
<u>8/19/03</u>	<u>2PK</u>	
Date Vetted by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

NICASTRO

Council Bill/Ordinance sponsored by:

[Signature]
Councilmember

Committee Action:

8/5/03 - Pass 3-0 (N, R, M)

8-11-03 Passed 7-0 (Excused: Licata, McIver)

This file is complete and ready for presentation to Full Council.

Committee: _____

(initial/date)

Law Department

Law Dept. Review

OMP
Review

[Signature]
City Clerk
Review

[Signature]
Electronic
Copy Loaded

Indexed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

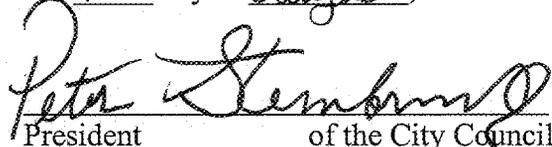
P. Wholesale showroom; and

Q. (~~Mini-warehouse; and~~

R)) Warehouse.

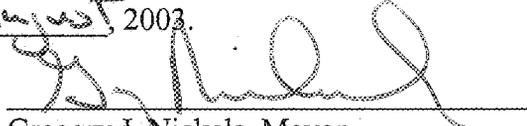
Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of August, 2003, and signed by me in open session in authentication of its passage this 11th day of August, 2003.



President _____ of the City Council

Approved by me this 19 day of August, 2003.



Gregory J. Nickels, Mayor

Filed by me this 19th day of August, 2003.



City Clerk

(Seal)





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

March 24, 2003

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

The attached ordinance is one of two ordinances that would amend the Land Use Code to make three corrections related to the Station Area Overlay District (SAOD). This ordinance removes a redundant reference to "mini-warehouses" as a prohibited use and corrects an oversight that effectively prohibits repair facilities associated with sales and rental of automobiles. While the amendment would allow automobile repair as an accessory use, the use would continue to be prohibited as a principal use. The third correction, in the companion ordinance, would replace two streets inadvertently omitted from the list that identifies principal pedestrian streets within Pedestrian Designations or "P" zones.

Thank you for your consideration of this legislation. Should you have questions please contact Mike Podowski at 386-1988.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a circular stamp that is partially obscured.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



Fiscal Note

Department:	Contact Person/Phone:	DOF Analyst/Phone:
DCLU	Mike Podowski/ 386-1988	

Legislation Title:

An ordinance relating to land use and zoning, amending Seattle Municipal Code (SMC) Section 23.61.008 to amend provisions of the Station Area Overlay District.

Summary of the Legislation:

The proposed legislation would make two corrections related to the Station Area Overlay District (SAOD). The first would correct an oversight that effectively prohibits repair and maintenance facilities associated with sales and rental of automobiles within the SAOD. While the amendment would allow major and minor repair of motor vehicles as an accessory use, the use would continue to be prohibited as a principal use. The second would correct a redundant reference to "mini-warehouses" as a prohibited use by removing one of the references -- warehouses would continue to be prohibited uses.

This ordinance does not have financial implications.

Appropriations (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2003 Appropriation	2004 Anticipated Appropriation
TOTAL			0	0

** This is line of business for operating budgets, and program or project for capital improvements*

Notes:

Expenditures (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2003 Expenditures	2004 Anticipated Expenditures
TOTAL			0	0

** This is line of business for operating budgets, and program or project for capital improvements*



Mike Podowski
 March 10, 2003
 Station Area Overlay District Amendments
 Version #1

Anticipated Revenue/Reimbursement (in \$1,000's):

Fund Name and Number	Department	Revenue Source	2003 Revenue	2004 Revenue
TOTAL			0	0

Notes:

Total Permanent Positions Created Or Abrogated Through Legislation, Including FTE Impact; Estimated FTE Impact for Temporary Positions:

Fund Name and Number	Department	Position Title*	2003 FTE	2004 FTE
TOTAL			0	0

* List each position separately

Do positions sunset in the future? (If yes, identify sunset date):

Background (Include brief description which states the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

Please see attached Director's Report and Recommendation dated February, 2003.

The financial cost of not implementing the legislation (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

Possible alternatives to the legislation which could achieve the same or similar objectives (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

Is the legislation subject to public hearing requirements (If yes, what public hearings have been held to date):

This legislation is subject to public hearing requirements, but none have been held to date.

Other Issues (including long-term implications of the legislation):

Attachment: Director's Report and Recommendation



DIRECTOR'S REPORT AND RECOMMENDATION

Amendments to the Station Area Overlay District

INTRODUCTION

DCLU is proposing Land Use Code Amendments, in two proposed ordinances, to make three corrections related to the Station Area Overlay District (SAOD). The first amendment would correct an oversight that effectively prohibits repair and maintenance facilities associated with sales and rental of automobiles within the SAOD. While the amendment would allow major and minor repair of motor vehicles as an accessory use, the use would continue to be prohibited as a principal use. The second amendment would correct a redundant reference to "mini-warehouses" as a prohibited use by removing one of the references -- warehouses would continue to be prohibited uses. The third proposal would replace two streets inadvertently omitted from the list that identifies principal pedestrian streets within pedestrian-designated zones.

BACKGROUND

Resolution 29867 establishes goals and strategies for Station Area Planning. These goals and strategies promote transit-oriented development and are the policy foundation for the Station Area Overlay District. The SAOD was adopted in the summer of 2001 to coordinate neighborhood plan recommendations related to land use and zoning with those of the link light rail system and station development. The intent and features of the SAOD accomplish a number of goals regardless of when light rail service begins.

The Station Area Overlay District prohibits uses that are not conducive to creating or enhancing mixed use, pedestrian oriented areas that are supportive of transit. Prohibited uses that may otherwise displace preferred uses, were identified. Permitted uses allow for people to live, work and have ready access to goods and services in areas surrounding proposed light rail stations. The goods and services are intended to be neighborhood serving, rather than regional or citywide in their appeal. This approach to prohibited and permitted uses helps ensure land that is located near high capacity transit stations within town centers, is used in a manner that complements and supports public investment in high capacity transit.

ANALYSIS

The analysis section of this report focuses on the amendment related to vehicle repair uses. The other two amendments merely correct redundancy or correct inadvertent omissions.

"Principal use" means the primary use of a lot. An "accessory use" is a use that is associated with and incidental to the principal use of the lot. Within the Station Area Overlay District, uses are prohibited as both principal and accessory uses unless



otherwise indicated. In some cases, uses are only prohibited as principal uses, but may be allowed as an accessory use where they may be customarily incidental to the principal use.

An example of a use permitted as an accessory use but prohibited as a principal use is parking. Principal use parking, or long-term parking available to the general public, usually for a fee, is prohibited to discourage people from using an area, such as a light rail station area, as a park and ride lot. Accessory parking, or short-term parking, associated with local businesses, for example, is not prohibited. Such parking is essential to the business.

When the Station Area Overlay District was adopted, sales and rental of motorized vehicles were permitted uses, while major and minor repair of motor vehicles was prohibited. The amendment is proposed to clarify that vehicle maintenance and repair incidental to and associated with the sales and rental of automobiles, is a permitted use within the SAOD. It was not originally intended to allow sales and rental of motorized vehicles, yet prohibit associated vehicle repair within the overlay district.

Recommendation

The proposed amendment would recognize the interrelationship between sale and rental of motorized vehicles and vehicle repair by allowing vehicle maintenance and repair to be permitted as an accessory use. The proposed amendment recognizes an accepted and customarily incidental use to the sale or rental of automobiles. Vehicle repair would continue to be prohibited as a principal use. The proposed amendment would also remove a redundant reference to warehouse, use without changing the prohibited status of that use.

The proposal would preserve the intent of the SAOD, which is to regulate uses in a way that properly guides future development in the area close to high capacity transit stations, and is consistent with the goals and strategies for Station Area Planning.

DCLU recommends approval of the proposed ordinance. DCLU has considered the recommendations or comments from affected departments, other government agencies, and the public, as well as conducted an environmental review of the proposed amendments to the Land Use Code, in accordance with state law. Comment letters and environmental documentation are available upon request.

STATE OF WASHINGTON – KING COUNTY

--SS.

162319
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

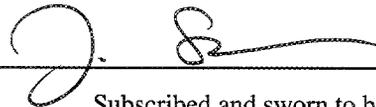
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121245 ORD IN FULL

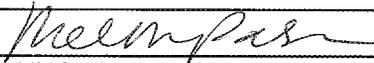
was published on

8/21/2003



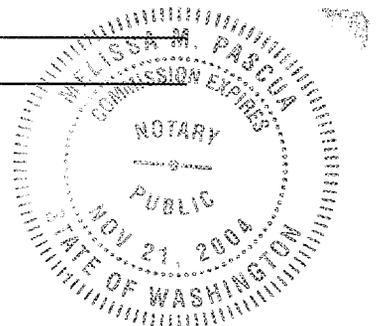
Subscribed and sworn to before me on

8/21/2003



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 121245

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code (SMC) Section 23.61.008 to correct provisions of the Station Area Overlay District.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.61.008 of the Seattle Municipal Code, last amended by Ordinance 120609, is further amended as follows:

23.61.008 Prohibited Uses.

The following uses are prohibited within an underlying commercial zone as both principal and accessory uses, except as otherwise noted:

- A. Drive-in businesses;
- B. Dry storage of boats;
- 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. Sale of heating fuel;
- K. Sales and rental of motorized vehicles, except within an enclosed structure;
- L. Sales, service and rental of commercial equipment and construction materials;
- M. Salvage and recycling;
- N. Towing services;
- O. Principal use vehicle repair (major or minor);
- P. Wholesale showroom; and
- Q. ~~Mini-warehouse; and~~
R. Warehouse.

Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of August, 2003, and signed by me in open session in authentication of its passage this 11th day of August, 2003.

Peter Steinbrueck,

President of the City Council

Approved by me this 19th day of August, 2003.

Gregory J. Nickels, Mayor

Filed by me this 19th day of August, 2003.

Judith Pippin

City Clerk

(Seal)

Publication ordered by JUDITH PIPPIN,
City Clerk

Date of publication in the Seattle Daily
Journal of Commerce, August 21, 2003

8/21(122319)