

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..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.

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**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.

B. Land uses permitted by Title 23 on lots with a Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning designation within the Aurora-Licton Urban Village, as shown in Exhibit B, include uses that are not consistent with adopted 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 consistent with neighborhood plan goals and policies.

D. Proliferation of these types of uses could preclude development that is more consistent with the neighborhood plan goals and policies.

1 E. A work plan for analyzing permitted uses on commercially zoned parcels within the  
2 Aurora-Licton Urban Village will inform permanent controls and other relevant issues that the  
3 Council may wish to address in permanent regulations.

4 F. The work plan calls for developing and recommending permanent regulations to  
5 replace these interim regulations by June of 2018.

6 G. If the right to develop specific uses vest before the analysis described in the work plan  
7 is performed and final controls adopted, the City's goals as identified in Comprehensive Plan  
8 may be thwarted. Accordingly, it is necessary for the City to temporarily foreclose applications  
9 for permits to establish or expand specific uses, either as principal or accessory, or applications  
10 for a change of use to one of these specific uses, either as principal or accessory, in the Aurora-  
11 Licton Urban Village.

12 H. Limiting the controls in this Ordinance to Commercial 1, Commercial 2, and  
13 Neighborhood Commercial 3 zoning designations within the Aurora-Licton Urban Village will  
14 help ensure that there are still opportunities for these uses to be allowed elsewhere in the city.

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

18 Section 2. Unless expressly excluded under Section 4 of this Ordinance, the Council  
19 hereby adopts a moratorium on the filing, acceptance, processing and/or approval of new  
20 applications to establish or expand the following uses, either as principal or accessory, or change  
21 of use to any of the following uses, either as principal or accessory for parcels with a  
22 Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning designation within the

1 Aurora-Licton Urban Village. The moratorium applies to all such uses whether as components of  
2 a project or as the entire project for which a permit is sought.

- 3 A. Drive-in businesses;
- 4 B. Dry boat storage;
- 5 C. General manufacturing;
- 6 D. Heavy commercial services, except laundry facilities existing as of April 1, 2001;
- 7 E. Sales and rental of large boats;
- 8 F. Vessel repair (major or minor);
- 9 G. Mini-warehouse;
- 10 H. Principal use, nonresidential long-term parking;
- 11 I. Outdoor storage;
- 12 J. Heavy commercial sales;
- 13 K. Sales and rental of motorized vehicles, except within an enclosed structure;
- 14 L. Solid waste management;
- 15 M. Recycling uses;
- 16 N. Towing services;
- 17 O. Principal use vehicle repair (major or minor);
- 18 P. Wholesale showroom; and
- 19 Q. Warehouse.

20 Section 3. The moratorium set forth in this Ordinance shall be in effect for a period of  
21 one year from the date this Ordinance is passed and shall automatically expire after the one-year  
22 period unless the same is extended as provide by statute, or unless terminated sooner by the City  
23 Council.

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

8 Section 5. Pursuant to RCW 36.70A.390, the Council will hold a public hearing within  
9 60 days of adoption of this moratorium to take public testimony and to consider adopting further  
10 findings.

11 Section 6. Under RCW 36.70A.390, the Council approves the following work plan for  
12 the development of regulations to address the issues in this ordinance and directs the Office of  
13 Planning and Community Development and the Seattle Department of Construction and  
14 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

15 Section 7. Under Seattle Municipal Code Section 25.05.880, the Council finds that an  
16 exemption from conducting SEPA before adopting a moratorium is necessary to prevent new  
17 vesting of development rights leading to development that is incompatible with City goals on  
18 parcels with a Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning designation

1 within the Aurora Licton Urban Village. SEPA review of any permanent regulations modifying  
2 existing zoning will be conducted according to the work plan cited in Section 6.

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

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

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

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

20  
21 Passed by a 3/4 vote of all the members of the City Council the \_\_\_\_\_ day of  
22 \_\_\_\_\_, 2017, and signed by me in open session in authentication of its  
23 passage this \_\_\_\_ day of \_\_\_\_\_, 2017.

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\_\_\_\_\_  
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 Residential Urban Village
- Exhibit B - Aurora-Licton Zoning



