

TOWN OF EATONVILLE

Agenda Staff Report

Agenda Item No.:		Meeting Date:	<u>March 13, 2023</u>
Subject:	<u>Ordinance No. 2023-2 Amending</u>	Prepared by:	<u>Greg Jacoby</u>
	<u>EMC Chapter 18.04 By Adding a New</u>		<u>Town Attorney</u>
	<u>Section Establishing a Commercial</u>	Atty Routing No:	<u>004-23</u>
	<u>District Overlay Zone</u>	Atty Review Date:	<u>March 8, 2023</u>

Summary: The planning commission has developed and recommends a proposal to establish a commercial district overlay zone. The purpose of the zoning amendment is to preserve the primary commercial character and the viability of the downtown corridor for commercial purposes, encourage the development of multifamily housing in the walkable area of the town, and maintain a desirable look to the town's commercial district.

If adopted the zoning amendment would be codified as EMC Section 18.04.050. The proposed amendment was the subject of a public hearing on October 17, 2022. Following the public hearing, the town attorney was asked to consider whether the proposed amendment would expose the town to meaningful legal risk as a regulatory taking. The town attorney is satisfied that the amendment does not constitute a regulatory taking but recommended minor amendments. Based on public comments and the town attorney's recommendation, the planning commission revised the vesting section (18.04.050.E) so as to provide property owners with greater flexibility to rebuild legal nonconforming structures.

Recommendation: Staff recommends approval of the first reading of Ordinance No. 2023-2 adding a new section 18.04050 to the Eatonville Municipal Code and establishing a commercial district overlay zone.

Motion for consideration: I move to approve the first reading of Ordinance No. 2023-2 adding a new section 18.04050 to the Eatonville Municipal Code and establishing a commercial district overlay zone.

Fiscal Impact:

Attachments: Ordinance No. 2023-2 with Exhibit A

ORDINANCE NO. 2023-2

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING EATONVILLE MUNICIPAL CODE CHAPTER 18.04 “DISTRICT REGULATIONS” BY ADDING A NEW SECTION ESTABLISHING A COMMERCIAL DISTRICT OVERLAY ZONE

WHEREAS, from time to time the Council considers amendments to the town’s Zoning regulations that are consistent with the town’s comprehensive plan, recognize the importance of all legitimate uses of land, and are based on accepted contemporary land use practice; and

WHEREAS, the proposed amendment to Eatonville Municipal Code Chapter 18.04 establishing a commercial district overlay zone is intended to preserve the primary commercial character and the viability of the downtown corridor for commercial purposes, encourage the development of multifamily housing in the walkable area of the town, and maintain a desirable look to the town’s commercial district; and

WHEREAS, the planning commission has developed the proposed zoning code amendment and recommends its adoption; and

WHEREAS, the planning commission held a public hearing on October 17, 2022 to receive public comment regarding the proposed zoning amendment and comments from the public have been incorporated into the vesting section of the proposed amendment; and

WHEREAS, the council finds the proposed zoning amendment will promote the public health, safety, and general welfare of the citizens of Eatonville; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. Chapter 18.04 “District Regulations” of the Eatonville Municipal Code is amended by adding a new section 18.04.05, a copy of which is attached hereto as Exhibit A and incorporated by this reference.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or

circumstances.

Section 3. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 03/13/2023

2ND READING: 03/27/2023

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this ____ day of March, 2023.

David Baublits
Mayor

ATTEST:

Miranda Doll
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney

18.04.050 - Commercial District Overlay Zone Established.

A. Intent and Purpose.

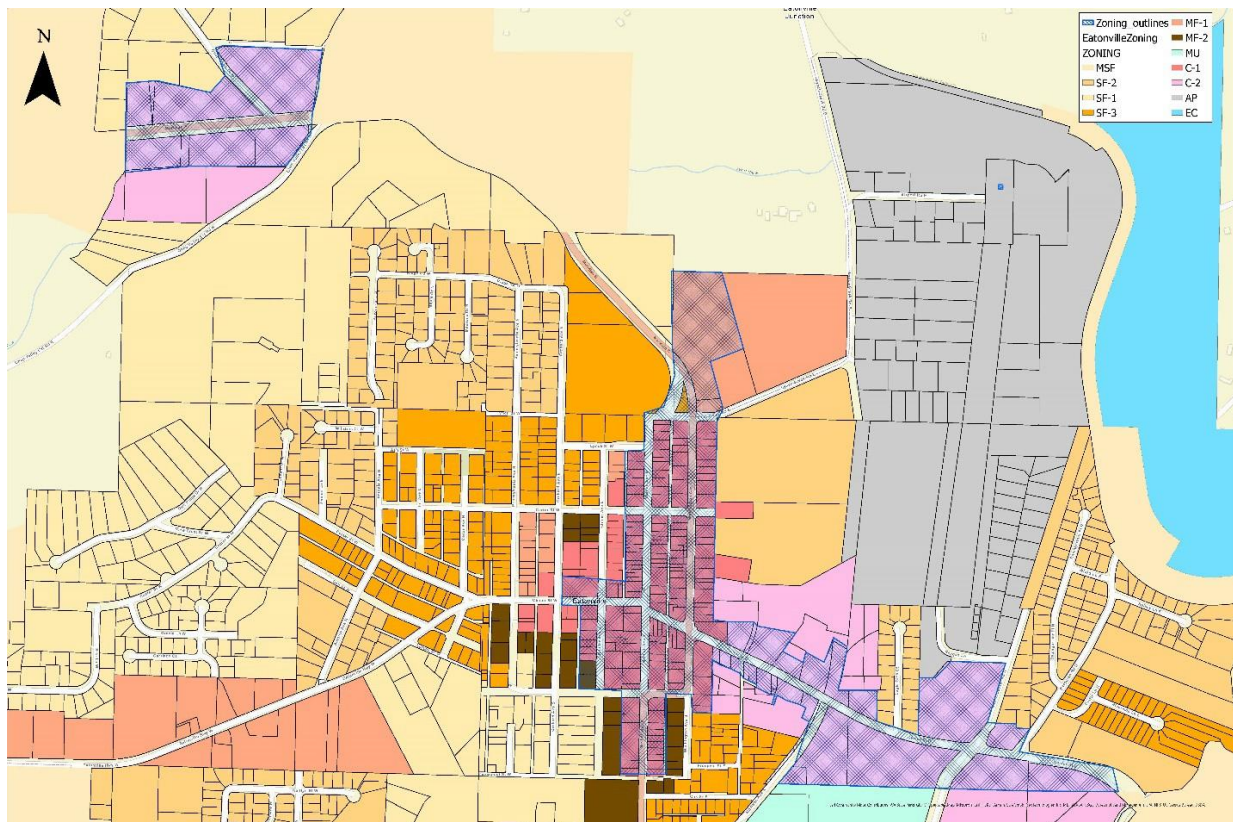
It is the purpose of this section to preserve the primary commercial character and the viability of the downtown corridor for commercial purposes, encourage the development of multifamily housing in the walkable area of the town, and maintain a desirable look to the commercial district of Eatonville.

B. Applicability and Interpretations.

1. None of the requirements outlined in this section are driven or required by the Revised Code of Washington or the Town of Eatonville's Comprehensive Plan.
2. The restrictions established by this title apply only to the parcels within the geographic boundary to be hereafter known as the Commercial District Overlay Zone.

C. Geographic Boundary.

Any parcel that borders Washington, Mashell, and Center streets within the boundaries shown on the map below:



D. Restrictions that are specific to the Commercial District Overlay:

1. All street-level use on any new development must be used for commercial purposes.
2. Maximum of two stories allowed from street level. An additional story is allowed if built below street level.
3. Apartments are allowed on the non-street level stories. The maximum apartment size is 1500 square feet.
 - A. 2 off-street parking spaces shall be required for each apartment unit.
4. No livestock or poultry allowed in the Commercial District Overlay Zone.
5. Visually pleasing landscaping is required to be maintained. Compliance with this requirement ultimately falls to the property owner. A committee formed from members of the Eatonville Business Association shall be charged with working with businesses in the Commercial District Overlay to achieve the desired level of landscaping quality

E. Vesting

1. All residential homes in existence as of the date of the adoption of this overlay shall be considered a legal nonconforming use subject to the provisions of Title 18.8.100 of the Eatonville Municipal Code except:
 - A. A residential home shall forfeit the allowed nonconforming use designation and shall be subject to the applicable restrictions of this provision only if that residential home is intentionally and voluntarily demolished and
 - B. The owner shall be entitled to repair and construct damage caused by a natural disaster regardless of the value of the damages.

F. Regulation, Enforcement, and Penalties.

1. The enforcement and penalty provisions of Chapter 1.12 of the Eatonville Municipal Code shall be used when issues of noncompliance occur.