ORDINANCE NO. 19-0553


WHEREAS, pursuant to chapter 35A.63 RCW and chapter 36.70A RCW, the City of Edgewood has established various zoning districts to ensure orderly and appropriate land use development consistent with the City’s Comprehensive Plan; and

WHEREAS, the City has established four zoning districts that allow multi-family residential, commercial, light industrial, professional offices, employment uses, senior housing/apartments and retail, which are the Town Center (TC), Commercial (C), Multi-Use Residential (MUR) and Business Park (BP) zoning districts; and

WHEREAS, in the last five years, the City has experienced a large number of permit applications for residential uses and multi-family development (that was not paired with retail or commercial uses) in these four zones; and

1
WHEREAS, the City Council is concerned that unless there is a temporary
prohibition on residential and multi-family residential uses that is not paired with retail or
commercial uses within from these four zones, that there will not be any available
property left in these zones for commercial and retail uses to locate in the City; and

WHEREAS, the Edgewood City Council may adopt an interim zoning ordinance
to be in effect immediately and extend for a period of up to six months, as long as it
holds a public hearing on the proposed interim zoning ordinance within sixty days after
adoption and subsequently adopts findings of fact to support the interim zoning
ordinance (RCW 35A.63.220, RCW 36.70A.390); and

WHEREAS, an interim zoning ordinance would still allow property owners to
submit applications for some development in the affected zones; and

WHEREAS, through the adoption of an interim zoning ordinance, the City
Council can maintain the status quo by prohibiting the submission and/or processing of
non-exempt development applications for residential and multi-family residential uses in
these zones for a six-month period of time; and

WHEREAS, during the six-month period while the interim zoning ordinance is in
effect, the Council will consider whether the amount and type of residential/multi-family
development in the TC, C, MUR and BP zones should be modified; and

WHEREAS, while the interim zoning is in effect, the City Council will direct the
City staff to consider all relevant facts, perform SEPA and all necessary analyses to
determine whether a permanent zoning ordinance should be adopted;

WHEREAS, during this six-month period, an ordinance which includes these
modifications will be drafted and processed according to applicable law, which will
include public notice of public hearings, SEPA and consideration/action on the final draft of the ordinance by the City Council; and

WHEREAS, the City’s SEPA Responsible Official has determined that the interim zoning ordinance and this amendatory ordinance must be adopted on an emergency basis under WAC 197-11-880 (but the City Responsible Official will comply with SEPA within the next 60 days); and

WHEREAS, on April 8, 2019, the City Council considered and approved the interim zoning ordinance, No. 19-0547, during the Council's regular meeting of April 8, 2019; and

WHEREAS, on May 7, 2019, the City Council held a study session and discussed the scope of interim zoning ordinance No. 19-0547; and

WHEREAS, during the study session, staff shared the findings of Ordinance 17-0496, which was adopted on April 11, 2017 and revised the use table, densities, and location of mixed uses in the TC, C, MUR, and BP zoning districts; staff also briefed the City Council on the status of Edgewood’s targets under the Growth Management Act; and

WHEREAS, the City Clerk provided the requisite public notice of the public hearing that must be held within 60 days after adoption of an interim zoning ordinance (RCW 35A.63.220 and RCW 36.70A.390), which public hearing was on May 14, 2019; and

WHEREAS, on May 14, 2019, the City Council heard staff presentations and public testimony on the issue whether interim zoning ordinance No. 19-0547 should be terminated, modified or continued; and
WHEREAS, on May 28, 2019, the City Council adopted Resolution No. 19-0458, adopting findings of fact to support the continued maintenance of interim zoning Ordinance No. 19-0547; and

WHEREAS, on June 11, 2019, June 18, 2019, June 25, 2019, July 2, 2019, July 9, 2019, and July 16, 2019, the City Council added continued discussions for interim zoning Ordinance No. 19-0547 on each agenda; and

WHEREAS, on June 20, 2019, the City Council held a Town Hall style open house meeting to review the public sentiment regarding growth and residential development in Edgewood in order to learn from citizens about the desired future of the community; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Amendment to Edgewood Ordinance No. 19-0547. The City Council hereby amends Section 2 of Ordinance No. 19-0547 as follows:

Section 2. Interim Zoning Imposed. Except as set forth in Section 3 of this Ordinance, the City Council hereby prohibits the City's acceptance and processing of the following applications/approvals submitted for any residential or multi-family residential uses on property located in the following zones: Town Center (TC), Commercial (C), within the Mixed Use Residential (MUR) zone on the east side of Meridian Avenue and within the Town Center (TC) zone on the east side of Meridian Avenue south of 22nd Street East, as shown in the "Affected Properties" in the attached map labeled "Exhibit A," and incorporated herein as if fully set forth; and Business Park (BP):

A. Preliminary plats, subdivisions, short plats, short subdivisions, binding site plans, vacation of plats, alteration of plats;

B. Any type of land use approval, including, but not limited to, building permits, conditional use permits, variances, site plans site development approvals, critical areas permits.

All remaining provisions of Ordinance 19-0457 shall remain the same.
Section 2. Declaration of Emergency. This amendment to interim zoning ordinance No. 19-0547 must be adopted to be effective immediately in order to preserve the status quo while the City reviews and revises, as appropriate, its current development regulations and comprehensive plan relating to residential and multi-family residential development on the properties on the east side of Meridian Avenue within the MUR zoning district and on the properties on the east side of Meridian Avenue south of 22nd Street East within the TC zoning district, as shown in Exhibit A as the “Affected Properties,” and to prevent new residential/multi-family residential permit applicants from potentially establishing vested rights inconsistent with the City’s future regulatory framework to be considered and adopted while the interim zoning ordinance is effective. The findings and conclusions above are adopted by the City Council in support of the designation of this ordinance as a public emergency necessary for the protection of the public health, public safety, public property and public welfare. This ordinance shall take effect immediately upon adoption by the Council, by a vote of a majority of the Council plus one, and shall remain effective for six months unless earlier terminated by the City Council.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication. This Ordinance will be published by an approved summary consisting of the title.
Section 5. Effective Date. This Ordinance has been passed by a majority plus one vote of the whole membership of the City Council, and shall take effect and be in force immediately upon passage.

PASSED BY THE EDGEWOOD CITY COUNCIL ON THIS 23RD DAY OF JULY, 2019.

CITY OF EDGEWOOD

Daryl Eidinger, Mayor

ATTEST/AUTHENTICATED:

By:  
Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

By:  
City Attorney
AMENDMENT TO ORD NO. 19-0547 – EXHIBIT A MAP

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Edgewood for the sole purpose of geographic reference. No warranty is made by the City of regarding specific accuracy or completeness. The base data contained herein was taken from the City’s Official Zoning Map.