

Subject: Ordinance 1484 – Update of Commercial Zone Standards Amending RMC 25.01.050

Dept. Origin: Planning Commission

**Prepared by: Jennifer Robertson
 City Attorney’s Office**

For Agenda of: November 1, 2016

Exhibits: Ordinance 1484

Proposed Council Action:

Ordinance #1484 is scheduled for First Reading. Discuss issues and give direction to staff. Unless directed otherwise, Ordinance #1484 will be brought back for Second Reading and Action on November 15, 2016.

Concurred by Mayor:	Initial & Date
Approved/form by City Atty:	<u>JSR/10-26-16</u>
Approved by Planning Director:	_____
Approved by City Bldg Official:	_____

INFORMATION / BACKGROUND

The City of Ruston has been engaged for the past two years in a major Comprehensive Plan Update. As part of this Update Process, the Planning Staff and Planning Commission have created a vision for how the City should look. This City Vision includes making the Commercial areas of Ruston be of higher quality of design and architectural standards and meeting the needs of Ruston into the future.

Under the Growth Management Act, the work of the City does not end when its Comp Plan is updated. As a follow up to the update, the City must also make its Zoning Code and other development regulations consistent with its updated Comp Plan.

In reviewing the various elements of the Zoning Code in need of update, aligning the COM and COM-P zoning standards to make them consistent was among the top priorities of the Planning Commission. As currently written, the COM zone is both inconsistent with the Comprehensive Plan and includes standards which are obsolete. Ordinance #1484 fixes this issue and makes the standards consistent with the Comp Plan and internally consistent with the COM-P standards.

One such example is the requirement for use-specific setbacks. Under the existing COM zone standards, residential uses have different setback standards from commercial uses. Since the Comprehensive Plan calls for standards which emphasize building placement over building use, (i.e. the design and feel of the street is more important than the uses within the buildings), it would be counterproductive to allow the COM zone standards to remain as written.

Ordinance #1484 incorporates this vision in an update to the City’s Commercial (COM) Zone. The update proposes standards for the COM zone that are consistent with the standards of the Commercial-Pearl (COM-P) Zone.

On September 21, 2016 a public hearing was properly noticed and held by the Planning Commission on Ordinance #1484 to elicit community input. Following the public hearing, the Planning Commission voted unanimously to recommend Council approval of this Ordinance.

FISCAL CONSIDERATION

N/A

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

No action is requested. Discuss issues, and give direction to staff. Unless directed otherwise, this matter will come back for Second Reading and Adoption on November 15, 2016.

ORDINANCE NO. 1484

AN ORDINANCE OF RUSTON, WASHINGTON, RELATING TO CHAPTER 25.01 OF THE RUSTON MUNICIPAL CODE, AMENDING SECTION 25.01.050 OF THE RUSTON MUNICIPAL CODE REGARDING THE STANDARDS APPLICABLE TO THE COMMERCIAL (COM) ZONE CONTAINED IN THE CITY'S ZONING CODE, TO BETTER DESCRIBE THE PURPOSE OF THE COM ZONE, CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN, UPDATING THE SETBACKS TO REDUCE BOTH FRONT AND SIDE YARD SETBACKS TO ZERO, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Ruston has been engaged for the past two years in a major Comprehensive Plan Update; and

WHEREAS, as part of this Update Process, the Planning Staff and Planning Commission have created a vision for how the City should look; and

WHEREAS, this City Vision includes making the Commercial areas of Ruston be of higher quality of design and architectural standards and meeting the needs of Ruston into the future; and

WHEREAS, the City's SEPA Responsible Official has performed SEPA and issued the SEPA Determination of Non-significance on October 19, 2016 and the comment period expired on November 2, 2016; and

WHEREAS, the SEPA Appeal period has passed with no appeals filed; and

WHEREAS, the City sent a copy of this Ordinance to the Washington State Department of Commerce on October 19, 2016 with a request for expedited review as per WAC 365-195-620(1) and RCW 36.70A.106 and such review was granted on _____, 2016 and the required

time has passed and this Ordinance is ready for passage on or before the date set for Second Reading by the Council; and

WHEREAS, on September 21, 2016 a public hearing was held by the Planning Commission on this Ordinance to elicit community input; and

WHEREAS, on September 21, 2016 the Planning Commission voted unanimously to recommend Council approval of this Ordinance; and

WHEREAS, on November 1, 2016 the City Council held the first reading of this Ordinance; and

WHEREAS, on November 15, 2016 the City Council adopted this Ordinance during its Regular Meeting at the Second Reading; **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 25.01.050 of the Ruston Municipal Code is hereby amended to read as follow:

25.01.050 - Commercial (COM) zone.

- (a) Purpose. The commercial zone (COM) is intended to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian-oriented commercial/retail development along or near Pearl Street and 51st Street. Second and third floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings. This district is intended to encourage reuse and upgrades of the existing business buildings and promote retail frontages with street amenities and a direct visual relationship between pedestrians on the sidewalk and uses on the ground floor of the building ~~provide for the location of businesses serving shoppers and patrons on a local and regional basis.~~
- (b) Permitted Uses. Refer to Chapter 25.07 RMC for uses permitted in the COM zone.
- (c) Conditional Uses. Refer to Chapter 25.07 RMC for uses conditionally permitted in the COM zone.

- (d) Minimum Lot Area. There is no minimum lot area in the COM zone.
- (e) Permitted Height. No structure shall exceed 25 feet in height; provided, that if the ridge of the roof runs parallel to the view corridor and a minimum eight feet (rise)/12 feet (run) roof pitch with no dormers is proposed, structures shall be allowed to be no more than 30 feet in height.
- (f) Setback and Buffer Requirements.
 - (1) Yard Setback Requirements.
 - (A) Front yard: ~~20~~ (zero) feet to property line.
 - (B) Rear yard: 25 feet to property line.
 - (C) Side yards: 0 (zero)~~seven and one half~~ feet to property line.
 - ~~(2) If a commercial property is only separated from a residential district by an alley, all structures may be set back as follows:~~
 - ~~(A) Front yard: zero feet, but only a single story building will be allowed 20 feet from the fronting street property line.~~
 - ~~(B) Rear yard: 20 feet to property line.~~
 - ~~(C) Side yard: seven and one half feet to property line.~~
 - ~~(3) If a property has a property line with frontage on 51st Street it shall not have a required setback along that frontage. For the purposes of compliance with the City's design standards contained within RMC 25.06, the yard abutting 51st Street shall be treated as a front yard.~~
- (g) Off-Street Parking Requirements. Off-street parking shall comply with Section 25.01.090 and the City's design standards contained within Chapter 25.06 RMC.
- (h) Site Plan Requirements. Site plan approval is required under Section 25.01.140 for any development within the COM zone.
- (i) Design Standards. All development within the COM zone is subject to the design standards contained within Chapter 25.06 RMC.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this ____ day of _____, 2016.

APPROVED by the Mayor this ____ day of _____, 2016.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Jennifer Robertson, City Attorney

FILED WITH THE CITY CLERK: _____

PASSE BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO: 1484