

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATED TO ZONING PROVISIONS FOR DRIVE-THROUGH FACILITIES WITHIN THE URBAN VILLAGE ZONING DISTRICT; AMENDING SECTION 18.05.040; TABLE 5.01, SUBSECTION 18.05.040(B), 18.05.060, 18.05A.000, AND 18.05A.095 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, the Community Planning and Development Department received an application for zoning code amendment to allow for a broader list of uses to be permitted to have an associated drive-through facility within the Urban Village zoning district; and

WHEREAS, the Briggs Village is the only Urban Village within the City, and this area has not experienced the commercial development anticipated; and

WHEREAS, the Olympia Municipal Code (OMC) 18.58 requires that zoning code text amendments are reviewed by the Planning Commission for consideration and review before being considered, reviewed, and acted upon by the City Council; and

Whereas; the Olympia Planning Commission received a briefing on the proposed code amendment on November 7, 2016, and held a duly-noticed public hearing on November 21, 2016; and

WHEREAS, following the public hearing and deliberations, the Planning Commission unanimously recommended the proposed amendments to the Olympia Municipal Code by increasing the list of business types that can have accessory drive-through facilities as well as increasing the design standards associated with the drive-through facilities; and

WHEREAS, this proposal is exempt from the State Environmental Policy Act (SEPA), as a land use decision consistent with the adopted Olympia Comprehensive Plan; and

WHEREAS, Chapter 35A.63 and 36.70A RCW and Article 11, Section 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance; and

WHEREAS, on December 13, 2016, the City Council duly considered the recommendations of the Planning Commission and City staff; and

WHEREAS, this Ordinance is supported by the staff report and materials associated with this Ordinance, along with other documents on file with the City of Olympia, including but not limited to documents relating to file 16-9048; and

WHEREAS, this Ordinance is also supported by the professional judgment and experience of the City staff who have worked on this proposal; and

WHEREAS, City Staff are known to the City Council, and staff's curriculum vitae shall be part of the record in support of this Ordinance;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 18.05.04, Olympia Municipal Code Section 18.05.040, Table 5.01, is hereby amended to read as follows:

TABLE 5.01

PERMITTED, CONDITIONAL AND REQUIRED USES

DISTRICT	Neighborhood Center	Neighborhood Village	Urban Village	Community Oriented Shopping Center	APPLICABLE REGULATIONS
District-Wide Regulations					18.05.050
1. RESIDENTIAL USES					
Accessory Dwelling Units	P	P	P	P	18.04.060(A)
Apartments	C	R	R	R	18.05.060(D), 18.05.050(E)
Boarding Homes	C	P	P	P	
Congregate Care Facilities		P	P	P	18.05.050(E)(1)(c)(i)
Cottage Housing		P	P	P	18.05.060(D), 18.04.060(H)
Duplexes		P	P	P	18.05.060(D)
Group Homes with 6 or Fewer Clients		P	P	P	18.04.060(K), 18.04.060(W)
Group Homes with 7 or More Clients		C	C	C	18.04.060(K), 18.04.060(W)
Manufactured Homes	P	P	P	P	18.04.060(O)
Nursing/Convalescent Homes		P	P	P	18.04.060(S)
Residences Above Commercial Uses	P	P	P	P	
Single-Family Residences	P	R	R	R	18.05.060(D)
Single Room Occupancy Units					
Townhouses	P	P	P	P	18.05.060(D), 18.64
2. OFFICES					
Banks	P	P	P	P	18.05.060(A)

TABLE 5.01

PERMITTED, CONDITIONAL AND REQUIRED USES

DISTRICT	Neighborhood Center	Neighborhood Village	Urban Village	Community Oriented Shopping Center	APPLICABLE REGULATIONS
Offices - Business	P	P	P	P	
Offices - Government	P	P	P	P	
Offices - Medical	P	P	P	P	
Veterinary Offices and Clinics	C	C	C	C	
3. RETAIL SALES					
Apparel and Accessory Stores	P	P	P	P	
Building Materials, Garden Supplies, and Farm Supplies	P	P	P	P	Sites within high density corridors, see 18.17.020 (B)
Food Stores	R	R	P	P	
Furniture, Home Furnishings, and Appliances					Sites within high density corridors, see 18.17.020 (B)
General Merchandise Stores	P	P	P	P	
Grocery Stores	P	P	R	R	18.05.060(C)
Office Supplies and Equipment					
Pharmacies and Medical Supply Stores	P	P	P	P	
<u>Restaurants</u>			P		<u>18.05.060(a) & 18.05A.095</u>
Restaurants, Without Drive-In or Drive-Through Service	P	P	P	P	
Specialty Stores	P	P	P	P	

TABLE 5.01

PERMITTED, CONDITIONAL AND REQUIRED USES

DISTRICT	Neighborhood Center	Neighborhood Village	Urban Village	Community Oriented Shopping Center	APPLICABLE REGULATIONS
4. SERVICES					
Health Fitness Centers and Dance Studios	P	P	P	P	
Hotels/Motels					
Laundry and Laundry Pick-up Agency	P	P	P	P	
Personal Services	P	P	P	P	
Printing, Commercial			P	P	
Radio/TV Studios					
Recycling Facility - Type I	P	P	P	P	
Servicing of Personal Apparel and Equipment	P	P	P	P	
5. ACCESSORY USES					
Accessory Structures	P	P	P	P	18.04.060(B)
Electric Vehicle Infrastructure	P	P	P	P	18.04.060(GG)
Garage/Yard/Rummage or Other Outdoor Sales	P	P	P	P	5.24
Satellite Earth Stations	P	P	P	P	18.44.100
Residences Rented for Social Event, 7 times or more per year	C	C	C	C	18.04.060.DD
6. RECREATIONAL USES					
Auditoriums and Places of Assembly					

TABLE 5.01

PERMITTED, CONDITIONAL AND REQUIRED USES

DISTRICT	Neighborhood Center	Neighborhood Village	Urban Village	Community Oriented Shopping Center	APPLICABLE REGULATIONS
Art Galleries					
Commercial Recreation					
Community Gardens	P	P	P	P	
Community Parks & Playgrounds	P/C	P/C	P/C	P/C	18.04.060(T)
Health Fitness Centers and Dance Studios					
Libraries					
Museums					
Neighborhood Parks/Village Green/Plaza	R	R	R	R	18.04.060(T), 18.05.080(N)
Open Space - Public	P	P	P	P	18.04.060(T)
Theaters (no Drive-Ins)					
Trails - Public	P	P	P	P	18.04.060(T)
7. TEMPORARY USES					
Emergency Housing	P	P	P	P	
Mobile Vendors			P	P	
Model Homes	P	P	P	P	
Parking Lot Sales			P	P	18.06.060(Z)
8. OTHER USES					
Agricultural Uses, Existing	P	P	P	P	
Animals/Pets	P	P	P	P	18.04.060(C)
Child Day Care Centers	P	P	R	P	18.05.060(B), 18.04.060(D)

TABLE 5.01

PERMITTED, CONDITIONAL AND REQUIRED USES

DISTRICT	Community Oriented Shopping Center				APPLICABLE REGULATIONS
	Neighborhood Center	Neighborhood Village	Urban Village	Community Oriented Shopping Center	
Community Clubhouses	P	P	P	P	
Conference Centers					
Crisis Intervention	C	C	C	C	18.04.060(I)
Fraternal Organizations					
Home Occupations (including adult day care, bed and breakfast houses, elder care homes, and family child care homes)	P	P	P	P	18.04.060(L)
Hospice Care	C	C	C	C	18.04.060(M)
Non-Profit Physical Education Facilities	C	C	C	C	
Places of Worship	C	C	C	C	18.04.060(U)
Public Facilities	C	C	C	C	18.04.060(V)
Radio, Television, and other Communication Towers & Antennas	C	C	C	C	18.04.060(W), 18.44.100
Schools	C	C	C	C	18.04.060(DD)
Sheltered Transit Stops	R	R	R	R	18.05.050(C)(4)
Utility Facilities	P/C	P/C	P/C	P/C	18.04.060(X)
Wireless Communications Facilities	P/C	P/C	P/C	P/C	18.44

LEGEND

P = Permitted C = Conditional R = Required

Section 2. Amendment of OMC 18.05.040. Olympia Municipal Code Subsection 18.05.040(B) is hereby amended to read as follows:

B. PROHIBITED AND UNSPECIFIED USES.

Land uses which are not listed in Table 5.01 as permitted, conditional, or required uses are prohibited, unless they are authorized by the Director consistent with Section 18.02.080, Interpretations. In no event, however, shall the following uses be permitted:

1. Automobile-oriented uses which primarily cater to customers in their vehicles or rarely provide consumer goods or services to pedestrians or walk-in customers. ~~This includes drive-in and drive-through businesses (except drive-through banks as provided in Section 18.05.060(A) herein), motor vehicle sales, and car washes.~~
2. Adult oriented businesses (see Section 18.02.180, Definitions).
3. Mobile homes. Mobile homes are prohibited except for emergency housing and contractor's offices consistent with Section 18.04.060(EE). (See Section 18.02.180, Definitions.)
4. Habitation of recreational vehicles/trailer houses. (See Section 18.02.180, Definitions.)
5. Sale of firearms.
6. Pawnshops.
7. Uses which customarily create noise, vibration, smoke, dust, glare, or toxic or noxious emissions exceeding those typically generated by allowed uses.
8. Parking provided accessory to a use located outside the City of Olympia.
9. Secure community transition facilities.

Section 3. Amendment of OMC 18.05.060. Olympia Municipal Code Section 18.05.060 is hereby amended to read as follows:

18.05.060 Use standards

A. BanksDrive-through facilities.

1. Banks, restaurants, pharmacies, and other businesses that primarily cater to pedestrians or walk-in customers are permitted to have a single drive-through lane. ~~with drive-through facilities shall be limited to one drive-through lane.~~

2. Driveway access for a permitted single drive-through lane shall be allowed only through a common parking lot area in a Village Center, shall not impede direct pedestrian access to the building entry, and the drive-through lane shall not be allowed on streets abutting a village green or park in a village center.

B. Child Day Care Centers. A site for a child day care center is required in urban villages.

C. Grocery Stores. Urban Village (UV) and Community Oriented Shopping Center (COSC) District requirements: The maximum size for a grocery store shall be 50,000 square feet of gross floor area.

Section 4. Amendment of OMC 18.05A.000. Olympia Municipal Code Section 18.05A.000 is hereby amended to read as follows:

18.05A.000 Chapter Contents

Sections:

18.05A.010 How to use design criteria.

SITE DESIGN AND ORIENTATION

18.05A.020 Site design - Streets, trails and open space.

18.05A.030 Site design - Location and use of centers and common open spaces.

18.05A.040 Site design - Gateways and focal points.

18.05A.050 Site design - Pedestrian/sidewalk orientation.

18.05A.060 Site design - Fences and walls adjacent to pedestrian scale streets.

COMMERCIAL AND MIXED USE BUILDING DESIGN, LANDSCAPING, AND SIGNS

18.05A.070 Building design - Commercial and mixed use.

18.05A.080 Building design - Creation of human scale.

18.05A.090 Building design - Building wall finishes for stand alone and corner site buildings.

18.05A.095 Building design - Drive-through ~~banks~~ facilities.

18.05A.100 Landscape design for villages, commercial and mixed use areas.

18.05A.110 Landscape design - Screening.

18.05A.120 Landscape design - Existing trees.

18.05A.130 Signs - Attached to the building.

18.05A.140 Signs - Freestanding.

MULTIFAMILY PROJECTS (INCLUDING TOWNHOUSES OF 5 UNITS OR MORE)

18.05A.150 Site design - Orientation.

18.05A.160 Site design - Parking location and design.

18.05A.170 Site design - Mailboxes, site lighting, and bus stops.

- 18.05A.180 Site design - Screening.
- 18.05A.190 Building design - Neighborhood scale.
- 18.05A.200 Building design - Privacy.
- 18.05A.210 Building design - Facade, footprint, and roof articulation.
- 18.05A.220 Building design - Entries.
- 18.05A.225 Building design - Windows.
- 18.05A.230 Building design - Materials and colors.
- 18.05A.240 Signs.

DUPLEX, TRIPLEX, FOURPLEX, TOWNHOUSE PROJECTS (4 UNITS OR LESS), COTTAGE HOUSING AND SINGLE FAMILY HOUSING, INCLUDING DESIGNATED MANUFACTURED HOUSING (6 UNITS PER ACRE OR MORE)

- 18.05A.250 Duplex, triplex, etc. - Applicability.
- 18.05A.260 Building design - Roof form and architectural detail.
- 18.05A.270 Building design - Entries.
- 18.05A.280 Building design - Garage design.
- 18.05A.290 Building design - Materials and colors.

ACCESSORY DWELLING UNITS (ADU)

- 18.05A.300 Site and building design - Privacy.
- 18.05A.310 Building design - Entry features.
- 18.05A.320 Building design - Materials and colors.

COTTAGE HOUSING

- 18.05A.330 Site design - Cottage housing.

Section 5. Amendment of OMC 18.05A.095. Olympia Municipal Code Section 18.05A.095 is hereby amended to read as follows:

18.05A.095 Building design –Drive-through ~~banks~~facilities

LEGEND

UV = Urban Village

COSC = Community Oriented Shopping Center

NV = Neighborhood Village

NC = Neighborhood Center

A. REQUIREMENT 1: Locate the main pedestrian entry ~~to a bank on a~~ towards the pedestrian-oriented street. Orient drive-through facilities ~~at banks~~ in a way that makes minimal disruption on the street edge. See also Section 18.05.060(A) Use Standards, ~~Banks (i.e., limit of one lane, and prohibition of access onto streets abutting a village green).~~ (UV, NV, COSC, NC)

REQUIREMENT 2: Locate the drive-through facility on the side or behind the building as viewed from the street. Drive-through facilities shall not be located between the building and the street frontage, nor between the primary parking and building entry unless the proposed drive-through location provides equivalent or better pedestrian access to the building. For all drive-through facilities, uninterrupted pedestrian access to the main building entry shall be provided.

B. GUIDELINE:

1. Design the drive-through window so that it is clearly subordinate to the main building. (UV, NV, COSC, NC)
2. Where the drive-through is a separate structure, use architectural details that conform to those used on the main building. (UV, NV, COSC, NC)
3. Minimize curb cuts and the disruption of a sidewalk by:
 - a. Making the width of the lane approaching the window as narrow as possible, and
 - b. Using landscaping and planters to provide a street edge adjacent to the sidewalk. (UV, NV, COSC, NC)

Section 6. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 8. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Dienaber

CITY ATTORNEY

**PASSED:
APPROVED:
PUBLISHED:**