

1
2
3 CITY OF MUKILTEO
4 MUKILTEO, WASHINGTON

5
6 ORDINANCE NO. 1465
7

8 AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON, RELATING TO
9 INTERIM COMMERCIAL PARKING, AMENDING MUKILTEO MUNICIPAL
10 CODE SECTION 17.56.140 RELATED TO INTERIM COMMERCIAL PARKING
11 LOTS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE
12 DATE.
13

14 WHEREAS, in December 2010 the Mukilteo City Council approved Ordinance No. 1262
15 allowing interim commercial parking lots in the CB(S), CB(S)-2, CB, DB, and WMU zoning
16 districts without requiring a conditional use permit (CUP) and with a sunset date of December
17 31, 2016; and
18

19 WHEREAS, adoption of the interim commercial parking lot code amendment in 2010 was to
20 help offset the loss of parking due to the redevelopment of the Rosehill Community Center; and
21

22 WHEREAS, in March 2017 the City Council approved Ordinance No. 1397 which
23 retroactively extended the sunset date for the allowance of interim commercial parking lots in
24 the CB(S), CB(S)-2, CB, DB, and WMU zoning districts without requiring a conditional use
25 permit (CUP) from December 31, 2016 to December 31, 2023; and
26

27 WHEREAS, with the exception of the DB zoning district, permanent commercial parking
28 lots were allowed in the CB(S), CB(S)-2, CB, and WMU zoning districts if a CUP was obtained;
29 and
30

31 WHEREAS, in DB zoning district, commercial parking lots were only allowed as an interim
32 use; and
33

34 WHEREAS, the lack of availability of parking on the waterfront continues to be an issue for
35 businesses, visitors, commuters and residents, and could become more pronounced as the City,
36 region, State and country recover from the COVID-19 pandemic; and
37

38 WHEREAS, the construction of the new Washington State Ferry terminal resulted in the
39 elimination of one of two interim commercial parking facilities in the Downtown Business
40 District zone; and
41

42 WHEREAS, an effort currently exists to bring together waterfront property owners to
43 discuss parking strategies that can facilitate waterfront redevelopment over the next several
44 years; and,
45

1 WHEREAS, near term opportunities for interim commercial parking could address existing
2 parking needs while longer-term parking strategies are being developed; and
3

4 WHEREAS, in accordance with RCW 36.70A.106(1) the City of Mukilteo notified the
5 Washington State Department of Commerce of the City's intent to adopt a development
6 regulation for the purposes of State agency 60-day review; and
7

8 WHEREAS, in notifying the Washington State Department of Commerce the City requested
9 expedited review in accordance with RCW 36.70A.106(3)(b), with the expedited review having
10 been granted; and
11

12 WHEREAS, pursuant to the State Environmental Policy Act (SEPA), the City of Mukilteo
13 acted as the lead agency for review of this code amendment and issued a Determination of Non-
14 Significance pursuant to WAC 197-11-340(2) on April 7, 2022; and
15

16 WHEREAS, the SEPA appeal period ended on May 5, 2022 and no appeals filed; and
17

18 WHEREAS, on March 17, 2022 the Mukilteo Planning Commission held a work session
19 to study the code amendment; and
20

21 WHEREAS, on April 21, 2022 the Mukilteo Planning Commission held a duly-noticed
22 public hearing to accept and consider public testimony and, following its public hearing,
23 adopted findings of fact and made a recommendation to the Mukilteo City Council; and
24

25 WHEREAS, on June 6, 2022 the Mukilteo City Council held a duly-noticed public
26 hearing and accept and consider public testimony; and
27

28 WHEREAS, the Mukilteo City Council finds that this ordinance is in the best interests of
29 the citizens of the City of Mukilteo;
30

31 NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MUKILTEO, WASHINGTON,
32 HEREBY ORDAINS AS FOLLOWS:
33

34 **Section 1. Section 17.56.140 MMC.** Section 17.56.140 MMC, entitled
35 "Commercial Parking Lots and Structures", shall be amended to read as follows:
36

37 **17.56.140 Commercial parking lots and structures.**

38 A. Interim Commercial Parking Lots. Existing parking lots originally created as an
39 accessory use to meet off-street parking requirements for a primary use on the parcel
40 may be partially or completely converted into an interim commercial parking lot
41 pursuant to the following requirements. Additionally, existing, paved, vacant lots in
42 the Downtown Business District Zone in existence as of [INSERT EFFECTIVE DATE
43 OF THE ORDINANCE] may also be partially or completely converted into an interim
44 commercial parking lot pursuant to the following requirements. No conditional use
45 permit is required for an interim commercial parking lot.
46

1. ~~The~~For existing parking lots specifically, the parking lot was legally established with the primary use.

2. The existing parking lot or existing vacant lot is paved.

3. The interim use as a commercial parking lot ends no later than December 31, ~~2023~~ 2028.

4. In cases where a primary use(s) exists on the parcel that has off-street parking, the following is required:

a. There ~~are~~ shall be more than two parking spaces beyond the minimum number of off-street parking spaces required by this chapter; and,

b. At least the minimum number of parking spaces required for the primary uses on the parcel shall be designated for exclusive use by the primary uses and shall not be used as commercial parking spaces.

5. Safe pedestrian routes are available on a right-of-way adjacent to the parcel on which the parking lot is located as determined by the director of planning and community development or director of public works, or their designee.

6. A solid fence at least four feet high shall be located between the parking lot and residential uses on parcels adjacent to the parking lot.

7. The interim commercial parking lot, including but not limited to parking spaces, driveway aisles, driveways, and fire lanes, shall meet dimensional and other applicable municipal code requirements; except that, Uup to fifty percent of the parking stalls in the entire parking lot may be compact stalls provided compact parking stalls are only located on aisles where all of the stalls on one side are exclusively compact stalls.

8. The requirements of MMC Section 17.58.070, Screening between districts, shall be conformed to where the parking lot is on a parcel adjacent to a single-family use.

9. In zoning districts where permanent commercial parking lots are allowed, an interim commercial parking lot may be converted to a permanent use by obtaining a conditional use permit before December 31, ~~2023~~ 2028, pursuant to Chapter 17.64 and this chapter.

10. Operators of commercial parking lots shall be subject to the requirements of Chapter 5.04, Business Licenses and Regulations.

11. The commercial parking lot shall be subject to Chapter 5.10, Commercial Parking Tax.

Section 2. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

1 **Section 3. Authority to make necessary corrections.** The City Clerk and the
2 codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance
3 including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance
4 numbering, section/subsection numbers and any references thereto.
5

6 **Section 4. Enforcement.** Violations of this Ordinance are punishable under
7 Title 18 MMC and as otherwise provided by law, and are subject to injunctive and other forms of
8 civil relief which the City may seek.
9

10 **Section 5. Conflict.** In the event that there is a conflict between the provisions of
11 this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.
12

13 **Section 6. Effective Date.** The ordinance shall take effect and be in full force five
14 (5) days after publication of the attached Summary.
15

16
17
18
19 PASSED by the City Council and APPROVED by the Mayor this _____ day of _____,
20 2022.

21
22 APPROVED:
23

24
25
26 _____
27 MAYOR, JOE MARINE
28
29
30

31
32 ATTEST/AUTHENTICATED:
33
34

35 _____
36 CITY CLERK, KARA JOHNSON
37
38
39

40 APPROVED AS TO FORM:
41 OFFICE OF THE CITY ATTORNEY:
42
43

44 By: _____
45 DANIEL KENNY

SUMMARY OF ORDINANCE NO. 1465
of the City of Mukilteo, Washington

On _____, 2022, the City Council of the City of Mukilteo, Washington, approved Ordinance No. 1465, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON, RELATING TO INTERIM COMMERCIAL PARKING, AMENDING MUKILTEO MUNICIPAL CODE SECTION 17.56.140 RELATED TO INTERIM COMMERCIAL PARKING LOTS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of _____, 2022.

City Clerk, Kara Johnson