

17.20.020, Commercial/industrial districts.

The following commercial/industrial districts are hereby established:

- A. Business-General District (BG). The business-general district is intended to accommodate a broad range of retail and commercial uses, including businesses and services that are of a larger scale or are inappropriate for the historic downtown area, such as certain automotive services and limited light-industrial uses.
- B. Business-Office District (BO). The business-office district is intended principally for providing space within the city for smaller-scale office uses, but also allows for some retail and service uses.
- C. Business-Retail District (BR). The business-retail district is intended to serve as the core pedestrian-oriented shopping area within the historic downtown area, with uses serving as shopping catalysts to other businesses within the district. Ground floor retail sales and services are encouraged with offices and professional services on upper floors. The business-retail district should support the downtown historic district by encouraging the use of architectural styles which reflect the history of the city and the railroad depot. The business-retail district is divided into two subdistricts, as follows:
 1. BR-1. The BR-1 subdistrict ~~contains all properties located within the downtown historic district retail overlay zone pursuant to Chapter 17.37 SMC, and~~ is intended for retail, shopping and dining uses in a pedestrian-oriented environment.
 2. BR-2. The BR-2 subdistrict contains all properties within the BR district outside of those listed within the BR-1 subdistrict and is intended to contain retail as well as commercial and professional service uses.
- D. Office Park District (OP). The office park district is intended to provide areas appropriate for commercial and office uses, such as medical, dental, and other professional services.
- E. Planned Commercial/Industrial District (PCI). The planned commercial/industrial district is intended to provide areas in the city for master planned commercial/industrial uses, which might include single- or mixed-use retail, office, light industrial and open space uses. All development on parcels of two acres or larger upon which more than one principal structure is to be constructed shall be subject to the requirements of this chapter.
- F. Industrial District (I). The industrial district is intended to provide areas for a broad range of light industrial uses, and includes heavy/resource-based industrial uses as conditional uses. This district is also known as the resource extraction district. (Ord. 1203 § 7, 2018; Ord. 1198 § 22 (Exh. D), 2017; Ord. 1066 § 3, 2010; Ord. 980 § 2, 2005; Ord. 744 § 2, 1995).

17.37.010, Created.

There is hereby created a special purpose zoning classification to be known as the downtown historic district retail overlay zone, the boundary of which shall ~~include all lots and parcels fronting on Railroad Avenue S.E. from the southerly margin of the right-of-way of S.E. Northern Street at its intersection with Railroad Avenue to a line intersecting Railroad Avenue defined as the southerly property boundary of 8250 Railroad Avenue S.E., commonly known as the Town Pump extended be depicted on the official zoning map.~~

17.37.030, Special use regulations within downtown historic district overlay zone.

- A. Subject to the underlying use regulations of this title, and subject to the provisions of SMC 17.37.040, within the historic district overlay zone at least ~~75-90~~ percent of the storefronts ~~in the downtown historic retail overlay zone on Railroad Avenue S.E.~~ shall be occupied by retail uses, and no more than ~~25-10~~ percent of storefronts shall be occupied by nonretail uses. For purposes of this section, a “storefront” shall mean separately owned or leased ground floor premises with a separate ~~entrance in the downtown historic retail overlay zone~~ ~~entrance on Railroad Avenue S.E.~~. A building may have one or more storefronts. ~~Permanent supportive housing, transitional housing, and emergency housing or shelter uses as defined in Chapter 17.10- and~~ City-occupied buildings ~~in the downtown historic retail overlay zone -fronting on Railroad Avenue S.E.~~ shall not be included within the definition of “storefront.”
- B. The director shall establish and maintain a list by address of all storefronts within the downtown historic district retail overlay zone and a determination of whether such storefront is occupied by a retail use. The list shall include a calculation of the percentage of storefronts occupied by retail uses as of the date of the list. The list shall be updated prior to the issuance of any business license for a business intending to locate in any storefront ~~in the downtown historic retail overlay zone~~ ~~fronting on Railroad Avenue S.E. within the downtown historic district retail overlay district.~~ No business license shall be issued for any business proposing to locate in a ground floor storefront ~~in the downtown historic retail overlay zone on Railroad Avenue S.E. within the downtown historic district retail overlay zone~~ unless the director certifies that the issuance of such business license is in compliance with the requirements of subsection A of this section; provided, the renewal of business licenses for businesses in existence as of the effective date of the ordinance codified in this chapter shall not be prohibited by this section.
- C. ~~Second story uses and s~~Storefronts ~~and second-story uses -fronting on Falls Avenue S.E. or Maple Avenue S.E. located outside the downtown historic district retail overlay zone~~ shall be subject to the underlying zoning only and shall not be subject to the special use regulations of this chapter. (Ord. 1198 § 22 (Exh. D), 2017; Ord. 869 § 1, 2000).

17.37.040, Waiver of special use regulations.

- A) The owner or authorized agent of the owner of any premises subject to the special use regulations of SMC 17.37.030 may apply for a waiver of such regulations upon making a written application therefor describing the premises by address, the last retail use, the date such premises became vacant, the proposed nonretail use, and the date such proposed nonretail lease is proposed to commence. The application shall be supported by declaration signed under penalty of perjury setting forth the facts supporting the application. The grounds for such waiver shall be as follows:
- 1) Such premises are vacant;
 - 2) Such owner or agent has made a good faith effort to lease the premises for a retail use for a period greater than ~~120-365~~ days from the latter of the date of vacancy and the date of commencement of efforts to lease the premises for a retail use;
 - 3) Such owner or agent has offered the premises for lease for a retail use at a rate no higher than the rate for the proposed nonretail use and upon other terms and conditions at least as favorable; ~~and~~

advertised the premise in the following manners for at least the majority of the period specified by subsection A.2 of this section:

- i) At least one physical sign upon or within the building, with text legible from the street upon which the qualifying storefront occurs; and
- 3)ii) Upon publicly accessible online commercial real estate listing services.

- 4) Despite such good faith efforts, such owner or agent has not been able to lease the premises for a retail use and such premises remain vacant; and
- 5) Such owner or agent has not offered the premises to a potential nonretail user prior to the date of application for the waiver.

B) Such application and declaration shall be supported by copies of the following documentation:

- 1) Copies of all published and nonpublished advertising or other solicitations offering the premises for lease, including but not limited to newspaper advertisements, circulars or flyers, online listings, photos of physical signage, and advertisements used by brokers or agents, with annotations as to the date and place of publication;
- 2) A list of potential retail users contacted or expressing interest in leasing the premises, and the reason of each potential user for not leasing the premises, if known; and
- 3) Any other document the owner or agent desires to have considered by the director.

C) The planning commission shall review all requests for waivers under this section. The planning commission shall review and evaluate a waiver request at a regularly scheduled meeting within 30 days following receipt of a complete application for a waiver. The planning commission director shall make a decision on the waiver request by majority vote to either approve or deny the waiver; issue a written decision allowing or denying the waiver within 14 days of receipt of a complete application; provided, the application shall be allowed unless the director/planning commission affirmatively finds that one or more of the grounds of subsection A of this section have not been met; or the application or declaration is fraudulent or not made in good faith. The director shall prepare a written notice of decision reflecting the decision of the planning commission. The notice of director's decision shall be mailed to the applicant by certified mail, return receipt requested, and by ordinary mail. The effective date of the decision shall be deemed to be the date of mailing of the notice of decision.

D) The decision of the on the waiver request community development committee director may be appealed to the planning commission city council/hearing examiner by filing a written notice of appeal with the city clerk, setting forth the factual and legal basis of the appeal within 10 days of the date of the director's decision. The planning commission city council shall hold a hearing thereon at a regular meeting not less than seven nor more than 30 days from the date of filing of the appeal, and shall immediately deliberate and decide the matter upon conclusion of the hearing. The planning commission city council shall issue a written decision signed by the chairman within five business days after the hearing, which written decision shall be final unless appealed to superior court. (Ord. 1198 § 22 (Exh. D), 2017; Ord. 884 § 1, 2001; Ord. 869 § 1, 2000).