

## Chapter 16.43

### BD – DOWNTOWN BUSINESS

#### Sections:

- 16.43.000 Purposes.
- 16.43.010 Subdistricts.
- 16.43.020 Uses.
- 16.43.030 Site development standards.
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#### **16.43.000**

##### **Purposes.**

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.

B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity.

C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. Provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core area.

D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multifamily residential uses. [Ord. 3700 § 1, 2008].

#### **16.43.010**

##### **Subdistricts.**

The "downtown business" zone is subdivided into five distinct subdistricts, each intended to implement specific aspects of the comprehensive plan that pertain to the Downtown Waterfront Activity Center. Each subdistrict contains its own unique mix of uses and zoning regulations, as described in this chapter. The five subdistricts are:

- BD1 – Downtown Retail Core;
- BD2 – Downtown Mixed Commercial;
- BD3 – Downtown Convenience Commercial;
- BD4 – Downtown Mixed Residential;
- BD5 – Downtown Arts Corridor. [Ord. 3700 § 1, 2008].

**16.43.020**

**Uses.**

A. Table 16.43-1.

<b>Permitted Uses</b>	<b>BD1</b>	<b>BD2</b>	<b>BD3</b>	<b>BD4</b>	<b>BD5</b>
<b>Commercial Uses</b>					
Retail stores or sales	A	A	A	A	A
Offices	A <sup>1</sup>	A	A	A	A
Service uses	A <sup>1</sup>	A	A	A	A
<u>Restaurants and food service establishments</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A
<b>Residential Uses</b>					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
<b>Other Uses</b>					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in <u>or drive-through</u> businesses	<del>EX</del>	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

**Notes:**

- A = Permitted primary use
- B = Permitted secondary use
- C = Primary uses requiring a conditional use permit
- D = Secondary uses requiring a conditional use permit
- X = Not permitted

<sup>1</sup> = Office or Service uses in the BD1 zone may not be located within a designated street front

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

- a. Architectural features or details;
- b. Artwork;
- c. Landscaping. [Ord. 3700 § 1, 2008].

**16.43.030**

**Site development standards.**

A. Development within the BD zones shall meet the following site development standards, unless a development is approved pursuant to ECDC 20.08 which meets the requirements of ECDC 16.43.050.

Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback <sup>1</sup>	Minimum Rear Setback <sup>1</sup>	Maximum Height <sup>2</sup>	Minimum Height of Ground Floor within the Designated Street Front <sup>4</sup>
BD1 <sup>5</sup>	0	0	0	0	0	25'	15'
BD2 <sup>5</sup>	0	0	0	0	0	25'	12'
BD3 <sup>5</sup>	0	0	0	0	0	25'	12'
BD4 <sup>3,5</sup>	0	0	0	0	0	25'	12'
BD5 <sup>5</sup>	0	0	0	0	0	25'	12'

<sup>1</sup> The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

<sup>2</sup> Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

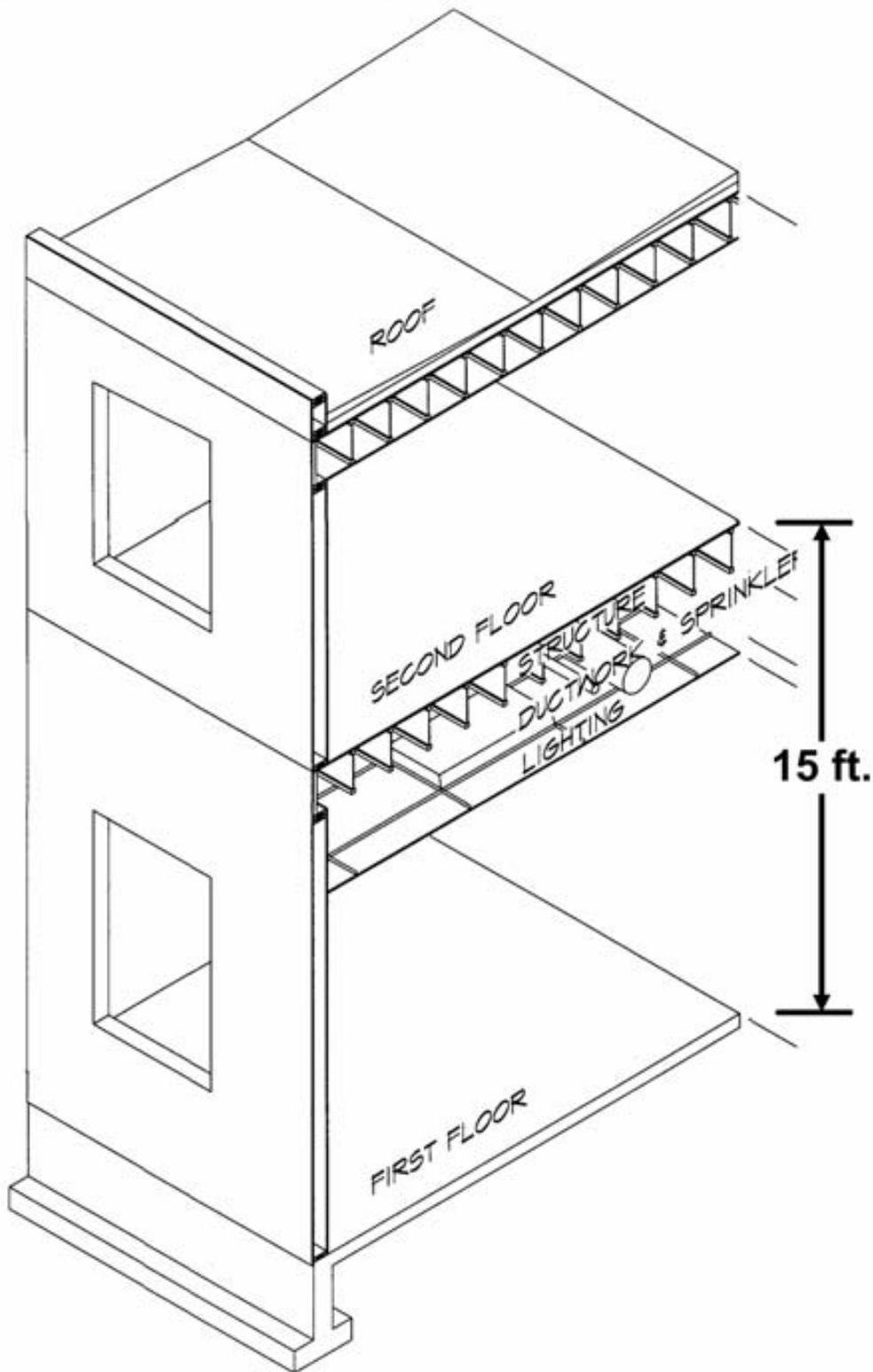
<sup>3</sup> Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least 60 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

<sup>4</sup> “Minimum height of ground floor within the designated street-front” means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. “Floor finish” is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the “finished” ceiling height is only approximately 11 feet in this example.

<sup>5</sup> Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.



| *Figure 16.43-1: Ground Floor Height Measurement*



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground “floor” is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of “ground floor” contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD+ zones, ~~which is~~ The designated street front is defined as the 30-45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right-of-way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. “Grade” shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

## 16.43.030

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: BD5 Development



*Building at right (foreground) shows landscaping located between building and street. Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.*

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first ~~30-45~~ feet of a building are within a designated street front in the BD1 zone, parking may not be located within that ~~30-45~~ feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost ~~30-45~~ feet of the property, even if a portion of the parking extends into the first ~~60-45~~ feet of the building. In no case shall the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first ~~60~~45 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

g. *Recodified as ECDC 22.43.050(B)(4).*

h. Within the BD1 zone, each commercial space located on the ground floor within the designated street front shall be directly accessible by an entry from the sidewalk.

#### C. Building Height Regulations.

1. The basic height limit is 25 feet (see definition of “height” detailed in ECDC 21.40.030).

2. Step-Back Rules. The following rules apply when calculating the maximum building height for any building in the specified zone(s) (see Figures 16.43-3 and 16.43-4 for illustrated examples).

a. Within the BD2, BD3, or BD4 zones, an additional five feet of building height, not to exceed 30 feet, may be obtained if the building is designed to meet all of the following conditions:

i. A building step-back is provided within ~~15~~5 feet of any street front. Within the ~~155~~15-foot step-back, the maximum building height is the lesser of 25 feet above grade at the property line (normally the back of the sidewalk) or 30 feet above the “average level” as defined in ECDC 21.40.030. For corner lots, a ~~155~~15-foot step-back is required along both street fronts. If a building located on a corner lot has insufficient lot width (i.e., less than 40 feet of lot width) to enable it to provide the required step-back on both street fronts, then the step-back may be waived facing the secondary street. This waiver may not be granted for building step-backs required from Fifth Avenue, Dayton Street, or Main Street.

ii. A ~~155~~15-foot step-back is provided from the property line opposite the street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade or 30 feet above the “average level” as defined in ECDC 21.40.030. For corner lots for which a ~~155~~15-foot step-back is required on more than one street front, there is no ~~155~~15-foot step-back required from the property line opposite each street front. For the purpose of determining step-back requirements, alleys are not considered to be streets.

iii. A building setback, in which the entire building is set back from the property line, may be substituted on a foot-for-foot basis for the required building step-back. For example, a ~~five~~two-foot building setback can be combined with a ~~103~~10-foot building step-back to meet the ~~155~~15-foot step-back requirement.

b. Within the BD1 zone, building height may be a maximum of 30 feet in order to provide for a minimum height of 15 feet for the ground floor. The allowable building height is measured from the “average level” as defined in ECDC 21.40.030.

Figure 16.43-3: Uphill Example

Note: change diagrams on this page to indicate revised step-back (0 or 5 ft)

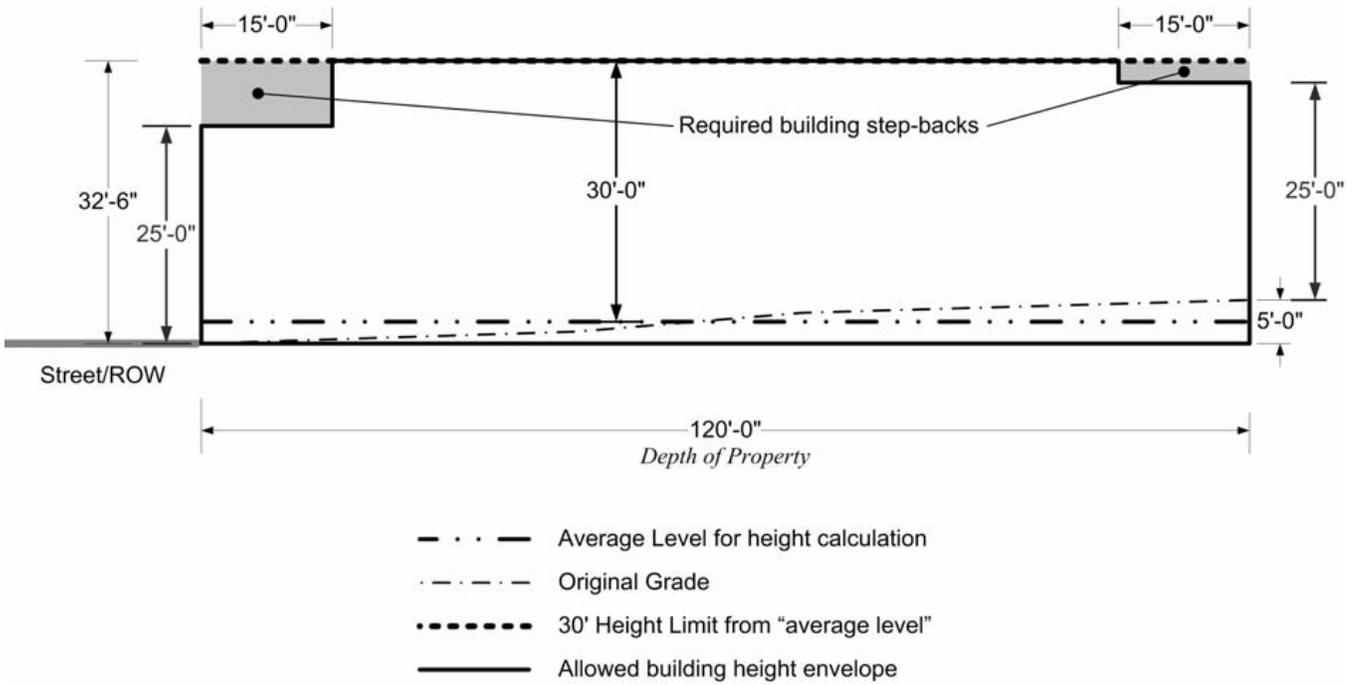
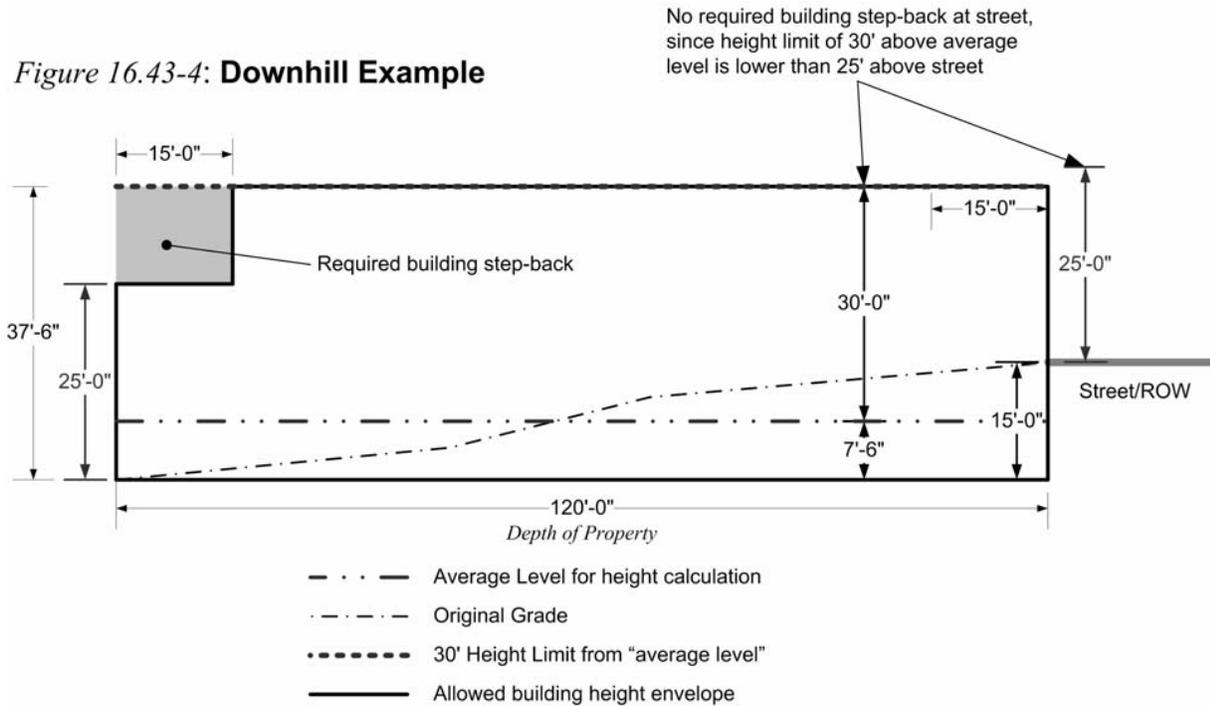


Figure 16.43-4: Downhill Example



3. Within the BD5 zone, the maximum height may be increased to 30 feet if the building meets one of the following conditions. In addition, if the building is located within 15 feet of the public right-of-way, architectural details and/or applied art shall be incorporated into the building design, and the ground floor shall be distinguished from the upper portions of the building through the use of differences in materials, windows, and/or architectural forms.

a. All portions of the building above 25 feet consist of a pitched roof such that the pitch of all portions of the roof is at least six-by-12 and the roof includes architectural features, such as dormers or gables of a steeper pitch, that break up the roof line into distinct segments.

b. If the building does not make use of a pitched roof system as described in subsection (C)(3)(a) of this section, step-backs shall be required the same as for the BD2 zone, as described in subsection (C)(2) of this section.

4. Height Exceptions. In addition to the height exceptions listed in ECDC 21.40.030, the following architectural features are allowed to extend above the height limits specified in this chapter:

a. A single decorative architectural element, such as a turret, tower, or clock tower, may extend a maximum of five feet above the specified height limit if it is designed as an integral architectural feature of the roof and/or facade of the building. The decorative architectural element shall not cover more than five percent of the roof area of the building.

b. Roof or deck railings may extend a maximum of 42 inches above the specified height limit within any building step-back required under subsection (C)(2) of this section; provided, that the railing is constructed so that it has the appearance of being transparent. An example meeting this condition would be a railing that is comprised of glass panels.

D. Off-Street Parking and Access Requirements. The parking regulations included here apply specifically within the BD zone. Whenever there are conflicts between the requirements of this chapter and the provisions contained in Chapter 17.50 ECDC, Off-Street Parking Regulations, the provisions of this chapter shall apply.

1. Within the BD1 zone, no new curb cuts are permitted along 5th Avenue or Main Street.

2. No parking is required for any commercial floor area of permitted uses located within the BD1, BD2, BD4, and BD5 zones.

3. No parking is required for any floor area in any building with a total building footprint of less than 4,800 square feet.

E. Open Space Requirements.

1. For buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet (as measured parallel to the street lot line), at least five percent of the lot area shall be devoted to open space. Open space shall not be required for additions to existing buildings that do not increase the building footprint by more than 10 percent. Open space shall be provided adjacent to the street front (street lot line). Such open space may be provided as any combination of:

a. Outdoor dining or seating areas (including outdoor seating or waiting areas for restaurants or food service establishments);

b. Public plaza or sidewalk that is accessible to the public;

c. Landscaping which includes a seating area that is accessible to the public.

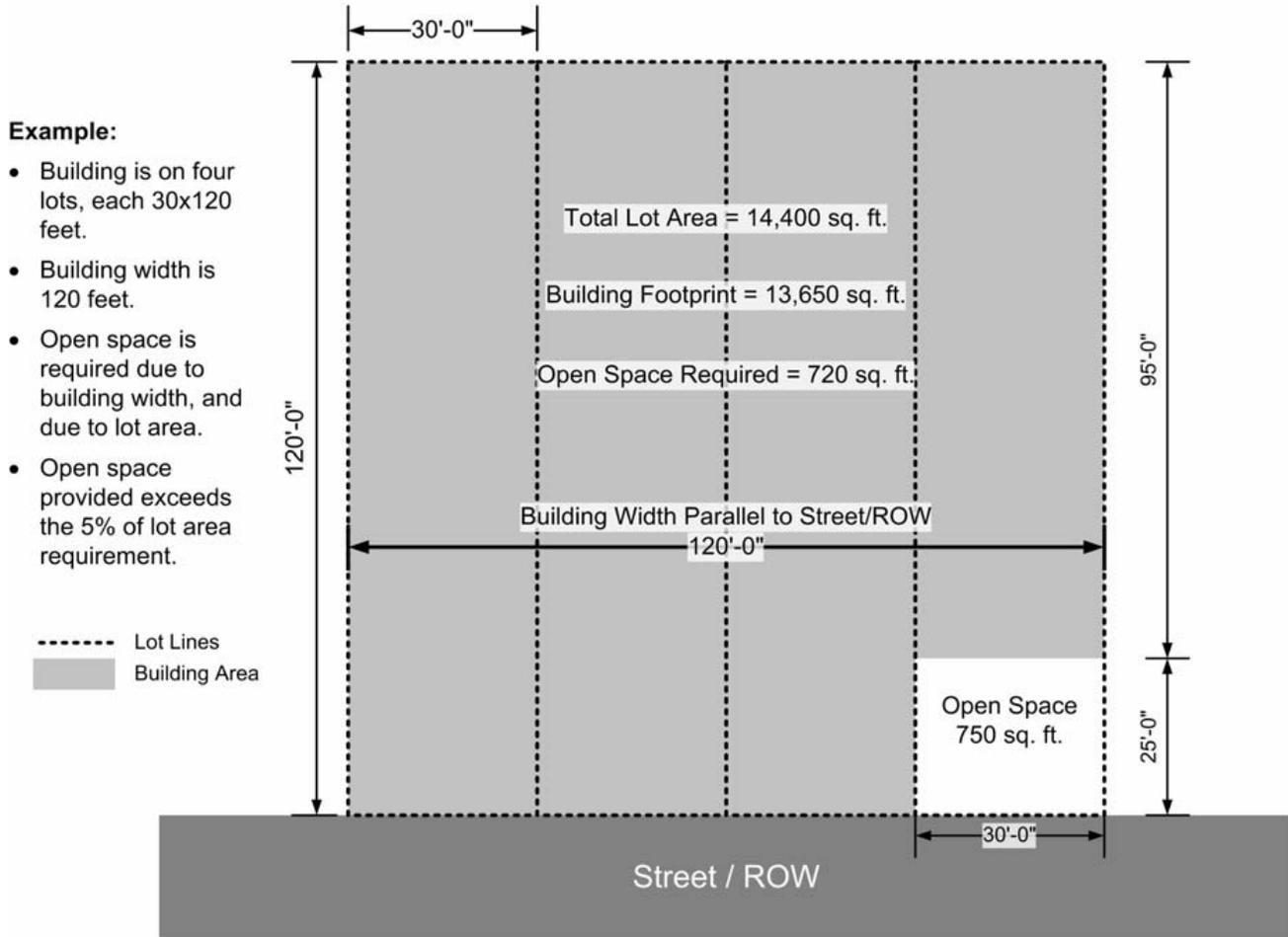
2. Required open space shall be open to the air and not located under a building story.

3. In overall dimension, the width of required open space shall not be less than 75 percent of the depth of the open space, measured relative to the street (i.e., width is measured parallel to the street lot line, while depth is measured perpendicular to the street lot line).

F. Historic Buildings. The exceptions contained in this section apply only to buildings listed on the Edmonds register of historic buildings.

1. If a certificate of appropriateness is issued by the Edmonds historic preservation commission under the provisions of Chapter 20.45 ECDC for the proposed project, the staff may

Figure 16.43-5: Building Size, Width and Open Space



modify or waive any of the requirements listed below that would otherwise apply to the expansion, remodeling, or restoration of the building. The decision of staff shall be processed as a Type II development project permit application (see Chapter 20.01 ECDC).

- a. Building step-backs required under subsection (C)(2) of this section.
- b. Open space required under subsection (E) of this section.

2. No off-street parking is required for any permitted uses located within a building listed on the Edmonds register of historic buildings. Note that additional parking exceptions involving building expansion, remodeling or restoration may also apply, as detailed in ECDC 17.50.070(C).

3. Within the BD5 zone, if a building listed on the Edmonds register of historic buildings is retained on-site, no off-street parking is required for any additional buildings or uses located on the same property. To obtain this benefit, an easement in a form acceptable to the city shall be recorded with Snohomish County protecting the exterior of the historic building and ensuring that the historic building is maintained in its historic form and appearance so long as the additional building(s) obtaining the parking benefit exist on the property. The easement shall continue even if the property is subsequently subdivided or any interest in the property is sold.

G. Density. There is no maximum density for permitted multiple dwelling units.

H. Screening. The required setback from R-zoned property shall be landscaped with trees and ground cover and permanently maintained by the owner of the BD lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback, except for that portion of the BD zone that is in residential use.

I. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC. Sign standards shall be the same as those that apply within the BC zone.

J. Satellite Television Antennas. In accordance with the limitations established by the Federal Communications Commission, satellite television antennas greater than two meters in diameter shall be reviewed in accordance with the provisions of ECDC 16.20.050. [Ord. 3736 § 10, 2009; Ord. 3700 § 1, 2008].

#### **16.43.035**

##### **Design standards – BD1 zone.**

Design standards for the BD1 zone are contained in Chapter 22.43 ECDC. [Ord. 3700 § 1, 2008].

#### **16.43.040**

##### **Operating restrictions.**

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;
8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards. [Ord. 3700 § 1, 2008].

## **16.43.050**

### **Development agreements.**

A. A development in a BD zone may be approved using the process and criteria described for development agreements in ECDC 20.08.

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030, 16.43.035, or 16.43.040.

[Alternative B.] What can be approved. A development agreement for a development in a BD zone may vary any of the following site development standards to the extent indicated:

1. Building step back requirements specified in ECDC 16.43.030.C may be reduced or eliminated;

2. Building height limits may be increased to a maximum height of 35 feet;

C. Criteria for approval. In addition to the criteria described in ECDC 20.08, a development approved pursuant to a development agreement must be designed to attain at least a LEED Silver or equivalent level of green building certification. The development must also satisfy at least two of the following criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification;

2. The development incorporates one or more of the following uses designed to further the city's economic development goals:

a. a hotel;

b. a post office

c. studio work space, housing or live-work space for artists;

3. The development includes enhanced public space and amenities. Examples include such features as additional building setbacks which provide expanded public sidewalks or gathering space, combined with eating or food retail spaces which include open areas adjacent to the sidewalk.