

Transit-Oriented Development Ordinance – Frequently Asked Questions

1. What is the purpose of the ordinance?

The purpose of the proposed transit-oriented development ordinance is to incentivize transit supportive uses near existing and proposed light rail stations, and to preserve transit areas for appropriate development opportunities.

2. How does the ordinance impact existing land uses?

Properties with active land uses regulated by the proposed ordinance will be able to continue to operate. However, if the use is discontinued, whether it is allowed to reopen depends on the use, as indicated below.

3. How will retention / reuse of existing businesses be addressed? Can current businesses continue to operate?

As indicated above, existing uses will be allowed to continue in operation for as long as they wish. If the use is a legal nonconforming use, or has a deemed conditional use permit, and subsequently the use goes out of operation for more than one year the use expires. However, a use may be re-established with a Zoning Administrator Conditional Use Permit regardless of length of vacancy if no other use occupied the same space during that time.

4. If a building, that has a nonconforming use or deemed conditional use permit, is destroyed by a disaster it will likely take more than a year to rebuild. What are the options to keep the use from expiring?

Within one year of the disaster the property owner/business can apply for a Zoning Administrator's Conditional Use Permit to extend the period of time that a nonconforming use/deemed conditional use permit may be discontinued before it expires. As part of the conditional use permit, the City may have specific conditions with timelines for moving forward with construction or establishing the use.

5. What incentives does the City propose to achieve the purpose of this ordinance?

The City is proposing the following incentives to encourage high-density housing and job-intensive uses to increase transit ridership:

- Building review incentives for multi-unit housing projects with 25 or more units (approved by the City Council in August 2018)
- Reduced parking requirements near transit stations

- ¼ mile of a light rail station: no minimum required off-street vehicle parking
- ½ mile of a light rail station: required off-street vehicle parking reduced by 50% on top of other existing reductions in the code, such as for affordable and senior housing

6. Why is the City not considering parking maximums?

Determining the appropriate maximum allowed amount of car parking spaces requires significant data collection and analysis, as well as outreach. This will be explored in a future effort.

7. What is a conditional use permit (CUP)?

A conditional use permit is a discretionary permit where the use may or may not be allowed by the City.

See Section 17.808.200 of the Planning and Development Code for additional information on conditional use permits.

8. How can I find the definition of these regulated land uses and what the City considers my existing or proposed land use to be?

Definitions of land uses can be found in Section 17.108 of the Planning and Development Code.

9. How were the restricted land uses listed in the ordinance chosen?

The restricted land uses in the proposed ordinance were identified because of their low employment intensity and/or auto-oriented features. These uses do not generate substantial light rail ridership and/or do not contribute to a healthy pedestrian environment.

10. How is the distance from the light-rail station measured?

Distance from a light rail station is measured from the center of the existing or future light rail station's platform.

11. How is the distance from a light rail station to an affected property determined?

Distance from the center of an existing or proposed light rail station platform is measured to the closest portion of a property. That is, if any part of a property is within either just less than ¼ mile or just less than ½ mile then the property would be subjected to the proposed ordinance.

- 12. Only a small portion of my property is within a ½ mile of a light rail station. Does the ordinance apply to my entire property or just the portion within a ½ mile?**

The entire property would be subject to the ordinance.

- 13. My business is within a ½ mile of a light rail station but due to the freeway it is almost 2 miles walking distance away. Is my property still subject to this ordinance?**

Yes. If the use is ¼ mile or greater and less than ½ mile and subject to a conditional use permit (CUP) then decisionmakers will consider any barriers to walking and biking access between the property and light rail stations such as rail lines, rivers, highways, and bridges, as examples.

- 14. I submitted a planning application for a project, but it has not yet been approved. How will this ordinance affect my project if it is not approved before the ordinance takes effect?**

Initially staff proposed that projects with approved planning entitlements prior to the ordinance effective date would be exempt from the ordinance. Following additional outreach staff now recommends that any projects with planning applications submitted and received by October 1, 2018 will be exempt from the ordinance.

- 15. When would the ordinance go into effect if it is approved?**

The ordinance would go into effect 30 days after adoption by the City Council. The proposed ordinance is scheduled to be considered by the City Council on December 11, 2018.

- 16. Why is the City including cannabis cultivation and cannabis manufacturing uses in this ordinance but not cannabis delivery-only uses?**

Cannabis cultivation would require a conditional use permit within ½ mile of a light rail station because cannabis cultivation uses are similar to warehouse uses that take up large amounts of land and have few employees. Cannabis manufacturing would require a conditional use permit within ½ mile of a light rail station because it is like other manufacturing uses that would also be subject to this ordinance. Cannabis delivery-only services are not included in this ordinance because they are often smaller businesses that take up less space and thus have more opportunities to fill vacant building space in more areas of the City.