

ORDINANCE NO. 11-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, ADOPTING IMMEDIATE OFFICIAL ZONING CONTROLS IN THE DOWNTOWN (DN) ZONE KNOWN AS DN6, RESTRICTING ACCEPTANCE OF APPLICATIONS FOR DEVELOPMENT PERMITS, BUILDING PERMITS, AND OTHER LAND USE APPROVALS FOR A PERIOD OF SIX MONTHS, ADOPTING INTERIM DEVELOPMENT REGULATIONS FOR APPROVED APPLICATIONS, SETTING A DATE FOR PUBLIC HEARING ON THE INTERIM ZONING CONTROLS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Covington has the authority to adopt interim regulations pursuant to RCW 35A.63.220; and

WHEREAS, the Covington City Council envisions a Downtown, as set forth in the City of Covington Comprehensive Plan (the "Comprehensive Plan"), including multi-story structures with mixed use of retail, office and residential uses, and substantial detriment to this vision would be caused by allowing contrary land uses and development; and

WHEREAS, the Covington City Council has determined that there is a need for interim regulations that restrict the type of development allowed within the Downtown (DN) Zone, known as DN6 (the "Interim Zoning Area") until city staff has had an opportunity to determine what permanent regulations are needed to ensure that future development in the Interim Zoning Area meets the City Council's vision as outlined in the Comprehensive Plan; and

WHEREAS, the City Council finds that the enactment of this ordinance constitutes an emergency due to (1) the need to allow time to recruit its new Economic Development Manager, (2) the need to allow for time to evaluate the research and outreach being conducted by consultants that will be used to draft the Economic Development Element of the Comprehensive Plan, (3) the need to allow time to review the economic development action plan, including recommendations for zoning-based development incentives, that will be prepared by the City's consultant, (4) the need to allow time to retain a land use planning consultant to develop permanent zoning regulations, (5) the rapidly changing use of land and buildings, and (6) the lack of applications for commercial development permits that meet the City Council's vision within the Interim Zoning Area; and

WHEREAS, a new Economic Development Manager will be hired later in 2008; and

WHEREAS, the City's consultant will be finished conducting its research and outreach regarding the Economic Development Element of the Comprehensive Plan later in 2008; and

WHEREAS, the Covington City Council has determined that it is in the best interest of the City to prevent major investment and/or vesting of rights that conflict with the Comprehensive Plan and the City's intent to carefully and thoroughly plan for, and provide appropriate development regulations; and

WHEREAS, the Covington City Council has determined that City staff should (1) review and evaluate the findings of the consultants working on the Economic Development Element of the Comprehensive Plan, (2) find ways to achieve greater density in the downtown, (3) ways to encourage housing, retail, office, mixed-use and multi-story development, (4) find ways to maximize pedestrian opportunities, (5) find ways to incorporate plazas, parks, and other open spaces for community gatherings, and (6) find ways to protect the public health, safety, and welfare; and

WHEREAS, as required by RCW 35A.63.220, the Covington City Council will hold a public hearing within sixty (60) days of the passage of this ordinance; and

WHEREAS, the potential adverse impacts on the public health, property, safety and welfare of the City and its residents, as discussed, justify the declaration of an emergency;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. The purposes of this ordinance are to (a) comply with the Growth Management Act, King County Countywide Planning Policies, and the City of Covington Comprehensive Plan (the "Comprehensive Plan"); (b) provide time to evaluate the results of the research and outreach of the City's consultant; (c) revise the Comprehensive Plan; (d) plan for and implement appropriate development regulations for the Interim Zoning Area; (e) prevent major investment and/or vesting of rights in conflict with the Comprehensive Plan and the City's intent to carefully and thoroughly plan for and provide appropriate development regulations; (f) study ways to achieve greater density in downtown; (g) encourage housing, office, and multi-story development in the Interim Zoning Area; (h) maximize pedestrian opportunities, (i) incorporate plazas, parks, and/or other open spaces for community gatherings, and (j) protect the public health, safety, and welfare.

Section 2. Duration. The interim zoning controls and restrictions on acceptance of certain applications shall be in effect until December 10, 2008, unless extended by the City Council pursuant to state law.

Section 3. Definitions. For the purpose of these Interim Zoning Controls, the following definitions shall apply:

a. "Interim Zoning Area" means the Downtown (DN) Zone known as DN6 and as delineated by the City's Official Zoning Map.

b. "Mixed Use – Downtown" means a multi-story building containing mainly retail or restaurant, or a combination of retail, restaurant and other pedestrian-oriented uses at street level, and residential, office, or a combination of residential and office on the floors above street level. In most cases a majority of the building's footprint should contain three or more full floors of

usable space, in addition to any proposed underground or under-building parking. For purposes of this definition, “retail” means those retail uses currently permitted in the DN6 zone.

Section 4. Interim Zoning Controls Established. From and after the effective date of this ordinance and through December 10, 2008, the zoning regulations contained in Title 18 of the Covington Municipal Code shall be considered modified as follows when applied to the properties and projects located in the Interim Zoning Area:

A. Interim Use Restrictions. The only outright permitted use type allowed in the Interim Zoning Area shall be Mixed Use – Downtown. On sites that are 30 acres or larger, Large Retail may be allowed, but only so long as (1) it is limited to one structure, not to exceed 177,000 square feet, and (2) an equal or greater square floor area of Mixed Use – Downtown is also developed.

B. Interim Development Standards- Building Height. The maximum number of floors allowed in the Interim Zoning Area shall be five. The maximum building height in the Interim Zoning Area shall be 70 feet.

C. Street Frontage Retail. The new street (SE 276th Street, CIP #1081) shall contain at least 75% retail street frontage on each side of the street as determined by the Director of Community Development.

D. Street Design Standards. The Director of Public Works may develop site-specific street design standards for SE 276th Street, including on-street parking.

E. Public Plaza. A public open space shall be required in the form of a publicly accessible plaza or open space, a minimum of one (1) acre in area, with at least two (2) sides along retail frontage and one side with at least fifty (50) feet of frontage along SE 276th Street.

F. Mixed Use/Residential. The site must contain mixed use/multi-family residential.

G. Development Agreement Required. A development agreement, as defined by CMC 18.20.305 and authorized by RCW 36.70B.170, is required before any building or land use permit not exempted by this ordinance may be issued.

Section 5. Applications Restricted. From and after the effective date of this ordinance and through December 10, 2008, the City will not accept any new land use or building permit applications for development projects within the Interim Zoning Area that are not specifically exempted in Section 6 or do not meet the Interim Development Regulations as outlined in Exhibit A. The Community Development Department shall not process any application submitted for an area located in the Interim Zoning Area that does not meet the requirements of this ordinance. The Director of Community Development or designee shall have the authority to make written determinations as to applicability of this section.

Section 6. Exemptions. This ordinance specifically exempts (1) Vested Applications, (2) permit applications for publicly-owned structures and facilities (3) applications for Tenant Improvements of existing non-residential buildings, (4) applications for home occupations, (5)

applications for sign permits, (6) applications for permits or approvals that are required for upkeep, repair or maintenance of existing buildings and properties, or work mandated by the City to maintain public health and safety. Applications for building permits or change of occupancies to existing single-family residential structures for conversion of those structures into non-residential uses will not be exempted from the Interim Zoning Controls. The Director of Community Development or designee shall have the authority to make written determinations as to the applicability of this section.

Section 7. Vested Applications. All vested applications shall continue to be processed according to the Covington Municipal Code and land use regulations in effect on the date of vesting. An application will be legally vested for purposes of this ordinance when it is deemed complete by the Director of Community Development. The Director of Community Development or designee shall have the authority to make written determinations as to the applicability of this section.

Section 8. Direction to Staff. This ordinance is intended as in interim control to contain development in the Interim Zoning Area until the City can more fully study the Economic Development Element of the Comprehensive Plan, recommend downtown development regulations and zoning-based incentives based on additional public outreach and studies, and achieve the purposes and intent of this ordinance. The City Council hereby directs the City Manager to develop permanent regulations for the Interim Zoning Area consistent with the Comprehensive Plan, the new Economic Development Element of the Comprehensive Plan, and the purpose and intent of this ordinance. The proposed permanent regulations will then be subject to the normal public process before they are brought before the City Council for final consideration.

Section 9. Public Hearing. Pursuant to RCW 35A.63.220, a public hearing will be held for the purpose of adopting findings and conclusions in support of the provisions of this ordinance by August 9, 2008.

Section 10. Severability. If any provision of this ordinance, or ordinance modified by it is determined to be invalid or unenforceable for any reason, the remaining provision of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

Section 11. Declaration of Emergency – Effective Date. For the reasons set forth above, and to promote the objectives stated herein, the City Council finds that a public emergency exists, necessitating that this ordinance take effect immediately upon its passage by a majority plus one of the whole membership of the Council in order to protect the public health safety, property, and general welfare. This ordinance shall take effect and be in force immediately upon passage by the City Council. A summary of this Ordinance may be published in lieu of publishing the ordinance in its entirety.

PASSED by the City Council of the City of Covington this 10th day of June 2008.


Mayor Margaret Harto

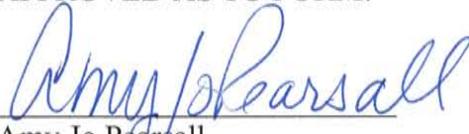
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ATTESTED:


Jackie R. Cronk
City Clerk

APPROVED AS TO FORM:


Amy Jo Pearsall
City Attorney