

ORDINANCE NO. 14-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, IMPOSING A TEMPORARY MORATORIUM UPON THE RECEIPT AND PROCESSING OF BUILDING PERMIT AND OTHER LAND USE DEVELOPMENT APPLICATIONS WITHIN THE DOWNTOWN (DN) ZONE KNOWN AS DN3 FOR A PERIOD OF 180 DAYS, SETTING A DATE FOR PUBLIC HEARING, AND DECLARING AN EMERGENCY.

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

WHEREAS, Downtown Element of the City of Covington Comprehensive Plan (the "Comprehensive Plan") identifies the Downtown (DN) Zone, known as DN3 ("DN3") as part of the Gateway West area;

WHEREAS, the purpose and intent of the Gateway West area is to minimize noise and traffic impacts to less intense land uses, and the Comprehensive Plan envisions pedestrian amenities, linked walkways, landscaping and parking that connects with the Town Center area;

WHEREAS, another purpose of the Gateway West area is to present an image of the City's Downtown to those traveling along State Route 18 and State Route 516;

WHEREAS, residential use is an allowed use in DN3 and those zones abutting DN3;

WHEREAS, some of the high-impact industrial uses currently permitted in the DN3 zone may not be compatible with the City Council's vision of the Downtown Area, with the residential uses that are permitted in DN3 and abutting zones, or with the image the City would like to portray in its Gateway West Area;

WHEREAS, the Covington City Council has determined that there is a need for a moratorium that temporarily restricts development within DN3 until city staff has had an opportunity to determine what zoning controls are needed to ensure that future development in DN3 meets the City Council's vision for the downtown; and

WHEREAS, the City Council finds that the enactment of this ordinance constitutes an emergency due to the need to allow time for staff to create and for the City Council to determine which zoning controls are necessary to promote its vision for the City's Downtown Area.; 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 City Council's

vision 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 work to prepare options for zoning controls for the City Council's consideration; 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. Moratorium Imposed. The City hereby imposes a moratorium upon the receipt and processing of building permit applications, land use applications, and any other permit application for the development, rezoning, or improvement of real property within the Downtown (DN) Zone known as DN3 ("DN3") as delineated by the City's Official Zoning Map.

Section 2. Exceptions. The moratorium imposed under Section 1 of this ordinance shall not apply to (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 moratorium imposed by Section 1 of this ordinance. The Director of Community Development or designee shall have the authority to make written determinations as to the applicability of this section.

Section 3. 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 or designee. The Director of Community Development or designee shall have the authority to make written determinations as to the applicability of this section.

Section 4. 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 23, 2008.

Section 5. Duration. The moratorium imposed hereunder shall be in effect until December 12, 2008, unless extended by the City Council pursuant to state law.

Section 6. 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 7. 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 24th day of June 2008.


Mayor Margaret Harto

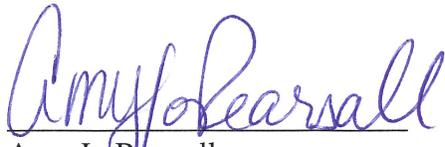
PUBLISHED:

EFFECTIVE:

ATTESTED:


Jackie R. Cronk
City Clerk

APPROVED AS TO FORM:


Amy Jo Pearsall
City Attorney