

**ORDINANCE NO. 04-2018**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, AMENDING COVINGTON MUNICIPAL CODE SECTION 18.31.090(1) RELATING TO DOWNTOWN ZONING DISTRICTS DENSITY AND DIMENSION STANDARDS AND REDUCING SETBACKS IN THE MIXED HOUSING AND OFFICE (MHO) ZONING DISTRICT.**

WHEREAS, Chapter 35A.63 of the Revised Code of Washington (RCW) empowers the City of Covington (the “City”) to enact planning and environmental regulations; and

WHEREAS, Title 18 of the Covington Municipal Code (CMC) provides regulations for administering setbacks within the City; and

WHEREAS, the proposed amendments to CMC 18.31.090 are consistent with the goals, objectives, and policies of the City’s comprehensive plan; and

WHEREAS, the proposed amendments to CMC 18.31.090(1) to reduce the street setback in the MHO zone from ten feet to zero feet (no street setback) are consistent with the purpose of the city’s zoning ordinance and regulations applicable to the MHO zone as defined in CMC 18.15.080; and

WHEREAS, the Planning Commission held a properly noticed public hearing on the proposed amendments at their regularly scheduled meeting on May 3, 2018. Three public comments were received and considered, and the Planning Commission voted to recommend that the City Council approve the proposed amendments; and

WHEREAS, draft amendments to the Covington Municipal Code as adopted by this ordinance were transmitted to the Washington State Department of Commerce on April 11, 2018. No comments were received from the Department of Commerce; and

WHEREAS, pursuant to the State Environmental Policy Act, a Determination of Non-significance (DNS) was issued by the responsible official pursuant to WAC 197-11-340 on February 2, 2018. No comments were received during the DNS comment period; and

WHEREAS, the City Council of the City of Covington, upon review of the facts, findings, and recommendations of the Covington Planning Commission, and after reviewing information provided by City staff, find that all applicable procedural and substantive requirements of the law have been met, that the adoption of this ordinance promotes the public health, safety, and general welfare of the community, and that the adoption of this ordinance serves the public interest.

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

**Section 1. Findings of Fact.** The “Whereas” provisions above shall constitute Findings of Fact and are incorporated by reference as if fully set forth herein.

**Section 2. Amendments.** CMC Section 18.31.090(1) Downtown zoning districts density and dimensions standard table, is amended to read as follows:

**18.31.090 Downtown zoning districts density and dimension standards.**

(1) Table of Density and Dimension Standards, Downtown Zoning Districts.

Standards	Town Center (TC)	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO)	Exceptions and Notes
Maximum Building Height	75 feet	60 feet	55 feet	45 feet	Maximum height shall be 45 feet within 50 feet of any zone outside of the downtown zone. In the MHO district, the 35 feet maximum height shall also apply within 50 feet of another MHO property.
Maximum Residential Density (stand alone)	Not Permitted	60 D.U./acre	48 D.U./acre	24 D.U./acre	For cottage housing, CMC <a href="#">18.37.040</a> shall control. Stand alone residential structures are not permitted in the town center.
Maximum Residential Density (if ground floor is commercial)	Unlimited	Unlimited	Unlimited	24 D.U./acre	
Minimum Residential Density	32 D.U./acre	24 D.U./acre	24 D.U./acre	12 D.U./acre	Residential use is not required in the downtown. For cottage housing, CMC <a href="#">18.37.040</a> shall control.
Maximum Floor Area Ratio (FAR) with Bonus Features	4:1	3:1	3:1	2:1, 1.25:1 east of Wax Road	Refer to CMC <a href="#">18.31.100</a> for bonus features.

Standards	Town Center (TC)	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO)	Exceptions and Notes
Maximum Floor Area Ratio (FAR) without Bonus Features	1.5:1	1:1	1:1	1:1; .75:1 east of Wax Road	No minimum FAR. Development within the Jenkins Creek Corridor shall utilize low impact development (LID) techniques as adopted in CMC <a href="#">13.25.020</a> .
Maximum Impervious Surface	80%	90%	80%	70%; 50% east of Wax Road and south of SE 272nd St.	Developments in the MHO located east of Wax Road and south of SE 272nd St., and cottage housing developments shall not exceed the 50% maximum impervious surface.
Minimum Lot Frontage Occupied by a Building	Type I Street – 80% Type II Street – 50% Type III Street – 50% Type IV Street – 40%	Type II Street – 50% Type IV Street – 40%	Type IV Street – 40%	None	A building shall be located within 5 feet of the back of sidewalk or on a public plaza. Where utility easements greater than 5 feet exist, the building shall be set back to the extent of the easement and this area shall be designed as an extension of the sidewalk and/or may be included as part of the public space requirement.
Minimum Setbacks within District	None	None	20 feet	10 feet	<del>Except in the TC and MC districts, a minimum of 5 feet setback shall be provided from any public property other than a street.</del> <u>For development located east of SE Wax Road in the MHO zoning district, the setback for non-single-family residential buildings from SE Wax Road may be 0 feet.</u>

<b>Standards</b>	<b>Town Center (TC)</b>	<b>Mixed Commercial (MC)</b>	<b>General Commercial (GC)</b>	<b>Mixed Housing Office (MHO)</b>	<b>Exceptions and Notes</b>
<u>Minimum Setbacks from any public property other than a street.</u>	<u>None</u>	<u>None</u>	<u>5 feet</u>	<u>5 feet</u>	
Minimum Setbacks to Adjoining Downtown District	10 feet where adjoining the MHO District only	10 feet	N/A	10 feet	In districts other than the MHO, no setback shall be required for mixed-use development or commercial building less than 50,000 square feet, with no significant outside storage or sales.
Minimum Setbacks to Zones Outside the Downtown Zone	0	20 feet	20 feet	20 feet	Refer to Design Standards Section B(1)(g) – Buffers and Transitions. No setback is required where a zone is separated from another zone by a street.

**Section 3. Savings.** The enactment of this ordinance shall not affect any application, case, proceeding, appeal, or other matter currently pending administratively or judicially in any court or in any way modify any right or liability, civil or criminal, that may be in existence on the effective date of this ordinance.

**Section 4. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 5. Corrections.** Upon approval of the city attorney, the city clerk and/or code codifier is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

**Section 6. Effective Date.** This ordinance shall be in full force and effect five (5) days after publication in the City's newspaper of record. 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,  
WASHINGTON, at a regular meeting thereof on the 10th day of July 2018, and signed in authentication of its passage.

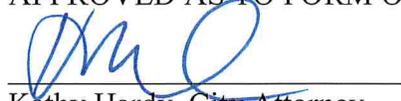
  
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Mayor Jeff Wagner

PUBLISHED: July 13, 2018  
EFFECTIVE: July 18, 2018

ATTESTED:

  
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Sharon Scott, City Clerk

APPROVED AS TO FORM ONLY:

  
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Kathy Hardy, City Attorney