

**ORDINANCE NO. \_\_\_\_**

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING CHAPTER 15.48 CMC DENSITY AND DIMENSIONAL REGULATIONS; CLARIFYING AND UPDATING THE CITY'S BUILDING SETBACK REQUIREMENTS WITH RESPECT TO EAVES, CHIMNEYS, BAY WINDOWS AND SIMILAR ARCHITECTURAL FEATURES; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, pursuant to Chapter 35A.63 RCW and Chapter 36.70A RCW, the City of Carnation has established zoning and land use regulations governing development activity within the City, including the Density and Dimensional Regulations codified at Chapter 15.48 CMC; and

WHEREAS, questions have recently arisen regarding the appropriate interpretation of the standards and measurement methodology for the building setback requirements contained in Chapter 15.48 CMC; and

WHEREAS, the City recently adopted interim Ordinance No. 883, amending the Table of Density and Dimensional Standards codified at Chapter 15.48 CMC to clarify and update the City's building setback requirements with respect of eaves, chimneys, bay windows, and similar architectural features; and

WHEREAS, following formal review and recommendation by the Planning Board, the City Council desires to adopt the substance of the interim regulations set forth in Ordinance No. 883 as the City's permanent building setback standards for eaves, chimneys, and similar architectural features; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF CARNATION, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the above recitals, together with the content of the staff report/agenda bill dated \_\_\_\_\_, 2017, as findings in support of this ordinance. The City Council further enters the following findings:

A. The City is authorized by State law, including but not limited to Chapter 35A.11 RCW, Chapter 36.70A RCW, and Chapter 35A.63 RCW, to enact regulations governing the use and development of real property within the City's jurisdiction.

B. The Planning Board conducted a public hearing on the substance of this ordinance on May 23, 2017, and recommended adoption by the City Council. The City Council held a public hearing on this ordinance on \_\_\_\_\_, 2017

C. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to requirements related to public notice and comment.

D. All relevant requirements of SEPA have been satisfied with respect to this ordinance.

E. The City Council has carefully considered, and the regulations set forth in this ordinance satisfy, the review criteria codified at CMC 15.100.030(E).

F. The regulations set forth in this ordinance are consistent with and will implement the City's Comprehensive Plan, and will further advance the public health, safety and welfare.

Section 2. Amendment of CMC 15.48.040. Section 15.48.040 of the Carnation

Municipal Code is hereby amended to provide in its entirety as follows:

**15.48.040 - Building setback requirements.**

A. Subject to Sections 15.48.050 (Accessory building setback requirements) and 15.48.080 (Architecturally integrated subdivisions) and the other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot line or than is authorized in Table I, unless a variance is granted.

1. As used in this section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

a. Gas pumps and overhead canopies or roofs;

b. Fences and hedges running along lot boundaries adjacent to public street rights-of-way if such fences and hedges exceed forty-two inches, except that the setback for fences or hedges up to six feet high shall be ten feet from the right-of-way along exterior side yard lot boundaries adjacent to public streets provided that the area between the right-of-way and fence are well landscaped and maintained by the property owner.

2. Notwithstanding any other provision of this title, a sign may be erected on or affixed to a structure that: (i) has a principal function that is something other than the support of the sign (e.g., a fence), but (ii) does not constitute a building as defined in this title, only if such sign is located so as to comply with the setback requirement applicable to freestanding signs in the district where such sign is located.

B. Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot; except that in all cases, where a lot zoned light industrial/manufacturing has a common boundary with a residential district the setback for the industrially zoned property along that common boundary shall be thirty feet.

C. Setback distances shall be measured from the property line or ultimate street right-of-way line to a point on the lot that is directly below the nearest ~~extension of any part~~ exterior wall of the building ~~that is~~

substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).

1. Eaves, bay windows and chimneys that are permanently incorporated into the building may encroach up to eighteen (18) inches into the applicable setback area; provided, that such features shall not encroach within any area covered by a public or private easement, and shall not extend over any lot line.

D. Whenever a private road that serves more than four lots or more than four dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than four dwelling units is located along a lot boundary, then:

1. If the lot is not also bordered by a public street, buildings and freestanding signs shall be set back from the centerline of the private road just as if such road were a public street.

2. If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes shall be measured from the inside boundary of the traveled portion of the private road.

Section 3. Copy to Commerce. Pursuant to RCW 36.70A.106, the Planning Director is hereby authorized and directed to provide a copy of this ordinance to the Washington State Department of Commerce within 10 days of adoption.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication

APPROVED by the Carnation City Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR, JIM BERGER

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, MARY MADOLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
J. ZACHARY LELL

FILED WITH THE CITY CLERK: ..... \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: ..... \_\_\_\_\_  
PUBLISHED: ..... \_\_\_\_\_  
EFFECTIVE DATE:..... \_\_\_\_\_  
ORDINANCE NO. .... \_\_\_\_\_