PLANNING COMMISSION AGENDA
April 4, 2019
6:30 PM

CALL TO ORDER

ROLL CALL
Chair David Caudle, Vice Chair Elizabeth Porter, Chele Dimmett, Jennifer Gilbert-Smith, Jennifer Harjehausen, Jonathan Ingram, and Murray Williams

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF CONSENT AGENDA
   C1. Minutes from March 21, 2019

CITIZEN COMMENTS - Note: The Citizen Comment period is to provide the opportunity for members of the audience to address the Commission on items either not on the agenda or not listed as a Public Hearing. The Chair will open this portion of the meeting and ask for a show of hands of those persons wishing to address the Commission. When recognized, please approach the podium, give your name and city of residence, and state the matter of your interest. If your interest is an Agenda Item, the Chair may suggest that your comments wait until that time. Citizen comments will be limited to four minutes for Citizen Comments and four minutes for Unfinished Business. If you require more than the allotted time, your item will be placed on the next agenda. If you anticipate your comments taking longer than the allotted time, you are encouraged to contact the Planning Department ten days in advance of the meeting so your item may be placed on the next available agenda.

UNFINISHED BUSINESS – None

PUBLIC HEARING
   1. Public Hearing on code amendments to CMC Title 5 Business Licenses & Regulations by adding a new Chapter 5.30 providing regulations for mobile food vendors.

   2. Public Hearing on code amendments to CMC Title 18 Zoning Code to amend CMC 18.31.180 to add physical fitness/recreational club facilities to the permitted land use chart for Downtown development and amend CMC 18.20 Technical Terms and Land Use Definitions.

NEW BUSINESS

ATTENDANCE VOTE

PUBLIC COMMENT: (Same rules apply as stated in the 1st CITIZEN COMMENTS)

COMMENTS AND COMMUNICATIONS OF STAFF AND COMMISSIONERS

ADJOURN
Planning Commission Minutes

March 21, 2019
City Hall Council Chambers

CALL TO ORDER
The regular meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Caudle.

MEMBERS PRESENT
David Caudle, Chele Dimmett, Jennifer Gilbert-Smith, Elizabeth Porter, Jennifer Harjehausen, Jonathan Ingram and Murray Williams

MEMBERS ABSENT

STAFF PRESENT
Gina Estep, Community Development Director
Elana Zana, Attorney with Ogden Murphy Wallace
Ann Mueller, Senior Planner
Nelson Ogren, Development Review Engineer
Kelly Thompson, Planning Commission Secretary

APPROVAL OF AGENDA

➢ Commissioner Williams moved and Commissioner Dimmett seconded to approve the agenda. The motion carried 7-0.

APPROVAL OF MINUTES

➢ C1. Commissioner Williams moved, and Commissioner Porter seconded to approve the March 7, 2019 minutes. The motion carried 7-0.

CITIZEN COMMENTS - None

UNFINISHED BUSINESS – None

PUBLIC HEARING

1. Public Hearing on code amendments to CMC Title 18 Zoning Code to add a new Chapter CMC 18.70A and amending CMC 18.70 Wireless Communication Facilities related to the deployment of small wireless facilities within the city.

Chair Caudle opened the public hearing.

Community Development Director, Gina Estep introduced Elana Zana, consulting attorney from Ogden Murphy Wallace.
Public Comment:

Kari Marino from Verizon Wireless spoke in favor of the proposed code amendments.

There was no additional public comment.

Ms. Zana gave a brief overview of the proposed code amendments and included a summary of comments provided by carriers. She provided some additional photos of small cell wireless facilities.

Ms. Zana answered questions and provided clarification for the Planning Commission.

Chair Caudle closed the public hearing.


Ms. Zana added that she would be amending 18.70.095.6(a)(i) to read:

(i) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of section 64.09A of the Spectrum Act as part of the middle class tax relief and job creation act of 2012.

- Commissioner Porter moved and Commissioner Williams seconded to forward a recommendation to the City Council to approve the proposed amendments to Covington Municipal Code Title 18 by adding a new Chapter 18.70A, amending Section 18.70.020, adding a new Section 18.70.095 and amending Chapter 18.20 concerning the deployment of small wireless facilities in substantial form as found in Attachment 1, 2, and 3 of the staff memorandum including additional verbiage of the Spectrum Act in 18.70.095.6.(a)(i). Motion carried 7-0.

- Commissioner Williams moved and Commissioner Harjehausen seconded to recommend amending Covington Municipal Code Chapter 18.70 as a whole. Motion carried 7-0.
2. Public Hearing on code amendments to CMC 8.20 Noise Control and CMC 14.60 Clearing and Grading regulations to allow night-time fill associated with an approved DNR reclamation permit (LA18-0005).

Chair Caudle opened the public hearing.

Ann Mueller summarized the proposed code amendment and provided the staff report.

Public Comment:

Mike Porter, Covington resident – he is not opposed to the proposed code amendment but would like a benchmark for measuring noise be added.

Deann Fuller, Covington resident – she is concerned about the noise and trucks beeping at night.

Colin Lund, Oakpointe Development - he spoke in support of the proposed amendments to allow nighttime fill activities.

There was no additional public comment.

Chair Caudle closed the public hearing.

The Planning Commission continued the discussion with Mr. Ogren, Ms. Mueller and Ms. Estep providing responses.

Mr. Lund provided additional comments and clarification to the Planning Commission’s discussion.

- Commissioner Ingram moved Commissioner Williams seconded to forward a recommendation to the City Council to approve the proposed amendments to Covington Municipal Code Chapters: 8.20 Noise Control and 14.60 Clearing and Grading Regulations in substantial form; with the following amendments:

  - Addition of “independent” to CMC 14.60.160.4(a)
  (a) Any proposed night-time unloading of fill material associated with an approved DNR Surface Mining Reclamation Permit shall be supported by a Noise Assessment, prepared by a qualified independent noise consultant to evaluate and address potential noise impacts on surrounding residential uses and critical areas from that activity.
The Planning Commission recommended the addition of the following sentence to CMC 14.60.160.4 (b):

The applicant shall implement noise reduction measures to the extent feasible to ensure compliance.

The Planning Commission would like to include a recommendation that the City Council hold a Public Hearing on the proposed amendments to CMC 8.20 Noise Control and CMC 14.60 Clearing and Grading Regulations.

**Motion carried 7-0.**

NEW BUSINESS - None

ATTENDANCE VOTE – None

PUBLIC COMMENTS
Deann Fuller, Covington resident – She requested a limit 45 decibels during any nighttime work activities to protect the wildlife in the Lakepointe development. She also expressed concern about the trees in the Lakepointe development.

COMMENTS AND COMMUNICATIONS FROM STAFF AND COMMISSIONERS
Ms. Estep introduced Dafne Hernandez, Community Development and Planning Intern. She has been working on a draft for Food Truck regulations that will be brought to the Planning Commission in the coming meetings.

ADJOURN
The March 7, 2019, Planning Commission Meeting adjourned at 8:07 p.m.

Respectfully submitted,

______________________________
Kelly Thompson, Planning Commission Secretary
Memo

To: Planning Commissioners  
From: Dafne Hernandez, Planning Intern  
CC: Gina Estep, Community Development Director  
Date: April 4, 2019  
Re: LA19-0002: Public Hearing on proposed Code Amendments related to adding a new Chapter 5.30 to Title 5, providing regulations for Mobile Food Units.

Tonight’s public hearing is concerning a staff recommendation to amend the Covington Municipal Code (CMC) Title 5 to add Chapter 5.30 Mobile Food Units, providing regulations to mobile food vendors. (LA19-0002)

The proposed amendment to CMC Tittle 5 are found below this Staff Report, and are subject to Planning Commission review and a recommendation to the City Council.

Staff Recommendation

1. The proposed amendments to CMC Title 5, adding a new Chapter 5.30 Mobile Food Units are intended to provide regulations associated with mobile food units within the following commercial zones; Mixed Commercial (MC), General Commercial (GC), Town Center (TC), or Regional Commercial Mixed Use (RMCU) Zones.
2. The proposed Code amendment will enable permitting of mobile food units in the City of Covington that conform to regulations protecting public health and safety.
3. Mobile food units contribute to a diversity of food options, lively streets, and a vibrant downtown.
4. Mobile food units provide low-cost business opportunities to local entrepreneurs and encourage economic activity.
5. The proposed amendments will allow mobile food units the opportunity to locate and operate in the City of Covington and to contribute to the community’s character and quality of life.
6. On February 27, 2019, City Staff transmitted a copy of the proposed code amendments to the Washington State Department of Commerce for review and comment, pursuant to RCW 36.70A.106.
Legal Notice & SEPA Determination (SEPA19-01)
A SEPA Determination of Nonsignificance (DNS) was issued on March 8, 2019, with a 14-day comment period that ended on March 22, 2019. Legal notice was published in the Covington Reporter on March 8, 2019, as well as posted on the city website and at City Hall. Legal notice of the Planning Commission’s public hearing on these proposed amendments was also published March 8, 2019 in the Covington Reporter as well as posted on the city’s website and at city hall on March 8, 2019.

Planning Commission Review
The Planning Commission is required to hold a noticed public hearing on proposed development amendments and make a recommendation to the City Council as to whether each proposed amendment meets the criteria in CMC 14.27.040. As of March 27, 2019. No public comment was received, other than providing a draft of the code amendment to the City of Maple Valley, as requested. Any comments provided prior to the end of the comment period will be forwarded to the Planning Commission.

CMC 14.27.040 Decision criteria.
The City Council’s approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:

1. The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan;
   Staff Findings: Yes, the proposed code amendments are expected to comply with the Growth Management Act of Washington State and goals, objectives and policies of the City’s Comprehensive Plan and other applicable laws.

2. The proposed amendment is consistent with the scope and purpose of the City’s zoning ordinances and the description and purpose of the zone classification applied for;
   Staff Findings: Not Applicable – this is not a zoning map amendment.

3. Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;
   Staff Findings: Not Applicable – this is not a zoning map amendment.

4. The proposed zoning is consistent and compatible with the uses and zoning of surrounding property;
   Staff Findings: Not Applicable – this is not a zoning map amendment.

5. The property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification;
   Staff Findings: Not Applicable – this is not a zoning map amendment.

6. The amendment is in compliance with the three-year limitation rule as specified in CMC 14.27.030(3); and
   Staff Findings: Yes, this is the first request for these amendments to.

7. Adequate public services could be made available to serve the full range of proposed uses in that zone.
   Staff Findings: Not Applicable – this is not a zoning map amendment.
Recommended Planning Commission Motion:
Move to recommend to the City Council APPROVAL of the proposed amendments to Covington Municipal Title 5 by adding a new Chapter 5.30, Mobile Food Units in substantial form as found below.

PROPOSED NEW CHAPTER 5.30 MOBILE FOOD UNITS

CHAPTER 5.30
MOBILE FOOD UNITS

5.30.010 Purpose.
The purpose of this chapter is to:

(1) Provide an opportunity for mobile food units to conduct business within the City.

(2) Promote entrepreneurship and small business development.

(3) Provide regulations that protect the public health, safety and welfare for operations associated with mobile food units.

5.30.020 Definitions.
(1) “Cart” shall be defined as a mobile food unit that can be pushed by a single person to move between locations.

(2) “Mobile Food Vendor” shall be defined as a licensed and operable motor vehicle or trailer used to serve, vend, or provide ready to eat food or nonalcoholic beverages for human consumption from an approved and assigned fixed location.

(3) “Mobile Food Unit” shall be defined as a food service that can be easily moved from one location to another, such as a cart, trailer, or truck.

(4) “Occupied Mobile Food Unit” shall be defined as a Mobile Food Unit where workers will be inside of the unit, such as an enclosed truck or trailer.
(5) “Unoccupied Mobile Food Unit” shall be defined as a Mobile Food Unit where the workers will be outside of the unit, such as a push cart or trailer.

5.30.030 General Regulations.
A mobile food unit permit shall be required. The following requirements shall apply:

(1) A mobile food unit or his/her designee shall fill out a complete application by providing, at minimum, the following information:

(a) A photograph of the vending unit, proposed signs and any equipment.

(b) A site plan, a simple sketch of the site layout, depicting the location of the vending unit on the property on which food will be offered for sale and the location of tables, tents, signage or canopies.

(c) Provide a complete “Property Owner Consent” form signed by the owner(s) of the private property or designated property manager that addresses the following:

(i) The property owner shall be responsible for the mobile food unit’s compliance with the provisions of this chapter with respect to the mobile food unit’s operation on the owner’s property.

(ii) A complete “Use of Restroom Agreement” form and a map showing the location of the restrooms in relation to the mobile food unit.

(d) Occupied mobile food units shall provide copies from all necessary licenses or permits issued by the Washington State Department of Labor (L&I). L&I inspection and seal off approval must be obtained and properly affixed to the outside of the vehicle prior to operation.

(e) Copies of all the necessary license or permits issued by the Public Health—Seattle & King County (Health Department), verifying that the mobile food unit is in compliance with all associated rules and regulations.

(f) The proposed hours of operation.

(2) Tables/Tents/Canopies.

(a) The arrangement of tents/canopies shall meet all building and fire code requirements.

(b) One portable pop-up tent or umbrella not exceed ten (10) feet by twelve (12) feet in size, or up to three (3) tables with beach type umbrellas, may be used for cover for patrons. Cooking shall not take place under any tents. Umbrellas and canopies must be removed at the end of each day.

(3) Grease and Wastewater.

(a) A grease trap shall be installed and maintained on all mobile food preparation vehicles.

(b) Grease and wastewater shall be properly disposed of per adopted State and local health regulations.
(4) Trash.
   (a) All exterior trash receptacles not intended for customer use shall be screened from the public view and securely covered.

(5) Fire Marshal Review.
   (a) The Fire Marshal review and approval is required when liquid propane, charcoal, wood or oil frying equipment is used.

(6) Signs.
   (a) Signs associated with a mobile food unit shall comply with CMC 18.55.

5.30.040 Permit Duration and Fees.
(1) The mobile food unit permit shall be effective for one year from the date of permit issuance.

(2) Persons applying for a mobile food unit permit must pay an application fees as established by the City of Covington as set forth in the current fee resolution unless exempted by CMC 5.10.040(2).

5.30.050 Permitted Zones.
Mobile food units shall only be permitted within the Mixed Commercial (MC), General Commercial (GC), Town Center (TC), or Regional Commercial Mixed Use (RMCU) Zones; provided, that all other conditions of approval are satisfied.

5.30.060 License requirements.
(1) A separate business license obtained from the City of Covington, as authorized under CMC Title 5, shall be required for each mobile food unit.

(2) All mobile food unit licenses shall be prominently displayed upon all vehicles or locations from which a mobile food unit sells products. Including put not limited to the State of Washington Department of Labor and Industries Food Truck/Trailer sticker.

(3) All Mobile Food Unit shall comply with all laws, rules and regulations regarding food handling, and all mobile food preparation vehicles used by food vendors shall comply with all applicable laws, rules and regulations respecting such vehicles as established by Public Health – Seattle and King County, State and local traffic laws, and the provisions of the Covington Municipal Code.

5.30.070 Hours of Operation.
(1) Mobile food units may operate any day of the week.

(2) Operating hours shall be consistent with the sites primary business operating hours, ensuring bathroom facilities are always available. Vendors must assemble and disassemble their spaces during these hours.

5.30.080 Restrictions.
(1) Mobile food units on public streets and public rights-of-way within the corporate limits of the city shall not be permitted unless approved as an authorized participant in a city-approved special event, including a festival, sports tournament, or similar activity.

(2) Mobile food units shall not sell nor serve alcoholic beverages.
(3) The use of any portion of the vending unit as living or sleeping quarters is prohibited.

(4) Except for special events or activities authorized by a temporary use permit, no portable restrooms for use in connection with a mobile food unit shall be allowed on a site.

(5) Mobile food units shall not be located near electrical lines or extension cords overhead or on the ground in any location in which the public has access to.

5.30.090 Revocation of Permit

(1) A mobile food unit permit issued pursuant to this section may be revoked, suspended or denied either the issuance or renewal therefore if the City finds that:

(a) The vendor has violated or failed to meet with the terms of this section and all other applicable sections of the Covington Municipal Code or conditions of this permit.

(b) The mobile food unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the stand.

(c) Any required licenses have been suspended, revoked or cancelled.

(d) A vendor or his/her designee may appeal a revocation to the hearing examiner in accordance with Chapter 14.45 CMC.
CMC 5.30
Mobile Food Units
Mobile Food Units Process (Now)

• A City of Covington License is required
• Land Use Application
• Temporary Use Permit
  • The temporary use permit is only valid for 180 days
  • Of those 180 days, you may only operate the business 60 of those days (CMC 18.85.120)
Benefits in providing amended regulations

• Code amendment will enable permitting of mobile food units in the City of Covington that conform to regulations protecting public health and safety.

• Mobile food units contribute to a diversity of food options, lively streets, and a vibrant downtown.

• Mobile food units provide low-cost business opportunities to local entrepreneurs and encourage economic activity.

• The proposed amendments will allow mobile food units the opportunity to locate and operate in the City of Covington and to contribute to the community’s character and quality of life.
“Mobile Food Units”
To: Planning Commissioners
From: Dafne Hernandez, Planning Intern
Ann Mueller, Senior Planner
CC: Gina Estep, Community Development Director
Date: April 4, 2019
Re: LA19-0004: Public hearing on proposed code amendments to Covington Municipal Code: CMC 18.31.080 Permitted Use Table by adding “physical fitness/recreation clubs” facilities and an associated footnote, and amendments to Chapter 18.20, Technical Terms and Land Use Definitions, specifically CMC 18.20.893 Physical fitness/recreation club and 18.20.966 Recreation, indoor.

Attachments:

1) The full Covington Municipal Chapters for the proposed amendments associated with CMC 18.31.080 Permitted Use Table by adding “physical fitness/recreation clubs” facilities and an associated footnote.

Proposal/Staff Recommendation: Staff recommends amending Covington Municipal Code (CMC) Chapter 18.31 Downtown Development and Design Standards, specifically;

1) Amend CMC 18.31.080(3) Permitted Use Table to add “physical fitness/recreation clubs” facilities and an associated footnote.
2) Amend Chapter 18.20, Technical Terms and Land Use Definitions, specifically CMC 18.20.893 Physical fitness/recreation club and CMC 18.20.966 Recreation, indoor.

CMC 18.31.080(3) Permitted Use Table.

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Town Center (TC)</th>
<th>Mixed Commercial (MC)</th>
<th>General Commercial (GC)</th>
<th>Mixed Housing Office (MHO)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical fitness/recreation club</td>
<td>P/C²⁹</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreation, Indoor or Outdoor</td>
<td>C²⁸</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Add a new Permitted Use Condition to 18.31.080(4):

29. “Physical fitness/recreation clubs” and “Recreation, Indoor” facilities are permitted outright when located within an existing building or located within a new mixed-use development, otherwise a conditional use is required for a new standalone facility.

18.20.893 Physical fitness/recreation club.
“Physical fitness/recreation club” means a small scale private facility often with a specific physical fitness focus including uses such as, but not limited to: game courts, exercise equipment, gym, small group exercise rooms, indoor cycling, climbing, martial arts, personal training, dance and yoga locker rooms, swimming pool, sauna, steam room, showers, and tanning salons. “Physical fitness/recreation club” does not include “shooting range” as defined in CMC 18.20.1080.

18.20.966 Recreation, indoor.
“Recreation, indoor” means a large scale indoor recreational use such as, but not limited to: skating rinks, bowling alleys, health clubs & fitness centers providing a wide variety of sport and fitness services, multi-court gymnasiums not accessory to an educational institution, multi-court racket clubs, sports arenas, large pools and similar uses. “Recreation, indoor” does not include “shooting range” as defined in CMC 18.20.1080.

Purpose of Proposed Amendments:
The purpose of the proposed amendment is as follows;
1) Promote and allow appropriate scaled business development and small business entrepreneurialism within the Town Center zone wide.
2) To eliminate the requirement for a Conditional Use Permit for fitness/recreation clubs and indoor recreational uses that will occupy existing tenant spaces. This approach will allow for more efficient and more cost-effective transition between uses of existing tenant spaces in the City’s TC zone. The Conditional Use Permit process is unnecessary for applicants locating in existing buildings and not triggering a site development permit.
3) To clarify the definitions of what are otherwise very similar definitions for “Physical Fitness/Recreation Club” and “Recreation, Indoor”. The amended definitions will provide needed clarity for all users of the Municipal Code when researching provisions related to said uses.
4) The issue was brought to the City’s attention when a fitness facility inquired about the process and permits necessary in order to locate within an existing tenant space at the Covington Square Shopping Center. This tenant space has been vacant for many years. Upon reviewing the City’s related Municipal Code provisions, staff found the relevant code provisions did not accomplish the intended outcome for business development and pedestrian activity within the Town Center. Therefore, staff determined it to be advantageous to address the issue zone wide and bring forth this proposed code amendment for Planning Commission and City Council consideration.

Legal Notice & SEPA Determination (SEPA19-04)
A SEPA Determination of Nonsignificance (DNS) was issued on March 8, 2019, with a 14-day comment period that ended on March 22, 2019. Legal notice was published in the Covington Reporter on March 8, 2019, as well as posted on the city website and at City Hall. Legal notice of the Planning Commission’s public hearing on these proposed amendments was also published March 8, 2019 in the Covington Reporter as well as posted on the city’s website and at City Hall.
Planning Commission Review

The Planning Commission is required to hold a noticed public hearing on proposed development amendments and make a recommendation to the City Council as to whether each proposed amendment meets the criteria in CMC 14.27.040.

CMC 14.27.040 Decision criteria.
The City Council’s approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:

(1) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan;

Staff Findings: Yes, the proposed code amendments as described above are consistent with the city’s Comprehensive Plan including LU policy 27 and 28.

The Comprehensive Plan states that the Downtown and Town Center’s land use pattern should be a dense pedestrian-friendly core. The Downtown’s vision is to create a dynamic Town Center that includes retail, office, residential and communal gathering spaces, and provides for development-friendly zoning and transportation requirements. Fitness centers and indoor recreation provide consistent pedestrian use throughout the day.

(2) The proposed amendment is consistent with the scope and purpose of the City’s zoning ordinances and the description and purpose of the zone classification applied for;

Staff Findings: Not Applicable – this is not a zoning map amendment.

(3) Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;

Staff Findings: Not Applicable – this is not a zoning map amendment.

(4) The proposed zoning is consistent and compatible with the uses and zoning of surrounding property;

Staff Findings: Not Applicable – this is not a zoning map amendment.

(5) The property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification;

Staff Findings: Not Applicable – this is not a zoning map amendment.

(6) The amendment is in compliance with the three-year limitation rule as specified in CMC 14.27.030(3); and

Staff Findings: Yes, the proposed amendments have not been addressed within the three-year limitation timeframe as specified in CMC 14.27.030(3)

(7) Adequate public services could be made available to serve the full range of proposed uses in that zone.
Staff Findings: Not Applicable – this is not a zoning map amendment.

**Recommended Planning Commission Motion:**

Move to recommend to the City Council **APPROVAL** of the proposed amendment to Covington Municipal Code Chapter 18.31.080(3), Permitted Use Table, to add “physical fitness/recreation clubs” facilities and the associated footnote, and the amendments to Chapter 18.20, Technical Terms and Land Use Definitions, specifically CMC 18.20.893 Physical fitness/recreation club and 18.20.966 Recreation, indoor.
18.31.080 Permitted land uses.

(1) The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained. The use is considered permanently established when that use will or has been in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of Chapter 18.85 CMC.

(2) Explanation of Permitted Use Table.

(a) The permitted use table in this chapter determines whether a use is allowed in a district. The name of the district is located on the vertical column and the use is located on the horizontal row of these tables.

(b) If the letters “NP” appear in the box at the intersection of the column and the row, the use is not permitted in that district, except for certain temporary uses.

(c) If the letter “P” appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the review procedures specified in Chapter 14.30 CMC and the general requirements of the code.

(d) If the letter “C” appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in Chapter 14.30 CMC and conditional use fees as set forth in the current fee resolution, and the general requirements of the code.

(e) If a number appears next to a specific use or in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the permitted use conditions with the corresponding number in the code subsection immediately following the permitted use table.

(f) All applicable requirements shall govern a use whether or not they are cross-referenced in a section.
### Permitted Use Table

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Town Center (TC)²³</th>
<th>Mixed Commercial (MC)</th>
<th>General Commercial (GC)</th>
<th>Mixed Housing Office (MHO)¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling Unit, Accessory</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P²</td>
</tr>
<tr>
<td>Dwelling Unit, Multifamily</td>
<td>P⁶</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling Unit, Single-Family Attached, Detached or Cottage Housing²¹,²⁷</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P²</td>
</tr>
<tr>
<td>Senior Citizen Assisted Housing</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
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<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Entertainment</td>
<td>NP</td>
<td>P⁵</td>
<td>P³</td>
<td>NP</td>
</tr>
<tr>
<td>Business Services¹⁹</td>
<td>P⁵</td>
<td>P</td>
<td>P</td>
<td>P⁴,⁵</td>
</tr>
<tr>
<td>Drive-Through Use</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Farmers’ Markets and Public Markets⁶</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Gambling and Card Rooms</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Home Occupation and Live/Work</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Veterinary Clinics (SIC 074), Animal Shelters, Kennels, and Catteries²⁰</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
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<tr>
<td>Outdoor Commercial</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Personal and Beauty Services²¹</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Private Electric Vehicle Parking Facility (Primary Use)</td>
<td></td>
<td></td>
<td></td>
<td>P⁵,²⁴</td>
</tr>
<tr>
<td>Private Parking Facility (Primary Use)</td>
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<td>Professional Office</td>
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<td>Retail Trade and Services – 100,000 sq. ft. or less for all structures</td>
<td>P⁵</td>
<td>P</td>
<td>P¹⁰</td>
<td>P⁴,⁵</td>
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<tr>
<td>Use Categories</td>
<td>Town Center (TC)</td>
<td>Mixed Commercial (MC)</td>
<td>General Commercial (GC)</td>
<td>Mixed Housing Office (MHO)</td>
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<td>Retail Trade and Services – greater than 100,000 sq. ft. for all structures</td>
<td>C5,9,18</td>
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<td>P10</td>
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<td>Shooting Ranges25</td>
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<td>Storage/Self Storage</td>
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<td>Temporary Lodging/Hotel</td>
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<td>Marijuana Retailer and Retail Outlets28</td>
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<td>Cultural/Recreation</td>
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<td>Cinema, Performing Arts and Museums</td>
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<td>Physical fitness/recreation club</td>
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<td>Meeting Hall/Other Group Assembly</td>
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<td>Recreation, Indoor or Outdoor</td>
<td>C29</td>
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<td>Religious</td>
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<td>Health Services</td>
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<td>Emergency Care Facility</td>
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<td>Hospital</td>
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<td>Medical Office/Outpatient Clinic</td>
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<td>Nursing/Personal Care Facility</td>
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<td>Industrial/Manufacturing</td>
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<td>Government/Institutional11</td>
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<td>Essential Public Facilities</td>
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<td>Government Services</td>
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<td>Use Categories</td>
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<td>Mixed Commercial (MC)</td>
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<td>Mixed Housing Office (MHO)(^{1})</td>
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<td>Major Utility Facility</td>
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<td>Minor Utility Facility</td>
<td>P(^{15})</td>
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<td>Schools: Compulsory, Vocational and Higher Education</td>
<td>C(^{13})</td>
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<td>Wireless Communication Facilities(^{16})</td>
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<td>Antenna, Collocation on an Existing Structure(^{17})</td>
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<td>Wireless Communication Facility Tower</td>
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</table>

(4) Permitted Use Conditions.

1. a. Unless the use can be accommodated within an existing structure, development and/or redevelopment in the Covington Firs and Covington Township subdivisions shall be a minimum of two acres;

   b. Be contiguous to a non-single-family use of two acres or more to be eligible to redevelop to a new use; and

   c. Successive development cannot isolate existing single-family residential lots less than two acres (as a group) between developments.

2. a. No new subdivision of land is permitted for single-family homes except for townhouses and cottage developments. The exception is a binding site plan for commercial uses.

   b. New single-family homes are allowed on existing single-family lots.

   c. An accessory dwelling unit is allowed as an accessory to a single-family detached unit subject to the development standards in CMC 18.25.030(7).

3. Adult entertainment uses are prohibited within certain locations pursuant to the development standards provided in Chapter 5.20 CMC and CMC 18.25.040(2).

4. This use is restricted to a maximum of 5,000 gross square feet within the MHO district.
5. Services and operations other than customer parking shall be fully contained within a structure.

6. Temporary farmers’ and public markets shall be permitted in accordance with CMC 18.85.125.

7. The development shall not occupy more than one acre for the total of the site development, including any planned phases and/or expansions.

8. a. Buildings greater than four stories shall provide 80 percent of required parking within a structure. Structured parking shall not front onto 171st Ave. SE.

   b. Medical office uses greater than two stories shall have a minimum of 60 percent ground floor retail trade and services and 40 percent business and professional services when fronting onto 171st Ave. SE, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045.

9. The development shall be located west of the proposed 171st Ave. SE road alignment with frontage onto 168th Pl. SE or the planned SE 276th St. alignment.

10. All structures shall meet the required setbacks, landscaping and all other standards contained in this chapter. Equipment storage, manufacturing activities, and wrecked, dismantled and/or inoperative vehicles shall be enclosed in a structure or fully screened from public right-of-way, including SE 272nd St. and Covington Way with Type I landscaping in accordance with CMC 18.40.040.

11. Maintenance yards, substations and solid waste transfer stations are not permitted in the TC, MC, or MHO downtown zoning districts.

12. Transit stations and park and ride facilities, not including bus stops, shall be reviewed by a conditional use permit pursuant to CMC 18.125.040.

13. All schools for compulsory, vocational and higher education shall be located on the upper floors of a mixed-use building that includes ground floor commercial uses, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045.

14. All facilities shall not occupy more than one acre of a site and the facility shall be screened with Type I landscaping in accordance with CMC 18.40.040.

15. Minor utility facilities, such as telecom, fiber optics, Internet and similar facilities, shall be located within a fully enclosed structure, unless otherwise determined by the Director.
16. Chapter 18.70 CMC, Wireless Communication Facilities, outlines the approval and review process. In the event of a conflict between the requirements of Chapter 18.70 CMC and the requirements of this chapter, Chapter 18.70 CMC shall govern.

17. All antennas and ancillary wireless communication facilities shall be concealed facilities and mounted on an existing building or structure or placed underground as provided for in Chapter 18.70 CMC.

18. a. Emergency care facilities shall not occupy more than four acres for the total of the site development including any planned phases and/or expansions of the emergency care use;

   b. Shall not exceed 50,000 square feet of total building square footage; and

   c. Shall not exceed more than two stories or 35 feet whichever is greater.

19. Gasoline service stations and battery exchange stations are limited to the general commercial and mixed commercial districts and subject to the following conditions:

   a. A gasoline service station shall be limited to eight pumps and 16 price gauges to service no more than 16 vehicles.

   b. A battery exchange station shall provide a minimum of three stacking spaces.

   c. Stacking spaces and drive-through facilities shall be designed in accordance with CMC 18.50.080.

   d. Any associated materials, equipment storage, outdoor storage tanks and battery exchange activities shall be within a fully enclosed structure, unless otherwise determined by the Director.

20. a. No burning of refuse or dead animals is allowed;

   b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas shall be surrounded by an eight-foot-high solid wall and surfaced with concrete or other impervious material;

   c. Subject to animal keeping provisions of Chapter 18.80 CMC;

   d. Prior to issuance of a development permit, documentation shall be provided by a qualified acoustical consultant, for approval by the Community Development Director, verifying that the expected noise to be emanating from the site complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property;
e. Not permitted in any subdivision containing dwelling units; and

f. May only treat domestic animals on premises.

21. Day care I is allowed only as an accessory to a single-family detached unit.

22. Except bed and breakfasts, guesthouses are permitted outright and do not require a conditional use permit.

23. Mixed-use structures greater than one story shall provide ground floor retail, restaurant, or personal services along 60 percent of the building facade, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045. Permitted uses under the headings of cultural/recreation and governmental/institutional in subsection (3) of this section are exempt from this provision.

24. Parking facilities shall be fully screened from the public right-of-way with Type 1 landscaping in accordance with CMC 18.40.040.

25. a. The indoor shooting range, including its plans, rules, procedures, management and staff, shall comply with the applicable safety guidelines and provisions in the latest edition of “the Range Source Book” (National Rifle Association of America: Fairfax, Virginia) or its successor, as appropriate to the type of facility involved.

   b. Any new development proposal and/or business license application for an indoor shooting range shall be accompanied by a notarized letter by the shooting facility operator that the facility complies with Federal and State regulations, meets commonly accepted shooting facility safety and design practices, and will be operated in a manner that protects the safety of the general public.

   c. Outdoor shooting ranges are not permitted.

26. a. Multifamily residential dwellings in the TC zone shall be located in a minimum three-story mixed-use structure; and

   b. Sixty percent or more of the ground floor abutting a street, public space, public plaza and/or public green space shall be occupied by one or more of the following permitted uses: retail, restaurant or personal services, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045. Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.
27. New and existing single-family attached and detached dwellings within commercial zones shall abide by the density and dimension standards for the R-8 zone provided in CMC 18.30.030.

28. Subject to the applicable 1,000-foot and 500-foot sensitive use buffers outlined in CMC 18.33.050.

29. “Physical fitness/recreation clubs” and “Recreation, Indoor” facilities are permitted outright when located within an existing building or located within a new mixed-use development, otherwise a conditional use is required for a new standalone facility.

(Ord. 12-16 § 7; Ord. 03-16 § 1 (Exh. A); Ord. 05-15 § 1 (Exh. A); Ord. 06-13 § 2 (Exh. A); Ord. 14-12 § 2 (Exh. B); Ord. 09-12 § 2 (Exh. B); Ord. 04-12 § 1 (Exh. A); Ord. 01-12 § 1 (Exh. 1); Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 1 (Exh. A))