CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA
C1. Minutes from March 15, 2018

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 – Action Required

1. Public Hearing, Discussion, and Action on Proposed Zoning Code Amendment to Reduce Setbacks in the Mixed Housing and Office (MHO) Zone Along Wax Road (Attachments)

NEW BUSINESS- None

ATTENDANCE VOTE

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

COMMENTS AND COMMUNICATIONS OF STAFF AND COMMISSIONERS

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

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

MEMBERS ABSENT- Elizabeth Porter
The record is noted that Commissioner Max has moved outside of the city limits and is no longer serving on the Planning Commission.

STAFF PRESENT
Brian Bykonen, Associate Planner and Code Enforcement Officer
Richard Hart, Community Development Director
Ann Mueller, Senior Planner
Kelly Thompson, Planning Commission Secretary

APPROVAL OF MINUTES AND AGENDA
- C1. Commissioner Ingram moved and Commissioner Caudle seconded to approve the February 15, 2018 minutes and meeting agenda for March 15, 2018. Motion carried 5-0.

CITIZEN COMMENTS
Marlin Gabbert, architect and certified planner, represents the property owner who has submitted a Commercial Site Development Application for the Goraya mixed-use development on SE Wax Road. He is concerned about the current 10’ setback requirement. He is aware that there will be a public hearing on this topic in the future. He referenced a book by David Sucher where his recommendation is to build to the sidewalk to create a more walkable environment. There was a recent change to wetland requirements where they lost some buildable area. He asks the Planning Commission recommend that the City Council allow the building to be built to the property line with a 0’ setback.
UNFINISHED BUSINESS

1. Continued Discussion of Proposed Zoning Code Amendment to Reduce Setbacks in Mixed Housing and Office (MHO) Zone Along Wax Road.

Community Development Director, Richard Hart noted that visual aids have been provided to the Planning Commission depicting street cross sections for type 2 and type 3 streets. The design of SE Wax Road has not been finalized and is not anticipated to be constructed for 5-10 years. Additional exhibits show how mixed-use buildings constructed with a 0’ setback might look. The existing 10’ street setback, the 40’ required right-of-way dedication, and the wetland buffer create a smaller building footprint area which make those properties along the east side of SE Wax Road more difficult to develop.

Mr. Hart explained that the previous code provisions allowed for a 0’ setback and more closely aligned with the design of the roadway. Planning staff feel that the 0’ setback on the east side of SE Wax Road will still meet the goals and objectives of the Comprehensive Plan. A public hearing will be held in April where the Planning Commission will make a recommendation to the City Council.

Associate Planner and Code Enforcement Officer, Brian Bykonen noted that the packet includes a preliminary site plan for the Goraya mixed-use development on SE Wax Road.

Vice Chair Caudle asked if there is potential for the wetlands to change. Mr. Bykonen answered yes, wetlands can change, typically over the course of years. As codes change, a new critical area ordinance could potentially adopt a larger buffer.

Senior Planner, Ann Mueller added that a wetland delineation is required to be submitted at the time of application for redevelopment. This information is recorded on the property records with King County.

Commissioner Ingram asked if changing the existing setback could be setting a precedent for future requests. Mr. Hart responded no, it would not set a precedent. Anyone can request a code change at any time, but they must go through the process.

Commissioner Williams asked for a clarification on language related to commercial and office building setbacks. Ms. Mueller explained that a new single-family dwelling unit would be regulated by different setback requirements.

Vice Chair Caudle understands that when the setback changed from 0’ to 10’ the extent of the wetland and required buffer was not known.
Chair Dimmett asked for more information about how the 10’ setback was determined in 2010.

Mr. Hart responded that staff didn’t have the detailed information about the impact of the 40’ right-of-way dedication and the extent of the wetlands. We have better information than we had 8 years ago when the MHO regulations were adopted.

Mr. Bykonen added that the city adopted a new critical area ordinance last year where some of the critical area buffers increased. When the city adopted the downtown plan, the city worked with consultants. The consultants may not have analyzed all the aspects of the downtown area in relation to critical areas.

Commissioner Williams asked about Exhibit 12 and the development beyond the wetland buffer. Mr. Bykonen shared how buffer averaging can work.

Ms. Mueller added that buffer averaging must take place within a parcel and there are specific criteria that must be met.

Mr. Hart asked if there was any additional information the Planning Commission would like for the next discussion. Vice Chair Caudle asked for the visual representations to be included in the packet for the public hearing in April.

PUBLIC HEARING

Chair Dimmett opened the public hearing.

Ms. Mueller provided the staff report. The Growth Management Act (GMA) requires cities to review Comprehensive Plan and Development Regulation Amendments once per year and notify the public of the submittal deadline.

Soos Creek Water Sewer District (SCWSD) has submitted a Comprehensive Plan Amendment application requesting to reclassify a specific site from Urban Separator (US) to General Commercial (GC).

Oakpointe has submitted a Comprehensive Plan Amendment application to increase the number of housing units and increase the commercial square footage thresholds within the Lakepointe Urban Village Subarea.

The city has also submitted for technical amendments and minor updates to the Comprehensive Plan.
Public Testimony

Ron Speer, General Manager of SCWSD, indicated that they have submitted a request to change the zoning at the Calhoun Pit from Urban Separator (US) to General Commercial (GC). A few years ago, the city approached the district to install additional sewer infrastructure. SCWSD purchased the Calhoun Pit property from King County. Due to site contamination, the lift station was moved across the street. The lift station serves the Polaris and Affinity apartments, the new Multicare hospital, and the Covington Crossing Shopping Center. They ask that the property be zoned as General Commercial (GC) and can serve as a gateway to the city. The remaining 27 acres will still be zoned Urban Separator (US).

Commissioner Murray asked what they anticipate developing. Mr. Speer responded some type of an office building with a portion of the property being allocated to the city for a gateway sign.

Commissioner Gilbert-Smith clarified the process for setting the docket. Commissioner Ingram asked if specific uses are allowed in the General Commercial (GC) zone. Ms. Mueller responded there is a list of permitted uses in the Covington Municipal Code.

Colin Lund, Oakpointe Development, is seeking an amendment to the number of residential units and an increase of commercial development square footage for the Lakepointe Urban Village. The developer intends to go up 3 or 4 stories above ground floor commercial space. They are finding there is a large band of retailers that like a two-story format such as Crate and Barrel, Restoration Hardware, and some apparel shops. Another opportunity they want to consider is assisted living in the residential areas. They intend to keep the development on the same footprint. He asks that this be moved forward to the 2018 final docket.

Commissioner Ingram asked if they would be increasing parking. Mr. Lund responded that they would likely be increasing the parking, but they would need to do additional analysis which would be reviewed during the site development process.

Vice Chair Caudle asked about the term “leakage of retail sales”. Mr. Lund explained how many retail dollars are leaving the city. It is challenging in this marketplace to keep those dollars in the city.

Chair Dimmett closed the public hearing.
Commissioner Ingram moved and Commissioner Williams seconded that the proposed amendments to the Comprehensive Plan, as well as the city initiated technical amendments, be recommended to the City Council for placement on the final 2018 docket for further review and analysis. Motion carries 5-0.

NEW BUSINESS - None

ATTENDANCE VOTE

Commissioner Gilbert-Smith moved and Vice Chair Caudle seconded to excuse the absence of Commissioner Porter. Motion carried 5-0.

PUBLIC COMMENTS - None

COMMENTS AND COMMUNICATIONS FROM STAFF AND COMMISSIONERS

Mr. Hart will discuss a possible reception for Paul Max’s years of service at a later Planning Commission meeting.

A presentation “For the Love of Covington” will be held on April 5th at 5:30 pm. The regularly scheduled Planning Commission meeting will be cancelled.

Ms. Mueller shared that the city is soliciting consultant proposals for updates to the Shoreline Master Plan.

Mr. Hart stated that the next Planning Commission meeting will be held on April 19, 2018. There will be a public hearing to discuss the proposed code amendment to reduce setbacks in the MHO zone. Staff may also present proposed sign code amendments. Mr. Hart provided the Planning Commission an article regarding the post Reed vs. Gilbert legal environment from the American Planning Association.

Commissioner Williams thanked the public for their comments.

ADJOURN

The March 15, 2018 Planning Commission Meeting adjourned at 8:00 p.m.

Respectfully submitted,

______________________________________________________________________
Kelly Thompson, Planning Commission Secretary
To: Planning Commission

From: Richard Hart, Community Development Director
Brian Bykonen, Associate Planner
Salina Lyons, Principal Planner

Date: May 3, 2018

Re: Public Hearing for Proposed Zoning Code Amendment for Reduction of Setbacks in the Mixed Housing & Office (MHO) Zoning District east of SE Wax Road CMC 18.31.090

OVERVIEW
The purpose of the Public Hearing is to hear testimony regarding the reduction of the street setbacks on the east side of SE Wax Road from 10 feet to zero feet in the MHO (Mixed Housing/Office) zone as identified in CMC 18.31.090. The Planning Commission discussed this topic at the February 15 and March 15, 2018 regular Planning Commission meetings. At the March 15, 2018 regular meeting, the Community Development staff presented various graphic aids and visuals showing how multi-story housing and office developments might look along a widened and fully constructed SE Wax Road these are attached as Exhibits 1-8.

Additional graphic aids and information were also submitted to provide background information pertaining to the future road design for SE Wax Road, as proposed in the current Downtown Design Standards, relationship of buildings to the street setback and examples of existing development along SE Wax Road, and background information on past zoning regulations in this zone. (Exhibits 9-13)

PROPOSED AMENDMENTS
Exhibit 14 shows the amendments proposed to reduce the street setbacks on the east side of SE Wax Road from 10 feet to zero feet in the MHO (Mixed Housing/Office) This will be accomplished by adding an exception in the table in CMC 18.31.090(1) next to the standard for minimum setback within District: “Except development located east of SE Wax Road in the MHO zoning district, the setback for non-single-family residential development from a street may be 0’ feet.”

Zoning Code Amendments (Exhibit 14)
This is a city-initiated code amendment consistent with CMC 14.27 Development Regulations and Zoning Map Amendments. Tonight, the Planning Commission is holding the required public hearing on the attached amendments, to consider the amendments and any public comments, and to forward 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 Finding:** Comprehensive Plan Land Use Policy LU-29, encourages infill development for a variety of housing types and professional offices, and Comprehensive Plan Land Use Policy LU-33 encourages a development pattern that places buildings near the street and makes surface parking a non-dominate use. The proposed amendment is supported by the Comprehensive Plan.

(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 Finding:** A modification to the street setback in the MHO Zone is consistent with the purpose of the city’s zoning ordinance and regulations applicable to the MHO Zone as defined in CMC 18.15.080 as follows:

*The mixed housing/office district (MHO) is applied to areas where infill development and redevelopment of low intensity areas with multifamily housing and office is encouraged. Residential uses that are encouraged in this district include townhouses, cottages, and low-rise multifamily. Office development and limited intensity neighborhood retail is also permitted. Development and design standards applied to this district require buffers, lower height limits and building scale that is appropriate to the size of the lot. Trail connections are also emphasized in this district.*

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

**Staff Finding:** Yes. The intention of the MHO zone is to allow less dense, but vertical development that takes into consideration the natural setting. Often this intention is achieved through applied setbacks and density. What the current code provision regarding setbacks fails to consider is the future design of SE Wax Road in relation to buildable areas of the MHO zone along SE Wax Road and the increased buffer regulations along Jenkins Creek. Reducing the street setback for the properties zoned MHO east of SE Wax Road will provide the incentives necessary to spur redevelopment of the older single-family homes along the east side of SE Wax Road, which supports the goals and objectives in the Comprehensive Plan.

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

**Staff Finding:** Not Applicable. There is no proposed zoning map amendment proposed.

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

**Staff Finding:** These proposed amendments will only apply the MHO zone located East of SE Wax Road.

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

**Staff Findings:** These proposed amendments have not been proposed or reviewed by the City in the last three years.
Adequate public services could be made available to serve the full range of proposed uses in that zone.

**Staff Findings:** Not Applicable.

**Required Notice to Commerce.**
On April 11, 2018, pursuant to state law and CMC 14.27.050(4), the city has provided the Washington State Department of Commerce the proposed code amendment more than 60-days prior to the expected date of final City Council action. On April 11, 2018, the Washington State Department of Commerce granted a 14-day expedited review. No comments were received from agencies with jurisdiction.

**SEPA**
A SEPA determination of non-significance was issued on February 2, 2018, with a legal notice placed in the Covington Reporter, posted at city hall, and on the city’s website. Copies were also provided to the SEPA register, Muckleshoot Indian Tribe, and State Department of Ecology. No comments were received.

**Planning Commission Hearing**
This is a legislative action, and the public hearing before the Planning Commission is scheduled for May 3, 2018, for review and recommendation to the City Council. Consistent with CMC 14.30.060, the Planning Commission public hearing was published in the Covington Reporter on April 13, 2018, more than 14 days prior to the public hearing. Notice was also posted on the city’s website and at city hall.

**Action**
**Recommended motion:** Move to recommend to the City Council to adopt an amendment to CMC 18.31.090 to the reduce the street setbacks on the east side of SE Wax Road from 10 feet to zero feet in the MHO (Mixed Housing Office) zone.

**Alternative motion:** Move to continue the Planning Commission’s discussion and final recommendation to a future meeting date to allow staff to make any recommended modifications for Planning Commission review.

**Exhibits**
1. Examples of zero lot line development
2. Type II Street Standard (such as SE 270th St, 180th Ave SE north of SE 272nd St.
3. Type III Street Standard (SE Wax Road)
4. Street Setback with Jenkins Creek Buffers
5. Goraya site plan (current development)
6. Applicable zoning regulations prior to 2010
7. Proposed Code Amendments
8. Permitted Use Table - for reference only
EXHIBIT 2

Issaquah Highlands
EXHIBIT 3

Lake Oswego, Oregon
EXHIBIT 4

Mercer Island Business District
EXHIBIT 7

Covington
EXHIBIT 9

c. Street Section Diagram

Downtown Design Guidelines and Standards Type II Street
EXHIBIT 10

c. Street Section Diagram

Downtown Design Guidelines and Standards Type III Street (Wax Road)
EXHIBIT 11

Approximate Stream & Wetland Buffer 130’+

Approximate 40’ Street Dedication without 10’ Street Setback

Approximate 20’ Street Dedication without 10’ Street Setback

For informational purposes only. All lines are approximations. Not to scale.

03/15/18
Planning Commission May 3, 2018
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SITE INFORMATION

LOT SIZE (SITE AREA)
3 ACRES; 130,680 SF*

SUBMERGED AREA (100-YEAR FLOOD PLAIN HIGH WATER MARK)
8,679 SF

SITE ABOVE FLOOD PLAIN HIGH WATER MARK
(130,680 SF - 8,679 SF)
122,001 SF

WETLAND
70,466 SF

WETLAND BUFFER
165' (29,150 SF)

BUFFER AVERAGING AREA
1,554 SF

BUILDABLE AREA
20,352 SF

WAX ROAD SETBACK (BASED ON CITY COMPREHENSIVE PLAN)
165' (CMC 18.65)

ADDITIONAL CRITICAL AREA SETBACK
15'
40'

FIRE PREVENTION ACCESS REVIEW COMMENTS PA16-0012 MEETING DATED JUNE 21, 2017 BY KEVIN VARAO

FIRE FLOW (MINIMUM)
TO BE DETERMINED

FIRE HYDRANT SPACING
300' OR LESS

TURNING RADII
30' INSIDE; 50' OUTSIDE

*MINIMUM SITE AREA, SOUTHEAST CORNER PER KING COUNTY 100-YEAR FLOOD PLAIN, IS WITHIN SITE AREA.

PROJECT AREA

SITE PLAN Overall
1" = 50'-0"}

TREE CLEARING PLAN
1" = 30'-0"

REVISION SCHEDULE

EXHIBIT 12
vides safe and functional access within the downtown area and linked to surrounding neighborhoods and regional trails.

The intent of these regulations is to achieve development that is consistent with the principles described in the comprehensive plan, the Covington Design Manual, the Covington Design and Construction Standards and Specifications and the City’s Vision Statement.

(2) Table of Building Form Regulations.

<table>
<thead>
<tr>
<th>STANDARDS</th>
<th>DOWNTOWN (DN) ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Maximum number of floors</td>
<td>6</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>90 feet</td>
</tr>
<tr>
<td>Maximum impervious surface percentage</td>
<td>95%</td>
</tr>
<tr>
<td>Maximum building footprint</td>
<td>77,000 sq. ft.</td>
</tr>
<tr>
<td>Minimum setback from street wall</td>
<td>0</td>
</tr>
<tr>
<td>Multifamily residential density**</td>
<td>36 du/a</td>
</tr>
<tr>
<td>Residential density (if ground floor is retail use)</td>
<td>No limit</td>
</tr>
</tbody>
</table>

* These standards apply only to non-single-family uses in DN-5 and DN-10 zones. Otherwise, see R-8 zone standards.

** Single-family detached, townhouse and cottages are not permitted in all zones. Please see use charts in CMC 18.25.105 for permitted uses.

(3) Definitions.

(a) “Articulate” means to give emphasis to or distinctly identify a particular building element. An articulated facade would be the emphasis of elements on the face of a wall including a change in setback, materials, texture, color, roof pitch, or height.

(b) “Berm” means an earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or provide a buffer from adjoining uses.

(c) “Building height” means the height of a structure measured from the average finished grade at a point five feet from the average building face to the finished roof surface; excluding parapets, equipment rooms, equipment enclosures, equipment penthouses, towers, window washing equipment, stairway penthouses and similar areas.

(d) “Buffer” means an area provided to reduce impacts between two different land uses. Buffers are intended to mitigate undesirable views, noises or glare. Buffers typically consist of plant materials, walls, fences, and/or significant land area to separate uses.

(e) “Development proposal site” means the legal boundaries of the parcel or parcels of land for which an applicant has or should have applied for authority from the City of Covington to carry out a development proposal.

(f) “Facade” means the portion of any exterior elevation of the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

(g) “Gable roof” means a triangular wall section at the end of a pitched roof, bounded by the two roof slopes. See Figure 1.

(h) “Hip roof” means a roof without gables. See Figure 1.
emergency services access only even if the current public access to the DN-5 zone at Covington Way remains unchanged.
(d) DN-7A Zone.

(i) Purpose and Intent. The standards for this zone are designed to facilitate development with a wide range of uses and moderate scale building forms while also recognizing the natural amenity and environmental constraint represented by Jenkins Creek and associated wetlands. Buildings up to three stories in height are appropriate. See Figures 22, 23 and 24 for illustrative examples.

(ii) Building Design Standards.
(A) The maximum horizontal dimension of new structures shall be parallel to, not perpendicular to, Wax Road.
(B) Building facades within 150 feet of the edge of Jenkins Creek or its associated wetlands shall include windows oriented to the Jenkins Creek Community Trail.

(iii) Site Design Standards.
(A) Consistent with C.I.P. project No. 1085, Wax Road widening, 40 feet of additional public right-of-way shall be dedicated adjacent to and along the entire Wax Road frontage.
(B) Consistent with C.I.P. project No. 1087, Jenkins Creek Community Trail, a 20-foot wide public pedestrian easement shall be dedicated within the required building setback from Jenkins Creek. The design of the walkway shall meet City design specifications, and connect with existing or prospective segments of the Jenkins Creek Community Trail on abutting properties.
(C) In addition to the design departures authorized at subsection (6) of this section, any property in the DN-7A zone is eligible for a “reasonable use exception” authorized by CMC 18.65.070(1)(c). For purposes of that section, the minimum “reasonable use” for properties in the DN-7A zone is a retail or office building. The size of the footprint and site location of said minimum reasonable use will be a function of the criteria set forth at CMC 18.65.070(1)(c).
(D) New drive-through facilities are prohibited.
(e) DN-7B Zone.
arranged as freestanding cottages in the DN-7C zone shall not exceed an individual footprint of 1,500 square feet and shall not exceed a density of eight units per acre. Cottages may be arranged in a clustered configuration with minimal interior setbacks between structures.

(C) New residential structures arranged as common wall townhouses in the DN-7B zone shall not exceed a building footprint of 4,500 square feet and a density of 12 units per acre. New residential structures arranged as common wall townhouses in the DN-7C zone shall not exceed a building footprint of 4,500 square feet and a density of eight units per acre.

(D) New residential structures arranged as apartments or condominiums in the DN-7B zone shall not exceed a building footprint of 5,000 square feet and a density of 36 units per acre. New residential structures arranged as apartments or condominiums in the DN-7C zone shall not exceed a building footprint of 5,000 square feet and a density of eight dwelling units per acre.

(E) In the DN-7B zone, commercial uses are allowed on the ground floor of primarily residential buildings. General downtown building and site design standards shall apply, and, insofar as possible, low impact development practices shall be implemented to reduce impacts to nearby Jenkins Creek and its associated wetlands.

(ii) Site Design Standards.

(A) For lands south of SE 272nd Street, in DN-7B, consistent with C.I.P. project No. 1085, Wax Road widening, an additional 40 feet of public right-of-way shall be dedicated adjacent to and along the entire Wax Road frontage.

(B) Consistent with C.I.P. project No. 1087, Jenkins Creek Community Trail, a 20-foot-wide public pedestrian easement shall be dedicated within the required building setback from Jenkins Creek. The design of the walkway shall meet City design specifications, and connect with existing or prospective segments of the Jenkins Creek Community Trail on abutting properties.

(C) In addition to the design departures authorized at subsection (6) of this section, property located in the DN-7B and DN-7C zones may be eligible for an exception authorized by CMC 18.63.070(1)(c) that would allow alteration of a critical area in limited circumstances.
**Proposed Code Amendment to CMC 18.31.090 pertaining to setbacks in the MHO Zone**

18.31.090 Downtown zoning districts density and dimension standards.

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

<table>
<thead>
<tr>
<th>Standards</th>
<th>Town Center (TC)</th>
<th>Mixed Commercial (MC)</th>
<th>General Commercial (GC)</th>
<th>Mixed Housing Office (MHO)</th>
<th>Exceptions and Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Height</td>
<td>75 feet</td>
<td>60 feet</td>
<td>55 feet</td>
<td>45 feet</td>
<td>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.</td>
</tr>
<tr>
<td>Maximum Residential Density (if ground floor is commercial)</td>
<td>Unlimited</td>
<td>Unlimited</td>
<td>Unlimited</td>
<td>24 D.U./acre</td>
<td></td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR) with Bonus Features</td>
<td>4:1</td>
<td>3:1</td>
<td>3:1</td>
<td>2:1, 1.25:1 east of Wax Road</td>
<td>Refer to CMC 18.31.100 for bonus features.</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR) without Bonus Features</td>
<td>1.5:1</td>
<td>1:1</td>
<td>1:1</td>
<td>1:1; 75:1 east of Wax Road</td>
<td>No minimum FAR. Development within the Jenkins Creek Corridor shall utilize low impact development (LID) techniques as adopted in CMC 13.25.020.</td>
</tr>
<tr>
<td>Maximum Impervious Surface</td>
<td>80%</td>
<td>90%</td>
<td>80%</td>
<td>70%; 50% east of Wax Road and south of SE 272nd St.</td>
<td>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.</td>
</tr>
<tr>
<td>Minimum Lot Frontage Occupied by a Building</td>
<td>Type I Street – 80%</td>
<td>Type II Street – 50%</td>
<td>Type IV Street – 40%</td>
<td>None</td>
<td>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.</td>
</tr>
<tr>
<td>Minimum Setbacks within District</td>
<td>None</td>
<td>None</td>
<td>20 feet</td>
<td>10 feet</td>
<td>Except in the TC and MC districts, a minimum of 5 feet setback shall be provided from any public property other than a street. Except 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.</td>
</tr>
<tr>
<td>Minimum Setbacks from any public property other than a street.</td>
<td>None</td>
<td>None</td>
<td>5 feet</td>
<td>5 feet</td>
<td></td>
</tr>
<tr>
<td>Minimum Setbacks to Adjoining Downtown District</td>
<td>10 feet where adjoining the MHO District only</td>
<td>10 feet</td>
<td>N/A</td>
<td>10 feet</td>
<td>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.</td>
</tr>
</tbody>
</table>
The Covington Municipal Code is current through Ordinance 25-17, passed December 12, 2017.

**Standards**

<table>
<thead>
<tr>
<th>Standards</th>
<th>Town Center (TC)</th>
<th>Mixed Commercial (MC)</th>
<th>General Commercial (GC)</th>
<th>Mixed Housing Office (MHO)</th>
<th>Exceptions and Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Setbacks to Zones Outside the Downtown Zone</td>
<td>0</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>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.</td>
</tr>
</tbody>
</table>

(2) Additional Density and Dimension Development Standards Referenced in This Title.

(a) CMC 18.30.060 through 18.30.090 for density measurement and calculation methods.

(b) CMC 18.30.130 through 18.30.200 for measurement of setbacks and allowed projections into the setbacks. (Ord. 14-12 § 2 (Exh. B); Ord. 10-10 § 1 (Exh. A))
### Permitted Use Table - for reference only

18.31.080 Permitted land uses.

(3) Permitted Use Table.

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Town Center (TC)²</th>
<th>Mixed Commercial (MC)</th>
<th>General Commercial (GC)</th>
<th>Mixed Housing Office (MHO)³</th>
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<tr>
<td>Residential</td>
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<tr>
<td>Dwelling Unit, Accessory</td>
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<td>Dwelling Unit, Multifamily</td>
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<td>Dwelling Unit, Single-Family Attached, Detached or Cottage Housing²¹,²⁷</td>
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<td>Senior Citizen Assisted Housing</td>
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<td>Commercial</td>
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<tr>
<td>Adult Entertainment</td>
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<tr>
<td>Business Services¹⁹</td>
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<tr>
<td>Drive-Through Use</td>
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<td>Farmers’ Markets and Public Markets⁶</td>
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<tr>
<td>Gambling and Card Rooms</td>
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<tr>
<td>Home Occupation and Live/Work</td>
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<td>Veterinary Clinics (SIC 074), Animal Shelters, Kennels, and Catteries²⁰</td>
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<tr>
<td>Outdoor Commercial</td>
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<td>Personal and Beauty Services¹¹</td>
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<td>Private Electric Vehicle Parking Facility (Primary Use)</td>
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<td>Private Parking Facility (Primary Use)</td>
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<td>Professional Office</td>
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<tr>
<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>P⁴,³</td>
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<tr>
<td>Retail Trade and Services – greater than 100,000 sq. ft. for all structures</td>
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<td>Shooting Ranges²⁵</td>
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<td>Storage/Self Storage</td>
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<tr>
<td>Temporary Lodging/Hotel</td>
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<td>C²²</td>
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<tr>
<td>Marijuana Retailer and Retail Outlets²⁸</td>
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<tr>
<td>Cultural/Recreation</td>
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<td>Cinema, Performing Arts and Museums</td>
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<tr>
<td>Meeting Hall/Other Group Assembly</td>
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<tr>
<td>Recreation, Indoor or Outdoor</td>
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The Covington Municipal Code is current through Ordinance 25-17, passed December 12, 2017.
### Use Categories

<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>
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<tbody>
<tr>
<td>Religious</td>
<td>C(^7)</td>
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<tr>
<td>Health Services</td>
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<tr>
<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>Asphalt Plants</td>
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<td>Light Industrial/Manufacturing</td>
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<td>P(^{10})</td>
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<td>Government/Institutional(^{11})</td>
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<td>Essential Public Facilities</td>
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<td>Government Services</td>
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<td>P(^{12})</td>
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<td>Major Utility Facility</td>
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<td>Minor Utility Facility</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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</tbody>
</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. (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))