

**ORDINANCE NO. 02-2020**

**AN ORDINANCE OF THE CITY OF COVINGTON,  
WASHINGTON, AMENDING CMC 18.20, TECHNICAL  
TERMS AND LAND USE DEFINITIONS; CMC 18.25.030,  
RESIDENTIAL LAND USES; CMC 18.25.040,  
RECREATIONAL/CULTURAL LAND USES; AND CMC  
18.25.060, GOVERNMENT/BUSINESS SERVICES LAND  
USES.**

WHEREAS, the City of Covington annually reviews the Covington Municipal Code (CMC) to ensure all uses are relevant and cohesive with the Comprehensive Plan; and

WHEREAS, the Planning Commission's 2019 work plan included an evaluation of the City's permitted uses found in *Chapter 18.25* of the Covington Municipal Code (CMC); and

WHEREAS, previously the City hired a land use consultant tasked to update the permitted land use chart for the Downtown zoning districts, *Chapter 18.31.080*, this work has been completed, however *CMC 18.25 Permitted uses*, which relates to all other zones in the City was never updated to provide consistency with the identified land uses listed in *Chapter 18.31.080*; and

WHEREAS, while evaluating applicable Municipal Code sections, the City found the definition for "Public Agency or Utility Yard" was not consistent with footnote 8 of the permitted use chart found in *CMC 18.25.060 Government/business services land uses*; and

WHEREAS, the Planning Commission is required to hold a noticed public hearing and make a recommendation to the City Council as to whether the proposed amendments meet the criteria set forth in *CMC 14.27.040 Decision criteria*; and

WHEREAS, Pursuant to the State Environmental Policy Act (SEPA) and WAC 191-11, a Determination of Nonsignificance (DNS) for non-project action was issued and noticed on October 18, 2019 and November 8, 2019 for the proposed amendments, no appeals or comments were received; and

WHEREAS, the Planning Commission reviewed the proposed amendments at their regularly scheduled meetings on September 19, 2019, October 3, 2019, November 7, 2019 and November 21, 2019; and

WHEREAS, on November 7, 2019 and November 21, 2019, the Planning Commission held a public hearing on the proposed amendments, heard from City staff and public comment, after notice of a public hearing was properly sent, and an opportunity for written comment was provided; and

WHEREAS, after the public hearing and review, the Planning Commission recommended that the City Council adopt the amendments;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON,  
WASHINGTON, DO ORDAIN as follows:**

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

**Section 2. Amendments to CMC 18.20.** CMC 18.20 Technical Terms and Land Use Definitions is hereby amended to read as Attachment A:

**Section 3. Amendments to CMC 18.25.030.** CMC 18.25.030 Residential Land Uses is hereby amended to read as Attachment B:

**Section 4. Amendments to CMC 18.25.040.** CMC 18.25.040 Recreational/Cultural Land Uses is hereby amended to read as Attachment C:

**Section 5. Amendments to CMC 18.25.060.** CMC 18.25.060 Government/Business Services is hereby amended to read as Attachment D:

**Section 6. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 7. Corrections.** Upon approval of the City Attorney, the City Clerk and/or code codifier is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of clerical errors, including scribes’ errors; references to other local, state, or federal laws, codes, rules, regulations; or section/subsection numbering.

**Section 8. Effective Date.** This Ordinance shall become effective five days following its passage and publication of this ordinance or a summary thereof.

PASSED by the City Council of the City of Covington the 14<sup>th</sup> day of January 2020.

  
\_\_\_\_\_  
Mayor Jeff Wagner

ATTESTED:  
  
\_\_\_\_\_  
Sharon Scott, City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Kathy Hardy, City Attorney

PUBLISHED: January 17, 2020  
EFFECTIVE: January 22, 2020

# Attachment A

## Chapter 18.20

### Technical Terms and Land Use Definitions

#### **18.20.207 Commercial recreation.**

“Commercial recreation” means any recreational activity whose main purpose is to provide ~~the general public with~~ indoor or outdoor amusement or entertainment activities, ~~tickets are sold or fees collected, and the sale or consumption of alcoholic beverages is not permitted.~~ This includes, but is not limited to, skating rinks, pool halls, water slides, miniature golf courses, arcades, bowling alleys, go-carts, batting cages, laser tag, ~~concessions~~, skate park, basketball, ~~street ice/hockey~~ rinks, etc.

#### **18.20.342 Duplex.**

“Duplex” means a building containing two separate units with a common wall.

#### **18.20.355 Dwelling unit, multifamily.**

“Dwelling unit, multifamily” means a dwelling unit contained in a building consisting of ~~two~~ three or more dwelling units which may be stacked, or one or more dwellings included in a structure with nonresidential uses.

#### **18.20.930 Office, Public agency or utility.**

“Office, Public agency or utility” office” means an office for the administration of any governmental or utility activity or program, with no outdoor storage and including, but not limited to uses located in SIC Major Group, Industry Group and Industry Nos.:

- (1) 91 – Executive, legislative, and general government, except finance;
- (2) 93 – Public finance, taxation, and monetary policy;
- (3) 94 – Administration of human resource programs;
- (4) 95 – Administration of environmental quality and housing program;
- (5) 96 – Administration of economic programs;
- (6) 972 – International affairs;
- (7) 9222 – Legal counsel and prosecution; and
- (8) 9229 – Public order and safety.

# Attachment A

## 18.20.935 Yard, Public agency or utility yard.

"Yard, Public agency or utility yard" means a facility for open or enclosed storage, and repair, and maintenance of vehicles, equipment, or related materials, including ancillary office to support said use.  
excluding document storage.

## 18.20.1284.7 Townhouse/townhome

"Townhouse/townhome" is defined as a single-family dwelling unit in a group of two or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. Each townhouse/townhome shall be on a separate lot.

# Attachment B

## CMC 18.25.030 Residential Land Uses

Conditional Use											
SIC #	SPECIFIC LAND USE <sup>1</sup>	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I	
*	<b>DWELLING UNITS, TYPES:</b>										
*	Single detached <sup>4</sup>	P C <sup>2</sup>	P C <sup>2</sup>	P C <sup>2</sup>	P <sup>4</sup> C <sup>2</sup>	P <sup>9</sup>					
	<a href="#">Duplex</a>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P<sup>10</sup></u>	<u>P<sup>3</sup></u>	<u>P<sup>3</sup></u>			
*	Townhome/Townhouse <a href="#">2 to 4 units</a>	P	P	P	P	P <sup>10</sup>	P <sup>3</sup>	P <sup>3</sup>			
*	Multifamily / <a href="#">Townhome/Townhouse (4+ units)</a>				P	P	P <sup>3</sup>	P <sup>3</sup>	P		
*	Manufactured home park		C <sup>8</sup>		C <sup>8</sup>						
	<b>GROUP RESIDENCES</b>										
*	Community residential facility-I	C	C	C	C	C	P <sup>3</sup>	P <sup>3</sup>			
*	Community residential facility-II						C	C			
*	Senior citizen assisted housing	P	P	P	P	P	P <sup>3</sup>		P		
	<b>ACCESSORY USES:</b>										
*	Residential accessory uses	P <sup>6</sup>	P <sup>6,8</sup>	P <sup>6,8</sup>	P <sup>6,8</sup>	P <sup>6,8</sup>	P <sup>6</sup>				
*	Home occupation <sup>5</sup>	P	P	P	P	P	P		P		
	<b>TEMPORARY LODGING</b>										
*	Bed and breakfast guesthouse	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P	P			
*	Hotel					P			P		

[Footnotes of Table A](#)

[B. Development Conditions.](#)

~~(1) For all single family preliminary plats of 20 lots or more, 18 percent of the units must be constructed as multiple family dwelling units. The City will consider a reduction in the required number of multiple-~~

# Attachment B

## CMC 18.25.030 Residential Land Uses

~~family units if an agreement can be reached to assure the affordable housing income figures mandated by the comprehensive plan can be achieved. This condition shall not apply within the Lakepoint Urban Village<sup>1</sup> subarea.~~

(1) Must be in accord with CMC Chapter 18.35 Development Standards – Design Requirements.

(2) Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in Condition No. 6.

(3) Only as part of a mixed-use/integrated development subject to the conditions of Chapter 18.35 CMC.

~~.(4) Permitted only in the R-18 zone.~~

~~.(5) Must be in accord with Chapter 18.35 CMC.~~

(4) See CMC 18.37 Development Standards and Design Requirements for Cottage Housing.

(5) See CMC 18.80.100 for requirements associated with Home Occupations.

(6) Accessory Dwelling Units.

(a) Only one accessory dwelling per primary single detached dwelling unit, accessory dwelling units shall not be allowed on the same property as a duplex;

(b) Only in the same building as the primary dwelling unit on an urban lot that is less than 10,000 square feet in area, on a rural lot that is less than the minimum lot size, or on a lot containing more than one primary dwelling;

(c) The primary dwelling unit or the accessory dwelling unit shall be owner-occupied;

(d) One of the dwelling units shall not exceed a floor area of 1,000 square feet except when one of the dwelling units is wholly contained within a basement or attic;

(e) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;

# Attachment B

## CMC 18.25.030 Residential Land Uses

(f) One additional off-street parking space shall be provided;

(g) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied;

(h) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the Department with the Records and Elections Division which identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the Department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. ~~If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, either the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone; and~~

(i) Must be in accord with Chapter 18.35 CMC.

(7) Only as an accessory to the permanent residence of the operator, provided:

~~(a) Serving meals to paying guests shall be limited to breakfast; and~~

~~(a)~~ (ab) The number of persons accommodated per night shall not exceed five, except that a structure which satisfies the standards of the International Building Code for R-1 occupancies may accommodate up to 10 persons per night.

(8) ~~On-street electric vehicle charging stations are not permitted in the R-1 through R-18 zones.~~ Individual electric vehicle charging stations for a single-family residence shall follow the Installation Guide for Charging Stations, prepared by Puget Sound Regional Council, and as amended.

(9) Within the Lakepoint Urban Village<sup>2</sup> subarea, single-family detached residences shall not be allowed around or abutting the pond.

(10) Within the Lakepoint Urban Village<sup>2</sup> subarea, townhouses shall not abut the pond except as part of a mixed-use development, unless otherwise separated from the pond by a public trail, park, green space or street.

# Attachment C

## 18.25.040 Recreational/cultural land uses.

A. Table.

Key											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I	
*	<b>PARK/RECREATION:</b>										
*	Park <sup>1</sup>	P <sup>±</sup>	P <sup>±</sup>	P <sup>±</sup>	P <sup>±</sup>	P <sup>±</sup>	P <sup>±</sup>	P <sup>±</sup>	P <sup>±</sup>	P <sup>±</sup>	
*	Trails	P	P	P	P	P	P	P	P	P	
	<b>AMUSEMENT/ENTERTAINMENT:</b>										
*	Adult entertainment businesses <sup>(2)</sup>									P	
	<u>Cinema and Performing Arts<sup>1</sup></u>								P	P	
	<u>Meeting Hall/Other Group Assembly<sup>1</sup></u>								P	P	
	<u>Physical Fitness/Recreation Club<sup>1</sup></u>						P	P	P	P	
	<u>Recreation, Indoor<sup>1</sup></u>		C <sup>±4</sup>	C <sup>±4</sup>					P	P	
	<u>Recreation, Outdoor<sup>1</sup></u>		C <sup>±4</sup>	C <sup>±4</sup>					P	P	
793	Bowling center	-	-	-	-	-	-	-	P	P	
*	Golf course facility <sup>1</sup>		P <sup>3</sup>	P <sup>3</sup>						P <sup>3</sup> P <sup>3</sup>	
7999(4)(6)	Amusement and recreation services	-	P <sup>5</sup>	P <sup>5</sup>	-	-	-	-	-	-	
*	Commercial recreation	-	-	-	-	-	-	-	-	C	
*	Physical fitness/ recreation clubs	-	-	-	-	-	-	-	P	-	
*	Theaters	-	-	-	-	-	-	-	P	-	
	<b>CULTURAL:</b>										
823	Library <sup>1</sup>		C <sup>±4</sup>	C <sup>±5</sup>	C <sup>±4</sup>	C <sup>±5</sup>	P	P	P		
841	Museum <sup>1</sup>		C <sup>±4</sup>	C <sup>±4</sup>	C <sup>±4</sup>	C <sup>±4</sup>	P	P	P	P	
842	Arboretum <sup>1</sup>		P	P	P	P	P	P			

### B. Development Conditions: Footnotes of Table A.

(1) ~~On-site exterior lighting for structures and fields shall meet the following provisions; be directed away from residential areas through the use of exterior full cut-off shields or through optics within the fixture.~~

a. All exterior light fixtures shall be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).

# Attachment C

b. Light fixtures shall be specified, mounted, aimed and shielded so that their beams fall within the immediate on-site surroundings, and so that no direct illumination or glare is directed off the site; including but not limited to adjacent residential or mixed-use zones.

c. Light fixtures for outdoor performance, sports, and recreation facilities shall be specified, mounted, aimed and shielded so that their beams fall within the primary playing area. The main field lighting shall be turned off as soon as possible following the end of the event. Where feasible, a low level lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance and other closing activities.

(2) Adult entertainment businesses shall be prohibited within 550 feet of any property zoned R or containing schools, licensed day care centers, public parks or trails, community centers, public libraries or churches. In addition, adult entertainment businesses shall not be located closer than 3,000 feet to any other adult entertainment business. These distances shall be measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels zoned R or that contain the uses identified in this subsection.

(3) Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development. Ancillary facilities associated with a golf course are limited to practice putting greens, maintenance buildings and other structures housing administrative offices or activities that provide convenience services to players. These convenience services are limited to a pro shop, food services and dressing facilities and shall occupy a total of no more than 10,000 square feet.

~~(4) Excluding amusement and recreational uses classified elsewhere in this chapter.~~

~~(454) A conditional use permit is required unless the use is an accessory to a park or in a building listed on the National Register as a historic site or designated as a King County landmark subject to Chapter 18.47 CMC.~~

~~(6) The operation of an indoor shooting range, as defined in CMC 18.20.1080, is not permitted. Outdoor shooting ranges are not permitted. (Ord. 11-17 § 5; Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 01-12 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.08.040))~~



Key										
P – Permitted Use										
C – Conditional Use										
SIC #	SPECIFIC LAND USE	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
47	Transportation service									P
473	Freight and cargo service									P
48	Communication offices									P
482	Telegraph and other communications									P
*	General business service					P10, 18	P10, 16		P10	P
*	Professional office				P11	P18	P		P	P
735	Miscellaneous equipment rental (12)									P
751	Automotive rental and leasing									P
873	Research, development, and testing									P2
*	Heavy equipment and truck repair									P
<b>ACCESSORY USES:</b>										
*	Commercial/industrial accessory uses				P15	P15	P9,15	P15	P9,15	P15
*	Off-street required parking lot		P	P	P	P	P	C	P	P

B. Development Conditions.

(1) Except self-service storage.

(2) Except SIC Industry No. 8732 – Commercial economic, sociological, and educational research, see general business service/office.

(3) A conditional use permit is not required if the use is:

(a) A re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter [18.85](#) CMC; or

(b) An accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.

(4) Excluding bulk gas storage tanks.

(5) *Repealed by Ord. 11-17.*

(6) (a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

(b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street;

(c) No outdoor storage.

(7) Limited to "storefront" police offices. Such offices shall not have:

(a) Holding cells;

(b) Suspect interview rooms (except in the NC zone); or

(c) Long-term storage of stolen properties.

(8) (a) Utility yards only on sites with utility district offices; or

(b) Public agency yards as defined by CMC 18.20.935. ~~are limited to material storage for road maintenance facilities.~~

(9) Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.

(10) Provided, that all material and/or equipment of any kind is stored in a fully enclosed building.

(11) Permitted only in existing single-family structures.

(12) Not abutting or taking access from SE 270th Place.

(13) Limited to new commuter parking lots designed for 30 or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses which

have excess capacity available during commuting; provided, that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the Department of Transportation.

(14) Limited to bulk gas storage tanks which pipe to individual residences but excluding liquefied natural gas storage tanks.

(15) Electric vehicle charging stations are permitted in accordance with CMC [18.50.170](#).

(16) Gasoline service stations and battery exchange stations are limited to the community commercial (CC) zone and subject to the following conditions:

(a) A gasoline service station shall be limited to four pumps and eight price gauges to service no more than eight 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.

(17) Limited to park-and-ride facilities associated with a public or private transit facility provider. Any such commuter parking lot shall not exceed 125 surface spaces. Parking stalls in excess of this amount shall be located within a parking structure.

(18) Limited to 3,000 square feet of gross floor area unless located in a multi-story, mixed-use building, in which case the limitation does not apply.