

**ORDINANCE NO. \_\_\_\_\_  
CITY OF SUMNER, WASHINGTON**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF SUMNER ZONING CODE REGULATIONS AMENDING SECTIONS 18.04.0405; 18.04.0827; 18.04.0828; 18.14.040; 18.14.070; 18.16.020; 18.16.070; AND 18.32.020; OF THE SUMNER MUNICIPAL CODE.**

**WHEREAS**, Sound Transit has been working with the City Council on developing a Public Garage near the Sumner Sounder Station; and

**WHEREAS**, the location determined as the preferred alternative by Sound Transit and the City Council is within the Medium Density and Central Business District; and

**WHEREAS**, the amendment is necessary to facilitate a building of this type and size; and

**WHEREAS**, the amendment is necessary to better define a public garage; and

**WHEREAS**, the amendment is necessary to facilitate paid parking for public parking lots; and

**WHEREAS**, the amendment is necessary to establish development standards for a public garage in the Medium Density Residential and Central Business District zones; and

**WHEREAS**, the City's State Environmental Policy Act (SEPA) official issued a Determination of Nonsignificance on July 7, 2016; and

**WHEREAS**, on June 16, 2016 notice was sent to the Washington State Department of Commerce requesting expedited review. On June 16, 2016 the City was granted expedited review and was informed that it had met the Growth Management Act notice requirements under RCW 36.70A.106; and

**WHEREAS**, the Planning Commission held a public hearing on July 7, 2016 and **approved/denied** with a **X** vote a recommendation to the City Council for **approval/denial**; and

**WHEREAS**, the City Council held a public hearing on August 1, 2016 following review by the City Council Community Development Committee on July 20, 2016.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** That the definition for 18.44.0405 "Public garage," of the Sumner Municipal Code is hereby amended to read as follows:

**“18.04.0405 Garage, public.**

“Public garage” is any garage other than a private garage means any publicly owned garage facility for the temporary, less than 24 hours, shelter or storage of vehicles less than 10,000 gross vehicle weight.”

**Section 2.** That the definition for 18.44.0827 “Private off-street parking lot,” of the Sumner Municipal Code is hereby amended to read as follows:

**“18.04.0827 Private off-street parking lot.**

“Private off-street parking lot” means an privately owned parking area accessible to vehicles, which area is provided, improved, maintained, and used for the sole purpose of accommodating the parking of noncommercial vehicles of less than 10,000 pounds gross vehicle weight, except that private off-street parking lots shall not be for the parking of trucks designed or operated for the transportation of commodities, merchandise, produce, freight, animals, or property, and whose body weight or whose combined body and load weight or whose rated capacity exceeds 10,000 pounds. Private off-street parking lots do not include areas used by truck and/or heavy vehicle operators for sleeping, resting, or other extended uses. This use does not include paid parking lots.”

**Section 3.** That the definition for 18.04.0828 “Public off-street parking lot,” of the Sumner Municipal Code is hereby created to read as follows:

**“18.04.0828 Public off-street parking lot.**

“Public off-street parking lot” means a publicly owned parking area accessible to vehicles, which area is provided, improved, maintained, and used for the sole purpose of accommodating the parking of noncommercial vehicles of less than 10,000 pounds gross vehicle weight, except that private off-street parking lots shall not be for the parking of trucks designed or operated for the transportation of commodities, merchandise, produce, freight, animals, or property, and whose body weight or whose combined body and load weight or whose rated capacity exceeds 10,000 pounds. Public off-street parking lots do not include areas used by truck and/or heavy vehicle operators for sleeping, resting, or other extended uses. This use may include paid parking lots.”

**Section 4.** That section 18.14.040 “Conditional uses” in the Medium Density Residential (MDR) and High Density Residential (HDR) districts of the Sumner Municipal Code is hereby amended to read as follows:

**“18.14.040 Conditional uses.**

The following uses are conditionally permitted uses in all MDR and HDR districts unless otherwise specified. A conditional use permit shall be required and in full force and effect in order to establish the uses:

A. Adult day care home facilities serving more than six adults which meet the following criteria in addition to chapter [18.48](#) SMC:

1. Meet Washington Association of Adult Day Centers adult day care guidelines;
2. Comply with all building, fire, safety, health code and business licensing requirements;
3. Conform to lot size, building size, setbacks, and lot requirements of this chapter except if the structure is a legal nonconforming structure;
4. Comply with the applicable provisions of the sign code of this title;
5. Make no structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure which would make it incompatible with surrounding residences, if a residential structure is used;

B. Dwellings constructed for and occupied by households with at least one member being physically handicapped may exceed allowable dwelling unit densities by 50 percent of that permitted by the respective zone. A title notice indicating occupancy by the physically handicapped is required;

C. Bed and breakfasts;

D. Wireless communication facilities subject to the standards of chapter [18.37](#) SMC;

E. Cemeteries;

F. Churches, convents, monasteries and other religious institutions. Associated accessory structures of a church including, but not limited to, assembly rooms, kitchen, library room or reading room, nurseries, recreation hall, adult day care, child day care, Sunday School rooms, private primary and secondary school facilities, and a one-family dwelling unit for use by church officials shall be addressed in the conditional use permit. In addition to meeting the criteria of chapter [18.48](#) SMC, new accessory one-family dwelling units shall be placed on site with sufficient distance between structures and in a manner that would allow for future subdivisions that would result in separate lots for the dwelling and church;

G. Homes for the aged, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes;

H. Hospitals;

I. Lodging houses, clubs and fraternity houses;

J. Major utility facilities;

K. Manufactured home parks;

L. Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park-and-ride lots;

M. Paid public off-street parking

MN. Professional offices and services, subject to the following requirements:

1. In the MDR district, the subject property must have frontage on and obtain its principal access from a minor or principal arterial street as designated by the city, provided all such streets adjacent to the subject property are improved to full city standards along that portion of the right-of-way that abuts the property;
2. In the HDR district, the subject property must have frontage on and obtain principal access from a minor or principal arterial, or collector street as designated by the city provided all such streets adjacent to the subject property are improved to full city standards along that portion of the right-of-way that abuts the property;
3. No single office building shall contain interior floor area in excess of 5,000 square feet in the MDR district and 10,000 square feet in the HDR district. Multiple office buildings on a single lot with a total square footage in excess of these square footages are permitted;

O. [Public garage in the MDR zone;](#)

OP. Public facilities;

OQ. Public and private educational institutions, including preschools, schools, religious schools, colleges and universities;

PR. Public parks and public recreational facilities;

QS. Retirement home/apartments occupied only by persons 55 years and older. Such apartments may exceed allowable dwelling unit densities by 50 percent of that permitted by the respective zone;

RT. Utility yard;

SU. Water towers and water supply plants;

TV. Day care centers;

U. ~~Public garage.~~”

**Section 5.** That subsection 18.14.070 “Property development standards” in the Medium Density Residential district of the Sumner Municipal Code is hereby amended to read as follows:

**“18.14.070 Property development standards.**

The following Table 18.14.070 sets forth the required development standards applicable to properties located in the MDR and HDR zones:

**Table 18.14.070**

		<b>MDR</b>	<b>HDR</b>
A.	Minimum lot area per building site in square feet <sup>1</sup>	5,000	5,000

**Table 18.14.070**

		<b>MDR</b>	<b>HDR</b>
	Minimum lot area in square feet for developments utilizing the “detached single-family dwelling” option of the city of Sumner design and development guidelines in square feet	4,000	4,000
	Minimum lot area for zero lot line single-family dwellings (per dwelling)	3,000	3,000
B.	Maximum development density in dwelling units per net acre	15	25
	In net square feet of lot area per dwelling unit	2,900	1,740
C.	Minimum lot width in feet	50	50
	Minimum lot width for developments utilizing the “detached single-family dwelling” option of the city of Sumner design and development guidelines in feet	40	40
	Minimum lot width for lots employing zero lot line option	30	30
D.	Front, rear and interior side setbacks for developments not requiring design review:		
	1. Front yard setback in feet	10	10
	2. Rear yard setback in feet	25	20
	3. Interior side yard setback in feet	5	5
	4. Interior side yard between zero lot line housing in feet	0	0
	5. Interior side yard adjacent to zero lot line single-family in feet	5	5
E.	Front, rear and interior side setbacks for developments requiring design review shall be in compliance with the city of Sumner design and development guidelines, except for setbacks for duplexes see subsection (D) of this section.		
F.	Street side yard setback in feet	10	10
G.	Maximum building height in feet <sup>2</sup>	35	35
H.	Maximum lot coverage by percentage of net lot	35	45

**Table 18.14.070**

		<b>MDR</b>	<b>HDR</b>
	area		
I.	Maximum lot coverage zero lot line single-family by percent of net lot area	55	65
J.	Minimum street frontage in feet	30	30
K.	Minimum setback from principal or minor arterial as designated in comprehensive plan	25	25
L.	Maximum number of zero lot line structures per block (as defined in chapter <a href="#">18.04</a> SMC)	1	1
M.	Maximum number of zero lot line dwellings that may be attached	4	6
<u>N.</u>	<u>Public garage development standards:</u>		
	<u>Front yard setback in feet</u>	<u>0</u>	<u>N/A</u>
	<u>Rear yard setback in feet</u>	<u>0</u>	<u>N/A</u>
	<u>Interior side yard in feet</u>	<u>0</u>	<u>N/A</u>
	<u>Street side yard in feet</u>	<u>0</u>	<u>N/A</u>
	<u>Maximum building height in feet</u>	<u>45</u>	<u>N/A</u>
	<u>Lot coverage by percentage of net lot area</u>	<u>90</u>	<u>N/A</u>

<sup>1</sup> Variation of Minimum Lot Size. Except for lots to be occupied by zero lot line dwelling units, lots created through long subdivision in the MDR and HDR zones must vary lot sizes in the following manner. A maximum of 60 percent of lots may be platted at the minimum lot size allowed. At least 20 percent of platted lots must be no less than 150 percent of the minimum allowed lot size (1.5 times) and at least 20 percent of platted lots must not be less than 200 percent of the minimum allowed lot size (2.0 times). For purposes of meeting this requirement, lot counts may be rounded to the nearest full lot.

<sup>2</sup> Except that townhouse condominiums and duplexes shall have a maximum building height of 30 feet when the interior side yard setback is less than 10 feet or the rear yard setback is less than 20 feet.”

**Section 6.** That subsection 18.16.020 “Principal and conditional uses” in the Central Business District of the Sumner Municipal Code is hereby amended to read as follows:

**“18.16.020 Principal and conditional uses.**

The following table details permitted and conditionally permitted uses in the commercial districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classification in the same column. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish the conditional uses.

		NC	CBD	MUD	GC	IC
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P	P	P	P
2.	Adult entertainment businesses subject to chapter <a href="#">18.38</a> SMC	–	–	–	P	P
3.	Artist’s studio and workshop having a retail component	–	P	P <sup>1</sup>	P	P
4.	Automotive and motorized vehicle sales	–	–	– <sup>8</sup>	P	P <sup>9</sup>
5.	Banks, business and professional offices and drive-up banking	CUP	P	P	P	P
6.	Business and consumer service <sup>9</sup>	CUP	P	P	P	P
7.	Car wash <sup>9</sup>	–	–	–	P	P
8.	Wireless communication facilities	See chapter <a href="#">18.37</a> SMC				
9.	Cemeteries	–	CUP	CUP	CUP	CUP
10.	Churches	P	P	P	P	P
11.	Contractor business <sup>6</sup>	–	–	–	–	P
12.	Convenience store <sup>9</sup>	CUP	P	P	P	P
13.	Dancehalls	–	CUP	–	CUP	P
14.	Drive-in businesses <sup>4,9</sup>	–	–	–	P	P
15.	Drive-in espresso/coffee business <sup>4</sup>	CUP	–	–	P	P
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	P	P	P
17.	Family child care home or family child day care home in accordance with the provisions of SMC <a href="#">18.16.025</a> ; and child day care centers	P	P	P	P	P

		NC	CBD	MUD	GC	IC
18.	Gasoline service stations and convenience stores with gasoline sales <sup>9</sup>	–	CUP	–	CUP	P
19.	Hazardous waste on-site treatment and storage facilities	–	–	–	CUP	–
20.	Health and fitness club <sup>9</sup>	P <sup>7</sup>	P	P	P	P
21.	Heavy equipment and/or boat repair, accessory to a permitted use <sup>9</sup>	–	–	–	–	P
22.	Heavy equipment and/or boat sales	–	–	–	–	CUP
23.	Hospitals	CUP	CUP	–	CUP	CUP
24.	Hotels, bed and breakfasts and tourist homes <sup>2,9</sup>	P	P	CUP	P	P
25.	Light manufacturing, fabrication, assembling and repairing <sup>5</sup>	–	–	–	CUP	CUP
26.	Light-medium equipment sales	–	–	–	–	P
27.	Major utility facility	CUP	CUP	CUP	CUP	–
28.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP	CUP	CUP	P
29.	Medical and dental services <sup>9</sup>	P	P	P	P	P
30.	Miniwarehouses	–	–	–	–	P
31.	Minor utility facility	P	P	P	P	P
32.	Motels <sup>9</sup>	CUP	–	–	P	P
33.	Multifamily dwellings, rooming houses and boarding houses, retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes except on the ground floor, or in accordance with the city of Sumner design and development guidelines, and subject to density maximums and locations as applicable in SMC <a href="#">18.16.040</a>	P	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P
34.	Outdoor storage	–	–	–	–	–
35.	Public parks and public recreation facilities	CUP	CUP	CUP	CUP	CUP
36.	Personal services including barber and beauty shops,	P	P	P	P	P

		NC	CBD	MUD	GC	IC
	photographic studios, tailor-dressmaking shops <sup>9</sup>					
37.	Private clubs, lodges, fraternal organizations, union halls and social halls	CUP	P	P	P	P
38.	Public facilities	CUP	CUP	CUP	CUP	CUP
39.	Private off-street parking lots	P	P	–	P	–
40.	<u>Private off-street parking lots, paid</u>	=	=	=	=	=
410.	Public off-street parking lots	P	P	P	P	–
42.	<u>Public off-street parking lots, paid</u>	=	<u>CUP</u>	=	=	=
434.	Public garage	–	CUP	CUP	CUP	CUP
442.	Recycling collection station	–	–	–	P	P
453.	Restaurants <sup>9</sup>	CUP	P	P	P	P
464.	Retail business <sup>9</sup>	P	P	P	P	P
475.	Schools, colleges and universities	CUP	CUP	CUP	CUP	CUP
486.	Storage/warehouse and distribution facilities	–	–	–	–	–
497.	Streets	P	P	P	P	P
5048.	Taverns, micro-breweries, brewpubs, and bars	–	CUP	CUP	CUP	P
5149.	Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades	–	P	CUP	P	P
520.	Truck-related retail and services <sup>9</sup>	–	–	–	–	P
534.	Truck stops	–	–	–	–	–
542.	Truck terminals	–	–	–	–	–
553.	Unenclosed commercial recreation establishments such as driving ranges, miniature golf, miniature airplane field <sup>9</sup>	–	CUP	–	CUP	P
564.	Utility yard	CUP	CUP	–	CUP	–
575.	Vehicle repair, minor <sup>9</sup>	–	CUP	–	P	P
586.	Veterinary clinics, excluding outdoor boarding kennels <sup>9</sup>	–	–	–	P	P
597.	Vocational or fine arts school; in CBD allowed except on	–	P	P	P	P

		NC	CBD	MUD	GC	IC
	ground floor					
<del>6058.</del>	Water towers and water supply plants	CUP	CUP	CUP	CUP	CUP
<del>6159.</del>	Car rental agency	–	–	–	P	P

<sup>1</sup>Not involving operations or equipment that would cause excess noise, vibration, light, glare, or odor.

<sup>2</sup>Hotels may be stand-alone developments within the MUD zone and are not required to contain other commercial or residential uses.

<sup>3</sup>Reserved.

<sup>4</sup>Drive-in businesses within the area defined as East Main Street in SMC [18.43.020](#) and in the GC district within the Town Center Plan area shall meet the provisions of SMC [18.16.080](#)(T).

<sup>5</sup>Light manufacturing, fabrication, assembling, and repairing is prohibited as a principal use in the IC zoning district in the vicinity of 166th Avenue East as depicted on the zoning map. See SMC [18.16.080](#)(U) and (V).

<sup>6</sup>Contractor businesses are only permitted on lots within the IC zoning district in the vicinity of 24th Street East that abut industrial-zoned land on two sides. Contractor businesses shall meet the performance standards in SMC [18.16.080](#)(W) and are a prohibited use in the IC zoning district in the vicinity of 166th Avenue East as depicted on the zoning map.

<sup>7</sup>Health and fitness clubs in the neighborhood commercial district shall not exceed 3,000 square feet in gross floor area.

<sup>8</sup>Existing permitted automotive and motorized vehicle sales and rental dealerships operating as of November 1, 2010, are allowed as a permitted use in the MUD zone. Existing dealerships may be sold, but must continue primarily as a new car dealership.

<sup>9</sup>Truck-related parking allowed in the interchange commercial truck parking overlay area zone per SMC [18.42.046](#).”

**Section 7.** That subsection 18.16.070 “Property development standards” in the Central Business District of the Sumner Municipal Code is hereby amended to read as follows:

**“18.16.070 Property development standards.**

The following table sets forth the required development standards applicable to properties located in commercial districts:

		<b>NC</b>	<b>CBD</b>	<b>MUD</b>	<b>GC</b>	<b>IC</b>
1.	Minimum lot area per building site in square feet	4,500	5,000	5,000	5,000	5,000
2.	Minimum lot width in feet	50	50	50	50	50
3.	Lot depth in feet	100	80	100	100	100
4.	Front yard setback in feet, in accordance with the Sumner design and development guidelines (minimum front yard setback required for properties located on arterials or collectors)	min. 0 max. 25	0	min. 0 max. 15 <sup>1</sup>	General zoning:  min. 5 max. 50 max. 25 on corner  Town Center: min. 0 max. 25  East Main Street area: max. 0 <sup>3</sup>	min. 15  no max.
5.	Rear yard setback in feet	20	0	0 <sup>2</sup>	General zoning: 20  Town Center: 0, unless abutting residential zone, then 20	20
6.	Interior side yard setback in feet	10 <sup>4</sup>	0	0 <sup>2</sup>	General zoning: 5  Town Center: 0, unless abutting residential zone, then 15  East Main Street area: 0 when property abuts East Main Street; and 5 when property not abutting East Main Street <sup>3</sup>	15

		NC	CBD	MUD	GC	IC
7.	Street side yard setback in feet	10	0	5	5	15
8.	Required landscaped setback along any common boundary with residentially zoned property	10	10	10	10	10
9.	Minimum street frontage in feet	35	35	35	35	35
10.	Maximum lot coverage	75%	100%	80%	75%	80%
11.	Maximum building height in feet	35	35 <sup>5,6</sup>	35	35	45
12.	Maximum building height in feet in the Town Center Plan area for a structure with at least 50% of the ground floor occupied by underbuilding parking			45	45	
13.	Town Center Plan area: maximum floor area ratio			2.4	2.25	
14.	Town Center Plan area: maximum floor area ratio for structures with underbuilding parking			3.2	3	

<sup>1</sup>See SMC [18.16.080\(S\)](#).

<sup>2</sup>Setback shall be a minimum of 15 feet where abutting residentially zoned property and not separated by an alley or street.

<sup>3</sup>East Main Street per SMC [18.43.020](#). Also see design and development guidelines, general commercial.

<sup>4</sup>Or where abutting property zoned NC.

<sup>5</sup>See SMC [18.16.075](#).

<sup>6</sup>For a public garage the maximum height is 45 feet.”

**Section 8.** That subsection 18.32.020 “Height,” in the General Height, Setbacks, Yard and Area Regulations of the Sumner Municipal Code is hereby amended to read as follows:

**“18.32.020 Height.**

The maximum basic height regulations for all principal and accessory buildings in the various zoning districts shall be the requirements as set forth in each schedule, except as follows:

A. The height limits shall not apply to cupolas, water tanks, church spires, flagpoles, transmission lines, elevator shafts, or similar other structures.”

**Section 9. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 10. Effective Date.** This ordinance shall take effect five (5) days from and after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this \_\_\_\_\_day of DATE, 2016.

\_\_\_\_\_  
Mayor David L. Enslow

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Clerk Michelle Converse

\_\_\_\_\_  
City Attorney Brett C. Vinson

*First Reading:*  
*Date Adopted:*  
*Date of Publication:*  
*Effective Date:*