

Section 1

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 18.38 SMC	–	–	–	P	P
3.	Artist’s studio and workshop having a retail component	–	P	P ¹	P	P
4.	Automotive and motorized vehicle sales	–	–	– ⁸	P	P ⁹
5.	Banks, business and professional offices and drive-up banking	CUP	P	P	P	P
6.	Business and consumer service ⁹	CUP	P	P	P	P
7.	Car wash ⁹	–	–	–	P	P
8.	Wireless communication facilities	See chapter 18.37 SMC				
9.	Cemeteries	–	CUP	CUP	CUP	CUP
10.	Churches	P	P	P	P	P
11.	Contractor business ⁶	–	–	–	–	P
12.	Convenience store ⁹	CUP	P	P	P	P
13.	Dancehalls	–	CUP	–	CUP	P
14.	Drive-in businesses ^{4,9}	–	–	–	P	P
15.	Drive-in espresso/coffee business ⁴	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	P	P	P	P	P

		NC	CBD	MUD	GC	IC
	accordance with the provisions of SMC 18.16.025 ; and child day care centers					
18.	Gasoline service stations and convenience stores with gasoline sales ⁹	–	CUP	–	CUP	P
19.	Hazardous waste on-site treatment and storage facilities	–	–	–	CUP	–
20.	Health and fitness club ⁹	P ⁷	P	P	P	P
21.	Heavy equipment and/or boat repair, accessory to a permitted use ⁹	–	–	–	–	P
22.	Heavy equipment and/or boat sales	–	–	–	–	CUP
23.	Hospitals	CUP	CUP	–	CUP	CUP
24.	Hotels, bed and breakfasts and tourist homes ^{2,9}	P	P	CUP	P	P
25.	Light manufacturing, fabrication, assembling and repairing ^{5, 10}	–	–	–	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 ⁹	P	P	P	P	P
30.	Miniwarehouses	–	–	–	–	P
31.	Minor utility facility	P	P	P	P	P
32.	Motels ⁹	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 18.16.040	P	P ³	P ³	P ³	P
34.	Outdoor storage	–	–	–	–	–

		NC	CBD	MUD	GC	IC
35.	Public parks and public recreation facilities	CUP	CUP	CUP	CUP	CUP
36.	Personal services including barber and beauty shops, photographic studios, tailor-dressmaking shops ⁹	P	P	P	P	P
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.	Private off-street parking lots, paid	–	–	–	–	–
41.	Public off-street parking lots	P	P	P	P	–
42.	Public off-street parking lots, paid	–	CUP	–	–	–
43.	Public garage	–	CUP	CUP	CUP	CUP
44.	Recycling collection station	–	–	–	P	P
45.	Restaurants ⁹	CUP	P	P	P	P
46.	Retail business ⁹	P	P	P	P	P
47.	Schools, colleges and universities	CUP	CUP	CUP	CUP	CUP
48.	Storage/warehouse and distribution facilities	–	–	–	–	–
49.	Streets	P	P	P	P	P
50.	Taverns, micro-breweries, brewpubs, and bars	–	CUP	CUP	CUP	P
51.	Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades	–	P	CUP	P	P
52.	Truck-related retail and services ⁹	–	–	–	–	P
53.	Truck stops	–	–	–	–	–
54.	Truck terminals	–	–	–	–	–
55.	Unenclosed commercial recreation establishments such as driving ranges, miniature golf, miniature airplane field ⁹	–	CUP	–	CUP	P
56.	Utility yard	CUP	CUP	–	CUP	–

		NC	CBD	MUD	GC	IC
57.	Vehicle repair, minor ⁹	–	CUP	–	P	P
58.	Veterinary clinics, excluding outdoor boarding kennels ⁹	–	–	–	P	P
59.	Vocational or fine arts school; in CBD allowed except on ground floor	–	P	P	P	P
60.	Water towers and water supply plants	CUP	CUP	CUP	CUP	CUP
61.	Car rental agency	–	–	–	P	P

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

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

³Reserved.

⁴Drive-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\(T\)](#).

⁵Light 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).

⁶Contractor 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.

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

⁸Existing 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.

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

¹⁰Must have a retail component that represents at least 15% of the gross floor area.

Section 2

18.16.080 Performance standards.

The following special requirements and performance standards shall apply to properties located in the commercial districts:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace, quiet and comfort of neighboring residents. Apparatus needed for the operation of active or passive solar energy systems need not be screened pursuant to this subsection.

B. Required Open Space and Landscaping. For each development in the NC, IC, MUD and GC districts a landscape plan shall be prepared in accordance with chapter [18.41](#) SMC to address landscaping of yards and screening of parking, and shall be submitted for approval by the community development director. Landscaping shall be provided along blank building facades and property boundaries. Landscaping shall be provided in accordance with the city of Sumner design and development guidelines. Landscaping requirements shall apply to properties in the CBD which have setbacks or on-site private parking areas. Whenever landscaping is required by this title and/or conditions of approval of discretionary applications required by this title, such landscaping shall be permanently maintained in a neat and orderly manner. In no event shall such landscape areas be used for the storage of materials or parking of automobiles.

C. Outdoor Storage of Materials. Outdoor storage is not permitted in the CBD, GC, MUD, and NC zones, except that outdoor storage of materials is permitted in the IC zone as accessory to a contractor business and in conformance with subsection (W) of this section. The storage of vehicles, such as motorcycles, automobiles, boats and farm equipment for retail sale, shall not be subject to the provisions of this subsection.

D. Outdoor Lighting. Outdoor lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. The lighting shall be shielded so that the direct illumination shall be confined to the property

boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise, except governmental flags.

E. Commercially Zoned Properties Adjacent to Residential Properties. Whenever commercially or mixed-use zoned property abuts any residential district, there shall be:

1. A 10-foot landscaped yard setback and six-foot masonry wall or wood fence established and maintained along the property line that abuts the residential zones, except that fences and walls located within the required front or street side yard shall not exceed a height of three feet; and
2. Within the Town Center Plan area, portions of structures within 30 feet of the side or rear property line abutting a residentially zoned district shall not exceed a height of 35 feet.

F. Swimming Pools. All swimming pools or outdoor bodies of water having a depth of 24 or more inches shall maintain a protective fence, wall or enclosure not less than five feet in height, with no opening greater than four inches wide and equipped with a self-closing gate surrounding the pool or body of water. The provisions of this subsection shall not apply where a swimming pool is accessory to a motel or hotel use where the owner or any employee thereof is on duty on the premises 24 hours each day.

G. Trash Receptacles. Trash receptacles enclosed within gated, solid walls or fences shall be provided for each property in commercial use. The receptacle shall be set back a minimum of 15 feet from any residentially zoned property boundary and shall be maintained in a neat and sanitary condition.

H. Accessory antennas, including satellite dish antennas which are less than or equal to three feet in diameter, shall not be located between the front or street side property lines and a building, and shall be limited to a height of 10 feet in excess of the maximum height required for each zone. Antennas shall be set up so that in case an antenna falls it will fall within the confines of the owner's property. Satellite dish antennas greater than three feet in diameter are regulated below.

1. Ground-mounted satellite dish antennas, up to 12 feet in diameter, are allowed as permitted accessory uses subject to the following requirements:

- a. The installation shall not be located between front or street-side property lines and a building.
- b. All installations shall meet the height standards of the district, and shall be measured to the highest point of the dish.

c. The minimum setback shall be not closer than three feet to side property lines nor 10 feet to rear property lines.

d. The installation shall comply with the applicable requirements of the International Building Code, as amended.

e. All installations shall be screened from any adjoining residentially zoned land.

2. Roof-mounted satellite dish antennas up to 12 feet in diameter are allowed as accessory structures subject to the following criteria:

a. The height of the proposed installation does not exceed the maximum height restriction imposed for primary uses within the district; except that buildings built up to the maximum height may be permitted a rooftop installation.

b. Installations shall not be visible between ground level and 10 feet above ground level from any street adjoining the lot; except that for buildings on corner lots, the installations shall not be visible between ground level and 10 feet above ground level from the street from which the building takes primary access.

I. Any on-site treatment and storage facilities must meet the Washington State siting criteria as set forth in the location standards found in WAC [173-303-285](#).

J. Parking areas and pedestrian walkways shall conform to the city of Sumner design and development guidelines.

K. Businesses selling firearms are prohibited from locating within 500 feet of public or private schools including preschools, elementary, junior high, and high school facilities.

L. Expansion of Specified Existing Uses. Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title may be maintained as follows:

1. The specified uses may expand up to 25 percent of their square footage, except that expansion shall not occur if it is necessary to purchase additional property. The expansion shall meet the development standards of the zone such as setbacks, lot coverage, and building height.

2. No additional dwelling units may be added, except that existing single-family dwellings may add an accessory dwelling unit if the performance standards to establish an accessory dwelling unit as found in chapter [18.12](#) SMC, Low Density Residential District (LDR-4, LDR-6, LDR-7.2, LDR-8.5, LDR-12), are met.

3. Structures may be rebuilt after a fire or other disaster to original dimensions unless a health or safety impact would occur, provided a complete building permit application has been submitted within three years.

4. Structures that were destroyed by a fire or other disaster prior to July 1, 2006, may be rebuilt to original dimensions unless a health or safety impact would occur without any limitation on time.

M. Fences – Intent. The intent of this section is to establish minimum requirements and standards for fences in order to promote safety, provide screening, and to protect the aesthetic assets of the community. Fences constructed in commercial zones shall not exceed a maximum height above the adjacent grade as set forth herein:

1. The requirements of this subsection shall apply only to fences built after the adoption date of the ordinance codified in this section. Fences built before that date shall be considered legal nonconforming fences. Existing fences being replaced after the adoption date of the ordinance codified in this section shall meet the requirements of this section. The construction of any fence, arbor, or trellis requires a building/land use permit.

2. Fences located within an area measured from the front property line to a distance of 25 feet shall not exceed a height of three feet where fences would provide less than 50 percent visibility. Fences providing at least 50 percent visibility shall not exceed a height of four feet within the required front yard. Examples of fences that could meet the 50 percent visibility include spaced rail fences, spaced picket fences, and chain link fences. If the commercially zoned property abuts any residential property the fencing requirements will be those of subsection E of this section.

3. No fence shall exceed a total height of six feet above existing or finished grade in a commercial zone unless exceptions in subsection (M)(8) of this section apply.

4. Fences utilized to enclose drainage detention ponds or other drainage facilities shall meet the requirements of the King County Washington Surface Water Design Manual, as well as any other applicable regulations of this section and the Sumner Municipal Code. Chain-link fences used to enclose drainage detention ponds or other drainage facilities shall be green or black coated or painted.

5. No barbed wire, razor wire, or electric fence shall be allowed within commercial zones unless exceptions in subsection (M)(8) of this section apply.

6. Arbors and trellises will be subject to the following:

a. An arbor of up to three additional feet in height to a nine-foot maximum can be constructed over a gate, walkway, or entryway. The maximum width of an arbor shall be eight feet. These requirements apply to arbors sited in the front and side yard and to arbors attached to fences. Arbors shall be of structurally sound design.

b. A trellis of up to two additional feet in height to a maximum of eight feet may be added to a fence as a decorative element. Trellises with a horizontal element shall not encroach onto adjacent properties. Trellises shall be a structurally sound part of the fence design.

7. Chain link shall be black or green coated or painted in the front or street side yard.

8. Exceptions to the standards set forth in this subsection are listed as follows:

a. Public facilities, minor and major utility facilities, and wireless communication facilities may have fences higher than the required six-foot maximum for safety and security reasons, and are not subject to the requirements of this section. Such facilities needing added public safety and security shall construct fences in accordance to the standards set forth for such facilities.

b. Fences located around commercial sites that demonstrate a need to provide added security for their site and public safety from harmful equipment and activities can exceed the height requirements set forth in this section to a maximum height of eight feet. Examples of a demonstrated need include sites utilizing draining facilities with steep slopes, water tanks, heavy or dangerous machinery or equipment, hazardous substances, hazardous waste, etc.

N. No outdoor sales shall be allowed for taverns, micro-breweries, brewpubs, or bars.

O. Outdoor sales shall be allowed for espresso/coffee businesses and restaurants provided the following are met:

1. The size of the outdoor area is limited to 25 percent of the gross floor area of the principal building.

2. The outdoor area shall be part of the total gross floor area calculation for minimum parking requirements.

3. The outdoor area shall be set back, at a minimum, 50 feet from any residentially zoned lot.

4. The outdoor area shall be located on an impervious surface or on wood decks.

5. Outdoor sales may include alcoholic beverages provided they are served in unmarked containers.

6. The outdoor area may have background music provided the volume is not audible greater than 50 feet from the source.

7. The outdoor area may be revoked or suspended by the director per SMC [18.56.230](#).

8. Outdoor sales on public sidewalks shall also meet the requirements under SMC [12.28.090](#).

P. Drive-in espresso/coffee businesses located within a neighborhood commercial district shall have a minimum gross floor area of 500 square feet and indoor seating for a minimum of 12 persons.

Q. For properties located within the area defined as East Main Street in SMC [18.43.020](#), the setback may be increased to 15 feet when the area between the sidewalk and the building:

1. Is utilized as usable pedestrian space such as a plaza, outdoor seating, or public art (fountain, etc.); or

2. Is used for outdoor displays of merchandise or when the displays are an intrinsic part of the nature of the business or it provides a pedestrian amenity. Examples include, but are not limited to, the display of motorized vehicles that are offered for sale, nurseries, outdoor monuments, etc. Additional landscaping may be required that is a minimum five feet wide as measured from the front property line and running parallel to the street for the entire frontage of the property, except for driveways, and meets the city of Sumner design and development guidelines.

R. All development is subject to applicable Sumner design and development guidelines.

S. For properties located within the MUD zone, the setback may be increased to 15 feet when the area between the sidewalk and the building:

1. Is utilized as usable pedestrian space such as a plaza, outdoor seating, or public art (fountain, etc.); or

2. Is used for outdoor displays of merchandise or when the displays are an intrinsic part of the nature of the business or it provides a pedestrian amenity. Examples include, but are not limited to, nurseries, outdoor monuments, etc. Additional landscaping may be required that is a minimum five feet wide as measured from the front property line and running parallel to the street for the entire frontage of the property, except for driveways, and meets the city of Sumner design and development guidelines.

T. Drive-in businesses located within the East Main Street area, or within the general commercial zone in the Town Center Plan area, shall be located in a multitenant building, except for drive-up banking; and the drive-up windows and queuing for cars shall be located behind buildings and obscured from the street. Multitenant buildings within the East Main Street area, or within the general commercial zone in the Town Center Plan area, shall be subject to the following:

1. Drive-in business tenant(s) shall comprise no greater than 50 percent of the leasable floor area of the building. In order to encourage upper-story uses, leasable floor area above the first floor may be permitted at 80 percent of the area of the first floor.
2. Each tenant space in a multitenant building must share at least one common wall with an adjacent space.
3. A building containing a drive-in business of any type shall not be located adjacent to another building containing a drive-in business of any type either on the same or an adjacent parcel.

U. A light manufacturing, fabrication, assembling and repairing use within the interchange general commercial zone may be allowed as an accessory use to a retail business, provided it meets all the following performance standards shall:

1. Be contained within a fully enclosed structure; and
2. The operation shall not create noise, light, glare, vibration, or odor that would disturb the peace, quiet, and comfort of neighboring residents, retail uses, lodging and restaurant uses.

~~V. A light manufacturing, fabrication, assembling and repairing use may be allowed as an accessory use to a retail business, provided it meets all the performance standards in subsection (U)(1) and (2) of this section.~~

WV. A contractor business shall be permitted an outside storage yard for materials, vehicles and equipment as an accessory use; provided, that the outside storage yard:

1. Shall not be located within the required front and side yard setbacks or approved off-street parking and loading areas; and
2. Shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, and, in the case of a corner lot, the outside storage yard shall not be located between a building and a side street lot line; and
3. Shall not occupy more than 40 percent of the lot area; and

4. Shall be screened from view of an abutting public right-of-way or from future or present bicycle or pedestrian paths by a minimum of a six-foot solid fence or masonry wall and a fully landscaped 15-foot buffer. The buffer shall include at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper measured three feet from the ground. All trees shall be planted no less than 20 feet apart on-center. For every 100 square feet of buffer area, at least one evergreen shrub of a minimum size of two feet shall be provided. Ground cover of a minimum two-gallon size shall be planted in the buffer area sufficient to cover the area within three years of planting. The director may modify the requirements for spacing, number and size of plantings and berm height only upon a satisfactory showing by a licensed landscape architect that an alternate proposal will accomplish the same buffering goals. Buffers should include plantings that are low maintenance and/or drought tolerant species. The director may require irrigation for buffer areas if it is necessary to ensure the long-term success of the landscaping as a buffer. The director may waive buffering requirements for the rear yard where a natural or manmade topographical feature exists that screens the outdoor storage yard.

5. At least 50 percent of the structures on site, within 150 feet of the front lot line, shall be available for retail or office uses beyond that which is required for the contractor business. Structures within 150 feet of the front lot line shall contain a minimum combined total floor area of 5,000 square feet.

| ~~XW~~. Truck parking in the IC zone shall be screened from view of an abutting public right-of-way or from future or present bicycle or pedestrian paths. Such screening may be accomplished by either placing the truck parking behind buildings on the site, providing a landscape buffer as described herein or a combination of these methods. Landscape buffers shall include at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper measured three feet from the ground. All trees shall be planted no less than 20 feet on-center. For every 100 square feet of buffer area, at least one evergreen shrub of a minimum size of two feet shall be provided. Ground cover of a minimum two-gallon size shall be planted in the buffer area sufficient to cover the area within three years of planting. The director may modify the requirements for spacing, number and size of plantings and berm height only upon a satisfactory showing by a licensed landscape architect that an alternate proposal will accomplish the same buffering goals. Buffers should include plantings that are low maintenance and/or drought tolerant species. The director may require irrigation for buffer areas if it is necessary to ensure the long-term success of the landscaping as a buffer. The director may waive buffering requirements for the rear yard where a natural or manmade topographical

feature exists that screens the truck parking area. Light standards, above ground utility pipes and other structures that may be subject to damage from maneuvering trucks may be placed in the landscaped area but shall be protected by bollards, concrete barriers, or other structures capable of preventing damage.