**ORDINANCE NO. 2907**

**CITY OF SUMNER, WASHINGTON**

**AN ORDINANCE of the city council of the City of Sumner, Washington, amending zoning REGULATIONS for housing IN chapter 18.04 definitions; amending CHAPTERS 18.12, 18.14, 18.16, AND 18.30 TO ACCOMMODATE A VARIETY OF HOUSING TYPES such as accessory dwelling units, manufactured home parks, and affordable housing, and to allow community gardens; amending CHAPTER 18.14 TO INCREASE MEDIUM DENSITY RESIDENTIAL ZONE DENSITY TO 22 DWELLING UNITS PER ACRE; amending chapter 18.24 to allow additional affordable housing development through a planned residential development (prd); AMENDING CHAPTER 18.40 TO REMOVE DESIGN REVIEW REQUIREMENT FOR ACCESSORY DWELLING UNITS; AND AMENDING STANDARDS FOR PERMANENT SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, EMERGENCY SHELTERS AND EMERGENCY HOUSING AT CHAPTERS 18.12, 18.14, 18.16, 18.18, 18.29 and 18.30.**

**WHEREAS**, the State legislature has mandated through updates to the Growth Management Act that cities identify sufficient land for a variety of housing types, and make adequate provisions for the housing needs for all economic segments of the community.

**WHEREAS,** through the coordinated planning efforts of the City, Pierce County, and Puget Sound Regional Council, Sumner’s adopted growth targets for 2020-2044 are 5,313 jobs; 4,904 residents; and 1,985 housing units; and

**WHEREAS,** per State requirements that cities accommodate housing accessible to all income bands, Sumner has been assigned its “fair share” of affordable housing at 659 housing units accessible to households making 30-80% of the Area Median Income;

**WHEREAS**, the City recognizes that meeting housing capacity and affordable housing targets will require a range of strategies, such as expanding allowances for Accessory Dwelling Units, duplexes and multiplexes, and small-scale apartments; allowing a moderate density increase in the Medium Density Residential Zone to accommodate infill and “middle housing;” supporting measures to minimize displacement of low-income residents; and creating incentives for affordable housing through bonuses and tax credits; and

**WHEREAS,** the Planning Commission held study sessions on the proposed amendments on September 7, 2023; November 16, 2023; June 6, 2024; and September 5, 2024; and held a duly-advertised public hearing on April 4, 2024; and

**WHEREAS,** on September 19, 2024, the Planning Commission voted unanimously to recommend adoption by the City Council of the proposed zoning regulations updates as set forth in this ordinance; and

**WHEREAS**, the City Council reviewed the proposed amendments at study sessions on October 28, 2024 and held a duly-advertised public hearing on December 2, 2024; and

**WHEREAS**, the proposal was forwarded to the Washington State Department of Commerce for the required 60-day State review per the Growth Management Act on March 1, 2024; and

**WHEREAS**, the City Council finds the proposed amendments to be consistent with the Sumner Comprehensive Plan and the Sumner Municipal Code criteria for Zoning Code amendments;

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

1. **Amended Section.** Sumner Municipal Code Chapter 18.04 Definitions is hereby amended as follows:

**18.04.0035 Accessory unit**

“Accessory unit” means a second dwelling unit located on the same lot as a

single-family housing unit, duplex, triplex, or townhome, either in or added to the principal unit ~~an existing single-family detached dwelling~~, or in a separate accessory structure on the same lot as the ~~main dwelling~~ principal unit, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling. Accessory units are also commonly known as “mother-in-law” units or “carriage houses.”

**18.04.0115 Apartments**. “Apartments” means a building designed for the purpose of human habitation containing ~~two or more~~ more than two dwelling units where units are stacked vertically one upon another, but does not include a multiplex such as a triplex or fourplex.

**18.04.0375 Family**. “Family” means ~~an individual, or two or more persons related by blood, marriage, or adoption. For the purposes of this title, “family” includes a group of not more than five persons who are not related, but~~ a group of persons who may be related who are living and sharing kitchen facilities together as a single housekeeping unit. ~~(Six or more unrelated persons living together constitutes a “Group residence.” See “Group residence.”)~~

**18.04.0262 Community Garden.** “Community garden” means a garden for growing produce that serves the local community and is managed by and located on the premises of a public agency, non-profit organization, or private development.

1. **Amended Section.** Sumner Municipal Code Chapter 18.12 Low Density Residential District, Section 18.12.020 Principal Uses, is hereby amended as follows:

**18.12.020 Principal uses.**

The following uses are permitted outright by right in the LDR district:

A. Small group homes;

B. Manufactured homes subject to the standards of SMC 18.12.080(N), but not to exceed one dwelling on any one lot, except for accessory dwellings as provided in SMC 18.12.030;

C. Minor utility facilities;

D. Single-family detached dwellings, but not to exceed one detached dwelling on any one lot, except for accessory dwellings as provided in SMC 18.12.030;

E. Duplexes, on any one lot in lieu of one single family detached dwelling;

F. Streets;

G. Wireless communication facilities…

H. Existing automotive…

I. Wetland mitigation banks…

J. Multiplexes; provided that in the LDR 8.5 and LDR 12 zones on parcels more than 1.5 times the minimum lot size, one multiplex per parcel with up to four units in lieu of one detached single family dwelling;

K. Community Gardens.

1. **Amended Section**. Sumner Municipal Code Chapter 18.12 Low Density Residential District, Section 18.12.030 Accessory Uses, is hereby amended as follows:
   * 1. **Accessory uses.**

Accessory uses permitted in the LDR district are uses and structures customarily appurtenant to the principally permitted uses, such as:

* 1. Accessory dwelling units subject to the following criteria:

1. ~~One~~ Two accessory dwelling units shall be allowed per legal building lot as a subordinate use in conjunction with the onesingle-family detached dwelling allowed under SMC 18.12.020~~(D) which, for the purposes of this section, is the primary dwelling unit~~; except that no accessory dwelling units are allowed where the building lot is below the minimum lot size specified for the zone.
2. ~~Either the primary dwelling unit or the accessory dwelling unit must be occupied by the owners of the property. In addition,~~ Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the primary dwelling unit, except in accordance with subsections (A)(14) and (15) of this section. ~~The owners shall sign an affidavit affirming that the owners will occupy the main building or the accessory dwelling unit as their primary residence for at least six months of every year. The owners shall sign a covenant agreeing to the conditions of this section which shall be recorded with the Pierce County auditor. The form of the affidavit and covenant shall be specified by the development services department;~~

~~3. The accessory dwelling unit and primary dwelling unit together may account for a total of two families established by the definition of “family” in this title.~~

2 The accessory dwelling unit shall contain a maximum floor area of 1,000 square feet, excluding any related garage area used for vehicle parking…

*~~Repealed by Ord. 2300;~~*

3. There shall be one off-street parking space provided for per accessory dwelling unit~~s~~, except that no off-street parking shall be required for accessory dwelling units that are located within one-half mile of the Sumner transit station ~~if the applicant demonstrates that on-street parking is available.~~

~~4~~. Accessory dwelling units may be located as an attached unit in the same building as the primary dwelling unit or in a detached accessory building, ~~except that, in the LDR 4,000 zone, accessory dwelling units shall be located only in the same building as the primary dwelling unit~~;

5. ~~General appearance and layout regulations for accessory dwelling units are as follows:~~ Accessory dwelling units constructed concurrently with a subdivision shall be subject to subdivision Design Review pursuant to SMC 18.40.020.

1. ~~Detached accessory dwelling units for which any portion of the structure is located closer to the front of the lot than the rear of the primary dwelling unit shall be consistent with the exterior architectural style of the primary dwelling unit, including style of siding and windows;~~
2. ~~The entrance for an attached accessory dwelling unit shall be located either on the rear or the side of the primary dwelling unit;~~

6. Height. Detached accessory dwelling units shall have a maximum building height of 24 ~~18~~ feet, unless the principal dwelling unit is less than 24 feet in height, in which case the height of the ADU shall not exceed the height of the principal dwelling unit. ~~In no case shall the second story contain exterior walls exceeding five feet in height on more than 50 percent of the perimeter of the second story.~~ ~~Attached accessory dwelling units may match the height of the primary dwelling unit, except that attached units located closer than 30 feet to the rear property line shall have a maximum building height of 18 feet;~~

7. Setbacks, Detached Units. Minimum yard setbacks for detached accessory dwelling units are as follows:

a. Front yard setback: equal to or greater than existing front setback of the primary dwelling unit;

b. ~~Rear yard setback:~~  All other setbacks: ~~minimum of 15 feet~~, same as required for the primary dwelling unit, except when:

1. The rear property line is abutting an alley, in which case the ADU may be located at the lot line ~~the setback shall be that required for garage ingress and egress per SMC 18.12.080(E)~~; or,
2. The ADU is a maximum of 18 feet in height, in which case it may be located 15 feet from the rear property line, and 7.5 feet from interior side yard lot lines.

~~c. Interior side yard: minimum of five feet, except as follows:~~

~~i. If the interior side property line is abutting an alley with vehicular access to a garage, then the setback is per SMC 18.12.080(E).~~

~~ii. If the interior side property line is the rear property line of an adjacent lot, the side yard shall be a minimum of 15 feet;~~

1. ~~Street side yard: same as required for the primary dwelling unit;~~

8. Setbacks, Attached Units. Minimum yard setbacks for attached accessory dwelling units shall be the same as the setback requirements for the primary dwelling unit…

9. Windows…

10. The accessory dwelling unit shall meet all technical code standards…

11. The accessory dwelling unit may be subdivided from the original parcel…

12. Accessory dwelling units that are subdivided from the original parcel shall meet the off-street parking standards…

13. **Conversion of existing accessory structure to ADU**. Existing accessory structures may be converted into an accessory dwelling unit, subject to the following provisions:

~~a. An accessory structure can be converted to an accessory dwelling unit so long as the building height, setbacks, and other provisions of this subsection (A) are met, unless otherwise provided in this section;~~

~~b. Setbacks. No conversion of an accessory structure to an accessory dwelling unit shall encroach further into the setbacks established in this subsection (A) for accessory dwelling units; except for preexisting structures as provided in subsection (A)(16)(c) of this section;~~

a. The converted structure does not encroach further than the existing accessory structure into the setbacks established in section 10;

b. The converted structure does not further violate lot coverage requirements;

c. The converted structure meets all other development standards as required in 18.12.030(A).

d. The original structure to be converted was legally constructed prior to the adoption of this code.

~~c. Where the structure to be converted was constructed prior to 2012, the converted unit may have a minimum rear yard of three feet, and a minimum interior side yard of three feet, if located in the rear 33 percent of the lot, or in back of the front 75 feet of the lot; except as follows:~~

1. ~~An accessory structure with vehicular access from an alley shall have a rear setback and interior side setback established by SMC 18.12.080(E); unless the interior side property line is the rear property line of an adjacent lot, in which case the setback shall be a minimum of 10 feet at the abutting rear yard;~~

~~ii. The converted unit shall be no taller than one story and 16 feet; and~~

e. The structure to be converted shall be of sound condition and meet current fire, building and safety regulations, as determined by the building official;

f. Parking. If off-street parking spaces for the primary dwelling unit are removed as part of converting an existing accessory structure to an accessory dwelling unit, the applicant shall demonstrate on a site plan how the provisions in subsection (A)(6) of this section and the parking requirements in SMC 18.12.070~~(J)~~(K) are being met;

g. Conversion of a nonconforming structure to an accessory dwelling unit shall not result in an increase in the nonconformity; and

h. An accessory structure conversion may be expanded beyond its existing footprint and setbacks up to a maximum of 1,000 square feet in area, provided:

i. the finished structure shall comply with the maximum building height in 18.12.030(A)(9); and

ii. the expanded portion of the structure shall meet the setbacks established in 18.12.030(A)(10).

1. **Amended Section**. Sumner Municipal Code Chapter 18.12 Low Density Residential Districts, Section 18.12.040 Conditional Uses is hereby amended as follows:

**18.12.040 Conditional uses.**

The following uses in the LDR district require a conditional use permit or, where specifically required, a planned residential development approval from the city:

[…]

G. Manufactured housing ~~subdivisions~~ development:

a. Manufactured home parks subject to SMC 18.34; and

b. Manufactured housing subdivisions subject to SMC Title 17;

[…]

M. Assisted, senior and affordable housing

1. Assisted living facilities, board and care homes, hospices or nursing homes that meet building height and other standards in the zone require a conditional use permit.

2. Multifamily senior housing, including retirement homes, senior apartments and continuing care communities may be allowed only through a planned residential development, pursuant to chapter 18.24 SMC;

3. Affordable multifamily housing on properties owned by a religious organization may be allowed only through a planned residential development, pursuant to chapter 18.24 SMC.

[…]

S. Permanent supportive housing that exceeds ~~one~~ two dwellings on any one lot, subject to the performance standards in SMC 18.12.080(R); and

T. Transitional housing that exceeds ~~one~~ two dwellings on any one lot, subject to the performance standards in SMC 18.12.080(R).

1. **Amended section.** That Sumner Municipal Code Chapter 18.12 Low Density Residential Districts, Section 18.12.080 Performance Standards, is hereby amended as follows:

**18.12.080 Performance standards**

The following special performance standards shall apply to properties located in the LDR district:

[…]

R. Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in this chapter;

2. Be limited to occupancy set by the City fire code ~~by one family per dwelling unit~~;

3. Comply with the maximum housing density for the zone ~~except that in no case shall density exceed a maximum of 10 housing units on any single parcel of land~~; and

4. Where the number of housing units exceeds one unit per lot, such housing shall not be located within 880 feet ~~one-half mile~~ of any other emergency shelter or emergency housing use; or any permanent supportive housing or transitional housing use.

1. **Amended section.** That Sumner Municipal Code Chapter 18.14 Medium and High Density Residential Districts, Section 18.14.20 Principal Permitted Uses, is hereby amended to read as follows:

**18.14.020 Principal permitted uses.**

The following uses are permitted in all MDR and HDR districts unless otherwise specified:

[…]

H. One new single-family dwelling on each building site in the MDR zone only, subject to maximum lot size in 18.14.070. Single-family dwellings legally constructed prior to the adoption of this code are permitted in the MDR and HDR zones.

[…]

1. One manufactured home~~s~~ per lot in the MDR zone only, subject to the standards of SMC 18.14.080(N), except when placed in a manufactured home park, pursuant to SMC 18.14.040(K)).

[…]

N. Apartments up to three stories ~~in the medium density and high density residential zone south of East Main and 60th Street East~~, ~~except for senior housing subject to SMC 18.14.040~~

O. Triplexes and fourplexes.

P. Community Gardens.

1. **Amended Section.** That Sumner Municipal Code 18.14 Medium and High Density Residential Districts, Section 18.14.030 Accessory Uses, is hereby amended to read as follows:

**18.14.030 Accessory uses.**

Accessory buildings and uses permitted in the MDR and HDR districts are those uses customarily incidental or appurtenant to the principal permitted uses.

[…]

H. Accessory Dwelling Units, subject to 18.12.030(A).

1. **Amended Section.** That Sumner Municipal Code Chapter 18.14 Medium and High Density Residential Districts, Section 18.14.40 Conditional Uses, 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…

[…]

~~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;~~

[…]

K. ~~Manufactured home parks~~ Manufactured housing development:

1. Manufactured home parks subject to SMC 18.34; and

2. Manufactured housing subdivisions subject to SMC Title 17;

[…]

S. Senior housing and low income housing

1. Multifamily senior housing, including senior apartments, retirement homes and continuing care communities exceeding the maximum density and other standards for the zone may be allowed only through a planned residential development, pursuant to chapter 18.24 SMC;

2. Affordable multifamily housing on properties owned by a religious organization exceeding the maximum density and other standards for the zone may be allowed only through a planned residential development, pursuant to chapter 18.24 SMC.

1. **Amended section.** That Sumner Municipal Code Chapter 18.14 Medium and High Density Residential Districts, Section 18.14.070 Property Development Standards is hereby amended, as follows:

**18.14.070 Property development standards for MDR/HDR.**

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**

|  |  |  |
| --- | --- | --- |
|  | MDR | HDR |
| A. Minimum lot area per building site in square feet 1 |  |  |
| […] |  |  |
| C. Maximum development density in dwelling units per net acre | ~~15~~ 22 | 25 |
| […] |  |  |

1. **Amended section.** That Sumner Municipal Code Chapter 18.14 Medium and High Density Residential Districts, Section 18.14.080 Performance Standards, is hereby amended as follows:

**18.14.080 Performance Standards for MDR/HDR**

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

[…]

N. Manufactured homes shall meet all of the following conditions:

~~1. Manufactured homes shall be new;~~

2. Manufactured homes shall be set upon a permanent foundation and the space from the bottom of the home to the ground shall be enclosed by ~~concrete or an approved concrete~~ a product which can be either load-bearing or decorative;

3. Manufactured homes shall be thermally equivalent to the State Energy Code;

4. Manufactured homes shall have exterior siding similar in appearance to siding materials commonly used on site built single-family homes;

5. The roofs of manufactured homes shall be constructed with a shake or shingle, coated metal, or similar material ~~with a nominal roof pitch of 3:12~~; and

6. Manufactured homes shall be comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long.

[…]

P. Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in this chapter;

2. Comply with the maximum housing density for the zone and occupancy limits set by the City fire code, ~~except that in no case shall density exceed a maximum of 10 housing units on any single parcel of land~~; and

3. Not be located within 880 feet ~~one-half mile~~ of any other emergency shelter or emergency housing use; or any permanent supportive housing or transitional housing use.

1. **Amended section.** That Sumner Municipal Code Chapter 18.16 Commercial Districts, Section 18.16.020 Principal and Conditional Uses, is hereby amended 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. Where a “PRD” is indicated, the respective use in the same row is permitted through a planned residential development. A planned residential development shall be required and in full force and effect in order to establish the use.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | | **NC** | **GC** | **IC** |
| 1. | Accessory parks and recreation facilities for use by on-site employees or residents | P | P | P |
| […] |  |  |  |  |
| 34a. | Multifamily dwellings, rooming houses and boarding houses, senior apartments, retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes subject to the standards and locations as applicable in SMC 18.16.040 | P | P |  |
| 34b. | Senior apartments, retirement homes or continuing care communities that exceed allowable densities or that do not meet other standards of the respective zone may be allowed through a planned residential development, pursuant to chapter 18.24 SMC, subject to the standards and locations as applicable in SMC 18.16.040 | PRD | PRD |  |
| 34c. | Affordable multifamily housing on properties owned by a religious organization exceeding the maximum density and other standards for the zone may be allowed only through a planned residential development, pursuant to chapter 18.24 SMC, subject to SMC 18.16.040. | PRD | PRD |  |
| […] |  |  |  |  |
| 76. | Community gardens | P | P | P |

1. **Amended section.** That Sumner Municipal Code Chapter 18.16 Commercial Districts, Section 18.16.080 Performance Standards, is hereby amended as follows:

**18.16.080 Performance Standards**

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

[…]

W. Indoor emergency shelters and indoor emergency housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;

2. Comply with occupancy limits set by the City fire code ~~Be limited to no more than five families or 20 occupants, whichever is fewer~~; and

3. Not be located within 880 feet ~~one-half mile~~ of any other emergency shelter or emergency housing use; or any permanent supportive housing or transitional housing use.

X.  Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;

2. Comply with the maximum residential density and mixed use requirements for the zone as specified in SMC 18.16.040 and occupancy limits set by the City fire code~~, except that in no case shall density exceed 25 dwelling units per acre~~; and

3. Not be located within 880 feet ~~one-half mile~~ of any emergency shelter or emergency housing use; or any other permanent supportive housing or transitional housing use.

[…]

1. **Amended section.** That Sumner Municipal Code Chapter 18.18 Manufacturing Districts, Section 18.18.060 Performance Standards, is hereby amended as follows:

**18.18.060 Performance standards.**

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

[…]

V. Indoor emergency shelters and indoor emergency housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;

2. Comply with occupancy limits set by the City fire code ~~Be limited to no more than five families or 20 occupants, whichever is fewer~~; and

3. Not be located within 880 feet ~~one-half mile~~ of any other emergency shelter or emergency housing use; or any permanent supportive housing or transitional housing use.

W. Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;

2. Comply with occupancy limits set by the City fire code ~~Not exceed a maximum housing density of 25 dwelling units per acre~~;

3.  In no case exceed a maximum of 10 housing units on any single parcel of land; and

4.  Not be located within 880 feet ~~one-half mile~~ of any emergency shelter or emergency housing use; or any other permanent supportive housing or transitional housing use.

1. **Amended section.** That Sumner Municipal Code Chapter 18.24 Planned Residential Development, Section 18.24.020 Districts Where Permitted, is hereby amended as follows:

**18.24.020 Districts where permitted.**

A. Planned residential development (PRD) may be permitted in the following residential districts:

1.  LDR, low density residential district;

2.  MDR, medium-density residential district;

3.  HDR, high-density residential district.

B. A senior housing or affordable multifamily housing on properties owned by a religious organization PRD may be permitted in the following districts:

1.  LDR, low density residential district;

2.  MDR and ESUV/MDR, medium-density residential districts;

3.  HDR and ESUV/HDR, high-density residential districts;

4.  NC, neighborhood commercial district;

5.  GC, general commercial district;

6.  ESUV/NC, East Sumner urban village neighborhood commercial;

7.  ESUV/GC East Sumner urban village general commercial.

1. **Amended section.** That Sumner Municipal Code Chapter 18.24 Planned Residential Development, Section 18.24.030 Permitted Uses in a PRD, is hereby amended as follows:

**18.24.030 Permitted uses in a PRD.**

The following uses are allowed in planned residential developments:

A. Within the LDR districts, allowable residential uses shall include only the following:

1. Single-family residences or detached condominiums; or

2. Senior housing, including senior apartments or combination of senior housing types, provided at least 20 percent of the dwelling units are maintained as affordable housing.

3. Affordable multifamily housing on properties owned by a religious organization.

B. Within the MDR or HDR and ESUV/MDR or ESUV/HDR districts, residential development of all types regardless of the type of building in which such residence is located, such as single-family residences, manufactured homes, duplexes, triplexes, fourplexes, townhouses, condominiums or senior apartments or other senior housing types; provided, that:

1. Senior housing shall maintain at least 20 percent of the units as affordable housing; ~~and~~

2. Hotels, motels and mobile home parks are excluded; and

3. Affordable multifamily housing on properties owned by a religious organization shall include 100 percent of the units as designated affordable housing.

C. Within commercial districts, allowable residential uses in a planned residential development shall only include:

1. Senior housing, subject to location requirements specified in each district; provided, that at least 20 percent of the dwelling units are maintained as affordable housing.

2. Affordable multifamily housing on properties owned by a religious organization, subject to SMC 18.16.040; provided, that 100 percent of the units as designated affordable housing.

[…]

1. **Amended section.** That Sumner Municipal Code Chapter 18.24 Planned Residential Development, Section 18.24.060 Permitted Uses in a PRD, is hereby amended as follows:

**18.24.060 Property development standards in a PRD**

A. Acreage Minimum. The minimum site for a planned residential development shall be as follows:

1. For low density residential zones, one acre.

2. For medium density residential zones, one-half acre.

3. For a senior housing PRD on a property owned or controlled by a religious organization ~~church~~, public housing authority, or government agency that includes other uses, the site devoted to senior housing uses shall be a minimum of one-half acre. Density shall be calculated based on the area devoted to senior housing uses.

4. For an affordable multifamily housing PRD on a property owned by a religious organization that includes other uses, the site devoted to affordable housing shall be a minimum of one-half acre. Density shall be calculated based on the area devoted to affordable housing uses.

[…]

D.  Density Standards. The maximum density permitted in the underlying zone shall serve as the base density. The base density may be adjusted based on conformance with the following:

1. Density Standards for General Residential Development. The total density for a planned residential development that does not include senior housing or affordable housing shall be the same as the density of the base zone, except that the allowed density may be clustered on the site.

2. Density Standards for Senior Housing and Affordable Multifamily Housing on Properties Owned by a Religious Organization. The base density for senior housing and religious organization affordable housing may be increased according to the zone in which it is located, as follows:

a. Low density residential (LDR) zone: up to 50 dwelling units per acre to a total maximum of 200 units.

b. Medium density residential and high density residential (MDR, HDR, ESUV/MDR, ESUV/HDR) zones: up to 50 dwelling units per acre.

c. Neighborhood commercial (NC, ESUV/NC) zones: up to 50 dwelling units per acre.

d. General commercial (GC, ESUV/GC) zones: up to 50 dwelling units per acre.

E. Building Height for Senior Housing and Affordable Multifamily Housing on Properties Owned by a Religious Organization. The maximum building height permitted in the underlying zone shall serve as the base height. Base height for senior housing and religious organization affordable housing may be increased according to the zone in which the development is located, as follows:

1. Low density residential (LDR) zone: Up to 35-foot building height; provided, that buildings greater than a 30-foot height have increased setbacks…

2. Medium density residential and high density residential (MDR, HDR, ESUV/MDR, ESUV/HDR) zones: Up to 50-foot building height; provided, that buildings greater than a 35-foot height have increased setbacks…

3. Neighborhood commercial (NC, ESUV/NC) zones: up to 50-foot building height.

4. General commercial (GC, ESUV/GC) zones: up to 50-foot building height.

F.  Open Space. The minimum open space established in SMC 18.41.200 may be reduced as follows:

1.  A single-family dwelling planned residential development shall provide not less than 30 percent of the lot area for common open space.

[…]

3. Senior apartments and affordable multifamily housing on properties owned by a religious organization may have reduced private open space to zero, provided the area in common open space is not less than 20 percent of the lot area devoted to senior housing or affordable multifamily housing uses.

[…]

1. **Amended section.** That Sumner Municipal Code Chapter 18.29 Town Center Code, Section 18.29.060 Performance Standards, is hereby amended as follows:

**18.29.060 Performance standards.**

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

[…]

G. Indoor emergency shelters and indoor emergency housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the district;

2. Comply with occupancy limits set by the City fire code ~~Be limited to no more than five families or 20 occupants, whichever is fewer~~; and

3. Not be located within 880 feet ~~one-half mile~~ of any other emergency shelter or emergency housing use; or any permanent supportive housing or transitional housing use.

H. Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the district;

2. Comply with occupancy limits set by the City fire code where applicable; and in no case shall ~~Not~~ exceed a maximum housing density of 25 dwelling units per acre; and

3. Not be located within 880 feet ~~one-half mile~~ of any emergency shelter or emergency housing use; or any other permanent supportive housing or transitional housing use.

[…]

1. **Amended section.** That Sumner Municipal Code Chapter 18.30 East Sumner Urban Village Overlay District, Section 18.30.030 Principal and Conditional Uses, is hereby amended as follows:

**18.30.030 Principal and conditional uses.**

* 1. Residential Districts…
  2. Commercial Districts. Those uses listed below shall govern the uses permitted and conditionally permitted where the base designations GC and NC are combined with the ESUV overlay district. 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. Where a “PRD” is indicated, the respective use in the same row is permitted through a planned residential development. A planned residential development shall be required and in full force and effect in order to establish the use.

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **NC/ESUV** | **GC/ESUV** |
| 1. | Accessory parks and recreation facilities for use by on-site employees or residents | P | P |
| … | … |  |  |
| 34a. | Senior housing including retirement homes and senior apartments, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes, subject to density maximums and locations specified in SMC [18.30.080](https://www.codepublishing.com/WA/Sumner/#!/Sumner18/Sumner1830.html#18.30.080)(B) and [18.30.090](https://www.codepublishing.com/WA/Sumner/#!/Sumner18/Sumner1830.html#18.30.090) | P | P |
| 34b. | Senior housing that exceeds the density maximums and other standards of SMC [18.30.080](https://www.codepublishing.com/WA/Sumner/#!/Sumner18/Sumner1830.html#18.30.080)(B), subject to the locations specified in SMC [18.30.090](https://www.codepublishing.com/WA/Sumner/#!/Sumner18/Sumner1830.html#18.30.090) | PRD | PRD |
| 34c. | Affordable multifamily housing on properties owned by a religious organization exceeding the maximum density and other standards for the zone may be allowed only through a planned residential development, pursuant to chapter 18.24 SMC, subject to performance standards for multifamily residential uses in 18.30.090. | PRD | PRD |
| […] | […] |  |  |
| 57. | Community gardens | P | P |

1. **Amended section.** That Sumner Municipal Code Chapter 18.30 East Sumner Urban Village Overlay District, Section 18.30.090 Performance Standards, is hereby amended as follows:

**18.30.090 Performance standards.**

* 1. Required Landscaping. For each development in the urban village district…

[…]

G.  Indoor emergency shelters and indoor emergency housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;

2. Comply with the performance standards of SMC 18.30.090, including location requirements;

3. Comply with occupancy limits set by the City fire code ~~Be limited to no more than five families or 20 occupants, whichever is fewer~~; and

4. Not be located within 880 feet ~~one-half mile~~ of any other emergency shelter or emergency housing use, or any permanent supportive housing or transitional housing use.

H.  Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;

2. Comply with the performance standards of SMC 18.30.090, including location;

3. Comply with occupancy limits set by the City fire code ~~Not exceed a maximum housing density of 25 dwelling units per acre~~; and

4. Not be located within 880 feet ~~one-half mile~~ of any emergency shelter or emergency housing use; or any other permanent supportive housing or transitional housing use.

1. **Amended section.** That Sumner Municipal Code Chapter 18.40 Design and Development Guidelines, Section 18.40.020 Types of Review, is hereby amended as follows:

**18.40.020 Types of Review**

All development which falls under the thresholds provided in this section shall be subject to design review as provided for in chapter [18.56](https://www.codepublishing.com/WA/Sumner/#!/Sumner18/Sumner1856.html#18.56) SMC, Procedures for Land Use Permits.

B. Administrative Review. The following types of projects shall require design review according to the procedures for Type III.b decisions, chapter [18.56](https://www.codepublishing.com/WA/Sumner/#!/Sumner18/Sumner1856.html#18.56) SMC, Procedures for Land Use Permits:

1. Sign permits for permanent signs which are regulated by the design guidelines.
2. ~~Accessory units in residential zones.~~

[…]

1. **Severability.** If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, this ordinance is deemed to control.
2. **Effective date.** This ordinance shall take effect five (5) days from the date of publication in the City’s official newspaper.
3. **Corrections by City Clerk or Code Reviser**. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

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

  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor Kathy Hayden

**ATTEST: APPROVED AS TO FORM:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

City Clerk Michelle Converse, CMC Andrea Marquez, City Attorney

#### *First Reading:*

#### *Date Adopted:*

#### *Date of Publication:*

***Effective Date:***