

**ORDINANCE NO. 2667
CITY OF SUMNER, WASHINGTON**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, ESTABLISHING A NEW CHAPTER OF THE ZONING CODE RELATED TO THE TOWN CENTER PLAN AREA AND ESTABLISHING LAND USE REGULATIONS FOR SAID AREA, WHICH CREATES CHAPTER 18.29 OF THE; AND AMENDING THE WIRELESS COMMUNICATIONS CHAPTER IN THE ZONING CODE AND AMENDING SUMNER MUNICIPAL CODE TITLE 18, AND SECTION 18.37.020; AND AMENDING ORDINANCE 2269, AND THE CITY OF SUMNER DESIGN AND DEVELOPMENT GUIDELINES; APPROVED ON OCTOBER 6, 2008, AND ADOPTING AMENDMENTS WITH THE ADDITION OF THE TOWN CENTER DISTRICTS; AMENDING THE OFF-STREET PARKING REGULATIONS IN THE ZONING CODE TO IMPLEMENT THE TOWN CENTER PLAN AND AMENDING SMC 18.42.040 AND ADDING A NEW SECTION 18.42.047 "PARKING IN TOWN CENTER PLAN AREA."

WHEREAS, the City of Sumner desires to provide housing and commercial nodes near the Sumner Sounder Station to promote more transit-oriented development; and

WHEREAS, the City of Sumner places significant value on walkability and connectivity in the downtown. To provide a walkable and connected downtown the regulations include principles of Form-Based Code which will connect the built environment and the public space to be more place-making, walkable and connected; and

WHEREAS, the City has completed a public process including a public hearing with the Planning Commission on October 4, 2018, and several public meetings including October 5, 2017, February 15, 2018, and October 2, 2018; and Council public hearing on November 5, 2018; and

WHEREAS, in compliance with the State Environmental Policy Act (SEPA) RCW 43.21c and WAC 197-11, the City of Sumner issued a Determination of Significance on this proposal on, May 21, 2018 and scoping was conducted and comment received until June 11, 2018; and a Draft Supplemental Environmental Impact Statement (DSEIS) was issued on September 12, 2018 for a 30-day comment period ending October 12, 2018, and the Final Supplemental Environmental Impact Statement (FSEIS) on November 26, 2018; and

WHEREAS, the proposed updated Town Center Subarea Plan draft and 2018 Comprehensive Plan amendments and DSEIS were sent to the Washington State Department of Commerce on September 12, 2018 per RCW 36.70A.106 for a 60-day review; and

WHEREAS, Section 43.21C.440 of the Revised Code of Washington (RCW), Sections 197-11-164 through 172 of the Washington Administrative Code (WAC), and Section 16.04.170 of the Sumner Municipal Code (SMC) allow for and govern the adoption and application of a planned action designation under SEPA; and

WHEREAS, the designation of a planned action expedites the permitting process for projects of which the impacts have been previously addressed in a supplemental environmental impact statement (SEIS); and

WHEREAS, the City of Sumner established a public participation plan pursuant to RCW 36.70A.130(2)(a) and provided notice to all persons requesting notice of a comprehensive plan amendment update and provided opportunity to comment; and

WHEREAS, the Sumner Design and Development Guidelines regulate new development within the City of Sumner; and

WHEREAS, the City of Sumner desires to provide housing and commercial nodes near the Sumner Sounder Station to promote more transit-oriented development; and

WHEREAS, the City of Sumner places significant value on walkability and connectivity in the downtown. To provide a walkable and connected downtown the regulations include principles of Form-Based Code which will connect the built environment and the public space to be more place-making, walkable and connected; and

WHEREAS, the City Council adopted updates to the Town Center Plan, a transit oriented development district within ½ mile walking distance to the regional Sounder commuter rail station; and

WHEREAS, the City of Sumner places significant value on walkability and connectivity in the downtown; and

WHEREAS, the demand for off-street parking in transit oriented areas is substantially less than traditional suburban developments where abundant free parking is the norm; and

WHEREAS, the City Council wishes to strike a balance between the amount of parking needed to accommodate residents, employees, and customers while at the same time not requiring more parking than is necessary; and

WHEREAS, structured parking is more expensive to build than surface parking and therefore is a substantial cost to developers and parking requirements that demand too much parking can be a detriment to development and redevelopment of multifamily housing and commercial spaces; and

WHEREAS, the proposed regulations strike a balance, based on research of surrounding jurisdictions, interviews with developers, and real estate professionals and community input; and

WHEREAS, the Planning Commission on October 18, 2018 approved with a unanimous vote a recommendation that the City Council adopt the updated Town Center Subarea Plan; and

WHEREAS, the City Council has found the updated Town Center Subarea Plan and subsequent Comprehensive Plan amendments to be consistent with the Growth Management Act, VISION 2040 Multi-county planning policies, and Pierce County Countywide Planning Policies; and

WHEREAS, the City Council held a duly advertised public hearing on November 5, 2018 and held a prior study session on November 12, 2018 to deliberate and discuss alternatives; and

WHEREAS, the text amendment is consistent with the goals and policies of the Comprehensive Plan; and

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

Section 1. New Chapter 18.29 “Town Center Code” in Title 18 “Zoning” of the Sumner Municipal Code is hereby added to read as follows:

“Chapter 18.29

Town Center Code (TCC)

Sections:

18.29.010 Purpose.

18.29.020 Districts in the Town Center.

18.29.030 Principal uses.

18.29.040 Conditional uses.

18.29.050 Prohibited uses.

18.29.060 Performance standards.

18.29.070 Town Center Code adopted.

18.29.010 Purpose.

The Town Center district is intended to be a transit-oriented development area with a mix of residential, commercial, retail and civic uses that serve the neighborhood and the larger region with goods and services. The Town Center features a wide range of types of uses, from multi-family, to townhouse and commercial buildings. Motor vehicles are accommodated in the street designs and parking areas, yet the Town Center district strongly promotes a pedestrian scale through building form and connections to the streetscape. The connectivity is accomplished with sidewalks, landscaping, building locations, signage and pedestrian oriented development. An improved street grid system provides efficient circulation and supports transit.

18.29.020 Districts in the Town Center.

The Town Center includes the West Sumner District, Riverside District, Station District and the Historic Central Business District. Each district has its own unique characteristics, whether it is the increased heights allowed in the West Sumner District, or the connection to the White River in the Riverfront District, or the proximity to the Sounder Station of the Station District, or the historic character of the Historic Central Business District. These characteristics are a primary focus in the Town Center Code.

18.29.030 Principal uses.

Permitted uses in the Town Center districts are as follows:

- A. Accessory parks and recreation facilities for use by on-site employees or residents
- B. Adult entertainment businesses subject to chapter 18.38 SMC
- C. Artist’s studio and workshop having a retail component
- D. Automotive and motorized vehicle sales

- E. Wireless communication facilities¹
- F. Churches
- G. Existing residential dwellings lawfully constructed as of the effective date of the ordinance codifying this title.
- H. Family child care home or family child day care home in accordance with the provisions of SMC 18.16.025; and child day care centers
- I. Health and fitness club
- J. Hospitals
- K. Hotels, bed and breakfasts and tourist homes
- L. Multifamily dwellings, rooming houses and boarding houses, retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes
- M. Private clubs, lodges, fraternal organizations, union halls and social halls
- N. Professional Offices
- O. Public off-street parking lots
- P. Restaurants
- Q. Retail
- R. Streets
- S. Taverns, micro-breweries, brewpubs, and bars
- T. Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades
- U. Vocational or fine arts school
- V. Funeral homes, mortuaries, and funeral parlors

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

18.29.040 Conditional uses.

Conditional uses allowed in the Town Center districts are as follows:

- A. Churches
- B. Cemeteries
- C. Major utility facility
- D. Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots
- E. Public parks and public recreational facilities
- F. Public facilities
- G. Public off-street parking lots, paid
- H. Public garage
- I. Schools, colleges and universities
- J. Temporary homeless encampments in accordance with SMC 18.36.060
- K. Water towers and water supply plants

18.29.050 Prohibited uses.

Any use or structure not listed under permitted principal, accessory or conditional uses is prohibited in the Town Center districts unless authorized in chapter 18.36 or 18.46 SMC.

18.29.060 Performance standards.

A. Required Landscaping. For each development in the Town Center shall be submitted for approval by the community development director. The requirements of the city of Sumner design and development guidelines shall be met. Landscape plans shall be prepared and submitted in accordance with chapter 18.41 SMC.

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

1. Within 10 years of December 3, 2018, residential uses within the residential zone may expand no more than 75 percent of their existing square footage. After 10 years of December 3, 2018 residential uses within the residential zone may expand no more than 25 percent of their existing square footage as of December 3, 2018. In no event shall an expansion under this section exceed 75 percent of the existing square footage on December 3, 2018 and in no event shall an expansion under this section be permitted if said expansion requires the acquisition of additional property. The expansion shall meet all the development standards of the zoning regulations in place on the date of the permit application, including but not limited to, setbacks, lot coverage, and building height;”
2. Residential uses within commercially zoned properties may expand no more than 25 percent of their existing square footage. The expansion shall meet all the development standards of the zoning regulations in place on the date of the permit application, including but not limited to, setbacks, lot coverage, and building height;
3. No additional dwelling units may be added;
4. 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;
5. Structures that were destroyed by a fire or other disaster prior to December 3, 2018, may be rebuilt to original dimensions unless a health or safety impact would occur without any limitation on time.

C. As applicable, the provisions of the city of Sumner design and development guidelines per SMC 18.40 shall be met for new development.

D. As applicable, the provisions of the Town Center Code shall be met for new development.

18.29.070 Town Center Code adopted.

The city hereby adopts the development regulations published in the “Town Center Code” which shall be applied to all development within the Town Center district as shown on the official zoning map.

Section 2. That the Town Center Code, Exhibit A, attached hereto and incorporated by reference is hereby adopted;

Section 3. That section 18.37.020 “Wireless communication facilities – LDR, MDR, HDR, RP, CBD, MUD and NC zones.” in Chapter 18.37 “Wireless Communication Facilities” of the Sumner Municipal Code is hereby amended to read as follows:

18.37.020 Wireless communication facilities – LDR, MDR, HDR, RP, CBD, ~~MUD-Town Center~~ and NC zones.

Wireless communication facilities are permitted as principal or accessory uses in LDR- 6, LDR-7.2, LDR-8.5, LDR-12, MDR, HDR, RP, CBD, ~~MUD-Town Center~~ and NC zones subject to the provisions of this chapter and the following requirements:

A. Accessory antenna devices, parabolic antennas two feet in diameter or less, omni-directional antennas less than eight feet in length, directional antennas five feet or less in height with a combined surface area of not more than 580 square inches as viewed from any one point, and stealth antennas are permitted subject to the performance standards set forth in SMC 18.37.040 and subject to meeting the following criteria:

1. The antenna is attached to an existing structure; and
2. The antenna does not extend more than 15 feet above the top of the structure.

B. Freestanding parabolic antennas greater than two feet in diameter and associated support structure are allowed subject to the performance standards set forth in SMC 18.37.040 and subject to meeting the following criteria:

1. The antenna and associated support structure are not located within any required landscaped setbacks, front or side yard setback, or in the area located between the front setback line and the front of the building; and
2. The antenna and associated support structure does not extend more than 15 feet above the adjoining grade.

C. Attached or freestanding antennas and associated support structures which are not specifically permitted under subsection (A) or (B) of this section or which exceed the associated criteria shall comply with the following requirements:

1. The antenna and support structure shall be subject to the maximum building height for the corresponding zone in which it is located as set forth in SMC 18.12.070(G) for low density residential zoned property, SMC 18.14.070(G) for medium density residential and high density residential zoned property and SMC 18.16.070(11) for central business district and neighborhood commercial zoned property; said height restrictions shall not be subject to granting of a variance;
2. The antenna and associated support structure shall not be located within any required landscaped setback, front or side yard setback, or in the area located between the front setback line and the front of the building;
3. The antenna and associated structure shall comply with required building setbacks and shall be set back from the required side yard setback an additional one foot for each foot of height over 10 feet;
4. The antenna and associate structure shall comply with the performance standards set forth in SMC 18.37.040; and
5. No more than one freestanding support structure shall be permitted per lot.

Section 4. That the City of Sumner Design and Development Guidelines, adopted in SMC 18.40.040, are hereby amended and updated as indicated in Exhibit B, attached hereto and adopted by reference.

Section 5. That section 18.42.040 “Required number of parking spaces” in Chapter 18.42 “Off-Street Parking and Loading” of the Sumner Municipal Code is hereby amended to read as follows:

“18.42.040 Required number of parking spaces.

The minimum number of off-street parking spaces shall be as follows for the listed uses except as provided in SMC 18.42.045 and 18.42.048:

- A. Single-family dwellings: two for each unit;
- B. Multifamily dwellings: one space per studio; 1.5 for each one or two bedroom unit; two spaces for three or more bedroom units; senior or retirement apartments one for each unit; visitor parking for any type of multifamily use at one space for every five units;
- C. Business and commercial buildings: 2.5 for each 1,000 square feet of gross floor area; in neighborhood commercial districts, the ratio shall be two parking spaces per 1,000 square feet of gross leasable commercial floor area if there is no ability for on-street parking; in neighborhood commercial districts where on-street parking is provided as a part of street improvements, one parking space per 1,000 square feet of gross leasable commercial floor area is allowable;
- D. Churches and funeral homes: one for each five persons based on occupant load;
- E. Convalescent homes, nursing homes and rest homes: one for every six beds and one space per worker on the maximum shift;
- F. Fast-food restaurants: one for each 50 square feet of gross floor area;
- G. Food stores and markets: one for each 300 square feet of gross floor area;
- H. Schools with nine through 12 grade levels: one for each staff member plus two for every five students plus designated visitor spaces at one space for each six seats in an auditorium or other places of assembly;
- I. Hospitals: one for every three beds;
- J. Hotels and motels: one for each room;
- K. Industrial buildings: one for each 1,000 square feet of gross floor area;
- L. Warehouse buildings: one for each 2,000 square feet;
- M. Office and professional buildings, banks, dental and medical clinics: 2.5 for each 1,000 square feet of gross floor area;
- N. Places of public assembly, including auditoriums, exhibition halls, community clubs, community centers and theaters: one for every four persons based on occupant load; plus one for every two employees;
- O. Restaurants: one space for every four seats, plus one space for every employee on the maximum shift;
- P. Schools, with kindergarten through 8th grade levels: 1.5 for each staff member; plus designated visitor spaces at one space for each six seats in an auditorium or other places of assembly;

Q. Planned shopping center: four for each 1,000 square feet, plus six per 1,000 square feet of gross restaurant area, plus three per 100 seats for theater, over an initial 400 seats;

R. Taverns: one for every four persons, based on occupant load;

S. Manufactured home parks: two off-street parking spaces per site, and an additional one parking space per five sites provided in community parking areas distributed throughout the park;

T. Automotive and motorized vehicle sales and rental agencies: one for each 5,000 square feet of outside sales area; plus 2.5 for each 1,000 square feet of gross floor area.

U. Multifamily dwellings: within the Town Center Plan Area, 1.25 for each unit. Parking may be reduced to 0.85 for each unit only when the following facts and conditions are found to exist:

1. The proposal is within ¼ mile of the Sumner Sounder Station,
2. On-street parking is available along the street frontage, and
3. A parking study is provided that shows that the proposed parking will meet the market demands of the proposed development.”

Section 6. That section 18.42.047 “Parking in the Town Center Plan area” in Chapter 18.42 “Off-Street Parking and Loading” of the Sumner Municipal Code is hereby added to read as follows:

“18.42.047 Parking in Town Center Plan area.

“A. The boundaries of the Town Center Plan area shall be defined by the Comprehensive Plan.

B. Within the Town Center Plan area, new and expanding uses are allowed an administrative waiver to allow on-street parking units to be counted towards the minimum parking requirements, provided all of the following are satisfied:

1. The proposed use is a retail, business or commercial use; business or professional office; restaurant; not automotive vehicle sales; and
2. The property owner enters into an agreement to not protest the formation of a future local improvement district to provide additional parking; and
4. Only parking units along the property frontage may be applied; and
5. The proposal will not result in the displacement of existing private parking established as accessory to an existing structure. The required parking may only be removed if such structure is similarly removed or a conditional use approval is granted.”

Section 7. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make the 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.

Section 8. Severability – Construction. 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, the provisions of this ordinance shall control.

Section 9. Effective Date. This ordinance shall be in full force and 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 33T day of ,

Mayor William L. Pugh

ATTEST:

APPROVED AS TO FORM:

City Clerk Michelle Converse

City Attorney

First Reading: 33T (*Postponed*)
Date Adopted: 33T
Date of Publication: 33T
Effective Date: 33T