

NOTE TO REVIEWER:

The DRAFT edits contained herein are presented in legislative form; text proposed for removal are presented as red text with a **strike-out**; additional/new text proposed is presented as red **underlined**.

Chapter 18.04 DEFINITIONS

Sections:

18.04.0722 Multifamily Dwellings

18.04.0723 Multifamily Residential Infill dwellings

18.04.0722 Multifamily dwellings.

“Multifamily dwelling” means a type of housing contained in a single structure with three or more dwelling units. Examples of multifamily dwellings include, but are not limited to, ground-level or multi-level triplexes, fourplexes, Senior housing and Multifamily Residential Infill (MRI) dwellings as may be permitted pursuant to SMC 18.16.040.E.

18.04.0723 Multifamily residential Infill dwellings (MRI).

“Multifamily residential infill dwelling” (MRI) means a type of multifamily housing exclusively permitted within commercial and mixed-use districts as may be permitted pursuant to, including but not limited to, the standards of SMC 18.16.040.E.

Chapter 18.16 COMMERCIAL DISTRICTS (NC, GC, IC)

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
2.	Adult entertainment businesses subject to chapter 18.38 SMC	–	P	P
3.	Artist’s studio and workshop having a retail component comprising at least 15% of the total floor area	P ¹	P	P
4.	Automotive sales and motorized vehicle sales	–	P	P ²
5.	Banks, business and professional offices and drive-up banking	CUP	P	P
6.	Business and consumer services, including advertising, property management, and consulting services ³	P	P	P
7.	Car wash ⁹	–	P	P
8.	Wireless communication facilities	See chapter 18.37 SMC		
9.	Cemeteries	–	CUP	CUP
10.	Churches	P	P	P
11.	Contractor business ⁶	–	–	P
12.	Convenience store ⁹	CUP	P	P
13.	Dancehalls	–	CUP	P
14.	Drive-through businesses, subject to performance standards at SMC 18.16.080 ⁹	–	P	P
15.	Drive-through espresso/coffee business, subject to performance standards at SMC 18.16.080	CUP	P	P
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	P
17.	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	P	P	P
18.	Gasoline service stations and convenience stores with gasoline sales ⁹	–	–	P
19.	Hazardous waste on-site treatment and storage facilities	–	CUP	–
20.	Health and fitness club ⁹	P ⁷	P	P
21.	Heavy equipment repair, accessory to a permitted use ⁹	–	–	P
22.	Heavy equipment sales	–	–	CUP
23.	Hospitals	CUP	CUP	CUP

		NC	GC	IC
24.	Hotels, bed and breakfasts and tourist homes ⁹	P	P	P
25.	Light manufacturing, fabrication, assembling and repairing, excluding vehicle repair, subject to SMC 18.16.080(S)	-	CUP	-
26.	Light-medium equipment sales	-	-	P
27.	Major utility facility	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	P
29.	Medical and dental services ⁹	P	P	P
30.	Miniwarehouses	-	-	-
31.	Existing miniwarehouses ¹²	-	P	P
32.	Minor utility facility	P	P	P
33.	Motels and hotels ⁹	-	P	P
34a.	Multifamily dwellings ² , 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 ² 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	-
35.	Outdoor storage	-	-	-
36.	Public parks and public recreation facilities	CUP	CUP	CUP
37.	Personal services including barber and beauty shops, salons/spas, photographic studios, tailor-dressmaking shops ⁹	P	P	P
38.a.	Performing and cultural uses, minor	CUP	P	P
38.b.	Private clubs, lodges, fraternal organizations, union halls and social halls	CUP	P	P
39.	Public facilities	CUP	CUP	CUP
40.	Private off-street parking lots	P	P	-
41.	Private off-street parking lots, paid	-	-	-
42.	Public off-street parking lots	P	P	-
43.	Public off-street parking lots, paid	-	-	-
44.	Public garage	-	CUP	CUP
45.	Recycling collection station	-	P	P
46.	Restaurants ⁹	P	P	P

		NC	GC	IC
47.	Retail business ⁹	P	P	P
48.a.	Schools, colleges and universities	CUP	CUP	CUP
48.b.	Schools for instruction in fine arts, crafts, dance, martial arts, languages and office technology not exceeding a total of 5,000 square feet floor area	CUP	P	P
49.	Storage/warehouse and distribution facilities	-	-	-
50.	Streets	P	P	P
51.	Taverns, micro-breweries, brewpubs, and bars	-	CUP	P
52.	Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades; except in NC allowed up to 5,000 square feet floor area	CUP	P	P
53.	Truck-related retail and services ⁹	-	-	P
54.	Truck stops	-	-	-
55.	Truck terminals	-	-	-
56.	Unenclosed commercial recreation establishments such as driving ranges, miniature golf, miniature airplane field ⁹	-	CUP	P
57.	Utility yard	CUP	CUP	-
58.a.	Vehicle repair, minor ⁹	-	P	P
58.b.	Vehicle repair, automotive collision ¹⁰	-	-	P
59.	Veterinary clinics, excluding outdoor boarding kennels ⁹	-	P	P
60.	Vocational or fine arts school; except in NC allowed up to 5,000 square feet floor area	CUP	P	P
61.	Water towers and water supply plants	CUP	CUP	CUP
62.	Car rental agency	-	P	P
63.	Temporary homeless encampments in accordance with SMC 18.36.060	CUP	CUP	CUP
64.	Funeral homes, mortuaries, and funeral parlors	P	P	P
65.	Truck sales with 10,000 square feet associated professional offices	-	-	P
66.	Indoor emergency shelters ¹³	-	CUP	CUP
67.	Indoor emergency housing ¹³	-	CUP	CUP
68.	Permanent supportive housing ¹⁴	CUP	CUP	CUP
69.	Transitional housing ¹⁴	CUP	CUP	CUP
70.	Behavioral health facility, inpatient	CUP	CUP	-
71.	Behavioral health facility, outpatient	CUP	CUP	CUP
72.	Opioid treatment program, mobile unit	CUP	CUP	CUP

		NC	GC	IC
73.	Group home, large	P	P	-
74.	Secure community transition facility	-	CUP	CUP
75.	Essential public facilities not otherwise listed above	CUP	CUP	CUP

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

²**Reserved Including Multifamily Residential Infill (MRI) dwellings as may be permitted pursuant to SMC 18.16.040.E.**

³Reserved.

⁴Reserved.

⁵Reserved.

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\(T\)](#) 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 total floor area.

⁸Reserved.

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

¹⁰Vehicle repair, automotive collision subject to performance standards in SMC [18.16.080\(Y\)](#).

¹¹Reserved.

¹²No expansion of use or structure(s) allowed.

¹³See performance standards in SMC [18.16.080\(W\)](#).

¹⁴See performance standards in SMC [18.16.080\(X\)](#).

(Ord. 2878 § 25, 2024; Ord. 2824 § 2, 2022; Ord. 2812 § 9, 2022; Ord. 2798 § 8, 2021; Ord. 2794 § 11, 2021; Ord. 2774 § 11, 2021; Ord. 2699 § 1, 2019; Ord. 2695 § 1, 2019; Ord. 2690 § 1, 2019; Ord. 2683 § 1, 2019; Ord. 2656 § 6, 2018; Ord. 2642 § 4, 2018; Ord. 2615

§ 7, 2017; Ord. 2606 § 1, 2017; Ord. 2573 § 6, 2016; Ord. 2556 § 6, 2016; Ord. 2531 § 7, 2015; Ord. 2488 § 1, 2014; Ord. 2394 § 1, 2012; Ord. 2347 § 1, 2011; Ord. 2319 § 4, 2010; Ord. 2207 § 2, 2007; Ord. 2196 § 4, 2007; Ord. 2167 § 1, 2006; Ord. 2147 § 7, 2005; Ord. 2134 § 21, 2005; Ord. 2088 § 11, 2004; Ord. 2040 § 2, 2003; Ord. 1949 § 6, 2001; Ord. 1903 § 2, 1999; Ord. 1830 § 22, 1998; Ord. 1803 § 2 (part), 1997; Ord. 1694 § 1, 1995)

18.16.040 Residential uses.

A. Senior Housing in the NC District. Senior housing is a permitted use in the NC district, except that single-family homes, zero lot line dwellings, cottage housing, duplex dwellings, and townhomes are not allowed. Senior housing may be located on the ground floor, and is not required to include commercial uses; provided, residential uses are not allowed on the ground floor fronting Main Street East/60th Street East. Development standards for senior housing may be modified through a planned residential development permit pursuant to chapter [18.24 SMC](#).

B. Senior Housing in the GC District. Senior housing is a permitted use in the GC district, except that single-family homes, zero lot line dwellings, cottage housing, duplex dwellings, and townhomes for seniors are allowed only as a secondary use in a development that is primarily senior apartments. Zero lot line dwellings shall comply with the standards in SMC [18.14.070](#). Senior housing may be located on the ground floor, and is not required to include commercial uses; provided, residential uses are not allowed on the ground floor fronting Main Street East/60th Street East. Development standards for senior housing may be modified through a planned residential development permit pursuant to chapter [18.24 SMC](#).

C. Other Residential Uses in the NC District. Only floor area above the first story commercial uses may be used for residential purposes; provided, that the maximum number of dwelling units shall not exceed a ratio of 25 dwelling units per net acre; and provided, that the dwelling units shall be provided with sufficient off-street parking at ratios required in chapter [18.42 SMC](#). Residential dwellings may be attached or included to the side or rear of the main commercial building. Such mixed use may be attached or included to the side or rear of the main commercial building.

D. Other Residential Uses in the GC District. Multifamily residential developments are permitted as part of a mixed-use development with commercial uses. A mixed-use development shall have mixed-use structures and may have a combination of mixed-use and single-use residential structures. Except within the East Sumner urban village overlay district, a mixed-use structure is not required for a pipestem lot with street frontage that is less than 60 feet in width; instead the development may contain only single-use residential structures. Development shall occur such that:

- 1.** Mixed-use structures shall have direct pedestrian access to the primary street and shall have ground floor building area designed to accommodate commercial uses along the entire length of the building facing the primary street. Ground floor building areas are

intended for commercial use but may be improved as residential use and converted over time when economically viable.

2. Single-use residential structures shall contain only ground-related dwelling units and shall be located to the side or rear of mixed-use structures and not adjacent to the primary street.

3. The maximum number of dwelling units shall not exceed 25 dwelling units per net acre in the general commercial district.

E. Multifamily Residential Infill (MRI) Uses in commercial and mixed-use buildings. MRI development shall be subject to compliance with the following standards and exemptions:

1. MRI standards:

a. Prior to any MRI construction or development activities, the property owner shall apply for and receive City approved building permit(s) for MRI development;

b. The maximum density (without other density bonuses) of the zone may be increased a maximum of 50% with MRI development;

c. All MRI development shall only be located within the current building envelope of an existing commercial or mixed-use building that received a certificate of occupancy a minimum of three (3) years prior to MRI permit application;

d. MRI development may not be located within spaces that are dedicated or required for commercial development within the sites zone;

e. MRI development may not be located within spaces of the current building envelope that are dedicated or required for parking;

f. Except as expressly exempted under SMC 18.16.040.E.2., new MRI dwelling units shall comply with current building code standards and requirements, including but not limited to energy code requirements;

g. The existing building and areas outside the existing building within the proposed MRI project site shall comply with all applicable life safety standards;

h. No building footprint expansions shall be allowed with an MRI proposal;

i. No exterior building alterations and/or updates that require a permit shall be allowed to be submitted or reviewed as part of an MRI building permit;

j. All exterior building alterations, updates and/or general site improvements (e.g. voluntary parking expansions, etc.) that require a permit shall be reviewed for compliance with all applicable codes, regulations and policies. Such applications may

be submitted concurrently with MRI permit applications, but must be provided under separate cover for independent review and processing;

k. Proposals that involve building footprint expansions shall not be accepted or reviewed concurrently with MRI permit applications;

l Building footprint expansion proposals containing existing MRI units may only be allowed in compliance with all applicable codes, requirements and policies at the time an application is determined complete; said expansions shall not be processed under the MRI standards and Code Compliance Exemptions, SMC 18.16.040.E.;

m. As a condition of MRI approval and as reviewed and approved by the City, land owners shall record a permanent covenant on title identifying the MRI units within the building;

n. Except as expressly exempted under SMC 18.16.040.E.2., all MRI projects shall comply with all applicable land use codes, regulations and policies;

o. In the event of a conflicting land use code requirements, regulations or policies, the MRI standards and exemptions within SMC 18.16.040.E. shall prevail;

p. MRI permits shall be reviewed and processed as a Type I permit decision under SMC Chapter 18.56.; and,

q. The decision maker/administrator shall not approve an MRI permit until a written determination is made finding the proposal minimally meets all of the above MRI standards.

2. MRI Code Compliance Exemptions: MRI development permits shall be exempt from the following SMC code standards/requirements:

a. Parking standards under SMC 18.16, 18.29 and 18.42.

b. Design and Development Guidelines under SMC Chapter 18.40.

c. Updated energy code requirements under SMC Chapter 15.20 for existing unchanged dwelling units located within the existing building footprint.

d. Nonconforming use provisions under SMC Chapter 18.46.

e. Transportation concurrency under SMC Chapter 17.28.

f. SEPA review (Washington State Environmental Policy Act) under SMC Title 16.

F. Openspace requirements for developments requiring design review shall be in compliance with the city of Sumner design and development guidelines, except that open space requirements for senior housing shall be provided in accordance with SMC [18.41.200](#). (Ord.

2842 § 15, 2023; Ord. 2812 § 10, 2022; Ord. 2774 § 12, 2021; Ord. 2550 § 2, 2015; Ord. 2531 § 8, 2015; Ord. 2444 § 1, 2013; Ord. 2199 § 1, 2007; Ord. 2147 § 8, 2005; Ord. 2134 § 22, 2005; Ord. 2088 § 10, 2004; Ord. 1949 § 7, 2001; Ord. 1694 § 1, 1995)

Chapter 18.24 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

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 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.

B. Minimum Lot and Yard Requirements. The minimum lot size, lot coverage and yard requirements of other sections of this title may be adjusted or waived within the planned residential development, where such adjustment minimizes impacts to surrounding properties, results in enhanced site design or amenities for future residents, and conforms with SMC [18.24.050](#).

C. Off-Street Parking. Off-street parking shall be provided in a PRD in the same ratio for type of buildings and uses as required by SMC [18.42.040](#), except that parking may be reduced based on findings that the circumstances specific to the proposed housing types, resident needs and other patterns, or the availability of alternate transportation modes, support reduced parking.

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. The base density for senior 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.**

3. Multifamily Residential Infill (MRI) proposed consistent with the SMC 18.24 allowances for Senior housing in the NC, ESUV/NC, GC and ESUV/GC Districts shall comply with SMC 18.16.040.E.

E. Building Height for Senior Housing. The maximum building height permitted in the underlying zone shall serve as the base height. Base height for senior 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 adjacent to single-family residential uses, based on the following guidelines: a) buildings adjacent to a rear yard should have a setback that increases by four feet for every one foot over the base height; and b) buildings adjacent to a side yard should have a setback that increases by two feet for every one foot increase over the base height.**
- 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 based on the following guidelines: buildings adjacent to single-family rear yards and side yards should have a setback that increases by two feet for every one foot over the base height.**
- 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.**

2. Attached single-family dwellings and multifamily developments may have reduced private open space, provided the area in common open space is not less than 30 percent of the lot area.

3. Senior apartments 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 uses.

4. Required open space shall be:

a. Concentrated in large usable areas and designed to provide either passive or active recreation;

b. If under one ownership, owned and maintained by the ownership; or

c. Held in common ownership by all the owners of the development by means of a homeowners' or similar association. Such association shall be responsible for maintenance of the common open space; or

d. Dedicated for public use, if acceptable to the city and/or other appropriate public agency.

G. Adjustments to minimum lot and yard requirements in subsections (B) and (F) of this section, and increases in density and building height as specified in subsections (D) and (E) of this section are only allowed if the hearing examiner finds that:

1. A variety of housing types are offered, or the project provides a housing type needed in the community, such as attached single-family, multifamily senior housing, or affordable housing;

2. Advantage is taken of unusual or significant site features such as views, waterways or other natural characteristics;

3. The project provides attractive features and amenities such as open space, recreational amenities or pedestrian-oriented walks and spaces;

4. The project provides adequate separation of auto and pedestrian movement;

5. The surrounding street network contains sufficient capacity to accommodate anticipated pedestrian and vehicle traffic;

6. Measures have been taken to minimize any potential impacts to the surrounding area;

7. The PRD furthers the policies of the comprehensive plan; and

8. Some extraordinary public benefit is derived in exchange for the increased density and building height in the planned residential development such as providing affordable housing, providing a significant public open space/park, or similar public benefit.

H. Design Review. The PRD shall comply with the Sumner design and development guidelines and is subject to design review pursuant to SMC [18.40.020\(D\)](#), but shall not be entitled to an increase in density or building height outside of the PRD review process. (Ord. 2812 § 11, 2022; Ord. 1694 § 1, 1995)

Chapter 18.26 PLANNED MIXED-USE DEVELOPMENT (PMUD)

18.26.090 Property development standards.

A. Acreage Minimum. The minimum site for a planned mixed-use development shall be three acres.

B. Minimum Lot and Yard Requirements. The minimum lot size and yard requirement provisions of other sections of this title are waived within the planned mixed-use development. The number of dwelling units per acre and/or the maximum site coverage permitted in the underlying zone shall serve as the criteria to determine basic PMUD density.

C. Off-Street Parking. Off-street parking shall be provided in the PMUD in the same ratio for types of buildings and uses as required in chapter [18.42](#) SMC.

D. Density Standards.

1. In planned mixed-use developments which involve residential uses, the basic density in terms of dwelling units per net acre for the various zone districts are as provided in this title.

2. Multifamily Residential Infill (MRI) dwelling unit density in a PMUD may be increased pursuant to provisions of SMC 18.16.040.E., or when MRI development is not proposed but the applicant is seeking a density increase within a PMUD, the hearing examiner may recommend and the city council may authorize a dwelling unit density in a PMUD of not more than 50 percent greater than that permitted by the underlying zone; provided, that the following criteria are met:

a. All residential units meet the design requirements for one or more of the following LEED or Built Green Certifications: LEED Homes; LEED Neighborhood; Built Green Single-Family Homes; Built Green Multifamily; or Built Green Community.

b. The project creates or rehabilitates a minimum 10 percent or two dwelling units, whichever is greater, of total proposed dwelling units that meet the definition of “senior housing” as provided in chapter [18.04 SMC](#).

c. In the case of a required PMUD, the density bonus does not result in an increase of the overall allowed number of dwelling units per subsection (D)(3) of this section.

d. The applicant voluntarily agrees to a condition of approval that the increased multifamily density authorized via the PMUD process will be controlling when applied to a project within the underlying NC, GC and TCC districts, and that no additional multifamily density increases under the MRI provisions of SMC 18.16.040.E., will be requested or permitted.

3. Where a PMUD is required residential uses shall occupy no more than 10 percent of the net developable area within the boundaries of the required PMUD area.

E. Open Space and Neighborhood Design. Each planned mixed-use development shall provide the following:

1. Not less than 10 percent of the gross site area shall be designated for community or site-user activity. Such activity space may be planned and designed for recreational use or involvement by employees, site visitors and/or the general public and may include common or community gardening space. The open space shall be in addition to parking and storage areas.

2. The project design provides for well defined neighborhood gateways and entrances.

F. Design Standards. Sumner design and development guidelines shall apply according to the district and/or use. In addition, design and development standards shall reflect the context and character of adjacent land uses such as industrial or agricultural depending on the specific neighborhood.

G. Green and Sustainable Development. The PMUD shall incorporate the following criteria related to green and sustainable design and development:

1. Project design incorporates one or more water conservation and management features not otherwise required by other city development regulations or standards (i.e., low flow toilets, Energy Star rated appliances, drip irrigation system, etc.).

2. Project design incorporates the use of one or more of the following low impact development (LID) techniques consistent with city design and construction standards: bio-retention, soil amendment, permeable paving, vegetated roofs, minimal excavation foundations, rooftop rainwater collection.

3. At least 10 percent of the gross floor area for nonresidential structures meets the design requirements for one or more of the following LEED Certifications: LEED Core and Shell; LEED New Construction; LEED Commercial Interiors; LEED Retail; and obtains at least a Silver Certification.

H. Transportation and Multimodal Design. The PMUD shall incorporate and encourage multimodal transportation options as follows:

1. Demonstrates coordination with local and regional transit agencies and when feasible includes new transit facilities and features, but at a minimum design does not preclude transit access and future transit service.

2. The PMUD improves adjacent public streets using a “complete streets” design to provide accommodation for pedestrians, bicyclists, transit riders, and persons of all abilities.

3. Includes one or more transportation demand management features including but not limited to preferential parking for high occupancy vehicles, improved access for transit vehicles, etc. (Ord. 2531 § 9 (part), 2015; Ord. 2343 § 2 (part), 2010; Ord. 2147 § 14, 2005; Ord. 1694 § 1, 1995. Formerly 18.26.060)

Chapter 18.29 TOWN CENTER CODE (TCC)

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 codified in 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 (including Multifamily Residential Infill (MRI) dwellings as may be permitted pursuant to SMC 18.16.040.E.); rooming houses and boarding houses; senior apartments, retirement homes, and continuing care communities; assisted living facilities, 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.

W. Drive-through businesses. Drive-through businesses located in the Town Center historic central business district (historic district on map) are subject to performance standards at SMC [18.16.080\(V\)](#).

X. Large group homes. (Ord. 2878 § 27, 2024; Ord. 2812 § 12, 2022; Ord. 2774 § 22, 2021; Ord. 2667 § 1 (part), 2018)

18.29.060 Performance standards.

A. Required Landscaping. For each development in the Town Center, a landscape plan shall be submitted for approval by the development services 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 single family** 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 chapter [18.40 SMC](#) shall be met for new development, except that open space requirements for senior housing shall be provided in accordance with [SMC 18.41.200](#).

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

E. School, Church and Public Parking Facility Height Exceptions. When applicable, a height exception shall be applied for as part of a conditional use permit application to establish such uses or expansion of such uses. Conditionally permitted, school, church and public parking

facility uses may exceed building height requirements to a maximum of five stories in the Town Center zones upon approval of such height exception by the hearing examiner. A height exception does not require separate application for a special exception or variance.

F. Craft coffee roasting shall comply with the following performance standards:

- 1. Roasting is permitted to occur only during the hours of 5:00 a.m. to 7:00 a.m. and 11:00 p.m. to 1:00 a.m., unless the hearing examiner through the conditional use permit finds that other hours will have minimal impact on neighboring properties.**
- 2. Volume of each roast shall not exceed 11 pounds of coffee beans, but may be increased through the conditional use permit, provided roasting occurs within the same time window allowed under subsection (F)(1) of this section.**
- 3. Roasting operations shall comply with Puget Sound Clean Air Agency (PSCAA) regulations for emissions. In addition, at a minimum, roasting equipment shall be fitted with a roaster afterburner or similar infrared clean-burn technology designed to minimize the release of odors and smoke.**
- 4. Exterior mechanical equipment shall be maintained and operated in a manner so as not to exceed 57 dBA, or the maximum permissible noise levels allowed from a Class B EDNA to a Class A EDNA, as defined in SMC [8.14.060](#).**
- 5. Exterior mechanical equipment and refuse containers shall be screened from neighboring streets and sidewalks. To the extent practicable, screening shall be architecturally compatible with the historic character of the Town Center historic central business district (historic district), as determined by the hearing examiner through the conditional use permit.**
- 6. Roasting operations shall remain incidental and accessory to the on-site retail use and shall not involve wholesale distribution.**
- 7. The hearing examiner through the conditional use permit may modify the above standards, provided the applicant demonstrates that alternative measures can be put in place that will provide an equivalent or higher level of odor and noise control.**

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. Be limited to no more than five families or 20 occupants, whichever is fewer; and**

3. Not be located within 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. Not exceed a maximum housing density of 25 dwelling units per acre;

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

I. Multifamily Residential Infill (MRI) housing proposed in the Town Center Code (TCC) district shall:

1. Comply with SMC 18.16.040.E.;

(Ord. 2812 § 12, 2022; Ord. 2794 § 16, 2021; Ord. 2788 § 35, 2021; Ord. 2774 § 24, 2021; Ord. 2719 § 1, 2019; Ord. 2667 § 1 (part), 2018)

Chapter 18.30 EAST SUMNER URBAN VILLAGE OVERLAY DISTRICT (ESUV)

18.30.090 Performance standards.

A. Required Landscaping. For each development in the urban village district where the ESUV overlay is combined with HDR, MDR, NC, or GC base designations, a landscape plan shall be prepared to address landscaping of yards and screening of parking, and shall be submitted for approval by the development services 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 single family** dwellings lawfully constructed as of the effective date of 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.

C. As applicable, the provisions of the city of Sumner design and development guidelines shall be met for new development, except that the following performance standards shall apply, and the design and development guidelines shall not supersede the standards of this section:

1. Community gathering places provided for public use in private development may count toward the common open space requirement in design guidelines.

2. New development at “pedestrian activity nodes” shown in the East Sumner Neighborhood Plan shall feature pedestrian amenities and shall have building setbacks deep enough to accommodate gathering areas such as plazas.

3. Building height shall be limited to four stories at the following locations: the blocks adjacent to the corners of Main Street East/60th Street East and 160th Avenue East, Main Street East/60th Street East and Parker Road, Main Street East/60th Street East and 162nd Avenue East; and along 160th Avenue East; and around the central wetlands preserve. The blocks where this applies are generally a depth of 300 feet from the street right-of-way, as determined by the director. Building height in these locations shall not be superseded by height exceptions in the design guidelines.

D. Banks, vehicle repair, drive-in businesses, car washes, gas stations, automotive sales, and other auto-oriented uses are not permitted in the ESUV/NC zone and, where allowed, shall meet the following provisions:

1. The buildings shall have a maximum front yard setback of 10 feet, except the maximum front yard setback shall be 25 feet when the primary pedestrian street is a principal arterial;

2. Drive-in businesses that are not adjacent to a principal arterial shall meet the performance standards set forth in SMC 18.16.080(T). Regardless of location, all drive-up windows and queuing for cars shall be located behind buildings and obscured from the primary pedestrian street; and

3. Building openings/bays shall be oriented away from the primary pedestrian street; retail portions of the buildings may orient to the primary pedestrian street.

E. Multifamily Residential and Mixed Uses.

1. ESUV/NC District. In the ESUV/NC district multifamily residential uses are allowed as part of a mixed-use structure or detached single-use structure located to the side or rear of the mixed-use structure or commercial building(s); provided, that:

a. The ground floor fronting Main Street East, 60th Street East or the portion of 160th Avenue East south of Main Street East shall be occupied by a commercial use or is transitional residential to commercial space. “Transitional residential to commercial space” means a space designed with architectural and structural features that facilitate future conversion to commercial space, such as: building setbacks suitable for commercial, first floor ceiling height suitable for retail, modules of doors and windows in a pattern similar to a retail storefront, structural features and materials that allow wall sections to be demolished to accommodate windows and doors.

b. Senior housing is allowed in the ESUV/NC district as part of a mixed-use development; provided residential uses are not allowed on the ground floor fronting Main Street East/60th Street East and other street frontages within the ESUV/NC district. Adjustments to development standards, density and building height may be allowed for senior housing through a planned residential development, pursuant to chapter [18.24 SMC](#).

2. ESUV/GC District. In the ESUV/GC district multifamily residential developments are permitted as part of a mixed-use development with commercial uses, except as follows:

a. Senior housing is a permitted use in the ESUV/GC district, except that single-family homes, zero lot line homes, cottage housing, duplex dwellings, and townhomes for seniors are allowed only as a secondary use in a development that is primarily senior apartments.

b. Senior apartments or senior retirement homes may be located on the ground floor in the ESUV/GC district with no commercial component; provided, residential uses are not allowed on the ground floor fronting Main Street East/60th Street East.

c. Adjustments to development standards, density and building height may be allowed for senior housing through a planned residential development, pursuant to chapter [18.24 SMC](#).

d. In the area south of 64th Street East no multifamily residential uses or senior housing are allowed.

3. A mixed-use development shall have mixed-use structures and may have a combination of mixed-use and single-use residential structures; provided, that the mixed-use structures shall be completed prior to occupancy of the single-use residential structures.

a. Mixed-use structures shall have direct pedestrian access to the primary street and shall have ground floor commercial uses along the entire length of the building facing the primary street.

b. Single-use residential structures shall be located to the side or rear of mixed-use structures and not adjacent to the primary street.

4. Multifamily development in the ESUV shall comply with the off-street parking ratios required in chapter [18.42 SMC](#), except that the number of visitor stalls may be reduced at a 1:1 ratio for each charging station provided for electric vehicles, electric bikes and scooters.

5. Open space requirements for developments requiring design review shall be in compliance with the city of Sumner design and development guidelines, except that open space requirements for senior housing shall be provided in accordance with [SMC 18.41.200](#).

F. Fences. Fencing for development within the ESUV overlay district shall meet the following standards:

1. Within ESUV/NC and ESUV/GC fencing shall meet the standards for the neighborhood commercial and general commercial districts specified in [SMC 18.16.080\(M\)](#).

2. Within ESUV/LDR, ESUV/MDR and ESUV/HDR fencing shall meet the standards specified in the underlying zoning 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 zone;

2. Comply with the performance standards of [SMC 18.30.090](#), including location requirements;

3. Be limited to no more than five families or 20 occupants, whichever is fewer; and

4. Not be located within 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. Not exceed a maximum housing density of 25 dwelling units per acre;**
- 4. Not be located within one-half mile of any emergency shelter or emergency housing use; or any other permanent supportive housing or transitional housing use. (Ord. 2812 § 16, 2022; Ord. 2794 § 18, 2021; Ord. 2774 § 28, 2021; Ord. 2770 § 1, 2021; Ord. 2534 § 1 (part), 2015; Ord. 2436 § 7, 2013; Ord. 1694 § 1, 1995. Formerly 18.30.080)**