

DRAFT

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING “TITLE 18 “ZONING CODE” OF THE SUMNER MUNICIPAL CODE TO AMEND DEFINITIONS AND REGULATIONS FOR FAMILY CHILD CARE HOMES AND DAY CARE CENTERS TO OUTRIGHT PERMIT THEM IN ALL ZONES, EXCEPT INDUSTRIAL ZONES....

WHEREAS, Engrossed Substitute Senate Bill 5509 requires all Growth Management Act cities to allow childcare centers as an outright permitted use in any zone, except as a conditional use in the industrial zones and open spaces; and

WHEREAS, child care centers and day care facilities remain distinguished from family child care homes, child care centers is defined as “an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours”; and

WHEREAS, the legislation requires cities to amend their development regulations to allow child care centers as a permitted use in any zone, except as a conditional use in industrial zones by December 31, 2027, with reasonable regulations pertaining to drop-off and pick-up zones; and

WHEREAS, removing permit and fiscal barriers for child care centers to locate in any residential zone supports the local and regional workforce through increasing child care availability; and

WHEREAS, the City of Sumner issued a SEPA Determination of Non-Significance on March 11, 2026 with a 15-day public comment period and provided notice consistent with SMC 18.56 and SMC 16.04; and

WHEREAS, the City has completed a public process including a duly noticed public hearing with the Planning Commission on April 2, 2026, and several public meetings including March 5, 2026, and **XXXX**; and Council study session on **XXXX**; and

WHEREAS, the City Council finds that Sumner Municipal Code amendments are necessary to implement state law relating to child care centers and said amendments are consistent with the City of Sumner Comprehensive Plan.

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

Section 1. That SMC 18.04 “Definitions” is hereby amended to repeal SMC 18.04.0320 “Day Care Facility” and amending existing definitions to read as follows:

~~18.04.0320 Day care facility.~~

"Day care facility"

means an establishment regularly providing care for a group of children for periods of less than 24 hours. Separate requirements are adopted for the following subcategories of day care facilities:

SMC 18.04.0243 A. "Family Child care home"

means a licensed child care facility operated in the permanent residence of the provider that regularly provides care for 12 or fewer children, including children who reside at the home, for periods of less than 24 hours. a facility in the family residence of the licensee providing regularly scheduled care for 12 or fewer children within a birth through 12 years of age range exclusively, for periods less than 24 hours. A child care home shall not be licensed as a child care center without first meeting the requirements of the state.

~~B. "Family child day care home"~~

~~means the same as "family child care home" and a child day care facility licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of 12 or fewer children, including children who reside at the home. Children not residing at the home are cared for during periods less than 24 hours.~~

~~C. "Family day care provider"~~

~~means a licensed day care provider who regularly provides day care for not more than 12 children in the provider's home in the family living quarters.~~

SMC 18.04.0242 D. "Child day care center"

means a state-licensed facility, other than a child care home, providing regularly scheduled care for a group of children one month of age through 12 years of age, including early childhood education and early learning services for periods less than 24 hours; ~~except a program meeting the definition of a family childcare home shall not be licensed as a day care center without meeting the requirements of WAC 388-150-020(5)(a).~~

...

Section 2. That SMC 18.12.010 "Principal uses" is hereby amended with a new section 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;

...

K. Community gardens.

L. Child care centers which:

1. Meet Washington State child care licensing requirements;
2. Comply with all land use development, building, fire, safety, health code and business licensing requirements;
3. Conform to lot size, building size, setbacks, and lot requirements of this chapter except if the structure is a legal nonconforming structure;
4. Comply with the applicable sign provisions in SMC 18.44.210, where applicable.
5. Meet the minimum requirements of the parking code in SMC 18.42.

Section 3. That SMC 18.12.030 “Accessory uses” in the Low-density residential district is hereby amended to read as follows:

18.12.030 Accessory uses.

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

A. Accessory dwelling units subject to the following criteria:

...

B. Adult day-care home facilities which:

...

C. ~~Family~~ Child day care home facility ~~family child care home~~ which:

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

Section 4. That SMC 18.14.020 “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:

- A. Townhouse and townhouse condominiums;
- B. Duplexes;
- C. Small or large group homes;
- D. Minor utility facilities;
- E. Cottage housing in accordance with the density standards set forth;
- ...

P. Community gardens.

Q. Child care centers which:

1. Meet Washington State child care licensing requirements;
2. Comply with all land use development, building, fire, safety, health code and business licensing requirements;
3. Conform to lot size, building size, setbacks, and lot requirements of this chapter except if the structure is a legal nonconforming structure;
4. Comply with the applicable sign provisions in SMC 18.44.210, where applicable.
5. Meet the minimum requirements of the parking code in SMC 18.42.

Section 5. That SMC 18.14.030 “Accessory buildings and uses” is hereby amended to read as follows:

18.14.030 Accessory buildings and uses.

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

A. Accessory dwelling units subject to the following criteria:

...

C. ~~Family Child day care home~~ facility ~~family child care home~~ which:

1. Meet Washington State child care licensing requirements;
2. Comply with all building, fire, safety, health code and business licensing requirements;

3. Conform to lot size, building size, setbacks, and lot requirements of this chapter except if the structure is a legal nonconforming structure;
4. Comply with the applicable provisions of the sign code of this title;
5. Make no structural or decorative alteration which will alter the design ~~single-family character~~ of an existing or proposed residential structure which would make it incompatible with surrounding residences.

Section 6. That SMC 18.16.020 “Principal and conditional uses” is hereby amended to read as follows:

		NC	GC	IC
1.	Accessory parks and recreation facilities for use by on-site employees	P	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 in accordance with the provisions of SMC 18.16.025; and child care centers	P	P	P
	...			

Section 7. That SMC 18.16.025 “Family day care provisions” in the Commercial Districts is hereby amended to read as follows:

18.16.025 ~~Family~~ Child care home provisions.

A ~~family~~ child care home may be permitted as accessory to existing residential dwelling subject to the following. ~~They must:~~

- A. Meet Washington State child care licensing requirements.
- B. Comply with all building, fire, safety, health code and business licensing requirements.
- C. Conform to lot size, building size, setbacks, and lot requirements of this chapter except if the structure is a legal nonconforming structure.
- D. Comply with the applicable provisions of the sign code of this title.
- E. Make no structural or decorative alteration which will alter the design ~~single-family character~~ of an existing or proposed residential structure which would make it incompatible with surrounding residences.

Section 8. That SMC 18.18.020 “Principal, administrative and Conditional Uses,” section A, is hereby amended to read as follows:

A. The following table details permitted and conditionally permitted uses in the manufacturing districts. Where a "P" is indicated, the respective use in the same row is permitted in the zone classifications in the same column. Where an "A" is indicated or SMC 18.48.020(B) applies, the respective use in the same row is allowed through an administrative use permit. An administrative use permit shall be required and in full force and effect in order to establish said administrative uses. 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 said conditional uses. Where "--" is indicated, the respective use is not allowed. Where a "1" or "2" is indicated, there are different or supplemental regulations for that particular use within the Sumner manufacturing/industrial core overlay (MICO) pursuant to the notes at the bottom of this table.

		M-1	M-2	MICO (M-1/M-2)
1.	Accessory parks and recreation facilities for use by on-site employees, <u>including on-site child care facilities</u> ¹⁰	P	P	P
2.	Adult entertainment businesses, subject to chapter 18.38 SMC	P	P	P
3.	Agricultural activities, including mitigation banks	P	P	P
...				
14.	Day <u>Child care facilities</u> centers ¹⁰	CUP	--	CUP/--
...				
17.	Existing residential dwellings lawfully constructed as of the effective date of this title	P	P	P

¹Prohibited within 1,000 feet of residentially zoned lands.

²Within MICO, limited to 10,000 square feet of gross floor area per development site unless it is an accessory use.

...

⁷See performance standards in SMC § 18.18.060(V).

⁸See performance standards in SMC § 18.18.060(W).

⁹See performance standards in SMC § 18.18.060(X).

¹⁰Prohibited in and within 1,000 feet of high-hazard facilities.

Section 9. That SMC 18.42.050 “Loading spaces, nonpassenger,” is hereby amended with a new section (B) to read as follows:

18.42.050 Loading spaces, ~~nonpassenger.~~

A. Off-street space for standing, loading and unloading services shall be provided in such a manner as not to obstruct freedom of traffic movement on streets and alleys. For all office and commercial uses, a minimum of one loading space shall be provided consisting of at least a 10-foot by 30-foot loading space with 14-foot height clearance, and for industrial uses, in addition to that required for

office and commercial uses, a loading space of 12 feet by 65 feet with 14-foot height clearances for large trucks shall be provided.

B. For child care centers, a minimum of one drop off/pick up loading space for every 20 children enrolled shall be provided on-site at a minimum size of 8 feet by 20 feet, except in the residential district one off street parking space may be used. Drop off/pick up loading space must be located adjacent to the building or walkways to avoid children walking through parking areas.

Section 10. That SMC 18.44.210 “Signs permitted in residential districts,” is hereby amended under subsection (E) to read as follows:

A. Identification Signs.

1. Single-Family Dwellings. One identification sign is permitted for each occupancy. Only address and name of occupant is allowed on the identification sign. Said sign shall not exceed an area of two square feet, shall not exceed a height of six feet, shall be attached directly to a building, fence, standard or mailbox, and shall be unlighted or indirectly lighted. Signs identifying home occupations shall not be allowed.
2. Multifamily Complexes. Identification signs displaying the name and/or address of the complex are permitted as follows:

...

B. Single-Family Residential Sign. In addition to the other permitted signs, one single-family residential sign is permitted on the premises. Said sign shall be a freestanding or wall sign with a maximum size of six square feet in area and six feet in height. If freestanding, said sign shall be 10 feet from any property line. Said sign shall contain no commercial message and not advertise a home occupation.

C. Identification Sign for Conditional Use. One freestanding or wall sign identifying the conditional use is permitted for each street frontage up to a maximum of two signs on the premises. Said signs shall be a maximum of 40 square feet in area and 15 feet in height and set back 10 feet from any property lines, except that signs for a professional office use shall be a monument sign limited to a maximum of 20 square feet in area and five feet in height.

D. General Standards. All signs permitted under this section shall meet the following standards:

1. All signs are to be surface lit by external light sources rather than illuminated from inside except readerboard signs for schools and public facilities.
2. Neon tube signs are prohibited.

E. Other Signs Permitted.

1. Farm product identification signs per SMC § 18.44.160(H).
2. Neighborhood identification sign per SMC § 18.44.150.
3. Child care center is permitted one freestanding or wall sign for each street frontage up to a maximum of two signs on the premises. Wall signs shall be a maximum 10 square feet, and said freestanding sign shall be a monument sign limited to a maximum of 20 square feet in area and five feet in height.

Section 11. 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 off 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.

Section 12. Effective Date. This ordinance shall be effective five (5) days from and after its passage approval and publication as provided by law.

Section 13. 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 number; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 14. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Passed by the City Council and approved by the Mayor the of the City of Sumner, Washington, at a regular meeting thereof this XX day of XX, 202X.

Mayor Carla S. Bowman

ATTEST:

APPROVED AS TO FORM:

Michelle Converse, CMC, City Clerk

Andrea Marquez, City Attorney

Date Adopted: XXX XX, 2026
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