

**ORDINANCE NO. 2550
CITY OF SUMNER, WASHINGTON**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, CORRECTING MINOR ERRORS AND OMISSIONS TO ORDINANCE NO. 2534 AND ZONING CODE SECTIONS 18.03.020; 18.16.040; 18.37.030; 18.46.110; AND 18.56.150(D) OF THE SUMNER MUNICIPAL CODE.

WHEREAS, Ordinance No. 2534 as adopted on July 27, 2015 amending the Zoning Code and other development regulations implementing the East Sumner 2015 Comprehensive Plan update; and

WHEREAS, there were minor errors and omissions found upon codification of the ordinance such as cross-references and zoning district names; and

WHEREAS, corrections to these minor errors and omissions are not substantive changes in policy or regulations; and

WHEREAS, corrections to these minor errors and omissions are required to be by ordinance.

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

Section 1. That section 18.03.020 “Prohibited Uses,” of the Sumner Municipal Code is hereby amended to read as follows:

“18.03.020 Prohibited uses.

A. Collective gardens, as defined in SMC 18.04.0247, are prohibited in the following zoning districts:

1. Resource protection district;
2. All residential districts, including: residential protection, low density residential, medium density residential, high density residential, cluster overlay, and East Sumner urban village overlay;
3. All commercial/office districts, including: general commercial, neighborhood commercial, central business district, interchange commercial, mixed use development, urban village overlay, cluster overlay;
4. All industrial and manufacturing districts, including: light manufacturing and heavy manufacturing and the manufacturing/industrial overlay; and
5. Any new district established after November 19, 2012.

B. Marijuana processors, as defined in SMC 18.04.0671, are prohibited in the following zoning districts:

1. Resource protection district;
2. All residential districts, including: residential protection, low density residential, medium density residential, high density residential, cluster overlay, and East Sumner urban village overlay;
3. All commercial/office districts, including: general commercial, neighborhood commercial, central business district, interchange commercial, mixed use development, East Sumner urban village overlay, cluster overlay;

4. All industrial and manufacturing districts, including: light manufacturing and heavy manufacturing and the manufacturing/industrial overlay; and
5. Any new district established after November 19, 2012.

C. Marijuana producers, as defined in SMC 18.04.0672, are prohibited in the following zoning districts:

1. Resource protection district;
2. All residential districts, including: residential protection, low density residential, medium density residential, high density residential, cluster overlay, and East Sumner urban village overlay;
3. All commercial/office districts, including: general commercial, neighborhood commercial, central business district, interchange commercial, mixed use development, East Sumner urban village overlay, cluster overlay;
4. All industrial and manufacturing districts, including: light manufacturing and heavy manufacturing and the manufacturing/industrial overlay; and
5. Any new district established after November 19, 2012.

D. Marijuana retailers, as defined in SMC 18.04.0673, are prohibited in the following zoning districts:

1. Resource protection district;
2. All residential districts, including: residential protection, low density residential, medium density residential, high density residential, cluster overlay, and East Sumner urban village overlay;
3. All commercial/office districts, including: general commercial, neighborhood commercial, central business district, interchange commercial, mixed use development, East Sumner urban village overlay, cluster overlay;
4. All industrial and manufacturing districts, including: light manufacturing and heavy manufacturing and the manufacturing/industrial overlay; and
5. Any new district established after November 19, 2012.”

Section 2. That Sumner Municipal Code Section 18.16.040 “Residential Uses” is hereby amended to read as follows:

“18.16.040 Residential uses.

- A. In the NC districts, 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. Such mixed-use development shall conform to the city of Sumner design and development guidelines.
- B. Multifamily residential developments are permitted in the GC and CBD districts 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. Outside the Town Center Plan area 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. Outside the Town Center Plan area the maximum number of dwelling units shall not exceed 25 dwelling units per net acre in the general commercial district and in the central business district.
 4. Inside the Town Center Plan area the maximum number of dwelling units shall not exceed 30 dwelling units per net acre in the general commercial district and in the central business district.
 5. All development must be designed in accordance with the city of Sumner design and development guidelines.
- C. A mix of residential and commercial uses is permitted in the MUD zone. Residential uses are required at the minimum densities listed in subsection (C)(3) of this section and commercial uses on the ground floor are optional. Mixed-use developments shall have mixed-use structures and may have a combination of mixed-use and single-use residential structures such that:
1. Mixed-use structures shall be adjacent to and 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;
 2. Single-use residential structures shall be located to the side or rear of the mixed-use structures, otherwise the single-use residential structures may be located along the primary street;
 3. The maximum number of dwellings shall not exceed a ratio of 40 dwelling units per net acre and contain at least a minimum ratio of 15 dwelling units per net acre;
 4. Dwelling units shall be provided sufficient off-street parking ratios as required in chapter 18.42 SMC;
 5. A minimum of 80 percent of the area of the first floor shall be covered by a second story for mixed-use structures; and
 6. Mixed-use development shall conform to the city of Sumner design and development guidelines and SMC 18.16.080(S)."

Section 3. That Sumner Municipal Code Section 18.30.030 "Principal and Conditional Uses" is hereby amended to read as follows:

"18.30.030 Principal and conditional uses.

A. Permitted principal, accessory, and conditional uses in the ESUV shall be the same as those specified in the underlying zoning districts for the MDR, HDR and LDR districts, except that apartments may be allowed as a permitted principal use in the MDR and HDR districts; and professional offices and services shall not be allowed in the MDR or HDR district as a conditional use.

B. 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. A conditional use permit shall be required and in full force and effect in order to establish the conditional uses.

	NC/ESUV	GC/ESUV
1. Accessory parks and recreation facilities for use by on-site employees or residents	P	P
2. Adult entertainment businesses subject to chapter <u>18.38</u> SMC	--	--
3. Artist's studio and workshop having a retail component	P ²	P
4. Automotive and motorized vehicle sales and rental agencies	--	P
5. Business and consumer service	P	P
6. Banks, business and professional offices and drive-up banking including medical office buildings and similar activities.	P	P
7. Car wash	--	P
8. Wireless communication facilities	See chapter 18.37 SMC	See chapter 18.37 SMC
9. Cemeteries	--	--
10. Churches	P	P
11. Convenience store	P	P
12. Dancehalls	--	CUP
13. Drive-in businesses ¹	--	P
14. Existing residential dwellings lawfully constructed as of the effective date of this title.	P	P
15. 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
16. Gasoline service stations and convenience stores with gasoline sales	--	CUP
17. Health and fitness club	P ³	P
18. Hospitals	--	CUP
19. Hotels, bed and breakfasts, and tourist homes, excluding motels	P	P
20. Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP

21. Minor utility facility	P	P
22. Multifamily dwellings, apartments, in accordance with the city of Sumner Design and Development Guidelines, and subject to density maximums in SMC 18.30.080(B) and locations as applicable in SMC 18.30.040	P	P
23. Public parks and public recreation facilities	P	P
24. Personal services including barber and beauty shops, photographic studios, and tailor-dressmaking shops	P	P
25. Private clubs, lodges, fraternal organizations, union halls and social halls	CUP	P
26. Public facilities	CUP	CUP
27. Private off-street parking lots	CUP	P
28. Public off-street parking lots	P	P
29. Regional community center	P	P
30. Restaurants	P	P
31. Retail business	P	P
32. Schools, colleges, and universities	CUP	P
33. Senior housing including retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes, in accordance with the city of Sumner Design and Development Guidelines, and subject to density maximums in SMC 18.30.080(B)	P	P
34. Streets	P	P
35. Taverns, micro-breweries, brew pubs, and bars	P	P
36. Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades	CUP ⁴	P
37. Unenclosed commercial recreation establishments such as driving ranges, miniature golf, and miniature airplane field	CUP	CUP
38. Vehicle repair, minor	--	P
39. Veterinary clinics, excluding outdoor boarding kennels	--	P
40. Vocational or fine arts school except on the ground floor	--	P
41. Water towers and water supply plants	CUP	CUP
42. Retail and wholesale nurseries and greenhouses	P	P

¹Drive-in businesses within the area defined as East Main Street in SMC 18.43.020 and in the GC district within the Town Center Plan area shall meet the provisions of SMC 18.16.080(T).

²Artist studios shall not exceed 3,000 square feet in gross floor area not counting the retail component.

³Health and fitness clubs shall not exceed 3,000 square feet in gross floor area.

⁴ Theaters and other enclosed commercial recreation establishments shall not exceed 10,000 square feet in gross floor area.”

Section 4. That section 18.37.030 “Wireless Communication Facilities in GC, M-1, M-2, UV and RES Zones,” of the Sumner Municipal Code is hereby amended to read as follows:

“18.37.030 Wireless communication facilities in GC, M-1, M-2, ESUV and RES zones.

Wireless communication facilities permitted as principal or accessory uses are subject to the provisions of this chapter and the following requirements:

A. Wireless Communication Facilities as an Accessory Use in GC, M-1, M-2, ESUV and RES Zones. The following facilities are permitted as accessory uses in general commercial (GC), light manufacturing (M-1), heavy manufacturing (M-2) and resource protection district (RES) zones subject to compliance with the performance standards set forth in SMC 18.37.040 and the following requirements:

1. 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, and not extending more than 15 feet above the roof surface of the structure;
2. Attached parabolic antennas greater than two feet in diameter, omni-directional antennas greater than eight feet in length, and directional antennas greater than five feet in height with a combined surface area of more than 580 square inches as viewed from any one point shall also comply with the following requirements:
 - a. The antenna and associated support structure shall be set back two feet from any exterior building wall for every one foot of height measured from the surface of the roof, except when incorporated as an architectural feature of the building or screened from view from any public right-of-way or residential zone;
3. Freestanding parabolic antennas and associated support structures shall be subject to the following criteria:
 - a. The antenna and associated support structure are not located within any required landscaping, front or side yard setback, or in the area located between the front setback line and the front of the building.
 - b. The antenna and associated support structure does not extend more than 15 feet above the adjoining grade.
 - c. The antenna and associated support structure is screened from view from any public right-of-way or residential zone in accordance with the screening requirements for exterior mechanical devices set forth in SMC 18.16.080(A) for general commercial zoned property and SMC 18.18.060(A) for light manufacturing (M-1) and heavy manufacturing (M-2) zoned property. Resource protection district (RES) zoned property shall conform to the screening requirements for exterior mechanical devices set forth in SMC 18.18.060(A).

B. Wireless Communication Facilities as a Permitted Use in a GC, M-1, M-2 and AG Zones. The following facilities are permitted as a primary use in a general commercial (GC), light manufacturing (M-1), heavy manufacturing (M-2) and resource protection district (RES) zones subject to compliance with the performance standards set forth in SMC 18.37.040 and the following requirements:

1. Attached accessory antenna devices, parabolic antennas two feet or less in diameter, omni-directional antennas eight feet or less in length, and directional antennas five feet or less in height with a combined surface area not more than 580 square inches as viewed from any point, and stealth antennas, and not extending more than 15 feet above the roof surface of the structure.

2. Attached parabolic antennas greater than two feet in diameter, omni-directional antennas greater than eight feet in length, directional antennas greater than five feet in height with a combined surface area of more than 580 square inches as viewed from any one point, and stealth antennas shall also comply with the following requirements:

a. The antenna and associated support structure shall be set back two feet from any exterior building wall for every one foot of height measured from the surface of the roof, except when incorporated as an architectural feature of the building or screened from view from any public right-of-way or residential zone.

3. Freestanding antennas and associated support structures shall be subject to the following criteria:

a. The antenna and associated support structure are not located within any required landscaping, front or side yard setback, or in the area located between the front setback line and the front of the building.

b. The antenna and associated support structure complies with the maximum building height provisions and corresponding setback for structures in the applicable zone, except as follows:

i. If associated support structure can be screened from view from public rights-of-way and residential zones by existing buildings or vegetation as determined by the community development director, the corresponding setback may be reduced; or

ii. If in compliance with performance standards of SMC 18.37.040 an antenna may extend to a height of 120 feet unless the property is in a general commercial zone abutting Main Street or Traffic Avenue or the antenna is in a light manufacturing (M-1) or heavy manufacturing (M-2) zone, which is located west of SR-167 or less than 1,000 feet from any residentially zoned parcel.

c. The equipment shelter or cabinet is screened from view from any public right-of-way or residential zone in accordance with the screening requirements for exterior mechanical devices set forth in SMC 18.16.080(A) for general commercial and SMC 18.18.060(A) for light manufacturing (M-1) and heavy manufacturing (M-2) zones. Screening requirements for the resource protection district (RES) zone shall adhere to

the standards set forth in SMC 18.18.060(A) for light manufacturing (M-1) and heavy manufacturing (M-2) zones.

C. Wireless Communication Facilities as a Conditional Use in a GC, M-1, M-2 and RES Zones. Freestanding antennas and associated support structures which exceed a height of 120 feet, are in a general commercial (GC) zone abutting Traffic Avenue or Main Street, encroach within required setbacks except as permitted in SMC 18.32.030(C), are in a light manufacturing (M-1) or heavy manufacturing (M-2) zone which is located west of SR-167 or less than 1,000 feet from residentially zoned parcel, or are not able to comply with one or more of the performance standards set forth in SMC 18.37.040 are only allowed upon issuance of a valid conditional use permit pursuant to chapter 18.48 SMC.”

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This ordinance shall take effect five (5) days from and after its passage, approval and publication as provided by law.

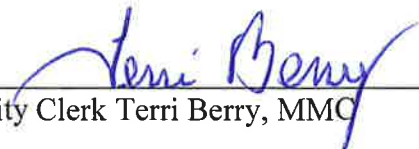
Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this 7th day of December, 2015.



Mayor David L. Enslow

ATTEST:

APPROVED AS TO FORM:



City Clerk Terri Berry, MMC



City Attorney Brett C. Vinson

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Date of Publication: 12/10/15
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