



Memorandum

DATE: February 8, 2010
TO: City Council CD/Parks Committee
FROM: Ryan Windish, Planning Manager *Ryan R. Windish*
RE: **Zoning Code and Zoning Map Amendment—Manufacturing/Industrial Center Area**

I. BACKGROUND

The City Council approved an amendment to the Comprehensive Plan approving a Manufacturing/Industrial Center (MIC) designation on October 5, 2009. The policy in the Comprehensive Plan further indicates that the area will be primarily of manufacturing and industrial uses creating an employment center. Amendments are required to the Zoning Code and Zoning Map to implement this new MIC designation and be true to the intent of the area by promoting manufacturing industrial uses, prohibiting new residential uses, and limiting office and commercial development.

The Planning Commission unanimously passed a recommendation to approve the amendments on February 4, 2010 following a public hearing.

The proposed amendments are presented for three different reasons:

1. Implementation of the MIC;
2. Improving consistency between the uses listed for the industrial zones with uses listed in the commercial zones;
3. Including additional uses as needed to clarify the Zoning Code as to what is permitted both in commercial and industrial zones; and
4. To amend the Zoning Map to show an MIC boundary and a Manufacturing/Industrial Center Overlay area (MICO).

Within the MIC area there is an area denoted by diagonal lines that indicate the Manufacturing/Industrial Center Core Overlay area (MICO). The MICO allows for limited retail and office uses so long as they are: a) related to or accessory to existing permitted use; or b) are less than 10,000 square feet in size. Outside the MICO, but still within the overall

Manufacturing/Industrial Center, retail uses and office uses are outright permitted. Both of these allowances are actually less restrictive than the current zoning which requires a conditional use permit for any retail use regardless of size or affiliation with permitted uses in the M-1 zone. The M-2 zone will continue to prohibit commercial uses.

The proposed amendments also include additional, somewhat more intense, industrial and manufacturing uses in the MICO than are currently allowed in the Light Manufacturing (M-1) district.

The intent of the MIC area is to focus manufacturing and industrial uses and encourage a higher degree of employment potential. Currently, following present development trends, the City could have up to 14,000 jobs in the MIC area by 2028 and under a higher density scenario, with modifications to the code as high as 20,000 jobs. The City's consultant recommends that to obtain higher job growth and to make the area more viable for development and reaching the goal of 20,000 jobs that the Zoning Code be amended.

II. SUMMARY OF PROPOSED AMENDMENTS

A. Proposed Amendments Related to Residential Uses in the MIC.

The current zoning code prohibits new residential uses within the M-1 and M-2 industrial zones in order to avoid conflicts inherent to residences being located adjacent to potentially noisy, high traffic land uses. The one exception in the Zoning Code for this is within the Town Center Plan area where a Planned Mixed Use Development (PMUD) is allowed with certain conditions. The intent of the PMUD was to allow for the Fleischmann's yeast site to redevelop with a mix of housing and commercial uses. This area is not within the MIC, nonetheless, proposed amendments would further clarify that the MIC prohibits housing and PMUDs. Amendments specifically occur in the PMUD Chapter 18.26.

B. Proposed Amendment Related to Commercial and Office uses in the MIC and the MICO.

As mentioned above the ordinance proposes allowing the commercial and professional and business office uses in two different ways. First, they are allowed as an accessory use to a permitted use in the zone. There is no size limit on an accessory commercial or office use, but they would have to meet the standard for accessory ("customarily and subordinate" to the primary use). This would allow, for example, REI to have some limited retail sales at their warehouse if they so chose.

Second, the ordinance allows for any “General commercial uses which are not otherwise listed above” (which includes more than just retail sales) to be permitted outright in the M-1 zone within the MIC, except there is a 10,000 square foot maximum limit on these types of uses within the MICO. This is less restrictive than the current zoning that requires a conditional use permit (CUP). The M-2 Zone would continue to prohibit commercial (retail) development.

These amendments will allow for greater retail potential in the MIC zone and would not preclude the location of a large retailer in areas of high freeway visibility.

C. Proposed Amendments to Manufacturing and Industrial Uses.

There are a number of new uses proposed to be included and defined in the land use list for the M-1 and M-2 zones and include: commercial laundries, tow truck operations, contractor businesses, onsite electrical generation, and wholesale auction houses. These uses are listed in zoning codes from other cities and inquiries have been made regarding these uses over the years. In order to clarify how these uses are addressed in the code, it is necessary to add and define them in Chapter 18.04.

In addition, adjustments have been made to address inconsistencies with the commercial zone land uses by including updated references to taverns and bars; and contractor businesses.

Finally, the M-1 and M-2 zoning would further be defined by uses allowed or conditionally permitted in the MICO area. Some uses in the MICO would be permitted while they may not be allowed in other areas of the MIC. Basically the MICO would allow for a greater degree of manufacturing and industrial uses beyond what is currently allowed. There would remain, however, a restriction on certain manufacturing uses within 1,000 feet of residentially zoned property.

D. Setbacks and Lot Coverage in M-1 and M-2 Zones.

In light of increasing opportunity for employment in the area, there are minor changes in setbacks and lot coverage proposed in the ordinance. These setback and lot coverage changes would allow for more building area to be located on a given parcel. Regardless, however, of these changes, parking, landscaping, and stormwater facilities would continue to be required to be accommodated on the site and thereby limiting the building area during site design.

E. Proposed Amendments to the Commercial Uses List.

Somewhat unrelated to the MIC designation, one amendment is proposed to the commercial uses list to include “health and fitness club”. Health and fitness clubs are not clearly a permitted use in the commercial zones. Staff is proposing this use be clearly permitted as it would allow for health and fitness clubs similar to the YMCA. Note that for the Neighborhood Commercial zone the limit would be 3,000 square feet in order to better fit with the character of a small neighborhood area.

III. ANALYSIS

The proposed amendments to the Zoning Code are consistent with the intent and policies of the Comprehensive Plan and implement recent amendments to include a Manufacturing/Industrial Center area. The proposed amendments also further clarify and provide consistency between the commercial and industrial zones. The amendments are consistent with the intent and purpose of the light manufacturing and heavy manufacturing zones as established in the Zoning Code.

IV. CONCLUSION

The amendments would be consistent with the intent and vision of the Comprehensive Plan and further the goals and policies of the MIC and promote economic development and employment. The amendments also stay true to the need to protect residentially zoned areas from increased impacts related to manufacturing and industrial development.

V. RECOMMENDATION

The Planning Commission APPROVED a recommendation to the City Council that they adopt the ordinance attached in Exhibit A.

VI. NEXT STEPS

The City Council will discuss the recommendation in a Study Session and hold a public hearing on these amendments in March.

Exhibits:

- Exhibit A: Draft Ordinance to the Zoning Code (SMC 18.04, 18.16, 18.18, and 18.26) and Zoning Map.
- Exhibit B: Mitigated Determination of Non-significance
- Exhibit C: Planning Commission Majority Opinion

ORDINANCE NO. _____

CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE SUMNER ZONING CODE AND ZONING MAP IMPLEMENTING A MANUFACTURING/INDUSTRIAL CENTER AND AMENDING ORDINANCE NO. 1694, SECTION 1 (PART), APPROVED JULY 10, 1995; ORDINANCE NO. 1739, SECTION 24 AND 22 APPROVED FEBRUARY 5, 1996; ORDINANCE NO. 1885, SECTIONS 4, 5, AND 6, APPROVED SEPTEMBER 7, 1999; ORDINANCE NO. 2147, SECTION 12, APPROVED DECEMBER 5, 2005; ORDINANCE NO. 2174, SECTION 1, APPROVED JUNE 19, 2006; ORDINANCE NO. 2207, SECTION 2 (PART), APPROVED APRIL 16, 2007; AND ORDINANCE NO. 2276, SECTION 2 APPROVED DECEMBER 1, 2008; AND AMENDING THE SUMNER MUNICIPAL CODE SECTIONS 18.04.1065(D), 18.16.020, 18.18.010(A), 18.18.020(A), 18.18.050, 18.26.020, 18.26.030(B), AND ADDING NEW SECTIONS 18.04.0253, 18.04.0363, 18.04.0482, 18.04.1012, AND 18.04.1013.

WHEREAS, the City Council adopted Ordinance No. 2299 on October 5, 2010 amending the Comprehensive Plan to include a Manufacturing/Industrial Center designation and Manufacturing/Industrial Center Core Overlay area to increase employment potential in the area and facilitate being designated a Manufacturing/Industrial Center at the county and regional level; and

WHEREAS, the Planning Commission held a duly advertised Public Hearing on February 4, 2010 and considered these amendments and voted unanimously to recommend the City Council approve the amendments to Zoning Code; and

WHEREAS, the Council Community Development and Parks Committee considered the Planning Commission’s recommendation on _____ and recommended approval; and

WHEREAS, this proposal was forwarded to the Washington State Department of Community Trade and Economic Development for the mandatory 14-day expedited state review per the Growth Management Act on February 1, 2010; and

WHEREAS, a Determination of Non-Significance was issued on this proposal on January 14, 2010; and

WHEREAS, the proposed changes 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 Section 1 (part), Ordinance No. 1694, approved July 10, 1995 and Chapter 18.04 “Definitions” of the Sumner Municipal Code, are hereby amended with the addition of new sections 18.04.0253, 18.04.0363, 18.04.0482, 18.04.1012, and 18.04.1013 to read as follows:

“18.04.0253 Commercial laundries.

“Commercial laundries” means a facility where clothing or other fabrics are washed, dried, or dry cleaned for other businesses or institutions. This definition does not include laundromats.

18.04.0363 Electrical power generation and cogeneration.

“Electrical power generation and cogeneration” means the production of electricity for consumption by facilities onsite or in a district. Electrical power cogeneration is the simultaneous production of electricity and useful heat from the same fuel or energy or the use of a production by-product to generate power. Facilities with cogeneration systems use them to produce their own electricity, and use the unused excess (waste) heat for process steam, hot water heating, space heating, and other thermal needs. They may also use excess process heat to produce steam for electricity production.

18.04.0482 Health and fitness clubs.

“Health and fitness club” means a use featuring exercise, sports and other active physical fitness conditioning.

18.04.1012 Tow truck operation.

“Tow truck operation” is a facility that dispatches tow trucks for hire with no automotive storage area for impounded vehicles.

18.04.1013 Tow truck operation/impoundment yard.

“Tow truck operation/auto impoundment yard” is a facility that dispatches tow trucks for hire with associated storage area for impounded vehicles.”

Section 2. That Section 1, Ordinance No. 1694, approved July 10, 1995 and section 18.04.1065 “Utility facility, major”, subsection D, of the Sumner Municipal Code, is hereby amended to read as follows:

“18.04.1065 Utility facility, major.

“Major utility facility” is a facility for providing service to an area including, but not limited to:

- A. Telephone exchanges;
- B. Electrical switching substations;
- C. Natural gas gate stations and regulating stations;
- D. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is directly distributed to individual users, but does not include the storage and distribution by truck or rail transport;
- E. Natural gas transmission pipelines;
- F. Sewage treatment plant; and
- G. Utility facilities that are not minor utility facilities.

For the purposes of this title, “major utility facility” does not include utility lines, distribution pipelines, and other related facilities commonly found in street rights-of-way, or uses included in the definition of “public facilities.”

Section 3. That Section 2 (part), Ordinance No. 2207, approved April 16, 2007 and section 18.16.020 “Principal and conditional uses”, of the Sumner Municipal Code, is hereby amended to read as follows:

“18.16.020 Principal and conditional uses.

The following table details permitted and conditionally permitted uses in the commercial districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classification in the same column. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish the conditional uses.

		NC	CBD	MUD	GC	IC
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P	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	--	P	P ¹	P	P
4.	Automotive and motorized vehicle sales and rental agencies	--	--	--	P	P
5.	Banks, business and professional offices and drive-up banking	CUP	P	P	P	P
6.	Business and consumer service	CUP	P	P	P	P
7.	Car wash	--	--	--	P	P
8.	Wireless communication facilities	See chapter 18.37 SMC				
9.	Cemeteries	--	CUP	CUP	CUP	CUP
10.	Churches	P	P	P	P	P
11.	Contractor business ⁶	--	--	--	--	P
12.	Convenience store	CUP	P	P	P	P
13.	Dancehalls	--	CUP	--	CUP	P
14.	Drive-in businesses ⁴	--	--	--	P	P
15.	Drive-in espresso/coffee business ⁴	CUP	--	--	P	P
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	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	P	P
18.	Gasoline service stations and convenience stores with gasoline sales	--	CUP	--	CUP	P
19.	Hazardous waste on-site treatment and storage facilities	--	--	--	CUP	CUP

<u>20.</u>	<u>Health and fitness club</u>	<u>P</u> ⁷	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>2021.</u>	<u>Hospitals</u>	<u>CUP</u>	<u>CUP</u>		<u>CUP</u>	<u>CUP</u>
<u>2122.</u>	<u>Hotels, bed and breakfasts and tourist homes</u> ²	<u>P</u>	<u>P</u>	<u>CUP</u>	<u>P</u>	<u>P</u>
<u>2223.</u>	<u>Light manufacturing, fabrication, assembling and repairing</u> ⁵	<u>--</u>	<u>--</u>	<u>--</u>	<u>CUP</u>	<u>CUP</u>
<u>2324.</u>	<u>Major utility facility</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>2425.</u>	<u>Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>P</u>
<u>2526.</u>	<u>Miniwarehouses</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>P</u>
<u>2627.</u>	<u>Minor utility facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>2728.</u>	<u>Motels</u>	<u>CUP</u>	<u>--</u>	<u>--</u>	<u>P</u>	<u>P</u>
<u>2829.</u>	<u>Multifamily dwellings, rooming houses and boarding houses, retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes except on the ground floor, or in accordance with the city of Sumner design and development guidelines, and subject to density maximums and locations as applicable in SMC 18.16.040</u>	<u>P</u>	<u>P</u> ³	<u>P</u> ³	<u>P</u> ³	<u>P</u>
<u>2930.</u>	<u>Outdoor storage</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>
<u>3031.</u>	<u>Public parks and public recreation facilities</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>3132.</u>	<u>Personal services including barber and beauty shops, photographic studios, tailor-dressmaking shops</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>3233.</u>	<u>Private clubs, lodges, fraternal organizations, union halls and social halls</u>	<u>CUP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>3334.</u>	<u>Public facilities</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>3435.</u>	<u>Private off-street parking lots</u>	<u>P</u>	<u>P</u>	<u>--</u>	<u>P</u>	<u>P</u>
<u>3536.</u>	<u>Public off-street parking lots</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>3637.</u>	<u>Recycling collection station</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>P</u>	<u>P</u>
<u>3738.</u>	<u>Restaurants with no bar</u>	<u>CUP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>3839.</u>	<u>Retail business</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>3940.</u>	<u>Schools, colleges and universities</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>4041.</u>	<u>Storage/warehouse and distribution facilities</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>
<u>4142.</u>	<u>Streets</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>4243.</u>	<u>Taverns, micro-breweries, brewpubs, and bars</u>	<u>--</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>P</u>

4344.	Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades	--	P	CUP	P	P
4445.	Truck stops	--	--	--	--	--
4546.	Truck terminals	--	--	--	--	--
4647.	Unenclosed commercial recreation establishments such as driving ranges, miniature golf, miniature airplane field	--	CUP	--	CUP	P
4748.	Utility yard	CUP	CUP	--	CUP	CUP
4849.	Vehicle repair, minor	--	CUP	--	P	P
4950.	Veterinary clinics, excluding outdoor boarding kennels	--	--	--	P	P
5051.	Vocational or fine arts school; in CBD allowed except on ground floor	--	P	P	P	P
5152.	Water towers and water supply plants	CUP	CUP	CUP	CUP	CUP

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

² Hotels may be stand-alone developments within the MUD zone and are not required to contain other commercial or residential uses.

³ In the Town Center Plan area, “multifamily dwellings” shall be condominiums, except for rooming houses and boarding houses, retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes. See SMC 18.16.040(C) for specific requirements in the MUD zone.

⁴ Drive-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).

⁵ Light manufacturing, fabrication, assembling, and repairing is prohibited as a principal use in the IC zoning district in the vicinity of 166th Avenue East as depicted on the zoning map. See SMC 18.16.080(U) and (V).

⁶ Contractor businesses shall meet the performance standards in SMC 18.16.080(W) and is a prohibited use in the IC zoning district in the vicinity of 166th Avenue East as depicted on the zoning map.

⁷ Health and fitness clubs in the Neighborhood Commercial district shall not exceed 3,000 square feet in gross floor area.”

Section 4. That Section 24, Ordinance No. 1739, approved February 5, 1996, and section 18.18.010 “Purpose”, subsection A, of the Sumner Municipal Code, are hereby amended with the addition of a new section 3, to read as follows:

“18.18.010 Purpose.

A. The following manufacturing districts are established; properties so designated shall be subject to the provisions contained in this chapter:

1. M-1, light manufacturing district.
2. M-2, heavy manufacturing district.

3. Manufacturing/Industrial Core Overlay (MICO).

B. Designation and Purpose. The manufacturing districts are intended to provide appropriately located areas for various ~~commercial services~~, manufacturing enterprises,

industrial establishments, ~~and~~ research developments and compatible commercial services that enhance the city’s economic base and provide jobs for residents of the area, while at the same time ensuring a high quality of life free from excessive noise, odors, dust, smoke, heavy traffic congestion and air and water pollution. In addition to this intent, each manufacturing district has its own specific and unique intent as follows:

1. M-1, light manufacturing district: The M-1 district is intended to provide areas for light manufacturing, general industrial activities, warehousing and limited service commercial uses that are complementary and are not detrimental to either existing or proposed industrial uses, or neighboring commercial and residential districts. Typical uses in this district include assembling and manufacturing of products from previously prepared material, and may include planned industrial parks which are designed to ensure compatibility between the industrial operations therein and the existing activities and character of the community in which the park is located.
2. M-2, heavy manufacturing district: The M-2 district is intended to provide areas for heavy manufacturing uses involving activities that do not complement the character of commercial or residential areas. M-2 zoned areas should be located so as to ensure that heavy manufacturing uses will not result in detrimental impacts to commercial or residential ~~areas-zones~~. Typical uses in this district include processing of natural and manmade materials for use in general manufacturing. (Ord. 1739 § 24, 1996: Ord. 1694 § 1, 1995)
3. Manufacturing/Industrial Core Overlay (MICO): The MICO is an overlay zone applied within the M-1 and M-2 districts, where limited alternate or additional regulations apply as noted in this chapter. The intent of the MICO is to apply additional restrictions on uses that may be incompatible with current manufacturing and industrial uses and the intensification of these uses in the future consistent with the City of Sumner Comprehensive Plan.

Section 5. That Section 1, Ordinance No. 2174, approved June 19, 2006, and section 18.18.020 “Principal and conditional uses”, subsection A, of the Sumner Municipal Code, are hereby amended to read as follows:

“18.18.020 Principal and conditional uses.

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 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
1.	P	Accessory parks and recreation facilities for use by on-site employees	P
2.	P	Adult entertainment businesses, subject to chapter 18.38 SMC	P
3.	P	Agricultural activities, <u>including mitigation banks</u>	P

	--	<u>Wholesale auction houses</u>	--
4.	-- <u>CUP</u>	Breweries	<u>CUPP</u>
5.	CUP	Cemeteries and crematories	CUP
<u>6.</u>	<u>P</u>	<u>Contractor business³</u>	<u>P</u>
6-7.	CUP	Colleges and universities <u>with no dormitories</u>	CUP
8.	<u>P</u>	<u>Commercial laundries</u>	<u>P</u>
7-9.	CUP	Outside-C commercial recreation fields and/or clubs, baseball fields, fairgrounds, golf driving ranges, animal race tracks, stadia, and tennis club	CUP
8-10.	CUP	Day care centers	-
11.	--	<u>Electrical power generation and cogeneration</u>	<u>CUP</u>
9-12.	P	Enclosed salvage and wrecking operations	P
10-13.	P	Existing residential dwellings lawfully constructed as of the effective date of this title	P
11-14.	<u>CUP / P¹</u>	Film processing plant	P
12-15.	<u>CUP / P¹</u>	Food manufacturing, processing or package plants, <u>excluding slaughtering facilities</u>	P
13-16.	-	Hazardous waste off-site treatment and storage facilities	-
14-17.	CUP	Hazardous waste on-site treatment and storage facilities	-
15-18.	CUP	Hospitals	CUP
16-19.	<u>P / --¹</u>	Hotels and motels	<u>P / --¹</u>
17-20.	P	Lumber and wood products manufacturing or assembly	P
18-21.	P	Major utility facilities	P
19-22.	<u>- / P¹</u>	Manufacturing, processing or assembly of heavy equipment; <u>airplanes;</u> or vehicles	P
20-23.	-	Manufacturing, processing or assembly of metals	P
21-24.	-	Manufacturing, refining or storage of noxious, volatile, toxic or explosive products	-
22-25.	CUP	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP
23-26.	P	Medical equipment manufacturing plant	P
24-27.	P	Minor utility facilities	P
25-28.	<u>P / --¹</u>	Mini-warehouses	-
26-29.	P	Outside storage yards as a principal use	P
27-30.	<u>CUP / P¹</u>	Paper and allied products manufacturing	P
28-31.	CUP	Parks	CUP
29-32.	P	Pharmaceutical plants	<u>- / P¹</u>
30-33.	P	Prepared material, manufacturing, processing or package plants	P
31-34.	P	Prepared metal processing and assembly plant	P

32-35.	P ²	Professional and business offices	P / — ¹
36.	P	<u>Professional and business offices, accessory to an allowed or conditional use on the same lot and/or in the same complex.</u>	P
33-37.	CUP	Public facilities	CUP
34-38.	See chapter 18.37 SMC	Wireless communication facilities	See chapter 18.37 SMC
35-39.	CUP	Recycling centers	P
36-40.	P	Restaurants, taverns with no bar	P
37-41.	—	Rock, stone, brick, concrete or asphalt, batching or assembly	P
38-42.	P	Sales and rental of heavy machinery and equipment	P
39-43.	—	Salvage and wrecking yards	P
40-44.	P	Service stations	P
41-45.	P	Soil mixing	P
42-46.	—	Smelting, blast furnace or forging plants	P
43-47.	P	Storage/warehouse and distribution facilities	P
44-48.	P	Streets	P
49.	P	<u>Taverns, micro-breweries, brewpubs, and bars</u>	P
50.	--	<u>Tow truck operation/impoundment yard⁴</u>	P
51.	P	<u>Tow truck operations</u>	P
45-52.	P	Truck terminals	P
46-53.	P	Utility yard	P
47-54.	P	Vehicle repair, major	P
48-55.	P	Vocational and <u>art schools</u>	—
49-56.	CUP	Water towers and water supply plants	CUP
57.	P	<u>Commercial use, accessory to an industrial use on the same lot and/or in the same complex</u>	P
50-58.	CUP-P/P²	General commercial uses which are not otherwise listed above	—
51-59.	P	Churches	P

¹Applies only within MICO, except within 1,000 feet of residentially zoned lands then the M-1 zone applies.

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

³Contractor businesses with accessory outdoor storage shall meet the requirements of

⁴SMC 18.18.060(C).

⁵An auto impoundment yard shall meet the screening requirements for outdoor storage in SMC 18.18.060(C)."

Section 6. That Section 4, 5, 6, Ordinance No. 1885, approved September 7, 1999, and section 18.18.050 "Property Development Standards", of the Sumner Municipal Code, are hereby amended to read as follows:

“18.18.050 Property development standards.

The following table sets forth the required development standards applicable to properties located in the manufacturing districts:

		M-1	M-2
1.	Minimum lot area per building site in square feet	10,000	6,000
2.	Lot width in feet	75	50
3.	Lot depth in feet	100	75
4.	Front yard setback in feet	25 <u>20</u>	10
5.	Rear yard setback in feet	25 <u>20</u>	0
6.	Interior side yard setback in feet	20	0
7.	<u>Setback from state highway</u>	<u>10</u>	<u>10</u>
7 <u>8</u> .	Street side yard setback in feet	25 <u>20</u>	10
8 <u>9</u> .	Required landscaped setback along any common boundary with residentially zoned property	25	35
9 <u>10</u> .	Required building setback along any common boundary with residentially zoned property	50	50
10 <u>11</u> .	<u>Required landscaped setback along any common boundary with commercially zoned property</u>	5 <u>10</u>	15
11 <u>12</u> .	Minimum street frontage in feet	25	25
12 <u>13</u> .	<u>Maximum lot coverage</u>	65 <u>70</u> %	75 <u>80</u> %
13 <u>14</u> .	Maximum building height in feet within 100 feet of any street right-of-way, or residentially or commercially zoned property	35 ¹	35 ¹

4 15.	Maximum building height in feet when greater than 100 feet from any street right-of-way or residentially or commercially zoned property	45	45
15 16.	Minimum setback from principal or minor arterial as designated in the comprehensive plan	35 25	25

¹A special exception per SMC 18.50.060 may be granted to allow the building height to increase up to a maximum of 45 feet for buildings located between 50 and 100 feet of any street right-of-way, or residentially or commercially zoned property.

Section 7. That Section 22, Ordinance No. 1739, approved February 6, 1996 and section 18.26.020 “Districts where permitted”, of the Sumner Municipal Code, are hereby amended to read as follows:

“18.26.020 Districts where permitted.

Planned mixed-use developments may be permitted in the following districts:

- NC, neighborhood commercial district;
- CBD, central business district;
- GC, general commercial district;
- M-1, light manufacturing district, outside of the manufacturing/industrial center;
- M-2, heavy manufacturing district, outside of the manufacturing/industrial center.”

Section 8. That Section 12, Ordinance No. 2147, approved December 5, 2005 and section 18.26.030 “Permitted uses”, subsection B, of the Sumner Municipal Code, are hereby amended to read as follows:

“B. For the M-1 and M-2 districts, outside of the manufacturing/industrial center, residential or commercial uses allowed in the GC zone may also be permitted. When a mixed-use development is proposed in a combined PMUD/M-1 or PMUD/M-2 zone, the following uses shall be prohibited or limited in size, scope or location to minimize incompatibilities or health and safety concerns:

1. Enclosed salvage and wrecking operations;
2. Manufacturing, processing or assembly of heavy equipment or vehicles;
3. Manufacturing, processing or assembly of metals;
4. Manufacturing, refining or storage of noxious, volatile, toxic or explosive products;
5. Outside storage yards as a principal use;
6. Paper and allied products manufacturing;

- 7. Recycling center;
- 8. Rock, stone, brick, concrete or asphalt, batching or assembly;
- 9. Sales and rental of heavy machinery and equipment;
- 10. Salvage and wrecking yards;
- 11. Service stations;
- 12. Soil mixing;
- 13. Smelting, blast furnace or forging plants;
- 14. Truck terminals;
- 15. Utility yard;
- 16. Vehicle repair, major;
- 17. Hazardous waste off-site treatment and storage facilities;
- 18. Hazardous waste on-site treatment and storage facilities.”

Section 9. Zoning Map Amendment. That Section 2 of Ordinance No. 2276, approved December 1, 2008 and the official Zoning Map for the City of Sumner is hereby amended and adopted as shown in “Exhibit A” , hereby attached and made a part hereof.

Section 10. 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 11. Effective Date. This ordinance shall become effective five (5) days 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 ___ day of ____, 2010.

Dave Enslow, Mayor

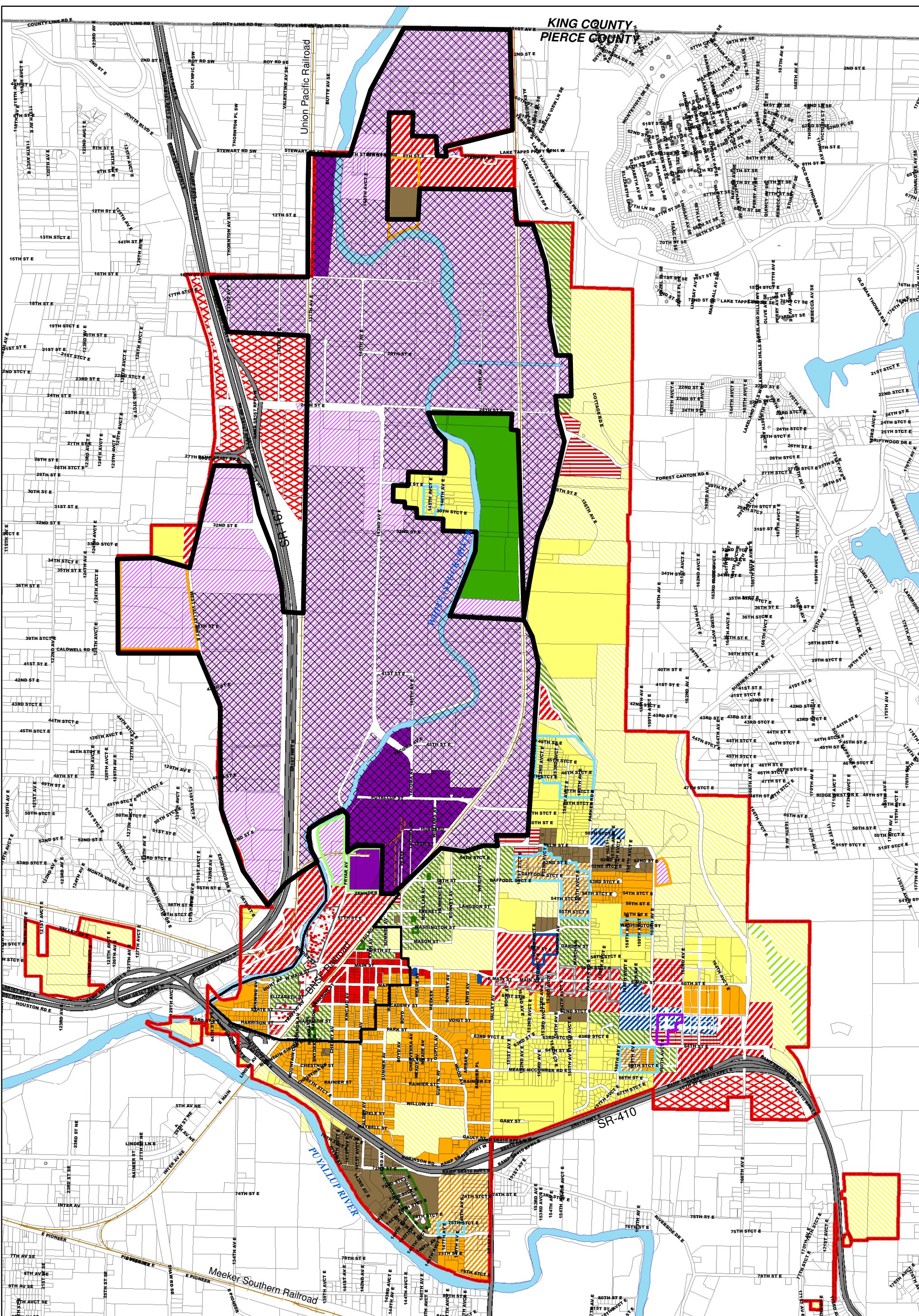
ATTEST:

APPROVED AS TO FORM:

Terri Berry, CMC, City Clerk

Brett Vinson, City Attorney

First Reading:
Date Adopted:
Date of Publication:
Effective Date:



City of Sumner
Zoning Map

ADOPTED: 12-01-2008
ORDINANCE NO: 2276
PLOTTED ON: 12-03-2008, JAM

SOURCE: City of Sumner
Community Development
Department, 2008



DISCLAIMER
The City of Sumner does not make any warranties or representations with regard to the accuracy of this map. No reliance should be placed upon this map for the location of any easement, street, road, highway, or boundary line or other matter shown on this map, and no liability is assumed by the City of Sumner for the correctness thereof.

LEGEND:

- MIC Boundary
- MIC Core Overlay
- County Limits
- Summer City Limits
- Town Center Area
- Tax Parcels
- Highways
- Railroads

ZONING AMENDMENTS:

- Cross-Access Corridors/Combined Driveways (deeded)
- Cross-Access Corridors/Combined Driveways (not deeded)
- Detached Single-Family Development
- Mixed Use-Commercial
- Mobile Home Parks Allowed
- Special Restrictions & Agreement
- Traditional Neighborhood Design Option
- PMUD

SUMNER ZONING DESIGNATIONS:

- Central Business District (CBD)
- General Commercial (GC)
- Interchange Commercial (IC)
- Neighborhood Commercial (NC)
- Mixed Use Development (MUD)
- Heavy Industrial (M-2)
- Light Industrial (M-1)
- High Density Residential (HDR)
- Medium Density Residential (MDR)
- Low Density Residential 12000 (LDR-12)
- Low Density Residential 8500 (LDR-8.5)
- Low Density Residential 7200 (LDR-7.2)
- Low Density Residential 6000 (LDR-6)
- Low Density Residential 4000 (LDR-4)
- Residential Protection (RP)
- Agriculture (AG)

CITY OF SUMNER

1104 Maple Street, Suite 250
 Sumner, Washington 98390-1423
 253.299.5530 • Fax: 253.299.5509

Community Development Department



DETERMINATION OF NON-SIGNIFICANCE

Description of proposal: **Zoning Code amendments including: 1) creation of a height exception in the CBD for historic buildings to increase height from 35 feet to 45 feet per certain conditions; 2) amendments to implement a Manufacturing/Industrial Center designation that was adopted into the Comprehensive Plan; 3) amendments to the M-1 and M-2 permitted uses list to be consistent with the commercial uses list and including uses not previously defined.**

Proponent: Ryan Windish, Planning Manager
 City of Sumner
 1104 Maple Street.
 Sumner, WA 98390

Project Number: PLN 2010-00001

Location of Proposal: Sumner, WA 98390

Lead Agency: City of Sumner

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

There is no comment period for this DNS.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

This DNS is issued under 197-11-340 (2); the lead agency will not act on this proposal for 14 days from the date below.

Responsible Official: Paul Rogerson

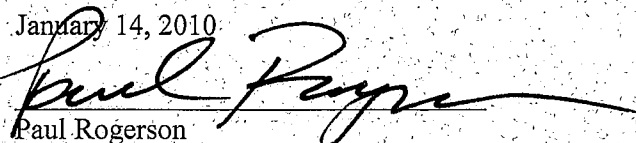
Position/Title: Director of Community Development

Phone: (253) 299-5521

Address: 1104 Maple Street Suite 250, Sumner, WA 98390

Date: January 14, 2010

Signature:


 Paul Rogerson

Published: January 15, 2010



Exhibit C

CITY OF SUMNER

1104 Maple Street, Suite 250
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Community Development Department

PLANNING COMMISSION MAJORITY OPINION

MEETING DATE: February 4, 2010

PROJECT NO./NAME: PLN20010-00001: AMENDMENTS TO ZONING CODE AND ZONING MAP IMPLEMENTING A MANUFACTURING/INDUSTRIAL CENTER

PROJECT DESCRIPTION: Zoning Code amendments to implement a Manufacturing/Industrial Center (MIC) designation that was adopted into the Comprehensive Plan which includes: 1) changes to allowance for commercial uses in the Light Manufacturing (M-1) zone; 2) changes to allowed industrial and manufacturing uses; 3) amendments to the Light Manufacturing (M-1) and Heavy Manufacturing (M-2) permitted uses list to be consistent with the commercial uses list and including some uses not previously defined; and 4) amendments to the zoning map to include the MIC area.

PLANNING COMMISSION VOTE RESULTS:

Cynthia Bush- Yes/No Gary Ganz- Yes/No Kathy Hayden- Yes/No Earle Stuard- Yes/No

Tom Powers- Yes/No Jon Swanson- Yes/No Heather Vezzetti- Yes/No - Absent

FINDINGS OF FACT:

1. The proposed amendments were discussed in a staff memos dated December , 2009 and January 30, 2010.
2. On February 1, 2010, the proposed ordinance was submitted to the State Department of Community, Trade, and Economic Development (CTED) for an expedited 14-day review.
3. A Determination of Non-significance (DNS) was issued on this proposal on January 14, 2010 in accordance with the SEPA (WAC 197-11).
3. The Planning Commission held a duly advertised public hearing on February 4, 2010.

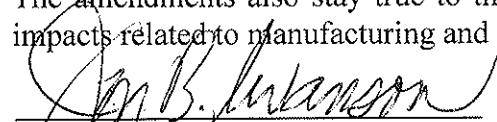
ANALYSIS AND CONCLUSIONS:

The proposed amendments to the Zoning Code are consistent with the intent and policies of the Comprehensive Plan and implement recent amendments to include a Manufacturing/Industrial Center area. The proposed amendments also further clarify and provide consistency between the

Exhibit C

commercial and industrial zones. The amendments are consistent with the intent and purpose of the light manufacturing and heavy manufacturing zones as established in the Zoning Code.

The amendments would be consistent with the intent and vision of the Comprehensive Plan and further the goals and policies of the MIC and promote economic development and employment. The amendments also stay true to the need to protect residentially zoned areas from increased impacts related to manufacturing and industrial development.



Jon Swanson, Chair