



Memorandum

DATE: June 24, 2009
TO: Planning Commission
FROM: Ryan Windish, Planning Manager *Ryan R. Windish*
RE: **Zoning Code Amendment—Front Yard Parking**

I. BACKGROUND

The City Council Community Development/Parks Committee directed staff to draft Zoning Code text amendments related to the parking/storage of vehicles and other vehicular accessories within the front yard, specifically to address parking in landscaped areas such as lawn. This is a result of a complaint and practices in the City where residents are frequently, parking vehicles in the front lawn for extended periods of time. This restriction would apply to all residentially zoned areas of the City.

Parking cars in landscaped areas and the lawn detracts from the overall residential and quality of a neighborhood in conflict with the intent of the zone to create a “stable and satisfying environment for family life” (SMC 18.12.010).

Currently the Zoning Code (SMC 18.12.080(C) and 18.14.080 (C)) prohibit the “storage” of vehicles and vehicle accessories (i.e. boats, trailers, campers) from being stored in the front yard area, even in the driveway, for more than 120 continuous hours. This is 5 days. If a person moves the vehicle or vehicle accessory frequently, then no violation has occurred. However, with this provision, it is possible that a vehicle can be nearly continuously parked in the front yard or specifically on the lawn without being in violation of the code.

II. SUMMARY OF PROPOSED AMENDMENTS

Prohibiting parking in the front yard lawn has two aspects that are presented below: 1) prohibiting parking in the front yard lawn area; and 2) regulating the amount of vegetated landscape area that is required in the front yard setback.

A. Proposed amendment to prohibit parking in the landscaped area of the front yard setback.

The proposed ordinance (see Exhibit A) draws a distinction between “storage” and “parking”. The definition for storage remains the same, 120 continuous hours for vehicles, etc. that remain in the driveway or paved parking area of the property. Parking is prohibited, so technically, the vehicle, etc. could not remain on the lawn for any period of time, except to allow for washing the vehicle, then 2 hours is allowed.

Presently, it is difficult to enforce the 120 continuous hour rule because the vehicle would have to just be moved a short distance and it would start the time period over. This provision works best for trailers, campers, and other vehicle accessories not under their own power. RVs and other vehicles that can be easily moved make this provision more difficult, if not impossible, to enforce.

If parking is prohibited and an inspection shows that they are not washing or recently washed the vehicle, then it can be cited as a violation immediately and fines could begin. Staff does not anticipate a lot of complaints for these types of violations, but when they do occur the changes would provide for more timely and effective action.

B. Proposed amendment to include requirement for 50 percent of front yard area to be landscaped.

The ordinance proposes restricting the parking in landscaped areas of the front yard. This is similar to the provision in the commercial section of the Zoning Code that prohibits parking or storage from occurring in landscaped areas. However, one ramification for this could be a resident paving the entire front yard, or expanding it to allow for greater parking in front. In order to prevent this, staff is proposing that a minimum of 50 percent of the front yard area be landscaped. It should be noted that this may not prevent the problem entirely as noted below:

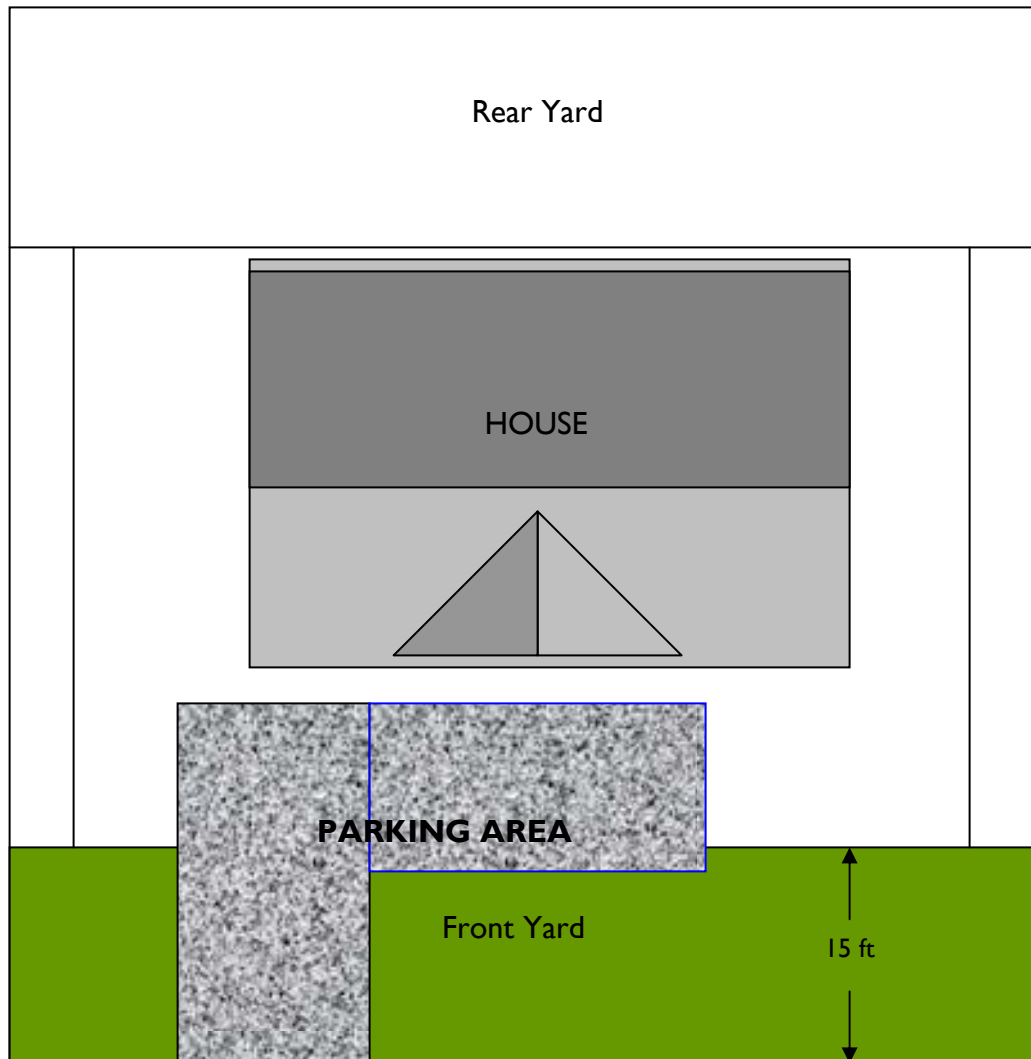


FIGURE I. Note that additional parking can occur in the front of the house but not technically be in the “front yard” as defined in the Zoning Code.

III. ANALYSIS

The proposed amendments to the Zoning Code are consistent with the intent and policies of the Comprehensive Plan and the Zoning Code to ensure that the residential zones are of a residential quality and character. Specifically, the Zoning Code states that the purpose “is to stabilize and preserve low density residential neighborhoods, to create *a stable and satisfying environment for family life* and to prevent intrusions by incompatible land uses” [emphasis added]. The intent here is to prevent parking in front yard landscape areas and lawns that creates an incompatible environment and overall detracts from the aesthetic quality, safety, and character of residential neighborhoods. The ordinance does allow for car washing on the lawn as it is more environmentally sound practice and is very temporary.

IV. CONCLUSION

The amendments would be consistent with the intent and vision of the Comprehensive Plan and further the intent to create stable and satisfying environments for family life in residential areas.

V. RECOMMENDATION

Staff recommends that the Planning Commission APPROVE a recommendation that the City Council adopt the proposed amendment.

Exhibits

Exhibit A: Draft Ordinance to the Zoning Code (SMC 18.12 and 18.14)

Exhibit B: Determination of Non-Significance

Exhibit C: Majority Opinion

ORDINANCE NO. _____

CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE SUMNER ZONING CODE PROHIBITING THE PARKING OF VEHICLES AND VEHICLE ACCESSORIES IN THE LANDSCAPED AREA OF FRONT YARDS AND AMENDING ORDINANCE NO. 1694, SECTION 1(PART), APPROVED JULY 10, 1995; AND AMENDING THE SUMNER MUNICIPAL CODE SECTIONS 18.12.080(C), 18.14.080(C), AND ADDING NEW SECTIONS 18.12.080 (M) AND 18.14.080(O).

WHEREAS, the Planning Commission held a duly advertised Public Hearing on April 2, 2009 and considered these amendments and voted _____ to recommend the City Council approve the amendments to the Sign code; and

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

WHEREAS, the City Council discussed the amendments during Study Sessions on _____ , 2009; 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 March 19, 2009; and

WHEREAS, a Determination of Non-Significance was issued on this proposal on April 2, 2009; 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 section 18.12.080 “Performance Standards”, subsection C, of the Sumner Municipal Code, are hereby amended to read as follows:

C. Outdoor Storage and Parking of Vehicles. ~~Required front and street side yards shall not be used for the s~~Storage or parking of any motor vehicle or vehicle accessory such as camper shells, boats, trailers, motorbikes or other wheeled accessory or conveyance shall not be allowed except as follows:

1. Storage of such vehicles and vehicle accessories is permitted within the ~~legal building site area, paved areas and driveways located in the front and street side yard~~; and rear and interior side yards; provided, that such vehicles and accessories are screened from neighboring properties and public rights-of-way by a six- foot-high solid fence or landscaped screen. For purposes of this subsection “storage” means the keeping of such vehicles and accessories on any portion of any parcel of property for a period of 120 continuous hours.

- 2. Parking for any length of time of such vehicles and vehicle accessories is prohibited within any landscaped area of the front or street side yard, except for parking for the washing of vehicles and not to exceed 2 hours.

Section 2. That Section 1 (part), Ordinance No. 1694, approved July 10, 1995 and section 18.12.080 “Performance Standards”, of the Sumner Municipal Code, are hereby amended with the addition of a new section M, to read as follows:

M. A minimum of 50 percent of the area of front and street side yards shall be landscaped with vegetation or other landscaped features other than paving, gravel, or hard surfaces.

Section 3. That Section 1 (part), Ordinance No. 1694, approved July 10, 1995 and section 18.14.080 “Performance Standards”, subsection C, of the Sumner Municipal Code, are hereby amended to read as follows:

C. Outdoor Storage and Parking of Vehicles. ~~Required front and street side yards shall not be used for the s~~Storage or parking of any motor vehicle or vehicle accessory such as camper shells, boats, trailers, motorbikes or other wheeled accessory or conveyance shall not be allowed except as follows:

- 1. Storage of such vehicles and vehicle accessories is permitted within the legal building site area, paved areas and driveways located in the front and street side yard; and rear and interior side yards; provided, that such vehicles and accessories are screened from neighboring properties and public rights-of-way by a six- foot-high solid fence or landscaped screen. For purposes of this subsection “storage” means the keeping of such vehicles and accessories on any portion of any parcel of property for a period of 120 continuous hours.
- 2. Parking for any length of time of such vehicles and vehicle accessories is prohibited within any landscaped area of the front or street side yard; except for the parking for the washing of vehicles and not to exceed 2 hours.

Section 4. That Section 1 (part), Ordinance No. 1694, approved July 10, 1995 and section 18.14.080 “Performance Standards”, of the Sumner Municipal Code, are hereby amended with the addition of a new section O, to read as follows:

O. A minimum of 50 percent of the area of front and street side yards shall be landscaped with vegetation or other landscaped features other than paving, gravel, or hard surfaces.

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 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 22nd day of January, 2008.

Dave Enslow, Mayor

ATTEST:

APPROVED AS TO FORM:

Terri Berry, CMC, City Clerk

Brett Vinson, City Attorney

First Reading: **01/22/08**
Date Adopted:
Date of Publication:
Effective Date:



CITY OF SUMNER
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 Sumner, Washington 98390-1423
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Community Development Department

DETERMINATION OF NON-SIGNIFICANCE

Description of proposal: **City of Sumner Zoning Code amendments including: 1) regulating the parking of vehicles in front yard landscaping; 2) modifying the limit on maximum number of parking stalls for commercial development; and 3) amendments related to Urban Village Overlay such as land uses, multi-family building styles and configurations and design standards.**

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

Project Number: PLN 2009-00029

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: June 17, 2009

Signature: _____
 Paul Rogerson

Published: June 18, 2009



CITY OF SUMNER

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Community Development Department

PLANNING COMMISSION MAJORITY OPINION

MEETING DATE: July 2, 2009

PROJECT NO./NAME: PLN2009-00029: AMENDMENTS TO ZONING CODE: PARKING IN FRONT YARD OF RESIDENTIAL ZONES

PROJECT DESCRIPTION: Proposed amendments would prohibit the parking of vehicles and vehicle accessories on the landscaped area of a front yard in residential zones. Furthermore, it requires the landscaping of the front yard to cover at least 50 percent of the front yard area.

PLANNING COMMISSION VOTE RESULTS:

Cynthia Bush- Yes/No Gary Ganz- Yes/No Kathy Hayden- Yes/No Brett Morrison- Yes/No
Tom Powers- Yes/No Jon Swanson-Yes/No Heather Vezzetti- Yes/No

FINDINGS OF FACT:

1. The proposed amendments were discussed in a staff memo dated June 24, 2009.
2. On June 24, 2009, the proposed ordinance was submitted to the State Department of Community, Trade, and Economic Development (CTED) for an expedited 10-working-day review.
3. A Determination of Non-significance (DNS) was issued on this proposal on June 17, 2009 in accordance with the SEPA (WAC 197-11).
3. The Planning Commission held a duly advertised public hearing on July 2, 2009.

ANALYSIS AND CONCLUSIONS:

1. The proposed amendments to the Zoning Code are consistent with the intent and policies of the Comprehensive Plan and the Zoning Code to ensure that the residential zones are of a residential quality and character. Specifically, the Zoning Code states that the purpose “is to stabilize and preserve low density residential neighborhoods, to create a stable and satisfying environment for family life and to prevent intrusions by

incompatible land uses” [emphasis added]. The intent here is to prevent parking in front yard landscape areas and lawns that creates an incompatible environment and overall detracts from the aesthetic quality, safety, and character of residential neighborhoods. The ordinance does allow for car washing on the lawn as it is more environmentally sound practice and is very temporary.

Jon Swanson, Chair