



The city is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at City Hall (Council Chambers), or virtually by using the meeting access link below.

CALL TO ORDER

The public is welcome to attend this meeting in-person at Sumner City Hall Council Chambers 1104 Maple Street, Sumner, or virtually by using the meeting access link below.

Join Zoom Meeting:

<https://sumnerwa-gov.zoom.us/j/84922454873>

Meeting ID: 849 2245 4873 Or call in by phone: 1 253 215 8782 (Tacoma)

ROLL CALL

Planning Commissioners: Andy Elfers, Sharon Fochtman, Mark Isaacs, Kelly Locke, Bill Moody, Barry Walden

APPROVAL OF MINUTES

1. Approval of Minutes from September 1, 2022

PUBLIC COMMENT

NEW BUSINESS

1. Short Subdivisions and Pipestem Lots Code Update
2. Zoning Code Text Amendment- Parking in Medium-Density Residential/East Sumner Urban Village

OLD BUSINESS

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT



**SUMNER PLANNING COMMISSION
Regular Meeting**

**Thursday, September 1, 2022
6:00 p.m.
Sumner City Hall
1104 Maple Street**

CALL TO ORDER

The hybrid meeting was called to order at **6:02 pm** by Chair Elfers

ROLL CALL

Commissioners Present (in-person): Elfers, Stoneking, Walden, Locke, Isaacs, Moody

Commissioners Present (virtually): Fochtman

Excused Absences: none

APPROVAL OF MINUTES

Commissioner Locke motioned to approve the meeting minutes for June 09, 2022, and August 04, 2022, as presented, seconded by Commissioner Moody.

All were in favor; unanimously passed.

PUBLIC COMMENT

None before the Commission

NEW BUSINESS

A. Zero Lot Line Dwellings/Subdivisions Code Update – *Public Hearing*

Chair Elfers opened the public hearing at 6:05 pm

Chair Elfers introduced Matt Covert from LDC, planning consultant to present to the commission on behalf of staff the recommendations for zero lot line subdivisions. Presentation provided clarification on zero lot line subdivisions, the zones where these are allowed being MDR and HDR zones, lot standards and drive aisle standards. The draft ordinance includes zoning code revisions and subdivision code revisions, that would incentivize zero lot line developments.

Staff Siegenthaler addressed previous Commissioner's questions. Regarding previous questions on the minimum lot size, staff is recommending a 16-foot width for interior units and 20-foot width for end units.

Chair Elfers invited the public to submit comments; none testified before the Commission.

Public hearing Closed at 6:27 pm

OLD BUSINESS

A. Zero Lot Line Dwellings/Subdivisions – *Discussion/Action*

Chair Elfers invited Commissioners to bring forward questions regarding the draft ordinance for zero lot line subdivisions. Several additional questions were raised on lot size and unit size, private drive aisle maintenance, reduction in open space and parking requirements. Staff provided clarifications.

Discussion ensued.

Motions: Commissioner Stoneking motioned to amend proposed Section SMC 17.28.340 Subsection(E)(3) to allow no more than 50% of the required guest parking on streets, seconded by Commissioner Locke.

All were in favor; passed unanimously

Motions: Commissioner Locke motioned to recommend to City Council to adopt the zero lot line subdivision ordinance as amended, seconded by Commissioner Stoneking

All were in favor; passed unanimously.

COMMISSION COMMENTS

A few Commissioners shared event and community information with others.

STAFF COMMENTS

Staff Siegenthaler informed the Commissioners that a number of items will be before the Commissioners in October's meeting.

Brief discussion ensued.

ADJOURNMENT

Commissioner Elfers motioned to adjourn the meeting, Locke seconded. With no further business in front of the Commission, Chair Elfers ended the meeting. **MEETING**

ADJOURNED AT 7:29 pm.

Minutes Submitted by: Walker, Siegenthaler

SUBJECT: Short Subdivisions and Pipestem Lots Code Update

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Small Subdivision & Pipestem Lots -Code Changes - DFT-112122
-

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

Sumner's 2021 Housing Action Plan (HAP) examined housing needs in Sumner and identified gaps in available housing and affordable housing. The HAP includes strategies and implementation actions for addressing these gaps. City staff has been working on implementing a number of these actions, including the current proposal to increase the number of infill single-family lots that can be created through short subdivisions and pipestem lot subdivisions.

Background:

- The current subdivision process in Sumner code allows either a "full subdivision" process (5 or more lots) or a simple "short subdivision" (short plat) process (4 lots or less).
- A full subdivision process is much more extensive, lengthy and costly than a short subdivision process. For large subdivisions the costs can more easily be spread out over more lots. Requiring the full subdivision process for smaller subdivisions (e.g. 6-7 lots) can be a barrier to increasing housing infill.
- Pipestem (flag) lots can be created through either subdivision process. However, current code limits these to 1 additional lot (2 total), which is also a barrier to infill development.
- State law, which largely governs land division, currently allows up to 9 lots in a short subdivision but allows cities to set lower thresholds.

What is proposed: Staff, working with consultant LDC Inc., is proposing to the following:

- Raise the threshold for short subdivisions to 9 lots, matching State-allowed threshold of 9 lots.
 - This will allow more lots to be created through a less costly and more streamlined process, encouraging infill development in Sumner.
 - Raise the threshold for pipestem lot subdivisions to 4 lots. Make building height and lot sizes similar to regular single-family lots; require a 15-foot perimeter setback for privacy.
 - This will make it easier for homeowners to short plat large areas behind their existing home into pipestem lots, creating more housing capacity in existing neighborhoods.
 - Allow short subdivisions to use shared driveways and narrow private drive aisles, to consolidate access and reduce costs.
 - Set a maximum lot size for single-family homes built in multifamily zones. This will keep land in MDR/HDR zones available for more dense single-family infill and multifamily development.
-

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Provide comments on proposed code changes.

Small Subdivisions and Pipestem Lots Code Changes Summary

Draft 11/21/22

17.04.40 Scope.

- A. This title applies to the division of land of up to ~~four~~nine parcels for short subdivisions, and of ~~five~~ten or more for full subdivisions.
- B. Property boundary lines separating two or more lots of record may be adjusted only under the specific provisions as set forth in this title.
[...]

17.04.060 Definitions.

For the purpose of this title, certain words and terms used in this title are defined as follows:
[...]

"Lot frontage" means the boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a private ~~street road~~, easement or accessway, and parallel to the front lot line as defined in SMC 18.04.0585. On an interior lot, it is the lot line abutting a street; or, on a pipestem (flag) lot, it is the interior lot line most parallel to and nearest the public street from which access is obtained; On a corner lot the front yard shall be determined by the director to be the yard which best conforms to the pattern of the adjacent block faces. On a "through lot", both street lines shall be deemed front lot lines.
[...]

"Lot, pipestem (flag lot)" means an interior lot in which the buildable area is not bounded laterally by a public street or private road, and which gains access by means of a lot extension, a shared driveway easement, a private drive aisle, or the terminus of a private road or public street.
[...]

FOR REFERENCE, NEW DEFINITION ALREADY PROPOSED IN ORDINANCE No. 2842 (Zero Lot Line Subdivisions):

"Private drive aisle" means a road that is not dedicated to the city but is owned in common by all the property owners within, and used as access to, a zero lot line subdivision or zero lot line short subdivision.

"Private ~~street~~road" means a street or road that is not ~~dede~~dedicated to the city and is used for access to lots which do not border on a public street. ~~This includes, but is not limited to, access easements, pipestems, and panhandles accessing short subdivisions. This includes shared driveways, private drive aisles, or other private accessways designed for vehicle access to the public street.~~
[...]

"Street, public" means an approved street, whether improved or unimproved, held in public ownership and intended to be open as a matter of right to public vehicular travel.

"Subdivision, full" means the division or redivision of land into ~~five~~ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

"Subdivision, short" means the division or redivision of land into ~~four~~nine or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.
Tract. See SMC 18.04.1015.

17.12.030 Scope.

Any land being divided into ~~four~~nine or fewer parcels, lots, tracts, or sites, any one of which is less than 20 acres in size, and which land has not been divided in short subdivision within the previous five years, shall meet the requirement of this chapter; provided, that the land in the short subdivision may

not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than ~~four~~nine parcels, the owner of the short plat may file an alteration within a five-year period to create up to ~~four~~nine lots within the boundaries of the original short plat and the parcel is not held in common ownership with a contiguous parcel which has been subdivided within the preceding five years.

FOR REFERENCE, NEW SECTION ALREADY PROPOSED IN ORDINANCE No. 2842:

17.28.130 Access for short subdivisions.

This proposed new section will provide for "private drive aisles" for Zero Lot Line Subdivisions. It will include standards for construction, and will allow a 15-foot wide driveway or a 25-foot wide private drive aisle, depending on the layout.

17.28.195 Pipestem lots.

- ~~A. "Pipestem lot (flag lot)" means an interior lot in which the buildable area is not bounded laterally by a public or private road, and which gains road access by means of a lot extension, a driveway easement, or the terminus of a private or public road.~~
- A. Pipestem lots are allowed the following number of contiguous lots through subdivision:
1. Up to four lots are allowed behind an existing lot with street frontage or divided from a parent parcel; or
 2. Up to five lots are allowed if an existing dwelling unit is preserved as part of the subdivision.
- B. Pipestem lots shall be served by a strip of land not less than 15 feet wide for up to 4 lots and not less than 25 feet wide for 5 lots; and designed for the purpose of providing access to one lot, tract, or parcel the buildable area of the lot or tract.
- C. Pipestem lots may access the street network by way of shared driveways or private drive aisles as provided in SMC 17.28.200.
- D. In no case shall a pipestem or panhandle lot be separated from a public street by more than four lots.

17.28.200 Private ~~streets~~roads.

- ~~A. Private streets shall serve no more than one lot; provided, that the private street shall have a minimum width of 30 feet. In no case shall the front lot line of a pipestem or panhandle lot be separated from a public street by more than one lot.~~
- A. Short subdivisions may be served by a private road as follows:
1. For up to 4 lots, a shared driveway is allowed, a minimum of 15 feet wide, with an 11-foot-wide paved travel surface and two 2-foot-wide shoulders.
 2. For 5 or more lots, a private drive aisle in conformance with the standards in SMC 17.28.130 or a public street is required pursuant to SMC 17.28.130(B).
- B. Private ~~streets~~roads shall be improved or guaranteed to the standards considered appropriate to the situation by the city engineer and fire marshal, ~~but in all cases and~~ shall meet the ~~minimum applicable~~ requirements of the ~~fire marshal and~~ city's Development Specifications and Standard Details.

18.04.0585 Lot line, front.

"Front lot line" means that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a private road, ~~shared driveway easement~~ or accessway. On an interior lot, it is the lot line abutting a street, ~~or~~ On a pipestem (flag) lot ~~where only one pipestem lot is present~~, it is the interior lot line most parallel to and nearest the street from which access is obtained. On a pipestem lot where multiple pipestem lots are present as allowed in Title 17 SMC, it is the interior lot line most directly facing the shared driveway or private access tract by which the lot

accesses the public street. On a corner lot, the front yard shall be determined by the director, to be the yard which best conforms to the pattern of the adjacent block faces. On a "through lot," both street lines shall be deemed front lot lines.

18.04.0610 Lot, pipestem

~~"Pipestem lot~~ "Lot, pipestem (flag lot)" means an interior lot in which the buildable area is not bounded laterally by a public street or private road, and which gains ~~road~~vehicle access by means of a lot extension, a shared driveway ~~easement~~, a private drive aisle, or the terminus of a private road or public ~~road~~ street.

18.12.070 Property development standards for LDR-6, LDR-7.2, LDR-8.5, and LDR-12.

A. Lot area.

1. Minimum lot area per building site in square feet:

LDR-6:	6,000
LDR-7.2:	7,200
LDR-8.5:	8,500
LDR-12:	12,000

- 2.** At least 80 percent of the lots in a subdivision shall meet the ~~above~~ minimum lot sizes of the applicable district in Subsection A(1) of this section. Pipestem lots are not eligible for this or other lot size reductions. To encourage a mix of lot sizes, the other 20 percent of the lots may have reduced sizes, to the following lot size standards, in square feet; provided, in no case shall the reduction in lot sizes be combined with the reduction in lot sizes allowed in SMC 16.40.140(A) or (B):

LDR-6:	4,800
LDR-7.2:	6,000
LDR-8.5:	7,200
LDR-12:	8,500

~~In no case shall the reduction in lot sizes be combined with the reduction in lot sizes allowed in SMC 16.40.140(A) or (B);~~

B. Lot width

1. Minimum lot width in square feet:

~~Lot width in feet:~~

LDR-6:	60
LDR-7.2:	70
LDR-8.5:	80
LDR-12:	100

- 2.** For the subdivisions that include a percentage of smaller lots as allowed in subsection A of this section, the minimum lot widths for the smaller lots shall be as follows, in feet:

LDR-6:	50
LDR-7.2:	60
LDR-8.5:	70
LDR-12:	80

C. Front yard setback in feet: 15 (LDR-12 front yard setback in feet: 25);

D. Rear yard setback in feet: 30;

- E. Rear yard setback in feet, for existing home being retained in the creation of pipestem lots through a short subdivision: 15;
- F. Interior side yard setback in feet, lot with one interior side yard: five;
- G. Total interior side yard setback in feet, lot with two interior side yards; 15; provided, that one interior side yard is not less than five feet;
- H. Street side yard setback in feet: 12;
- I. Maximum building height in feet: 30;
- J. ~~Maximum~~ Lot coverage:

1. Maximum lot coverage, in percent:

LDR-6:	40 percent
LDR-7.2:	35 percent
LDR-8.5:	35 percent
LDR-12:	35 percent

2. Maximum lot coverage for single-story residential structures:

LDR-6:	45 percent
LDR-7.2:	40 percent
LDR-8.5:	40 percent
LDR-12:	40 percent

- J. Required off-street parking spaces: two;
- K. Minimum street frontage in feet: 15;
- ~~L. Maximum building height for pipestem lots with a lot size less than 20,000 square feet: one story and 16 feet;~~
- M. Minimum yard setbacks in feet for pipestem lots are as follows:
 - 1. Front yard setback in feet: 15, not including the street, access easement, or private drive aisle tract, provided the remaining front yard setback is no less than 10 feet;
 - 2. Exterior (perimeter) setback, as measured from the original lot lines of the parent lot: 15;
 - 3. Side yard setback, when internal to other lots within a short subdivision: five;
 - ~~4. At least two yard setbacks shall be a minimum of 15 feet with remaining yard setbacks allowed a minimum of five feet;~~
- ~~N. Minimum lot size for pipestem lots in LDR-6 in square feet: 10,000.~~

18.12.075 lot standards in LDR-4

[...]

- M. Maximum building height for pipestem lots ~~with a lot size less than 10,000 square feet: 30 feet one story and 16 feet;~~
- N. Yard setbacks for pipestem lots shall be as found in 18.12.070(M). ~~are as follows:~~
 - ~~a. At least two yard setbacks shall be a minimum of 15 feet with remaining yard setbacks allowed a minimum of five feet;~~

18.14.070 Property development standards.

The following Table 18.14.070 sets forth the required development standards applicable to properties located in the MDR and HDR zones:

Table 18.14.070

	MDR	HDR
A. Minimum lot area per building site in square feet ¹	5,000	5,000
Minimum lot area in square feet for developments utilizing the “detached single-family dwelling” option of the city of Sumner design and development guidelines in square feet	4,000	4,000
Minimum lot area for zero lot line single-family dwellings (per dwelling)	3,000	3,000
<u>B. Maximum lot area per building site in square feet, single-family dwellings</u>	<u>6,000</u>	<u>6,000</u>
<u>C. Maximum development density in dwelling units per net acre</u>	<u>15</u>	<u>25</u>
[...]		
<u>P. Pipestem lot width, setbacks and building height shall be as provided in 18.12.070 SMC for detached dwelling units.</u>		
[...]		

¹ Variation of Minimum Lot Size. Except for lots to be occupied by zero lot line dwelling units, lots created through ~~long-full~~ subdivision in the MDR and HDR zones must vary lot sizes in the following manner. A maximum of 60 percent of lots may be platted at the minimum lot size allowed. At least 20 percent of platted lots must be no less than 150 percent of the minimum allowed lot size (1.5 times) and at least 20 percent of platted lots must not be less than 200 percent of the minimum allowed lot size (2.0 times). For purposes of meeting this requirement, lot counts may be rounded to the nearest full lot.

18.30.110 Private streets and driveways (ESUV)

Private ~~streets-roads~~ and ~~driveways-drive aisles~~ shall be configured in such a manner as to promote a gridded street pattern of development that allows these private ~~streets-roads~~ and driveways to function similar in character and scale as public streets, ~~reducing distance between blocks~~ and maintaining pedestrian scale and walkability. Said private ~~street-road~~ or ~~driveway-drive aisle~~ shall remain ungated unless: (A) it can be demonstrated, to the satisfaction of the director, that a gate is needed for the safety and security of the residents; and (B) that a gate does not inhibit overall connectivity of the larger neighborhood; and (C) where it is determined such connectivity would be inhibited a development shall contain an ungated pedestrian access that traverses the site.

SUBJECT: Zoning Code Text Amendment- Parking in Medium-Density Residential/East Sumner Urban Village

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. 20221205_StaffReport_Exh-FINAL

STAFF CONTACT: Ryan Windish, Community Development Director

SUMMARY BACKGROUND:

In order to better accommodate retail, restaurant and other eating and drinking establishments in the Neighborhood Commercial zone in the East Sumner, staff is asking the Planning Commission to consider a Zoning Code amendment that would allow a portion of the required parking and landscaping to be located on adjacent Medium Density Residential zoned property.

COUNCIL COMMITTEE/STUDY SESSION:
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MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Discuss and provide feedback.



STAFF REPORT

DATE: December 1, 2022
TO: PLANNING COMMISSION
FROM: Ryan Windish, Community Development Director
RE: **Zoning Code Text Amendment – Accessory Parking and Landscaping in Medium Density Residential/East Sumner Urban Village (MDR/ESUV) Zone**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

In August 2022, the City received a request from a property owner in the East Sumner Neighborhood to convert an existing house to a restaurant. The East Sumner Neighborhood Plan envisions this area having restaurants and other services within walking distance of a rapidly growing residential area. There are around 550 apartments planned in this area over the next 5 years and a restaurant use would be a welcome addition. The property contains a split zoning with Neighborhood Commercial/East Sumner Urban Village (NC/ESUV) fronting the street and the rear one third of the property is zoned Medium Density Residential/East Sumner Urban Village (MDR/ESUV). The restaurant site plan would need to have a portion of the parking lot located in the MDR/ESUV zone, which is a prohibited use at this time. There are also other lots in a similar situation with NC/ESUV on the front and MDR/ESUV in the back. To facilitate these sites developing, the Zoning Code should be amended to allow for an exception in the MDR/ESUV zone for accessory parking from adjacent NC/ESUV uses.

II. DESCRIPTION OF PROPOSAL

The Zoning Code Text Amendment includes the following:

- A. **Accessory Parking Exception.** This amendment would create an exception for accessory parking for adjacent NC/ESUV zone to be accommodated in the MDR/ESUV zone within the East Sumner Neighborhood. The parking area allowed in MDR/ESUV zone would be limited to no more than 25% of the total number of parking spaces for the land use and it would be no more than 100 feet from the NC/ESUV use. The intent is that this would be a limited exception for certain properties and not have an impact throughout much of the City. There are less than 10 properties within the City that would qualify for this exception.
- B. **Landscaping and Pedestrian Amenities.** This amendment would create an exception for up to 50% of the area of required landscaping and pedestrian amenities for NC/ESUV to be located on adjacent MDR/ESUV zoned property.

III. STAFF RECOMMENDATION

Staff recommends the Planning Commission discuss and provide staff with comments and feedback.

IV. NEXT STEPS

A public hearing will be held January 5, 2023.

V. EXHIBITS

- A. Draft ordinance for adopting changes

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING ZONING CODE REGULATIONS FOR THE MEDIUM DENSITY RESIDENTIAL ZONE WITHIN THE EAST SUMNER URBAN VILLAGE AS IT RELATES TO ADJACENT ACCESSORY PARKING AND LANDSCAPING AND CHAPTER 18.30 AND AMENDING SECTION 18.30.030.

WHEREAS, the Sumner Municipal Code allows uses in the Neighborhood Commercial zone within the East Sumner Urban Village overlay that include restaurants and other retail and commercial uses that require accessory parking; and

WHEREAS, the Neighborhood Commercial/East Sumner Urban Village (NC/ESUV) zone generally has a shallow depth as measured from the street, creating limited area for development on single small parcels; and

WHEREAS, to promote services such as pedestrian oriented retail and eating and drinking establishments, adequate parking must be provided; and given the NC/ESUV zone is narrow, and often single parcels have a split zoning, it is necessary to allow a portion of the accessory parking for NC/ESUV uses to be located within the adjacent Medium Density Residential/East Sumner Urban Village (MDR/ESUV) zone; and

WHEREAS, the MDR/ESUV zone allows for accessory parking for residential uses, and that any new parking lot would be required to maintain proper landscaping and screening thereby mitigating adverse impacts associated with the is accessory commercial parking; and

WHEREAS, Pedestrian amenities and open space is required in the City Design and Development Guidelines for both commercial and residential developments and these types of spaces do not create noise, light, glare or other impacts and would be compatible within either a commercial or residential development; and

WHEREAS, the vision for the East Sumner Neighborhood Plan includes restaurants, and other types of uses and mixed use zones where residential is in close proximity, and in some cases constructed over commercial uses, the accessory parking with in the MDR/ESUV would be consistent with the ESNP; and

WHEREAS, the Planning Commission held a duly-advertised public hearing on (date XX) on the proposed amendments, followed by a study session on (date)XX; and

WHEREAS, on (date) XX the Planning Commission voted by a X-X vote to recommend adoption by the City Council of the proposed allowable use updates to the Zoning Code as set forth in this ordinance; and

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the Expedited 15-day State review per the Growth Management Act on (date) ; and

WHEREAS, the City Council finds the proposed amendments to be consistent with the Sumner Municipal Code criteria for Zoning Code text amendments and the Comprehensive Plan.

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

Section 1. That Paragraph A, Section 18.30.030 of the Sumner Municipal Code is hereby amended to read as follows:

“18.30.030 Principal and conditional uses.

A. Residential Districts. Permitted principal, accessory, and conditional uses in the ESUV shall be the same as those specified in the underlying zoning districts for the LDR, MDR, and HDR districts, except that:

1. Apartments and multifamily residential uses are allowed as a permitted principal use in the ESUV/MDR and ESUV/HDR districts;
2. Senior housing may be allowed only through a planned residential development, pursuant to chapter 18.24 SMC; ~~and~~
3. Professional offices and services shall not be allowed in the ESUV/MDR or ESUV/HDR district as a conditional use;
4. Accessory parking for retail and eating and drinking establishments within the NC/ESUV zone may be allowed within the adjacent ESUV/MDR zone provided that the portion of the accessory parking within the ESUV/MDR zone is located no more than 100 feet from said use and is no more than 25 percent of the total required parking stalls for said use; and
5. Landscaping, pedestrian amenities and open spaces as required for a retail and eating and drinking establishments within the NC/ESUV zone may be allowed within the adjacent ESUV/MDR up to 50 percent of the total required area.”

Section 2. 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 3. 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 numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 4. 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 _____, 2023.

Mayor Kathy Hayden

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date: