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## **MEMO:**

**To:** Sedro-Woolley Planning Commission

**From:** Nicole McGowan  
Assistant Planner

**Date:** March 21, 2023

**Subject:** Amendments to Chapter 17.04 SWMC to Add a Definition for Work/Live Unit, Amendments to Chapter 17.20 SWMC to Remove Live/Work Units from Mixed Commercial Permitted Uses and Amendments to Chapter 17.28 SWMC to Change the Name from Live/Work Unit to Work/Live Unit and to Specify Parking Requirements for Work/Live Units in the Industrial Zone

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## **ISSUE**

SWMC 17.04.030 does not include a definition for work/live units, which are currently a permitted use in both the Mixed Commercial (MC) and Industrial (I) zones. Additionally, there are no specific parking requirements for work/live units. Staff proposes to amend Chapter 17.04 SWMC to include a definition for Work/Live Units, to amend Chapter 17.20 SWMC to remove work/live units from the list of permitted uses in the MC zone and to amend Chapter 17.28 SWMC to specify the parking requirements for work/live units in the Industrial zone to make it easier to regulate the construction of work/live units and associated parking infrastructure. The proposed amendments can be found in **Attachment 1**.

## **PROJECT DESCRIPTION/HISTORY**

When Ordinance No. 1484-04 was passed October 13, 2004, which added live/work units to the list of permitted uses under SWMC 17.20.010 and 17.28.010, no supplemental definition was created for live/work units under SWMC 17.04.030. Similarly, no specific parking requirements were provided for such units. These missing pieces of information appear to have been oversights by staff. As a result, regulation of the construction of live/work units and associated parking infrastructure is difficult and left open to interpretation.

The Planning Commission (PC) reviewed and discussed the proposed amendments at its August 16, 2022, January 17 and February 21, 2023 meetings. Public hearings were held at the January 17 and February 21 meetings. The RJ Group, a local developer with interest in constructing work/live units, provided public comment at the January 17 public hearing. Staff considered those comments and performed additional research upon PC request, looking into how other nearby jurisdictions – specifically Tacoma, Bellingham and Seattle – regulate work/live units in their jurisdictions. Staff presented the PC with the research findings and held discussion over the proposed amendments at the February 21 public hearing. At the February 21 meeting, staff explained that the amendments had been revised to change the name “live/work unit” to “work/live unit” in order to emphasize that these units are intended primarily for business use with residential use as a secondary aspect. The

PC agreed with the necessity for the change. Other major points of discussion were whether the proposed amendments would work to eliminate the possibility of the business portion of work/live units reverting to residential use as well as whether work/live units should remain a permitted use in the MC zone due to the potential for undermining the commercial intent of the MC zone. The PC requested some specific edits to the proposed amendments and requested additional research into how Sumner, Bellevue and Kirkland each handle regulation of work/live and/or live/work units. Sumner and Bellevue's regulations are attached herein as **Attachment 2**. Staff could not find live/work or work/live regulations for the City of Kirkland. The requested edits have been incorporated into a fourth draft of amendments (**Attachment 1**) and the research findings will be discussed during this meeting.

## **DISCUSSION**

Staff has revised the proposed amendments to:

1. Remove the option for locating the residential portion of a work/live unit behind the business portion to ensure that the separation between the two uses is clear and to ensure that uses at the pedestrian level in the industrial zone are used primarily for business activity instead of residential;
2. Clarify ingress/egress requirements as well as physical separation requirements between the business and residential portions of a work/live unit;
3. Require that the owner of the associated business must reside in the residential portion of the work/live unit to prevent employee housing opportunity in work/live units, as that is not their intended use;
4. Clarify that office use is specifically permitted in the business portion of a work/live unit;
5. Clarify that a garage associated with a work/live unit shall count toward the square footage allowance for the residential portion of the unit; and
6. Remove live/work units from the list of permitted uses in the MC zone, as mixed-use buildings are already permitted uses in the MC zone which achieve the same general purpose as a work/live unit does. Mixed-use buildings are already carefully regulated in the city. Allowing work/live units in addition to mixed-use provides more opportunity for residential use in the MC zone, which is problematic because the MC zone is intended primarily for commercial use. Staff found that work/live units are better suited in the Industrial zone as a practical buffer between industrial and residential zoned properties.

## **ATTACHMENTS**

Attachment 1 – Proposed Amendments to Chapter 17.04, 17.20 and 17.28 SWMC

Attachment 2 – Sumner and Bellevue, WA Work/Live, Live/Work Regulations

## **RECOMMENDATIONS**

Staff recommends that the Planning Commission:

- Review the proposed amendments to Chapter 17.04, 17.20 and 17.28 SWMC;
- Hold a public hearing and discuss the amendments; and
- Make a motion to recommend that the City Council approve the proposed amendments to Chapter 17.04, 17.20 and 17.28 SWMC.

# Attachment 1

Proposed Amendments to Chapter 17.04, 17.20 and 17.28 SWMC

## Chapter 17.04 ADMINISTRATIVE PROVISIONS

### 17.04.030 Definitions.

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“Wholesaling” means the warehousing of materials or goods for sale abroad and generally is related to shipping of materials and goods and not retail sales.

“Work/Live Unit” means a unit in which a residential use is located above or behind a commercial business use within the same building and is reserved for and regularly used by the occupantowner. The primary intent of a work/live unit is to provide a working commercial business space for the occupantowner with a residence as a secondary living spaceuse. These units are subject to the following conditions:

1. The commercial business area function shall be limited to the first or main floor only of the work/live unit;
2. The commercial business portion of the unit shall not exceed 50% of the area of the entire work/live unit;
3. All residential features must be designed and arranged to be separated from the commercial business portion of the unit by a physical divider such as walls and a lockable door. The intent of this condition is to clearly distinguish the separation of the residential portion of the unit from the business portion such as a wall or partition;
4. The main entrance to the business shall have commercial windows and doors, shall be easily identifiable as a business space from the exterior and shall be visible and accessible from a public right-of-way or private, publicly accessible parking lot;
5. Access shall be provided to the residential portion of the work/live unit through the commercial business portion. This condition is not intended to place a limit of one means of ingress/egress between the business and residential portions of the unit. Multiple means of such ingress/egress may be incorporated;
6. The residential portion of the unit must be inhabited by the operator owner or an employee of the associated business;

7. The commercial business and residential spaces cannot be leased separately from each other;
8. The minimum size of the commercial business portion of the unit shall not be less than 300 square feet;
9. The maximum size of the commercial business portion of the unit shall not exceed 1,500 square feet;
10. The use of the commercial business portion of the unit is limited to the permitted uses of the underlying zone in which the unit is located, with the exception that office use is a specifically permitted use in the business portion of the work/live unit. Hazardous uses, storage (except accessory storage up to 10% of the space dedicated to a permitted commercial business use) and marijuana growing, processing and/or retail are specifically prohibited uses in the commercial business portion of the unit;
11. Work/live units are exempt from the Industrial zone use restriction "limited retail and service uses up to 5% of the total site" (SWMC Section 17.28.010 (A)(6));
12. A garage associated with a work/live unit shall be considered part of the residential portion of the unit and shall count toward the square footage of residential use. The garage shall not be used for storage accessory to the associated business commercial use of the work/live unit;
13. The commercial business portion of the unit shall be open to the public during business hours;
14. The commercial business portion of the unit shall not be occupied by residential use;
15. The commercial business portion of the unit must not contain any of the primary features of the residential portion of the work/live unit. Sleeping facilities are strictly prohibited. Kitchens, laundry facilities or bathrooms containing a shower or bathtub associated with the commercial/industrial use are allowed, however, the use of such facilities shall be limited to staff and/or clientele;
16. Work/live units shall include an exterior sign with the name of the associated business. The sign shall be clearly associated with the unit and visible to pedestrians from the public right-of-way or private, publicly accessible parking lot;
17. Both residential and commercial rates will apply for permitting and monthly city utility billing purposes;

18. Work/live units shall have two water meters installed – one for the residential portion of the unit and one for the ~~commercial~~business portion;
19. The owner of a work/live ~~unit~~business shall sign and submit a work/live agreement to the Planning Department attesting that they will comply with all applicable work/live requirements and regulations and that the ~~commercial~~business portion will not be used for any residential, storage or other non-compliant uses. The agreement shall first be approved by the Director, then recorded with the Skagit County Auditor's office. The owner shall submit proof that the agreement has been recorded with the Skagit County Auditor's office prior to issuance of the building permit;
20. Upon sale of the property, the new owner shall be required to sign and submit a new work/live agreement to the Planning Department. Once approved by the Director, the new agreement shall be recorded with the Skagit County Auditor's office. Proof that the agreement has been recorded with the Skagit County Auditor's office shall be submitted to the Planning Department;
21. To change or expand the amount of interior ~~commercial~~business or residential space, the owner must obtain all necessary permits/approvals from the City and meet all requirements prior to changing or expanding; and
22. ~~The number of work~~Work/live units allowed within a development is limited to a maximum of 40% of the sum of the building floor area of all buildings within that ~~development~~ are permitted in the Industrial zone only along the edge(s) of an industrial zoned property where adjacent to residential zoned property. The intent of this condition is to allow work/live units as a means of creating a practical buffer between industrial and residential uses.

# Chapter 17.20

## MIXED COMMERCIAL (MC) ZONE

### 17.20.010 Use restrictions.

Use restrictions in the mixed commercial (MC) zone shall be as follows:

A. Permitted Uses.

1. Retail, general services, recreational and cultural uses, light manufacturing, low-intensity agriculture;
2. Residential units contained above the first story of a commercial building (~~live/work/live units are specifically included~~), limited to eight such units per building;
3. *Repealed by Ord. [1709-11](#);*
4. Public utilities, other than wireless communications facilities;
5. Health facilities and services.

B. Conditional Uses.

1. Quasi-public uses.
2. Wireless communications facilities.
3. Public uses.
4. All other uses not otherwise prohibited.

C. Prohibited Uses. All uses not allowed as permitted or conditional uses are prohibited. Adult entertainment is a prohibited use in this zone. (Ord. [1840-16](#) § 1, 2016; Ord. [1709-11](#) § 1, 2011; Ord. [1522-05](#) § 1, 2005; Ord. [1484-04](#) § 7 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1309-98](#) § 6, 1998; Ord. [1013](#) § 2.04.01, 1985)

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### 17.20.060 Parking for residential uses in the MC zone.

The parking requirements for residential uses in the MC zone shall be as follows:

Studio	1 space
1 bedroom	2 spaces
2 bedrooms	2 spaces
3 bedrooms	3 spaces
4 or more bedrooms	4 spaces
Visitor/overflow spaces	1 additional space per 8 units

~~Work/live units shall provide parking per the table above for the residential use based on the number of bedrooms in the unit. Work/live units shall also provide commercial parking spaces per the development standards in SWMC 17.36.030.~~

Parking spaces counted for residential use shall not also be counted towards non-residential parking requirements of SWMC Ch. 17.36 for this zone. (Ord. 1484-04 § 7 (part), 2004)

# Chapter 17.28

## INDUSTRIAL (I) ZONE

Sections:

- 17.28.005 Intent.**
- 17.28.010 Use restrictions.**
- 17.28.020 Bulk restrictions.**
- 17.28.030 Minimum lot size requirements.**
- 17.28.040 Screening requirements.**
- 17.28.050 General regulations on uses and property.**
- 17.28.060 Design review.**
- [17.28.XXX Parking for work/live units in the Industrial Zone](#)

### 17.28.005 Intent.

The intent of the industrial zone is to provide appropriately located areas for manufacturing, warehousing, distribution, and office uses to enhance the city's economic base in a manner that minimizes impacts to surrounding nonindustrial zones. The standards recognize the market preferences and construction techniques characteristic of this type of use. Commercial, retail, and residential uses are permitted at a limited scale so as to preserve the majority of land in this category for industrial and business uses. (Ord. 1664-10 § 2 (Exh. E) (part), 2010; Ord. 1484-04 § 8 (part), 2004)

### 17.28.010 Use restrictions.

Use restrictions in the industrial (I) zone shall be as follows:

#### A. Permitted Uses.

1. Office parks, medical services, wholesaling, and light manufacturing and processing;
2. Industrial equipment, supplies, services, including storage;
3. Agricultural processing;
4. Parking lots serving any use;
5. Trade schools, warehouses, storage, utilities other than wireless communications facilities, government services;
6. Limited retail and service uses up to five percent of the total site;
7. ~~Live-work~~Work/Live units as a transition between industrial and residential;

8. On-site day care serving a specified permitted use;
9. On-site recreational facilities serving a specified permitted use;
10. Adult entertainment establishments, as herein defined; provided, that no adult entertainment establishment shall be located nearer than seven hundred fifty feet from any other adult entertainment establishment; and provided further, that no adult entertainment establishment shall be located nearer than seven hundred fifty feet from any residential zone, seven hundred fifty feet from any school, public or private, seven hundred fifty feet from any church, and seven hundred fifty feet from any park. Distances as provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located to the nearest point of the parcel property of the land use from which the proposed use is to be separated.

B. Conditional Industrial Uses.

1. Vehicle wrecking yards, vehicle impound lots;
2. Power generation facilities;
3. Airports, heliports;
4. Prisons;
5. Incinerators;
6. Animal slaughtering and meat packing, food processing;
7. Wireless communication facilities;
8. On-site hazardous waste treatment and storage facilities as accessory to a permitted or conditional use are allowed as a conditional use; provided, such facilities comply with the state hazardous waste citing standards and Sedro-Woolley and State Environmental Policy Act requirements;
9. Garbage and/or recycling transfer stations or sorting facilities;
10. Composting facilities;
11. All uses not permitted above or otherwise prohibited.

C. Prohibited Uses. Residential uses other than those that are ancillary to an industrial use listed above. (Ord. 1664-10 § 2 (Exh. E) (part), 2010: Ord. 1484-04 § 8 (part), 2004: Ord. 1312-

98 § 1 (part), 1998: Ord. 1309-98 § 5, 1998; Ord. 1063 § 5 (Exh. D § 2.06.01.05), 1988; Ord. 1013 § 2.06.01, 1985)

### **17.28.020 Bulk restrictions.**

#### A. Minimum Setbacks to Adjacent Zones.

1. Setbacks to Residential (R-5, R-7 and R-15) Zones. Front setbacks shall be a minimum of twenty feet. Side setbacks shall be a minimum of thirty feet. Rear setbacks shall be a minimum of thirty feet.
2. Setbacks to All Other Zones. Front setbacks on an arterial street shall be a minimum of twenty feet. Side setbacks shall be a minimum of twenty feet. Rear setbacks shall be a minimum of twenty feet.
3. Setbacks to the Industrial Zone. Buildings shall maintain a minimum ten-foot setback to all lot lines when adjacent to other properties zoned industrial.

B. Maximum building height: thirty-five feet. A variance to the maximum building height may be granted as set forth in Chapter 17.60.

Exception: sixty feet, if minimum side and rear setbacks required in subsection A of this section are doubled. (Ord. 1677-10 § 1 (part), 2010; Ord. 1664-10 § 2 (Exh. E) (part), 2010; Ord. 1522-05 § 3, 2005; Ord. 1484-04 § 8 (part), 2004; Ord. 1387-00 § 1, 2000; Ord. 1312-98 § 1 (part), 1998; Ord. 1013 § 2.06.02, 1985)

### **17.28.030 Minimum lot size requirements.**

There is no categorical minimum lot size for industrial uses in this zone. However, the lot size may be made a condition of approval in design review and conditional uses if relevant in those proceedings. (Ord. 1664-10 § 2 (Exh. E) (part), 2010; Ord. 1484-04 § 8 (part), 2004; Ord. 1312-98 § 1 (part), 1998; Ord. 1013 § 2.06.03, 1985)

### **17.28.040 Screening requirements.**

A six-foot-tall totally sight-obscuring fence, wall or other screen of equal effectiveness shall be maintained around all industrial storage and activity areas where adjacent to or across a public right-of-way from any other zone. The planning director may waive the screening requirement in a case where a permanent feature (such as an elevated railroad grade) that meets the screening requirements exists between the project and adjacent property. The screening requirements in Section 17.50.120 shall also apply. In the case of conflict between screening requirements, the higher standards shall apply. (Ord. 1664-10 § 2 (Exh. E) (part), 2010; Ord. 1484-04 § 8 (part), 2004; Ord. 1312-98 § 1 (part), 1998; Ord. 1013 § 2.06.04, 1985)

## 17.28.050 General regulations on uses and property.

The following provisions shall apply to all new and expanded uses within this zone when located adjacent to a residential zoned district:

- A. There shall be no unusual fire, explosion, or safety hazards;
- B. Sound levels are not to exceed levels established by noise control regulations of the Department of Labor and Industries. Maximum permissible environmental noise levels are not to exceed the levels of the environmental designations for noise abatement (EDNA) as established by the state of Washington, Department of Ecology (WAC 173-60-040);
- C. Pollution standards set by regional, state, or federal pollution control commissions or boards shall apply to all uses;
- D. There shall be no production of heat, glare, or vibration perceptible from any property line of the premises upon which such heat, glare, or vibration is being generated;
- E. If less intense uses are proposed, they shall be located adjacent to the residential zoning to lessen the impacts of the industrial activity. Uses such as live/work/live units, parking areas, office buildings, stormwater facilities and open spaces should be used as a transition between industrial and residential zoning. (Ord. 1664-10 § 2 (Exh. E) (part), 2010: Ord. 1484-04 § 8 (part), 2004: Ord. 1387-00 § 2, 2000)

## 17.28.060 Design review.

All developments in this zone which are subject to environmental review shall comply with the design review standards of Chapter 15.44 for conformance with this and other provisions of the city code. (Ord. 1664-10 § 2 (Exh. E) (part), 2010: Ord. 1484-04 § 8 (part), 2004)

## 17.28.070 Parking for Work/Live Units in the Industrial Zone.

The parking requirements for work/live units in the Industrial Zone shall be as follows:

<u>Studio</u>	<u>1 space</u>
<u>1 bedroom</u>	<u>2 spaces</u>
<u>2 bedrooms</u>	<u>2 spaces</u>
<u>3 bedrooms</u>	<u>3 spaces</u>
<u>4 or more bedrooms</u>	<u>4 spaces</u>
<u>Visitor/overflow spaces</u>	<u>1 additional space per 8 units</u>

Work/live units shall provide parking per the table above for the residential use based on the number of bedrooms in the unit. Work/live units shall also provide ~~commercial~~ parking spaces for the business use per the development standards in SWMC 17.36.030.

Parking spaces counted for the residential portion of the work/live unit shall not be counted towards the parking requirements of SWMC Ch. 17.36 for the ~~commercial~~ business portion.

## Extracts from Sumner, WA Municipal Code

### **18.04.0535 Kennel.**

“Kennel” means any premises wherein a person(s) engages in the business of boarding, breeding, letting for hire, training for a fee, selling of domesticated animals including, but not limited to, dogs, and/or cats, under 200 pounds. (Ord. 1694 § 1, 1995)

### **18.04.0537 Lattice tower.**

“Lattice tower” means a support structure consisting of metal cross strips or bars to support antennas and related equipment. (Ord. 1830 § 3, 1998)

### **18.04.0539 Light-medium equipment sales.**

“Light-medium equipment sales” means a retail and service use in which equipment of less than 20,000 pounds gross vehicle weight, including but not necessarily limited to construction and farm tractors, excavation machinery and similar machinery, and consumer equipment for lawn care and similar property maintenance uses, are rented or sold. (Ord. 2394 § 4, 2012)

### **18.04.0539.1 Live-work unit.**

“Live-work unit” means a structure that predominantly functions as a work space and secondarily as a residence, and:

A. Combines a commercial or light manufacturing activity that is allowed in the zone or overlay zone with a residential living space for the owner of the business activity, or the owner’s employee, and that person’s household;

B. The resident owner or employee of the business is responsible for the commercial or light manufacturing activity performed; and

C. The commercial or light manufacturing activity conducted takes place subject to a valid business license associated with the premises. (Ord. 2774 § 4, 2021)

### **18.04.0540 Livestock.**

“Livestock” means animals, including but not limited to horses, bovine animals, sheep, goats, swine, reindeer, llama, donkeys and mules. (Ord. 1694 § 1, 1995)

### **18.04.0545 Loading space.**

## Chapter 18.22 INNOVATION DISTRICT AND ENTERPRISE AREA (IDEA)

Sections:

**18.22.010 Purpose and intent.**

**18.22.020 Districts – Where permitted.**

**18.22.040 Permitted uses.**

**18.22.060 Development standards.**

**18.22.070 Approval process.**

**Note: The IDEA overlay is over commercial and industrial zones. Live/work units are allowed outright in the overlay and are intended to support incubator businesses while also reducing reliance on auto trips.**

**18.22.010 Purpose and intent.**

The purpose and intent of this chapter is:

- A. Encourage innovative businesses, small incubator businesses, and research and development start-ups, within the city that attract young talent to the community and help build the city's future work force.
- B. Encourage thoughtfully designed sites and buildings that provide a collaborative social environment with spaces for living, working, designing, inventing, playing, and learning.
- C. Enable small-scale business enterprises to locate in a wider range of suitable locations, while minimizing impacts on residential neighborhoods.
- D. Encourage infill in commercial and industrial districts to promote use of underutilized sites and efficient use of land, and to promote economic activity near downtown.
- E. Accommodate a range of enterprises in a manner that is flexible and responsive to changing uses, trends and innovations.
- F. Provide **live-work** uses in close proximity to each other to reduce reliance on auto trips. Within the overlay, limited residential uses may be allowed in commercial and industrial zones where associated with workspaces.
- G. Provide affordable housing units and affordable workspaces. (Ord. 2774 § 18, 2021)

**18.22.020 Districts – Where permitted.**

An IDEA overlay may be applied to the following districts and areas: may be applied to any commercial or industrial zone. (Ord. 2774 § 18, 2021)

**118.22.040 Permitted uses.**

- A. Restaurants, cafes, coffee houses, bakeries, and similar food services.
- B. Retail services, offices shared workspaces, and live-work spaces that support incubator businesses.
- C. Residential units; provided, that residential uses are limited to 50 percent of total floor area.
- D. Bars and brew pubs.
- E. Farmers markets.
- F. Artist studio, blacksmith shop, glassblowing, and similar artisan enterprises.
- G. Craft brewing (micro-brewery, micro-distillery, craft winery).
- H. Artisanal food products production.
- I. Museums, libraries, art galleries.
- J. Public post-secondary educational institutions, such as a university branch or community college.
- K. Light fabrication of metal products, clothing products, small electronics, machine prototypes and similar small-scale light industrial uses; provided all operations are conducted indoors, no noise, odor or vibrations are noticeable beyond the property lines; and provided fabrication area is limited to 5,000 square feet floor area. (Ord. 2774 § 18, 2021)

**18.22.060 Development standards.**

The director shall be guided by the following criteria in applying the IDEA overlay:

- A. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;
- B. The proposed use and development on the premises:
  - 1. Shall not create noise, light, glare, vibration, or odor that would disturb the peace, quiet, and comfort of neighboring residents, retail uses, lodging and restaurant uses;

2. Shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
3. Shall be in keeping with the goals and policies of the Sumner comprehensive plan; and
4. May be permitted exterior changes, subject to the Sumner design guidelines, and administrative approval by the director. (Ord. 2774 § 18, 2021)

#### **18.22.070 Approval process.**

The director may approve application of the overlay through an administrative use permit as a Type III.d decision, pursuant to SMC [18.56.030](#)(G). (Ord. 2774 § 18, 2021)

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The Sumner Municipal Code is current through Ordinance 2846, passed February 6, 2023.

Disclaimer: The City Clerk's office has the official version of the Sumner Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://sumnerwa.gov/>

City Telephone: (253) 863-8300

[Code Publishing Company](#)

## Chapter 18.26 PLANNED MIXED-USE DEVELOPMENT (PMUD)

Sections:

**18.26.010 Purpose and intent.**

**18.26.020 Districts – Where permitted.**

**18.26.030 Minimum requirements.**

**18.26.040 PMUD required.**

**18.26.050 Repealed.**

**18.26.060 Permitted uses.**

**18.26.070 Prohibited uses.**

**18.26.080 Relationship of design to adjacent areas.**

**18.26.090 Property development standards.**

**18.26.100 Approval.**

**18.26.010 Purpose and intent.**

The purpose and intent of this chapter is to encourage mixed site and building design and compatible, symbiotic use through greater flexibility in the utilization of land in planned group developments while ensuring substantial compliance with the goals and policies of the Sumner comprehensive plan. In exchange for the enhanced flexibility offered by the planned mixed-use development, the city requires that the proposed development result in a significantly higher quality of design, generate more of a public benefit, and be more environmentally sensitive than would have been the case with the use of standard zoning procedures. Furthermore, it is the purpose of this chapter to:

- A. Promote the sensitive treatment of significant features of the natural environment, including vegetation, waterways and views and viewsheds;
- B. Create and maintain usable open spaces for the enjoyment of occupants, employees and/or patrons;
- C. Encourage a variety of mixture of harmoniously related building types including mixed-use structures, and ground-related residential, that may be stand-alone multifamily residential such as **live-work units**,

Note: PMUDs are allowed in neighborhood commercial and general commercial districts. Live/work units are allowed outright in these developments and are intended to encourage mixed site and building design.

townhouses, and cottages;

D. Encourage maximum efficiency in the layout of streets, use of “complete streets” that incorporate pedestrian, bicycling, and transit options, utility networks and other improvements;

E. Promote green, sustainable, and environmentally friendly development through the use of innovative building design (e.g., LEED certified), energy and water conservation, and low impact development, reuse of historic structures; and

F. Provide for buffers between potentially incompatible uses. (Ord. 2531 § 9 (part), 2015: Ord. 2343 § 2 (part), 2010: Ord. 1694 § 1, 1995)

#### **18.26.020 Districts – Where permitted.**

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

A. NC, neighborhood commercial district;

B. GC, general commercial district. (Ord. 2774 § 19, 2021; Ord. 2531 § 9 (part), 2015: Ord. 2343 § 2 (part), 2010: Ord. 2319 § 8, 2010: Ord. 1739 § 22, 1996: Ord. 1694 § 1, 1995)

#### **18.26.030 Minimum requirements.**

In order to qualify for consideration as a PMUD the following minimum requirements shall be met:

##### A. Siting Requirements.

1. Lot Configuration. The tract(s) of land for which the project is proposed shall be a common site with sufficient width and depth to accommodate the proposed use.
2. Ownership/Control. All land included within the PMUD shall be owned by or be under the complete control of the applicant for such proposal, whether the applicant be an individual, partnership, corporation, group, or agency.
3. Proximity to Multimodal Transportation. At least 25 percent of the PMUD area shall be located a maximum of one-quarter mile from a street or freeway providing multimodal transportation within or through the city of Sumner. The proposed development shall provide vehicular, transit, bicycle or pedestrian access to the corridor.
4. Proximity to Public Street System. The site of the proposed development shall abut one or more public streets having a current functional street classification of principal arterial, minor arterial, or collector, as designated by the Sumner transportation plan.

## Extracts from Bellevue, WA Municipal Code

- Battery Exchange Station.** A fully automated facility that will enable an electric [vehicle](#) with an interchangeable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth in Chapter [19.28](#) RCW and consistent with the rules adopted by the [Building](#) Code Council for [electric vehicle infrastructure](#) requirements. Operators of battery exchange stations must comply with federal and [state](#) law regulating the handling, storage, and disposal of batteries.
- BROTS.** An interlocal agreement between the cities of Bellevue and Redmond regarding [land use](#) planning and the funding and construction of transportation improvements in the [BelRed/Overlake](#) Transportation Study Area, as adopted by Resolution No. 6353 and subsequently amended.
- Build-to Lines.** A location along a designated block or right-of-way where a [building](#) must be constructed. The build-to line is the property line unless designated otherwise by an adopted street design.
- Curb Extension.** A section of [sidewalk](#) that projects into the street at an intersection or mid-block crossing that reduces the crossing width of a street or right-of-way for pedestrians.
- Electric Vehicle Infrastructure.** [Structures](#), machinery, and equipment necessary and integral to support an electric [vehicle](#), including [battery charging stations](#), [rapid charging stations](#), and [battery exchange stations](#).
- Facade Length.** The length of a [building](#) from perpendicular wall to perpendicular wall including [offsets](#), bays, and other minor modulating treatments not more than five feet deep.
- Gross SF/Floor.** Floor area in square feet within the surrounding exterior walls measured from the interior wall surface and including openings in the floor plate such as vent shafts, stairwells, and interior atriums.
- Natural Drainage Practices.** Techniques such as rain gardens, pervious pavement, vegetated roofs, and amended soils that manage [stormwater](#) runoff in a manner that improves the quality of runoff and more closely mimics natural drainage flows and rates than traditional [stormwater](#) techniques.
- Node.** An area or district where planned transportation facilities will support sufficient [development](#) intensity, amenities, recreation opportunities, and a mix of uses that foster a high level of pedestrian activity.
- Operations and Maintenance Satellite Facility (OMSF).** A type of [essential public facility](#), and refers to a regional light rail transit facility component used for overnight storage and maintenance of the expanded fleet of light rail [vehicles](#) as described in the Sound Transit "Link Operations and Maintenance Satellite Facility Environmental Scoping Information Report" dated September 2012, and other related documents.
- Project Limit.** A [lot](#), portion of a [lot](#), or combination of [lots](#) or portions of [lots](#) treated as a single [development](#) parcel for purposes of the [Land Use](#) Code. A project limit may cross a right-of-way as long as the project limit results in a cohesive design and the Master [Development](#) Plan process is used.
- Rapid Charging Station.** An industrial [grade](#) electrical outlet that allows for faster recharging of electric [vehicle](#) batteries through higher power levels, which meet or exceed any standards, codes, and regulations set forth in Chapter [19.28](#) RCW and consistent with the rules adopted by the [Building](#) Code Council for [electric vehicle infrastructure](#) requirements.
- Regional Transit Authority (RTA).** Refers to an agency formed under the authority of Chapters [81.104](#) and [81.112](#) RCW to plan and implement a high capacity transportation system within a defined region.
- Required Ground Floor Uses.** Retail and commercial activities or a combination thereof as permitted by LUC [20.25D.070](#) that are required to be located on the ground floor. Ground floor uses shall be located as indicated in LUC Figure 20.25D.130.A.
- Tower.** That portion of a [building](#) that is in excess of 40 feet above average [finished grade](#) for any [building](#) with a maximum allowable height of 70 feet or greater.
- Tree Well.** A tree planting area, generally within a paved surface area.
- Work-Live** Unit. A commercial [building](#) or tenant space that includes a functionally related and integrated residential unit. Employees and walk-in trade are permitted.

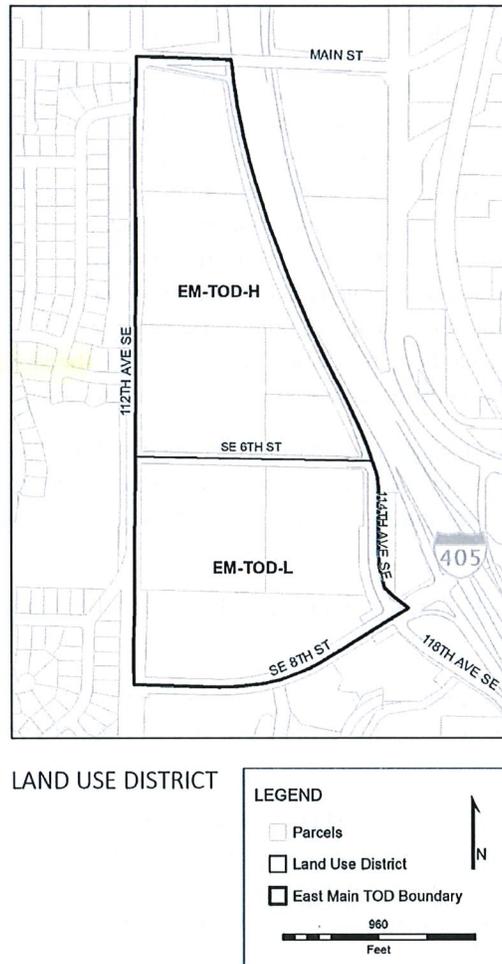
Note: Live/work, Work/Live units are allowed in the following zones:

- General Commercial
- Medical Office Node
- Office/Residential Node
- Residential/Commercial
- Commercial/Residential
- Residential
- East Main
- Transit-Oriented Development

AMENITY (1)	APPLICABLE ZONES AND BONUS (2)	DESIGN CRITERIA
	MO-1, OR-1, OR-2, RC-1, RC-2, RC-3, CR, R	
<p><b>6. REGIONAL TRANSFER OF DEVELOPMENT RIGHTS (TDRs)</b></p> <p>Transfer of <u>development rights</u> to designated <u>BelRed</u> areas that achieve conservation of rural resource lands outside the Countywide Urban Growth Boundary.</p>	<p>1,333 sf bonus <u>building area</u> per TDR credit, or per Bellevue-King County TDR Interlocal Agreement as originally adopted or subsequently amended.</p>	<p>1. TDR credits defined in accordance with the King County TDR Program as approved or subsequently amended by the <u>City</u> pursuant to the Bellevue-King County TDR Interlocal Agreement.</p> <p>2. TDR credits for use in the entire <u>BelRed</u> Subarea are limited to 75.</p>
<b>TIER 2</b>		
<p><b>7. CHILD CARE/NONPROFIT SPACE*</b></p> <p>Floor area dedicated to child care, nonprofit groups whose purpose is to provide community or social services, or nonprofit groups whose purpose is to provide arts/cultural uses.</p> <p>*Floor area shall not be counted for the purpose of calculating <u>FAR</u>.</p>	<p>13.7 sf bonus <u>building area</u> per sf of nonprofit/community service space.</p> <p>Fee-in-lieu at \$15 per sf bonus area (or higher rate).</p>	<p>1. <u>Child care services</u> must comply with the requirements of LUC <u>20.20.170</u>.</p> <p>2. Nonprofit arts/cultural uses include art education, rehearsal, and performance, art production, and artist <u>live/work</u> space.</p> <p>3. Space shall be used in manner described for the life of the project.</p> <p>4. Documentation of nonprofit status shall be provided.</p> <p>5. <u>Director</u> may approve a buy-out of space originally dedicated to child care/nonprofit space at the prevailing fee-in-lieu rate if applicant shows good faith efforts to locate eligible tenant. If buy-out option is approved, covenant required in number 3 above shall be released.</p>
<p><b>8. PUBLIC RESTROOMS*</b></p> <p>A room or rooms containing toilets and lavatories for the use of the general public, with only limited control for purposes of personal safety.</p> <p>*Floor area shall not be counted for the purpose of calculating <u>FAR</u>.</p>	<p>16.7 sf bonus <u>building area</u> per sf of public rest room space.</p>	<p>1. Shall be located on the ground level of the <u>building</u>.</p> <p>2. Shall be open for use by the public during normal business hours.</p> <p>3. Exterior of <u>building</u> shall be signed to identify location and public access of facility.</p> <p>4. Maintenance of the facility is the obligation of the owner of that portion of the <u>building</u> within which the rest room is located for the life of the project.</p>

b. EM-TOD Lower Density (EM-TOD-L). The purpose of the EM-TOD-L [Land Use](#) District is to provide a mix of housing, office, retail, [Hotel](#), and [Open Space](#) uses. While within a reasonable walking distance to the Sound Transit East Main Station, EM-TOD-L [Land Use](#) District location does not provide the immediate access to the station provided by the EM-TOD-H [Land Use](#) District. Mercer Slough and the associated wetland complex are prominent in EM-TOD-L and [Development](#) is intended to maximize connections to these natural features. Mercer Slough and the associated wetland complex are Shorelines of Statewide Significance pursuant to RCW [90.58.020](#), which places the statewide interest over local interest and the preservation of the natural character above all other use preferences. Based on the presence of these natural systems, this district is intended to be supported by transit use and access, but at a lower intensity.

Figure 20.25Q.010.B.2.b.



(Ord. 6627, 12-13-21, § 3)

20.25Q.020  
Definitions specific to East Main.



A. East Main Definitions.

EM – Build-To Line: A location along a block where a [Building](#) shall be constructed. The Build-To Line is the back of the required pre-located street, [Potential Street](#), [Open Space](#), or [Public Right-of-Way](#) that form a block pursuant to LUC [20.25Q.100.E](#) unless, upon the request of the applicant, it is designated otherwise by the [Director](#) through an Administrative Departure pursuant to LUC [20.25Q.030.D.1](#) to accommodate [Building](#) modulation that retains the intended connection between the publicly accessible pedestrian realm and ground level internal portions of the [Building](#).

EM – Building Height: The vertical distance measured from the average of finished ground level [Adjoining](#) the [Building](#) at exterior walls to the highest point of a flat roof, or to the mean height between the tallest eave and tallest ridge of a pitched roof. Where finished ground level slopes away from the exterior walls, reference planes shall be established by the lowest points within the area between the [Building](#) and the [Lot Line](#), or back of [Sidewalk](#) where back of [Sidewalk](#) is the [Setback](#) line. If the [Lot Line](#) or back of [Sidewalk](#) is more than six feet from the [Building](#), the reference line shall be established by using the lowest points between the [Building](#) and a point six feet from the [Building](#).

EM – Enhanced Streetscape: A continuous space between the required [Sidewalk/Walkway](#) and the [Building](#) face, which allows internal activities to be externalized or brought out to the [Sidewalk](#). This public space is larger than the required [Sidewalk](#) width, and activated by small retail, restaurant, and other commercial entries.

EM – Floor Plate: Floor area in square feet within the surrounding exterior walls, measured from the interior wall surface and including all openings in the Floor Plate.

EM – Ground Floor Uses: Ground Floor Uses in the EM-TOD-H and EM-TOD-L Districts are intended to promote an active pedestrian environment while providing for a range of neighborhood-serving retail, service, and residential uses along [Street Frontages](#). "Ground Floor Uses" include, but are not limited to, restaurants, breweries, retail, recreation activities (skating, bowling, gymnasiums, [Athletic Clubs](#), [Health Clubs](#), recreational instruction, fitness studio), art galleries, movie theaters, residential lobbies, residential units (with entry and stoop or private patio), private indoor amenity space (bike storage, gym, community room, or similar indoor amenity), travel agencies, banks, personal services (laundry, dry cleaning, barber and beauty, photography studio and shoe [Repair](#)), [Child Care Service](#), pet grooming and [Pet Day Care](#), office (including office lobby), special [Schools](#), [live/work](#) space, major institutions, and community centers. Ground Floor Uses shall meet the standards and guidelines in LUC [20.25Q.150.B](#).

EM – Open Space: Outdoor [Plazas](#) meeting the requirements of LUC [20.25Q.140.E](#). "Open Space" may include publicly accessible multifamily play areas required by LUC [20.20.540](#). Open Space shall not be located in a [Critical Area](#), [Critical Area](#) buffer, or [Critical Area Structure Setback](#) required by Part [20.25H](#) LUC.

EM – Pedestrian Bridge: A [Pedestrian Connection](#) above the [Public Right-of-Way](#) in conformance with LUC [20.25Q.110](#).

EM – Pedestrian Scale: The quality of the physical environment that reflects a proportional relationship to human dimensions and that contributes to a person's comprehension of [Buildings](#) or other features in the built environment.

EM – Points of Interest: Elements of a [Building's](#) façade at the street level or in the streetscape that contribute to the active enrichment of the pedestrian realm and design character of a [Building](#). Some examples include permanent public artwork, architectural elements, landscape features, special [Walkway](#) treatments, such as pavement mosaic and inlaid art, and seating areas.

EM – Potential Streets: A street intended to accommodate pedestrians and bicycles, or pedestrians, bicycles and [Vehicles](#) off the main vehicular street grid. Potential Streets provide an intimate pedestrian experience through a combination of residential, small retail, restaurant, and other commercial entries with meaningful [Transparency](#) along the frontage [Building](#) walls. This area shall not have a "back of house" feel.

EM – Public Realm: Streets, parks, other [Open Spaces](#), and the publicly accessible parts of private [Buildings](#).

EM – Site: Refers to the total [Land Area](#) (measured in square feet or acres), within the [Project Limit](#).

EM – Stepback: A [Building](#) Stepback of a specified distance, measured from the façade below that occurs at a defined height above the average [Finished Grade](#). No portion of the [Building](#) envelope can intrude into the required Stepback above the defined height, except where intrusions are specifically permitted by this Code.

Note: Personal communications with Bellevue Planning Staff indicated that primary intention for permitting live/work units is to bring life to paths with multiple entrances and meaningful transparency along building frontage.

Also, commercial districts are required to have 100% commercial ground floor. However, live/work units are allowed to interrupt the building frontage by up to 25%.