

ORIGINAL

CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2019-1051

AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO LAND USE AND ZONING;
AMENDING ORTING MUNICIPAL CODE TITLE 13
PERTAINING TO THE MIXED USE TOWN CENTER
NORTH ZONE; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, as required by the Growth Management Act (Chapter 36.70A RCW), the City adopted a comprehensive plan for the community on November 29, 2004, (the “Comprehensive Plan”), which is updated frequently; and

WHEREAS, in accordance with RCW 36.70A.130, an adopted Comprehensive Plan shall be subject to continuing evaluation and review, and amendments to the Comprehensive Plan shall be considered no more frequently than once every year; and

WHEREAS, the City Council on December 13, 2017, adopted Ordinance No.2017-1019 including amendments to the Comprehensive Plan and development regulations pursuant to state of Washington periodic review requirements; and

WHEREAS, in December 2018, the City initiated a review of the Comprehensive Plan to address plan elements that require updating, and requested amendment proposals from citizens; and

WHEREAS, the docket for plan amendments for 2019 includes a request to amend both the Comprehensive Plan at the Land Use Element, as well as amendments to Orting Municipal Code Title 13 (the “Orting Zoning Code”) for the Mixed Use Town Center North zone; and

WHEREAS, on July 1, 2019 the Planning Commission, after considering the public comments received and other information presented at the aforementioned public hearings and public meetings, voted to recommend the adoption of the proposed amendments to the Orting Zoning Code for the Mixed Use Town Center North zone; and

WHEREAS, prior to making said recommendations, the Orting Planning Commission, following notice thereof as required by RCW 35A.63.100, held multiple public hearings on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, an environmental review of the proposed Title 13 amendments has been conducted in accordance with the requirements of the State Environmental Policy Act (“SEPA”),

and a SEPA threshold determination of non-significance was issued on July 1, 2019 and re-issued and published on October 4, 2019; and

WHEREAS, on June 18th, 2019, the proposed amendments contained herein were transmitted to the State Department of Commerce as required by law and on July 2nd, 2019, the Department of Commerce granted expedited review of the proposed code amendments; and

WHEREAS, the City Council received written recommendations from the Orting Planning Commission to amend certain sections of the text of the Orting Zoning Code pertaining to the Mixed Use Town Center North zone; and

WHEREAS, on September 11th, 2019 and October 9, 2019, the City Council held additional public hearings to take public testimony regarding the proposed amendments to the Orting Zoning Code; and

WHEREAS, having considered, among other things, the public testimony, the minutes of the Planning Commission meetings, the preliminary and final staff reports, and the Planning Commission recommendations, the City Council finds that the proposed amendments to the Orting Zoning Code adopted herein are consistent with and would serve to further implement the planning goals of the adopted Comprehensive Plan and the Growth Management Act, bear a substantial relation to the public health, safety or welfare, and promote the best long term interests of the Orting community;

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

Section 1. Incorporation of Recitals. The above stated recitals are incorporated as though fully set forth herein.

Section 2. Adoption of Amendments to the Orting Zoning Code (OMC 13-3-2 and OMC 13-3-3). The City Council adopts the proposed amendments to the Orting Zoning Code (OMC 13-3-2 and 13-3-3), attached hereto as "Exhibit A", which is incorporated by reference herein.

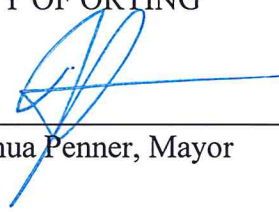
Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Corrections and Codification. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

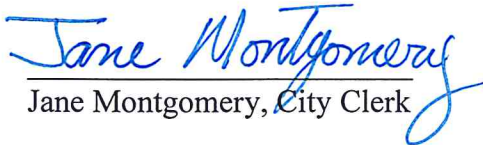
**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
30TH DAY OF OCTOBER, 2019**

CITY OF ORTING




Joshua Penner, Mayor

ATTEST/AUTHENTICATED:



Jane Montgomery, City Clerk

Approved as to form:



Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

Filed with the City Clerk: 9.13.19
Passed by the City Council: 10.30.19
Ordinance No.2019-1051
Date of Publication:11.01.19
Effective Date: 11.06.19

**EXHIBIT A
TO ORDINANCE 2019-1051**

13-3-2: ZONE CLASSIFICATIONS:

E. MUTCN Mixed Use-Town Center North Zone:

1. Purpose And Intent: The intent of the MUTCN Zone is to benefit the citizens of Orting with the desirable opportunities presented to the City of the large lots and land area between Orting High School and Rocky Road for the development of new economic opportunities including a mix of residential, non-residential, open space and recreational uses that support a sustainable community by providing jobs and increasing the tax base. Pedestrian amenities, public transportation, and architectural design review will be considerations throughout master planning and development approvals for projects in this zone. (Ord. 2018-1026, 4-25-2018)

2. Master Development Plan Required: Development in the MUTCN (Mixed Use Town Center North) requires approval of a master development plan that shall include a planned unit development and an approved development agreement with site specific design guidelines, and a parcel map if future phases are anticipated. The development agreement shall set forth the conditions for development, public improvements, and phasing, if applicable. The master development plan approval process is a Type 4 permit per section 15-4-1 of this Code. All development and uses shall be in accordance with the adopted master development plan. Provisions for allowed and conditional uses, site specific locations of public streets, parks and open spaces, and design standards described in this section shall be interpreted and modified as appropriate during the master plan review and planned unit development approval process based on evidence provided by the applicant.

3. Master Plan Elements: The master development plan shall contain, at a minimum, the following:

a. A master site plan showing the location of:

- (1) Buildings;
- (2) Streets, alleys, and major driveways;
- (3) Off street parking areas;
- (4) Open spaces (plazas, squares, courtyards, and other spaces intended for public enjoyment) based on the proposed uses and whether they are intended to serve the public;
- (5) Critical areas and buffers;
- (6) Shorelines;
- (7) Floodplains;
- (8) Pedestrian walks and paths;
- (9) Landscaping;
- (10) Proposed Phases; and
- (11) Other site features;

b. A unified parking management plan showing potential shared parking areas;

c. Subdivision or Binding Site Plan proposals per [title 12](#) of this Code, if applicable; and

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- d. Other materials as required for planned development or binding site plan approval and architectural design review per this title.
4. Principal Uses: Section 13-3-3, Table 1, of this chapter, shows the allowed principal and conditional uses in the MUTCN Zone. Uses not listed are prohibited. All development within the MUTCN is subject to Architectural Design Review.
5. Bulk and Dimensional Requirements: The following bulk and dimensional requirements apply to the MUTCN district:
- a. Non-Residential Space: A minimum of 15 acres of non-residential uses (Commercial, Light Industrial and Light Manufacturing, with associated streets, sidewalks, parking, and Cultural and/or Public Uses per OMC 13-3-3, Table 1) shall be located primarily along Washington Avenue N/SR 162, and/or adjacent to Rocky Road, the Orting Wastewater Treatment Plant and/or the Orting School District property per the adopted site master plan. Prior to certificates of occupancy for up to every 100 residential dwellings, a minimum of 3,500 square feet of retail and/or office space along SR162 and a minimum of 1,500 square feet of Light Industrial or Light Manufacturing commercial uses shall be developed for commercial uses ready for tenant improvement and occupancy. Retail development fronting on SR162 may be phased. Initial commercial development shall start at the White hawk Blvd/SR162 intersection and then move north and south.
 - b. Public Open Space: In addition to the required commercial plazas and courtyards and the community open space required in this title, the district shall contain a minimum of 5 acres of useable open community park space that is not part of a critical areas buffer or shoreline buffer, required landscaping or perimeter buffering, part of a required easement, or part of a stormwater facility. These 5 acres of open community park space may not be subdivided into more than two smaller tracts and subject to the proportional size of the tax parcels. Public access to park space shall be compliant with the American Disabilities Act (ADA), 42 U.S.C. 12101, et seq., including wheel chair accessibility. Park equipment shall have ADA accessible features including wheel chair accessibility. An ADA accessible pathway shall be provided for access to the Carbon River levy. Development of this park space with improvements shall be dedicated to the City for public access and use and may be provided by the applicant, or may be financed by park impact fees paid by the applicant. Exceptions to this provision may be granted when circumstances make compliance infeasible or when a park impact fee is proposed, pursuant to OMC 15-6-7(B).
 - c. Residential Density: There shall be a maximum of 20 buildable acres allowed for residential construction including streets, sidewalks and neighborhood parks and open space. The minimum residential density is six (6) dwelling units per gross buildable acre. The maximum residential density for any non-senior residential development parcel is twelve (12) dwelling units per buildable acre. Buildable acreage does not include critical areas or flood plain acreage. There shall be a mix of housing including detached, attached, and multi-family units within the residential acreage and avoidance of a segregation of

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housing types into specific areas. Detached single family residences in the non-senior housing can only be Cottage Housing per OMC 13-2-4, 13-3-3, 13-5-1g. Attached housing in non-senior housing must be three or more units.

Senior housing minimum density is six (6) dwelling units per gross buildable acre and a maximum of twenty (20) units per gross buildable acre. Senior housing shall include a mix of housing including detached single family residences, attached housing, and multifamily units. Residential uses over retail uses in the same structure have no maximum density restrictions and do not count toward the density total.

d. Each of the above totals shall be proportionate in acreage to the parcel size for each lot of record existing as of the date of adoption of this code. This provision shall run with the land and be in effect whether the parcels remain in their existing configuration or are subsequently divided.

e. Height is restricted to a maximum of 35-feet for commercial and residential construction fronting SR162 and Rocky Road. Height is restricted to a maximum of 45-feet east of commercial construction fronting SR 162 and south of construction fronting on Rocky Rd. No commercial or residential building may be more than 3 stories (3 occupied floors). Development shall not be permitted that raises the height of the ground above the site plan elevations as approved by the City.

6. Project Design: The design, layout and distribution of uses such as buildings, landscaping, parking areas, signs, open spaces, public areas, and streetscapes shall comply with the approved master development and guidelines. Proposed design features shall be reviewed by the Planning Commission in accordance with section 13-6-7 of this title and the MUTCN design guidelines. The following design features shall be addressed during the review of all project proposals:

- a. Architectural character illustrated by building elevations and renderings showing design features, building orientations, and relationships to parking, pedestrian areas, and open spaces;
- b. Public plazas and open spaces;
- c. Relationships to adjacent properties, uses, and buildings;
- d. Pedestrian walkways and paths;
- e. Construction materials and colors;
- f. Coordinated signage and lighting;
- g. Streetscape design for improvements in public rights-of-way including sidewalk finishes, street trees, lighting, and street furniture;

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h. Landscaping of parking areas, open spaces, and project perimeters; and

i. Use of low impact design techniques for stormwater management.

7. MUTCN Design Guidelines : The following guidelines are supplementary to other adopted design standards and guidelines:

a. Pedestrian Oriented Street Frontage: Buildings shall provide pedestrian entries along streets. Sidewalks along SR 162/Washington Avenue North, one side of Daffodil Avenue NE, and one side of Rocky Road and in the non-residential shall be a minimum of eight feet (8') in width with greater widths at entries. Sidewalks along all other roadways must be a minimum of five feet (5') in width. All streets shall have street trees spaced no more than thirty feet (30') apart. All streets shall be public streets built to the City of Orting Public Works standards. Buildings on public street frontages shall provide at least two (2) of the following pedestrian amenities:

- (1) Window displays along at least seventy five percent (75%) of the frontage;
- (2) Pedestrian weather protection;
- (3) Street furniture such as benches, drinking fountains, trash receptacles, public art, or site maps;
- (4) Open spaces including cafe seating, plazas, play structures, fountains, or gardens;
- (5) Perimeter landscaping; and/or
- (6) Sidewalk "bulb-outs" at street intersections may be allowed depending upon traffic study findings.

b. Off Street Parking Access: Off street parking between streets and buildings shall be minimized. Curb cuts providing driveways to off street parking lots shall be minimized. The building street frontage facade shall not be broken by parking lots for more than sixty-five feet (65') at any location. No more than 50% of the total frontage along SR162 may be occupied by parking areas. Those parking lots may not be deeper than 75' including planter strips and must be screened with landscaping.

c. Off Street Parking Management: Absolute compliance with parking requirements may be waived if a parking demand analysis demonstrates that shared parking can be accomplished through the following:

- (1) Parking lots/areas are connected by driveways and pedestrian walkways
- (2) Multiple projects are treated collectively in the master development plan

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(3) Daytime and nighttime parking demand can be balanced.

(4) Parking areas in adjacent or nearby projects (within 500 feet) are dedicated to serving demand.

(5) Employee parking demand is addressed through carpooling and/or remote parking areas.

d. Service Areas: Loading areas, outdoor storage, waste facilities, and other services shall be located and screened from public views and adjacent properties with a combination of location, landscaping and solid fencing.

e. Building Design: All buildings shall be designed in compliance with the architectural design review (ADR) standards set forth in section 13-6-7 of this title.

f. Signage: The master development plan shall include a signage plan including a unifying theme, and details for all typical signs such as monument signs, major building signs, projecting signs, storefront signs, lighting, and directional signs.

g. Plazas and Courtyards: Plazas and courtyards are required in all non-residential areas, except for light industrial use areas. Plazas are major open space features intended to provide significant opportunities for public use and enjoyment including special events. Courtyards are smaller open space features intended to provide quiet spaces for resting and relaxing. For each ten thousand (10,000) square feet of building area, a combination of plazas and/or courtyards totaling one thousand (1,000) square feet is required. The minimum area of a courtyard is two hundred fifty (250) square feet. The minimum area of plaza is one thousand (1,000) square feet. At least twenty five percent (25%) of all plazas and courtyards shall be landscaped with trees, shrubs, and ground cover at grade or in planters. At least twenty five percent (25%) shall be paved with decorative materials. Seating (1 linear foot of seating area for each 60 square feet of plaza or courtyard area), trash receptacles, public art, water features, and other furnishings shall be provided.

h. Residential Open Space: Small scale, usable open space is required in all residential areas. All residential open space areas must be relatively level; located on useable space that is not part of a critical areas or shoreline buffer and must provide access and inclusive uses for all persons, including those with mobility issues and other disabilities. Areas required for perimeter buffering, landscaping, screening, utilities or storm water facilities may not be counted as residential open space. For every 50 dwelling units, a combination of open space areas including tot lots, pedestrian amenities, picnic areas, etc. totaling two thousand (2,000) square feet is required. The minimum area of an individual open space is one thousand (1,000) square feet. No side dimension of the open space may be less than 30 feet. At least 50% of all residential open space shall be landscaped with trees, shrubs, and ground cover at grade or in planters. At least twenty five percent (25%) shall be improved with play structures, unless the development is predominantly senior housing.

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Seating (1 linear foot of seating area for each 60 square feet of residential open space), trash receptacles, public art, water features, and other furnishings shall be provided.

i. Low Impact Design: In conjunction with standard stormwater management practices, site design for stormwater conveyance, detention, and treatment shall include measures such as biofiltration, irrigation reuse, and other techniques integrated with the overall landscape design to minimize high volumes of discharge and pollution, where reasonably practicable.

j. Mt. Rainier Site lines: It is preferable that the Master Development Plan proposal protect views of Mt. Rainier along the SR162 corridor and from the internal community parks.

k. Commercial setbacks fronting SR162: A minimum of 50% of retail development along SR162 shall have a minimum setback of 25' from the street curb with pedestrian entry in the front. See Sections 5 and 7 of this chapter.

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13-3-3: USES:

TABLE 1 CITY OF ORTING LAND USE

RC: Residential-Conservation Zone	MUTC: Mixed Use-Town Center Zone	OS: Open Space and Recreation Zone
RU: Residential-Urban Zone	MUTCN: Mixed Use-Town Center North Zone	PF: Public Facilities Zone
RMF: Residential-Multi-Family Zone	LM: Light Manufacturing Zone	

		Zones							
		RC	RU	RMF	MUTC	MUTCN ²	LM	OS	PF
Residential uses ¹ :									
	Cottage	P	P	P		P			
	Cottage development		p ^{3,4}	p ^{3,4}		P			
	Duplex		p ¹⁰	P	P	p ²⁵			
	Group residences:		C	C ³	C ³				C ²²
	Adult family homes	P	P	P	P	P			
	Attached ground related residences					P			
	Single room occupancy sleeping units								C

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	Other ⁶		C	P	C	P			
	Manufactured home park	C	C	C					
	Mobile/manufactured home	P ⁷	P ⁷	P ⁷					
	Multiple-family			P	P ³	P			
	Single-family detached	P	P	P		P ²⁵			
	Temporary lodging:								
	Bed and breakfast	C	C	C	P ³				
	Hotel/motel				P ³	P			
	Rooming house			C	C ³				
	Townhouse		P ¹⁰	P	P ³	P ²³			
	Commercial uses:								
	Adult businesses				C ³				
	Arcades				P ³				
	Clubs and lodges			C ³	P ³				
	Communication facilities					C			
	Communication services				P ³	C			
	Daycare facilities:								

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	Centers - commercial		C	C	C	P			
	Provider home facility	P	P	P	C ³				
	Eating and drinking places			C ³	P ³	P		C ³	
	Health services			P ³	P ³	P			
	Home occupations ¹²	C ¹³	C	C	C ³	P			
	Liquor stores				P ³	P			
	Offices			C ³	P ³	P	C ³		
	Personal services				P ³	P			
	Retail fuel sales				C ³	P	P ³		
	Retail sales			C ^{3,14}	P ³	P	C ³	C ³	
	Theaters				P ³	P			
	Veterinary clinics					P			
	Veterinary facilities				P ³	P	P ³		
	Industrial uses:								
	Manufacturing ¹⁸ :								
	Assembly/fabrication					C ²⁴	P		
	Food processing					C ²⁴	P		

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	Light manufacturing					C ²⁴	P		
	Petroleum products						P		
	Wineries and breweries				P	P	P		
	Wood products						P		
	Storage and shipping:								
	Construction business					C ²⁴	P		
	Equipment rental					C ²⁴	P		
	Freight facilities warehousing						P		
	Outdoor storage					C ²⁴	C		
	Self-service storage					C ²⁴	P		
	Wholesale trade					C ²⁴	P		
	Cultural and recreational uses:								
	Cultural:								
	Art galleries				P ³	P			
	Churches	C ³	C ³	C ³	P ³	P			
	Community centers				P ³	C			

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	Community facilities					C			
	Libraries				P ³	P			
	Museums				P ³	P			
	Outdoor theaters				P ³	C			
	Recreation:								
	Athletic fields	C ²⁰	C ²⁰	C ²⁰		C		P	P
	Campgrounds	C ²⁰	C ²⁰	C ²⁰				P	P
	Golf facilities	C ²⁰	C ²⁰	C ²⁰				P	P
	Parks	C ²⁰	C ²⁰	C ²⁰	C ²⁰	P	C ²⁰	P	P
	Parks, plazas, courts					P			
	RV parks	C ²⁰	C ²⁰	C ²⁰				C	C
	Resorts (including lodging)			C	C	C			
	Shooting ranges	C					C	C	C
	Spas and health clubs					P			
	Stables/riding clubs	C ²⁰						C	P
	Trails	C ²⁰	C ²⁰	C ²⁰	C ²⁰	P	C ²⁰	P	P
	Public uses:								
	Animal shelters					C ²⁴	P		P

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Colleges and universities			C	C	C	C		P
Correctional facilities						C		C
Emergency services		C	C	C	C	P		P
Government offices			P	P	P	P		P
Hazardous materials						C		C
Hospitals	C ³	C ³	C ³	C	C	C		P
Justice facilities								P
K - 12 schools	C	C	C	P	C			P
Landfills		C				C		C
Public safety facilities		C	C	C	C	P		P
School support facilities					C	P		P
Shared off street parking				C	P			
Solid waste facilities						C		P
Transit facilities	C	C	C	C	C	C	C	P
Utility facilities	C	C	C	C	C	P	C	P
Vocational schools			C	C	C	C		P
Wastewater treatment								P

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Water supply facilities	C	C	C	C	C	C	C	P
Resource uses:								
Agricultural:								
Agricultural research, testing and training	C				C	P		C
Growing crops	P				C			
Livestock and small animals	P ²¹				C			
Fish and wildlife management:								
Aquaculture	C						C	C
Wildlife shelters	C						C	C
Forestry:							C	
Growing trees	P							
Mills						P		
Research and testing	C					P		C
Mineral:								
Batch plants						P		
Extraction and processing	C	C	C			P		C

Notes:

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1. Residential planned unit developments (PUD) may allow increases in underlying density except in the MUTCN.
2. All development subject to Master Development Plan and MUTCN Bulk and Dimensional Requirements. See sections 13-3-2-E-2 and E-5 of this code.
3. Subject to architectural design review.
4. As a binding site plan.
5. Not located along retail street frontages.
6. Housing more than 12 unrelated individuals.
7. On a legal lot with permanent foundation.
8. On upper floors above ground floor commercial only.
9. On upper floors above ground floor commercial, or in freestanding residential buildings.
10. Duplexes and townhouses are not allowed on flag lots in the RU zone.
11. In planned retail centers when building area is less than 10,000 square feet.
12. See section 13-5-4 of this title.
13. On site sales of agricultural products allowed.
14. Food stores only.
15. On upper floors above ground floor retail.
16. Including outdoor display or sales yards.
17. Not including overnight kennels or treatment facilities.
18. Machine shops, incinerators, wrecking yards, and feedlots may be permitted subject to appropriate mitigation of impacts on surrounding nonindustrial areas. Significant adverse noise, air quality, or other impacts caused by manufacturing processes shall be contained within buildings.
19. When entirely located in a building, not producing adverse noise or air quality impacts, and not located along retail street frontage. Ground floor area limited to 10,000 square feet maximum.
20. Private facilities.
21. Subject to all other City regulations regarding livestock.
22. Redevelopment of the Orting Soldiers' Home subject to site plan and architectural design review approval.
23. Three or more units per building.
24. May not have frontage along SR 162/Washington Avenue N. Must be screened from all adjacent residences with sight obscuring landscaping, 6-foot tall solid fencing.
25. For Senior Housing (aged 55+) only.