

## Chapter 16.04 DEFINITIONS

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### **16.04.001 Interpretation.**

As used in this title, the terms or words in this chapter shall have the meanings ascribed herein. (Ord. 1244-16 § 3 (Exh. A))

### **16.04.010 “A” definitions.**

1. “Abandonment” means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.
2. “Abutting” means having a common border with, or being separated from such common border by an alley or easement.
3. “Access” means a means of vehicular ingress and egress to a lot or parcel. For the purpose of this code, a lot shall abut by no less than 20 feet upon and have direct access to: (a) an opened, constructed and maintained public road; or (b) a private road in plat or short plat approved by the city of Sultan; or (c) an exclusive, unshared, unobstructed permanent access easement at least 20 feet wide.
4. “Access panhandle” means a strip of land designed to provide access to the lot, tract or parcel being less in width than the minimum lot width allowed under the applicable zoning district.
5. “Access road” means a private or public road or street that provides direct access from abutting properties to a city collector or arterial road, as defined by the city’s comprehensive plan.
6. “Accessory building” means a subordinate building attached to or detached from the main building and

used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or the sale of a service. Accessory buildings include but are not limited to an automobile storage garage, play house, laundry room, garden shelter, hobby room and mechanical room.

7. "Accessory dwelling unit (ADU)" is a habitable living unit that provides the basic requirements of living, sleeping, cooking, and sanitation, and is subordinate to the principal dwelling unit in the same building or on the same premises.

8. "Accessory structure" means a detached, subordinate structure, located on the same lot, the use of which is clearly incidental to that of the main building or to the principal use of the land.

9. "Accessory use" means a use incidental and subordinate to the use of the main building on the same lot.

10. "Acre, gross" means a tract of land consisting of 43,560 square feet.

11. "Action" means a vote by a quorum of the planning commission, board of appeals, or city council upon a motion, proposal, resolution or order, and resulting in a collective decision by a majority of those voting members present. "Action" also means a decision by the building and zoning official when exercising his or her authority under this zoning code.

12. "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load bearing walls is considered to be new construction.

13. "Adjacent" means that which lies near or close to, not widely separated nor necessarily touching.

14. "Adjacent property owner" means any property owner of record, according to the records of the county assessor, whose property adjoins or abuts property proposed for division or any portion thereof, or whose property is within 300 feet of the property proposed for division.

15. "Adjoining" means that which is joined or united, and actually touching.

16. "Adult bookstore" means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical areas. For the purposes of the zoning code, an adult bookstore shall be deemed to be an adult entertainment establishment.

17. "Adult entertainment establishment" means any business which, as a substantial portion of its operations, offers for sale or viewing for any consideration any live performances, photographic or film depictions, or devices or paraphernalia that depict or are characterized by an emphasis on the depiction, description, or engagement in specified sexual activities or anatomical areas including male or female sexual organs, buttocks, or female breasts. (For the purposes of this definition, the term "paraphernalia" shall not be deemed to include condoms or other birth control measures.)

18. "Aesthetics" means a characteristic of development relating to its physical beauty.

19. "Affordable housing" means a residential dwelling unit with a monthly rent or monthly mortgage payment including property taxes and insurance, not to exceed one-twelfth of 30 percent of annual income for renters and one-twelfth of 40 percent of annual income for owners, which represents 50 percent (for very low income), 80 percent (for low income), or 120 percent (moderate income) of the median adjusted gross annual income for the household, as published by the U.S. Bureau of the Census for the city of Sultan.

20. "Aggrieved person" means any person, including the applicant, who, in connection with a decision or

action of the building and zoning officer or the planning commission, board of appeals, and/or city council on an application for a development permit, takes issue with the decision rendered.

21. "Agricultural use" means the principal use of land for agricultural purposes, such as the tilling of soil, the raising of crops, horticulture, viticulture, small livestock farming, pasturing, grazing, poultry, dairying and/or animal husbandry, including all uses customarily incidental thereto; provided, that "agricultural use" does not include maintaining household gardens or keeping domestic pets.

22. Air B&B. See "Bed and breakfast inn."

23. "Airport" means any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

24. "Alley" means any public thoroughfare for the use of pedestrians and/or vehicles which affords only a secondary means of access to abutting property.

25. "Alterations" means any change, addition, or modification of type of occupancy; any change in the structural members of a building such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as "altered" or "reconstructed."

26. "Ambient" means, within the context of this code, an adjective that is generally attached to the term "air quality." Ambient air quality refers to the condition of the atmosphere within the environs of a particular use or geographic area.

27. "Amusement park or center" means a group of amusement devices for children and/or adults and their accessory uses. Such a park or center may include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts, and such similar activities.

28. "Apartment" means a room or suite of rooms within an apartment building, used as a dwelling unit for one family with facilities that function or are intended to function for living, sleeping, cooking, and sanitation.

29. "Apartment accessory to a commercial use" means an apartment which is attached to a legally established commercial use to be occupied by the property owner, a lease holder, or in some other way supporting a commercial use on site.

30. Apartment Building or House. See "Dwelling, multifamily."

31. "Appeal" means a request for a review of the city's interpretation of any provision of this title.

32. "Applicant" means any person or his or her authorized agent or representative who has applied for a permit and who has a valid, existing legal interest in the property proposed to be developed.

33. "Appropriate" means anything that is compatible with a facility's natural, cultural, or recreational resources, recognizing the purpose of the established area.

34. "Aquaculture" means the regulation and cultivation of water plants and animals for human use or consumption. Aquaculture may include hatcheries, marine crop production and other similar uses that occur in either fresh or salt water.

35. "Aquifer" means a groundwater bearing geologic formation or formations that contain sufficient amounts of saturated material to yield water.

36. "Aquifer recharge area" means a body of permeable materials that collects precipitation or surface water and transmits it to the aquifer.

37. Arcade.

a. "Game/video arcade" means any establishment, room, place, or business location in which there

are available to the public more than three coin or token operated amusement devices or where a fee is charged for the operation of such devices.

b. "Structural arcade" means a permanently roofed arched covered continuous area or passageway at ground level, open to a street, plaza, open space, or building, that is accessible and open to the public.

38. "Area of shallow flooding" means a designated "AO" or "AH" zone on the city's flood insurance rate map (FIRM) with base flood depths from one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

39. "Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year.

40. "As-graded" means the extent of surface conditions on completion of grading.

41. "Assessment" means an estimation or determination of the significance, importance, or value of land, buildings, or a proposed development activity.

42. "Auditor" means the Snohomish County auditor.

43. "Automobile parking area, public" means an open area, other than a street or private automobile parking area, designed to be used for the parking of two or more automobiles.

44. "Automobile parking area, private" means an open area, located on the same lot with a dwelling or hotel, for parking automobiles of the occupants of such buildings.

45. "Automobile sales and service establishments, new or used" means an establishment that provides for the sale of motorized vehicles as its primary use, and allows for minor or major repairs, or paint and body work. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

46. "Automobile service station" means a building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, and other operating commodities for motor vehicles or boats. The cross-section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements. Automobile service stations may include the following: customary space and facilities for the installation of such commodities on or in such vehicles; space for facilities for the storage, minor repair, or servicing of such vehicles; and space for car washing.

47. "Automobile wrecking yard" means any premises devoted to dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

48. Automotive Repair Establishment.

a. "Major repair" means a retail sales and service establishment that provides for the painting, repainting, or retouching and/or major mechanical repairs and adjustments of motor vehicles such as engine overhauls, transmission overhauls, and the like which usually require more than one working day for service. No outdoor sales, repair or service work shall be allowed. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

b. "Minor repair" means a retail sales and service establishment that shall include only those repairs able to be effected within one working day, such as brake repair, engine tune-ups, oil changes, lubrications, front end alignments, transmission services, tire services, battery services, brake services, and the like. No outdoor sales, repair, or service work shall be allowed. Repair services of a major nature, including but not limited to engine or transmission overhauls or body work shall not be

included within this definition. Outdoor storage or display of vehicles, parts, equipment, or tires shall not be included within this definition. The service or repair of trucks or other similar vehicles that exceed a one-ton rated capacity shall be prohibited. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

c. "Paint and/or body shop" means a building or other structure used for painting, repainting, or retouching and/or major nonmechanical bodywork and adjustment of motor vehicles.

49. "Awning" means any movable roof-like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening, or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable. (Ord. 1304-19B § 1; Ord. 1244-16 § 3 (Exh. A))

**16.04.020 "B" definitions.**

1. "Background water quality" means the concentrations of chemical, physical, biological, or radiological constituents or other characteristics in or of groundwater at a particular point in time and upgradient of an activity that have not been affected by that activity.

2. "Bakery or bakery shop" means an establishment where the majority of retail sale is of products such as breads, cakes, pies, pastries, etc., that are baked or produced and sold on premises.

3. "Bar or cocktail lounge" means any premises wherein alcoholic beverages are sold at retail for consumption on the premises. It shall not mean a restaurant use wherein alcoholic beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of alcoholic beverages comprises less than 20 percent of the gross receipts.

4. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

5. "Base flood elevation" means the height above mean sea level expected to be reached by the 100-year flood, as officially determined by the U.S. Army Corps of Engineers.

6. "Basement" means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

7. "Basin plan" means a plan and all implementing regulations and procedures, including but not limited to land use management adopted by ordinance for managing surface and stormwater management facilities and features within individual sub-basins.

8. "Bed and breakfast inn" means an owner-occupied, single-family detached dwelling where meals and short-term lodging are provided for compensation to guests and other transient persons. An air B&B is a bed and breakfast inn for the purposes of the zoning code. (See "Guest house.")

9. "Bedrock" means the more or less solid rock in place either on or beneath the surface of the earth. It may be soft, medium, or hard and have a smooth, irregular surface.

10. "Bedroom" means a room other than a kitchen, dining room, living room, bathroom, or closet that is marketed, designed, or otherwise likely to function primarily for sleeping.

11. "Bench" means a relatively level step excavated into earth material on which fill is to be placed.

12. "Best management practice (BMP)," when associated with stormwater management, means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water; when associated with groundwater protection means a written plan outlining accepted practices, such as liquid containment, transfer practices, and emergency procedures whose purpose is to prevent contamination from contaminated land uses; for instance, monitoring and secondary containment

for underground storage tanks.

13. "Billboard" means a surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of the premises wherein it is displayed or posted.

14. "Binding site plan" means a drawing and/or agreement which includes the following:

a. A record of survey and drawing(s) which identify the location of all proposed and required site improvements including but not limited to: streets, roads, easements, buildings, utilities, open spaces, parks, parking, landscaping, signs, drainage facilities, and other site improvements specified by the city of Sultan; and

b. "Development agreement" incorporating the conditions of approval, limitation for the use of the land, and improvement guarantees to ensure compliance of all conditions of approval for the binding site plan.

15. "Blight" means that concentration of forces which puts a building or neighborhood on its way to becoming a slum. A "blighted" area is one that has deteriorated or has been arrested in its development by physical, economic, or social forces. Blight can be caused by unsightly, odor, unhealthy, noisy, and other conditions that adversely impact the surrounding environment, neighboring land uses, and/or property values in the community.

16. "Block" means the property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and nonsubdivided acreage, watercourse, or body of water; or between any of the foregoing and any other barrier to the continuity of development.

17. "Boarding house" means a dwelling where meals or lodging and meals are provided for compensation to at least five persons and no more than 20 persons by prearrangement for definite periods of at least one month's duration. A boarding house is to be distinguished from a hotel, motel, lodging house, and guest house.

18. "Bog/fen" means a wetland which accumulates organic soils, has little or no inflow and is characterized by acidophilic (acid loving/producing) vegetation such as sphagnum moss, Labrador tea and bog laurel.

19. "Bollard" means a post permanently affixed into the ground or pavement, at least two feet and no more than four feet in height after installation, whose purpose is to segregate automotive traffic from certain areas.

20. "Bond or performance security" means a surety bond, assignment of funds, escrow agreement, irrevocable letter of credit, or other financial security device acceptable to the director, which is required to assure that work is completed in accordance with all applicable requirements of this chapter.

21. "Boundary line adjustment" means the adjustment of boundary lines as defined and regulated by Chapter [19.16](#) SMC.

22. "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

23. "Buffer" means an area adjacent to a critical area consisting of naturally occurring or re-established vegetation and having a width adequate to protect the critical area.

24. "Buffer area" means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another, or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.

25. "Buildable area" means the space remaining after the minimum open space and yard setback

requirements of this code have been complied with.

26. "Building" means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

27. Building, accessory. See "Accessory building."

28. "Building official" means the officer designated by the city of Sultan to enforce and administer the building codes of the city of Sultan, or his or her duly authorized representative. (See Chapter [15.01](#) SMC.)

29. "Building, completely enclosed" means a building designed and constructed with all exterior walls of the structure solid from the ground to the roof line, and containing no openings except for windows and doors that are designed to be closed.

30. Building, Elevated. See "Elevated building."

31. "Building front" means that exterior wall of a building which faces a front lot line of the lot.

32. Building Height. See "Height, building."

33. "Building, nonconforming" means a legally existing building that fails to comply with this zoning code (for height, number of stories, size, area, yards, location, or use) applicable to the district in which the building is located.

34. "Building permit" means the document or certificate issued by the city of Sultan that verifies adherence to all applicable building and development regulations and gives permission to the applicant to proceed with the actions for which the permit was requested.

35. "Building, principal or main" means a building in which is conducted the principal use of the lot on which it is situated.

36. "Building site or area" means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

37. "Building support structure" means any structure that supports floor, wall, or column loads and transmits them to the foundation. The term shall include beams, grade beams, or joists and includes the lowest horizontal structural member exclusive of piles, columns, or footings.

38. "Bulk" means the term used to describe the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.

39. "Bulkhead" means a structure of timber, concrete, steel, rock or similar substance erected parallel to a shoreline for erosion control purposes.

40. "Bus and mass transit storage and maintenance facility" means any building and adjacent outdoor space required for the servicing, washing, and the overnight parking of buses or other mass transit vehicles that are used for transporting the general public, tourists, school children, the elderly, and/or handicapped or construction workers.

41. "Business service" means an establishment primarily engaged in rendering services to other business establishments on a fee or contract basis, not involving the sale of any goods or commodities available on the premises, and not dispensing a personal service. Business service establishments may include but are not necessarily limited to activities such as real estate, insurance, accounting or bookkeeping, financial institutions, management or consulting firms, or other similar uses. (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.030 "C" definitions.**

1. "Canopy" means a roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk.

2. "Capital improvement" means any substantial physical facility built by expending public monies. The construction of schools, highways, public sewer and water systems, landscaping a park, or the purchase of and for a public building or use are all examples of capital improvements.
3. "Capital improvement program" means a government schedule of permanent improvements budgeting to match the government's financial resources. The capital improvement program is usually projected five years in advance and updated annually.
4. "Carnival" means a temporary commercial entertainment with rides, games, etc., for the general public.
5. "Carrying capacity" means the maximum number of units that can be accommodated by a facility without reducing the efficiency of that facility. Carrying capacity is used to measure the ability of a facility to accommodate more units. For example, the carrying capacity of a roadway is the maximum number of vehicles that can pass over a given section of a lane in one direction during a given time period. For recreation areas, the carrying capacity is the number of persons that can utilize the elements (play equipment, basketball courts, benches, etc.) at any given point in time.
6. "Car wash" means a building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.
7. "Carport" means space for the housing or storage of motor vehicles, recreational vehicles, or boats that has a roof and no more than two walls.
8. "Casino or gambling establishment" means any establishment where gambling has been approved and is monitored by the state of Washington. See "Gambling establishment."
9. "Cemetery" means a place for the burial or interment of dead persons or household pets.
10. "Census" means the official count of the population, its age, sex, and social and economic characteristics, conducted on a decennial basis by the Bureau of the Census of the U.S. Department of Commerce.
11. "Certificate of occupancy (occupancy permit)" means the official certification that a premise conforms to the provisions of this zoning code and the city building codes, and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued for new construction, a structure cannot be occupied.
12. "Channel, drainage" means a large natural or constructed waterway, ordinarily lined to speed, control, and conduct the flow of stormwater runoff.
13. "Chattel" means moveable articles of personal property, such as household goods or removable fixtures.
14. Child Care Center. See "Daycare facility."
15. "City" means the city of Sultan, Washington.
16. "Clearing" means the destruction and removal of vegetation by manual, mechanical, or chemical methods.
17. "Clinic" means an establishment where patients who are not lodged overnight are admitted for examination and treatment by one person or group of persons licensed as a physician, dentist, chiropractor, therapist, or other similar health related professional.
18. "Club" means buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.



19. Club, Private. See "Private clubs."

20. "Clubhouse" means a building used to house a club or social organization, including clubs associated with golf courses.

21. "Clustered housing" means single-family detached dwelling units developed on small lots that are created through the land division regulations for lot averaging. (See Chapter [19.44](#) SMC; see also "Cottage housing.")

22. Cocktail Lounge. See "Bar or cocktail lounge."

23. "Co-housing" means a complex of dwelling units that share a common kitchen and dining area for group meals and/or a common living area for socializing.

24. "Collector road" means a road that provides for traffic movement between arterial roads, and local (residential) streets, and direct access to abutting properties.

25. "Commercial kennel" means a building in which four or more domestic animals at least four months of age are kept commercially for boarding or treatment.

26. "Commercial use" means the use of any structure or property for a purpose directly related to the sale of goods, the furnishing of services of any kind, or used in conjunction with the adjacent littoral commercial property.

27. "Commercial vehicle home basing" means the parking and maintenance of two or more vehicles in operable condition on property wherein resides a person who uses them in his or her business.

28. "Common area" means the total area not designed for rental or sale to tenants and that is available for common use by all tenants or groups of tenants and their guests, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public rest rooms, truck and service facilities, etc.

29. "Community center" means a place, structure, area, or other facility used for and providing social, fraternal, religious, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

30. "Compatible use" means a use that is capable of existing in harmony with other uses situated in its immediate vicinity.

31. "Completeness (of a permit application)" means the information, reports, and documents submitted by the applicant that address or discuss each of the areas required by the applicant form and/or as a result of the preapplication meeting. Completeness does not mean that the information, reports, and documents submitted are sufficient or adequate to assess the impact of the proposed development on the environment, but simply that the requested information, reports, and documents have been submitted.

32. "Comprehensive plan" means the goals, objectives and policies, documents and maps adopted by motion by the council to guide the physical development of the city, to coordinate city programs, services and controls, and to promote the general welfare.

33. "Concept plan" means a preliminary plan for the development of property, indicating contour lines; any significant existing natural features, such as rock outcroppings and stands of trees; proposed building layouts with approximate square footage of floor area; proposed off-street parking areas and, if required, off-street loading areas; and the proposed internal (within the lot) circulation system.

34. "Concession stand, agricultural or produce" means an open air structure, not to exceed 20 feet by 30 feet in its dimensions, and at which fresh eggs, fruits, vegetables, and/or other agricultural products may be sold from local farms to the public.

35. "Conditional use" means a use allowed in one or more zones as defined by this code but which, because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible to other existing or permissible uses in the same zone.

36. "Condominium" means a form of ownership of property where the purchaser normally acquires title to a part of a building and/or a portion of land, and an undivided interest in the common areas and facilities; as distinguished from a cooperative, where the purchaser usually acquires stock that represents his interest in the property. Where the building so acquired consists of bedrooms with individual baths or combined bedrooms and living rooms with individual baths and/or has separate entrances for each unit, each unit shall be considered a separate dwelling unit or a separate hotel room for the purposes of this code.

37. "Confectionery" means an establishment engaged solely in the preparation and production of candy products for direct retail sale to the consumer on the premises.

38. "Conflict of interest" means any conflict between an individual's private interests and his or her actions as a government employee or appointed or elected government official.

39. "Congregate care facility" means a complex of facilities that provides a residence and a care component with varying degree of assistance from independent living arrangements to totally dependent assistance with all bodily needs. (See also "Residential care facility.")

40. "Conservation areas" means lands that are environmentally sensitive, naturally or culturally unique, valuable, or of other special interest that should be considered for protection from any activity that would significantly alter their ecological integrity, balance, or character. Conservation areas may be improved for the purpose of making them accessible to the public in a manner consistent with the preservation of their natural features.

41. "Construction" means the building of, or substantial improvement to, any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

42. "Contaminant" means a substance which, when distributed in the soil, renders the groundwater unpotable.

43. Contiguous. Lands are contiguous if they actually adjoin each other and share a common boundary.

44. Convalescent Home. See "Nursing, rest, or convalescent home."

45. "Convenience store" means a retail establishment that is usually open for extended daily hours of business (12 to 24 hours), normally located as a single entity or in a strip building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising, usually sells a limited selection of items and brands of prepackaged or prepared foods, ready-to-eat foods, snacks, gum, candy, beverages, dairy products, or sundries, all of which are frequently purchased for immediate use. It may be developed with facilities for the dispensing and sales of vehicular fuels, but with no sale or installation of tires, batteries or similar accessories. If such establishment is combined with said fuel sales and dispensing, it shall be regulated as an automobile service station and there shall be limitations and controls placed upon the nature, size, delivery, storage, location and type of said fuel sales or dispensing facilities to provide maximum possible protection to adjacent properties, and it must meet the specific requirements of an automobile service station. Additionally, any retail establishment that falls within this definition but sells a substantial portion of its merchandise (more than 25 percent of its sales) described in the definition of an "adult entertainment facility" shall not be deemed to be a convenience store.

46. "Conversion" means the change of use or purpose to which a structure or building is put.
47. Corner Lot. See "Lot, corner."
48. "Cottage housing" means small dwelling units built on small lots together with consolidated common open space shared by all dwelling unit occupants through the conditions in the development approval process. (See also "Clustered housing.")
49. "Council" means the city council of the city of Sultan. (Where the term "commission" is used in the Washington State Department of Transportation editions for standard specifications for road and bridge construction, it shall be interpreted to mean the city council.)
50. Coverage, Ground. See "Lot coverage."
51. Cremation. See "Funeral home."
52. "Critical areas," at a minimum, means areas which include wetlands; areas with a critical recharging effect on aquifers used for potable water; fish and wildlife habitat conservation areas; frequently flooded areas; geologically hazardous areas, including unstable slopes; and associated areas and ecosystems.
53. "Critical species" means all species listed by the federal or state governments as endangered, threatened or sensitive, as designated by the State Department of Fish and Wildlife in Chapter [232-12 WAC](#).
54. "Cul-de-sac" means a local street having only one means of vehicular access to another street and terminating at its other in a circular-shaped turn around. This definition of cul-de-sac shall in no way be interpreted to include a dead-end street.
55. "Curb cut" means an indentation or depression through or into a raised curb forming a driveway or walkway.
56. "Curb level" means the level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level." (Ord. 1244-16 § 3 (Exh. A))

**16.04.040 "D" definitions.**

1. Daycare Facility. The following definitions shall apply to the various daycare facilities allowed in the different zoning districts:
- a. "Daycare center" means a structure used for the care of children under the age of 12 located in a facility other than a family dwelling of those individuals under whose direct care the child or children are placed which accommodates 13 or more children regardless of whether such services are provided for compensation.
  - b. "Family daycare home" means a residence used for the care of children located in the family dwelling of the person or persons under whose direct care the child or children are placed, accommodating 12 or fewer children, such numbers to include those children of the resident family. This definition shall apply regardless of whether the care is provided for compensation.
  - c. "Mini daycare facility" means a structure used for the care of children under the age of 12 located in a facility other than a family dwelling or located in the family dwelling of the person or persons under whose direct care the child or children are placed which accommodates 12 or fewer children including those of the resident family who are under the age of 12 years, regardless of whether said services are provided for compensation.
2. "Decision" means written notification to an applicant that his or her permit application has been approved or denied.

3. "Declaration of short subdivision" means a document indicating division of land as addressed in Chapters [19.12](#) and [19.14](#) SMC.
4. "Dedication" means the deliberate appropriation of land by an owner for the general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon, and the acceptance by the public shall be evidenced by approval of such plat for filing by the city.
5. "Deed" means a written instrument under seal by which an estate in real property is conveyed by the grantor to the grantee.
6. "Density" means the number of permitted dwelling units allowed on each acre of land or fraction thereof.
7. "Department" means the community development department of the city of Sultan.
8. "Design storm" means a prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.
9. "Detention facility" means an above-ground or below-ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.
10. "Determination" means written notification to the issuing authority and all appropriate interested parties that the decision of the issuing authority has been affirmed or nullified.
11. "Developer" means any person, firm, partnership, association, corporation, company, or organization of any kind, engaged in any type of manmade change of improved or unimproved land.
12. "Development" means the placement, erection, or removal of any fill, solid material, or structure on land, in or under the water; discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes that do not disturb the coastal waters or sea, or any improvement made in the interior of any structure.
13. "Development right" means a legal claim to convert a tract of land to a specific purpose by construction, installation, or alteration of a building or other structure.
14. Development, Substantial. With regard to projects that have been initiated, substantial development shall constitute at least 10 percent of the total expected cost (including architectural and engineering fees) to complete the project as it was approved. Development shall also be considered to be substantial if the developer of an approved project has secured financing for the project and can demonstrate, in writing, his or her financial commitments to the project in question.
15. "Director" means the community development director for land use decisions and public works director for public infrastructure decisions made through the authority vested with the city of Sultan.
16. "District, zoning" means any portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in the zoning code; and within which certain minimum and maximum dimension requirements for dwelling unit density, property line setbacks such as yards and other open spaces, building heights, lot width and depth, and other conditions are required. (See also "Zone.")

17. "Domestic pet" means a domestic animal normally kept inside and incidental to a residential dwelling unit. Included are dogs, cats, fish, birds, and guinea pigs; excluded are wild or exotic animals and other domestic animals such as horses, cows, chickens, ducks, geese, goats, pigs, sheep, or similar livestock associated with husbandry. (See also "Agricultural use.")

18. "Drainage" means the removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.

19. "Drainage basin" means a geographic and hydrologic subunit of a watershed.

20. "Drive-in establishment" means a business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicle, or intended to permit consumption in the motor vehicle of food or beverages obtained by a patron of said business establishment (restaurants, cleaners, banks, etc.).

21. "Drive-in or drive-through facility" means an establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

22. "Driving range (golf)" means an unconfined recreational facility (i.e., without netting overhead or alongside the facility) situated on a plot of land at least 400 yards in length and a minimum of 300 feet wide. A golf driving range may be built with overhead netting, as well as netting (or other confining material) along the sides and the rear of the facility. In such cases, the land requirements shall be at least 100 yards in length and a minimum of 150 feet wide. The purpose of such facility is to allow golfers an opportunity to practice their golf shots.

23. "Driveway" means that space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

24. "Duplex" means a building used or designed as a residence for two families living independently of each other and each with facilities that are used or intended to be used for living, sleeping, cooking, sanitation in said building. Each dwelling unit shall have separate ingress/egress.

25. "Dwelling" means a building or portion thereof, occupied or intended to be occupied exclusively for residential purposes, but not including hotels, motels, lodging houses, travel trailers, or recreation vehicles. (See also "Dwelling, multifamily," "Dwelling, single-family," and "Family.")

26. "Dwelling, attached" means a dwelling having any portion of a wall in common with adjoining dwellings and includes townhouses and zero lot line houses.

27. "Dwelling, detached" means a dwelling that is entirely surrounded by open space on the same lot.

28. "Dwelling, duplex" means a detached building used or designed as a residence for two families living independently of each other and each with a separate ingress/egress and each with facilities that are used or intended to be used for living, sleeping, cooking, and sanitation in said building. Duplex dwelling shall not include a mobile home.

29. "Dwelling, multifamily" means a building or portion thereof, used or designed as a residence for three or more families living independently of each other and each with facilities that are used or intended to be used for living, sleeping, cooking, and sanitation in said building. This definition includes apartment buildings or houses but does not include hotels, motels, lodging houses, or guest houses.

30. "Dwelling, principal or main" means a building in which is conducted the principal residential use of the

lot on which it is situated.

31. "Dwelling, single-family" means a detached building designed for or occupied **exclusively** by one family, **or a group of individuals sharing the space.**

32. "Dwellings, single-family detached (clustered)" means a development of single-family detached dwelling units that are clustered on small lots sharing pedestrian access through a common rear yard or joined rear yards.

33. "Dwelling unit" means any room or group of rooms located within a residential building and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, and sanitation. (Ord. 1347-21 § 9; Ord. 1244-16 § 3 (Exh. A))

#### **16.04.050 "E" definitions.**

1. "Easement" means a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes. Where appropriate to the context, "easement" may also refer to the land covered by the grant. This may include access, pedestrian paths, bicycle paths, utility easements, drainage, open space, etc.

2. "Ecosystem" means a characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between them and their environment.

3. "Efficiency dwelling unit" means a dwelling unit consisting of one room exclusive of bathroom, kitchen, hallway, closets, or dining alcove, whether or not directly off the principal room.

4. "Effluent" means liquid sewage discharged by a collection network, various sewage treatment units, or a sewage treatment plant; also, the product discharged or emerging from a sewage treatment process.

5. "Elevated building" means a nonbasement building constructed in such a manner as to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

6. "Elevation" shall mean:

a. The vertical distance above or below a fixed reference level; or

b. A flat scale drawing of the front, rear, or side of a building or structure.

7. "Emergency" means an unexpected situation that poses an immediate danger to life, health, or property and demands immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

8. "Emergency hazardous situation" means a condition that is an immediate and substantial danger to human health, safety, or welfare, or to the environment.

**9. "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.**

**~~9-10.~~ "Emergency shelter" means a facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation-, or a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.**

**~~10-11.~~ "Eminent domain" means the authority of the city of Sultan or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.**

~~41-12~~. "Enclosed" means within the context of permitted or conditional uses of the zoning code that the use is inside a building and not visible from a public right-of-way.

~~42-13~~. "Engineer" means the superintendent of public works of the city of Sultan.

~~43-14~~. "Enlargement" means an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

~~44-15~~. "Environment" means the physical, social and economic conditions that exist within the area which will be affected by a proposed project.

~~45-16~~. "Environmental impact assessment or statement" means an informational report prepared by an applicant for a proposed development and made available to public agencies and the general public that, when required by this code, shall be considered by the building and zoning official prior to its approval or disapproval of an application for a development permit. Such report shall include detailed information about the existing environment in the area of a proposed development; the effects that a proposed development is likely to have on the natural and human environment; an analysis and description of ways in which the significant adverse impacts of such development are proposed to be mitigated and minimized; and an identification and analysis of reasonable alternatives to such development.

~~46-17~~. "Erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving, and the like shall be considered within the definition of "erected."

~~47-18~~. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, and/or gravity.

~~48-19~~. "Establishment" means an economic unit that is located in a building or other structure, where business is conducted or services are offered. (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.060 "F" definitions.**

1. "Facade" means the front of a building, particularly that part of a building facing a street or courtyard.

2. "Facing or surface" means the surface of a sign upon, against, or through which a message is displayed or illustrated on the sign.

3. "Family" means one person or group of two or more persons living together and interrelated by bonds of kinship, marriage, mutual consent, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common set of cooking facilities. The persons thus constituting a family may also include foster children, gratuitous guests and domestic servants. ~~The maximum number of nonrelated members constituting a family shall not exceed six persons.~~

4. "Family day care provider" mean a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters. Family day care providers must be certified with the department of early learning, and must comply with the sign, building, fire, safety, and health codes, and business licensing requirements.

4. "Fence" means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land and is six feet or less.

5. "Fill" means earth or any other substance or material, including pilings placed in a submerged area.

6. "Filled lands" means all artificially made, filled, or reclaimed lands and marshes.



7. "Financial institutions" means establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses.

8. "Fitness centers" means gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), wellness and physical training facilities, reducing salons, and weight control establishments.

9. "Flea market" means an occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales.

10. "Floating zone" means a zoning district that has been established but not mapped in a specific location. For a developer to be allowed to construct a use that is featured in a floating zone, he or she shall be required to meet minimum lot size criteria, as well as other requirements.

11. Flood, Base. See "Base flood."

12. Flood Hazard, Special Area. See "Area of special flood hazard."

13. "Flood insurance rate map" or "FIRM" means an official map of the city of Sultan on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

14. "Flood insurance study" means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary and floodway map, and the water surface elevation of the base flood.

15. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland waters;

b. The unusual and rapid accumulation or runoff of surface waters from any source.

16. "Flood, regulatory" means a flood that is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular watercourse. The regulatory flood generally has a flood frequency of approximately 100 years, as determined from an analysis of floods on a particular watercourse and other watercourses in the same general area.

17. "Flood, 20-year" means the highest level of flooding that, on average, is likely to occur once every 20 years.

18. Flooding, Shallow Area. See "Area of shallow flooding."

19. "Floodplain area having special flood hazard" means that maximum area of the floodplain that, on average, is likely to be flooded once every 100 years (i.e., that has a one percent chance of being flooded each year).

20. "Floodplain or flood-prone area" means a land area adjoining a river, stream, watercourse, or pond that is likely to be flooded.

21. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

22. "Floor" means the top surface of an enclosed area in a building (including basement), i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does

not include the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water.

23. "Floor area" means the sum of the gross horizontal areas of all of the floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or housing of mechanical equipment, or the basement apartment of a custodian in a multifamily dwelling, except that portion of said custodian's dwelling unit which is in excess of 50 percent of the total basement area.

24. "Floor area ratio" or "FAR" means the horizontal area of all of the floors of any building or buildings on a lot, divided by the area of such lot, or in the case of planned unit developments, by the net lot area. Where off-street parking is provided in the principal building or in a building on a lot across a street or alley from the principal building, the area of the lot upon which such building providing off-street parking is provided may be included in determining the permitted floor area of the principal building. Space provided within a building for off-street parking shall not be counted in determining the floor area of such building.

25. "Floor area, usable" means any floor area within the outside wall of a building exclusive of areas in cellars, basements, unfinished attics, garages, open porches, and accessory buildings.

26. "Foster home" means a home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than six unrelated juveniles, adults or both.

27. "Frequently flooded areas" means the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

28. "Fueling area" means an area that is used or planned to be used for fueling motor vehicles incidental to the principal permitted or conditional use of the property.

29. "Functional values" means those functions performed by a critical area or buffer which are highly beneficial to the maintenance of the aquatic system and surrounding environment. As used in this code, "functional values" for wetlands, streams and buffers are limited to the following elements:

a. Streams. Fish and wildlife habitat, water quality maintenance, water supply and water conveyance.

b. Wetlands. Fish and wildlife habitat, water quality maintenance, pollution assimilation, shore stabilization, sediment retention, runoff and floodwater storage and conveyance, runoff control, stream base-flow maintenance, and groundwater discharge/recharge.

c. Buffers. Fish and wildlife habitat, runoff absorption, pollution assimilation, streambank stabilization, sediment entrapment, water quality maintenance, noise and visual screening, upland flood protection, recreation, and provision of nutrients and woody debris for streams.

30. "Funeral home" means a building used for the preparation of the deceased for burial, the display of the deceased, and ceremonies connected with burial or cremation. (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.070 "G" definitions.**

1. "Gambling establishment" means a casino, card room, or other business that has roulette, dice, various card games, slot machines and/or other games of chance or forms of betting and that has been approved and is monitored by the state of Washington. (See also "Casino or gambling establishment.")

2. "Garage" means a building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building.

3. "Garage, parking" means a building, or portion of building, or area beneath a building or structure, except those described as a private garage, used for the parking only of automotive vehicles.

4. "Garage, private" means an accessory building less than 1,000 square feet used primarily for the

storage of self-propelled vehicles for the use of occupants of a lot on which such building is located. The foregoing definition shall be construed to permit the storage on any one lot for the occupants thereof within such garage, of commercial vehicles that otherwise may be used as private vehicles. However, this shall not be construed to include construction equipment or vehicles with a rated base curb weight in excess of 5,000 pounds.

5. "Garage, public" means any premises, except those described as a private or community garage, used principally for the storage of automobiles or other motor vehicles, for remuneration, hire, or sale, where any such vehicle may also be equipped for operation or repaired.

6. "Geologically hazardous areas" means areas that, because of their susceptibility to erosion, sliding, earthquake or other geological events, are not suited to the siting of commercial, residential or industrial development consistent with public health or safety concerns.

7. "Golf course" means a tract of land for the playing of the game of golf, with tees, greens, fairways, hazards, etc. A golf course may be nine or 18 holes in length.

8. "Governmental use" means public land areas and facilities that are utilized for daily administration and operation of government business which house personnel, records, equipment and the like, belonging to or leased by the city, state, or federal government, special district, or agency.

9. "Grade" means the established grade of the street or sidewalk as prescribed by the department of public works. Where no such grade has been established, the grade shall be the average computed by a licensed land surveyor at the sidewalk at the property line. Where no sidewalk exists, the grade shall be established in the same manner on the street adjacent to the property line.

10. "Gradient terrace" means an earth embankment or a ridge-and-channel constructed with suitable spacing and an acceptable grade to reduce erosion damage by intercepting surface runoff and conducting it to a stable outlet at a stable nonerosive velocity.

11. "Greenhouse" means an enclosed building, permanent or portable, that is used for the growth of small (i.e., less than 10 feet in height) plants.

12. "Gross leasable area" or "GLA" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. GLA is that area on which the tenants pay rent; it is the area producing income to the landlord, and is the square footage amount used for determining required parking area. GLA includes all areas less common areas. (See also "Common area.")

13. Ground Coverage. See "Lot coverage."

14. "Ground floor area" means the square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage.

15. Ground Sign. See "Sign, ground."

16. "Groundwater" means the portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body.

17. "Groundwater management" means the management and coordination of groundwater regulations, strategies, policies, and technical information for the protection and use of groundwater resources.

18. "Group care facility" means a facility licensed by the state to provide, on a 24-hour basis, training,

care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.

19. "Group home" means a residential dwelling housing persons with disabilities, the elderly, or caregivers for non-related children; ~~means a single-family detached dwelling providing a residence for a single household with the maximum number of nonrelated residents not to exceed six persons;~~ examples include foster home, recovery home, and state-funded home caregivers of nonrelated children/aged/handicapped/developmentally disabled/mentally ill or other special class of persons; ~~in compliance with RCW 36.70A.410, RCW 70.128.140 and 150, RCW 49.60.222-225 and WAC 365-196-860.~~

20. "Guest house" means an owner-occupied, single-family detached dwelling, containing a limited number of guest rooms; examples include bed and breakfast inn and air B&B.

21. "Guest room" means a bedroom or suite of rooms that are occupied only for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise. Guest rooms do not constitute a dwelling unit.

22. "Gutter" means a constructed waterway, usually along a street curb, installed to collect and conduct street surface water. (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.080 "H" definitions.**

1. "Halfway house" means a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive confinement wherein supervision, rehabilitation, and counseling are provided to mainstream a person back into society.

2. "Hardship" refers, within the context of this code, to special conditions or circumstances existing that are peculiar to the location, size, and characteristics of the land, structure, or building involved and which are not applicable to the same degree to the lands, structure, or buildings in the same zoning district; or special conditions or circumstances that did not result from the action of the applicant; or from a literal interpretation of this code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

3. "Hazardous substances" means any substances or materials that, by any reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

4. "Health care facility" means an establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners such as opticians and chiropractors; medical and dental laboratories; out-patient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services. (See also "Hospital," "Clinic.")

5. "Health spa" means beauty, wellness, and health treatment establishments, including massage therapy with practitioners certified and licensed by the state of Washington.

6. "Hearing examiner" means the hearing examiner duly appointed pursuant to Chapter [2.26](#) SMC.

7. "Height, building" means the vertical distance from the average curb elevation to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building shall be measured from the average elevation of the finished grade at the front of the building.

8. "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

9. "Highway" means a major roadway or thoroughfare with intersections at grade and direct access to abutting property, primarily designed for through traffic, on a continuous route, and not having access control.

10. "Historic property" means a building, structure, object, area, or site that is significant in the history, architecture, archaeology, or culture of Sultan or the nation.

11. "Home occupation" means an economic enterprise carried on within an owner-occupied dwelling unit (which includes mobile homes), or accessory building, which is incidental and subordinate to the primary residential use of the dwelling unit as outlined in the residential performance standards of this code. A home occupation (a) has no employees who are not also residents of the dwelling unit and (b) may not have more than one client visiting the dwelling unit at any given time, both of which distinguish a home occupation from other businesses. A city of Sultan business license is required and shall be in conformance with the home occupation regulations.

12. "Homeless shelter" means a facility that provides temporary housing for individuals or families which, due to personal adverse financial situations, have lost their homes. (See also "Residential care facility").

13. "Homeowners' association" means a private, nonprofit corporation of homeowners of a fixed area constituted for the purpose of owning, operating, and maintaining various common properties.

14. "Horticulture" means the science and art of cultivating flowers, fruits, vegetables, or ornamental plants.

15. "Hospital" means a facility providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity, other abnormal physical or mental conditions, chemical or substance dependency or abuse, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, and training facilities.

16. "Hotel" means any building containing more than six guest rooms used, or intended to be used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise. It does not include buildings in which sleeping accommodations are provided for persons who are harbored or detained to receive medical, charitable, or other care or treatment, or provided for persons who are involuntarily detained under legal restraint. (See also "Motel" and "Lodging house.")

17. House, Apartment. See "Dwelling, multifamily."

18. House, Boarding. See "Boarding house."

19. House, Lodging. See "Lodging house."

20. "House of worship/church/meeting hall" means a building or structure wherein persons regularly assemble for religious worship or secular gathering, is specifically designed and used primarily for such purpose, and is maintained and controlled by a religious or secular body organized to sustain worship or gathering.

21. Household. See "Family."

22. "Hydric soil" means soil that is saturated, flooded or ponded long enough to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined by following the procedure described in the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, or subsequent amendments.

23. "Hydrogeologic site evaluation" means an evaluation which encompasses some or all of the following checklist items. It shall be prepared by a professional who has training and experience in hydrogeology:

a. Hydrogeologic Setting.

- i. Describe the geologic setting of the site and illustrate with geologic and soil maps;
- ii. Generally describe the lithology, stratigraphy, and areal distribution of soil and rock material in the area;
- iii. Discuss geologic features which may control groundwater movement such as faults, folds, joint patterns, igneous intrusions, etc.;
- iv. Describe the occurrence and movement of groundwater in the area. Generally discuss such topics as recharge and discharge, depth to groundwater, and regional groundwater flow patterns. Illustrative material such as water level maps or flow nets are recommended;
- v. Generally discuss groundwater quality trends, natural and human induced, including discussion of cumulative changes over an area.

b. Water Quality Goals and Standards.

- i. Describe the water quality goals, standards, and related measures associated with the aquifer(s) underlying the site, and for nearby surface waters;
- ii. Discuss how water quality goals, standards, and related measures apply to contaminants from the site.

c. Site-Specific Hydrogeology.

- i. Depict on an appropriately scaled map the location of well(s) (whether abandoned or active) and springs within 1,000 feet of the site, or within a five-year time of travel (whichever is greater);
- ii. Prepare hydrogeological cross-sections through the site and surrounding area which illustrate available borehole and trench formation. Include references of other information used to prepare the cross-sections;
- iii. Describe the nature of groundwater movement beneath the site. This description should consider the following:
  - (A) Areal distribution, stratification, and hydraulic conductivity of saturated and unsaturated earth materials;
  - (B) Probable migration pathways for wastewater released to the septic drainfields;
  - (C) An estimate of probable time of travel through the soil horizontally from a potential contaminant source;
- iv. Describe how the contaminants of concern will be attenuated within the unsaturated zone;
- v. Estimate the quantity and quality of water recharged to the saturated zone under anticipated operation;
- vi. Describe the contaminant attenuation processes anticipated within any saturated zone upon which an estimate is based;
- vii. Devise a system for monitoring groundwater quality. Describe what steps will be taken if monitoring results show considerably higher levels of contaminants than predicted.

24. "Hydrology" means the study of groundwater – its origin, occurrence, movement, and quality.

25. "Hydrologically isolated" means those wetlands which have no surface or subsurface water connection to another wetland, stream, river, or lake.

26. "Hydroperiod" means the seasonal occurrence of flooding and/or soil saturation; it encompasses depth, frequency, duration, and seasonal pattern of inundation. (Ord. 1244-16 § 3 (Exh. A))

**16.04.090 "I" definitions.**

1. "Illicit discharge" means all nonstormwater discharges to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality or groundwater quality standards, including, but not limited to, sanitary sewer connections, industrial process water, interior floor drains, car washing and greywater systems.

2. "Illuminated sign" means any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position.

3. "Immediate vicinity," with regard to the built or manmade environment, refers to all development that is within 300 linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development.

4. "Impervious surfaces" means those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot.

5. "Improvement" means any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

6. Improvement, Substantial. See "Substantial improvement."

7. "Include" means to contain or comprise without limitation, to consider as part of a whole, or to take into account.

8. "Incompatible use" means a use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.

9. "Indoor amusement" means establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three or more coin or token operated devices, such as pinball and video games.

10. "Indoor storage" means the keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use. Any retail or office use shall not devote more than 35 percent of its gross floor area to indoor storage.

11. "Industrial park" means a planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site circulation, parking, utility needs, building design and orientation, and open space.

12. "Industry, heavy" means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

13. "Industry, light" means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

14. "Infill development" means the addition of new housing or other buildings on scattered vacant sites in an existing built-up area.

15. "Infrastructure" means the roads, sewage system (including collection lines, treatment plants, and outfalls), water system (including distribution lines and wells), police and fire protection services, health care facilities, schools, electricity system, telephone system, cable television system, and solid waste disposal facilities.

16. "Institutional use" means a nonprofit corporation or establishment for public use. 17. "Intent" means the objective toward which any section of this zoning code strives or for which it exists.

18. "Interflow" means that portion of rainfall that infiltrates into the soil and moves laterally through the upper soil horizons until intercepted by a stream channel or until it returns to the surface, for example, in a wetland, spring or seep.

19. "Interpretation," within the context of this code, shall mean a finding or determination made by the building and zoning official as to the meaning or intent of any work, phrase, or section contained herein.

20. "Intersection" means any street, public way, court, or alley that joins another at an angle, whether or not it crosses the other.

21. "Irregular lot" means a lot which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line. (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.100 "J" definitions.**

1. "Junkyard" means a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking yards, and places or yards for storage of salvaged house wrecking and structured steel materials and equipment. A junkyard shall not be construed to include such uses when conducted entirely within an enclosed building, nor pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars registered with the state of Washington and in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as part of a manufacturing operation. (See also "Automobile wrecking yard.") (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.110 "K" definitions.**

1. "Kennel" means a place at or adjoining a private residence where at least four but not more than 10 adult dogs are owned, kept or maintained by the persons residing on said property, for the purpose of hunting, training, field work, obedience trials, other competition, the enjoyment of the species or for any other purpose.

2. Reserved.

3. "Kitchen" means any area used or intended or designed to be used for cooking or preparation of food. (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.120 "L" definitions.**

1. "Laboratory" means a place devoted to experimental study, such as testing and analyzing, as well as physical diagnostic facilities and soil and water testing facilities. The manufacturing of any product or products is not considered to be part of this definition.

2. "Land clearing" means the exposure of earth by the removal of vegetative cover of any kind.

3. "Land-disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling and excavation.



4. "Land use" means the employment of a site or holding so as to derive revenue or other benefit from it; also the delineation by the government of the utilization to which land may be put so as to promote the most advantageous development of the city of Sultan.

5. "Landfill" means the depositing of soil, sand, gravel, shell, or other materials on or in any land area, or the artificial alteration of water levels for land reclamation purposes.

6. "Landscape" means the use of materials such as trees, ornamental shrubs, gravel, river rock, driftwood, rockeries, lawn, artificial turf or combination of such materials.

7. "Landscape areas and features" means an area of land within a site or development including but not limited to street medians and planting strips; development or project entryways; off-street parking areas; and landscaped barriers and buffers.

8. "Landscape, perimeter" means a continuous area of land, required to be set aside along the perimeter of a lot, in which landscaping is used to provide a transition between uses and/or to reduce the environmental, aesthetic, and other impacts of one type of land use or activity upon another.

9. "Landscape plan" means a detailed sketch to scale illustrating the type, size, location and number of plants and other landscape elements to be placed in a development.

10. "Landscape strip" means a strip of land along the perimeter of the site containing trees, barriers, ground cover and/or other plant material.

11. "Laundromat" means an establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

12. "Laundry plant" means an establishment for the mechanized washing and/or dry cleaning of clothing, linens, and the like.

13. "Laundry service" means a retail sales and service establishment that provides for the drop-off of clothing, linens, and the like to be washed, dry cleaned, ironed, mended, or repaired with no machines or equipment for the dyeing of same, and specifically no machines or equipment available for self-service directly by the consumer.

14. "Livestock" means domestic animals, such as horses, cattle, pigs, goats, fowl, or poultry, kept for their services or raised for food and other products.

15. "Live/Work" means a structure or portion of a structure containing a nonseparated commercial business, retail, or low-intensity craft workshop use that is allowed in the zone with a residential living space for the owner, tenant, or the owner or tenant's employee and that person's household. The resident is responsible for the work performed in the live-work unit and there must be a valid business license associated with the premises.

16 ~~15~~. "Loading space" means an off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

17 ~~16~~. "Local," for the purpose of this title, shall mean primarily within the state of Washington.

18 ~~17~~. "Local road or street" means a roadway providing for direct access to abutting land, and for local traffic movements.

19 ~~18~~. "Lodging house" means a building, other than a hotel or motel, containing six or less guest rooms used or intended to be used, rented, or hired out to be occupied only for sleeping purposes by guests. (See also "Hotel," "Motel," and "Guest house.")

20 ~~19~~. "Lot" means a single tract of land legally created as a separate building site with a frontage on a street or access easement. (See also "Parcel.")

**21 20.** “Lot area” means the total horizontal area contained within the boundary lines of a lot.

**22 24.** “Lot, building” means land occupied or to be occupied by a building and its accessory buildings, or by a dwelling unit grouping and its accessory buildings, together with such open spaces as are required under the provisions of this code, having not less than the minimum area and width required by this code for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of this code to be adequate as a condition of the issuance of a development permit for a building on such land.

**23 22.** “Lot, corner” means a lot located at the intersection of two streets or a lot bounded on two sides by a curving street and any two chords of which form an angle of 120 degrees or less. The point of intersection of the street lot lines is the “corner.” In the case of a corner lot with curved street lines, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

**24 23.** “Lot coverage” means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, but not to include at-grade off-street parking lots, terraces, swimming pools, pool deck areas, or walkways, roadways, or driveways.

**25 24.** “Lot depth” means the mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

**26 25.** “Lot, interior” means a lot other than a corner lot.

**27 26.** “Lot, legal building” means a recorded formal plat or short plat that has had final approval and is recorded with the Snohomish County auditor’s office. It must also meet:

- a. Current health requirements;
- b. Current zoning lot size requirements, or those in effect at the time the lot was created; and
- c. Access requirements in effect at the time the lot was created.

**28 27.** “Lot line, front,” in the case of a lot abutting upon one or more public streets, shall mean the line separating such lot from such street.

**29 28.** “Lot line, rear” means, ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore shaped lot, a line 10 feet in length entirely within the lot, parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the building and zoning official shall designate the rear lot line.

**30 29.** “Lot line, side” means any lot line that, as defined by this code, does not constitute a front or rear lot line.

**31 30.** “Lot of record” means an area or parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded as a unit of property, or which is described by metes and bounds, or as a fraction of a section.

**32 34.** “Lot, through” means an interior lot having frontages on two parallel streets as distinguished from a corner lot, which has frontages on two perpendicular streets (also referred to as a “double-frontage lot”).

**33 32.** “Lot width” means the mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot width shall be considered as the average distance between such side lot lines.

~~34~~ ~~33~~. "Lot, zoning" means a single tract of land located within a single block which (at the time of filing for a development permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record.

~~35~~ ~~34~~. Lounge. See "Bar or cocktail lounge." (Ord. 1244-16 § 3 (Exh. A))

**16.04.130 "M" definitions.**

1. "Major public community drinking water supply" means those public water systems that are permitted to withdraw an average daily amount of at least 100,000 gallons of groundwater.

2. "Manufactured home" means a single-family residence constructed after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, and bearing the appropriate insignia indicating such compliance. It is a structure, transportable in one or more sections, which is designed to be used with or without a permanent foundation when connected to the required utilities. (Note: Manufactured homes were formerly called "mobile homes" before the federal government assumed control of the construction standards for the industry by way of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S. Code, Section 5401).) A manufactured home may be placed on any residentially zoned lot.

3. "Manufacturing" means any industrial activity that takes raw materials to make a product, even products that may require more refinement to become a finished product. See "Industry, heavy" and "Industry, light."

4. "Marquee" means a sign, usually for a theater or similar use that is part of the building, especially a canopy. See "Canopy."

5. "Massage" means the manipulation of the superficial tissue of the human body with the hand, foot, leg, arm, elbow, face, head, neck, or back, whether or not such manipulation is aided by hydrotherapy or thermal therapy, or any electrical or mechanical device, or the application to the human body of a chemical or herbal preparation, and is not intended to be sexually arousing.

6. "Massage therapy clinic or health spa" means a business establishment offering massage by a practitioner certified and licensed by the state of Washington to relieve tension, provide relaxation, make muscles or joints supple, or stimulate circulation. (See also "Health spa.")

7. "Mean high water" means the average height of the high waters over a 19-year period, or for shorter periods of observation, the average height of the high water after corrections are applied to eliminate known variations and to produce the result of the equivalent of a mean 19-year value. Alternatively, mean high water may be defined as the average height of the high waters as established and accepted by the U.S. Army Corps of Engineers.

8. "Mean high water line" means the intersection of the tidal plane of mean high water with the shoreline.

9. "Mean low water" means the average height of the low waters over a 19-year period, or for shorter periods of observation, the average height of the low waters after corrections are applied to eliminate known variations and to produce the result of the equivalent of a mean 19-year value. Alternatively, mean low water may be defined as the average height of the low waters as established and accepted by the U.S. Army Corps of Engineers.

10. "Mean low water line" means the intersection of the tidal plane of mean low water with the shoreline.

11. "Mezzanine" means a floor level between two main floors of a building, usually immediately above the ground floor.

12. "Minimum living area" means the area within the outside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas

open and unobstructed to the sky, and not to include garages, carports, open porches, open breezeways, store rooms, screened-in porches, or basements.

13. "Minimum lot area" means the required minimum area for a lot in a particular zoning district at the time of subdivision. (See SMC Title [19](#).)

14. "Mini-storage unit facility or mini-warehouse" means a building or group of buildings consisting of individual storage units not exceeding 400 square feet per storage unit that are leased or owned for the storage of business and household goods or contractor's supplies. These facilities shall not be used for any other use in the zoning code such as wholesale or retail operations.

15. "Mitigation" means an action or actions taken to lessen or to compensate for unavoidable adverse effects on environmentally sensitive or historic properties.

16. "Mixed-use development" means development of a combination of typically separated uses within a single development. A planned unit development could be an example of mixed-use development. Commercial centers or malls which include residential uses are another type of mixed-use development. Mixed-use development in an urban context often refers to development of multiple uses in a single building with more than one type of activity taking place within its confines. An example of such a type of development could have commercial uses on the ground floor, offices above them, and residential units above the offices. Other combinations of uses may also occur in a mixed-use development setting.

17. "Mobile home" means a single-family dwelling constructed in accordance with the requirements prescribed under RCW [43.22.340](#), as amended, and bearing the "mobile home" insignia of the Washington State Department of Labor and Industries. It is a dwelling transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. (Note: Manufactured homes were formerly called "mobile homes" before the federal government assumed control of the construction standards for the industry by way of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S. Code, Section 5401).) A mobile home may not be placed on a residentially zoned lot and must be located in a mobile home park.

18. "Mobile home park" means land under single ownership and control designed and used for the temporary or permanent parking of two or more mobile homes for human occupancy.

19. "Mobile home space" means that portion of land in a mobile home park allotted or designed for accommodation of one mobile home.

20. "Model home" means a single-family residence open to the public for sales promotion to demonstrate the types and finishes of homes available in the subdivision. A model home is constructed in an approved preliminary plat, which has not yet received final plat approval.

21. "Modular home" means a dwelling unit constructed in a factory in accordance with the International Residential Code and bearing the appropriate insignia indicating such compliance, and transported to the building site for final assembly and permanent foundation. This definition includes "prefabricated," "panelized," and "factory-built" units.

22. "Motel" means a building or group of buildings containing more than six guest rooms used or intended to be used, rented, or hired out to be occupied or that are occupied only for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise. (See also "Hotel" and "Lodging house.")

23. Motorhome. See "Recreational vehicle."

24. Multiple-Family Dwelling. See "Dwelling, multifamily."

25. "Mulch" means nonliving, organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

26. "Museum" means a nonprofit, noncommercial establishment operated as a repository or a collection of natural, historic, scientific, or literary curiosities, or objects of interest or works of art. Restaurants and gift shops may be included as part of any museum, so long as the square footage for these activities constitutes not more than 25 percent of the total floor area of the museum building. (Ord. 1244-16 § 3 (Exh. A))

**16.04.140 "N" definitions.**

1. "National Geodetic Vertical Datum" or "NGVD" means the National Geodetic Vertical Datum of 1988, which is a vertical control used as a reference for establishing varying elevations within the floodplain.

2. "National Register of Historic Places" means a list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register.

3. "Natural hazards" means physical conditions found in nature that can be dangerous or cause great harm to occupants of an area that may be subject to flooding, landslides, earthquakes, wildland fires; severe winds and storms. Natural hazardous areas are required by the Growth Management Act to be identified in the city's comprehensive plan, and mitigation measures will be required for any new development that may be proposed to take place in or near these areas.

4. "Nature preserve" means an area designated to be maintained in an unimproved, natural state.

5. "Necessary" means anything that is deemed by the city of Sultan to be required to meet the needs of the general public.

6. "Net floor area" means the area actually occupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet rooms, mechanical areas, or other similar features.

7. "New construction" means structures for which the "start of construction" commenced on or after the effective date of this zoning code.

8. "Night club" means an establishment that has a capacity for at least 30 persons seated at tables or bar areas and that employs a bartender and maintains table service, dancing, and/or live entertainment for the guests.

9. "Noncombustible material" means any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not burn or glow at or below that temperature.

10. "Nonconforming structure" means a structure that was legally constructed prior to the effective date of this code, but which would not be permitted as a new structure under the terms of this code because such structure is not in conformance with the yard, height, lot coverage, or open space requirements of the zone in which it is located.

11. "Nonconforming use" means a utilization of land or structures or both, legally established prior to the effective date of this code, which would not be permitted as a new use in the zone in which it is located under the terms of this code.

12. "Notify" means to inform by either hand delivery or certified mail (except where otherwise specified) the applicant, his authorized agent or representative or the building and zoning official.

13. "Nuisance" means the use of property or course of conduct that interferes with the legal rights of others which causes damage, annoyance, inconvenience, or tends to injure the health, safety, or morals of the city's residents.

14. Nursery, Plant. See "Plant nursery."

15. "Nursing, rest, or convalescent home" means a private facility for the care of three or more children, aged, or infirm persons, or a place of rest for those suffering bodily disorders. Such facility does not

contain equipment for surgical care or for the treatment of injury. (See also “Residential care facility.”) (Ord. 1244-16 § 3 (Exh. A))

**16.04.150 “O” definitions.**

1. “Occupancy” means the physical placement of a structure on land, or the utilization of land on a temporary or permanent basis. This includes existing structures built prior to the enactment of this code that do not have authorization by virtue of a valid permit issued.

2. “Office” means a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

3. “Office park” means a tract of land that has been planned, developed, and operates as an integrated facility for at least three separate office buildings and supporting ancillary uses, with special attention given to circulation, parking, aesthetics, and compatibility.

4. “Off-street parking” means the minimum off-street, on-site parking of vehicles that shall be provided under the terms of this code.

5. “On-site” means located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

6. “Open space or greenbelt areas” means delineating areas required by the Growth Management Act for separation of urban areas and rural areas. Open space areas also delineate the preservation of critical areas such as stream shorelines and wetlands and their buffers, steep slopes, wildlife habitat areas as new land development takes place. Open space and green belt areas and critical areas are required to be identified in the city’s comprehensive plan, and mitigation measures will be required for any new development that may be proposed to take place in or near these areas.

7. “Open space, common” means an area within or related to a development, not in individually owned lots or dedicated for public use, but that is designed and intended for the common use and enjoyment of the residents of a development or for the preservation of critical areas per the city’s comprehensive plan and the requirements of the Growth Management Act.

8. Open Storage. See “Storage, open.”

9. “Ordinary high water mark” means the mark on all lakes and streams that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland and vegetation, as that condition exists on the effective date of this title, or as it may naturally change thereafter. In any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean higher high tide in areas adjoining saltwater, and the line of mean high water in areas adjoining freshwater.

10. “Ordinary residential improvements” means those structures and facilities which are commonly found with, and are incidental to the development and use of a single-family residence and are located landward of the ordinary high water mark including, but not limited to, garages, decks, driveways and serving utility systems.

11. “Outdoor recreation facility” means any number of places with or without buildings where physical recreation is made available; examples include golf courses, driving ranges, tennis courts, baseball diamonds, other sports fields, skateboard parks, walkways and trails, beaches, picnic areas, dog parks, Frisbee golf courses, sports stadiums, fishing areas, boating facilities, bicycling facilities, swimming pools and water parks, etc.

12. “Outdoor sales” means the selling of any goods, material, merchandise, or vehicles for more than 24 consecutive hours, in an area open to the sky and/or visible from adjacent properties or rights-of-way. The display of said goods, material, merchandise, or vehicle shall, for the purpose of this code, constitute a

sale.

13. Outpatient Clinic. See "Clinic."

14. "Overlay zone" means a zoning district within which certain uses of land and buildings are permitted and certain uses are prohibited; the certain uses of land and buildings that are permitted may also be permitted or conditional uses as specifically listed in other zones, although in some cases additional requirements beyond that required by the other zone may be imposed for the overlay zone uses.

15. "Owner-occupied" means the property owner is the principal occupant of a dwelling unit. (Ord. 1244-16 § 3 (Exh. A))

**16.04.160 "P" definitions.**

1. "Parcel" means a continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons. A parcel may be differentiated from a lot, particularly for tax purposes. (See also "Lot.")

2. "Park, public" means an area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.

3. "Parking lot" means an off-street facility used for the storage or parking of four or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use on an open-air grass, gravel, or paved surface.

4. "Parking space" means an area of not less than eight and one-half feet wide by 18 feet long, for each automobile or motor vehicle, such space being exclusive of necessary driving aisles, entrances, or exits, and being fully accessible for the storage or parking of permitted vehicles.

5. "Parking structure or garage" means a stand-alone structure used for the storage or parking of motor vehicles. The footprint of a parking structure will be included in the calculation of lot coverage.

6. "Performance guarantee" means a financial device to insure that all improvements, facilities, or work required by this zoning code will be completed in compliance with the approved plans and specifications of a development.

7. "Permanent Supportive Housing" (or "PSH") is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy, and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to:

- a. support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing,
- b. enable a person to retain their housing and be a successful tenant in a housing arrangement,
- c. improve the resident's health status,
- d. connect the resident of the housing with community-based health care treatment, or employment services.

Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW. *RCW 36.70A.030(31)*

7-8. "Permit" means any license, certificate, approval, or other entitlement for use granted by any public agency.

**8-9.** “Person” means any individual, organization, partnership, association, corporation, or other entity, including any utility, the city of Sultan, the government of Snohomish County or the state of Washington, the government of the United States, any department, agency, board, authority, or commission of such governments, and any officer or governing or managing body of any of the foregoing.

**9-10.** “Personal service” means beauty parlors, shops or salons; barbershops; weight reducing studios; fitness centers; health spas; business establishments that provide electrolysis; manicures; massage therapy, and similar services for individuals.

**10-11.** “Petroleum product storage facility” means an establishment that is used or intended for the storage of petroleum products for wholesale distribution. The facilities may be above-ground or underground storage tanks.

**11-12.** “Physical or natural sciences” means one of the sciences dealing with inanimate matter or natural resources. For the purposes of this code, this term shall include, but not be limited to, foresters, geographers, ecologists, biologists, wildlife biologists, fisheries biologists, geologists, engineers, architects, landscape architects, soil scientists, horticulturists and agronomists.

**12-13.** “Planning board” means the planning board established by Chapter [2.19](#) SMC as an advisory planning agency for the city of Sultan in accordance with RCW [35A.63.020](#).

**13-14.** “Plant communities” means a natural association of plants that are dominated by one or more prominent species.

**14-15.** “Plant nursery” means an enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to plant care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

**15-16.** “Plat” means a map indicating boundaries or property lines of subdivided lots as addressed in SMC Title [19](#).

**16-17.** “Plat, final” means that map, plan, or layout of a subdivision of land as addressed in SMC Title [19](#).

**17-18.** “Plat, preliminary” means an approximate drawing showing the layout of a proposed subdivision as addressed in SMC Title [19](#).

**18-19.** “Plot” means a parcel of ground containing more than one lot upon which a building and its accessory buildings have been or may be erected. (See also “Parcel.”)

**19-20.** “Potable water” means water that is intended for drinking, cooking, or domestic purposes, subject to compliance with state or federal drinking water standards.

**20-21.** “Premises” means land and all buildings and structures thereon a single lot.

**21-22.** “Preschool facility” means an educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four or more children between the ages of two and five years, and which operates on a regular basis.

**22-23.** “Preserve areas” means areas restricted from land disturbing activities for the protection and preservation of natural or cultural resources.

**23-24.** “Primary association” means a habitat area by critical species for rearing young, roosting, feeding, or foraging on a regular basis during the appropriate season.

**24-25.** Principal Building. See “Building, principal or main.”



**25-26.** Principal Use. See “Use, principal.”

**26-27.** “Private” means noncommercial use by the occupant and guests of the occupant.

**27-28.** “Private clubs” means organizations that are privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.

**28 29.** Private Garage. See “Garage, private.”

**29-30.** “Private parking” means parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports as long as dimensional requirements of off-street parking are met.

**30 31.** “Private road” means that easement or parcel created to provide the access from a city road to short platted lots, the maintenance of which is to be the responsibility of the lot owners.

**31-32.** “Professional office” means the office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

**32-33.** “Professional service” means the conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business. (See also “Business service.”)

**33 34.** “Public agency” means the government of the United States, the government of the state of Washington, Snohomish County, the city of Sultan, or any department, agency, board, authority, or commission of these governments, and any officer or governing or managing body of any of the foregoing.

**34-35.** “Public assembly, place of” means any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities.

**35-36 .** “Public building” means any building held, used, or controlled exclusively for public purposes by any department or branch of government without reference to the ownership of the building or of the realty upon which it is situated.

**36 37.** Public Garage. See “Garage, public.”

**37-38.** “Public improvement” means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

**38-39.** “Public notice” means the legal advertisement given of an action or proposed action of the city of Sultan or its designee.

**39-40.** “Public use” means the use of any land, water, or building by a public agency for the general public, or by the public itself.

**40-41.** “Public utility” means any person, firm, corporation, governmental department, or board duly authorized to furnish under government regulations to the public electricity, gas, communications, transportation, or water. (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.170 “Q” definitions.**

1. “Quarrying and associated activities” means operations that primarily involve surface mining or quarrying of nonmetallic minerals such as dimension stone, crushed and broken stone, including riprap, and sand and gravel pits. Primary preparation plants of quarried material for construction and other special uses are also included in this definition. (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.180 “R” definitions.**

1. “Ramps” means structures (usually paved surfaces) that facilitate the placement into or removal from the water of small boats capable of being carried on a trailer which is pulled by another vehicle.

2. “Recovery home” means a single-family dwelling occupied by people recovering from substance addictions or addictive behaviors; the residents may be under supervision but are operating as a family household. (See also “Group home” and “Family.”)

3. “Recreation areas or facilities” means any privately or publicly owned passive or active park, playground, sports field, access easement, beach, or other recreation area. All recreation areas, facilities, and equipment provided and constructed shall meet the minimum requirements of the Consumer Product Safety Guidelines for Public Playgrounds and the American Society for Testing and Materials F1487.

4. “Recreational vehicle” means a vehicular-type unit primarily designed for recreational, camping, or travel use, that has either its own motive power or is mounted on or drawn by another vehicle. The basic types of recreational vehicles include, but are not limited to, travel trailer, camping trailers, truck campers, motor homes, boats, all-terrain vehicles (ATVs), motorcycles and jet skis.

5. “Recreation vehicle park” means land under unified control and single ownership designed and improved to accommodate the temporary parking of two or more recreation vehicles. The term shall include campgrounds when designed to accommodate travel trailers, but does not include land zoned and used for the display or sale of travel trailers. For the purpose of this definition, “temporary parking” shall mean placement of a recreation vehicle on a single site for 180 days or less in any 12-month period.

6. “Related project” means any project that is existing, under construction, or for which permits have been sought; an impact or impact of which may add to or change an impact or impacts of a development proposal under consideration. A related project need not be owned or operated or operated in common with the development proposal under consideration.

7. “Religious Organization” means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property. *RCW 36.01.290(6)(c)*

7-8. “Remediation” means the cleanup and restoration of groundwater to some acceptable level.

9 8. “Requirements (water quality)” means a set of predetermined distances (setbacks), design criteria and materials, and other groundwater protection measures such as disallowing the use of drywells, etc.

10 9. Residence. See “Dwelling.”

11 40. “Residential care facility” means a facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care facilities, emergency or homeless shelters (including victims of violence or domestic abuse), **Permanent Supportive Housing**, recovery homes, and nursing homes/rest/convalescent homes, and orphanages. In such a facility service, equipment, and safety features necessary for the proper care of residents is normally provided. Such services may include:

- a. Supervision and assistance in dressing, bathing, and in the maintenance of good personal hygiene;

- b. Care in emergencies or during temporary illness, usually for periods of one week or less; c. Supervision in the taking of medication; and
- d. Other services conducive to the residents' welfare.

**12 44.** "Residential use" means use of land or structure thereon, or portion thereof, as a dwelling place for one or more families or households, but not including occupancy of a transient nature such as in hotels, motels, or time-sharing condominium uses.

**13 42.** "Resort" means a hotel that serves as a destination point for visitors. A resort generally provides recreational facilities for paying guests on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals.

**14 43.** Rest Home. See "Nursing, rest, or convalescent home."

**15 44.** Restaurant. See "Retail food establishment."

**16 45.** "Retail food establishment" means any fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry-out restaurants, drive-in restaurants, and catering services as follows. A cafeteria that is open to the general public and is not associated with a school, hospital, or other similar public or quasi public institution shall be deemed a restaurant for purposes of this title.

a. "Restaurant" means an establishment whose primary business is the sale of food and beverages to patrons for consumption on the premises and whose method of operation includes any of the following:

i. Patrons place their order at their table from which displays (menus) describe the food and beverage available to them.

ii. Preparation, service and consumption of food and beverages takes place within a completely enclosed building, accommodating at least 50 percent of the establishment's permitted seating capacity.

iii. Outside table dining is permitted in areas permanently designated for such use, and shall not exceed 50 percent of the establishment's permitted seating capacity, shall be in keeping with the exterior architectural theme of the building, and in no way shall permit the consumption of food or beverages within automobiles.

iv. Food and beverages are regularly served to patrons while seated at their table by an employee of the establishment.

b. "Fast food restaurant" means any establishment whose principal business is sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes any of the following characteristics:

i. Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.

ii. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

iii. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as

being prohibited and such prohibition is strictly enforced by the restaurateur.

iv. The kitchen is in excess of 50 percent of the total floor area.

c. "Drive-in restaurant" means any establishment where provision is made on the premises for the sale of foods, frozen desserts or beverages to the consumer in automobiles or primarily within a completely enclosed building accommodating at least 90 percent of the establishment's permitted seating capacity and whose design, method of operation, or any portion of whose business includes any of the following characteristics:

i. Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.

ii. Foods, frozen desserts, or beverages may be served directly to the customer in a motor vehicle by any means that eliminates the need for the customer to exit the motor vehicle.

iii. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

iv. The kitchen is in excess of 50 percent of the total floor area.

v. A restaurant that provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for purposes of this title.

d. "Carry-out restaurant" means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes any of the following characteristics:

i. Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.

ii. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

iii. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

iv. The kitchen is in excess of 50 percent of the total floor area.

e. "Catering service" means any establishment whose principal business is the sale and delivery of food, beverages, and services to the customer in a ready-to-consume or near ready-to-consume state. Catering services may operate as a home occupation. Hotel food service operations and restaurants may operate catering services in conjunction with the hotel and restaurant uses.

**17 46.** "Retail sales area" means the area in square feet devoted exclusively for the sale or display of goods or commodities.

**18 47.** "Retail trade" means establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but are not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations.

**19 48.** "Retirement home" means a place of residence for several families or individuals in apartment-like quarters, which may feature services such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities.

**20 49.** "Right-of-way" means a street, alley, or other thoroughfare or easement, whether physically accessible or not, that has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists.

**21 20.** “Riparian wetlands” means those wetlands that:

- a. Are located within 100 feet of the ordinary high water mark of a river or stream and are not hydrologically isolated from the river or stream; or
- b. Are within or continuous to any 100-year floodplain of a river or stream.

**22 24.** “Road, private” means an easement or parcel created to provide access from a right-of-way to a lot, the maintenance of which shall be the responsibility of the lot owners having access thereto.

**23 22.** Roadway. See “Street, public.”

**24 23.** Rooming House. See “Lodging house.”

**25 24.** Row House. See “Townhouse.” (Ord. 1244-16 § 3 (Exh. A))

**16.04.190 “S” definitions.**

1. “Salmonid” means a member of the fish family salmonidae including chinook, coho, chum, sockeye, and pink salmon; rainbow, steelhead, searun cutthroat, cutthroat trout, brown and bull trout; brook and Dolly Varden char; kokanee and whitefish.

2. Sanitarium. See “Hospital.”

3. “Scenic corridor” means any strip of land adjacent to public roadways that is visible to the motoring public and has natural aesthetic significance.

4. “Scenic easement” means an easement, the purpose of which is to limit development or protect a view or scenic area.

5. “School” means a place for systematic instruction in any branch or branches of knowledge.

6. “School, elementary” means any school, public or private, intended for the education of children from kindergarten through the fifth grade.

7. “School, high” means any school, public or private, intended for the education of children from the ninth through the twelfth grade.

8. “School, middle” means any school, public or private, intended for the education of children from the sixth through eighth grade.

9. “Schools, other” means places for systematic instruction, to include college, trade, vocational/technical, art, music, dance, and business schools or similar type educational institutions.

10. “Screening” means a device or materials used to conceal adjacent land or development. Screening may include walls, berms, or vegetation that must be of sufficient density to block the view of adjacent land or development from either side of the screen. The screen, if vegetative, shall be planted and maintained to completely block the view of adjacent land or development after 12 months. The screen shall be maintained or constructed at such a density as to block the view to adjacent properties.

11. “Seasonal parking facility” means a parking lot not employed for the regular needs of a business but used for a community celebration or festival, a fair, or other seasonal activity. It includes specifically a parking lot to provide parking and shuttle service to an athletic event, or for recreational activity such as skiing, rafting or fishing. To be a seasonal parking facility a parking lot may not be used for the permitted activity more than 30 days in a calendar year.

12. “Seating capacity” means the actual number of people that can be accommodated in an area based upon the number of seats, or one seat per 20 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined by the building codes of the city of Sultan.

13. Self-Service Laundry. See “Laundromat.”

14. “Setback” means the horizontal distance between the front line, sideline, or rear line of the building site to the front, side, or rear of the building or structure, respectively. Setbacks shall be measured perpendicular to and parallel with property or right-of-way lines. Where any building or structure is not built parallel to any property line, the setback distance shall be measured perpendicular from that part of the building or structure which is closest to the relevant property line. The front, rear and side yard setbacks established for the various uses in the different zoning districts in this code are the lines beyond which no part of a building may project, except as may be otherwise provided in this code.

15. Shallow Flooding, Area of. See “Area of shallow flooding.”

~~16. Shelter, Emergency. See “Residential care facility.”~~

~~17. Shelter, Homeless. See “Residential care facility.”~~

18. “Shopping center” means a group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves.

19. “Short plat” means the map or representation of a short subdivision as addressed in SMC Title

[19](#). 20. “Short subdivision” means the division or redivision of land as addressed in SMC Title [19](#).

21. “Sidewalk” means that portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the city engineer. “Transition strip” means that portion of the public street abutting a tract of land lying between the traveled portion of the street and the property lines.

22. “Sight clearance triangle” means an area at the intersection of streets, alleys, and driveways that must be kept free and clear of visual obstructions which impair the safety of pedestrians and moving vehicles traveling through such intersections. (See also SMC [16.58.230](#) and Figure 16.58-1.)

23. “Sign” means anything whatsoever placed, erected, constructed, posted, or affixed in any manner on the ground or to any post, fence, building, or structure for out-of-doors advertising, but not including devices, structures or representations installed by any governmental authority.

24. “Sign, business” means a sign that directs attention to a business, commodity, service or activity conducted or offered upon the premises where the sign is located.

25. “Sign face” means the portion of a sign that is or may be used for copy.

26. “Sign, flag or banner” means any sign made of materials that move in the wind and thereby draw attention to a business or event.

27. “Sign, gross area” shall be the entire area within a single continuous perimeter enclosing the extreme limits of such a sign. However, such perimeter shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

28. “Sign, ground” means a sign supported by uprights or braces placed on or in the ground and not attached in any manner to a building or structure.

29. “Sign, group” means a sign or signs on one sign structure serving two or more businesses sharing a parking facility.

30. “Sign, identification” means a sign on the premises bearing the name of a residential development, the name of a group housing project or of a school, college, park, church or other public or quasi-public facility, or a professional or firm nameplate, and bearing information identifying, but not describing occupancy of

the premises on which such sign is located.

31. "Sign, marquee" means a sign that projects from the building, usually over the sidewalk, on a building canopy and that is most commonly used with many lights to display cinema showings and theater performances. See also "Canopy" and "Marquee."

32. "Sign, occupancy" means a sign on the premises bearing the name or address of the piece of property, the name of the owner or resident, and/or any permitted home occupation, and bearing information pertaining only to the premises on which such sign is located.

33. "Sign, outdoor advertising" means any card, cloth, paper, metal, painted, glass, wooden, plaster, stone, or other sign of any kind or character, placed for outdoor advertising purposes on the ground or on any tree, wall, rock, post, fence, bush, building, structure, or thing whatsoever. The term "placed" as used in the definition of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing, or making visible in any manner.

34. "Sign, projecting" means a sign other than a wall sign that is attached to and projects from a building.

35. "Sign structure" means any construction used or designated to support a sign.

36. "Significant natural area" means land and/or water areas of major environmental value, including fish or wildlife habitat areas, valuable biological or natural productivity areas, and unique or fragile ecological units or ecosystems that require special treatment and protection.

37. Single-Family Dwelling. See "Dwelling, single-family."

38. "Single owner" means a person who or entity which alone has legal or equitable title to any property in question.

39. "Site plan" means a graphic and textual presentation of a development proposal in accordance with the appropriate sections of this zoning code.

40. "Slaughterhouse" means an establishment where animals are butchered for market.

41. "Slum" means a building or area that is deteriorating, hazardous, unsanitary, or lacking in standard facilities, including electricity, potable water and sanitary sewerage facilities. (See also "Blight.")

42. "Small animal husbandry (commercial)" means the raising of mink, fox, nutria, rabbits, pigs, sheep, goats, chickens, turkeys, guinea hens and similar small animals and fowl not for the primary consumption of or used by the occupants of the premises. (See "Agricultural use.")

43. "Small animal husbandry (noncommercial)" means the raising of small animals for the primary consumption of or used by the occupants of the premises. (See also "Agricultural use.")

44. "Soil" means the surface layer of the earth, supporting plant life.

45. "Soil removal" means removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening.

46. "Sole source aquifer" means an area so designated by the Environmental Protection Agency.

47. Special Flood Hazard, Area of. See "Area of special flood hazard."

48. "Spill" means the unpermitted release or escape of a regulated substance directly or indirectly to soils, surface waters, or groundwaters.

49. "Standards (groundwater)" means standards established by EPA regulations and/or state of Washington regulations, which are represented by health-based numbers such as the maximum



contaminant levels (MCL).

**50.** “STEP housing” collectively refers to Emergency Shelter, Transitional Housing, Emergency Housing, and Permanent Supportive Housing.

**50 51.** “Storage, open” means the safekeeping of any goods or products in an unoccupied space, open to the sky, for eventual removal not expected within 72 hours or for continuous replacement by same or similar goods or products.

**54 52.** “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered a story.

**52 53.** “Story, first” means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story; provided, such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

**53 54.** “Stream” means those areas where naturally occurring surface waters flow sufficiently to produce a defined channel or bed which demonstrates clear evidence of the passage of water including, but not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water during the entire year. This definition does not include watercourses which were created entirely by artificial means, such as irrigation ditches, canals, roadside ditches or storm or surface water runoff features, unless the artificially created watercourse contains salmonids or conveys a stream that was naturally occurring prior to the construction of the artificially created watercourse.

**54 55.** Street Intersection. See “Intersection.”

**55 56.** “Street line” means the dividing line between any street, road or other thoroughfare and the adjacent lots.

**56 57.** “Street, public” means a street affording the principal means of access to abutting property, and dedicated to or maintained by the city of Sultan, Snohomish County, or the state of Washington, affording the principal means of access to abutting property and with a right-of-way or easement.

**57 58.** “Structural alteration” means any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs.

**58 59.** “Structural trim” means the molding, battens, capping, nailing strips, latticing, and platforms that are attached to a sign structure.

**59 60.** “Structure” means anything constructed or erected that requires permanent location on the ground or attachment to something having location. A building is always a structure; a structure may or may not be a building. (For the purposes of this code, the term “structure” shall not be construed to include any roadway, driveway, at-grade paved parking lots, parking garages, patio or courtyard, or any other paved surface, or swimming pool.)

**60 61.** “Subordinate” means incidental to and less than half the size in building floor area square footage as the principal use.

**64 62.** “Subdivision” means a division of land into lots, tracts, or other divisions as addressed in SMC Title [19](#). The word includes formal subdivisions of previously subdivided land. The word includes both short subdivision and formal subdivisions as defined in Chapter [58.17](#) RCW.

**62 63.** “Substantial expenditure.” With regard to projects that have been approved for development under



the terms of this code, “substantial expenditure” shall constitute at least 10 percent of the total, expected cost to complete the project as it was approved. The total expected cost shall be derived from the cost figures used in the application for the building permit for the project, less the cost of the land.

**63-64.** “Substantial improvement” means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds 50 percent of the assessed value of the structure, or, in the case of a legal nonconforming use, where the cumulative costs equal or exceed 50 percent of the assessed value of the structure. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

**64-65.** “Surface water” means waters that flow over the land surface and frequently interact with groundwater.

**65-66.** “Swimming pool” means any in-ground or above-ground structure designed for swimming, wading or other aquatic recreational purposes and may be located either inside a building or outdoors. (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.200 “T” definitions.**

1. “Tattoo parlor” means an establishment that provides the services to create an indelible mark or figure fixed upon the surface of the body by the insertion of pigment under the skin with practitioners certified and licensed by the state of Washington.

2. “Tavern” means a building where beer and/or wine is served to the public, which holds a tavern license from the Washington State Liquor and Cannabis Board as defined by RCW [66.24.330](#) and WAC [314-02-070](#).

3. “Technical review” means that review meeting conducted by the director(s) or the zoning administrator with the applicant and other personnel, when all reports, studies and other information are completed to inform the applicant of mitigation measures with which he or she may have to comply to receive preliminary plat approval.

4. “Temporary building or structure” means a building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground.

5. “Theater” means a building or part of a building, devoted to showing motion pictures, or for dramatic, musical, or live performances.

**6. “Tiny houses” including tiny houses on wheels, are defined as dwellings to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with the state building code.**

**6-7.** “Toe of slope” means a point or line of slope in an excavation or cut where the lower surface changes to horizontal or meets the exiting ground slope.

**7-8.** “Top of slope” means a point or line on the upper surface of a slope where it changes to horizontal or meets the original surface.

**8-9.** “Topography” means the drawing accurately on a map, lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface’s relief characteristics.

**9-10.** “Tour bus lot” means a paved parking area provided at hotels, various shopping areas, and tourist attractions for the accommodation of tour buses. Each parking space for a tour bus shall be 12 feet wide and 50 feet long, with appropriate additional space to accommodate all turning and maneuvering needs in a safe and efficient manner. A tour bus lot shall not be construed to include the overnight parking and/or

storage for these vehicles, nor shall this definition include the cleaning or maintenance area for tour buses.

~~40-11~~. "Tower" means any structure whose principal function is to support an antenna, or has been built to store water or to provide air traffic control services, or is used in the recreational activity known as "bungee jumping."

~~41-12~~. "Towing yard" means a secured place where motor vehicles registered with the State of Washington are taken for storage when they have been damaged or in some other way are temporarily inoperable and/or have been impounded.

~~42-13~~. "Townhouse" means a dwelling unit designed exclusively for occupancy by one family, no portion of which lies vertically under or over any portion of an adjacent unit, is two or more stories, and which is attached to one or more other dwelling units by common walls which may be located on side lot lines with zero side yard setbacks between adjoining townhouses.

~~43-14~~. "Tract" is used interchangeably with the term "lot," or "block" particularly in the context of subdivisions, where one "tract" may be subdivided into several lots or blocks.

~~44-15~~. "Trailer" means a separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, jet skis, half-tracks, snowmobiles, and the like.

**16. "Transitional housing" means a project that provides housing and supportive services to homeless persons or families and that has as its purpose facilitating the movement of homeless persons and families into independent living, generally in less than two years. RCW 84.36.043(3)(c).**

~~45-17~~. "Travel trailer" means a vehicle with or without motor power primarily designed as temporary living quarters for recreational, camping, or travel use, and in which the plumbing, heating, and electrical systems contained therein may be operated without connection to outside utilities, being of such size or weight as not to require a special highway movement permit. The term shall include recreational vehicles, motor homes, and truck campers.

~~46-18~~. "Trip" means a single or one-way vehicle movement.

~~47-19~~. "Trip end" means the origin or destination of a trip. Each trip has two ends that constitute a two direction vehicle movement at the origin or destination of the trip.

~~48-20~~. "Trip generation" means the total number of trip ends produced by a specific land use or activity.

~~49-21~~. Trim. See "Structural trim." (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.210 "U" definitions.**

1. "Unstable slopes" means those sloping areas of land which have in the past exhibited, are currently exhibiting, or will likely in the future exhibit, mass movement of earth and which can be classified by the degree of steepness of a sloping area. See also "Natural hazards."

2. "Use" means the purpose that land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.

3. Use, Accessory. See "Accessory use."

4. Use, Agricultural. See "Agricultural use."

5. Use, Commercial. See "Commercial use."

6. Use, Nonconforming. See “Nonconforming use.”

7. “Use, principal” means the main use of land or buildings as distinguished from a subordinate or accessory use.

8. “Use, temporary” means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

9. “Utilities easements” means rights-of-way that may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities. (Ord. 1244-16 § 3 (Exh. A))

**16.04.220 “V” definitions.**

1. “Variance” means a modification of the terms of the zoning code to a particular piece of property which, because of special circumstances, is deprived of privileges enjoyed by other properties of the same zone and which modification remedies the disparity in privileges.

2. “Vehicle” means any self-propelled conveyance designed for and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, and recreational vehicles.

3. “Vehicular use area” means that portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of internal traffic circulation areas, loading and unloading areas, and parking areas.

4. “Veterinary hospital or clinic” means a building used to provide health care services to animals.

5. “Video sales and rental” means commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment.

6. “Vulnerability” means the degree to which groundwater may become contaminated depending on the local hydrogeologic characteristics and amounts of potential groundwater contaminants present. (Ord. 1244-16 § 3 (Exh. A))

**16.04.230 “W” definitions.**

1. Wall, Breakaway. See “Breakaway wall.”

2. “Warehouse” means a building used primarily for the storage of goods and materials.

3. “Water body” means surface waters including rivers, streams, lakes, marine waters, estuaries, and wetlands.

4. “Water park” means a commercial recreational facility that contains a variety of water-oriented activities such as, but not limited to, water slides and swimming pools. Such facilities may be found in association with a larger recreational activity.

5. “Water table” means the surface between the vadose zone and the groundwater, that is the surface of a body of unconfined groundwater at which the pressure is equal to that of the atmosphere.

6. “Watercourse” means a channel, natural or manmade, through which water flows either continuously or intermittently.

7. “Watershed” means a geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the state of Washington Water Resource Inventory Areas (WRIAs) as defined in Chapter [173-500 WAC](#).

8. "Wetland class" means any of the wetland class designations described in Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al. 1979). Cowardin's deep water and wetland classes include: rock bottom, unconsolidated bottom, aquatic bed, reef, rocky shore, unconsolidated shore, emergent wetland, scrub-shrub wetland, forested wetland, stream-bed and moss-lichen wetland.

9. "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas, as well as artificial wetlands intentionally created from nonwetland areas to mitigate for conversion of wetlands, as permitted by the county. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined or biofiltering swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscaping amenities.

10. "Wholesale (trade)" means the sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

11. "Working days," within the framework of the zoning code, the term "working days" is used as the unit of measure by which either the applicant/developer or a city of Sultan agency must complete a specified action. "Working days" refer to all days of the week, except Saturdays, Sundays, all official city of Sultan holidays, as opposed to calendar days that refer of all days in a week, month, or year. (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.240 "X" definitions.**

Reserved. (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.250 "Y" definitions.**

1. "Yard" means an open space of generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

2. "Yard, front" means a yard extending across the full width of the lot and lying between any front line of the lot and the nearest line of the principal building.

3. "Yard, rear" means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

4. "Yard, side" means a yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as the case may be. (Ord. 1244-16 § 3 (Exh. A))

#### **16.04.260 "Z" definitions.**

1. "Zero lot line development" means a residential development of a minimum of eight units of zero lot line dwellings constituting such a development.

2. "Zero lot line dwelling" means a residential development approach in which two single-family dwellings are sited on one joint side yard lot line with no side yard area along the common side yard lot line. The intent is to allow more flexibility in site design and to increase the amount of usable open space to create a large, parklike dual side yard on the opposing side yard lot line. Zero lot line homes may only be built within the context of a zero lot line development.

3. "Zone" means an area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other

requirements are established. (See also “District, zoning.”)

4. “Zoning administrator” means the officer designated by the city of Sultan to enforce and administer this title, or his or her duly authorized representative.

5. Zoning District. See “District, zoning.” (Ord. 1244-16 § 3 (Exh. A))

[Mobile Version](#)

## Chapter 16.06 PERMIT PROCESSING

Sections:

**16.06.010 Purpose.**

**16.06.020 Type of permit applications.**

**16.06.030 Types I – IV project permit applications.**

**16.06.040 Public notice.**

**16.06.050 Consistency with development regulations and SEPA.**

**16.06.060 Appeals.**

**16.06.070 Open record public hearings.**

**16.06.080 Appeals – Procedure.**

### **16.06.010 Purpose.**

The purpose of this chapter is to outline the permit processing application type, requirements, decision and noticing procedures for land use permit applications as outlined in this title. Procedures for legislative land use actions, or those that require actions taken by the city council, are also outlined in this chapter. (Ord. 1367-22 § 2 (Exh. A); Ord. 1328-20 § 5 (Exh. A))

### **16.06.020 Type of permit applications.**

A. Procedures for Processing Permit Applications. For the purpose of permit processing, all land division permit applications shall be classified as one of the following: Types I, II, III, and IV. Legislative decisions are Type IV actions and are addressed in subsection (E) of this section. Exemptions from permit processing procedures are listed in subsection (F) of this section.

#### B. Determination of Procedure Type.

1. The director or designee shall determine the proper procedure for all project permit applications. If there is a question as to the appropriate type of procedure, the director shall resolve the question in favor of the higher procedure and type number. If a permit type is not included in subsection (C) of this section, the director shall determine the proper procedure for that permit type by reviewing the permit in light of subsection (C) of this section, and determining which procedure the permit most closely resembles.

#### 2. Optional Consolidated Permit Processing.

a. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by code. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. If multiple applications are submitted concurrently, the city shall process them as a consolidated application unless otherwise notified by the applicant.

b. Except as otherwise exempted by Chapter [17.04](#) SMC, environmental (SEPA) review shall be conducted concurrently with the project review.

c. Applications processed in accordance with subsection (B)(1) of this section which have the same numbered procedure, but are assigned to different hearing bodies, shall be consolidated and heard by the highest decision maker. The city council is the highest decision maker, followed by the hearing examiner, and then the director. Joint public hearings with other agencies shall be processed according to subsection (D) of this section.

d. Project permit applications are allowed a maximum of one open record hearing and one closed record appeal hearing.

#### C. Permit Applications. The following tables set out the project permit decision making and appeal

processes, the division of action types into permit types, the required procedure for each permit type, and the notice requirements for project permits.

**Table 16.06-A: Permit Applications – Action Type**

Type I	Type II	Type III	Type IV
Boundary line adjustments	Building permits – SEPA required <sup>4</sup>	Conditional use permits (CUP)	Comprehensive plan amendment
Minor building remodels, no permit required	Other construction permits – SEPA required <sup>4</sup>	Variances	Zoning code text/map amendment
Building permits – no SEPA required <sup>4</sup>	Preliminary short subdivisions	Site plan permit (commercial/multifamily)	Rezones
Other construction permits – no SEPA required <sup>4</sup>	Minor adjustments to preliminary plats	Shoreline CUP <sup>1</sup>	Development agreement
Administrative interpretations	All other land division proposals determined by the director to be most similar to Type II applications	Reasonable use exceptions	Pre-annexation zoning
Shoreline exemptions (Chapter <a href="#">17.20</a> SMC) <sup>1</sup>		Shoreline variances <sup>1</sup>	Annexation
Grading permit – no SEPA required <sup>4</sup>		Preliminary subdivision applications	
Vegetation removal permit <sup>2</sup>	Grading permit <sup>3</sup> – SEPA required <sup>4</sup>	Final subdivision plats	
Eligible facilities requests	Binding site plans	<b>Major Adjustments to Preliminary Plats</b>	
All other land use proposals determined by the director to be most closely similar to Type I applications	Site plan permit	All other land division proposals determined by the director to be most similar to Type III applications	

1. Shoreline applications and permit processes are defined in the city’s shoreline master program.
2. In addition to the procedural requirements established in this title, vegetation removal permit applications shall be governed by the performance standards in Chapter [17.16](#) SMC.
3. In addition to the procedural requirements established in this title, grading permit applications shall be governed by the performance standards established in Chapter [17.13](#) SMC.
4. All projects proposing to develop one or more residential housing units within the incorporated areas of Sultan are categorically exempt from SEPA requirements, pursuant to RCW 43.21C.229 Section

1.3, as long as the City has fulfilled the necessary environmental review as outlined in that section.

**Table 16.06-B: Decision Making and Appeal Process**

	Type I	Type II	Type III	Type IV
Final decision made by	Director	Director	Hearing examiner/director	City council
Recommendation made by	N/A	N/A	Community development director	Planning commission
Open record public hearing – Decision	N/A	N/A	Hearing examiner	City council

	Type I	Type II	Type III	Type IV
Open record public hearing – Appeal	Yes	Yes	No	No
Closed record appeal	Hearing examiner	Hearing examiner	County superior court	No
Appeal to	Hearing examiner	Hearing examiner	County superior court	County superior court
Judicial appeal	N/A	N/A	Yes	Yes

**Table 16.06-C: Required Procedures for Permit Applications**

	Type I	Type II	Type III	Type IV
Preapplication conference	Yes <sup>1</sup>	Yes	Yes	No
Notice of completeness	Yes	Yes	Yes	Yes
Notice of application	No	Yes	Yes	Yes
SEPA determination <sup>2</sup>	No	Yes	Yes	Yes
Notice of hearing	No	Yes	Yes	Yes
Notice of decision	No	Yes	Yes	Yes
<b>Review period<sup>3</sup></b>	<b>90 days</b>	<b>90 days</b>	<b>120 days</b>	<b>No</b>
<b>Timeline for permit decision*</b>	<b>Within 65 calendar days from the determination of completeness</b>	<b>Within 100 calendar days from the determination of completeness</b>	<b>Within 170 calendar days from the determination of completeness</b>	<b>Within 170 calendar days from the determination of completeness</b>



\* This timeline must be met by city staff. 20% of the application fee will be refunded by the city to the applicant in the event that decision timelines are not met.

RCW 36.70B.080 (I)(i)

1. Pursuant to SMC [19.16.030](#), when a proposed boundary line adjustment involves only two regular rectangular parcels and the proposed boundary line adjustment is to move the common line to create two revised regular rectangular parcels, the applicant may submit the application without a preapplication conference.
2. SEPA not required for applications that are categorically exempt in accordance with Chapter [17.04](#) SMC.
3. ~~One hundred twenty day review does not apply to preliminary or final subdivisions.~~ Preliminary short or long subdivisions have a 90-day review clock and final short or long subdivisions a 30-day review clock in accordance with RCW [58.17.140](#).

**Table 16.06-D: Notice Requirements for Permit Applications**

	<b>Send to Property Owners Within 300'</b>	<b>Post Property</b>	<b>Publish Notice</b>	<b>Send to Agencies</b>	<b>Send to Applicant</b>
Notice of completeness	No	No	No	No	Yes
Notice of application	Yes	Yes <sup>1</sup>	Yes <sup>2</sup>	Yes <sup>3</sup>	Yes
SEPA determination	No	No <sup>4</sup>	Yes	Yes	Yes
Notice of open record predecision hearing, if applicable	Yes	Yes	Yes	No	Yes
Notice of decision <sup>5, 6</sup>	No	Yes	Yes	No	Yes

	<b>Send to Property Owners Within 300'</b>	<b>Post Property</b>	<b>Publish Notice</b>	<b>Send to Agencies</b>	<b>Send to Applicant</b>
Notice of open record appeal hearing, if applicable	Yes	Yes	Yes	No	Yes

1. Notices are posted on site for Type II – IV applications, if applicable.
2. Notices are published in the city’s paper of record for Type II – IV applications, if applicable.
3. Notices are sent to agencies for projects not categorically exempt under SEPA to directors and agencies with jurisdiction over the project permit application.
4. SEPA appeal hearing notices are posted.

5. Notices are sent to parties of record.
6. Additional (duplicate) notice may be sent electronically (email).

D. Joint Public Hearings.

1. The director may combine a public hearing on a permit application with a hearing that may be held by another local, state, regional, federal, or other agency on the proposed action if the requirements of subsection (D)(3) of this section are met.
2. The applicant may request that the public hearing on a permit application be combined with a hearing held by another government agency if the joint hearing can be held within the time periods set forth in this title.
3. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:
  - a. The other agency is not expressly prohibited by statute from doing so;
  - b. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;
  - c. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the city's hearing; and
  - d. The hearing is held within the incorporated city limits.

E. Type IV – Legislative Decisions.

1. All Type IV actions set forth in subsection (C) of this section are legislative and are not subject to the procedures in this chapter unless otherwise specified.
2. The planning board shall make a written recommendation to the city council regarding Type IV actions at the close of their final public hearing or at their next scheduled meeting. The written recommendation to the city council shall be one of the following:
  - a. Recommendation for additional time and/or resources on the application;
  - b. Recommendation of approval of the legislative action;
  - c. Recommendation of approval of the legislative action with modifications;
  - d. Recommendation of denial of the legislative action.
3. Type IV applications require a minimum of one public hearing before the city council held in accordance with established rules. The city council shall consider the recommendation of the planning commission and the public testimony in making its legislative decision.
4. Notices for public hearing shall be distributed following the threshold determination for the application and comments on the application, and shall be provided at least 20 calendar days prior to the hearing. The conduct of the hearing shall be as set forth in Chapter [16.86](#) SMC.

F. Exemptions from Project Permit Application Processing. The following permits or approvals are excluded from the procedures set forth in this title:

1. Street vacations shall be processed in accordance with Chapter [35.79](#) RCW and any applicable city regulations;
2. Temporary use permits shall be processed in accordance with Chapter [15.14](#) RCW;

3. Street use (right-of-way) permits shall be processed in accordance with SMC [13.08.030](#)(C) and [13.12.080](#)(C);
4. Special event permits shall be processed in accordance with Chapter [9.14](#) SMC; and
5. Other permits as determined appropriate by the director. (Ord. 1367-22 § 2 (Exh. A); Ord. 1347-21 § 10; Ord. 1328-20 § 5 (Exh. A))

**16.06.030 Types I – IV project permit applications.**

A. Types I – III Permits. Types I – III permit applications shall be processed in accordance with the criteria and regulations set out in the appropriate title of this code and in accordance with this chapter as applicable.

1. Boundary line adjustments shall meet the criteria set out in Chapter [19.16](#) SMC.
2. Minor exterior remodels, no building permit required.
3. Building permits and related improvements shall be in accordance with this title as determined by the director, and with the IBC as determined by the building official.
4. Other construction permits shall be in accordance with this title as determined by the director and with the city of Sultan EDDS and other standards as approved by the public works director, notwithstanding deviations from the EDDS approved under Chapter [11.12](#) SMC.
5. Wireless facilities on existing structures, camouflaged, shall meet the criteria set out in Chapter [16.66](#) SMC.
6. Critical areas permits shall meet the criteria set out in Chapter [17.10](#) SMC.
7. Clearing and grading permits shall meet the criteria established in Chapters [17.13](#) and [17.14](#) SMC.
8. Shoreline exemptions shall meet the criteria set out in the city of Sultan's shoreline master program.

B. Preapplication Meeting.

1. **The pre-application meeting is a meeting between Department staff and an applicant for a land use permit to review the application submittal documents.** Applications for Types III – IV permits will not be accepted until the applicant has attended a preapplication meeting. Preapplication meetings may be required for Type IV permits at the director's discretion. The director may waive preapplication meetings on a case-by-case basis if special circumstances, as determined by the director, exist.
2. The director shall establish procedures, reasonable schedules, and staff participation for preapplication meetings.
3. The applicant shall be responsible for all staff costs related to the preapplication meeting.

C. Project Permit Applications. This section applies to all project permit application types, except that applications for building permits shall be on forms as determined by the building official and applications for construction permits shall be on forms as determined by the public works director.

1. An application shall consist of all materials required by the application submittal checklist, the applicable development regulations and shall, at a minimum, include the following:
  - a. A completed project permit application form signed by the property owner(s) and/or applicant;

- b. A statement that the applicant attests by written oath to the accuracy and completeness of all information submitted for an application;
- c. A statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the written consent of all owners of the affected property and such written consent is supplied with the application;
- d. A property and/or legal description of the site;
- e. The application deposit, with a statement signed by the applicant accepting responsibility for all fees and charges over the deposit amount;
- f. Evidence of sewer availability and payment of sewer fees, if applicable;
- g. Any additional information as required by the specific submittal checklist for each specific application type;

2. A project permit application is complete when it meets the submittal requirements specified on the project permit application. Additional information or studies may be required or project modifications may be undertaken subsequent to the procedural review of the application. ~~by the director.~~

~~3-2. The director shall have the authority to prepare and revise submittal requirements.~~

#### D. Submission and Acceptance of Application.

1. ~~Where applicable,~~ Within 28 calendar days after receiving a project permit application, the director shall provide a written determination to the applicant which states either that the application is complete, or that the application is incomplete and states the necessary items to make the application complete.

2. To the extent known by the city, other agencies with jurisdiction over the project permit application shall be identified in the city's determination required by subsection (D)(1) of this section.

3. A project permit application is complete for purposes of this section when it meets the submittal requirements in subsection (C) of this section. A determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The city's determination of completeness shall not preclude the city from requesting additional information or studies either at the time of the determination or at a later time, if new information is required or where there are significant changes in the proposed action. ~~However, if the procedural submission requirements, as outlined on the project permit application have been provided, the need for additional information or studies may not preclude a completeness determination.~~

4. ~~The determination of completeness may include or be combined with the following:~~

- ~~a. A preliminary determination of those development regulations that will be used for project mitigation;~~
- ~~b. A preliminary Determination of Consistency as outlined in 16.06.050.A.2,~~
- ~~c. Other information the local government chooses to include; or~~
- ~~d. The Notice of Application, as outlined in 16.06.030.E.~~

5. ~~An application shall be deemed procedurally complete on the 29th calendar day after being~~

received if a written determination is not provided to the applicant that the application is procedurally incomplete. When the local government does not provide a written determination, they may still seek additional information or studies.

#### 6 4. Incomplete Application Procedure.

a. If the applicant receives a determination from the city that an application is not complete, or if additional information has been required by the city, the applicant shall have 90 days to submit the requested information to the city. Within 14 **calendar** days after an applicant has submitted the requested information, the city shall make the determination as described in subsection (D)(1) of this section.

b. If the applicant does not submit the requested information within the 90-day period, the application **may be considered inactive and, after notification to the applicant, may close out the file and refund a proportionate amount of the fees collected with the application. shall lapse.**

c. In those situations where the application has lapsed because the applicant has failed to submit the required information within the necessary time period, the applicant may request a refund of the unexpended application fee.

**7 5.** The applicant shall designate a single person or entity to receive all notices required by this chapter and to receive all billing statements.

E. Notice of Application. A notice of application shall be issued in accordance with the provisions of Table 16.06-C and shall include the information set out in SMC [16.06.040](#), Public notice.

- 1. The notice of application must be provided within 14 calendar days after the determination of completeness.**

F. Referral and Review of Project Permit Applications.

1. The director shall route project permit applications to all affected city departments for review and comment. Timing of such routing shall be determined in consultation with the director. Project permit applications shall be reviewed in accordance with applicable city policies and regulations. The director shall set out time periods for review by affected departments and distribute information.

2. The director shall route project permit applications to consultants as the director determines necessary. All costs of consultant review shall be billed to the project applicant.

G. Time Limits/Review Clock. Following are the time limits that are set out for project review:

1. The city shall issue a notice of final decision on a project permit application for a preliminary long or short plat within 90 days after the applicant is notified that the application is complete.
2. The city shall issue a notice of final decision on a project permit application for a final plat within 30 days after the applicant is notified that the application is complete.
3. The city shall issue a notice of final decision on all other project permit applications within 120 days after the applicant is notified that the application is complete or within 14 days of approval.
- 4. The number of days an application is in review, pursuant to the time limits of subsections (G)(1) through (3) of this section, will be calculated from the day completeness is determined to the date a final decision is issued on the project permit application. The number of days will be calculated by counting every calendar day and excluding the following time periods: ~~The city shall exclude the following periods from the time limits of subsections (G)(1) through (3) of this section:~~**

a. Any period during which the applicant has been requested by the city to correct plans, perform

required studies, or provide additional information. The period shall be calculated from the date the city notifies the applicant by mail, at a meeting, or by email that additional information is required until ~~the day when responsive information is resubmitted by the applicant; a date no more than 14 days after the applicant has submitted the requested information.~~ The city shall determine if the information submitted is sufficient. If the information is not sufficient, this process will begin again;

b. Any period of time in excess of that allowed by the city for applicant review of city comments and documents;

c. Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance;

d. ~~Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired Any period for administrative appeals of project permits;~~ if applicable;

e. ~~Any period after an applicant informs the city, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the city, in writing, that they would like to resume the application.~~

f. Any period where the city and applicant agree in writing to a waiver of the clock, if applicable.

5. ~~If, at any time, an applicant informs the City, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the City has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days may be added to the time periods for City action to issue a final decision for each type of project permit that is subject to this chapter. Any written notice from the City to the applicant that additional information is required to further process the application must include a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review.~~

#### H. Notice of Decision.

1. The city shall provide a notice of decision that also includes a statement of any SEPA threshold determination made and the procedures for administrative appeal. The notice shall be provided to the applicant and any person who, prior to the rendering of the decision, requested notice of decision or submitted substantive comments on the application. The staff report can be the notice of decision.

2. The city shall make every effort to process applications in a timely manner. When time limitations are not met, the city shall provide a written explanation to the applicant. The explanation shall state the reasons why the decision has not been issued and the estimated date of the decision. Alternatively, an applicant and the city can mutually agree to extend the time period for a decision.

#### I. Substantial Revisions or Modifications to Proposal.

1. ~~The time periods for the City to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use. A revision or modification to the contents of an application before or after issuance of the permit, either voluntarily or to conform with applicable standards and requirements, shall be deemed a new application for the purpose of vesting when the revision or modification would result in a significant increase in a project's impacts as determined by the director. In reaching a decision on whether a revision is significant, the director's consideration shall include but not be limited to the magnitude of the revision and the effect on the environment, the environmental sensitivity of the site, any changes in location of significant elements of the project and their relationships to public~~

~~facilities, the impact of the revision on the review clock, and impacts to surrounding lands and land uses.~~

2. Written notice of such determination of substantial revision or modification shall be provided to the applicant and to all parties of record.

3. ~~Any revision or modification deemed by the director to be substantial shall conform to the time periods set forth in subsection (G) of this section. The review cycle for the revised project application shall begin with the date the revised project application is determined to be complete.~~ The revised project application shall be subject to all laws, regulations, and standards in effect on the date of receipt of a complete, revised project application. (Ord. 1367-22 § 2 (Exh. A); Ord. 1328-20 § 5 (Exh. A))

**16.06.040 Public notice.**

A. Publication and Certification of Notice.

1. The director shall publish notices for which publication is required in the city's official newspaper.
2. Publication is deemed complete on the date of publication. Proof of publication provided by the newspaper shall be presumptive evidence of the date of publication.
3. The director shall post, or cause to be posted, notices in the manner required by this code. Proof of posting in the following form executed by director or director's representative shall be presumptive evidence of the date of posting:

CERTIFICATE

I certify under penalty of perjury under the laws of the state of Washington that the content of the attached form of notice was posted in the following described manner on the following stated date(s): \_\_\_\_\_.

\_\_\_\_\_  
(Date and Place of Signing)

\_\_\_\_\_  
(Signature)

B. Notice of Application – Contents.

1. Where formal notice of application is required for individual notice to applicants, agencies, surrounding property owners, or other persons, said notice shall include the following:
  - a. The identity of the applicant;
  - b. The date of the notice of application;
  - c. Notice that the city uses the optional threshold determination process authorized by WAC [197-11-355](#);
  - d. Notice that the application comment period for nonexempt proposals may be the only opportunity to comment on the environmental impacts of the proposal;
  - e. Notice that the proposal may include mitigation measures under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an environmental impact statement is prepared;
  - f. Notice that a copy of the subsequent threshold determination on the proposal may be obtained upon request;

g. A statement identifying the public comment period, the right to comment on the application, receive notice of and participate in hearings, request a copy of decision on the proposal once made and any appeal rights;

h. To the extent applicable, the date, time, place and type of hearing upon the application if such hearing has been scheduled at the time the notice of application/proposal is given; and

i. Other information that the director determines to be appropriate.

C. Notice of Application – Distribution. Notice shall be distributed in the following manner, as appropriate to the level of review applicable to the project:

1. Applicant Notice. The director shall deliver or mail notice of application to the applicant or the person or entity designated by the applicant to receive notice. The notice of application may be provided to the applicant or applicant's designee contemporaneously with the determination of completeness.

2. Agency Notice. The director shall mail notice of applications that are not categorically exempt under SEPA to directors and agencies with jurisdiction over the project permit application.

3. Combined Notice. Notice of application may be combined with notice of hearing if the hearing date has been set at the time notice of application is given. Each combined notice shall contain the notice of application information required herein and the notice of hearing information required by Chapter [2.26](#) SMC.

4. The director will document the date and manner by which any notice is given.

5. The director may remove, or cause to be removed, posted notice upon expiration of the comment period.

6. Publication costs and costs incurred to post and remove notice at the proposal site shall be borne by the applicant in addition to other costs and fees which apply, as provided by the then-current city of Sultan annual fee schedule.

D. Notice of Application – Type I Applications Categorically Exempt from SEPA Review.

1. The director shall deliver or mail notice of interpretation requests and applications for Type I proposals that are categorically exempt under SEPA to parties that have filed a special notification request in accordance with SMC [16.06.050](#).

2. Such notice shall explain that there is no comment period and that the proposal is categorically exempt under SEPA.

E. Notice of Application – Type II Applications and Type I Applications Nonexempt from SEPA Review.

1. The director shall deliver or mail notice for application of Type II proposals and Type I applications that are not categorically exempt under SEPA to parties that have filed a special notification request in accordance with SMC [16.06.050](#).

2. The director shall additionally post notice on the city internet website containing the following information:

a. The identity of the applicant;

b. The date of the application and the date of the determination of completeness;

c. A brief description of the proposed action;



- d. If a preliminary determination has been made, a statement that the proposal is subject to threshold determination requirements and the preliminary threshold determination that it expects to issue;
- e. A statement identifying the public comment period and where comments may be made and a statement that the application comment period may be the only opportunity to comment on the environmental impacts of the proposal;
- f. A statement explaining how interested parties may request special notice.

F. Notice of Application – Level III and Level IV Applications.

1. The director shall deliver or mail notice for application/proposal of Level III and Level IV applications to:
  - a. The record owner(s) of property within 300 feet of the proposal site measured from each property line of the proposal site, as shown by the records of the Snohomish County assessor's office.
  - b. Parties that have filed a special notification request in accordance with SMC [16.06.050](#).
2. The director shall post, or cause to be posted, conspicuous notice at the proposal site and post notice on the city internet website which states:
  - a. The identity of the applicant;
  - b. The date of the application and the date of the determination of completeness;
  - c. A brief description of the proposed action;
  - d. If a preliminary determination has been made, a statement that the proposal is subject to threshold determination requirements and the preliminary threshold determination that it expects to issue;
  - e. A statement identifying the public comment period and where comments may be made and a statement that the application comment period may be the only opportunity to comment on the environmental impacts of the proposal;
  - f. A statement explaining how interested parties may request special notice.

G. Notice of Application – Level III and Level IV Public Hearings.

1. Notice shall be published in the city's official newspaper as provided in subsection (A) of this section.
2. The director shall deliver or mail notice for application/proposal of Level III and Level IV applications to:
  - a. Parties that have filed a special notification request in accordance with SMC [16.06.050](#).
  - b. The record owner(s) of property which is within 300 feet of the exterior boundaries of the subject parcel.
3. The director shall post, or cause to be posted, conspicuous notice at the proposal site and post notice on the city internet website which states:
  - a. The identity of the applicant;
  - b. The date of the application and the date of the determination of completeness;

c. A brief description of the proposed action;

d. If a preliminary determination has been made, a statement that the proposal is subject to threshold determination requirements and the preliminary threshold determination that it expects to issue;

e. A statement identifying the public comment period and where comments may be made and a statement that the application comment period may be the only opportunity to comment on the environmental impacts of the proposal;

f. A statement explaining how interested parties may request special notice.

#### H. Comment Period.

1. There is no public comment period on Level I proposals that are categorically exempt under SEPA.

2. There shall be a 14-day public comment period on Level II proposals and Level I proposals that are not categorically exempt under SEPA.

3. There shall be a 14-day public comment period on all Level III and IV proposals even if they are categorically exempt under SEPA.

4. The length of the comment period shall be identified in the notice of application.

5. The applicant is deemed to be a participant in the comment period and may submit comments during the comment period in addition to those submitted by agencies and the public.

6. Comments must be submitted in writing to the director prior to expiration of the comment period.

7. The city may assume that parties which do not respond with written comments within the time period for commenting have no information relating to the proposal or its potential impact(s).

#### I. Integration of Notice Procedures with Environmental Review Procedures.

1. If the city has made a determination of significance under Chapter [43.21C](#) RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this chapter prevents a determination of significance and scoping notice from being issued prior to the notice of application.

2. Except for a determination of significance, the city may not issue its threshold determination, or issue a decision or a recommendation on a project permit, until the expiration of the public comment period on the notice of application.

#### J. Request for Special Notice.

1. "Special notice" means that the city will provide the information required by subsection (E), (F), or (G) of this section, whichever is appropriate to the specified application process, to a person not specified by the applicable code provisions to receive such notice. "Special notice" does not mean that the person may request or expect to receive information beyond that normally called for by the notice provisions applicable to the application.

2. A person may request to be provided notice of a particular application process filed under the provisions of this title by one of the following methods:

a. Filing a no-cost form provided by the city for the purpose of requesting a special notice.

b. Providing by letter or email a request for special notice which clearly states:

i. The requester's name and contact information;

ii. The specific application of interest in the request.

3. The city shall have five days to respond to a request for special notice. If the hearing or other event that is the subject of the special notice request has already taken place, there shall be no effect or recourse available to the requester based on lack of notice.

K. Notice of Decision. Notice of decisions made pursuant to this title shall be provided according to the following provisions:

1. Notice of decision on an application under this title shall be provided to the

following: a. A letter delivered, or sent by first-class mail or by email sent to:

i. The applicant, or the person or entity designated by the applicant to receive notice;

ii. The appellant, if any;

iii. Parties that have filed a special notification request in accordance with SMC [16.06.050](#) prior to rendering of the decision;

iv. Identifiable parties who have provided addresses and have submitted substantive written comments on the proposal prior to rendering of the decision.

b. For Level II applications and Level I applications nonexempt from SEPA review, notice shall be as provided in subsection (A)(1) of this section and shall also include:

i. Posting on the city's website;

ii. Individual notice to the record owner(s) of property which is adjacent to the proposal site, as shown by the records of the Snohomish County assessor's office.

c. For Level III and Level IV applications, notice shall be as provided in subsection (A)(1) of this section and shall also include:

i. Posting on the city's internet website;

ii. The record owner(s) of property within 300 feet of the proposal site measured from each property line of the proposal site, as shown by the records of the Snohomish County assessor's office.

d. A notice of decision shall include the following:

i. The name and a brief description of the project;

ii. The identity of the applicant;

iii. Date of the decision;

iv. Brief description of the decision and any conditions;

v. The appeal rights that apply to the decision and the final date to file an appeal. (Ord. 1367-22 § 2 (Exh. A); Ord. 1328-20 § 5 (Exh. A))

#### **16.06.050 Consistency with development regulations and SEPA.**

A. Consistency with Other Regulations and Plans.

1. When the city receives a project permit application, consistency between the proposed project and the applicable regulations in this title and the policies set out in the Sultan comprehensive plan shall be determined through staff review of the project and the issuance of a permit or the preparation of a

staff report to the decision maker.

2. During project permit application review, the city shall determine whether the items listed in this section are defined in the development regulations applicable to the proposed project and if the proposed project meets the development regulations. In the absence of applicable development regulations, the city shall determine whether the items listed in this section are defined in the city's adopted comprehensive plan and if the proposed project meets the comprehensive plan policies. This **Determination of Consistency** shall include, but is not limited to, the following:

- a. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;
- b. The level of development, such as units per acre, floor area ratio, lot coverage, etc.;
- c. Availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by Chapter [36.70A](#) RCW; and
- d. Character of the development, such as development standards.

3. The project permit application shall be reviewed for consistency with all criteria set out in this title for the project permit application type(s).

B. Initial SEPA Analysis. The city shall review the project permit application under the requirements of SEPA, Chapter [43.21C](#) RCW; the SEPA rules, Chapter [197-11](#) WAC; and the city's SEPA regulations, Chapter [17.04](#) SMC. (Ord. 1367-22 § 2 (Exh. A); Ord. 1328-20 § 5 (Exh. A))

#### **16.06.060 Appeals.**

A. Appeal of Decisions. Project permit applications shall be appealable as provided in Table 16.06-B.

B. Consolidated Appeals.

1. All appeals of project permit application decisions, other than an appeal of determination of significance (DS), shall be considered together in a consolidated appeal.
2. Appeals of environmental determinations under SEPA shall proceed as an appeal of the underlying permit in the process set out in this chapter.

C. SEPA Appeals.

1. SEPA appeals associated with a Type I or II project permit application can be on procedural or substantive grounds and are administered as follows:
  - a. SEPA appeals shall be heard by the hearing examiner in consolidation with any appeal of the underlying project permit application.
  - b. Appeals shall only be of the determination of nonsignificance or mitigated determination of nonsignificance, or final determination if issued.
  - c. Appeal of a SEPA determination shall be made by filing an appeal form containing all of the information listed in subsection (D) of this section and other information as determined to be necessary by the director and paying the applicable fee set out by resolution.
  - d. Appeals shall be filed within 21 days of the issuance of a determination of nonsignificance where public comment is required.
  - e. Appeals shall be filed within 14 days after the issuance of a determination of significance with no comment period.

f. Appeals shall be filed within 14 days after a determination of nonsignificance is issued if such determination is issued at the same time a decision on a project permit is filed.

g. Appeals shall be consistent with the provisions of Chapter [43.21C](#) RCW and WAC [197-11-680](#).

2. SEPA appeals associated with Type III, IV, or V permits shall be to Snohomish County superior court within the provisions of this chapter, or to the Shorelines Hearings Board or the Growth Management Hearings Board consistent with state law.

D. Appeal Procedures. Appeals of the decision shall be governed by the following: 1. Standing.

Only parties of record have standing to appeal the decision maker's decision.

2. Time to File. An appeal of the decision maker's decision must be filed within 14 days after service or publication of the notice of decision or as stated in subsection (C) of this section. The appeal must be submitted before the end of business day on the last business day of the appeal period.

3. Computation of Time. For the purposes of computing the time for filing an appeal, the day the decision maker's decision is rendered shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, or a day designated by RCW [1.16.050](#) or by the city's ordinances as a legal holiday, then that day also is excluded and the filing must be completed by 4:30 p.m. on the next business day.

4. Content of Appeal. Appeals shall be in writing, be accompanied by the appeal fee, and contain the following information:

a. Appellant's name, address and phone number; appellant's statement describing his or her standing to appeal;

b. Identification of the application which is the subject of the appeal;

c. Appellant's statement of grounds for appeal and the facts upon which the appeal is based;

d. The relief sought;

e. A statement that the appellant has read the appeal and believes the contents to be true, signed by the appellant.

5. Effect. The timely filing of an appeal shall stay the effective date of the decision maker's decision until such time as the appeal is adjudicated or withdrawn.

E. Judicial Appeals. The city's final decision on an application may be appealed by a party of record with standing to file a land use petition in Snohomish County court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter [36.70C](#) RCW. (Ord. 1367-22 § 2 (Exh. A); Ord. 1328-20 § 5 (Exh. A))

**16.06.070 Open record public hearings.**

A. General. Public hearings on all Types III and IV project permit applications, as defined in SMC [16.06.020](#)(D), shall be conducted in accordance with this chapter.

B. Responsibility of Director. The director shall:

1. Schedule an application for public review and/or public hearing;

2. Give notice as required by SMC [16.06.040](#);

3. Prepare a staff report on the application, providing all pertinent information, including recommendations on project permits in the consolidated permit process that do not require an open record public hearing. The report shall state any mitigation required or proposed under the development regulations or the city's authority under SEPA. The staff report may constitute the permit and the notice of decision.

C. Conflict of Interest, Ethics, Open Public Meetings, Appearance of Fairness. The hearing body shall be subject to the code of ethics (RCW [35A.42.020](#)), prohibitions on conflict of interest (RCW [35A.42.020](#) and Chapter [42.23](#) RCW), Open Public Meetings Act (Chapter [42.30](#) RCW), and appearance of fairness (Chapter [42.36](#) RCW) as the same now exist or may hereafter be amended. (Ord. 1367-22 § 2 (Exh. A); Ord. 1328-20 § 5 (Exh. A))

#### **16.06.080 Appeals – Procedure.**

A. The appeal hearing shall be based on the record and no new evidence may be presented except as provided herein.

1. For director interpretations and Level I decisions and SEPA determinations for which there was no comment period, the record for appellate review may be supplemented by evidence of material facts that were not made part of the original record.

2. For Level II decisions and SEPA determinations for which there was a comment period, the record may be supplemented by additional evidence only if the additional evidence relates to:

a. Grounds for disqualification of the approving authority that made the decision, when such grounds were unknown by the petitioner at the time the record was created;

b. Matters that were improperly excluded from the record after being offered by a party to the approving authority; or

c. Matters that were outside the jurisdiction of the approving authority that made the decision.

3. If the appellate body allows the record to be supplemented, it shall require the parties to disclose before the appeal hearing the specific evidence they intend to offer. If any party, or anyone acting on behalf of any party, requests records under Chapter [42.56](#) RCW relating to the matters at issue, a copy of the request and response thereto shall simultaneously be given to all other parties and the appellate body.

4. The appellate body may require or permit corrections of ministerial errors or inadvertent omissions from the record of the approving authority.

B. The scope of an appeal shall be limited to issues timely raised by the appellant before the approving authority. An appellant shall be deemed to have waived any objection that was not raised at a time and in a manner to allow the approving authority to make correction prior to issuance of the decision which is the subject of the appeal.

C. The appellate body shall review the record and may grant relief only if the appellant has carried the burden of establishing that one of the standards set forth in subsections (C)(1) through (6) of this section applies:

1. The approving authority engaged in unlawful procedure or failed to follow prescribed process, unless the error was harmless;

2. The decision of the approving authority is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by the approving authority with expertise;

3. The decision of the approving authority is not supported by substantial evidence when viewed in light of the whole record before the appellate body;

4. The decision of the approving authority is a clearly erroneous application of the law to the facts;

5. The decision of the approving authority is outside the authority or jurisdiction of the body or officer making the decision;

6. The decision of the approving authority violates the constitutional rights of the party seeking relief.

D. The appellant, respondent and city staff shall be permitted to address the appellate body and present argument upon the appeal. Such argument may not be used to introduce new evidence into the record except as provided in subsection (A) of this section.

E. Copies of the administrative appeal decision shall be sent to the appellant and to other parties of record as soon as practicable following the hearing at which the appeal is considered and, if applicable, within the time required by state law. (Ord. 1367-22 § 2 (Exh. A))

**Chapter 16.12  
PERMITTED USES – TABLES OF DIMENSION AND DENSITY REQUIREMENTS**

Sections:

- 16.12.010 Low density residential (LDR) zone.**
- 16.12.020 Moderate density residential (MDR) zone.**
- 16.12.030 High density residential (HDR) zone.**
- 16.12.040 Neighborhood commercial (NC) zone.**
- 16.12.050 Urban center (UC) zone.**
- 16.12.060 Highway-oriented commercial (HOC) zone.**
- 16.12.070 Manufacturing (M) zone.**
- 16.12.080 Public buildings, parks and open spaces (PB/P/OS) zone.**
- 16.12.090 Religious Organization (RO) Density Bonus Overlay.**

**16.12.010 Low density residential (LDR) zone.**

A. Purpose. The purpose of the low density residential zone is to provide for low density (4.5-plus units per acre) residential development of single-family and accessory dwelling units and other uses associated and accessory to large lot, low density residential development, with development patterns that provide for private yards and larger detached houses.

B. Permitted Uses.

1. Single-family detached dwellings;
2. Accessory buildings and structures to single-family detached dwellings;
4. Group homes;
5. Accessory dwelling units (up to 2 per lot);
6. Home occupations;
7. Guest houses containing four guest bedrooms or less;
8. Transitional Housing<sup>7</sup>;
9. Permanent Supportive Housing<sup>7</sup>.

C. Conditional Uses.

1. Elementary schools;
2. Clustered housing of single-family detached dwellings.<sup>1</sup>
3. Family day care providers

D. Table of Dimension and Density Requirements.

**Low Density Residential (LDR) Zone  
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>4, 5</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Single-Family Detached Dwellings <sup>6</sup>	5	8,600 sq. ft.	70	100	20	5	15	30	50
Group Homes	5	8,600 sq. ft.	70	100	20	5	15	30	50
Accessory Dwelling Units (up to 2 per lot)	*	n/a	70	100	20	5	15	30	50
Home Occupations	–	n/a	70	100	20	5	15	30	50
Accessory	–	n/a	70	100	20	5	15	30	50



Buildings/Structures									
Transitional Housing <sup>7</sup>	–	8,600 sq. ft.	70	100	20	5	15	30	50
Permanent Supportive Housing <sup>7</sup>	–	8,600 sq. ft.	70	100	20	5	15	30	50
Guest Houses <sup>1</sup>	4 guest rooms	8,600 sq. ft.	70	80	20	5	15	30	50
Elementary Schools <sup>3</sup>	–	5 acres <sup>2</sup>	300	300	25	25	50	50	50

<sup>1</sup> Guest houses shall not exceed a total of four bedrooms in the LDR zone.

<sup>2</sup> Plus one acre per 100 students.

<sup>3</sup> Conditional use.

<sup>4</sup> All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks.

<sup>5</sup> Eaves of a dwelling or accessory structure may project 18 inches from the line of the setback toward a property line when the setback is at least five feet, and 16 inches toward a property line when the setback is at least six feet. All other uses shall conform to the requirements of the International Building Code Sections 503.2 and 705.

<sup>6</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

<sup>7</sup> Transitional Housing and Permanent Supportive Housing are permitted by right and can take the form of any housing type provided the dimensional and density standards for the zone are met. See SMC 16.68.010 for additional requirements.

\* Two ADUs are permitted on the lot of a principal single-family dwelling unit. ~~Units/acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.~~

(Ord. 1263-17 (Exh. A); Ord. 1244-16 § 3 (Exh. A))

**16.12.020 Moderate density residential (MDR) zone.**

A. Purpose. The purpose of the moderate density residential zone is to provide for moderate density (six to nine units per acre) residential development of duplex, zero lot line attached dwelling, single-family and accessory dwelling units and other uses associated and accessory to small yard, moderate density residential development, with development patterns that provide for more affordable detached and duplex housing.

B. Permitted Uses.

1. Duplexes/two-family dwellings;
2. Zero lot line, attached dwellings;
- 3 Single-family detached dwellings;
- 4 Accessory buildings and structures to single-family and two-family dwellings;
- 5 Group homes;
- 6 Accessory dwelling units (up to 2 per lot);
- 7 Home occupations;
- 8 Guest houses, containing six guest bedrooms or less,
8. Transitional Housing<sup>8</sup>;
9. Permanent Supportive Housing<sup>8</sup>.

C. Conditional Uses.

1. Elementary, middle and high schools;
2. Clustered housing of single-family detached dwellings;<sup>2</sup>
3. Preschools;<sup>1</sup>
4. Daycare centers;<sup>1</sup>
5. Houses of worship;
6. Community centers.

D. Table of Dimension and Density Requirements.

**Moderate Density Residential (MDR) Zone  
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>4, 5, 6</sup>			Max. Bldg. Hgt. (ft) <sup>9</sup>	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Duplexes/Two-Family Dwellings	9-12	<del>10,000</del> 7,000 sq. ft.	<del>70</del> 50	80	20	5	10	30	60
Zero Lot Line Dwellings <sup>4</sup>	8	5,000 sq. ft.	50	80	20	10 <sup>7</sup>	10	30	60
Single-Family Detached Dwellings	10	4,500 sq. ft.	50	80	20	5	10	30	60
Single-Family Detached Dwellings (Clustered) <sup>3</sup>	8	6,000 sq. ft.	50	80	20	5	10	30	60
Transitional Housing <sup>8</sup>	—	4,500 sq. ft.	50	80	20	5	10	30	60
Permanent Supportive Housing <sup>8</sup>	—	4,500 sq. ft.	50	80	20	5	10	30	60
Group Homes	8-10	<del>6,000</del> 4,500 sq. ft.	50	80	20	5	10	30	60

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>4, 5, 6</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Accessory Dwelling Units (up to 2 per lot)	*	n/a	50	80	20	5	10	30	60
Home Occupations	—	n/a	50	80	20	5	10	30	60
Accessory	—	n/a	50	80	20	5	10	30	60

Buildings/Structures									
Guest Houses <sup>1</sup>		6,000 sq.	50	80	20	5	10	30	60
Daycare Centers <sup>3</sup>	–	6,000 sq. ft.	50	80	20	10	10	30	60
Preschools <sup>3</sup>	–	6,000 sq. ft.	50	80	20	10	10	30	60
Elementary Schools <sup>3</sup>	–	5 acres <sup>2</sup>	300	300	25	25	50	50	60
Middle Schools <sup>3</sup>	–	5 acres <sup>2</sup>	300	300	25	25	50	50	60
High Schools <sup>3</sup>	–	5 acres <sup>2</sup>	500	500	50	50	50	50	60
Community Centers <sup>3</sup>	–	0.5 acres	100	100	25	15	25	30	60
Houses of Worship <sup>3</sup>	–	0.5 acres	100	200	25	15	25	30	60

<sup>1</sup> Guest houses shall not exceed a total of six guest rooms in the MDR zone.

<sup>2</sup> Plus one acre per 100 students.

<sup>3</sup> Conditional use.

<sup>4</sup> All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks, except for the zero setback for joint side yard in a zero lot line development.

<sup>5</sup> Eaves of a dwelling or accessory structure may project 18 inches from the line of the setback toward a property line when the setback is at least five feet, and 16 inches toward a property line when the setback is at least six feet. All other uses shall conform to the requirements of the International Building Code Sections 503.2 and 705.

<sup>6</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

<sup>7</sup> See SMC [16.04.260\(2\)](#).

<sup>8</sup> Transitional Housing and Permanent Supportive Housing are permitted by right and can take the form of any housing type provided the dimensional and density standards for the zone are met. See SMC 16.68.010 for additional requirements.

<sup>9</sup> Flood pedestals are encouraged in flood-prone areas. Flood pedestals will not be counted towards building height and should be sized according to need based on FEMA flood maps.

\* Two ADUs are permitted on the lot of a principal single-family dwelling unit. ~~Units/acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.~~

(Ord. 1263-17 (Exh. A); Ord. 1244-16 § 3 (Exh. A))

### 16.12.030 High density residential (HDR) zone.

A. Purpose. The purpose of the high density residential zone is to provide for high density (nine to 24 units per acre) residential development of multifamily, two-family, and single-family dwelling units and other uses associated with and accessory to common yard, high density residential development, with development patterns that provide for the greatest range of affordable housing options.

B. Permitted Uses.

1. ~~Multifamily dwellings;~~ Apartments/multifamily dwellings
2. Duplexes/two-family dwellings;
3. Townhouses;
4. Single-family dwellings, detached;
5. Accessory buildings and structures to residential uses;

- 6. Boarding houses;
- 7. Residential care facilities;
- 8. Group homes;
- 9. Accessory dwelling units (up to 2 per lot);
- 10. Home occupations;
- 11. Guest houses containing eight guest bedrooms or less,
- 10. Transitional Housing<sup>9</sup>;
- 11. Permanent Supportive Housing<sup>9</sup>.

C. Conditional Uses.

- 1. Elementary, middle, and high schools;
- 2. Preschools;<sup>3</sup>
- 3. Daycare centers;<sup>1</sup>
- 4. Houses of worship;
- 5. Community centers.

D. Table of Dimension and Density Requirements.

**High Density Residential (HDR) Zone  
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>4, 5, 6, 7</sup>			Max. Bldg. Hgt. (ft) <sup>10</sup>	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
<del>Multiple-Family Dwellings</del> Apartments/ multifamily dwellings	24	8,000 sq. ft. for first <del>3</del> 4 units + <del>2,000</del> 1,000 sq. ft. additional lot area for each additional unit	60	80	25	5	15	30	60
Duplexes/Two-Family Dwellings	<del>12</del> 22	<del>6,000</del> 4,000 sq. ft.	40	80	20	5	10	30	60
Townhouses	<del>12</del> 14	<del>3,600</del> 3,000 sq. ft.	<del>40</del> 30	80	0	5 <sup>8</sup>	15	30	60
Single-Family Detached Dwellings	12	3,600 sq. ft.	40	80	20	5	10	30	60
Single-Family Detached Dwellings (Clustered) <sup>3</sup>	<del>10</del> 12	5,000 sq. ft.	40	80	20	5	10	30	60

Group Homes	<del>4-12</del>	<del>5,000</del> 3,600 sq. ft.	<del>50</del> 40	80	20	10	10	30	60
Accessory Dwelling Units (up to 2 per lot)	*	n/a	40	80	20	5	10	30	60
Home Occupations	–	n/a	40	80	20	5	10	30	60
Accessory Buildings/Structures	–	n/a	40	80	20	5	10	30	60
Guest Houses <sup>1</sup>		5,000 sq. ft.	50	100	25	5	10	30	60
Transitional Housing <sup>9</sup>	–	3,600 sq. ft.	40	80	20	5	10	30	60
Permanent Supportive Housing <sup>9</sup>	–	3,600 sq. ft.	40	80	20	5	10	30	60
Boarding Houses	10 rooms	10,000 sq. ft.	50	100	25	10	10	30	60
Residential Care Facilities	10 rooms	10,000 sq. ft.	60	100	25	10	10	30	60
Daycare Centers <sup>3</sup>	–	5,000 sq. ft.	60	80	20	10	10	30	60
Preschool Facilities <sup>3</sup>	–	5,000 sq. ft.	60	80	20	10	20	30	60
Elementary Schools <sup>3</sup>	–	105 acres <sup>2</sup>	300	300	25	25	50	50	60
Middle Schools <sup>3</sup>	–	5 acres <sup>2</sup>	300	300	25	25	50	50	60
High Schools <sup>3</sup>	–	5 acres <sup>2</sup>	500	500	50	50	50	50	60
Community Centers <sup>3</sup>	–	0.5 acres	100	100	25	25	25	30	60
Houses of Worship <sup>3</sup>	–	0.5 acres	100	100	25	25	25	30	60

<sup>1</sup> Guest houses shall not exceed a total of eight guest rooms in the HDR zone.

<sup>2</sup> Plus one acre per 100 students.

<sup>3</sup> Conditional use.

<sup>4</sup> All site and development plans including lots within short and formal subdivisions and zero lot line subdivisions shall show building envelopes based on minimum yard setbacks.

<sup>5</sup> Eaves of a dwelling or accessory structure may project 18 inches from the line of the setback toward a property line when the setback is at least five feet, and 16 inches toward a property line when the setback is at least six feet. All other users shall conform to the requirements of the International Building Code Sections 503.2 and 705.

<sup>6</sup> No portion of a building wall 10 feet to 20 feet in height shall be closer than 10 feet. No portion of a building wall 20 feet to 30 feet in height shall be closer than 15 feet.

<sup>7</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

<sup>8</sup> See SMC [16.04.200\(12\)](#).

<sup>9</sup> Transitional Housing and Permanent Supportive Housing are permitted by right and can take the form of any housing type provided the dimensional and density standards for the zone are met. See SMC 16.68.010 for additional requirements.

<sup>10</sup> Flood pedestals are encouraged in flood-prone areas. Flood pedestals will not be counted towards building height and should be sized according to need based on FEMA flood maps.

\* Two ADUs are permitted on the lot of a principal single-family dwelling unit. ~~Units/acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.~~

(Ord. 1263-17 (Exh. A); Ord. 1244-16 § 3 (Exh. A))

#### **16.12.040 Neighborhood commercial (NC) zone.**

A. Purpose. The purpose of the neighborhood commercial zone is to provide for convenient location of small-scale commercial uses similar to home occupations and primarily serving local residents, thereby reducing longer vehicular trips and traffic congestion on city streets and encouraging pedestrian and nonmotorized modes of transportation. Neighborhood commercial zones are intrinsically small nodes (less than five acres in size), interspersed within larger residential zones (not closer than one mile from each other).

#### B. Permitted Uses.

1. Retail sales stores (under 5,000 square feet) providing household staples:
  - a. Convenience stores and grocery stores;
  - b. Bookstores;
  - c. Gift shops;
  - d. Craft and art supply stores/picture and framing shops/artist galleries and studios;
  - e. Restaurant establishments (carry-out);
  - f. Coffee shops and espresso stands.
2. Personal service establishments, providing services to individuals:
  - a. Barbershop, hair salon, health spa and beauty salon establishments;
  - b. Daycare centers;
  - c. Self-service laundromats.
3. Residential uses:
  - a. ~~Multifamily dwellings; Apartments/ multifamily dwellings~~<sup>9</sup>
  - b. Duplexes/two-family dwellings;
  - c. Single-family ~~detached~~ dwellings, ~~including attached and detached dwellings;~~
  - d. Townhomes (attached single-family dwellings)
  - e. Group homes;
  - f. Guest houses;
  - g. Boarding houses;
  - g. Residential care facilities;
  - ~~h. Second-story Residential dwellings over commercial/office development;~~
  - i. Accessory dwelling units (up to 2 per lot);
  - j. Home occupations;
  - k. Accessory buildings and structures to residential uses,
  - l. Transitional Housing<sup>8</sup>;
  - m. Permanent Supportive Housing<sup>8</sup>.
4. Business service establishments:
  - a. Accounting services offices;
  - b. Financial services and insurance offices;

c. Legal services offices;

d. Real estate sales offices.

C. Conditional Uses.

1. Automobile service stations.

D. Table of Dimension and Density Requirements.

**Neighborhood Commercial (NC) Zone<sup>2</sup>**  
**Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>4, 5, 6, 7</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Side	Rear		
Single-Family Detached Dwellings	10	<del>5,000</del> 4,000 sq. ft.	50	80	20	10	10	30	60
Townhouses (Attached Single-Family Dwellings) <sup>4</sup>	10	<del>5,000</del> 3,600 sq. ft.	50	80	<del>10</del> 20	<del>5</del> 10	10	30	60
Duplexes/Two-Family Dwellings	12	6,000 sq. ft.	60	80	20	10	10	30	60
<del>Multiple-Family Dwellings</del> Apartments/ multifamily dwellings <sup>9</sup>	24	8,000 sq. ft. for first <del>3</del> 4 units + <del>2,000</del> 1,000 sq. ft. additional lot area for each additional unit	70	100	20	10	15	30	60
<del>Residential over Commercial/Office</del>	<del>24</del>	<del>8,000 sq. ft. for first 3 units + 2,000 sq. ft. additional lot area for each additional unit</del>	-	-	-	-	-	<del>30</del>	-
Transitional Housing <sup>8</sup>	-	4,000 sq. ft.	50	80	20	10	10	30	60
Permanent Supportive Housing <sup>8</sup>	-	4,000 sq. ft.	50	80	20	10	10	30	60
Group Homes	<del>8</del> 10	<del>5,000</del>	<del>60</del>	80	20	10	10	30	60

		4,000 sq. ft.	50						
Boarding Houses	10 rooms	10,000 sq. ft.	100	100	25	10	15	30	60
Residential Care Facilities	10 rooms	10,000 sq. ft.	100	100	25	10	15	30	60
Accessory Dwelling Units (up to 2 per lot)	*	n/a	60	80	20	10	10	30	60
Guest Houses <sup>1</sup>		ns 5,000 sq. ft.	60	80	20	10	10	30	80
Daycare Centers	–	5,000 sq. ft.	60	80	20	10	10	30	60
Retail Trade Establishments	–	2,500 sq. ft.	20	75	0	0	15	30	80
Personal Service Establishments	–	2,500 sq. ft.	20	75	0	0	15	30	80
Business/Professional Services Establishments	–	2,500 sq. ft.	20	75	0	0	15	30	80
Office Buildings	–	6,000 sq. ft.	50	75	0	0	35	30	60
Automobile Service Stations <sup>3</sup>	–	10,000 sq. ft.	60	75	0	0	10	30	90

<sup>1</sup> Guest houses shall not exceed a total of eight guest rooms.

<sup>2</sup> Neighborhood commercial zones shall not exceed five acres in size and shall not be located closer than one mile from an existing NC zone. <sup>3</sup> Conditional use.

<sup>4</sup> All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks, except for no required side yard setback adjacent to another townhouse single-family dwelling.

<sup>5</sup> Eaves of a dwelling or accessory structure may project 18 inches from the line of the setback toward a property line when the setback is at least five feet, and 16 inches toward a property line when the setback is at least six feet. All other users shall conform to the requirements of the International Building Code Sections 503.2 and 705.

<sup>6</sup> No portion of a building wall 10 feet to 20 feet in height shall be closer than 10 feet. No portion of a building wall 20 feet to 30 feet in height shall be closer than 15 feet.

<sup>7</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

<sup>8</sup> Transitional Housing and Permanent Supportive Housing are permitted by right and can take the form of any housing type provided the dimensional and density standards for the zone are met. See SMC 16.68.010 for additional requirements.

<sup>9</sup> Apartments may be built as part of a mixed use development within the same building or on the same lot as other permitted uses.

\* Two ADUs are permitted on the lot of a principal single-family dwelling unit. ~~Units/acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.~~

(Ord. 1263-17 (Exh. A); Ord. 1244-16 § 3 (Exh. A))



### 16.12.050 Urban center (UC) zone.

A. Purpose. The purpose of the urban center zone is to provide a mixed-use downtown for high density residential, commercial, office, and other central business district functions supported by a full range of pedestrian-oriented activities and urban services to establish a close-knit urban center.

"Mixed-use" zoning means zoning that permits a combination of typically separated uses within a single development or in close proximity. Mixed use in an urban context refers to usually a single building or complex of buildings with more than one type of activity such as residential and commercial uses taking place within its confines. An example of such a type of development could have retail stores on the ground floor, offices above the ground floor, and residential units above the offices. Other combinations of uses may also occur in a mixed-use setting.

#### B. Permitted Uses.

1. Residential. Buildings occupied or intended to be occupied exclusively for residential purposes and supporting activities.

a. Single-family attached and detached dwellings;

b. ~~Multiple-Family Dwellings~~ Apartments/ multifamily dwellings<sup>10</sup>

c. Boarding houses;

~~d. Second-story Residential dwellings over commercial/office development;~~

d. Accessory dwelling units (up to 2 per lot),

e. Transitional Housing<sup>7</sup>;

f. Permanent Supportive Housing<sup>7</sup>.

g. Live/Work dwelling units

2. Hotels and Guest Houses. Any building used or intended to be used, rented, or hired out to be occupied for sleeping purposes by guests.

a. Guest houses;

b. Hotels;

c. Lodging houses;

d. Motels,

e. Emergency shelters<sup>9</sup>,

f. Emergency housing<sup>9</sup>.

3. Retail Trade Establishments. Establishments primarily engaged in providing finished products to individuals.

a. Apparel and accessories shops;

b. Book and stationery stores;

c. Candy stores;

d. Craft and artisan shops and studios;

e. Dairy products stores;

f. Electrical and electronic products stores;

g. Florist shops;

h. Furniture stores;

i. Grocery stores (under 10,000 square feet);

- j. Boutique and gift shops;
- k. Household items stores;
- l. Office furnishings and equipment stores;
- m. Computer, telephone, and photographic equipment stores;
- n. Sporting goods stores;
- o. Retail food establishments (all types except drive-in restaurants);
- p. Coffee shops;
- q. Jewelry shops;
- r. Pharmacy/drug stores;
- s. Pawnshops;
- t. Antique stores;
- u. Theaters, art galleries, and museums;
- v. Bars, taverns, and cocktail lounges;
- w. Bakery shops;
- x. Convenience stores;
- y. Parking structures.

4. Personal Service Establishments. Establishments primarily engaged in providing services to

individuals. a. Barber shops;

b. Beauty salons;

c. Private clubs;

d. Health spas (including massage therapy with practitioners certified and licensed by the state of Washington);

e. Fitness centers and gymnasiums;

f. Bicycle repair shops;

g. Shoe repair shops;

h. Tailor shops;

i. Laundromats/laundry and dry cleaning establishments;

j. Daycare centers;

k. Funeral homes/mortuaries;

l. Banks;

m. Tattoo parlors (with practitioners certified and licensed by the state of Washington).

5. Business or Professional Service Establishments. Establishments primarily engaged in rendering services to businesses or private individuals on a contract or fee basis.

a. Advertising agency offices;

b. Legal offices;

c. Accounting offices;

d. Finance, insurance, and real estate offices;

- e. Employment offices;
  - f. Health care facilities/doctors' and dentists' offices;
  - g. Veterinary clinics (not to include animal kennels);
  - h. Travel agency offices;
  - i. Professional consultant offices;
  - j. Offset printing and publishing/photocopying/photo processing shops.
6. Government and Community Services Facilities. Government agencies and entities that provide executive, legislative, judicial, regulatory, and administrative functions to the community. Community service facilities that provide places of public assembly such as community centers and houses of worship.

- a. Post offices;
- b. Courthouses;
- c. Government offices;
- d. Public safety (police/fire) stations;
- e. Libraries;
- f. Community centers;
- g. Houses of worship;
- h. Public transit stations and bus stops.

7. Recreational Facilities. Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.

- a. Urban parks;
- b. Playgrounds;
- c. Tot lots;
- d. Night clubs;
- e. Game/video arcades.

C. Performance Standards. All of the permitted and conditional uses in the UC zone shall comply with all of the standards for each use, as specified in the following table of dimension and density requirements, and any additional performance standards that may apply to the proposed development, which may include:

- 1. Residential performance standards (including subdivision regulations);
- 2. Nonresidential performance standards;
- 3. Off-street parking and loading standards;
- 4. Sign standards;
- 5. Recreational and open space standards;
- 6. Streams and wetlands standards;
- 7. Landscape standards;
- 8. Stormwater management standards;
- 9. Shoreline management standards;
- 10. Vegetation protection standards;
- 11. Floodplain protection standards;
- 12. Fish and wildlife areas protection standards.

D. Conditional Uses.

1. Drive-through restaurants, coffee stands, etc.;<sup>4</sup>
2. Drive-through banks;<sup>1</sup>
3. Seasonal parking facilities;<sup>1</sup>
4. Espresso stands;<sup>1</sup>
5. Car washes;<sup>1</sup>
6. Automobile service stations;
7. Automobile repair shops (conducted inside a building);
8. Farmers markets (regularly or seasonally scheduled on a weekly basis);<sup>1</sup>

~~9. Mixed-use developments.~~

E. Table of Dimension and Density Requirements.

**Urban Center (UC) Zone<sup>1,2</sup>**  
**Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>5</sup>			Max. Bldg. Hgt. (stories/ft) <sup>8</sup>	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Side	Rear		
Single-Family Detached/Attached Dwellings	<del>40</del> 18	<del>5,000</del> 3,600 sq. ft.	<del>40</del> 30	80	20	IBC <sup>6</sup>	10	<del>3/35</del> 30	80
<del>Multiple-Family Dwellings</del> Apartments/ multifamily dwellings <sup>10</sup>	24	8,000 sq. ft. for first <del>3</del> 4 units + <del>2,000</del> 1,000 sq. ft. additional lot area for each additional unit	50	100	20	10	10	<del>3/35</del> 30	80
Duplexes/Two-Family Dwellings	<del>42</del> 22	<del>7,000</del> sq. ft. 4,000 sq. ft.	<del>60</del> 40	80	20	<del>40</del> 5	10	<del>3/35</del> 30	80
Transitional Housing <sup>7</sup>	—	4,000 sq. ft.	40	80	20	10	10	<del>3/35</del> 30	80
Permanent Supportive Housing <sup>7</sup>	—	4,000 sq. ft.	40	80	20	10	10	<del>3/35</del> 30	80
Emergency shelters <sup>9</sup>	30 beds/sleeping units	8,000 sq. ft.	60	80	20	10	10	<del>3/35</del> 30	80
Emergency Housing <sup>9</sup>	30 beds/sleeping units	8,000 sq. ft.	60	80	20	10	10	<del>3/35</del> 30	80
Live/Work dwelling units	24	4,000 sq. ft.	60	80	20	10	10	<del>3/35</del> 30	80

Boarding Houses	12 (rooms)	10,000 sq. ft.	60	80	20	10	10	<del>3/35</del> 30	80
Residential Care Facilities	12 (rooms)	10,000 sq. ft.	60	80	20	10	20	<del>3/35</del> 30	80
Residential over Commercial/Office	24	8,000 sq. ft. for first 3-4 units + 2,000-1,000 sq. ft. additional lot area for each additional unit	-	-	-	-	-	<del>3/35</del> 30	-
Accessory Dwelling Units (up to 2 per lot)	*	n/a	60	80	20	10	10	<del>3/35</del> 30	80
Guest Houses	-	5,000 sq. ft.	60	80	20	10	10	<del>3/35</del> 30	80
Retail Trade Establishments	-	3,500 sq. ft.	20	75	0	0	10	<del>3/35</del> 30	90
Personal Services Establishments	-	2,500 sq. ft.	20	75	0	0	10	<del>3/35</del> 30	90
Business/Professional Services Establishments	-	2,500 sq. ft.	20	75	0	0	10	<del>3/35</del> 30	90
Post Offices	-	0.5 acres	40	200	0	0	10	<del>3/35</del> 30	90
Courthouses/Government Offices	-	0.5 acres	40	100	0	0	10	<del>3/35</del> 30	90
Office Buildings	-	5,000 sq. ft.	40	75	0	0	10	<del>3/35</del> 30	90
Public Safety (Police/Fire) Stations	-	10,000 sq. ft.	40	200	0	0	10	<del>3/35</del> 30	90
Libraries	-	10,000 sq. ft.	40	75	0	0	10	<del>3/35</del> 30	90
Houses of Worship	-	10,000 sq. ft.	40	100	10	25	10	<del>3/35</del> 30	90
Community Centers	-	10,000 sq. ft.	40	100	10	25	10	<del>3/35</del> 30	90
Urban Parks <sup>4</sup>	-	-	-	-	-	-	-	<del>3/35</del> 30	40
Theaters	-	8,000 sq. ft.	40	80	0	0	10	<del>3/35</del> 30	90
Museums/Art Galleries	-	5,000 sq. ft.	40	80	0	0	10	<del>3/35</del> 30	90

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>5</sup>			Max. Bldg. Hgt. (stories/ft) <sup>8</sup>	Max. Lot Coverage (%)
		Area	width	depth	front	(ft) Rear	rear		
Night Clubs	–	5,000 sq. ft.	40	80	0	0	10	<del>3/35</del> 30	90
Health Clubs	–	5,000 sq. ft.	40	80	0	0	10	<del>3/35</del> 30	90
Public Transit Stations/Off-Street Bus Stops	–	0.05 acres	100	200	25	25	10	<del>3/35</del> 30	75
Automobile Repair Shops (in bldg) <sup>3</sup>	–	10,000 sq. ft.	60	75	0	0	10	<del>3/35</del> 30	90
Automobile Service Stations <sup>3</sup>	–	10,000 sq. ft.	60	75	0	0	10	<del>3/35</del> 30	90
Car Wash Facilities <sup>3</sup>	–	10,000 sq. ft.	60	75	0	0	10	<del>3/35</del> 30	90
Farmers Markets (regularly or seasonally scheduled on a weekly basis) <sup>3</sup>	–	–	–	–	–	–	–	<del>3/35</del> 30	–
<del>Mixed-Use Developments<sup>3</sup></del>	<del>–</del>	<del>10,000 sq. ft.</del>	<del>75</del>	<del>200</del>	<del>0</del>	<del>0</del>	<del>10</del>	<del>3/35</del> <del>30</del>	<del>90</del>
Parking Structures <sup>3</sup>	–	5,000 sq. ft.	75	75	0	0	10	<del>3/35</del> 30	90
Seasonal Parking Facilities <sup>3</sup>	–	1,000 sq. ft.	50	50	0	0	10	<del>3/35</del> 30	90

<sup>1</sup> New buildings in special flood hazard areas identified on FIRM maps shall be built to base flood elevations as determined by FEMA.

<sup>2</sup> Pedestrian-oriented improvements and shared parking provisions are encouraged in lieu of on-site surface parking lots. <sup>3</sup> Conditional use.

<sup>4</sup> Minimum dimension requirements for recreational facilities shall be established by the building and zoning official, based on the recreation performance standards.

<sup>5</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

<sup>6</sup> Per the International Building Code (IBC) or three feet. Shall meet the minimum allowed building separation from adjacent buildings/structures.

<sup>7</sup> Transitional Housing and Permanent Supportive Housing are permitted by right and can take the form of any housing type provided the dimensional and density standards for the zone are met. See SMC 16.68.010 for additional requirements.

<sup>8</sup> Flood pedestals are encouraged in flood-prone areas. Flood pedestals will not be counted towards building height and should be sized according to need based on FEMA flood maps.

<sup>9</sup> See SMC 16.68.020 for additional requirements.

<sup>10</sup> Apartments may be built as part of a mixed use development within the same building or on the same lot as other permitted uses.

\* Two ADUs are permitted on the lot of a principal single-family dwelling unit. ~~Units/acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.~~

(Ord. 1263-17 (Exh. A); Ord. 1244-16 § 3 (Exh. A))

### **16.12.060 Highway-oriented commercial (HOC) zone.**

A. Purpose. ~~The highway-oriented commercial zone is a Mixed-Use Corridor. This zone is intended to absorb much of Sultan's anticipated employment and housing growth. The Highway-oriented commercial zone provides space for more intensive commercial uses, denser residential development, civic, and entertainment uses, and taller buildings up to four stories. Potential subarea planning can create future opportunities for coordinated and connected development. Development should capitalize on proximity to US-2 while still prioritizing the safety and comfort of pedestrians and non-motorized transportation. The purpose of the highway-oriented commercial zone is to provide a more intensive commercial zone that can accommodate large scale, automobile-oriented activities along Route 2.~~

#### B. Permitted Uses.

##### 1. Residential Uses

- a. Apartments/ multifamily dwellings<sup>9</sup>
- b. Transitional Housing<sup>7</sup>
- c. Permanent Supportive Housing<sup>7</sup>
- d. Emergency shelters<sup>8</sup>
- e. Emergency housing<sup>8</sup>

~~4~~2. Hotels and Motels. Any building used or intended to be used, rented, or hired out to be occupied for sleeping purposes by guests.

~~2~~3. Retail Trade Establishments/Wholesale Trade Establishments.

- a. Pawnshops;
- b. Bakery shops;
- c. Apparel and accessories shops;
- d. Florist shops and plant nurseries;
- e. Book, stationery, and office supply stores;
- f. Electrical and electronic products shops;
- g. Furniture stores;
- h. Handicraft and art supply stores;
- i. Hardware and home building supply stores;
- j. Grocery stores and supermarkets;
- k. Household items stores;
- l. Office furnishings and equipment stores;
- m. Computer, telephone, and photographic equipment stores;
- n. Sporting goods stores;
- o. Automobile service stations;

- p. Car washes;
- q. Truck stops;
- r. Automobile and truck sales and services;
- s. Automobile rental agencies;
- t. Automotive parts store;
- u. Shopping centers;
- ~~v. Mixed-use developments;~~
- w. Retail food establishments;
- x. Coffee shops and espresso stands;
- y. Convenience stores;
- z. Pharmacy/drug stores;
- aa. Bars/taverns/cocktail lounges;
- bb. Theaters/museums/art galleries;
- cc. Public transit terminals;
- dd. Recreational vehicle and boat sales ~~and services;~~
- ~~ee. Recreational vehicle and boat storage inside a building;~~
- ff. Other retail sales establishments (not including marijuana sales and distribution).

~~3-4~~. Personal Service Establishments. Establishments primarily engaged in providing services to individuals.

- a. Barber shops;
- b. Beauty salons;
- c. Health spas (including massage therapy with practitioners certified and licensed by the state of Washington);
- d. Fitness centers/gymnasiums;
- e. Private clubs;
- f. Funeral homes/mortuaries;
- g. Shoe repair shops;
- h. Laundromats/laundry and dry-cleaning establishments;
- i. Daycare centers;
- j. Banks;
- k. Tattoo parlors (with practitioners certified and licensed by the state of Washington).

~~4-5~~. Business and Professional Offices. Establishments primarily engaged in rendering services to businesses or private individuals on a contract or fee basis.

- a. Advertising agency offices;
- b. Accounting offices;
- c. Legal offices;
- d. Finance, insurance, and real estate offices;
- e. Health care facilities/doctors' and dentists' offices;



- f. Employment offices;
- g. Travel agency offices;
- h. Professional consultant offices;
- i. Offset printing and publishing/photocopying/photo processing shops;
- j. Hospitals and medical clinics;
- k. Veterinary clinics/animal kennels and shelters.

**5-6. Government and Community Services Facilities.** Government agencies and entities that provide administrative and related services to the community. Community service facilities that provide places of public assembly such as community centers and houses of worship.

- a. Libraries;
- b. Government offices;
- c. Post offices;
- d. Public safety (police/fire) stations;
- e. Community centers;
- f. Houses of worship;
- g. Public transit stations and bus stops.

**6-7. Recreational and Entertainment Facilities.** Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.

- a. Ballfields;
- b. Urban parks;
- c. Night clubs combined with a bar or restaurant, etc.;
- d. Game/video arcades.

**7-8. Miscellaneous Associated Facilities.**

- a. Recreational vehicle parks;
- ~~b. Recreational vehicle and boat storage (within a building).~~

**~~C. Accessory Uses:~~**

- ~~1. Apartment accessory to a permitted commercial use.~~
- ~~2. Residential dwellings above ground floor commercial.~~

**D. Conditional Uses.**

- 1. Manufacturing.
  - a. Food processing in conjunction with retail sales of food/beverage products;
  - b. Light manufacturing of finished products for retail and wholesale delivery;<sup>5</sup>
- 2. Seasonal parking facility;<sup>1</sup>
- 3. Parking structures as part of retail trade shopping center or mixed-use development;<sup>1</sup>
- 4. Private schools;
- 5. Farmers market;<sup>1</sup>
- 6. Agricultural produce stands as part of a retail trade shopping center, farmers market, or community center;<sup>1</sup>
- 7. Flea markets as part of a retail trade shopping center, farmers market, or community center.<sup>1</sup>

**E. Performance Standards.** All of the permitted and conditional uses in the HOC zone shall comply with all of the standards

for each use, as specified in the following table of dimension and density requirements, and any additional performance standards that may apply to the proposed development, which may include:

1. Nonresidential performance standards;
2. Off-street parking and loading standards;
3. Sign standards;
4. Hillside and geologically hazardous development standards;
5. Recreational and open space standards;
6. Streams and wetlands standards;
7. Landscape standards;
8. Stormwater management standards;
9. Shoreline management standards;
10. Vegetation protection standards;
11. Floodplain protection standards;
12. Wellfield/groundwater protection standards;
13. Fish and wildlife areas protection standards;
14. Industrial park master plan.

F. Table of Dimension and Density Requirements.

**Highway-Oriented Commercial (HOC) Zone  
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>5</sup>			Max. Bldg. Hgt. (stories/ft) <sup>6</sup>	Max. Lot Coverage (%)
		Area	Width	Depth	Front	Side	rear		
Retail/Wholesale Trade Establishments	–	6,000 sq. ft.	50	80	25	10	15	4/48 <del>30</del>	85
Personal Service Establishments	–	6,000 sq. ft.	50	80	25	10	15	4/48 <del>30</del>	85
Business/Professional Services Establishments	–	6,000 sq. ft.	50	80	25	10	15	4/48 <del>30</del>	85
Transitional Housing <sup>7</sup>	–	7,500 sq. ft.	75	100	25	10	15	4/48	85
Permanent Supportive Housing <sup>7</sup>	–	7,500 sq. ft.	75	100	25	10	15	4/48	85
Emergency Shelters <sup>8</sup>	40 sleeping units / beds	7,500 sq. ft.	75	100	25	10	15	4/48	85
Emergency Housing <sup>8</sup>	40 sleeping units / beds	7,500 sq. ft.	75	100	25	10	15	4/48	85
Hotels and Motels	–	0.5 acres	75	100	25	10	25	4/48 <del>30</del>	85

Hardware/Home Building Supply Stores	–	0.5 acres	50	100	50	25	25	4/48 30	85
<del>Lumberyards</del>	<del>–</del>	<del>1-acre</del>	<del>75</del>	<del>100</del>	<del>50</del>	<del>25</del>	<del>50</del>	<del>3/35 30</del>	<del>85</del>
Hospitals/Medical Clinics/Health Care Facilities	–	0.5 acres	75	100	25	25	25	4/48 30	85
Shopping Centers	–	0.5 acres	75	200	25	25	25	4/48 30	85
Apartments/Multifamily dwellings <sup>9</sup>	24	8,000 sq. ft.	60	80	25	10	15	4/48	85
<del>Mixed-Use Developments</del>	<del>–</del>	<del>0.5-acres</del>	<del>100</del>	<del>200</del>	<del>25</del>	<del>25</del>	<del>25</del>	<del>30</del>	<del>85</del>
Automobile and Truck Sales and Service Establishments	–	0.5 acres	75	200	25	25	25	4/48 30	85
Automobile Rental Establishments	–	10,000 sq. ft.	50	80	25	10	25	4/48 30	85
Automobile and Truck Repair Shops	–	10,000 sq. ft.	50	100	25	10	25	4/48 30	85
Automobile Service Stations/Car Washes	–	10,000 sq. ft.	50	100	25	10	25	4/48 30	85
Automotive Parks Parts Store	–	10,000 sq. ft.	50	100	25	10	25	4/48 30	85
<del>Recreational Vehicle/Boat Storage (in-bldg)<sup>6</sup></del>	<del>–</del>	<del>0.5-acres</del>	<del>75</del>	<del>100</del>	<del>25</del>	<del>10</del>	<del>25</del>	<del>30</del>	<del>85</del>

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>5</sup>			Max. Bldg. Hgt. (stories/ft) <sup>6</sup>	Max. Lot Coverage (%)
		Area	Width	Depth	Front	Side	rear		
Recreational Vehicle/Travel Trailer Parks	–	1 acre	100	200	25	25	25	4/48 30	85
Mobile Home Parks	–	2 acres	100	200	25	25	25	4/48 30	85
Veterinarian Hospitals/Animal Kennels	–	10,000 sq. ft.	50	100	25	25	50	4/48 30	85
Government Offices	–	10,000 sq. ft.	50	80	10	10	25	4/48 30	85
Courthouses	–	10,000 sq. ft.	50	80	10	10	25	4/48 30	85
Libraries	–	10,000 sq. ft.	50	100	25	20	25	4/48 30	85
Post Offices	–	10,000 sq. ft.	50	100	25	25	60	4/48 30	85

Public Safety (Police/Fire) Stations	-	0.5 acre	50	100	25	25	40	<del>4/48</del> <del>30</del>	85
Public Transit Stations/Terminals	-	1 acre	100	200	50	25	50	<del>4/48</del> <del>30</del>	85
Community Centers	-	0.5 acres	75	200	25	25	35	<del>4/48</del> <del>30</del>	85
Houses of Worship	-	0.5 acres	75	200	25	25	25	<del>4/48</del> <del>30</del>	85
Game/Video Arcades	-	10,000 sq. ft.	50	80	25	25	25	<del>4/48</del> <del>30</del>	85
Night Clubs	-	0.5 acres	50	200	25	30	50	<del>4/48</del> <del>30</del>	85
Casinos/Gambling Establishments	-	0.5 acres	75	200	25	30	50	<del>4/48</del> <del>30</del>	85
Theaters/Museums/Art Galleries	-	0.5 acres	75	200	25	30	50	<del>4/48</del> <del>30</del>	85
Ballfields <sup>4</sup>	-	2 acres	200	300	25	25	50	<del>4/48</del> <del>30</del>	85
Urban Parks <sup>4</sup>	-	-	-	-	-	-	-	<del>4/48</del> <del>30</del>	85
<del>Apartment Accessory to a Commercial Use</del>	<del>-24</del>	<del>10,000 sq. ft.</del>	<del>50</del>	<del>80</del>	<del>25</del> <del>20</del>	<del>10</del>	<del>15</del>	<del>3/35</del> <del>30</del>	<del>85</del>
<del>Residential above Ground-Floor Commercial</del>	<del>24</del>	<del>8,000 sq. ft. for first 3-4 units + 2,000 1,000 sq. ft. additional lot area for each additional unit</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>3/35</del> <del>30</del>	<del>-</del>
Agricultural Produce Stands <sup>1,3</sup>	-	-	-	-	-	-	-	<del>4/48</del> <del>30</del>	85
Flea Markets <sup>1,3</sup>	-	-	-	-	-	-	-	<del>4/48</del> <del>30</del>	85
Farmers Markets <sup>3</sup>	-	-	-	-	-	-	-	<del>4/48</del> <del>30</del>	85
Limited Food/Beverage Processing Plants with Retail Sales of Food/Beverage Products <sup>3</sup>	-	0.5 acres	75	200	25	25	50	<del>4/48</del> <del>30</del>	85
Limited Manufacturing Plants of Finished Products and	-	0.5 acres	75	200	25	25	50	<del>4/48</del> <del>30</del>	85

Wholesale Delivery <sup>3</sup>									
Private Schools <sup>3</sup>	–	0.5 acres	75	100	25	20	25	4/48 <del>30</del>	85
Parking Structures <sup>2, 3</sup>	–	0.5 acres	100	100	10	10	10	4/48 <del>30</del>	85
Seasonal Parking Facilities <sup>3</sup>	–	0.5 acres	–	–	–	–	–	N/A	N/A

<sup>1</sup> Conditional use subject to inclusion in a retail trade shopping center, farmers market, or community center.

<sup>2</sup> Conditional use subject to inclusion in a retail trade shopping center or mixed-use development.

<sup>3</sup> Conditional use.

<sup>4</sup> Minimum dimension requirements for recreational facilities shall be established by the building and zoning official, based on the recreation performance standards.

<sup>5</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

~~<sup>6</sup> All recreational vehicle or boat storage shall be located within a building or be completely screened (opaque fence or landscaping) in a lawful manner where it is not visible from the street or other public or private property.~~

<sup>6</sup> Flood pedestals are encouraged in flood-prone areas. Flood pedestals will not be counted towards building height and should be sized according to need based on FEMA flood maps.

<sup>7</sup> Transitional Housing and Permanent Supportive Housing are permitted by right and can take the form of any housing type provided the dimensional and density standards for the zone are met. See SMC 16.68.010 for additional requirements.

<sup>8</sup> See SMC 16.68.020 for additional requirements.

<sup>9</sup> Apartments may be built as part of a mixed use development within the same building or on the same lot as other permitted uses.

(Ord. 1304-19B § 2; Ord. 1263-17 (Exh. A); Ord. 1244-16 § 3 (Exh. A))

### 16.12.070 Manufacturing (M) zone.

A. Purpose. The purpose of the manufacturing zone is to provide for manufacturing and other industrial activities that may have associated adverse environmental impacts such as noise, lighting, odor, vibration, and hazardous waste.

#### B. Permitted Uses.

##### 1. Personal Services.

- a. Funeral homes/mortuaries;
- b. Veterinarians/kennels and shelters.

##### 2. Business and Professional Establishments.

- a. Employment offices;
- b. Medical waste handling facilities.

##### 3. Government Facilities.

- a. Government offices;
- b. Regional postal facilities;
- c. Police and fire stations.

##### 4. Manufacturing. The processing or assembling of materials or substances into a finished product.

- a. Food processing;
- b. Freezer plants/cold storage/food mills/fertilizer production and storage;

- c. Apparel and other finished products manufacturing and assembly;
  - d. Building construction yards and offices;
  - e. Electrical and electronic goods manufacturing and assembly;
  - f. Metal products manufacture, fabrication and assembly;
  - g. Furniture and fixtures manufacturing and assembly;
  - h. Computer equipment manufacture and assembly;
  - i. Leather products manufacturing;
  - j. Lumber and wood products processing;
  - k. Medical and optic goods/watches and clocks manufacture and assembly;
  - l. Printing, publishing, and allied industries;
  - m. Rubber/plastic products manufacturing;
  - n. Stone, clay, glass, and concrete products manufacturing;
  - o. Transportation equipment manufacturing and assembly;
  - p. Handicraft, craft, and artisan shops;
  - q. Home building supply;
  - r. Recreational marijuana producers and/or processors, subject to Chapter [16.50](#) SMC.
5. Wholesale/Storage/Distribution. Establishments engaged in the storage, trucking, or transfer of household or commercial goods of any nature, or establishments engaged in the sale of large quantities of goods.
- a. Wholesale commercial operations;
  - b. Equipment and machinery sales and storage;
  - c. Warehousing operations;
  - d. Freight distribution centers;
  - e. Mini-warehouse/storage facilities;
  - f. Public transit storage and maintenance facilities;
  - g. Moving van and storage facilities;
  - h. Package delivery facilities;
  - i. Petroleum product storage facilities and distribution centers.
6. Industrial Services. Establishments engaged in mechanical, personal, business, and repair services.
- a. Janitorial services offices;
  - b. Laundry plants.
7. Public Utilities. Activities that provide electricity, sanitary sewer, water, and other related services for public consumption.
- a. Electrical generating plants;
  - b. Sewage treatment plants;
  - c. Solid waste disposal transfer stations;
  - d. Electrical transmission lines.
8. Miscellaneous Associated Uses.

- a. Adult entertainment establishments;
- b. Adult bookstores;
- c. Automobile body and paint shops;
- d. Auto rental establishments;
- e. Auto rental storage and maintenance facilities;
- f. Auto service stations and truck stop facilities;
- g. Automobile and truck repair shops;
- h. Bars/taverns/cocktail lounges;
- i. Night clubs;
- j. Private clubs;
- k. Recreational vehicle and boat storage yards;
- l. Recycling facilities;
- m. Towing yards;
- n. Junkyards;
- o. Automobile wrecking yards.

C. Permitted Accessory Uses.

- 1. Caretaker residence;
- 2. Parking structures.

D. Conditional Uses.

- 1. Airports, landing fields, and heliports;
- 2. Seasonal parking facility;
- ~~3. Secure community transitional facility (SCTF).~~

E. Performance Standards. All of the permitted and conditional uses in the M zone shall comply with all of the standards for each use, as specified in the following table of dimension and density requirements, and any additional performance standards that may apply to the proposed development, which may include:

- 1. Nonresidential performance standards;
- 2. Off-street parking and loading standards;
- 3. Sign standards;
- 4. Hillside and geologically hazardous development standards;
- 5. Streams and wetlands standards;
- 6. Landscape standards;
- 7. Stormwater management standards;
- 8. Shoreline management standards;
- 9. Vegetation protection standards;
- 10. Floodplain protection standards;
- 11. Wellfield/groundwater protection standards;
- 12. Fish and wildlife areas protection standards.

F. Table of Dimension and Density Requirements.

**Manufacturing (M) Zone**  
**Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>5</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area <sup>1</sup>			(ft) Rear				
Manufacturing Plants/Facilities	–	0.25 acres	100	200	25	25	25	75	85
Wholesale Storage/Distribution Facilities	–	0.5 acres	100	200	25	25	25	50	85
Warehousing Facilities	–	0.5 acres	100	200	25	25	25	50	85
Freight Distribution Centers	–	0.5 acres	200	200	25	25	25	50	85
Mini-Warehouse/Storage Facilities	–	0.5 acres	100	200	25	25	25	30	85
Public Transit Storage and Maintenance Facilities	–	1 acre	200	200	25	25	25	50	85
Moving Van and Storage Facilities	–	1 acre	100	200	25	25	25	50	85
Automobile Body and Paint Shops	–	10,000 sq. ft.	100	100	25	25	25	30	85
Auto Rental Establishments	–	10,000 sq. ft.	70	80	25	10	25	30	85
Automobile Rental Storage and Maintenance Facilities	–	0.5 acres	100	100	26	25	25	30	85
Auto Service Station	–	0.5 acres	100	100	25	25	25	30	85
Automobile and Truck Repair Shops	–	10,000 sq. ft.	100	100	25	25	25	30	85
Lumberyards and Mills	–	2 acres	200	200	25	25	25	50	85
Package Delivery Facilities	–	0.5 acres	100	100	25	25	25	30	85
Towing and Wrecking Services	–	0.25 acres	100	100	25	25	25	30	85
Janitorial Services	–	10,000 sq. ft.	100	100	25	25	25	30	85
Laundry Plants	–	10,000 sq. ft.	100	200	25	25	25	50	85



Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>5</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area <sup>1</sup>				(ft) Rear			
Electrical Generating Plants	–	25 acres	500	500	100	100	100	100	85
Sewage Treatment Plants	–	2 acres	200	200	50	50	50	30	85
Solid Waste Disposal/Transfer Stations	–	2 acres	100	200	25	50	50	30	85
Recycling Facilities	–	0.5 acres	100	100	25	25	25	30	85
Petroleum Product Storage Facilities and Distribution	–	2 acres	200	300	50	50	50	50	50
Business or Professional Service Establishments	–	10,000 sq. ft.	70	80	10	10	25	30	85
Medical Waste Handling Facilities	–	10,000 sq. ft.	70	80	10	10	25	30	85
Employment Offices	–	10,000 sq. ft.	70	80	10	10	25	30	85
Personal Services Establishments	–	10,000 sq. ft.	70	80	10	10	25	30	85
Funeral Homes/Mortuaries	–	10,000 sq. ft.	70	80	10	10	25	30	85
Animal Kennels/Shelters	–	10,000 sq. ft.	70	80	10	10	25	30	85
Recreational Vehicle/Boat Storage Yard	–	0.5 acres	100	100	25	25	25	30	85
Private Clubs	–	10,000 sq. ft.	70	80	10	10	25	30	85
Night Clubs	–	10,000 sq. ft.	100	200	25	30	25	30	85
Bars/Taverns/Cocktail Lounges	–	10,000 sq. ft.	70	80	10	10	25	30	85
Adult Entertainment Establishments <sup>2</sup>	–	10,000 sq. ft.	70	80	10	10	25	30	85

Adult Bookstores <sup>2</sup>	–	10,000 sq. ft.	70	80	10	10	25	30	85
Government Offices	–	10,000 sq. ft.	70	80	10	10	25	30	85
Regional Postal Facilities	–	0.5 acres	100	200	25	20	25	30	85
Public Safety (Police/Fire) Stations	–	0.5 acres	100	100	25	25	25	30	85
Caretaker Residences <sup>4</sup>	–	4,500 sq. ft.	50	90	25	10	25	30	85
Parking Structure <sup>4</sup>	–	0.5 acres	100	100	10	10	10	30	85
Airports, Landing Fields and Heliports <sup>3</sup>	–	25 acres	500	500	100	100	100	50	85
Seasonal Parking Facility <sup>3</sup>	–	0.5 acres	–	–	–	–	–	N/A	N/A
<del>Secure Community Transitional Facilities<sup>3</sup></del>	<del>3 rooms</del>	<del>12,000 sq. ft.</del>	<del>100</del>	<del>100</del>	<del>25</del>	<del>25</del>	<del>25</del>	<del>30</del>	<del>85</del>

<sup>1</sup> Lots existing prior to the adoption of this chapter need not meet minimum area requirements. All other dimension and density requirements shall apply.

<sup>2</sup> Adult entertainment establishments and adult bookstores shall not be located any closer than 400 feet from the nearest right-of-way line of State Route 2, nor shall any such establishment or bookstore be located within 1,000 feet of any school or house of worship.

<sup>3</sup> Conditional use.

<sup>4</sup> Accessory use.

<sup>5</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

(Ord. 1263-17 (Exh. A); Ord. 1244-16 § 3 (Exh. A))

**16.12.080 Public buildings, parks and open spaces (PB/P/OS) zone.**

A. Purpose. The purpose of the public buildings, parks and open spaces zone is to recognize public places and provide zoning safeguards for properties devoted to public uses and uses that take place in a wide distribution and variety of zones throughout the Sultan community. The zone is applicable to property owned or managed by governmental agencies, special purpose districts, and privately owned open space preservation. This purpose is accomplished by:

1. Providing a zone in which uses serving public needs and critical area preservation may be located with attention to the specific needs of such uses throughout the community.
2. Identifying publicly owned and privately owned land uses with special zoning limitations.
3. Protecting adjacent properties from potential impacts of public uses, natural hazards, and critical area/open space preservation.
  4. Placement of this zone on properties owned, managed, used, or intended to be used by public agencies such as schools, government facilities, social services, hospitals, libraries, special purpose districts, etc.

B. Permitted Uses.

1. Public Agency Offices.

- a. Public schools;
- b. Post offices;
- c. Courthouses;
- d. Municipal buildings/facilities;
- e. Fire stations;
- f. Police stations;
- g. Public utility facilities.

2. Public Agency Support Facilities.

- a. Archive buildings;
- b. Inside storage buildings;
- c. Public parking lots/parking structures;
- d. Small-scale communication towers and antennas;
- e. Public information kiosks and similar facilities for public posting of official communications.

3. Public parks, playgrounds, ball fields (without large-scale area lighting).

4. Nature preserves and greenbelt open space areas.

5. Public access trails and interpretive facilities.

6. Public parks and recreation facilities.

7. Public stormwater management facilities.

8. Public agency animal control facilities.

9. Water and wastewater treatment facilities.

10. Public agency training facilities.

11. Public transit stations/off-street bus stops.

12. Public school bus base or transfer facilities.

13. Public hospitals and medical clinics.

14. Public libraries.

15. Cemeteries.

C. Conditional Uses.

1. Large-scale communication towers and antennas for public or private use.

2. Public parks, playgrounds, ball fields (with large-scale area lighting).

3. Public agency utility yards and similar large-scale outside storage facilities.

4. High power electrical transmission facilities and substations.

5. Airports and heliports.

6. Jails and prisons.

7. Stadiums and arenas.

8. Public fairgrounds.

9. Public zoos.

D. Development and Design Standards. Many of the uses in the PB/P/OS zone are unique in the way that they use land

and in the way that they affect neighboring properties. Many PB/P/OS uses are also subject to federal, state, and regional development and design standards that are beyond the influence of local zoning codes.

E. Definitions. The following terms and definitions apply for the purposes of this zoning district:

1. "Agency (governmental agency)" means federal, state, county, or city government, or unit or department thereof, constituted as such under the Constitution of the United States or the Washington State Constitution.
2. "District" means port, school, fire, electric utility, gas utility, or similar special purpose public taxing district or service provider constituted as such under the Washington State Constitution.

F. Table of Dimension and Density Requirements.

**Public Buildings, Parks and Open Spaces (PB/P/OS) Zone  
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>5</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%) <sup>1</sup>
		Area			(ft) Rear				
Elementary Schools	–	5 acres <sup>2</sup>	300	300	25	25	25	50	60
Middle Schools	–	5 acres <sup>2</sup>	300	300	25	25	25	50	60
High Schools	–	5 acres <sup>2</sup>	500	500	50	50	25	50	60
Post Offices	–	0.5 acres	100	200	0	0	25	30	60
Courthouses	–	0.5 acres	100	100	0	0	25	50	60
Municipal Buildings/Facilities	–	0.5 acres	100	100	0	0	25	50	60
Public Agency/Government Buildings	–	0.5 acres	100	100	0	0	25	50	60
Public Safety (Police/Fire) Stations	–	0.5 acres	100	200	0	0	25	50	60
Libraries	–	10,000 sq. ft.	75	75	0	0	25	50	75
Community Centers	–	0.5 acres	100	100	10	25	25	50	50
Public Parks <sup>4</sup>	–	0.5 acres	–	–	–	–	–	–	–
Public Recreation Facilities <sup>4</sup>	–	n/a	–	–	–	–	–	–	–
Public Transit Stations/Off-Street Bus Stops	–	1 acre	100	200	25	25	25	30	50
Public School Bus Base/Facilities	–	1 acre	100	200	25	25	25	30	50
Public Parking Structures	–	10,000 sq. ft.	75	75	0	0	15	30	90
Public Parking Surface Lots	–	1 acre	–	–	–	–	–	–	–

Public Hospitals/Medical Clinics	–	1 acre	100	100	0	0	25	50	50
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Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>5</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%) <sup>1</sup>
		Area			(ft) Rear				
Public Utility Facilities	–	1 acre	100	100	0	0	25	50	50
Public Agency Training Facilities	–	1 acre	100	100	0	0	25	50	50
Jails/Prisons <sup>3</sup>	–	0.5 acres	100	100	0	0	25	50	50
Airports/Heliports <sup>3</sup>	–	10 acres	–	–	–	–	–	100	–
Public Utility Yards/Outdoor Storage Facilities <sup>3</sup>	–	5 acres	–	–	–	–	–	–	–
Public Recreation Facilities (large scale w/ lighting) <sup>3,4</sup>	–	0.5 acres	–	–	–	–	–	–	–
Stadiums/Arenas <sup>3,4</sup>	–	5 acres	200	300	25	25	50	75	50
Public Fairgrounds <sup>3,4</sup>	–	10 acres	–	–	–	–	–	50	–
Cemeteries <sup>3</sup>	–	0.5 acres	–	–	–	–	–	–	–

<sup>1</sup> Buildable Area Calculation – Transfer of Floor Area. An owner of a site or property containing critical areas (streams or wetlands) may be permitted to transfer the available floor area attributed to the size of the critical area to the unconstrained portion of the same site or property, and reduce the parking requirements for the development by an area equal to the floor area transferred, subject to the following requirements:

- (a) The critical area or stream corridor and required buffers be dedicated to the city as an easement;
- (b) The minimum parking requirements for the proposed single-story land use, based on maximum lot coverage and net usable lot area, is provided.

<sup>2</sup> Plus one acre per 100 students.

<sup>3</sup> Conditional use.

<sup>4</sup> Minimum dimension requirements for recreational facilities shall be established by the building and zoning official, based on the recreation performance standards.

<sup>5</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

(Ord. 1263-17 (Exh. A); Ord. 1244-16 § 3 (Exh. A))

**1**  
Administrative conditional use.

**2**  
Administrative conditional use.

3

Administrative conditional use.

4

Administrative conditional use.

5

Administrative conditional use

**16.12.090 Religious Organization (RO) Density Bonus Overlay**

Purpose: This overlay is intended to provide an increased density bonus for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization, provided:

1. The affordable housing development must be occupied exclusively by low-income households earning up to 80% of the area median income for Snohomish County, adjusted for household size;
2. The affordable housing development must be part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least fifty years, even if the religious organization no longer owns the property;
3. The affordable housing development cannot discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.);
4. The City has permitted the religious organization to utilize the density bonus by including the land intended for affordable housing development in this overlay zone; and
5. The religious organization developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.

**Permitted Uses**

1. Single-family detached dwellings;
2. Single-Family Detached Dwellings (Clustered);
3. Townhouses;
4. Duplexes/two-family dwellings;
5. Accessory Dwelling Units
6. Apartments/ multifamily dwellings
7. Permanent Supportive Housing
8. Transitional Housing

Uses Permitted	Minimum Yard Setbacks (ft) <sup>1</sup>			Min. Separation from Existing Structures (ft)	Max. Bldg. Height. (stories/ft) <sup>2</sup>	Max. Lot Coverage including Existing Structures (%)
	Front	Each Side	Rear			
Single-Family Detached Dwellings	20	5	10	15	3/30	60
Single-Family Detached Dwellings (Clustered)	20	5	10	15	3/30	60
Townhouses	0	5	15	15	3/30	60
Duplexes/Two-Family Dwellings	20	5	10	15	3/30	60
Accessory Dwelling Units	20	5	10	15	3/30	60
Apartments/ multifamily dwellings	25	5	15	15	3/30	80
Transitional Housing <sup>3</sup>	20	5	10	15	3/30	80
Permanent Supportive Housing <sup>3</sup>	20	5	10	15	3/30	80

<sup>1</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

<sup>2</sup> Flood pedestals are encouraged in flood-prone areas. Flood pedestals will not be counted towards building height and should be sized according to need based on FEMA flood maps.

<sup>3</sup> Transitional Housing and Permanent Supportive Housing are permitted by right and can take the form of any housing type provided the dimensional and density standards for the zone are met.

## Repeal: Chapter 16.34

### STANDARDS FOR INFILL DEVELOPMENT IN RESIDENTIAL AREAS

Sections:

~~16.34.010 Purpose:~~

~~16.34.020 Standards for residential infill development:~~

~~16.34.010 Purpose:~~

~~At the time of enactment of the zoning code, there are established residential developments which may have one or more vacant lots available for the location of new dwelling units. In addition, there may be residential developments that are under construction, have an approved master plan (site plan), or an approved subdivision plan. It is the intent of this section to provide for compatibility in the construction of new residential units in areas approved for development prior to enactment of this code. This condition is known as residential infill development.~~

~~It is the overall intent of this zoning code to regulate the potential impact of new development. Residential infill development has the potential for negative impact on surrounding developed lots under this zoning code. It is the intent of this chapter to control and prevent such potentially negative impacts. (Ord. 1244-16 § 3 (Exh. A))~~

~~16.34.020 Standards for residential infill development:~~

~~The following standards shall apply to residential infill development:~~

~~A. For any residential structure, an application for building and other necessary permits shall be filed.~~

~~B. The proposed dwelling unit(s) shall conform to those dimensional standards in force at the time of development of the surrounding area:~~

~~1. If recorded plats, approved master (site) plans, or other documentation are available to provide information on previous standards, such documentation shall be used to determine applicable development standards for the proposed infill development. These may include, but are not necessarily limited to the following:~~

- ~~a. Minimum lot dimensions and area;~~
- ~~b. Minimum building size (gross floor area and building height);~~
- ~~c. Minimum yard setbacks on front, sides, and rear;~~
- ~~d. Accessory uses, such as storage buildings;~~
- ~~e. Off street parking requirements;~~
- ~~f. Dwelling unit type (single family detached, two family, etc.);~~
- ~~g. Stormwater retention;~~



~~h. Dedication or reservation of easements, rights of way, or recreation areas;~~

~~i. Landscaping and sight barriers; and~~

~~j. Sidewalks.~~

~~2. Where documentation is not available concerning standards in effect at the time of initial development, the following procedure shall be used. All developed lots or parcels that abut the property proposed for development shall be considered in determining the average standards for development. The average standards for these abutting properties shall be the minimum standards for the proposed development. Average standards shall not include lot area nor lot dimensions. (For example, if a lot is abutted on three sides by single-family homes with seven-and-one-half-foot side-yard setbacks, the proposed development should have seven-and-one-half-foot side yards. If the three abutting properties each have side yards of seven-and-one-half feet, five feet and five feet, then the minimum side yard for the proposed development should be seven-and-one-half, plus seven-and-one-half, plus five, plus five, plus five, plus five, divided by six, or 5.8 feet.)~~

~~Where there is any uncertainty on any applicable standards, the decision shall be in favor of the stricter standard. (Ord. 1244 16 § 3 (Exh. A))~~

## Chapter 16.54 OFF-STREET PARKING AND LOADING STANDARDS

Sections:

- 16.54.010 Purpose and intent.**
- 16.54.020 General requirements.**
- 16.54.030 Timing of the provision of required off-street parking and off-street loading spaces.**
- 16.54.040 Requirement to retain off-street parking and loading space.**
- 16.54.050 Permitted reductions in off-street parking requirements.**
- 16.54.060 Location of off-street parking and loading areas.**
- 16.54.070 Limitations on vehicular storage.**
- 16.54.080 Determination of seating capacity at places of assembly.**
- 16.54.090 Collective off-street parking provisions.**
- 16.54.100 Joint-use parking requirements.**
  - 16.54.110 Requirements for retail trade establishments, personal service establishments, business establishments, offices, hotels, motels, lodging houses, guest houses, night clubs, and health spas in the UC zoning district.**
- 16.54.120 Development and maintenance of off-street parking areas.**
- 16.54.130 Plan requirement.**
- 16.54.140 Minimum required off-street parking spaces.**
- 16.54.150 Off-street loading space requirements.**
- 16.54.160 Additional guest parking requirements for residential subdivisions.**

### **16.54.010 Purpose and intent.**

Off-street parking areas are required for all new uses of land so that all uses will have adequate parking for the occupants, employees, visitors, customers, and/or patrons and they will not have to rely on the public rights-of-way for this function.

Off-street loading areas are required for all uses (except residential) to provide adequate space off of city rights-of-way for the temporary parking of motor vehicles (primarily trucks) while loading or unloading. (Ord. 1244-16 § 3 (Exh. A))

### **16.54.020 General requirements.**

No building or structure in any district shall be erected or enlarged, nor shall any building, structure or land be used, designed or arranged for any purpose without provisions for such off-street parking and/or loading facilities as required by this code, nor shall any off-street parking or loading area, whether required by this code or voluntarily provided, be developed other than in the manner set forth herein. Seasonal parking facilities are exempt from the requirements of this chapter and need not be developed in the manner set forth herein.

For the purpose of these standards, 153 square feet of area shall be deemed a parking space for one vehicle. The minimum dimensions for each parking space shall be eight ~~and one-half~~ feet wide by 18 feet long. The maximum permitted dimensions for each parking space (except for designated handicapped spaces) shall be 10 feet wide by 20 feet long. On corner or through lots, (A) parking space may not be included within the area of any of required yards lying adjacent to either street, and (B) in no case shall any required off-street parking space be allowed to back out directly onto any arterial right-of-way (a residential garage or carport space shall be considered an off-street parking space).

The access aisles within any off-street parking area shall be a maximum of 24 feet wide. The primary internal circulation system of an off-street parking lot, where no parking spaces are provided directly off this internal roadway, shall have a maximum width of 30 feet.

All parking spaces and access driveways shall be paved or otherwise surfaced with an all-weather surface, and shall be graded and drained so as to dispose of surface water that might accumulate within or upon such area. No surface water from any parking area shall be permitted to drain onto adjoining property.

Required loading spaces shall not be construed as supplying off-street parking space. In case of a use not specifically mentioned, the requirements for off-street parking facilities for a use that is mentioned, and to which said unmentioned use is similar, shall apply (this determination shall be made by the building and zoning official). (Ord. 1244-16 § 3 (Exh. A))

**16.54.030 Timing of the provision of required off-street parking and off-street loading spaces.**

Off-street parking and loading spaces shall be provided at the time any use of land is established; or at the time that an occupancy permit is requested at the completion of construction of any building or structure; or at the time any building, structure, or land is altered or enlarged in any manner to increase the amount of off-street parking or loading spaces as required by this code. However, when the use of any building or land existing at the time of adoption of this code is changed to a use in which the parking requirements are calculated differently from the method of calculation for the former use, only such additional parking as may result by reason of the different calculation need be provided for the changed use. (Ord. 1244-16 § 3 (Exh. A))

**16.54.040 Requirement to retain off-street parking and loading space.**

The requirements for off-street parking and loading shall be a continuing obligation of the owner or his assignee of the real estate on which any use is located as long as the use continues, and is a use that requires off-street parking or loading. It shall be unlawful for an owner of any building or land use activity affected by the off-street parking and loading requirements to discontinue, change, reduce or dispense with, or cause the discontinuance, change, or reduction of the required off-street parking or loading space. It shall be unlawful for any individual, firm, or corporation to use such building or land without acquiring such area as is required and permitted to fulfill the off-street parking and loading requirements. Whenever off-street parking is required and cannot be provided on the same lot as the principal building, and is located on another parcel or property provided for and utilized for off-street parking, said parcel of property shall be owned by the owner of the principal building or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during, or as long as off-street parking is required for such principal building, in accordance with the terms of this code. (Ord. 1244-16 § 3 (Exh. A))

**16.54.050 Permitted reductions in off-street parking requirements.**

Off-street parking space required under these standards may be reduced at the time the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction may not be below the requirements set forth in these standards. (Ord. 1244-16 § 3 (Exh. A))

**16.54.060 Location of off-street parking and loading areas.**

The required off-street parking and loading areas shall be located on the same lot or parcel of land they are intended to serve. However, if the required off-street parking spaces cannot be provided, in whole or in part, on the same lot on which the principal building is located, such required off-street parking may be located on another lot or parcel of land within 1,000 feet of the premises to be served, provided:

A. The owner of such parking area enters into a written agreement with the city of Sultan providing that the land comprising the parking area shall never be disposed of, nor the use changed, except in conjunction with the sale of the building that the parking area serves, so long as the facility is required; and

B. The owner agrees to bear the expense of recording the agreement and agrees that said agreement shall bind his heirs, successors, and assigns. (Ord. 1244-16 § 3 (Exh. A))

**16.54.070 Limitations on vehicular storage.**

Except as otherwise provided in this chapter, off-street parking spaces required herein may be occupied by the occupants, employees, or patrons of the property or by visitors, or by delivery vehicles incidental to the principal use, but not by vehicles being repaired, stored or displayed for sale or hire. (Ord. 1244-16 § 3 (Exh. A))

**16.54.080 Determination of seating capacity at places of assembly.**

In stadiums, sport arenas, houses of worship and other places of assembly in which patrons or spectators

occupy benches, pews or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities. (Ord. 1244-16 § 3 (Exh. A))

**16.54.090 Collective off-street parking provisions.**

Nothing in these standards shall be construed to prevent the collective provision of off-street parking facilities for two or more structures or uses; provided, that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; provided also, that the requirements set forth hereinbefore as to maximum distances between parking facilities and principal structures or uses served shall apply to each structure or use participating in the collective provisions for parking. (Ord. 1244-16 § 3 (Exh. A))

**16.54.100 Joint-use parking requirements.**

A. Places of Public Assembly. Parking spaces already provided to meet off-street parking requirements of stores, office buildings, schools, and industrial establishments, situated on the same site as places of public assembly, and that are not normally in use between the hours of 6:00 p.m. and midnight and are made available for other parking, may be used to meet not more than 50 percent of the total requirements of parking spaces. Written agreement is required for such joint-use parking arrangements between the officials of the place of public assembly and the owner or manager of the other development and parking area on the site.

B. Mixed-Use Developments. In the case of mixed uses (such as shopping centers), the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified above for joint use.

C. Shared Parking Agreement. Parking facilities may be cooperatively used by different land uses, when the times of the use of such parking spaces by each use are not simultaneous. A shared parking agreement signed by all parties who share the parking facilities and approved by the community development director (director) shall be required that binds the parking facilities and the parties until the agreement is dissolved by all parties and approved by the director. The total number of required parking spaces may be reduced from the requirements of this chapter, if it is demonstrated through a parking study that complementary uses, internal trip capture or uses with different peak parking needs justify the reduction in required parking spaces at all times. A covenant running with the land shall be made between the property owner (owner) and the city of Sultan (city) stating the responsibilities of the owner and shall be recorded with Snohomish County. A copy with the recording number and parking layouts and scheduled times of use by the specific uses sharing the on-site parking spaces shall be submitted as part of any permit application for development. When any shared parking agreement subject to the covenant is to be modified or terminated, the owner shall be responsible for notifying the director and providing a revised site plan and schedule for meeting the parking requirements of all the development on the property subject to the covenant. (Ord. 1347-21 § 20; Ord. 1244-16 § 3 (Exh. A))

**16.54.110 Requirements for retail trade establishments, personal service establishments, business establishments, offices, hotels, motels, lodging houses, guest houses, night clubs, and health spas in the UC zoning district.**

To promote more compact urban settlements, the city of Sultan is encouraging the development of activity nodes that require less of a reliance on the private automobile. To that end, as can be seen in the tables of dimensional and density requirements for the UC zoning district, front and side yard setbacks are not required for retail trade establishments, personal service establishments, business establishments, offices, night clubs, and health spas. In furtherance of this goal, the off-street parking requirements for these categories of uses, as well as hotels, motels, lodging houses, and guest houses, as contained in the off street parking table contained in this chapter, are reduced by 50 percent when they are proposed to be located in the UC zoning district. (Ord. 1244-16 § 3 (Exh. A))

#### **16.54.120 Development and maintenance of off-street parking areas.**

For every parcel of land hereafter used, off-street parking shall be developed and maintained by the owner in accordance with the following requirements:

A. Minimum Distances and Setbacks. No part of any off-street parking area containing five or more vehicle spaces, shall be closer than ~~6~~ **10** feet to any dwelling, school, hospital, or other institution for human care. If on the same lot with a principal structure, the parking area shall not be located within the front yard or side street yard setback area required for such structure.

B. Bumper Guard and/or Bollard Requirements. There shall be provided a bumper guard and/or bollard of either wood, metal or concrete not more than two feet in height and securely anchored into the ground on all sides of the parking area where there is required a protective fence or wall. Any required bumper guard and/or bollard shall be located at such distance so that automobiles will not strike the protective fence or wall. As an alternative, a concrete beam serving the same purpose may be provided.

C. Off-Street Parking Area Surfacing Requirements. Any off-street parking area containing more than five vehicle spaces shall be surfaced with an asphaltic, bituminous, cement, ~~pervious gravel, grass pavers,~~ or other ~~stable parking surface properly bound pavement~~ so as to provide a durable ~~and dustless~~ surface, and shall be graded and drained so as to dispose of all surface water accumulation within the off-street parking area.

D. Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises used for residential purposes in any district.

E. Entrance, Exit, and Maneuvering Space. Vehicular drives providing entrance and exit to the street system from the off-street parking area shall have a minimum pavement width of 22 feet. **One-way vehicular drives shall have a minimum pavement width of 10 feet.** This requirement shall not apply to single-family detached residences, **accessory dwelling units, townhomes, duplexes, or any housing type with fewer than 12 units.** The right turn radius on the side of the driveway exposed to entry or exit by right-turning vehicles shall be a minimum of 17 feet. Maneuvering areas shall be sufficient to permit vehicles to enter and leave the parking lot in a forward motion except for single family detached dwelling units.

F. Other Design Requirements.

1. Off-street parking areas for all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing up unreasonable distances, or making other dangerous or hazardous turning movements.

2. Circulation areas for off-street parking lots shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles, and without adversely interfering with the normal functioning of the parking lot.

3. The parking spaces shall be appropriately demarcated with painted lines or other markings.

4. Off-street parking areas shall be properly maintained in all respects. They shall be kept in good condition (free from pot holes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

5. Handicapped parking spaces shall be provided in all required off-street parking areas, at a rate of two percent of the total required parking spaces, but in no case less than one space, and adequately posted to be in conformance with all appropriate federal and state laws.

6. No speed-bumps shall be installed within 100 feet of the point of access from the off-street parking lot to the street. (Ord. 1244-16 § 3 (Exh. A))

**G. Tandem parking spaces are permitted for residential uses at the rate of one stall per 20 linear feet.**

**16.54.130 Plan requirement.**

A plan shall be submitted to the building and zoning official with every development permit application for any building or use that is required to provide off-street parking and loading. The plan shall accurately depict the required number and location of parking space, other spaces in excess of the requirements, access aisles, driveways, vehicle turn-around or backup areas, areas designated for trash collection, off-street loading spaces (if required), the distance of the off-street parking facilities to the structure or uses they are intended to serve, as well as the relationship of the parking lot to the street system into which the motor vehicles utilizing the parking areas will discharge. (Ord. 1244-16 § 3 (Exh. A))

**16.54.140 Minimum required off-street parking spaces.**

The minimum number of required off-street parking spaces shall be determined from the following table, except for the provisions enumerated in SMC [16.54.110](#). Requirements for any use not specifically mentioned shall be the same as the use most similar to the one sought. When units of measurement determining the required off-street parking spaces result in a fractional space, then such fraction equal to or greater than one-half shall be interpreted as one off-street parking space.

**Table 16.54-A**

TABLE OF OFF-STREET PARKING REQUIREMENTS	
Use	Parking Requirement
<b>RESIDENTIAL DEVELOPMENT</b>	
Single-Family Detached	2 spaces per dwelling
Duplexes / Two-Family Dwellings	2 spaces per dwelling unit, except that a one-bedroom unit shall require 1 space per unit
Attached Housing	2 spaces per dwelling unit, except that one-bedroom units shall require 1 space per unit
<del>Multiple-Family Dwellings Apartments / Multifamily dwellings</del>	<del>1 space per one-bedroom unit and 2 spaces for each two- to four-bedroom unit 3 spaces for each five-bedroom or larger unit 1 space per studio or one-bedroom unit and 2 spaces for each larger unit</del>
Accessory Dwelling Units	1 space per unit
Apartment Accessory to a Commercial Use	1 space per studio or one-bedroom unit and 2 spaces for each larger unit
Live/Work dwelling units	1.25 spaces per unit
Residential Treatment Facilities	3 spaces for each 5 beds, except for uses exclusively serving children under 16 years of age, in which case 1 space for every 3 beds shall be required
Permanent Supportive Housing, and Transitional Housing	1.25 space for every employee on maximum shift. No parking spaces are required for individual units, tenants, or residents residing in the building.

Emergency Shelters and Emergency Housing	No minimum parking is required. Adequate parking for staff is strongly encouraged.
Boarding Houses	1 space per bedroom
Barracks	1 space for each 5 beds
Dormitories	1 space for each 4 beds
<b>RETAIL COMMERCIAL ESTABLISHMENTS</b>	
Hotels and Similar Uses Providing Overnight Accommodation	1 space for each room available for rent, plus 1 space for each 2 employees working at any one time
Convenience Stores	1 space per 150 square feet of gross floor area
Grocery Stores/Supermarket/Drug Store/General Merchandise	1 space per 150 square feet of gross floor area
Other Retail Sales Establishments	1 space per 400 square feet of gross floor area
Eating and Drinking Establishments (No Drive-In or Fast Food)	1 space per 200 square feet of gross floor area
Drive-In or Fast Food Restaurant	1 space per 400 square feet of gross floor area

<b>TABLE OF OFF-STREET PARKING REQUIREMENTS</b>	
<b>Use</b>	<b>Parking Requirement</b>
Auto Service Station	1 space per 200 square feet of gross floor area, plus sufficient space to accommodate vehicles at pumps without interfering with other parking spaces
Auto Repair/Maintenance/Tire Replacement Shops	1 space per 200 square feet of gross floor area
Auto Sales and Service Establishments (Display/Showroom Area Only)	1 space per 1,000 square feet of gross floor area plus 1 space for each employee
<b>PROFESSIONAL OFFICES AND BANKS</b>	
Business/Professional Offices and Banks	1 space per 250 square feet of gross floor area, plus 1 space for every 4 employees
<b>EDUCATIONAL FACILITIES</b>	
Preschools/Daycare	1 space per classroom, plus 1 space for each 10 students (based on the rated capacity of the facility)
Elementary and Middle Schools	1.75 spaces per classroom, plus 1 space for each 8 students (based on the rated capacity of the facility)

Secondary Schools	5 spaces per classroom, plus 1 space for each 5 students (based on the rated capacity of the facility)
Business/Trade/Vocational Schools	1 space per 200 square feet of gross floor area
<b>PUBLIC AND INSTITUTIONAL FACILITIES</b>	
Hospitals/Health Care Facilities	1 space per bed, or 1 space per 250 square feet of gross floor area, whichever is greater
Nursing, Rest, Convalescent Homes	1 space per bed
Post Offices	1 space per 50 square feet of gross floor area
Government Offices/Courthouses	1 space per 250 square feet of gross floor area
Public Safety Facilities	1 space per 200 square feet of gross floor area
Community Centers (Public or Private)	1 space for every 4 seats (fixed seating) or 1 space per 50 square feet of gross floor area (no fixed seating)
Houses of Worship/Places of Public Assembly	1 space for every 4 seats (fixed seating) or 1 space per 50 square feet of gross floor area (no fixed seating)
Libraries	1 space per 500 square feet of gross floor area
<b>RECREATIONAL FACILITIES</b>	
Parks and Recreational Areas	1 space per 5,000 square feet of land area
<b>OTHER FACILITIES/DEVELOPMENT</b>	
Restricted Limited Manufacturing (New Facility on Vacant or Cleared Land)	1 space for every 2 employees on maximum shift, or 1 space per 400 square feet of gross floor area, whichever is greater
Restricted Limited Manufacturing (Conversion of Existing Improvements)	As practicable on the available lot, up to the greater of 1 space for any 2 employees on maximum shift or 1 space per 400 square feet of gross floor area. The acquisition of new or additional land shall not be required. <sup>(1)</sup>

<b>TABLE OF OFF-STREET PARKING REQUIREMENTS</b>	
<b>Use</b>	<b>Parking Requirement</b>
Veterinarians/Kennels/Animal Hospitals	1 space per 300 square feet of gross floor area
Health Care Facilities	1 space for each 200 square feet of gross floor area
Museums/Art Galleries	1 space for each 300 square feet of floor area open to the general public
Dry Cleaners/Laundromat Enterprises	1 space per 200 square feet of gross floor area
Manufacturing/Assembling/Fabrication Operation Plants	1 space for every 2 employees on maximum shift, or 1 space per 400 square feet of gross floor area, whichever is greater



Greenhouse/Nursery Facilities	1 space per 1,000 square feet of lot area used for storage, display, or sales, plus 1 space per 400 square feet of gross floor area
Warehousing/Storage/Wholesale Enterprises	1 space for every 2 employees on maximum shift, but not less than 1 space per 2,000 square feet of gross floor area

(1) However, if the hearing examiner finds the proposed conditional use request may substantially reduce the existing parking for adjacent land uses in the neighborhood, additional off-street parking may be required to mitigate this impact.

(Ord. 1304-19B § 4; Ord. 1244-16 § 3 (Exh. A))

**16.54.150 Off-street loading space requirements.**

A. On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehousing, goods display, department store, wholesale store, retail sales outlet, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt and distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services to avoid interference with the public use of the streets and alleys.

Each such loading and unloading space shall be an area at least 12 by 50 feet with a 15-foot height clearance, and shall be provided as specified below for gross nonresidential (hotel rooms shall be defined as residential floor area for the purposes of this requirement) floor area, except that:

1. No spaces are required for structures with less than 10,000 square feet of gross floor area.
2. One space is required for structures with more than 10,000 but less than 20,000 square feet of gross floor area.
3. Additional off-street loading spaces shall be provided at a rate of one space for each additional 20,000 square feet or increment thereof.
4. No more than seven loading spaces shall be required, except for warehouse and industrial buildings.

B. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from the roadway serving the property, and the loading/unloading operations can be completed without obstructing or interfering with any roadway traffic or any off-street parking space or parking lot aisle.

C. No area allocated to loading/unloading facilities may be used to satisfy the area requirements for off street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for off-street loading/unloading facilities.

D. For restricted limited manufacturing (conversion of existing improvements) off-street loading space shall only be required as specified in subsection (A) of this section to the extent practicable on the available lot. The acquisition of new or additional land shall not be required. (Ord. 1244-16 § 3 (Exh. A))

**16.54.160 Additional guest parking requirements for residential subdivisions.** In addition to the off-street parking requirements contained in SMC [16.54.140](#), all residential subdivisions shall provide an adequate number of guest stalls within the development as required in this section.

A. Guest parking shall be provided at the rate of one-half space per residence proposed in the development, **not including Accessory Dwelling Units.**

B. A parking plan shall be submitted with preliminary applications for subdivisions. The parking plan

shall include sufficient detail for staff to confirm compliance with all applicable parking and guest parking requirements.

C. Guest stalls can be provided in the following ways:

1. Shared Parking Tracts. A subdivision may develop shared parking for use by the subdivision's residences including screening and landscaping.

- a. All parking areas must meet all requirements for parking areas defined in this chapter.
- b. All parking areas shall be developed with an asphaltic or better surface to prevent dust or tracking dirt into public roads.
- c. The shared parking areas shall be maintained by the homeowners' association or a divided interest of owners within the development.
- d. Shared parking areas shall be developed in a separate tract.
- e. Shared parking tracts shall be designed so they do not create any safety hazards to vehicular or pedestrian users of public roads.

2. Street Parking. Parking stalls which are located on new streets constructed within a proposed subdivision may be counted.

- a. Designs of streets and street parking shall be in conformance with the adopted standards of Chapter [11.12](#) SMC.
- b. Street parking on exterior frontages shall not be counted.
- c. All proposed street parking stalls in residential subdivisions must allow legal parking and meet the minimum stall size of SMC [16.54.020](#) with the following exceptions:
  - i. Parallel stalls shall be a minimum of 21 feet in length.
  - ii. Angled parking stalls shall have sufficient length to permit a 21-foot-long vehicle to park without blocking traffic.
- d. A maximum of 50 percent of the proposed guest stalls may be provided as street parking.

3. On-Lot Parking. Parking stalls in addition to those required by SMC [16.54.140](#) can be located on the proposed lots within a subdivision.

- a. Because the stalls are not shared, guest parking stalls on lots shall be counted at a rate of 50 percent.
- b. If stalls are provided in a garage structure, approval of the subdivision shall be conditioned with the requirement that the garage shall be constructed with sufficient clear area for a vehicle to park in the garage.
- c. A maximum of 50 percent of the proposed guest stalls may be provided as street parking. (Ord. 1338-20 § 1 (Exh. A))

Add the following section under Division IV. Performance Standards:

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## Chapter 16.68 (NEW)

### Permanent Supportive Housing, Transitional Housing, Emergency Shelters, And Emergency Housing

#### Sections:

16.68.010 Permanent Supportive Housing, and Transitional Housing

16.68.020 Emergency Shelters and Emergency Housing

16.68.030 Conversion of hotel or motel to STEP housing

16.68.040 Safe Parking & Encampments on Religious Land

## 16.68.010 Permanent Supportive Housing, and Transitional Housing

### A. Purpose.

- a. The purpose of this section is to provide regulations for the permitting of Supportive Housing that is proposed to provide housing to individuals and families experiencing or who are at imminent risk of homelessness, and on-site or off-site supportive services.

### B. Applicability.

- a. The provisions of this section apply to all permanent supportive housing, and transitional housing in the City. Residential care facility may also need to comply with the provisions of this section if their function and purpose closely match with either Permanent Supportive Housing or Transitional Housing

### C. Requirements.

- a. An on-site manager and area(s) to provide on-site services are encouraged. If on-site services are provided they must be for residents only.
- b. Minimum Performance Expectations for Operators:
  - i. The city will defer to the project's funder, and insurance and licensing requirements, to ensure the safe and effective operation of these facilities.
  - ii. For Permanent Supportive Housing:

1. Provision of access or connection to optional behavioral health treatment (including substance use disorder) and services.
  2. Provision of access or connection to optional employment assistance (e.g., job training and education).
  3. Provision of access or connection to optional housing-related services to help residents gain, maintain, or increase housing stability (e.g., tenant education and supports).
- c. Parking Management Plan. An approved parking management plan is required.
- i. No parking spaces are required for individual units, tenants, or residents residing in the building.
  - ii. 1.25 spaces for every employee on maximum shift.
  - iii. The parking plan must prohibit car camping on site and in adjacent on-street parking spaces.

## 16.68.020 Emergency Shelters and Emergency Housing

### A. Purpose.

- a. The purpose of this section is to provide regulations for the permitting of emergency housing and emergency shelters that are proposed to provide housing to individuals and families experiencing, or who are at imminent risk of homelessness, or who are experiencing temporary displacement due to a natural disaster.

### B. Applicability.

- a. The provisions of this section apply to all emergency housing and emergency shelters in the City. Residential care facility may also need to comply with the provisions of this section if their function and purpose closely match with either emergency housing or emergency shelters

### C. Requirements.

- a. An on-site manager and area(s) to provide on-site services are encouraged. If on-site services are provided they shall be for residents only.
- b. Active operational management plan: An operational management plan must be established with the City prior to occupancy of an emergency shelter or emergency housing use. The operational management plan must include the following:

- i. Description of the services to be provided on site.
    - ii. Names and contact information for on-site staff with at least one designated phone number to be used in emergencies.
    - iii. Identification of supporting agencies, supportive partnerships, and a summary of any operational funding information.
  - c. Good Neighbor plan: a plan for outreach and communication with the neighborhood is required. This plan will be made available to the community and must include:
    - i. Identification of a “neighborhood liaison:” a staff person who has been designated to be a visible and friendly ambassador for the housing facility, nurture respectful relationships among community members, attend community events, and receive and respond to neighbor complaints in a timely manner.
    - ii. Direct contact information for neighbors to communicate with the neighborhood liaison
    - iii. Protocols for addressing concerns of the surrounding neighborhood. These may include public meetings, information distribution, or other educational and outreach efforts.
  - d. Parking Management Plan. An approved parking management plan is required.
    - i. No minimum parking is required
    - ii. Adequate parking for staff is strongly encouraged..
    - iii. The parking plan must prohibit car camping on site and in adjacent on-street parking spaces.

## 16.68.030 Conversion of hotel or motel to emergency shelter

- A. Except as provided in this section, the conversion of the lawful use of a hotel or motel property is unconditionally allowed:
  - a. From use as a hotel or motel, to use as an emergency shelter.
  - b. From use as a hotel or motel that was converted to an emergency shelter under paragraph (a) of this subsection, to use as affordable housing.
- B. This section applies only to areas:
  - a. Within all zones that permit Emergency Shelter or Emergency Housing specified in SMC 16.12
- C. The building must comply with applicable building codes, occupancy limits, and other standards applicable for the new use under this code.

## 16.68.040 Safe Parking & Encampments on Religious Land

- A. As required by RCW 35.21.915, A religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.
- B. Temporary safe parking areas, temporary tent encampments and temporary tiny house encampments must be located a minimum of 20 feet from the property line of abutting properties, unless the director finds that a reduced buffer width will provide adequate separation between the shelter and adjoining uses due to changes in elevation, intervening buildings or other physical characteristics of the site.
- C. Temporary safe parking areas, temporary tent encampments and temporary tiny house encampments must not be located within a critical area or its buffer.
- D. The maximum number of people allowed at one time in a single temporary safe parking area, temporary tent encampment or temporary tiny house encampment will be determined by the director taking into consideration site conditions, but in no case may the number be greater than 100 people. In determining the maximum number of people allowed at each individual encampment, the director shall consider factors such as the size and location of the site, the surrounding land uses, and other contextual factors.
- E. Fencing adequate to limit access to the site for the safety and security of residents must be installed on the perimeter of the shelter site; provided, that fencing does not create a sight obstruction at the street or street intersections or curbs as determined by the city engineer. A six-foot-tall fence, which may include chain link or other temporary fencing materials, is presumed adequate for this purpose. The director may waive this requirement if there is sufficient vegetation, topographic variation, or other site considerations such that complete perimeter fencing would not be needed to serve this purpose.
- F. If provided, exterior lighting must be directed downward and glare must be contained within the shelter site.
- G. The following health and safety elements must be provided for the temporary shelter site:

- a. Exterior 2A-10BC fire extinguishers within 75 feet from any point in the shelter site;
- b. A designated smoking area;
- c. Flame-retardant materials for tents over 300 square feet and canopies in excess of 400 square feet;
- d. Prohibition of any open flames, except an outdoor heat source approved by the fire department;
- e. A first aid kit large enough to serve the maximum population of the shelter site;
- f. Obstruction-free access aisles as required by the fire department;
- g. Appropriate power protection devices at any location where power is provided;
- h. Trash receptacles in multiple locations throughout the site and regular trash patrols in the immediate vicinity of the site;
- i. Regular removal of trash from individual trash receptacles and a centralized area for trash and recycling that is regularly serviced by a local provider of this service;
- j. Chemical toilets set back at least 40 feet from all property lines as recommended by the portable toilet service provider, along with the recommended maintenance of these toilets, or access to toilets in an indoor location;
- k. Hand-washing stations by the toilets;
- l. Running water in an indoor location, or continuous running water in an outdoor location that is discharged to a location approved by the city;
- m. Posting at the site and distribution to shelter guests copies of health and safety information provided by the city, county, or any other public agency;
- n. Cooking facilities, if provided, may be located in an indoor or outdoor location and must include the following:
  - i. A sink with running water. If located outdoors, it must include continuous running water that is discharged to a location approved by the city;

- ii. A nonabsorbent and easily cleanable food preparation counter;
  - iii. A refrigerator or cooler to keep perishable food cold; and
  - iv. All products necessary to maintain the cooking facilities in clean condition.
- o. Tiny house encampments must include the following additional indoor safety measures for the tiny homes:
  - i. A working battery-powered smoke and carbon monoxide alarm;
  - ii. Two openings to allow escape of smoke. Openings must be within 12 inches of the top of the wall and on two opposing walls. Such openings must be a minimum of 12 square inches, with the smallest dimension of one inch. Openings must be screened to keep insects out. Screen openings must be one-eighth inch to one-quarter inch;
  - iii. No fuel gas appliances or equipment;
  - iv. No smoking, lighted candles or other type of flames;
  - v. No locks or latches that might inhibit an emergency escape from within the unit. A single cylinder deadbolt lock or lever-handled door latch is permitted, as long as it does not require the use of a tool or key to lock or unlock it from inside the unit.
- H. On-site parking of the sponsor must not be displaced unless sufficient required off-street parking remains available for the host's use to compensate for the loss of on-site parking or unless a shared parking agreement is executed with adjacent properties.
- I. To limit outdoor waiting, the shelter must be open 24 hours per day.
- J. All functions associated with the shelter, including adequate waiting space, must take place on the site proposed to house the encampment.
- K. A code of conduct must be provided that not only protects the health, safety and welfare of shelter guests, but also mitigates impacts to neighbors and the community consistent with RCW 35.21.915. At a minimum, the code must include a prohibition on the on-site use or sale of alcohol and illegal drugs and threatening or unsafe behavior. The sponsor and/or managing agency shall ensure that items deemed as weapons are stored in a safe location.



- L. An operations plan must be provided that addresses site management, site maintenance, and provision of human and social services.
- M. The sponsor and/or managing agency shall designate points of contact and provide contact information (24-hour accessible phone contact) to the Sultan police department.
- N. For health and safety reasons, the sponsor and/or managing agency shall take all reasonable and legal steps to obtain verifiable identification information, including full name and date of birth, from current and prospective shelter guests and shall keep a log containing this information.