

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-2

DATE: May 13, 2010

SUBJECT: Accessory Dwelling Units (ADU's), Sultan Municipal Code (SMC) 16.25

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:

Have First Reading of Ordinance 1076-10, an Ordinance repealing SMC 16.25 and related Code Provisions related to review and approval of Accessory Dwelling Units (ADU).

PLANNING BOARD RECOMMENDATION:

The Planning Board recommends that Council adopt the attached Ordinance repealing Code Provisions related to review and approval of applications for Accessory Dwelling Units and further recommending that the Council proceed with adoption without an additional Public Hearing as provided for by SMC 16.134.050 J.

STAFF RECOMMENDATION:

Staff recommends that Council adopt Ordinance 1076-10, an Ordinance repealing SMC 16.25 and related code provisions in SMC Title 16 relating to review and approval of Accessory Dwelling Units.

SUMMARY:

ADU's are secondary residential units on properties containing an existing single-family residence. Current Code, SMC 16.25 (Attachment A), allows a wide range of housing types for ADU's including attached and detached site-built units, and mobile units. The size of the structure is limited to a floor area not more than 650-sq.ft. The owner of an existing residence can apply for one or more ADU's depending on the size of their residential lot.

After the October 22, 2009 meeting where Community citizens spoke about ADU issues, Council Members indicated that their understanding of the ADU Code, when it was adopted in 2003, was intended to address health hardship issues. Council Members expressed their concern that the adopted Code permitted second or third dwellings on each residential lot in the City if it is of sufficient size.

The Council directed the Planning Board to undertake procedures to consider repealing the Code Provisions for review and approval of ADU's. At its December 19, 2009 meeting, Council also adopted a moratorium on acceptance of applications for ADU's for a period of 6-months while Code revisions are considered. The Council adopted an emergency moratorium at its January 28, 2010 meeting.

The Planning Board proceeded with a Public Hearing at its February 16, 2010 meeting and made a recommendation that the Council proceed to repeal of SMC Chapter 16.25 and related ADU provisions of the Code.

BACKGROUND:

At the October 22, 2009 meeting, the Council received public input and discussed issues related to the existing code provisions for ADU's.

At its November 12, 2009 meeting, the Council, in the discussion Section of the Agenda, made a consensus referral of the Accessory Dwelling Unit issue to the Planning Board, recommending that the Board proceed with actions leading to removal of Chapter 16.25 from the Municipal Code. The Planning Board reviewed a revised Prioritized Work Plan that included addition of the ADU topic at their November 24, 2009 meeting.

At its December 19, 2009 meeting, the Council Adopted an emergency moratorium on acceptance of applications for additional ADU's until conclusion of the Code Amendment process (Ordinance 1070-090).

At its January 28, 2010 meeting the Council conducted a Public Hearing on the emergency moratorium and ratified continuation of the moratorium through adoption of Ordinance 1071-10.

At its December 8, 2009 meeting, the Planning Board responded to the Council's direction by setting a Public Hearing on the Code Amendment to remove the ADU provisions from the SMC.

At its February 16, 2010 meeting the Planning Board conducted a Public Hearing on repeal of the SMC provisions related to review and approval of Accessory Dwelling Units. No testimony was offered at the Hearing. The Board adopted a motion to recommend repeal of the various Code provisions related to review and approval of Accessory Dwelling Units and further recommended that the Council proceed with adoption of the appropriate Ordinance without further Public Hearing as provided by SMC 16.134.050 J.

Code construction and agency review have been in process since adoption of the moratorium.

The moratorium will expire automatically on June 10, 2010, unless extended by the Council through separate action.

Completion of the ordinance process initiated by this Agenda item will make continuation of the moratorium unnecessary.

CODE MODIFICATIONS:

Following is a listing of the Sections of the SMC that will be removed if ADU's are removed from the Code: *(Italic indicates language or reference to be removed)*.

1. Chapter 16.25, *Accessory Dwelling Units, in its entirety*
2. Chapter 16.12.010 B. 1. c.: *(Accessory Dwellings Permitted)*
3. Chapter 16.12.010 Table of Dimensional and Density Requirements *(Accessory Dwelling Unit Provisions including Footnote #1)*
4. Chapter 16.12.020 B. 1. c.: *(Accessory Dwellings Permitted)*
5. Chapter 16.12.020 Table of Dimensional and Density Requirements *(Accessory Dwelling Unit Provisions)*
6. Chapter 16.12.030 B.1. g.: *(Accessory Dwellings Permitted)*
7. Chapter 16.12.030 Table of Dimensional and Density Requirements *(Accessory Dwelling Unit Provisions including Footnote #3)*

Other references to ADU's in the Code, including the definition at SMC 16.150.010. 6. a. are retained to provide Code Standards for management of existing ADU's.

PLANNING BOARD RECOMMENDATION:

The Planning Board recommends that Council adopt the attached Ordinance repealing Code Provisions related to review and approval of applications for Accessory Dwelling Units and further recommending that the Council proceed with adoption without an additional Public Hearing as provided for by SMC 16.134.050 J.

STAFF RECOMMENDATION:

Staff recommends that Council adopt Ordinance 1076-10, an Ordinance repealing SMC 16.25 and related Code Provisions in SMC Title 16 relating to review and approval of Accessory Dwelling Units.

ATTACHMENTS

Attachment A: Ordinance 1076–10

CITY OF SULTAN
WASHINGTON

ORDINANCE NO. 1076-10

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, REPEALING SULTAN MUNICIPAL CODE CHAPTER 16.25, ACCESSORY DWELLING UNITS, IN ITS ENTIRETY; AMENDING CHAPTER 16.12 BY REMOVING CERTAIN REFERENCES TO ACCESSORY DWELLING UNITS IN SECTIONS 16.12.010, 16.12.020, AND 16.12.030; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council previously adopted Ordinance 823-03, creating the Development Standards for Accessory Dwelling Units (ADU), as codified in Sultan Municipal Code Chapter 16.25; and

WHEREAS, at its December 19, 2009 meeting, the Council Adopted Ordinance 1070-090, emergency moratorium on acceptance of applications for additional ADU's; and

WHEREAS, at its January 28, 2010 meeting the Council conducted a properly noticed Public Hearing on the emergency moratorium and ratified continuation of the moratorium through adoption of Ordinance 1071-10; and

WHEREAS, at its December 8, 2009 meeting, the Planning Board responded to the Council's direction by setting a Public Hearing for February 16, 2010 to consider a Code Amendment to remove the ADU provisions from the SMC; and

WHEREAS, on February 16, 2010, the Planning Board conducted a Public Hearing on the proposed repeal of Chapter 16.25, as required by SMC 16.134.050, and received no public testimony at the Hearing; and

WHEREAS, the Planning Board made findings in support of the repeal of Chapter 16.25 and recommended said repeal to the City Council without an additional Public Hearing, as provided by SMC Chapter 16.134.050 J; and

WHEREAS, the City Council, after consideration of the recommendation from the Sultan Planning Board has found that the Accessory Dwelling Units Chapter should be repealed in its entirety;

NOW, THEREFORE, the City Council of the City of Sultan, Washington do ordain as follows:

Section 1. Repealer. The existing SMC Chapter 16.25, Accessory Dwelling Units, is hereby repealed in its entirety.

Section 2. Amendment. Existing SMC Chapter 16.12, "Permitted Uses And Tables Of Dimensional And Density Requirements," Section 16.12.010(B)(1)(c) "Low/Moderate Density (LMD) Zone" and "Accessory Dwelling Units in Low/Moderate Density (LMD) Zone Table of Dimensional and Density Requirements," including footnote 1, are hereby amended to remove reference to "Accessory Dwelling Units" and shall be more particularly amended to read as set forth in Exhibit A, attached hereto and by reference incorporated herein.

EXHIBIT A

16.12.010 Low/Moderate Density (LMD) Zone.

A. General Description of Character and Intent of the Zone. This zoning district is located primarily on the outskirts of the city, where residential densities have traditionally been lower than in other areas of Sultan. This low/moderate (LMD) zone is intended to accommodate residential neighborhoods with active and passive recreational facilities and neighborhood-oriented commercial activities. Performance standards to ensure that the natural functions of environmentally sensitive areas such as steep slopes, wetlands, shorelines, floodplains, and potable water wellfield areas are maintained will be enforced. The ranges and types of activities to be included in this LMD zone are listed below.

B. Permitted Uses.

1. Residential. Buildings occupied or intended to be occupied for residential purposes and supporting activities.

- a. Single-family detached dwellings;
- b. Home occupations;
- c. Accessory buildings/structures (~~including accessory dwelling units~~);
- d. Planned unit development;
- e. Manufactured home.

2. Recreational Facilities and Open Space Uses. Active or passive recreation areas.

- a. Ball parks;
- b. Neighborhood parks;
- c. Playgrounds;
- d. Community parks;
- e. Cemeteries;
- f. Conservation areas;
- g. Baseball batting cage facilities;
- h. Private concessionaires;
- i. Walking/bicycle/horseback riding trails.

C. All of the above uses shall be permitted in the LMD zone; provided, that all of the standards for each use, as specified in the following table of dimensional and density requirements, and those performance standards that apply to the proposed development have been observed. The performance standards that could apply include those found in the following list:

1. Residential performance standards (including subdivision regulations);
2. Nonresidential performance standards;
3. Off-street parking and loading standards;
4. Sign standards;
5. Hillside and geologically hazardous development standards;
6. Recreational and open space standards;
7. Streams and wetlands standards;
8. Landscape standards;
9. Stormwater management standards;
10. Shoreline management standards;
11. Vegetation protection standards;
12. Floodplain protection standards;
13. Wellfield/groundwater protection standards;
14. Fish and wildlife areas protection standards.

D. Conditional Uses.

1. Duplexes or two-family dwellings;

2. Single-family detached dwellings (clustered);
3. Bed and breakfast inns/guest houses containing 10 guest rooms or less; any building used, or intended to be used, rented, or hired out to be occupied as transient housing for sleeping purposes by guests;
4. Government services, public utilities and quasi-public facilities; government agencies that provide administrative services to the city; auxiliary facilities that provide electricity, sanitary sewer services, water, transportation services, communications, and other related services for public consumption. Quasi-public facilities under this heading shall include houses of worship and other meeting facilities for the congregation, but shall not include educational facilities (except Sunday schools).
 - a. Sewage lift stations/water wells and pump stations;
 - b. Electrical substations;
 - c. Public safety (police/fire) stations;
 - d. Electrical transmission lines;
 - e. Libraries;
 - f. Houses of worship/meeting halls;
5. Retail Trade. Establishments primarily engaged in providing finished products to individuals on a limited scale; however, no car dealerships, gasoline stations, auto repair facilities, or car washes are to be allowed in this zone.
 - a. Convenience stores;
 - b. Book/stationery stores;
 - c. Grocery stores;
 - d. Pharmacies;
 - e. Florists;
 - f. Plant nurseries;
 - g. Video rentals and sales stores;
 - h. Neighborhood shopping centers. Note: neighborhood shopping centers shall include only those uses or activities that are included in retail trade, personal services, or business or professional services listing for this zoning district;
6. Personal Services. Establishments engaged in providing services primarily to individuals.
 - a. Barber shops;
 - b. Beauty salons;
 - c. Day care centers;
 - d. Shoe repair services;
 - e. Opticians;
 - f. Veterinarians/animal kennels;
7. Business or Professional Offices. Establishments primarily engaged in rendering services to other business or private individuals on a contract or fee basis.
 - a. Legal services;
 - b. Accounting services;
 - c. Finance, insurance and real estate services;
 - d. Travel agencies;
 - e. Professional consultants;
8. Manufactured home parks;
9. Schools. Institutions of learning (public and private).
 - a. Preschool facilities;
 - b. Elementary schools;
 - c. Middle schools;
 - d. High schools.

Low/Moderate Density (LMD) Zone

Table of Dimensional and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) ⁹			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front ¹⁰	Each Side ¹⁰	Rear ¹⁰		
Single-Family Detached Dwellings	4.0	10,890 sq. ft.	80	80	20	10	20	30	35
Single-Family Detached Dwellings (Clustered) ^{7, 8}	4.0	10,890 sq. ft.	80	80	20	10	20	30	35
Duplexes/Two-Family Dwellings ⁷	6.0	14,000 sq. ft.	80	100	20	10	25	30	35
Manufactured Homes	4.0	10,890 sq. ft.	80	80	20	10	20	30	35
Manufactured Home Parks ⁷	5.0	5 acres	300	300	25	20	50	30	30
Planned Unit Developments ¹¹	4.0	2 acres	40	100	20	5	20	30	30
Accessory Dwelling Units⁴	4.0	10,890 sq. ft.	80	80	20	10	15	30	20
Bed and Breakfast Inns/Guesthouses ⁷	10 rooms ²	21,780 sq. ft.	80	150	25	10	25	30	35
Sewage Lift Station/Water Pump Station ⁷	–	8,000 sq. ft.	70	80	25	15	25	20	40
Public Safety (Police/Fire) Stations ⁷	–	1 acre	150	200	50	30	60	30	25
Electrical Substations ⁷	–	21,780 sq. ft.	100	150	25	30	25	30	25
Libraries ⁷	–	1 acre	100	200	25	25	25	30	25

Houses of Worship ⁷	—	1 acre	150	200	25	25	50	30	20
Recreational Facilities	—	3	3	3	3	3	3	20	25
Retail Trade Establishments ^{4, 7}	—	8,000 sq. ft. ⁵	70	80	25	15	30	30	25
Neighborhood Shopping Centers ⁷	—	1 acre ⁵	150	200	50	50	30	30	25
Personal Service Establishments ⁷	—	8,000 sq. ft. ⁵	70	80	25	15	30	30	25
Business/Professional Services ⁷	—	8,000 sq. ft. ⁵	70	80	25	15	30	30	25
Preschool Facilities ⁷	—	8,000 sq. ft.	70	80	25	15	30	30	25
Elementary Schools ⁷	—	10 acres ⁶	300	300	25	25	50	30	25
Middle Schools ⁷	—	15 acres ⁶	300	300	25	25	50	30	25
High Schools ⁷	—	15 acres ⁶	500	500	50	50	50	50	25

~~¹The accessory dwelling unit dimensional and density requirements set forth in this table are based on a maximum allowance of one accessory unit for each single-family detached dwelling. The minimum lot size requirements are for a single-family detached dwelling and accessory dwelling unit on the same lot. Therefore, the indication that 10,890 sq. ft. is required for a single-family detached unit and an accessory unit should not be construed to mean that each activity will require this amount of land. Rather, the intent is that a minimum of 10,890 sq. ft. will be required to accommodate both of these activities on one lot.~~

²Bed and breakfast inns/guesthouses shall not exceed a total of 10 rooms within a single development in this zone.

³Minimum dimensional requirements for recreational facilities shall be established by the building and zoning official, based on the recreation performance standards.

⁴No automobile-related retail trade establishment (new or used car dealership, service station, gasoline station, car wash, etc.) shall be permitted in this zone, nor shall any adult entertainment facility be permitted in this zone.

⁵The maximum lot size shall be no more than one acre for individual retail trade, personal service, and business/professional service establishments in this zone, or two acres in the case of a neighborhood shopping center.

⁶Plus one acre per 100 students.

⁷Conditional use.

⁸Requirements may be reduced in accordance with the criteria established for obtaining approval as a conditional use.

⁹All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks.

¹⁰Eaves of a dwelling or accessory structure may project 12 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 Uniform Building Code Section 503.2 and Section 705.

¹¹Average and minimum lot size: 4,500 sq. ft. average for all lots within the development with a minimum lot size of 4,000 sq. ft. (Ord. 917-06 § 1; Ord. 834-03 § 1; Ord. 780-02 §§ 1, 2, 3; Ord. 630 § 2[16.07.010], 1995)

Section 3. Amendment. Existing SMC Chapter 16.12, “Permitted Uses And Tables Of Dimensional And Density Requirements,” Section 16.12.020(B)(1)(c) “Moderate density (MD) zone” and “Moderate Density (MD) Zone Table of Dimensional and Density Requirements,” including footnote 1, are hereby amended to remove reference to “Accessory Dwelling Units and shall be more particularly amended to read as set forth in Exhibit B, attached hereto and by reference incorporated herein.

EXHIBIT B

16.12.020 Moderate Density (MD) Zone.

A. General Description of Character and Intent of the Zone. This zone includes areas that are, at the present time, largely served by municipal sewer and water lines. This zoning district is intended to accommodate medium density residential development, active and passive recreational facilities, small office development, as well as neighborhood-oriented commercial enterprises.

B. Permitted Uses.

1. Residential. Buildings occupied or intended to be occupied for residential purposes and supporting activities.

- a. Single-family detached dwellings;
- b. Home occupations;
- c. Accessory buildings/structures ~~(including accessory dwelling units);~~
- d. Planned unit development;
- e. Residential treatment facility.

2. Recreational Facilities. Active or passive recreational areas or facilities engaged in providing leisure-time services.

- a. Ball parks;
- b. Playgrounds;
- c. Swimming pools;
- d. Neighborhood parks;
- e. Community parks;
- f. Walking/bicycle/horseback riding trails;
- g. Private concessionaires.

C. All of the above uses shall be permitted in the MD zone; provided, that all of the standards for each use, as specified in the following table of dimensional and density requirements, and those performance standards that apply to the proposed development have been observed. The performance standards that could apply include those found in the following list.

1. Residential performance standards (including subdivision regulations);
2. Nonresidential performance standards;
3. Off-street parking and loading standards;
4. Sign standards;
5. Hillside and geologically hazardous development standards;
6. Recreational and open space standards;
7. Streams and wetlands standards;
8. Landscape standards;
9. Stormwater management standards;
10. Shoreline management standards;
11. Vegetation protection standards;
12. Floodplain protection standards;
13. Wellfield/groundwater protection standards;
14. Fish and wildlife areas protection standards.

D. Conditional Uses.

1. Duplexes or two-family dwellings;
2. Single-family detached dwellings (clustered);
3. Attached dwellings (townhouses, patio homes);
4. Zero-lot line dwellings;
5. Multiple-family dwellings;
6. Manufactured home parks;
7. Bed and breakfast inns/guest houses containing 16 guest rooms or less;
8. Schools. Institutions of learning (public or private):
 - a. Preschool facilities;
 - b. Elementary schools;
 - c. Middle schools;
 - d. High schools;
9. Retail Trade. Establishments primarily engaged in providing finished products to individuals on a limited scale. However, no car dealerships, gasoline stations, auto repair facilities, or car washes are to be allowed in this zone.
 - a. Apparel and accessories shops;
 - b. Book/stationery stores;
 - c. Electric and electronic appliance stores;
 - d. Grocery stores;
 - e. Retail food establishments (restaurants and catering services only);
 - f. Florists;
 - g. Camera/photographic equipment stores;
 - h. Pharmacies;
 - i. Plant nurseries;
 - j. Video rentals and sales stores;
 - k. Convenience stores;
 - l. Neighborhood shopping centers. Note: neighborhood shopping centers shall include only those uses or activities that are included in retail trade, personal services, or business or professional services listing for this zoning district;
10. Personal Services. Establishments primarily engaged in providing services to individuals:
 - a. Barber shops;
 - b. Beauty salons;
 - c. Funeral homes/mortuaries;
 - d. Shoe repair services;
 - e. Opticians;
 - f. Laundromats/laundry services;
 - g. Day care centers;
 - h. Veterinarians/animal kennels;
 - i. Banks;
11. Business or Professional Services. Establishments primarily engaged in rendering services to other business or private individuals on a contract or fee basis:
 - a. Legal services;
 - b. Accounting services;
 - c. Finance, insurance and real estate services;
 - d. Health care facilities;
 - e. Travel agencies;
 - f. Professional consultants;
12. Government Services, Public Utilities and Quasi-Public Facilities. Government agencies that provide administrative services to the city. Auxiliary facilities that provide electricity, sanitary sewer services, water, transportation services, communications, and other

related services for public consumption. Quasi-public facilities under this heading shall include houses of worship and other meeting facilities for the congregation, but shall not include educational facilities (except Sunday schools).

- a. Public safety (police/fire) stations;
- b. Community centers;
- c. Sewage lift stations/water wells and pump stations;
- d. Electrical substations;
- e. Electrical transmission lines;
- f. Hospitals/sanitariums;
- g. Libraries;
- h. Houses of worship/meeting halls.

Moderate Density (MD) Zone

Table of Dimensional and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) ¹¹			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front ¹²	Each Side ¹²	Rear ¹²		
Single-Family Detached Dwellings	6.0	7,200 sq. ft.	60	80	20	total 15 min 5	20	30	35
Single-Family Detached Dwellings (Clustered) ^{9, 10}	6.0	7,200 sq. ft.	60	80	20	total 15 min 5	20	30	35
Duplexes/Two-Family Dwellings ⁹	8.0	10,000 sq. ft.	80	80	20	10	20	30	40
Attached Dwellings ^{2, 9}	8.0	20,000 sq. ft.	100	100	15	15	15	30	40
Zero Lot Line Dwellings ^{2, 9}	8.0	20,000 sq. ft.	100	100	15	15	15	30	40
Multiple-Family Dwellings ⁹	10.0	12,000 sq. ft. for a triplex; 4,500 sq. ft. of additional lot area for each additional unit ³	100	100	25	10 ¹⁴	30	30	40
Manufactured Home Parks ⁹	7.0	5 acres	300	300	20	10	20	30	35
Accessory Dwelling Units	6.0	7,200 sq. ft.	60	80	20	5	15	30	20
Planned Unit Developments ¹³	6.0	2 acres	40	100	20	5	20	30	35
Planned Affordable Residential Development	8.0	3 acres	200	200	20	10	20	30	40
Residential Treatment Facility	10 rooms	1 acre	120	200	25	25	40	30	25

Bed and Breakfast Inns/Guesthouses ⁹	10 rooms ⁴	20,000 sq. ft.	100	150	25	15	25	30	30
Boarding/Rooming Houses	10 rooms	20,000 sq. ft.	100	150	25	15	25	30	30
Preschool Facilities ⁹	–	7,200 sq. ft.	60	80	20	5	20	30	35
Elementary Schools ⁹	–	10 acres ⁸	300	300	25	25	50	30	25
Middle Schools ⁹	–	15 acres ⁸	300	300	25	25	50	30	25
High Schools ⁹	–	15 acres ⁸	500	500	50	50	50	50	25
Retail Trade Establishments ^{5, 9}	–	7,000 sq. ft. ⁶	60	75	20	10	20	30	25
Personal Service Establishments ⁹	–	7,000 sq. ft. ⁶	60	75	20	10	20	30	25
Business/Professional Services ⁹	–	7,000 sq. ft. ⁶	60	75	20	10	20	30	25
Neighborhood Shopping Centers ⁹	–	1 acre ⁶	150	200	50	50	30	30	25
Sewage Lift Station/Water Pump Station ⁹	–	8,000 sq. ft.	70	80	25	15	25	20	40
Public Safety (Police/Fire) Stations ⁹	–	1 acre	150	200	50	30	60	30	25
Electrical Substations ⁹	–	21,780 sq. ft.	100	150	25	30	25	30	25
Libraries ⁹	–	1 acre	100	200	25	25	25	30	25
Hospitals/Sanitarium ⁹	–	2 acres	300	300	50	50	50	50	25
Community Centers ⁹	–	20,000 sq. ft.	100	100	25	15	25	30	25
Houses of Worship ⁹	–	1 acre	100	200	25	15	25	30	25
Recreational Facilities									

¹The front yard setback of 10 feet shall apply to the principal structure. Any garage or carport built in conjunction with this type of dwelling, either attached to the principal structure or detached, shall have a minimum setback of 20 feet.

- ²The lot area, width, and depth requirements, as well as the front, rear, and side, yard setbacks for attached and zero-lot line dwellings are not intended to be applied to individual units. Rather, they are meant to be used to establish the minimum dimensional and density requirements for those housing types. For example, if a townhouse development is proposed to be built on a 20,000-square-foot lot, four units can be built. Each unit would not be required to have a side yard adjacent to another townhouse unit. The side yard requirement indicated above shall apply only to the perimeter of the total proposed development.
- ³Maximum lot size shall be no more than three acres for any single multiple-family development in this zone.
- ⁴Bed and breakfast inns/guest houses shall not exceed a total of 16 rooms within a single development in this zone.
- ⁵No automobile-related retail trade establishment shall be permitted in this zone, nor shall any adult entertainment facility be permitted in this zone.
- ⁶The maximum lot size shall be no more than one acre for individual retail trade, personal service, and business/professional service establishments in this zone, or two acres in the case of a neighborhood shopping center.
- ⁷Minimum dimensional requirements for recreational facilities shall be established by the building and zoning official, based on the recreation performance standards.
- ⁸Plus one acre per 100 students.
- ⁹Conditional use.
- ¹⁰Requirements may be reduced in accordance with the criteria established for obtaining approval as a conditional use.
- ¹¹All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks.
- ¹²Eaves of a dwelling or accessory structure may project 12 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 Uniform Building Code Section 503.2 and Section 705.
- ¹³Average and minimum lot size: 4,5000 sq. ft. average for all lots within the development with a minimum lot size of 4,000 sq. ft.

¹⁴No 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.
(Ord. 928-06 § 1; Ord. 917-06 § 2; Ord. 834-03 § 2; Ord. 780-02 §§ 4, 5, 6; Ord. 630 § 2[16.07.020], 1995)

Section 4. Amendment. Existing SMC Chapter 16.12, “Permitted Uses And Tables Of Dimensional And Density Requirements,” Section 16.12.030(B)(1)(g) “High Density (HD) Zone” and “High density (HD) Zone Table of Dimensional and Density Requirements,” including footnote 3, are hereby amended to remove reference to “Accessory Dwelling Units” and shall be more particularly amended to read as set forth in Exhibit C, attached hereto and by reference incorporated herein.

EXHIBIT C

16.12.030 High Density (HD) Zone.

A. General Description of Character and Intent of the Zone. This zoning district includes moderately to densely developed areas that are located primarily in the heart of the city and are proposed to comprise of higher density residential development and a wide range of commercial activities.

B. Permitted Uses.

1. Residential. Buildings occupied or intended to be occupied for residential purposes and supporting activities.

- a. Single-family detached dwellings;
- b. Duplexes or two-family dwellings;
- c. Attached dwellings (townhouses, patio homes) of 12 dwelling units or less;
- d. Zero-lot line dwellings of 12 dwelling units or less;
- e. Multiple-family dwellings of 12 dwelling units or less;
- f. Home occupations;
- g. Accessory buildings/structures ~~(including accessory dwelling units).~~

2. Planned unit developments.

C. All of the above uses shall be permitted in the HD zone; provided, that all of the standards for each use, as specified in the following table of dimensional and density requirements, and those performance standards that apply to the proposed development have been observed. The performance standards that could apply include those found in the following list.

1. Residential performance standards (including subdivision regulations);
2. Nonresidential performance standards;
3. Off-street parking and loading standards;
4. Sign standards;
5. Hillside and geologically hazardous development standards;
6. Recreational and open space standards;
7. Streams and wetlands standards;
8. Landscape standards;
9. Stormwater management standards;
10. Shoreline management standards;
11. Vegetation protection standards;
12. Floodplain protection standards;
13. Wellfield/groundwater protection standards;
14. Fish and wildlife areas protection standards.

D. Conditional Uses.

1. Attached dwellings (townhouses, patio homes) of 12 dwelling units or more;
2. Zero-lot line dwellings of 12 dwelling units or more;
3. Multifamily dwellings of 12 dwelling units or more;
4. Residential treatment facility not to exceed 10 rooms;
5. Apartment hotels (not to exceed 20 guest rooms) and bed and breakfast inns/guest houses (not to exceed 16 guest rooms);
6. Schools, institutions of learning (public or private).

- a. Preschool facilities;
- b. Elementary schools;
- c. Middle schools;
- d. High schools;

7. Retail Trade. Establishments primarily engaged in providing finished products to individuals on a limited scale. However, no car dealerships, gasoline stations, auto repair facilities, or car washes are to be allowed in this zone.

- a. Apparel and accessories shops;
- b. Book/stationery stores;
- c. Confectionery shops;
- d. Electric and electronic appliance stores;
- e. Grocery stores;
- f. Household items stores;
- g. Camera/photographic equipment stores;
- h. Sporting goods stores;
- i. Convenience stores;

j. Neighborhood shopping centers. Note: Neighborhood shopping centers shall include only those uses or activities that are included in retail trade, personal services, or business or professional services listing for this zoning district;

- k. Pharmacies;
- l. Retail food establishments (restaurants and catering services only);
- m. Bars, taverns, cocktail lounges;
- n. Video rentals and sales stores;

8. Personal Services. Establishments primarily engaged in providing services to individuals.

- a. Barber shops;
- b. Beauty salons;
- c. Health clubs;
- d. Private clubs;
- e. Funeral homes/mortuaries;
- f. Shoe repair services;
- g. Opticians;
- h. Laundromats/laundry and dry cleaning services;
- i. Day care centers;
- j. Veterinarians (not to include animal kennels);
- k. Banks;

9. Business or Professional Services. Establishments primarily engaged in rendering services to other businesses or private individuals on a contract or fee basis.

- a. Advertising agencies;
- b. Legal services;
- c. Accounting services;
- d. Finance, insurance and real estate services;
- e. Employment services;
- f. Health care facilities;
- g. Travel agencies;
- h. Professional consultants;
- i. Photocopying/film processing facilities;
- j. Parking structures;

10. Government Services, Public Utilities and Quasi-Public Facilities. Government agencies that provide administrative services to the city. Auxiliary facilities that provide electricity, sanitary sewer services, water, transportation services, communications, and other

related services for public consumption. Quasi-public facilities under this heading shall include houses of worship and other meeting facilities for the congregation, but shall not include educational facilities (except Sunday schools).

- a. Sewage lift stations/water wells and pump stations;
 - b. Electrical substations;
 - c. Public safety (police/fire) stations;
 - d. Electrical transmission lines;
 - e. Libraries;
 - f. Houses of worship/meeting halls;
 - g. Community centers;
 - h. Government offices;
11. Night clubs;
 12. Swimming pools;
 13. Amusement parks;
 14. Seasonal parking facilities.

High Density (HD) Zone

Table of Dimensional and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) ⁹			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front ¹⁰	Each Side ¹⁰	Rear ¹⁰		
Single-Family Detached Dwellings	8.7	5,000 sq. ft.	45	75	10 ¹	total 15 min 5	20	30	55
Duplexes/Two-Family Dwellings	12.0	7,000 sq. ft.	50	75	20	10 ⁸	20	30	40
Attached Dwellings ^{2,7}	12.0	0.5 acres	100	100	20	15	20	30	40
Zero Lot Line Dwellings ^{2,7}	12.0	0.5 acres	100	100	20	15	20	30	45
Multiple-Family Dwellings ⁷	20.0	10,000 sq. ft. for a triplex; 1,974 sq. ft. of additional lot area for each additional unit	100	100	25	10 ⁸	25	30	45
Planned Unit Developments ¹¹	8.7	2 acres	40	75	10	5	20	30	55
Residential Treatment Facility ⁷	10 rooms	0.5 acres	100	100	20	25	25	30	25
Apartment Hotels ⁷	20 rooms	1 acre	100	200	25	20	25	30	25
Bed and Breakfast Inns/Guesthouses ⁷	16 rooms	0.5 acres	100	100	20	20	20	30	25
Preschool Facilities ⁷	–	7,200 sq. ft.	60	80	20	5	20	30	35
Elementary Schools ^{6,7}	–	10 acres ⁶	300	300	25	25	50	30	25

Middle Schools ^{6, 7}	–	15 acres ⁶	300	300	25	25	50	30	25
High Schools ^{6, 7}	–	15 acres ⁶	500	500	50	50	50	50	25
Retail Trade Establishments ⁷	–	6,000 sq. ft.	50	75	10	10	25	30	40
Personal Service Establishments ⁷	–	6,000 sq. ft.	50	75	10	10	25	30	40
Business/Professional Services ⁷	–	6,000 sq. ft.	50	75	10	10	25	30	40
Neighborhood Shopping Centers ⁷	–	1 acre ⁴	100	200	25	20	30	30	25
Sewage Lift Station/Water Pump Station ⁷	–	8,000 sq. ft.	70	80	25	15	25	20	40
Electrical Substations ⁷	–	0.5 acres	100	100	25	30	25	30	25
Public Safety (Police/Fire) Stations ⁷	–	1 acre	150	200	25	25	60	30	25
Libraries ⁷	–	0.5 acres	100	100	20	10	25	30	30
Parking Structures ⁷	–	0.5 acres	100	100	10	10	10	60	85
Houses of Worship ⁷	–	1 acre	100	150	25	25	25	30	25
Community Centers ⁷	–	1 acre	100	200	25	25	25	30	25
Office Buildings	–	0.5 acres	100	200	20	20	30	30	25
Night Clubs ⁷	–	1 acre	100	100	25	30	35	30	25
Government Offices ⁷	–	0.5 acres	100	200	20	20	35	30	25
Amusement Parks ⁷	–	1 acre	125	225	25	25	35	30	25
Veterinarians	–	10,000 sq. ft.	75	100	20	20	35	30	25
Recreational Facilities	–	5	5	5	5	5	5	20	25
Seasonal Parking Facility ⁷	–	2,500 sq. ft.	50	50	10	5	5	–	–

¹The front yard setback of 10 feet shall apply to the principal structure. Any garage or carport built in conjunction with these dwelling unit types, either attached to or detached from the principal structure, shall have a minimum front yard setback of 20 feet.

²The lot area, width, and depth requirements, as well as the front, side, and rear yard setbacks for attached and zero-lot line dwellings are not intended to be applied to the individual units. Rather, they are meant to be used to establish the minimum dimensional and density requirements for these housing types. For example, if a townhouse development is proposed to be built on a one acre lot, 12 units can be built. Each unit would not be required to have a side yard adjacent to another townhouse unit. The side yard requirement indicated above applies only to the perimeter of the total proposed development.

⁴The maximum lot size shall be no more than two acres for neighborhood shopping centers in this zone.

⁵Minimum dimensional requirements for recreational facilities shall be established by the building and zoning official, based on the recreation performance standards.

⁶Plus one acre per 100 students.

⁷Conditional use.

⁸No 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.

⁹All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks.

¹⁰Eaves of a dwelling or accessory structure may project 12 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 Uniform Building Code Section 503.2 and Section 705.

¹¹Average and minimum lot size: 4,500 sq. ft. average for all lots within the development with a minimum lot size of 4,000 sq. ft. (Ord. 928-06 § 2; Ord. 917-06 §§ 3, 4; Ord. 834-03 § 3; Ord. 780-02 §§ 7, 8, 9; Ord. 765-01 §§ 1, 2; Ord. 630 § 2[16.07.030], 1995)

Section 5. Severability. If any Section, sentence, clause, phrase, or other portion or provision of this Ordinance or its application to any person or project is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, the balance of this Ordinance shall be unaffected and shall remain in full force and effect.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ day of _____, 2010.

CITY OF SULTAN

CAROLYN ESLICK, Mayor

ATTEST/AUTHENTICATED:

By _____
LAURA KOENIG, City Clerk

Approved as to form:

By _____
Margaret King, City Attorney

Date of Publication:

Effective Date: