



REGULAR MEETING AGENDA
April 21, 2016
7:00PM

City of Sultan Council Chambers
319 Main Street, Sultan WA 98294

Call to Order, Pledge of Allegiance, Roll Call

Changes to the Agenda

Public Comments

Citizens are requested to keep Public Comments to a 3-minute maximum (3 minutes or less per person) to allow time for everyone to speak.

Planning Board Member Comments

Approval of Minutes

- March 17, 2016 Meeting

**Open Public Hearing if Applicable
Hearing and Action Items**

Discussion Items:

- D-1: SMC 16.12 Zoning Districts
- D-2: SMC 16.150 Definitions

Summary of Meeting Results and Actions for Next Meeting

Public Comments on Agenda Items Only

Planning Board Member Comments

Adjournment

PLANNING BOARD MISSION STATEMENT

The City of Sultan Planning Board's mission is to translate its knowledge of the community into recommendations on land use plans and codes that help the community to achieve its goals and desires for health, prosperity and quality of life for present and future generations.

Planning Board Members
Lucy Hitchcock, Chair
Sean Gossett, Chair Pro-Tem
Tom Green
Gloria Reedy
Janet Peterson

Community Development Staff
Brad Collins, FAICP
Cyd Sparks, Secretary of the Board

ADA NOTICE: City of Sultan Community Center is ADA accessible. Accommodations for person with disabilities will be provided upon request. Please make arrangements prior to the meeting by calling City Hall at 360.793.2231. For additional information please contact the City at cityhall@ci.sultan.wa.us or visit our website at www.ci.sultan.wa.us

**SULTAN PLANNING BOARD MINUTES
MARCH 17, 2016**

PLANNING BOARD MEMBERS PRESENT:

Lucy Hitchcock
Sean Gossett
Gloria Reedy
Janet Peterson
Tom Green Absent - Excused

STAFF PRESENT:

Brad Collins, FAICP
Interim Planning Director
Cyd Sparks, Secretary of the Board

Peterson moves to excuse Green's absence, Reedy seconds. All Ayes.

CALL TO ORDER:

Call to Order at 7:00 p.m.

CHANGES TO THE AGENDA:

Add PRO's Plan Survey Discussion – what are the next steps.

PUBLIC COMMENTS:

Kathleen Morrison - 34805 Mann Road, new owner of KandR Home Realty at 421 Stevens Avenue, Sultan. Attending the PB Meetings to learn more about Sultan and has lived here for 13-years.

Tiffany Roeder - 321 Amberwood Circle, Sultan WA, newest broker at KandR Home Realty, lived in Sultan for 3-years and Duvall before that.

PLANNING BOARD MEMBER COMMENTS:

Hitchcock: Went to last CC Meeting and the last discussion item was ball fields. Gave an overview of what happened.

APPROVAL OF MINUTES:

February 17, 2016 Minutes – Peterson moved to approve the Minutes as corrected. Seconded by Reedy. All Ayes. Gossett abstained.

DISCUSSION AND STUDY ITEMS:

Discussion over updated material added into packet from last meetings review:

Peterson: Motel – redlined page.....keep rooms in and leave off the (or).

Hitchcock: Asked Staff if they looked at Title 18 because there is a whole lot more in Title 18. She asks if the Definitions would be a single chapter? Staff stated yes, the Definitions will be in one alphabetical listing. Staff stated that he only pulled definitions that we were working on. Gossett was going to ask about Tiny Housing. Staff did not include information at this time but it is getting popular especially in Europe. It is something we could add. There is a brief discussion over different housing types including co-housing and cottage housing. Hitchcock has some edits and will give us her comments to incorporate in the final draft.

Hitchcock has a question about subordinate use. Staff explained the difference between subordinate in size and accessory use to the principal permitted use. Gossett asks about

ADU's versus Air B&B's regarding owner occupancy and would not like to see them abused. Reedy asks about the square footage size for ADU's and how they are determined. Staff explained how the ADU would work and the difference between subordinate size and accessory unit. The accessory unit size is related to the square footage of the house and the ADU cannot exceed half the size of the square footage of the primary residence (principal use) to be subordinate. Reedy asked again about the size relation and Staff affirmed it is related to the size of the house not the size of the lot or building footprint.

Neighborhood Commercial (NC) Zone:

The discussion begins on allowed uses in the NC and convenience stores. Hitchcock talked about the 3-urban centers in the Comp Plan and how one would work on the East side of Sultan. Staff says that is something you could include when you update the Comp Plan. Gossett has fond memories of small neighborhood stores like the Roosevelt Store or the Storm Lake Store. Gossett said maybe it's better to say convenience stores should be less than 5,000 sq ft for example. Board and Staff had a great discussion including parking and over the wording minimum and maximum meanings.

BREAK 7:55 P.M. – 8:00 P.M.

D-1: Zoning Code Update – P/I Zone.

Staff goes over the P/I Zoning proposed changes. Discussion ensues over the P/I Zone. Gossett asks about the term "Overlay Zone" and asks if it has its own requirements, for example what about schools in a residential zone and the height restriction there? Staff explains this is where the planning director would make an interpretation of the code but if it has its own zone then the requirements would be clear and there is always the SEPA process for mitigation issues such as noise that could be identified as an adverse impact at the time. The SEPA decision maker could make a decision based on the adverse requirement information. Staff believes they should take the overlay zone wording out of the code and leave it as a Conditional Use. Staff discusses what he did to reorganize the P/I Zone and a lengthy discussion was had over steep slopes and hazardous geological areas.

Staff would like the Board to go over the P/I section again, think about it and the word overlay and removing it. Staff points out that most larger items would need a Conditional Use Permit. Hitchcock says so this is a two step process, the maps and the codes. Staff said yes. Staff and Board have a discussion over Comp plan, zoning maps, re-zoning process and public hearings. Staff stated that the pre-zoning from Title 18 was kind of a smoke and mirrors concept because the City cannot zone County property. That happens during the Comp Plan updates and the City would request the zoning changes at that time. Gossett asks how long would it take to update the Zoning map, Staff says anywhere from 2-months to a year depending on the input and agreement of the changes suggested. Staff is trying to get the Code to a place that reflects the City is doing what it means. He is not changing the content of the Code just clarifying and organizing. The whole point in getting the Zoning Code done is to get it to the point where you say what you mean because we do not have the Staff to go through all the processes that are in the existing Code.

(Reedy left, she was not feeling well).

Staff asks the Board to go over the new Public building, Parks and Open Space Zone again and gives us their thoughts. Hitchcock asked when they would be discussing Density. Staff said it will be discussed before the mapping.

D-2: PRO's Plan Survey –

Board and Staff discuss the surveys that have been received and what to do to get the word out more. The Board and Staff will consider the best way to tally the surveys that do come in.

ACTIONS FOR NEXT MEETING:

- PB Minutes for March 17th
- Promote PROS Plan Survey
- Chapters UC, HOD, ED from Titles 16 & 18 to review before next meetings.
- Discuss extra meeting time to go over mapping end of May or June.

PUBLIC COMMENTS:

Tiffany Roeder suggested handing out or taking the surveys to the Easter Egg Hunt.

PLANNING BOARD COMMENTS:

Gossett – Having sat in these meetings for the last 2-years enjoys having the open podium for the public to speak.

Hitchcock – Reminder that the Annexation Hearing at City Council on March 24th.

ADJOURNMENT:

Gossett moves to adjourn the meeting and seconded by Peterson. All Ayes.

Adjourned at 9:17 p.m.

16.12 ZONING MATRIX

<u>Land Uses</u>	<u>LD</u>	<u>MD</u>	<u>HD</u>	<u>NC</u>	<u>UC</u>	<u>HOC</u>	<u>M</u>	<u>PB/P/OS</u>	<u>Notes</u>
S-F Detached Dwelling	x	x	x	x	x				
S-F Attached Dwelling		x	x	x	x				
Group Home	x	x	x	x	x				
Guest House	x* <4	x* <6	x <8	x	x				
Duplex/Two-Family Dwelling		x	x	x					
Townhouse/S-F Attached		x		x					
Zero Lot Line S-F Attached		x		x					
Multi-Family Dwelling Unit			x	x					
Boarding House			x*	x					
Residential Treatment Facility			x*	x					
Day-Care Center		x*		x	x				
Elementary School	x*	x*	x*					x	
Middle/High School		x*	x*					x	
Pre-school		x*	x*						
Community Center		x*	x*		x			x	
Houses of Worship		x*	x*		x				
Convenience Store (Var Types)				x <5K sf	x <10K sf	x			
Coffee Shop/Espresso Stand				x	x	x			
Barber Shop/Beauty Salon				x	x	x			
Gift Shop				x	x	x			
Self-Service Laundromat				x	x	x			
Restaurant (Various Types)				x carry-out	x	x			
Grocery Store (Various Types)				x <5K sf	x <10K sf	x			
Accounting Services Office				x*	x	x			
Legal Services Office				x*	x	x			
Finance/Insurance Office				x*	x	x			
Real Estate Office				x*	x	x			
Apparel/Accessories Shop					x	x			
Book/Stationery Store					x	x			
Candy Store					x	x			
Craft/Art Supply Store					x	x			

16.12 ZONING MATRIX

<u>Land Uses</u>	<u>LD</u>	<u>MD</u>	<u>HD</u>	<u>NC</u>	<u>UC</u>	<u>HOC</u>	<u>M</u>	<u>PB/P/OS</u>	<u>Notes</u>
Picture/Framing Shop					X	X			
Artist Gallery/Studio					X	X			
Dairy Products Store					X	X			
Electrical/Electronics Store					X	X			
Florist Shop					X	X			
Furniture Store					X	X			
Household Items Store					X	X			
Office Furnishing/Equip Store					X	X			
Computer/Telephone Store					X	X			
Photographic Equipment Store					X	X			
Sporting Goods Store					X	X			
Retail Food Estab (Var Types)					X	X			
Jewelry Store					X	X			
Pharmacy/Drug Store					X	X			
Pawnshop					X	X			
Antique Store					X	X			
Bakery Shop					X	X			
Bar/Tavern/Cocktail Lounge					X	X			
Private Club					X	X	X		
Health Spa					X	X			
Fitness Center/Gymnasium					X	X			
Bicycle Repair Shop					X	X			
Shoe Repair Shop					X	X			
Tailor Shop					X	X			
Laundry/Dry Cleaning Estab					X	X			
Tattoo Parlor					X	X			
Funeral Home/Mortuary					X	X			
Bank					X	X			
Advertising Agency Office					X	X			
Employment Office					X	X			
Health Care Facility					X	X			
Doctor/Dentist Office					X	X			
Veterinary Clinic (Var Kennels)					X	X			
					X	X			x 0 kennel x w/kennel

16.12 ZONING MATRIX

<u>Land Uses</u>	<u>LD</u>	<u>MD</u>	<u>HD</u>	<u>NC</u>	<u>UC</u>	<u>HOC</u>	<u>M</u>	<u>PB/P/OS</u>	<u>Notes</u>
Travel Agency Office					X	X			
Professional Consultant Office					X	X			
Off-Set Printing/Publishing Shop					X	X			
Photocopying/Photography Shop					X	X			
Plant Nursery						X			
Office Supply Store						X			
Hardware Store						X			
Home Building Supply Store						X			
Supermarket						X			
Car Wash Establishment					X*	X			
Automobile Service Station					X*	X			
Truck Stop						X			
Automobile Repair Shop					X* in-bldg	X			
Motor Vehicle Sales/Services Est						X			
Automobile Rental Facility						X	X		
Automotive Parts Store					X	X			
Shopping Center						X			
Recreational Vehicle Sales Estab						X			
Recreational Vehicle Storage						X in-bldg			
Travel Trailer/Mobile Home Park						X			
Lumber Yard						X			
Night Club w/Bar & Restaurant					X	X			
Game/Video Arcade					X	X			
Casino/Gambling Establishment						X			
Theater/Museum/Art Gallery					X	X			
Private School						X			
Hotel					X	X			
Motel					X	X			
Lodging House					X				
Urban Park					X	X			X
Playground/Tot Lot					X				X
Ball Park/Stadium						X*			*
Parking Structure/Parking Lot					X*	X*			X

16.12 ZONING MATRIX

<u>Land Uses</u>	<u>LD</u>	<u>MD</u>	<u>HD</u>	<u>NC</u>	<u>UC</u>	<u>HOC</u>	<u>M</u>	<u>PB/P/OS</u>	<u>Notes</u>
Farmers Market					x*	x*			
Agricultural Stand w/ Retail Ctr					x*	x*			
Flea Market w/ Retail/Comm Ctr					x*	x*			
Seasonal Parking Facility					x*	x*	x*		
Mixed-use Development					x*	x			
Other Retail Establishments						x			
Food Processing Plant w/ Retail						x*			
Light Mftg of Finished Products						x*			
Food Processing Plant w/ Retail							x		
Freezer Plant and Storage							x		
Finished Product Mftg Plant							x		
Building Construction Yard/Office							x		
Electrical/Electronics Mftg Plant							x		
Metal Products Mftg Plant							x		
Furniture/Fixtures Mftg Plant							x		
Computer Equip Mftg Plant							x		
Leather Products Mftg Plant							x		
Lumber/Wood Products Mftg Plt							x		
Medical/Optic/Clock Mftg Plant							x		
Printing/Publishing Plant							x		
Rubber/Plastic Products Mftg Plt							x		
Stone/Clay/Glass/Concrete Plant							x		
Transportation Equip Mftg Plant							x		
Handicraft/Artisan Mftg Plant							x		
Home Building Supply Mftg Plant							x		
Wholesale Operations Facility							x		
Equipment/Machinery Facility							x		
Warehousing Operations Facility							x		
Freight Distribution Center							x		
Mini-Warehouse/Storage Facility							x		
Public Transit Storage/Maint Fac							x		
Moving Van/Storage Facility							x		
Package Delivery Facility							x		

CHAPTER 16.12.050
LOW DENSITY RESIDENTIAL (LDR) ZONE

Sections:

- 16.12.050.A Purpose
- 16.12.050.B Permitted Uses
- 16.12.050.C Conditional Uses

16.12.050 Low Density Residential (LDR) Zone

A. Purpose

The purpose of the Low Density Residential Zone is to provide for low density (4-6 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;
3. Group homes.

C. Conditional Uses

1. Accessory dwelling units;
2. Home occupations;
3. Guest houses, containing four guest bedrooms or less;
4. Elementary schools.

CHAPTER 16.12.060
MODERATE DENSITY RESIDENTIAL (MDR) ZONE

Sections:

- 16.12.060.A Purpose
- 16.12.060.B. Permitted Uses
- 16.12.060.C Conditional Uses

18.12.060 Moderate Density Residential (MDR) Zone

A. Purpose

The purpose of the Moderate Density Residential Zone is to provide for moderate density (6-8 units per acre) residential development of duplex, zero lot line townhouse, 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. Townhouse, single-family attached dwellings;
2. Zero lot line, single-family attached dwellings;
3. Single-family detached dwellings;
4. Group homes;
5. Accessory dwelling units;
6. Accessory buildings and structures to single-family and two-family dwellings.

C. Conditional Uses

1. Home occupations;
2. Guest houses, containing six guest bedrooms or less;
3. Elementary, middle, and high schools;
4. Pre-schools;
5. Day-care centers;
6. Houses of worship;
7. Community centers.

**CHAPTER 16.12.070
HIGH DENSITY RESIDENTIAL (HDR) ZONE**

Sections:

- 16.12.070.A Purpose
- 16.12.070.B Permitted Uses
- 16.12.070.C Conditional Uses

16.12.070 High Density Residential (HDR) Zone

A. Purpose

The purpose of the High Density Residential Zone is to provide for high density (8+ units per acre) residential development of multi-family, two-family and single family dwelling units and other uses associated and accessory to common yard, high density residential development, with development patterns that provide for the greatest range of housing options.

B. Permitted Uses

1. Multi-family dwellings;
2. Duplexes/two-family dwellings;
3. Single-family dwellings, including attached and detached dwellings;
4. Group homes;
5. Guest houses, containing 8 guest bedrooms or less;
5. Accessory dwelling units;
6. Accessory buildings and structures to all types of housing.

C. Conditional Uses

1. Home occupations;
2. Boarding houses;
3. Residential treatment facilities;
4. Elementary, middle, and high schools;
5. Pre-schools;
6. Day-care centers;
7. Houses of worship;
8. Community centers.

CHAPTER 16.12.080
NEIGHBORHOOD COMMERCIAL ZONE

Sections:

16.12.080.A Purpose.

16.12.080.B Permitted Uses.

16.12.080.C Conditional Uses.

16.12.080 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 intrinsically are small nodes (less than five acres in size) interspersed (not closer than one mile from each other) within larger residential zones.

B. Permitted Uses.

1. Retail sales stores providing household staples:
 - a. Convenience stores and grocery stores (under 5,000 square feet);
 - 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. Barber shop, hair salon, and beauty salon establishments;
 - b. Day-care centers;
 - c. Self-service laundromats.
3. Residential Uses:
 - a. Multi-family dwellings;
 - b. Duplexes/two-family dwellings;
 - c. Single-family detached and attached dwellings;
 - d. Group homes;
 - e. Guest houses;
 - f. Boarding houses;
 - g. Residential treatment facilities.

C. Conditional Uses.

1. Business service establishments:
 - a. Accounting services offices;

- b. Financial services and insurance offices;
- c. Legal services offices;
- d. Real estate sales offices.

CHAPTER 16.12.090 URBAN CENTER (UC) ZONE

Sections:

- 16.12.090.A Purpose
- 16.12.090.B Permitted Uses
- 16.12.090.C Conditional Uses
- 16.12.090.D Performance Standards

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.

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. Duplexes/two-family dwellings;
 - c. Multiple-family dwellings;
 - d. Boarding houses;
 - e. Group homes;
 - f. Second story and above residential dwellings over commercial and/or office development.
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. Hotels;
 - b. Motels;
 - c. Lodging houses;
 - d. Guest houses.
3. Retail Trade Establishments. Establishments primarily engaged in providing finished products to individuals. However, no automobile-related retail trade facility, drive-in establishments (e.g., drive-in restaurants), or establishment that requires a large truck traffic volume because of the nature of its operation (e.g., building supplies, lumber yards, etc.) shall be allowed in this zone.
 - a. Apparel and accessories shops;
 - b. Book and stationery stores;
 - c. Candy stores;
 - d. Convenience and grocery stores (under 10,000 square feet)
 - e. Craft and art supply stores/picture and framing shops/artist galleries and studios;
 - f. Dairy products stores;

- g. Electrical and electronic products stores;
 - h. Florist shops;
 - i. Furniture stores;
 - j. 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 and espresso stands;
 - q. Jewelry shops;
 - r. Pharmacy/drug stores;
 - s. Pawnshops;
 - t. Antique stores;
 - u. Bars, taverns, and cocktail lounges;
 - v. Bakery shops;
 - w. Parking structures and public surface parking lots;
 - x. Automotive parts stores.
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. Day care 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. Off-set 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 combined with a bar and restaurant;
 - e. Game/video arcades;
 - f. Theaters/museums/art galleries.

C. Conditional Uses

- 1. Mixed-use developments;
- 2. Parking structures and surface parking lots;
- 3. Seasonal parking facilities;
- 4. Car wash facilities;
- 5. Automobile service stations;
- 6. Automobile repair shops (conducted inside a building);
- 7. Farmers markets (regularly or seasonally scheduled on a weekly basis);
- 8. Agricultural produce stands as part of a farmers market (regularly or seasonally scheduled on a weekly basis).

D. All of the above uses shall be permitted in the UC 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. 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.

**CHAPTER 16.12.100
HIGHWAY-ORIENTED COMMERCIAL (HOC) ZONE**

Sections:

- 16.12.100.A Purpose
- 16.12.100.B Permitted Uses
- 16.12.100.C Conditional Uses
- 16.12.100.D Performance Standards

A. Purpose.

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. Retail Trade Establishments/Wholesale Trade Establishments. Large scale, automobile-oriented establishments primarily engaged in providing finished products to individuals and retailers.
 - 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. Craft and art supply stores/picture and framing shops/artist galleries and studios;
 - 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;
2. Sporting goods stores;
3. Car wash facilities;
4. Automobile service stations and truck stops;
 - a. Automobile repair shops;
 - b. Automobile and truck sales and services establishments;
 - c. Automobile rental facilities;
 - d. Automotive parts store;
 - e. Shopping centers;
 - f. Retail food establishments;
 - g. Coffee shops and espresso stands;
 - h. Convenience stores;
 - i. Pharmacy/drug stores;

- j. Bars/taverns/cocktail lounges;
 - k. Theaters/museums/art galleries;
 - l. Public transit terminals;
 - m. Recreational vehicle and boat sales and services establishments;
 - n. Recreational vehicle and boat storage inside a building;
 - o. Lumberyards;
 - p. Mixed-use developments;
 - q. Other retail trade establishments (not including marijuana sales and distribution).
5. Hotels and Motels. Any building used or intended to be used, rented, or hired out to be occupied for sleeping purposes by guests.
 - a. Hotels;
 - b. Motels.
 6. 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. Day care centers;
 7. Banks;
 8. Tattoo parlors (with practitioners certified and licensed by the State of Washington);
 9. Private schools.
 10. 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. Off-set printing and publishing/photocopying/photo processing shops;
 - j. Hospitals and medical clinics.
 - k. Veterinary clinics/animal kennels;
 11. 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. Courthouses;
 - c. Government offices;
 - d. Post offices;
 - e. Public safety (police/fire) stations;
 - f. Community Centers;
 - g. Houses of Worship;
 - h. Public transit stations and bus stops.
12. Recreational and Entertainment Facilities. Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.
- a. Ball parks;
 - b. Urban parks;
 - c. Night clubs combined with a bar and restaurant;
 - d. Casinos and gambling establishments;
 - e. Game/video arcades;
13. Miscellaneous Associated Facilities.
- a. Recreational vehicle parks;
 - b. Recreational vehicle and boat storage (within a building);
 - c. Travel trailer and single-wide mobile home parks.

C. Conditional Uses.

- 1. Manufacturing.
 - a. Food processing plants in conjunction with retail sales of food/beverage products;
 - b. Light manufacturing plants of finished products for retail and wholesale delivery.
- 2. Seasonal parking facility;
- 3. Parking structures and surface parking lots;
- 4. Flea markets as part of a retail trade center or community center;
- 5. Farmers markets (regularly or seasonally scheduled on a weekly basis);
- 6. Agricultural produce stands as part of a farmers market (regularly or seasonally scheduled on a weekly basis) or a retail trade center.

D. All of the above uses shall be permitted in the HOC 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. 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.

CHAPTER 16.12.110 MANUFACTURING (M) ZONE

Sections:

- 16.12.110.A Purpose
- 16.12.110.B Permitted Uses
- 16.12.110.C Conditional Uses
- 16.12.110.D Performance Standards

A. Purpose.

The purpose of the Manufacturing Zone is 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. Manufacturing. The processing or assembling of materials or substances into a finished product.
 - a. Food processing plants;
 - b. Freezer plants/cold storage/food mills/fertilizer production and storage;
 - c. Apparel and other finished products manufacturing and assembly plants;
 - d. Building construction yards and offices;
 - e. Electrical and electronic goods manufacturing and assembly plants;
 - f. Metal products manufacturing, fabrication and assembly plants and storage;
 - g. Furniture and fixtures manufacturing and assembly plants;
 - h. Computer equipment manufacturing and assembly plants;
 - i. Leather products manufacturing plants;
 - j. Lumber and wood products processing plants and storage;
 - k. Medical and optic goods/watches and clocks manufacturing and assembly plants;
 - l. Printing, publishing, and allied industries plants;
 - m. Rubber/plastic products manufacturing plants;
 - n. Stone, clay, glass, and concrete products manufacturing plants and storage;
 - o. Transportation equipment manufacturing and assembly plants and storage;
 - p. Handicraft and artisan manufacturing and assembly plants;
 - q. Home building materials and prefabrication manufacturing and assembly plants.
2. 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 facilities;

- b. Equipment and machinery sales and storage facilities;
 - c. Warehousing operations facilities;
 - 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.
3. **Industrial Services.** Establishments engaged in mechanical, personal, business, and repair services.
- a. Janitorial services facilities;
 - b. Laundry plants.
4. **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. Petroleum products storage and distribution facilities;
5. **Government Facilities.**
- a. Government offices;
 - b. Regional postal facilities;
 - c. Police and fire stations.
6. **Business and Professional Establishments.**
- a. Employment offices;
 - b. Medical waste handling facilities.
7. **Personal Services.**
- a. Funeral homes/mortuaries;
 - b. Animal kennels and shelters.
8. **Miscellaneous Associated Uses.**
- a. Adult bookstores;
 - b. Adult entertainment establishments;
 - c. Automobile body and paint shops;
 - d. Automobile and truck repair shops;
 - e. Automobile rental facilities;
 - f. Lumberyards;
 - g. Recreational vehicle and boat storage yards;
 - h. Towing and Wrecking yards;
 - i. Recycling facilities.

C. Permitted Accessory Uses.

- 1. Caretaker residences;
- 2. Parking structures and surface parking lots.

D. Conditional Uses.

- 1. Private Clubs;
- 2. Seasonal parking facilities;
- 3. Secure community transitional facilities (SCTF);

4. Airports, landing fields, and heliports.

E. All of the above uses shall be permitted in the (M) Zone; provided, that all of the standards of 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. 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;
13. Industrial park master plan (Ordinance 781-02).

**CHAPTER 16.12.120
PUBLIC BUILDING-PARK-OPEN SPACE (PB-P-OS) OVERLAY ZONE**

Sections:

- 16.12.120.A Purpose
- 16.12.120.B Permitted Uses
- 16.12.120.C Conditional Uses
- 16.12.120.D Development and Design Standards
- 16.12.120.E Definitions for this Zone

A. Purpose. The purpose of the public building, park, and open space (PB/P/OS) overlay zone is to recognize public places and provide zoning safeguards for properties devoted to public 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/government buildings.
 - a. Municipal buildings and facilities;
 - b. Public schools;
 - c. Fire stations;
 - d. Police stations;
 - e. Courthouse and offices.
2. Public agency support facilities.
 - a. Archive buildings and other inside storage buildings;
 - b. Parking structures and surface parking lots;
 - c. Public information kiosks and similar facilities for public posting of official communications.
3. Public Parks and Recreation Facilities.
 - a. Public parks, playgrounds, ball fields (without large-scale area lighting);
 - b. Public access trails and interpretive facilities.
4. Natural Areas.
 - a. Nature preserves and greenbelt open space areas;

- b. Natural hazard areas, including floodways, landslide hazard areas, etc.
- 5. Public Utility Facilities.
 - a. Public stormwater management facilities;
 - b. Water and wastewater treatment facilities.
- 6. Public agency training facilities.
- 7. Public Transportation Facilities.
 - a. Public transit facilities;
 - b. Public school bus base or transfer facilities.
- 8. Public hospitals and medical clinics.
- 9. Public libraries.
- 10. Cemeteries.

C. Conditional Uses.

- 1. Public parks, playgrounds, ball fields (with large-scale area lighting).
- 2. Public agency utility yards and similar large-scale outside storage facilities.
- 3. Airports and heliports.
- 4. Jails and prisons.
- 5. Stadiums and arenas.
- 6. Public fairgrounds.

D. Development and Design Standards. Many of the uses in the public building/park/open space overlay zone are unique in the way that they use land and in the way that they affect neighboring properties. Many public building/park/open space uses are also subject to federal, state, and regional development and design standards that are beyond the influence of local zoning codes.

E. Definitions (for 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 State of Washington.
- 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 Constitution of the State of Washington. (Ord. 1072-10 § 1 (Exh. A))

**DIVISION VIII. DEFINITIONS
CHAPTER 16.150 DEFINITIONS**

Sections:

- 16.150.001 Interpretation.
- 16.150.010 "A" definitions.
- 16.150.020 "B" definitions.
- 16.150.030 "C" definitions.
- 16.150.040 "D" definitions.
- 16.150.050 "E" definitions.
- 16.150.060 "F" definitions.
- 16.150.070 "G" definitions.
- 16.150.080 "H" definitions.
- 16.150.090 "I" definitions.
- 16.150.100 "J" definitions.
- 16.150.110 "K" definitions.
- 16.150.120 "L" definitions.
- 16.150.130 "M" definitions.
- 16.150.140 "N" definitions.
- 16.150.150 "O" definitions.
- 16.150.160 "P" definitions.
- 16.150.170 "Q" definitions.
- 16.150.180 "R" definitions.
- 16.150.190 "S" definitions.
- 16.150.200 "T" definitions.
- 16.150.210 "U" definitions.
- 16.150.220 "V" definitions.

16.150.230 "W" definitions.

16.150.240 "X" definitions.

16.150.250 "Y" definitions.

16.150.260 "Z" definitions.

16.150.001 Interpretation.

For purposes of this unified development code, the terms or words in this chapter shall be used in interpretation of purpose and intent. (Ord. 630 § 2 [16.05], 1995)

16.150.010 "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.

a. "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.

7. "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.

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

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

10. "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 unified development code.

11. "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.

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

13. "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.

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

15. "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.

16. "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's breasts. (For the purposes of this definition, the term "paraphernalia" shall not be deemed to include condoms or other birth control measures.)

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

18. "Affordable housing" means a residential dwelling unit with a monthly rent or monthly mortgage payment including property taxes and insurance, not to excess of 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.

19. "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.

20. "Agriculture" means 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 except small animal husbandry.

20.B Air B&B. See "bed and breakfast inn."

21. "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.

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

23. "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."

24. "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.

25. "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.

26. "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.

27. Apartment building or house. See "dwellings, multiple-family."

28. "Appeal" means a request for a review of the government's interpretation of any provision of this unified development code.

29. "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.

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

31. "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.

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

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

34. 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.

35. "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.

36. "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.

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

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

39. "Auditor" means the Snohomish County auditor.

40. "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.

41. "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.

42. "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.

43. 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 body work and adjustment of motor vehicles.

44. "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.

45. "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.

46. "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. 823-03 § 3; Ord. 630 § 2[16.05.002 – 16.05.092], 1995)

16.150.020 "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 up gradient 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. See

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 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. "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.

23. "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.

24. "Buildable area" means the space remaining after the minimum open space and yard setback requirements of this code have been complied with.

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

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

27. "Building official" means the officer designated by the city of Sultan to enforce and administer the International Construction Code, or his or her duly authorized representative.

28. "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.

29. Building, Elevated. See "elevated building."

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

31. Building Height. See "height, building."

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

33. "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.

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

35. "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.

36. "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.

37. "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.

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

39. "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.

40. "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. 1145-12 § 9; Ord. 851-04 § 2; Ord. 630 § 2[16.05.094 – 16.05.172], 1995)

16.150.030 "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.

7.B. "Casino or gambling establishment" means any establishment where gambling has been approved and is monitored by the State of Washington. See "gambling establishment."

8. "Cemetery" means a place for the burial or interment of dead persons or household pets.

9. "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.

10. "Certificate of occupancy (occupancy permit)" means the official certification that a premise conforms to the provisions of this unified development code (and the building code) 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.

11. "Channel, drainage" means a large natural or constructed waterway, ordinarily lined to speed, control, and conduct the flow of stormwater runoff.

12. "Chattel" means moveable articles of personal property, such as household goods or removable fixtures.

13. Child Care Center. See "day care facility."

14. "Clearing" means the destruction and removal of vegetation by manual, mechanical, or chemical methods.

15. "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.

16. "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.

17. Club, Private. See "private clubs."

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

18.B Cocktail lounge. See "Lounge" and "Bar or Cocktail Lounge."

18.C Cottage housing. See "'Single-family detached dwelling(s) (clustered)."

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

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

20. "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.

21. "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.

22. "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.

23. "Commission" means the planning commission of the city of Sultan.

24. "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.

25. "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.

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

27. "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.

28. "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.

29. "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.

30. "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.

31. "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.

32. "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.

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

34. "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.

34B. "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 "residential treatment facility.")

35. "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.

36. "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.

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

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

39. Convalescent Home. See "nursing, rest, or convalescent home."

40. "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.

41. “Conversion” means the change of use or purpose to which a structure or building is put.

42. Corner Lot. See “lot, corner.”

43. “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.)

44. Coverage, Ground. See “lot coverage.”

45. “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.

46. “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.

47. “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.

48. “Curb cut” means an indentation or depression through or into a raised curb forming a driveway or walkway.

49. “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. 630 § 2 [16.05.174 – 16.05.274], 1995)

16.150.040 “D” definitions.

1. Day Care Facility. The following definitions shall apply to the various day care facilities allowed in the different zoning districts:

a. “Day care 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 day care 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-day-care 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 of age, 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 department of public works 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 planning director for land use decisions and public works director for public infrastructure decisions made through the authority vested with the City of Sultan. Where the "director" is referred to as the community development director, this use of the term "director" shall be the same as planning director.

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 dimensional requirements for dwelling unit density, for property line setbacks such as yards and other open spaces as required, for building heights and lot width and depth, and other conditions as required.

17. "Domestic animal" means an animal normally kept as pets incidental to a single-family dwelling. Included are dogs, cats, fish, birds, guinea pigs, etc.; excluded are wild or exotic animals, horses, cows, chickens, ducks, goats, pigs, sheep, or other similar animals associated with husbandry.

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.

23.B. "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.

24. "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, multiple-family" and "family.")

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

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

27. "Dwelling, duplex" means a detached building, designed for or occupied exclusively by two families living independently of each other, and shall not include a mobile home.

28. "Dwelling, multiple-family" 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.

28B. "Dwelling, principal or main" means a building in which is conducted the principal use of the lot on which it is situated. 29. "Dwelling, single-family" means a detached building designed for or occupied exclusively by one family.

30. "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. 1145-12 § 10; Ord. 993-08 § 15; Ord. 630 § 2[16.05.276 – 16.05.334], 1995)

16.150.050 "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 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.

10. "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.

11. "Engineer" means the superintendent of public works of the city of Sultan.

12. "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.

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

14. "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.

15. "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."

16. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, and/or gravity.

17. "Establishment" means an economic unit that is located in a building or other structure, where business is conducted or services are offered. (Ord. 630 § 2[16.05.336 – 16.05.368], 1995)

16.150.060 "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. "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.7B. "Fitness Centers" meansgymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational),wellness and physical training facilities, reducing salons, and weight control establishments.

8. "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.

9. "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.

10. Flood, Base. See "base flood."

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

12. "Flood Insurance Rate Map (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.

13. "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.

14. "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.

15. "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.

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

17. Flooding, Shallow Area. See "area of shallow flooding."

18. "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).

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

20. "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.

21. "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.

22. "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 center line 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.

23. "Floor area ratio (F.A.R.)" 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.

24. "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.

25. "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.

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

27. "Frontage, corner lot" means all the property on two sides of a street between two intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on two sides between an intersecting street and the dead-end of the street. This definition also includes ingress-egress easements when used as the only means of access.

28. "Fuel storage facility" means an area that is used or planned to be used for the storage of petroleum products used for the powering of motor vehicles, boats and ships, and aircraft, and for the operation of electrical generating plants. The facilities may be above-ground or underground storage tanks.

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 therewith before burial or cremation. (Ord. 630 § 2 [16.05.370 – 16.05.428], 1995)

16.150.070 "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 been approved and is monitored by the State of Washington . See "Casino." 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.

4. "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.

5. "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.

6. "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.

7. "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.

8. "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.

9. "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.

10. "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.

11. "Gross leasable area (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 center line 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 "common area").

12. Ground Coverage. See "lot coverage."

13. "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.

14. Ground Sign. See "sign, ground."

15. "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.

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

17. "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.

17B. "Group home" 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.

17C. "Guest house" means an owner-occupied, single-family detached dwelling, containing a limited number of guest rooms; examples include bed & breakfast inn and air b&b.

17D. "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.

18. "Gutter" means a constructed waterway, usually along a street curb, installed to collect and conduct street surface water. (Ord. 630 § 2 [16.05.430 – 16.05.566], 1995)

16.150.080 "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.

5. "Healthspa" means beauty, wellness, and health treatment establishment, including massage therapy with practitioners certified and licensed by the State of Washington.

6. **Hearing Examiner.** Upon motion duly passed by the city council, public hearings required by “hearing examiner” under SMC 16.120.050, development permit approval process, shall be conducted by a hearing examiner who shall not be an employee, elected official, or appointed official of the city. The hearing examiner’s decision shall be .

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.

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 treatment 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.

17. **“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.”)

18. House, Apartment. See “dwelling, multiple-family.”

19. House, Boarding. See “boarding house.”

20. House, Lodging. See “lodging house.”

21. “House of worship/church” means a building or structure wherein persons regularly assemble for religious worship, is specifically designed and used primarily for such purpose, and is maintained and controlled by a religious body organized to sustain public worship.

22. Household. See “family.”

23. “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.

24. “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.

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

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

27. "Hydroperiod" means the seasonal occurrence of flooding and/or soil saturation; it encompasses depth, frequency, duration, and seasonal pattern of inundation. (Ord. 840-04 § 2; Ord. 630 § 2{16.05.568 – 16.05.620}, 1995)

16.150.090 "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 man-made environment, refers to all development that is within 500 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 unified development 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. 630 § 2[16.05.622 – 16.05.662], 1995)

16.150.100 "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 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. (Ord. 630 § 2 [16.05.664], 1995)

16.150.110 "K" definitions.

1. "Kitchen" means any area used or intended or designed to be used for cooking or preparation of food. (Ord. 630 § 2[16.05.666], 1995)

16.150.120 "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.
 - a. "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.
7. "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.
8. "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.
9. "Landscape strip" means a strip of land along the perimeter of the site containing trees, barriers, ground cover and/or other plant material.
10. "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.
11. "Laundry plant" means an establishment for the mechanized washing and/or dry cleaning of clothing, linens, and the like.
12. "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.

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

14. "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.

15. "Local," for the purpose of the unified development code, shall mean primarily within the state of Washington.

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

17. "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"). 18. "Lot" means a single tract of land legally created as a separate building site with a frontage on a street or access easement. 19. "Lot area" means the total horizontal area contained within the boundary lines of a lot.

20. "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.

21. "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.

22. "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.

23. "Lot depth" means the mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

24. "Lot, interior" means a lot other than a corner lot.

25. "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.

26. "Lot line, front," in the case of a lot abutting upon one street, shall mean the line separating such lot from such street.

27. "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.

28. "Lot line, side" means any lot line that, as defined by this code, does not constitute a front or rear lot line.

29. "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.

30. "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").

31. "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.

32. "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.

33. "Lounge" means a building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on the premises. (Ord. 818-03 § 2; Ord. 664-97 § 1; Ord. 630 § 2[16.05.668 – 16.05.730], 1995)

16.150.130 "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).

3. “Manufactured/mobile home park” means land under single ownership and control designed and used for the temporary or permanent parking of two or more manufactured/mobile homes for human occupancy.

4. “Manufactured/mobile home space” means that portion of land in a manufactured/mobile home park allotted or designed for accommodation of one mobile home.

4.B. “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.”

5. “Marquee” means a sign, usually for a theater or similar use, that is part of the building, especially a canopy. See “canopy.”

6. “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.

7. “Massage therapy clinic or center” 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.

8. “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.

9. “Mean high water line” means the intersection of the tidal plane of mean high water with the shoreline.

10. “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.

11. “Mean low water line” means the intersection of the tidal plane of mean low water with the shoreline.

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

13. "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.

14. "Ministorage 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. "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.

18. "Modular home" means a dwelling unit constructed in a factory in accordance with the Uniform Building 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.

19. "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”).

20. Motor Home. See “recreational vehicle.”

21. Multiple-Family Dwelling. See “dwelling, multiple-family.”

22. “Mulch” means nonliving, organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

23. “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. 855-04 § 2; Ord. 630 § 2[16.05.732 – 16.05.776], 1995)

16.150.140 “N” definitions.

1. “National Geodetic Vertical Datum (NGVD)” as corrected in 1929, 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.

2.B. “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.

3. “Nature preserve” means an area designated to be maintained in an unimproved, natural state.

4. “Necessary” means anything that is deemed by the city of Sultan to be required to meet the needs of the general public.

5. “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.

6. “New construction” means structures for which the “start of construction” commenced on or after the effective date of this unified development code.

7. “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.

8. "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.

9. "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.

10. "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.

11. "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.

12. "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.

13. Nursery, Plant. See "plant nursery."

14. "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 "residential treatment facility.") (Ord. 630 § 2 [16.05.778 – 16.05.804], 1995)

16.150.150 "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.

5.B. "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 are also delineating by 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.

6. "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.

7. Open Storage. See "storage, open."

8. "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.

9. "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.

9B. "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, skate board parks, walkways and trails, beaches, picnic areas, dog parks, Frisbeegolf courses, sports stadiums, fishing areas, boating facilities, bicycling facilities, swimming pools and water parks, etc.

10. "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.

11. Outpatient Clinic. See "clinic."

12. "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. (Ord. 630 § 2 [16.05.806 – 16.05.830], 1995)

13. "Owner-occupied" means the property owner is the principal occupant of a dwelling unit.

16.150.160 "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.

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 unified development code will be completed in compliance with the approved plans and specifications of a development.

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

8. "Person" means any individual, organization, partnership, association, corporation, or other entity, including any utility, the city of Sultan, the governments 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. "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. "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.

11. "Planning commission" means the planning board of the City of Sultan.

12. "Plant communities" means a natural association of plants that are dominated by one or more prominent species.

13. "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.

14. "Plat" means a map indicating boundaries or property lines of subdivided lots as addressed in SMC Title 19.

15. "Plat, final" means that map, plan, or layout of a subdivision of land as addressed in SMC Title 19.

16. "Plat, preliminary" means an approximate drawing showing the layout of a proposed subdivision as addressed in SMC Title 19.

17. "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.

18. "Potable water" means water that is intended for drinking, cooking, or domestic purposes, subject to compliance with state or federal drinking water standards.

19. "Premises" means land and all buildings and structures thereon a single lot.

20. "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.

21. "Preserve areas" means areas restricted for the protection and preservation of natural or cultural resources.

22. "Primary association" means a habitat area by critical species for rearing young, roosting, feeding, or foraging on a regular basis during the appropriate season.

23. Principal Building. See "building, principal or main."

24. Principal Use. See "use, principal."

25. "Private" means noncommercial use by the occupant and guests of the occupant.

26. "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.

27. Private Garage. See "garage, private."

28. "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.

29. "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.

30. "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.

31. "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.

32. "Public agency" means the government of the United States, the governments 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.

33. "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.

34. "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.

35. Public Garage. See "garage, public."

36. "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.

37. "Public notice" means the legal advertisement given of an action or proposed action of the city of Sultan or its designee.

38. "Public use" means the use of any land, water, or building by a public agency for the general public, or by the public itself.

39. "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. 1145-12 §§ 11 – 13; Ord. 630 § 2 [16.05.832 – 16.05.912], 1995)

16.150.170 "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. 630 § 2[16.05.914], 1995)

16.150.180 "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.

1B. "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 "group home" and "family."

2. "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.

3. "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.

4. "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.

5. "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.

6. "Remediation" means the cleanup and restoration of groundwater to some acceptable level.

7. "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.

8. Residence. See "dwelling."

9. "Residential treatment facility" means a facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence or domestic abuse), 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.10. "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.

11. "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.

12. Rest Home. See "nursing, rest, or convalescent home."

13. Restaurant. See "retail food establishment."

14. "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 the Zoning Code.

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 the Zoning Code.

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. 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.

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

16. "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.

17. "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.

18. "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.

19. "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.

20. "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.

21. Roadway. See "street, public."

22. Rooming house. See "lodging house." (Ord. 786-02 § 2; Ord. 630 § 2[16.05.916 – 16.05.958], 1995)

22B. Row house. See "townhouse".

16.150.190 "S" definitions.

1. "Salmonid" means a member of the fish family salmonoid including Chinook, Coho, chum, sockeye, and pink salmon; rainbow, steelhead, sea run 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 code 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 treatment facility."

16B. Shelter, homeless. See "residential treatment facility."

17. "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.

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

19. "Short subdivision" means the division or redivision of land as addressed in SMC Title 19.

20. "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.

21. "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.

22. "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.

23. "Sign face" means the portion of a sign that is or may be used for copy.

24. "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.

25. "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.

26. "Sign, group" means a sign or signs on one sign structure serving two or more businesses sharing a parking facility.

27. "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.

27.B. "Sign, marquee" means a sign that projects from the building, usually over the sign walk, 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."

28. "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.

29. "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.

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

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

32. "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.

33. "Single-family detached dwelling(s) (clustered)" shall mean a single-family detached dwelling permitted in clustered development as a conditional use in certain designated zones of the city.

34. Single-Family Dwelling. See "dwelling, single-family."

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

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

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

38. "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 "blight."

39. "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.

40. "Small animal husbandry (noncommercial)" means the raising of small animals for the primary consumption of or used by the occupants of the premises.

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

42. "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.

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

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

45. "Spill" means the unpermitted release or escape of a regulated substance directly or indirectly to soils, surface waters, or groundwater's.

46. "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).

47. "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.

48. "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.

49. "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.

50. "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.

51. Street Intersection. See “intersection.”

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

53. “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.

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

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

56. “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.)

56B. “Subordinate” means incidental to and less than half the size in building square footage as the principal use.

57. “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.

58. 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.

59. “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. 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.

60. "Surface water" means waters that flow over the land surface and frequently interact with groundwater.

61. "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. 1145-12 §§ 14, 15; Ord. 780-02 § 15; Ord. 765-01 § 13; Ord. 630 § 2[16.05.960 – 16.05.1074], 1995)

16.150.200 "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 class "A" or "B" license from the Washington State Liquor Control Board.

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. "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 existing ground slope.

7. "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. "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. "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.

10. "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."

11. "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.

12. "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.

13. "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.

14. "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.

15. "Trip" means a single or one-way vehicle movement.

16. "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.

17. "Trip generation" means the total number of trip ends produced by a specific land use or activity.

18. Trim. See "structural trim." (Ord. 700-99 § 1; Ord. 630 § 2[16.05.1076 – 16.05.1110], 1995)

16.150.210 "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 "agriculture."

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. 630 § 2 [16.05.1112 – 16.05.1128], 1995)

16.150.220 "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. 630 § 2[16.05.1130 – 16.05.1140], 1995)

16.150.230 "W" definitions.

1. Wall, Breakaway. See "Breakaway wall," SMC 17.08.050.

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. 630 § 2[16.05.1142 – 16.05.1162], 1995)

16.150.240 "X" definitions.

(Reserved).

16.150.250 "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 the front line of the lot and the nearest line of the principal building. 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.

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. A "through lot" will not have a rear yard or a rear yard setback requirement but will instead have two front yards and front yard setback requirements.

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, except that on a corner lot, the side yard adjacent to a street shall extend the full depth of the lot. (Ord. 630 § 2[16.05.1164 – 16.05.1170], 1995)

16.150.260 "Z" definitions.

1. "Zero lot line dwelling" means a residential development approach in which a single-family dwelling is sited on one or more lot lines with no yard area along these lot lines. Conceivably, three of the four sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Zero lot line homes may only be built within the context of a zero lot line development. 1B. "Zero lot line development" means a residential development of a minimum of eight units of zero lot line dwellings constitute such a development.

2. "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.

2.B. "Zoning administrator" the officer designated by the city of Sultan to enforce and administer the Zoning Code, or his or her duly authorized representative.3. Zoning District. See "district, zoning." (Ord. 630 § 2[16.05.1172 – 16.05.1176], 1995)

The Sultan Municipal Code is current through Ordinance 1216, passed May 14, 2015.

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

City

Website:

<http://www.ci.sultan.wa.us/>

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