

**CITY OF SULTAN
WASHINGTON**

ORDINANCE NO. 1246-16

**AN ORDINANCE OF THE CITY OF SULTAN,
WASHINGTON RELATED TO LANDSCAPING AND
FENCE REGULATIONS; AMENDING CHAPTERS 12.08
AND 15.08 OF THE SULTAN MUNICIPAL CODE;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, on December 1, 2016, the City Council adopted Ordinance No. 1244-16, the City Zoning Code; and

WHEREAS, City staff have prepared certain land use regulations in conjunction with the updated Zoning Code ("Proposed Amendments"), which together increase the efficiencies that limited staffing can use to meet the increasing demands for permitting and code enforcement; and

WHEREAS, the Proposed Amendments were crafted and reviewed by the Planning Board in conjunction with the proposed Zoning Code on January 21, 2016, February 8, 2016, March 17, 2016, April 21, 2016, May 3, 2016, May 19, 2016, June 2, 2016, June 16, 2016, July 21, 2016, August 18, 2016, and September 15, 2016; and

WHEREAS, the Proposed Amendments were submitted to the Washington State Department of Commerce ("DOC") in conjunction with the proposed Zoning Code on July 15, 2016, in accordance with RCW 36.70A.106, and DOC completed its review of the Zoning Code Update on July 18, 2016; and

WHEREAS, the Planning Board held public hearings on the Proposed Amendments in conjunction with the proposed Zoning Code on July 21, 2016, and August 18, 2016; and

WHEREAS, the City Council held a public hearing on the Proposed Amendments in conjunction with the proposed Zoning Code on October 13, 2016, October 27, 2016, and November 3, 2016; and

WHEREAS, the City issued a Determination of Non-Significance (DNS) on the Landscaping Amendments in conjunction with the proposed Zoning Code Update on September 23, 2016, in accordance with the Chapter 43.21C RCW, the State Environmental Policy Act (SEPA);

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

Section 1. SMC 12.08 (Maintenance of Planting Strips), Amended. Sultan Municipal Code Chapter 12.08, "Maintenance of Planting Strips," is hereby amended to read as follows:

**CHAPTER 12.08
MAINTENANCE OF PLANTING STRIPS**

Sections:

12.08.010 Abutting owner to maintain planting strips.

12.08.020 Enforcement.

12.08.010 Abutting owner to maintain planting strips.

It shall be the responsibility and obligation of any owner, tenant or person in possession of any lot in the city of Sultan to cut the grass within the planting strip(s) on each side of the sidewalk abutting such lot and to remove all growth from such sidewalk.

12.08.020 Enforcement.

The requirements of this chapter 12.08 shall be enforced under the provisions of Chapter 1.10 SMC.

Section 2. SMC 15.08 (Fence Standards), Amended. Sultan Municipal Code Chapter 15.08, "Fence Standards," is hereby amended to read as follows:

**CHAPTER 15.08
FENCE STANDARDS**

Sections:

15.08.010 Purpose.

15.08.015 Definition.

15.08.020 Permit Required.

15.08.030 Residential design standards.

15.08.040 Commercial design standards.

15.08.010 Purpose.

The purpose and intent of these fencing standards is to create aesthetic fencing that is uniform along frontages with characteristics similar to the existing neighborhood. No fence or wall shall create a hazard to the general public.

15.08.015 Definition.

Except as otherwise defined in this chapter, all terms shall have the meaning ascribed in Chapter 16.04 SMC.

15.08.020 Permit required.

A permit is required for all new fences over three feet in height above the ground constructed within the city of Sultan. All permit fence applications shall be accompanied by the required fee and shall include a site plan drawn to scale indicating property lines, easements, abutting rights-of-way, adjacent driveways, location and height of fence and all structures including fire hydrants and power poles within 10 feet of proposed fence.

15.08.030 Residential design standards.

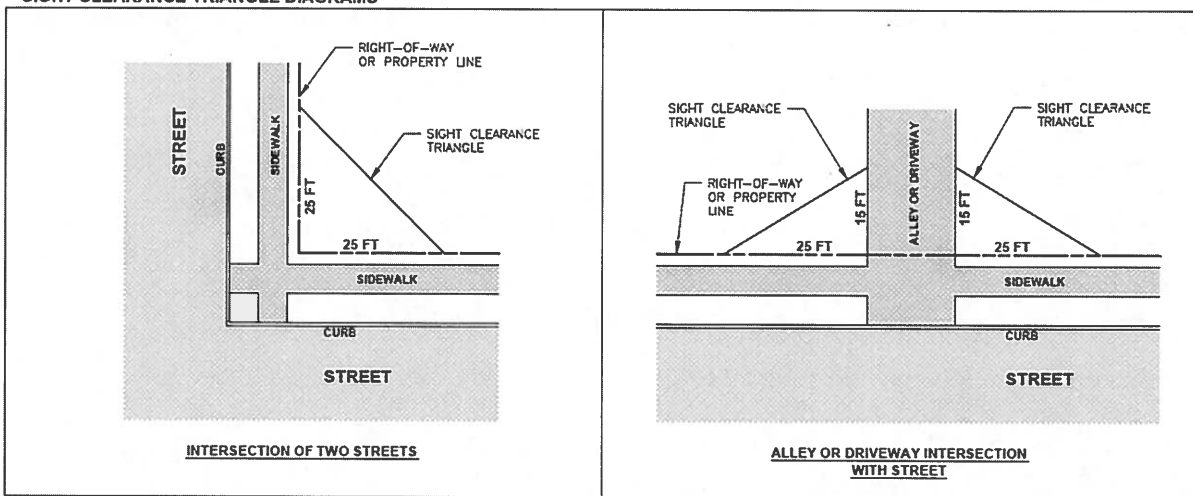
A. Fences may be installed on property lines in residentially zoned lots; provided, that fences in front yards may not exceed three feet in height. It shall be the property owner’s responsibility to determine the location of all property lines.

B. Fences installed on or across an easement in favor of the city of Sultan easement shall be removed by the property owner, or may be removed by the city of Sultan, a city agent, or a city contractor at the property owner’s expense, upon request of the city for the purposes of the easement.

C. The height of all fences within 15 feet of any right-of-way, street, access easement, or driveway or within 25 feet of any intersection of two streets as measured from the edge of the right-of-way shall not exceed three feet, so as to allow a sight clearance triangle as depicted in Figure 15.08-1.

Figure 15.08-1

SIGHT CLEARANCE TRIANGLE DIAGRAMS



D. A minimum six-foot-high fence with a 16-foot-wide service access shall be placed around open storm drainage retention/detention systems as required by the 2014 Stormwater Management Manual for Western Washington.

E. When a retaining wall three feet in height or greater is contiguous to and below a proposed fence, the proposed fence may be constructed for the purposes of safety not greater than four feet above the top of the retaining wall or the finished grade, whichever is less, without a variance.

F. Fence height shall be measured from the top of the fence to the lowest grade of the ground on the property owner's side.

G. Supporting fence posts shall be installed into the ground at a distance equal to one-third of the distance of the fence height; provided, that supporting fence posts for privacy fence (solid board) shall be installed at a distance equal to 40 percent of the fence height.

H. No fence, structure, or landscaping may be constructed or maintained if it creates a safety or sight hazard to users of the street or to nearby property. Electrical, barbed wire, and any material that may cause a safety hazard shall be prohibited, unless the applicant can prove that the fence is necessary for legal nonconforming agricultural uses.

15.08.040 Commercial design standards.

In all other zones, fences and walls may be installed up to a height of eight feet; provided, that the following requirements are met:

A. Where commercially or industrially zoned property has street frontage across from residential property, there shall be a setback of one foot for each foot in height of the fence or wall. This setback will be densely landscaped to provide a vegetative barrier. A landscaping plan will be submitted to and approved by the planning director prior to construction of the fence or wall. All installed landscaping materials will be maintained in a healthy state.

B. A landscaped side yard setback area shall not be required for fences or walls if the commercial or industrially zoned property adjoins or abuts similarly zoned property.

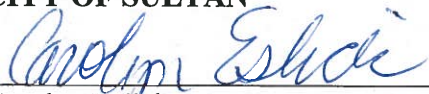
C. The height of all fences within 15 feet of any right-of-way, street, access easement, or driveway or within 25 feet of any intersection of two streets as measured from the edge of the right-of-way shall not exceed three feet, so as to allow a sight clearance triangle as depicted in Figure 15.08-1.

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

Section 4. Effective Date: This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 1st DAY OF DECEMBER, 2016.

CITY OF SULTAN



Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:



Laura Koenig, City Clerk

APPROVED AS TO FORM:



Amy S. Mill, City Attorney

Filed with the City Clerk: 12-1-16
Passed by the City Council: 12-1-16
Date of Publication: 12-12-16
Effective Date: 12-17-16