

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1304-19B**

**AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, AMENDING
SULTAN MUNICIPAL CODE SECTIONs 16.04.010, 16.12.060, 16.20.100,
AND 16.54.140 RESIDENTIAL USES IN THE HIGHWAY ORIENTED
COMMERICAL ZONE; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the current Sultan Municipal Code does not permit any residential uses in the Highway Oriented Commercial zone: and

WHEREAS, the city has identified a need to provide accessory residential development in the Highway Oriented Commercial zone: and

WHEREAS, the Planning Board reviewed the proposed changes and recommended that City Council should adopt them: and

WHEREAS, the City Council feels that allowing these accessory uses will benefit business owners and increase the vitality of the Highway Oriented Commercial areas.

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

Section 1. Sultan Municipal Code (SMC) 16.04.010 is hereby amended to read as follows:

16.04.010 “A” definitions.

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

29. “Apartment Accessory to a Commercial Use” means an apartment which is attached to a legally established commercial use to be occupied by the property owner, a lease holder, or in some other way supporting a commercial use onsite.

2930. Apartment Building or House. See “Dwelling, multifamily.”

Section 2. Sultan Municipal Code (SMC) 16.12.060 is hereby amended to read as follows:

16.12.060 Highway-oriented commercial (HOC) zone.

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. Hotels and Motels. Any building used or intended to be used, rented, or hired out to be occupied for sleeping purposes by guests.

2. Retail Trade Establishments/Wholesale Trade Establishments.

- a. Pawnshops;
- b. Bakery shops;
- c. Apparel and accessories shops;
- d. Florist shops and plant nurseries;
- e. Book, stationery, and office supply stores;
- f. Electrical and electronic products shops;
- g. Furniture stores;
- h. Handicraft and art supply stores;
- i. Hardware and home building supply stores;
- j. Grocery stores and supermarkets;
- k. Household items stores;
- l. Office furnishings and equipment stores;
- m. Computer, telephone, and photographic equipment stores;
- n. Sporting goods stores;
- o. Automobile service stations;
- p. Car washes;
- q. Truck stops;
- r. Automobile and truck sales and services;
- s. Automobile rental agencies;
- t. Automotive parts store;

- u. Shopping centers;
- v. Mixed-use developments;
- w. Retail food establishments;
- x. Coffee shops and espresso stands;
- y. Convenience stores;
- z. Pharmacy/drug stores;
- aa. Bars/taverns/cocktail lounges;
- bb. Theaters/museums/art galleries;
- cc. Public transit terminals;
- dd. Recreational vehicle and boat sales and services;
- ee. Recreational vehicle and boat storage inside a building;
- ff. Other retail sales establishments (not including marijuana sales and distribution).

3. Personal Service Establishments. Establishments primarily engaged in providing services to individuals.

- a. Barber shops;
- b. Beauty salons;
- c. Health spas (including massage therapy with practitioners certified and licensed by the state of Washington);
- d. Fitness centers/gymnasiums;
- e. Private clubs;
- f. Funeral homes/mortuaries;
- g. Shoe repair shops;
- h. Laundromats/laundry and dry-cleaning establishments;
- i. Daycare centers;

j. Banks;

k. Tattoo parlors (with practitioners certified and licensed by the state of Washington).

4. Business and Professional Offices. Establishments primarily engaged in rendering services to businesses or private individuals on a contract or fee basis.

a. Advertising agency offices;

b. Accounting offices;

c. Legal offices;

d. Finance, insurance, and real estate offices;

e. Health care facilities/doctors' and dentists' offices;

f. Employment offices;

g. Travel agency offices;

h. Professional consultant offices;

i. Offset printing and publishing/photocopying/photo processing shops;

j. Hospitals and medical clinics;

k. Veterinary clinics/animal kennels and shelters.

5. Government and Community Services Facilities. Government agencies and entities that provide administrative and related services to the community. Community service facilities that provide places of public assembly such as community centers and houses of worship.

a. Libraries;

b. Government offices;

c. Post offices;

d. Public safety (police/fire) stations;

e. Community centers;

f. Houses of worship;

g. Public transit stations and bus stops.

6. Recreational and Entertainment Facilities. Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.

- a. Ballfields;
- b. Urban parks;
- c. Night clubs combined with a bar or restaurant, etc.;
- d. Game/video arcades.

7. Miscellaneous Associated Facilities.

- a. Recreational vehicle parks;
- b. Recreational vehicle and boat storage (within a building).

C. Accessory Uses

- 1. Apartment accessory to a permitted commercial use.
- 2. Residential dwellings above ground floor commercial.

D. Conditional Uses.

- 1. Manufacturing.
 - a. Food processing in conjunction with retail sales of food/beverage products;
 - b. Light manufacturing of finished products for retail and wholesale delivery;²
- 2. Seasonal parking facility;¹
- 3. Parking structures as part of retail trade shopping center or mixed-use development;¹
- 4. Private schools;
- 5. Farmers market;¹
- 6. Agricultural produce stands as part of a retail trade shopping center, farmers market, or community center;¹
- 7. Flea markets as part of a retail trade shopping center, farmers market, or community center.¹

E. Performance Standards. All of the permitted and conditional uses in the HOC zone shall comply with all of the standards for each use, as specified in the following table of dimension and density requirements, and any additional performance standards that may apply to the proposed development, which may include:

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

F. Table of Dimension and Density Requirements.

**Highway-Oriented Commercial (HOC) Zone
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) ⁵			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Retail/Wholesale Trade Establishments	-	6,000 sq. ft.	50	80	25	10	15	30	85
Personal Service Establishments	-	6,000 sq. ft.	50	80	25	10	15	30	85
Business/Professional Services Establishments	-	6,000 sq. ft.	50	80	25	10	15	30	85
Hotels and Motels	-	0.5 acres	75	100	25	10	25	30	85
Hardware/Home Building Supply Stores	-	0.5 acres	50	100	50	25	25	30	85
Lumberyards	-	1 acre	75	100	50	25	50	30	85
Hospitals/Medical Clinics/Health Care Facilities	-	0.5 acres	75	100	25	25	25	30	85
Shopping Centers	-	0.5 acres	75	200	25	25	25	30	85
Mixed-Use Developments	-	0.5 acres	100	200	25	25	25	30	85
Automobile and Truck Sales and Service Establishments	-	0.5 acres	75	200	25	25	25	30	85
Automobile Rental Establishments	-	10,000 sq. ft.	50	80	25	10	25	30	85
Automobile and Truck Repair Shops	-	10,000 sq. ft.	50	100	25	10	25	30	85
Automobile Service Stations/Car Washes	-	10,000 sq. ft.	50	100	25	10	25	30	85
Automotive Parks Parts Store	-	10,000 sq. ft.	50	100	25	10	25	30	85

**Highway-Oriented Commercial (HOC) Zone
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) ⁵			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Recreational Vehicle/Boat Storage (in-bldg) ⁶	-	0.5 acres	75	100	25	10	25	30	85
Recreational Vehicle/Travel Trailer Parks	-	1 acre	100	200	25	25	25	30	85
Mobile Home Parks	-	2 acres	100	200	25	25	25	30	85
Veterinarian Hospitals/Animal Kennels	-	10,000 sq. ft.	50	100	25	25	50	30	85
Government Offices	-	10,000 sq. ft.	50	80	10	10	25	30	85
Courthouses	-	10,000 sq. ft.	50	80	10	10	25	30	85
Libraries	-	10,000 sq. ft.	50	100	25	20	25	30	85
Post Offices	-	10,000 sq. ft.	50	100	25	25	60	30	85
Public Safety (Police/Fire) Stations	-	0.5 acre	50	100	25	25	40	30	85
Public Transit Stations/Terminals	-	1 acre	100	200	50	25	50	30	85
Community Centers	-	0.5 acres	75	200	25	25	35	30	85
Houses of Worship	-	0.5 acres	75	200	25	25	25	30	85
Game/Video Arcades	-	10,000 sq. ft.	50	80	25	25	25	30	85
Night Clubs	-	0.5 acres	50	200	25	30	50	30	85

**Highway-Oriented Commercial (HOC) Zone
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) ⁵			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Casinos/Gambling Establishments	-	0.5 acres	75	200	25	30	50	30	85
Theaters/Museums/Art Galleries	-	0.5 acres	75	200	25	30	50	30	85
Ballfields ⁴	-	2 acres	200	300	25	25	50	45	85
Urban Parks ⁴	-	-	-	-	-	-	-	30	85
Apartment Accessory to a commercial use		10,000 sq. ft.	50	80	25	10	15	30	85
Residential Above Ground Floor Commercial	24	8,000 sq. ft. for first 3 units + 2,000 sq. ft. additional lot area for each additional unit	=	=	=	=	=	30	=
Agricultural Produce Stands ^{1, 3}	-	-	-	-	-	-	-	30	85
Flea Markets ^{1, 3}	-	-	-	-	-	-	-	30	85
Farmers Markets ³	-	-	-	-	-	-	-	30	85
Limited Food/Beverage Processing Plants with Retail Sales of Food/Beverage Products ³	-	0.5 acres	75	200	25	25	50	30	85
Limited Manufacturing Plants of Finished Products and Wholesale Delivery ³	-	0.5 acres	75	200	25	25	50	30	85
Private Schools ³	-	0.5 acres	75	100	25	20	25	30	85

**Highway-Oriented Commercial (HOC) Zone
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) ⁵			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Parking Structures ^{2, 3}	–	0.5 acres	100	100	10	10	10	30	85
Seasonal Parking Facilities ³	–	0.5 acres	–	–	–	–	–	N/A	N/A

¹ Conditional use subject to inclusion in a retail trade shopping center, farmers market, or community center.

² Conditional use subject to inclusion in a retail trade shopping center or mixed-use development.

³ Conditional use.

⁴ Minimum dimension requirements for recreational facilities shall be established by the building and zoning official, based on the recreation performance standards.

⁵ All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

⁶ All recreational vehicle or boat storage shall be located within a building or be completely screened (opaque fence or landscaping) in a lawful manner where it is not visible from the street or other public or private property.

Section 3. Sultan Municipal Code (SMC) 16.20.100 is hereby amended to read as follows:

16.20.100 Accessory uses and structures.

No accessory uses or structures shall be located in any required yard except as provided for below:

A. In zoning districts, accessory uses and structures shall not be located in required front yards, but may be located in required side or rear yards, not less than five feet from the side or rear lot line; provided however, that accessory structures for the housing of persons, such as a garage apartment, shall not be located in any required front yard. Additionally, notwithstanding the minimum front yard setback requirement for single-family detached dwellings (including affordable) of 10 feet, any garage, whether attached or detached, shall have a minimum front yard setback requirement of 20 feet. It shall also be required that any off-street parking space or driveway be at least 20 feet in length.

B. On lots fronting on two or more streets or corner lots, accessory uses and structures shall not be located in any required yard abutting the street, but may be located not less than five feet from the lot lines of one, but not both required yards that abut upon an adjacent lot.

C. Apartments Accessory to Commercial uses shall be permitted subject to the following requirements:

1. The proposed residential space shall have a significant, physical connection to the commercial building that it is accessory to.
2. Any proposed apartment shall be required to connect to public water and sewer service. The city shall collect a general facility charge for the impact to public services from the applicant prior to occupancy of the apartment.
3. One apartment is permitted for each established business so long as the site does not exceed the maximum density set in Chapter 16.12 SMC.
4. To establish an accessory apartment, the building must be approved by the Building Official as a legal, permanent structure.

D. In all zoning districts, rooftop air conditioning and ventilating units shall be so screened as to not be visible from the immediate public right-of-way. This requirement shall not apply to single-family detached dwelling units.

Section 4. Sultan Municipal Code (SMC) 16.54.140 is hereby amended to read as follows:

16.54.140 Minimum required off-street parking spaces.

The minimum number of required off-street parking spaces shall be determined from the following table, except for the provisions enumerated in SMC 16.54.110. Requirements for any use not specifically mentioned shall be the same as the use most similar to the one sought. When units of measurement

determining the required off-street parking spaces result in a fractional space, then such fraction equal to or greater than one-half shall be interpreted as one off-street parking space.

Table 16.54-A

TABLE OF OFF-STREET PARKING REQUIREMENTS	
Use	Parking Requirement
RESIDENTIAL DEVELOPMENT	
Single-Family Detached and Attached Dwellings	2 spaces per dwelling
Two-Family Dwellings	2 spaces per dwelling unit, except that a one-bedroom unit shall require 1 space per unit
Attached Housing	2 spaces per dwelling unit, except that one-bedroom units shall require 1 space per unit
Multiple-Family Dwelling Units	1 space per one-bedroom unit and 2 spaces for each two- to four-bedroom unit 3 spaces for each five-bedroom or larger unit
Apartment Accessory to a Commercial Use	1 space per studio or one bedroom units and 2 spaces for each larger units
Residential Treatment Facilities	3 spaces for each 5 beds, except for uses exclusively serving children under 16 years of age, in which case 1 space for every 3 beds shall be required
Boarding Houses	1 space per bedroom
Barracks	1 space for each 5 beds
Dormitories	1 space for each 4 beds
RETAIL COMMERCIAL ESTABLISHMENTS	
Hotels and Similar Uses Providing Overnight Accommodation	1 space for each room available for rent, plus 1 space for each 2 employees working at any one time
Convenience Stores	1 space per 150 square feet of gross floor area
Grocery Stores/Supermarket/Drug Store/General Merchandise	1 space per 150 square feet of gross floor area
Other Retail Sales Establishments	1 space per 400 square feet of gross floor area

Table 16.54-A

TABLE OF OFF-STREET PARKING REQUIREMENTS	
Use	Parking Requirement
Eating and Drinking Establishments (No Drive-In or Fast Food)	1 space per 200 square feet of gross floor area
Drive-In or Fast Food Restaurant	1 space per 400 square feet of gross floor area
Auto Service Station	1 space per 200 square feet of gross floor area, plus sufficient space to accommodate vehicles at pumps without interfering with other parking spaces
Auto Repair/Maintenance/Tire Replacement Shops	1 space per 200 square feet of gross floor area
Auto Sales and Service Establishments (Display/Showroom Area Only)	1 space per 1,000 square feet of gross floor area plus 1 space for each employee
PROFESSIONAL OFFICES AND BANKS	
Business/Professional Offices and Banks	1 space per 250 square feet of gross floor area, plus 1 space for every 4 employees
EDUCATIONAL FACILITIES	
Preschools/Daycare	1 space per classroom, plus 1 space for each 10 students (based on the rated capacity of the facility)
Elementary and Middle Schools	1.75 spaces per classroom, plus 1 space for each 8 students (based on the rated capacity of the facility)
Secondary Schools	5 spaces per classroom, plus 1 space for each 5 students (based on the rated capacity of the facility)
Business/Trade/Vocational Schools	1 space per 200 square feet of gross floor area
PUBLIC AND INSTITUTIONAL FACILITIES	
Hospitals/Health Care Facilities	1 space per bed, or 1 space per 250 square feet of gross floor area, whichever is greater
Nursing, Rest, Convalescent Homes	1 space per bed
Post Offices	1 space per 50 square feet of gross floor area
Government Offices/Courthouses	1 space per 250 square feet of gross floor area
Public Safety Facilities	1 space per 200 square feet of gross floor area

Table 16.54-A

TABLE OF OFF-STREET PARKING REQUIREMENTS	
Use	Parking Requirement
Community Centers (Public or Private)	1 space for every 4 seats (fixed seating) or 1 space per 50 square feet of gross floor area (no fixed seating)
Houses of Worship/Places of Public Assembly	1 space for every 4 seats (fixed seating) or 1 space per 50 square feet of gross floor area (no fixed seating)
Libraries	1 space per 500 square feet of gross floor area
RECREATIONAL FACILITIES	
Parks and Recreational Areas	1 space per 5,000 square feet of land area
OTHER FACILITIES/DEVELOPMENT	
Restricted Limited Manufacturing (New Facility on Vacant or Cleared Land)	1 space for every 2 employees on maximum shift, or 1 space per 400 square feet of gross floor area, whichever is greater
Restricted Limited Manufacturing (Conversion of Existing Improvements)	As practicable on the available lot, up to the greater of 1 space for any 2 employees on maximum shift or 1 space per 400 square feet of gross floor area. The acquisition of new or additional land shall not be required. ⁽¹⁾
Veterinarians/Kennels/Animal Hospitals	1 space per 300 square feet of gross floor area
Health Care Facilities	1 space for each 200 square feet of gross floor area
Museums/Art Galleries	1 space for each 300 square feet of floor area open to the general public
Dry Cleaners/Laundromat Enterprises	1 space per 200 square feet of gross floor area
Manufacturing/Assembling/ Fabrication Operation Plants	1 space for every 2 employees on maximum shift, or 1 space per 400 square feet of gross floor area, whichever is greater
Greenhouse/Nursery Facilities	1 space per 1,000 square feet of lot area used for storage, display, or sales, plus 1 space per 400 square feet of gross floor area

Table 16.54-A

TABLE OF OFF-STREET PARKING REQUIREMENTS	
Use	Parking Requirement
Warehousing/Storage/Wholesale Enterprises	1 space for every 2 employees on maximum shift, but not less than 1 space per 2,000 square feet of gross floor area

⁽¹⁾ However, if the hearing examiner finds the proposed conditional use request may substantially reduce the existing parking for adjacent land uses in the neighborhood, additional off-street parking may be required to mitigate this impact.

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

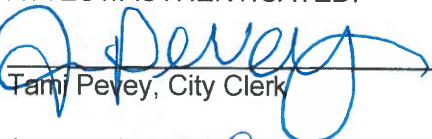
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9th DAY OF MAY, 2019.

CITY OF SULTAN



John Seehuus, Mayor

ATTEST/AUTHENTICATED:



Tamir Pevey, City Clerk

Approved as to form:



Hillary Graber, City Attorney

Date of Publication: *May 13, 2019*

effective May 19, 2019