

# Appendix D

## Uniform Development Code and Signs

### Sultan Municipal Code

16.48 (Ord. 630 § 2 – 1995),  
16.56 (Ord. 630 § 2 – 1995),  
16.60 (Ord. 630 § 2 – 1995),  
16.92 (Ord. 630 § 2 – 1995),  
22.06 (Ord. 806-03 § 1)

*Chapter 16.48*  
**SUPPLEMENTAL STANDARDS**  
**FOR HOME OCCUPATIONS**

#### **16.48.010 Purpose.**

It is the intent in this chapter to allow for and to regulate the establishment of a home occupation in a residential neighborhood. It is also the intent in this section to regulate the operation of a home occupation so that residential neighbors will not be adversely impacted by its existence. (Ord. 630 § 2 [16.10.010(4)(a)], 1995)

#### **16.48.020 Standards.**

A home occupation is allowable as an accessory use in a bona fide dwelling unit in any residential area. All provisions of this code pertaining to residential uses shall be met. In addition, all of the following standards shall apply.

A. No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.

B. There shall be no changes to the exterior of the building nor any visible evidence that the residence also contains a home occupation.

C. A home office use shall not generate nuisances such as on-street parking, noise, electrical interference, or hazards.

D. There shall be no more than one person outside of the immediate household residing in the subject dwelling unit employed in the home occupation.

E. The maximum area devoted to a home occupation shall be 25 percent of the gross floor area of the dwelling unit. (Ord. 630 § 2[16.10.010(4)(b)], 1995)

**Chapter 16.56**  
**NONRESIDENTIAL PERFORMANCE STANDARDS**

**16.56.010 Application.**

This chapter contains performance standards that apply to nonresidential uses. Nonresidential land uses regulated in this section include commercial, tourism, office, light and heavy industry, and certain public/semi-public uses. These standards regulate building development and are applied over and above those standards imposed by other sections of this unified development code. These supplemental standards are necessary for those land uses having characteristics that may have negative impacts without the additional regulations. (Ord. 630 § 2[16.10.020], 1995)

**16.56.020 Categories of use.**

The following categories of land use shall be subject to the standards contained in this section.

A. Public/semi-public: institutional uses and public services uses only.

B. Office uses.

C. Commercial uses: general commercial, commercial recreational, automobile-oriented commercial (gas stations, auto repair shops, tire shops, etc.), home building supply outlets, plant and landscape nurseries, and shopping centers.

D. Industrial uses: industrial, wholesaling, warehousing, and distribution activities.

E. Tourist facilities: hotels, bed and breakfast inns, and entertainment activities. (Ord. 630 § 2 [16.10.020(1)], 1995)

**16.56.030 Performance standards.**

The development of a nonresidential use shall be allowed only in full compliance with the standards of this and other relevant sections of this code.

A. Subdivision of Land. Any land, proposed to be subdivided for the purposes of nonresidential activity shall adhere to all of the requirements for the subdividing of land in the city contained in Chapter [16.28 SMC](#).

B. Building Placement.

1. There is no minimum required distance between adjacent buildings on the same lot; provided, that when a building exceeds two stories in height, the minimum distance from an adjacent building or property line shall be increased by two feet for each story above two.

2. Certain nonresidential development in the UC zoning district may build up to the right-of-way line of the abutting roadway. These are enumerated in the table of dimensional and density requirements for the UC zoning district contained within this code. However, buildings, signs, or other structures shall not be placed in the sight triangle specified in the landscape performance standards.

3. Where any lot in the LMD, MD, or HD zoning districts is proposed for nonresidential development, a landscaped buffer shall be required along the property line boundary. If, however, a nonresidential development is proposed to be built in these zoning districts immediately adjacent to an existing nonresidential use, no landscaped buffer will be required along the common property line of the existing and proposed nonresidential development. The buffer shall be no less than 15 feet wide and consist of a least three rows of plantings that shall be installed in a staggered manner 10 feet on center. The plant species selected shall attain a height of at least six feet at maturity.

4. Access driveways to any commercial development on an individual parcel in the LMD, MD, HD, and HOD zoning districts shall be at least 75 feet apart from each other, measured from centerline to centerline. However, where driveways are each one-way and each being no more than 12 feet wide, the two driveways shall be counted as a single unit of access for the purposes of this code.

C. In no case shall any commercial development be permitted on minor streets in the LMD and MD zoning districts. In these zoning districts, commercial development shall only be allowed on collector or arterial roadways, as defined by the adopted city of Sultan comprehensive plan. (Ord. 630 § 2[16.10.020(2)], 1995)

#### **16.56.040 Supplemental standards for drive-through facilities.**

A. Purpose. Supplemental standards are provided for uses with drive-through facilities to ensure protection from potential traffic hazards. These standards are to be applied in addition to all other applicable standards of this code.

B. Standards.

1. Driveways proposed to service commercial development shall be separated 75 feet or more between properties. Where driveways are each one-way and each no more than 12 feet wide, the two driveways shall be counted as a single unit. When, because of existing development, it is mathematically impossible to achieve this requirement for a proposed commercial project, the applicant shall attempt to secure an access easement from an adjoining commercial development. If this is impossible to secure (as evidenced by a written denial by both adjoining property owners of the request), the building and zoning official may permit a waiver of this requirement. However, in doing so, any new access driveway shall be located as far as possible from all existing access drives.

2. Approach lanes for the drive-through facilities shall have the following minimum widths: one lane – 12 feet; two or more lanes – 10 feet per lane.

3. Minimum linear distance for stacking of automobiles in the drive-through window lanes (measured from the commercial window at the building location):

- a. One drive-through window = 10 feet;
- b. Two drive-through windows = 10 feet;
- c. Three drive-through windows = 95 feet;
- d. Four drive-through windows = 80 feet;
- e. Five drive-through windows = 65 feet.

4. The minimum distance from the proposed drive-through facility to the right-of-way shall be 65 feet, where no turns are required. This distance shall be measured from the drive-through station farthest from the main building. Where turns are required in the exit lane, the minimum distance from any drive-through window to the beginning point of the turn shall be 34 feet. The minimum turning radius shall be 17 feet.

5. The minimum distance from a drive-through facility to any residential building shall be 25 feet. This distance shall be measured at the narrowest point between the main building, an off-street parking area, or vehicle lanes, whichever is closer.

6. Alleys or driveways in residential areas adjacent to drive-through facilities shall not be used for circulation of customer traffic. (Ord. 630 § 2[16.10.020(3)], 1995)

#### **16.56.050 Supplemental standards for mixed-use or split-use development.**

A. When a parcel of land is proposed to accommodate a building that contains two or more uses in the LMD, MD, HD, UC or HOD zoning districts it shall not be necessary that the minimum land area requirements for each use be met.

B. However, where a building containing two or more uses is proposed to be built, the following conditions must be met:

1. Every use or activity proposed to be included is allowed in the zoning district where the building is proposed to be built;

2. The minimum lot area, dimensional and density requirements (setbacks, lot coverage, etc.) for the most restrictive use proposed in the building must be met;

3. To compute the number of off-street parking spaces required for such a development, it will be necessary to calculate the requirements for each use and total them (unless it is demonstrated that certain proposed future uses shall not utilize the parking area at the same times, i.e., schools and churches); and

4. If off-street loading and unloading space(s) is required for any use, it must be provided. (Ord. 630 § 2[16.10.020(4)], 1995)

#### **16.56.060 Supplemental standards for recreational vehicle parks.**

A. The maximum permitted gross density for any recreational vehicle park shall be 20 units per acre.

B. Space allocations for recreational vehicles shall be on a basis of 1,000 square feet per vehicle, the minimum dimensions of which shall be 32 feet wide by 30 feet long.

C. The space shall abut on a driveway not less than 20 feet in width, which shall have unobstructed access to a public street or highway.

D. Recreation vehicles shall be parked on each space so that there will be at least 12 feet of clearance between RVs, six feet between RVs and any adjoining property lines, and 12 feet between RVs and any building or structure.

E. Each recreation vehicle strip shall include a strip of ground 10 feet wide along one side for automobile parking purposes.

F. All recreation vehicle park roads must be surfaced, at least with rock and gravel.

G. No less than 15 percent of the total site shall be defined recreational space. Said space shall be readily accessible to all patrons and shall be maintained in such a manner as to present a neat and clean appearance.

H. No rental of any recreational vehicle space shall be for a period to exceed two weeks.

I. Every recreational vehicle space shall meet health department minimum requirements with regard to provisions for potable water and sanitary sewage facilities.

J. Any recreational vehicle park may provide an office, convenience commercial store, and on-site residence for the manager of the operation. However, in no case shall the land area for these facilities exceed a total of 10,000 square feet. (Ord. 630 § 2[16.10.020(5)], 1995)

### ***Chapter 16.60 OFF-STREET PARKING AND LOADING STANDARDS***

#### **16.60.010 Purpose and intent.**

Off-street parking areas are required for all new uses of land so that all uses will have adequate parking for the occupants, employees, visitors, customers, and/or patrons and they will not have to rely on the public rights-of-way for this function.

Off-street loading areas are required for all uses (except residential) to provide adequate space off of the city's rights-of-way for the temporary parking of motor vehicles (primarily trucks) while loading or unloading. (Ord. 630 § 2[16.10.030(1)], 1995)

#### **16.60.020 General requirements.**

No building or structure in any district shall be erected or enlarged, nor shall any building, structure or land be used, designed or arranged for any purpose without provisions for such off-street parking and/or loading facilities as required by this code, nor shall any off-street parking or loading area, whether required by this code or voluntarily provided, be developed other than in the manner set forth herein.

Seasonal parking facilities are exempt from the requirements of this chapter and need not be developed in the manner set forth herein.

For the purpose of these standards, 153 square feet of area shall be deemed a parking space for one vehicle. The minimum dimensions for each parking space shall be eight and one-half feet wide by 18 feet long. The maximum permitted dimensions for each parking space (except for designated handicapped spaces) shall be 10 feet wide by 20 feet long. On corner or through lots, (A) parking space may not be included within the area of any of required yards lying adjacent to either street, and (B) in no case shall any required off-street parking space be allowed to back out directly onto any arterial right-of-way (a residential garage or carport space shall be considered an off-street parking space).

The access aisles within any off-street parking area shall be a maximum of 24 feet wide. The primary internal circulation system of an off-street parking lot, where no parking spaces are provided directly off this internal roadway, shall have a maximum width of 30 feet.

All parking spaces and access driveways shall be paved or otherwise surfaced with an all-weather surface, and shall be graded and drained so as to dispose of surface water that might accumulate within or upon such area. No surface water from any parking area shall be permitted to drain onto adjoining property.

Required loading spaces shall not be construed as supplying off-street parking space. In case of a use not specifically mentioned, the requirements for off-street parking facilities for a use that is mentioned, and to which said unmentioned use is similar, shall apply (this determination shall be made by the building and zoning official). (Ord. 765-01 § 10; Ord. 630 § 2 [16.10.030(2)], 1995)

#### **16.60.030 Timing of the provision of required off-street parking and off-street loading spaces.**

Off-street parking and loading spaces shall be provided at the time any use of land is established; or at the time that an occupancy permit is requested at the completion of construction of any building or structure; or at the time any building, structure, or land is altered or enlarged in any manner to increase the amount off-street parking or loading spaces as required by this code. However, when the use of any building or land existing at the time of adoption of this code is changed to a use in which the parking requirements are calculated differently from the method of calculation for the former use, only such additional parking as may result by reason of the different calculation need be provided for the changed use. (Ord. 630 § 2[16.10.030(3)], 1995)

#### **16.60.040 Requirement to retain off-street parking and loading space.**

The requirements for off-street parking and loading shall be a continuing obligation of the owner or his assignee of the real estate on which any use is located as long as the use continues, and is a use that requires off-street parking or loading. It shall be unlawful for an owner of any building or land use activity affected by the off-street parking and loading requirements to discontinue, change, reduce or dispense with, or cause the discontinuance, change, or reduction of the required off-street parking or loading space. It shall be unlawful for any individual, firm, or corporation to use such building or land without acquiring such area as is required and permitted to fulfill the off-street parking and loading requirements. Whenever off-street parking is required and cannot be provided on the same lot as the principal building, and is located on another parcel or property provided for and utilized for off-street parking, said parcel of property shall be owned by the owner of the principal building or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during, or as long as off-street parking is required for such principal building, in accordance with the terms of this code. (Ord. 630 § 2[16.10.030(4)], 1995)

#### **16.60.050 Permitted reductions in off-street parking requirements.**

Off-street parking space required under these standards may be reduced at the time the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction may not be below the requirements set forth in these standards. (Ord. 630 § 2[16.10.030(5)], 1995)

#### **16.60.060 Location of off-street parking and loading areas.**

The required off-street parking and loading areas shall be located on the same lot or parcel of land they are intended to serve. However, if the required off-street parking spaces cannot be provided, in whole or in part, on the same lot on which the principal building is located, such required off-street parking may be located on another lot or parcel of land within 1,000 feet of the premises to be served, provided:

A. The owner of such parking area enters into a written agreement with the city of Sultan providing that the land comprising the parking area shall never be disposed of, nor the use changed, except in conjunction with the sale of the building that the parking area serves, so long as the facility is required; and

B. The owner agrees to bear the expense of recording the agreement and agrees that said agreement shall bind his heirs, successors, and assigns. (Ord. 630 § 2[16.10.030(6)], 1995)

#### **16.60.070 Limitations on vehicular storage.**

Except as otherwise provided in this chapter, off-street parking spaces required herein may be occupied by the occupants, employees, or patrons of the property or by visitors, or by delivery vehicles incidental to the principal use, but not by vehicles being repaired, stored or displayed for sale or hire. (Ord. 630 § 2[16.10.030(7)], 1995)

#### **16.60.080 Determination of seating capacity at places of assembly.**

In stadiums, sport arenas, houses of worship and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities. (Ord. 630 § 2[16.10.030(8)], 1995)

#### **16.60.090 Collective off-street parking provisions.**

Nothing in these standards shall be construed to prevent the collective provision of off-street parking facilities for two or more structures or uses; provided, that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; provided also, that the requirements set forth hereinbefore as to maximum distances between parking facilities and principal structures or uses served shall apply to each structure or use participating in the collective provisions for parking. (Ord. 630 § 2[16.10.030(9)], 1995)

#### **16.60.100 Joint-use parking requirements.**

A. Places of Public Assembly. Parking spaces already provided to meet off-street parking requirements of stores, office buildings, schools, and industrial establishments, situated on the same site as places of public assembly, and that are not normally in use between the hours of 6:00 p.m. and midnight and are made available for other parking, may be used to meet not more than 50 percent of the total requirements of parking spaces. Written agreement is required for such joint-use parking arrangements between the officials of the place of public assembly and the owner or manager of the other development and parking area on the site.

B. Mixed Use Developments. In the case of mixed uses (such as shopping centers), the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified above for joint use. (Ord. 630 § 2 [16.10.030(10)], 1995)

**16.60.110 Requirements for retail trade, personal service, and business service establishments and offices, hotels, night clubs, and health clubs in the UC zoning district.**

To promote more compact urban settlements, the city of Sultan is encouraging the development of activity nodes that require less of a reliance on the private automobile. To that end, as can be seen in the tables of dimensional and density requirements for the UC zoning district, front and side yard setbacks are not required for retail trade, personal service, and business service establishments and offices, night clubs, and health clubs. In furtherance of this goal, the off-street parking requirements for these categories of uses, as well as hotels and bed and breakfast inns/guesthouses, as contained in the off-street parking table contained in this chapter, are reduced by 50 percent when they are proposed to be located in the UC zoning district. (Ord. 630 § 2[16.10.030(11)], 1995)

**16.60.120 Development and maintenance of off-street parking areas.**

For every parcel of land hereafter used, off-street parking shall be developed and maintained by the owner in accordance with the following requirements:

A. Minimum Distances and Setbacks. No part of any off-street parking area containing five or more vehicle spaces, shall be closer than 10 feet to any dwelling, school, hospital, or other institution for human care. If on the same lot with a principal structure, the parking area shall not be located within the front yard or side street yard setback area required for such structure.

B. Bumper Guard and/or Bollard Requirements. There shall be provided a bumper guard and/or bollard of either wood, metal or concrete not more than two feet in height and securely anchored into the ground on all sides of the parking area where there is required a protective fence or wall. Any required bumper guard and/or bollard shall be located at such distance so that automobiles will not strike the protective fence or wall. As an alternative, a concrete beam serving the same purpose may be provided.

C. Off-Street Parking Area Surfacing Requirements. Any off-street parking area containing more than five vehicle spaces shall be surfaced with an asphaltic, bituminous, cement, or other properly bound pavement so as to provide a durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulation within the off-street parking area.

D. Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises used for residential purposes in any district.

E. Entrance, Exit, and Maneuvering Space. Vehicular drives providing entrance and exit to the street system from the off-street parking area shall have a minimum pavement width of 22 feet. This requirement shall not apply to single-family detached residences. The right turn radius on the side of the driveway exposed to entry or exit by right-turning vehicles shall be a minimum of 17 feet. Maneuvering areas shall be sufficient to permit vehicles to enter and leave the parking lot in a forward motion except for single-family detached dwelling units.

F. Other Design Requirements.

1. Off-street parking areas for all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing up unreasonable distances, or making other dangerous or hazardous turning movements.

2. Circulation areas for off-street parking lots shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles, and without adversely interfering with the normal functioning of the parking lot.

3. The parking spaces shall be appropriately demarcated with painted lines or other markings.
4. Off-street parking areas shall be properly maintained in all respects. They shall be kept in good condition (free from pot holes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
5. Handicapped parking spaces shall be provided in all required off-street parking areas, at a rate of two percent of the total required parking spaces, but in no case less than one space, and adequately posted to be in conformance with all appropriate federal and state laws.
6. No speed-bumps shall be installed within 100 feet of the point of access from the off-street parking lot to the street. (Ord. 630 § 2 [16.10.030(12)], 1995)

#### **16.60.130 Plan requirement.**

A plan shall be submitted to the building and zoning official with every development permit application for any building or use that is required to provide off-street parking and loading. The plan shall accurately depict the required number and location of parking space, other spaces in excess of the requirements, access aisles, driveways, vehicle turn-around or backup areas, areas designated for trash collection, off-street loading spaces (if required), the distance of the off-street parking facilities to the structure or uses they are intended to serve, as well as the relationship of the parking lot to the street system into which the motor vehicles utilizing the parking areas will discharge. (Ord. 630 § 2[16.10.030(13)], 1995)

#### **16.60.140 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 [16.60.110](#). 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.

#### **16.60.150 Off-street loading space requirements.**

A. On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehousing, goods display, department store, wholesale store, retail sales outlet, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt and distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services to avoid interference with the public use of the streets and alleys.

Each such loading and unloading space shall be an area at least 12 by 50 feet with a 15-foot height clearance, and shall be provided as specified below for gross nonresidential (hotel rooms shall be defined as residential floor area for the purposes of this requirement) floor area, except that:

1. No spaces are required for structures with less than 10,000 square feet of gross floor area.
2. One space is required for structures with more than 10,000 but less than 20,000 square feet of gross floor area.
3. Additional off-street loading spaces shall be provided at a rate of one space for each additional 20,000 square feet or increment thereof.
4. No more than seven loading spaces shall be required, except for warehouse and industrial buildings.

B. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from the roadway serving the property, and the

loading/unloading operations can be completed without obstructing or interfering with any roadway traffic or any off-street parking space or parking lot aisle.

C. No area allocated to loading/unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for off-street loading/unloading facilities.

D. For restricted limited manufacturing (conversion of existing improvements) off street loading space shall only be required as specified in subsection A of this section to the extent practicable on the available lot. The acquisition of new or additional land shall not be required. (Ord. 792-02 § 2; Ord. 630 § 2[16.10.030(15)], 1995)

## ***Chapter 16.92*** ***STORMWATER MANAGEMENT PERFORMANCE STANDARDS***

### **Intent.**

A. The purpose of this chapter is to protect, maintain and enhance both the immediate and the long-term health, safety, and general welfare of the citizens of Sultan, while allowing landowners reasonable use of their property.

B. The intent of this chapter is:

1. To protect the chemical, physical and biological quality of ground and surface waters.
2. To encourage the protection of natural systems and the use of them in ways which do not impair their beneficial functioning.
3. To perpetuate groundwater recharge.
4. To reduce erosion loss of valuable topsoils and subsequent sedimentation of surface water bodies.
5. To protect the habitat of fish and wildlife.
6. To prevent significant loss of life and property due to flooding.
7. To reduce the capital expenditures associated with floodproofing and the installation and maintenance of storm drainage systems.
8. To minimize the adverse impact of development on the water resources of the city of Sultan.

C. The city acknowledges that under certain circumstances it will not be possible or practical to meet all of the objectives of this chapter. In these cases, developments will be evaluated to determine the methods and approaches by which the developer proposes to mitigate any adverse effects which may otherwise result from the practical inability to meet all of the objectives of these performance standards.

D. The city adopts the most recent Department of Ecology Stormwater Management Manual for the Puget Sound Basin. Said manual as it now reads or is hereafter amended is incorporated into the Sultan Municipal Code by this reference. (Ord. 744-00; Ord. 630 § 2[16.10.110(1)], 1995)

### **16.92.020 Exemptions.**

A. General. For the purpose of these performance standards, the following activities shall be exempt from the formal permitting procedure of this chapter:

1. Maintenance work on utility or transportation systems; provided, such maintenance work does not alter the purpose and intent of the system as constructed.
2. Maintenance work performed on existing stormwater detention/retention structures and drainage channels for the purpose of maintaining public health and welfare.
3. Maintenance or renewal of existing pavement, or maintenance of existing buildings, or for small properties having an impervious surface area of 3,000 square feet or less.

B. Emergency Exemption. This chapter shall not be construed to prevent the accomplishing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but not limited to fire and hazards resulting from violent storms, or when the property is in imminent peril and obtaining a permit is impractical. For purposes of this code, action must be taken within 30 days of an emergency to qualify as an emergency exemption. A report of any emergency action shall be made to the building and zoning official by the owner or person in control of the property on which the emergency action was taken as soon as practicable, but no more than 10 days following such action. Remedial action may be required by the building and zoning official. (Ord. 630 § 2[16.10.110(2)], 1995)

### **16.92.030 Permit requirements – Waivers.**

The permit requirements of this chapter may be waived by the building and zoning official for certain small projects as enumerated herein which, by their nature, do not substantially change the total rate, volume, or quality of stormwater runoff within a drainage basin.

A. Applicability. The permit requirements of this chapter may be waived by the building and zoning official for the following site development activities:

1. A single-family detached residence and accessory structures on a parcel of record, and not part of a residential subdivision development or not within a sensitive area.

2. The one time construction or addition of any structure or pavement not exceeding 3,000 square feet of impervious area on or parallel to the ground.

3. The establishment of a seasonal parking facility pursuant to and in compliance with a conditional use permit obtained in accordance with Chapter [21.04](#) SMC. A waiver under this subsection once granted shall remain in effect so long as the permit holder does annual before and after soil testing at one location designated by the building and zoning official and the results of said testing show the absence of hazardous materials at clean up concentrations. If testing shows the presence of hazardous materials at concentrations requiring clean up, the building and zoning official may revoke the waiver and/or may direct the permit holder to take such other actions as best management practices would require.

B. Stormwater Certifications. The permit requirements of this chapter may be waived by the building and zoning official for those development activities meeting the criteria given in subsection (A) of this section; provided, the owner/developer files a notice of intent with the building permit application and files a letter of certification with the building and zoning official, which contains the following:

1. The name, address and telephone number of the developer and owner(s).
2. A description of the improvement.
3. The address and legal description of the development.
4. A statement signed by the owner/developer that certifies that the development activity will:
  - a. Not obstruct the natural flow of stormwater runoff.
  - b. Not drain stormwater runoff onto adjacent lands or wetlands not now receiving runoff from the project area.
  - c. Not concentrate the discharge of runoff onto adjacent lands in such a manner as to present a flooding hazard or cause soil erosion.
  - d. Not adversely affect adjacent lands and structures.
  - e. Provide a positive drainage outlet from the site.
  - f. Not adversely impact adjacent wetlands and/or watercourses.
  - g. Employ measures to control soil erosion on the site.

5. Such other information as may be required by the building and zoning official. A certificate of occupancy for any development activity may be withheld by the building and zoning official in cases where the owner/developer fails to provide the stormwater certifications given above or where it can be shown that the owner/developer has not completed the construction consistent with the statements contained in the certifications. (Ord. 765-01 § 12; Ord. 630 § 2[16.10.110(3)(a)], 1995)

## **16.92.040 Stormwater management permits.**

A stormwater management permit shall be applied for and obtained from the building and zoning official prior to commencement of development or redevelopment activity on land for which a permit waiver has not been issued and is described in SMC [16.92.030\(A\)](#).

A. Applicability. A stormwater management permit is required for the development or redevelopment on land with more than 3,000 square feet of impervious area (roof, parking, etc.).

B. Application for Stormwater Management Permit. Anyone desiring to develop land shall apply for a stormwater management permit. In addition, the applicant shall submit copies of the following items which shall be prepared by a registered professional engineer.

1. A location map showing the location of the site with reference to such landmarks as major waterbodies, adjoining roads, estates, or subdivision boundaries.

2. A detailed site plan showing the location of all existing and proposed pavement and structures.

3. Topographic maps of the site before and after the proposed alterations.

4. Information regarding the types of soils and groundwater conditions existing on the site.

5. General vegetation maps of the site before development and a plan showing the landscaping to be performed as part of the project.

6. Construction plans and specifications necessary to indicate compliance with the requirements of these standards.

7. Runoff computations based on the most critical situation (rainfall duration, distribution, and antecedent soil moisture condition) using rainfall data and other local information applicable to the affected area.

8. Storage calculations showing conformance with the requirements of these standards.

9. Sufficient information for the building and zoning official to evaluate the environmental qualities of the affected waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts.

10. Such other supporting documentation as may be appropriate, including maps, charts, graphs, tables, specifications, computations, photographs, narrative descriptions, explanations, and citations to supporting references.

11. Additional information necessary for determining compliance with the intent of these standards as the building and zoning official may require.

C. Performance Standards. The performance standards for the development or redevelopment on parcels for which a stormwater management permit is required shall be as follows:

1. All projects shall provide treatment of stormwater. Treatment BMPs (best management practices) shall be sized to capture and treat the water quality design storm, defined as the six-month, 24-hour return period storm. The first priority for treatment shall be to infiltrate as much as possible of the water quality design storm, only if site conditions are appropriate and groundwater quality will not be impaired. Direct discharge of untreated stormwater to groundwater is prohibited. All treatment BMPs shall be selected, designed, and maintained according to the adopted Washington State Department of Ecology's Stormwater Management Manual.

Stormwater treatment BMPs shall not be built within a natural vegetated buffer, except for necessary conveyance systems as approved by the local government.

Stormwater discharges to streams shall control streambank erosion by limiting the peak rate of runoff from individual development sites to 50 percent of existing condition two-year, 24-hour design storm while maintaining the existing condition peak runoff rate for the 10-year, 24-hour and 100-year, 24-hour design storms. As the first priority, streambank erosion control BMPs shall utilize infiltration to the fullest extent practicable, only if site conditions are appropriate and groundwater quality is protected. Streambank erosion control BMPs shall be selected, designed, and maintained according to an approved manual.

Stormwater treatment BMPs shall not be built within a natural vegetated buffer, except for necessary conveyance systems as approved by the local government.

2. The cumulative impact of the discharge from the site on downstream flow shall be considered in analyzing discharge from the site.

3. Where possible, natural vegetation shall be used as a component of drainage design. The manipulation of the water table should not be so drastic as to endanger the existing natural vegetation that is beneficial to water quality.

4. Runoff from higher adjacent land shall be considered and provisions for conveyance of such runoff shall be included in the drainage plan.

5. No site alteration shall cause siltation of wetlands, pollution of downstream wetlands, or reduce the natural retention or filtering capabilities of wetlands. This shall be deemed to include the requirement that no herbicides, pesticides, or fertilizers may be used within 150 feet of any stream or aquifer recharge area.

6. Stormwater runoff shall be subjected to best management practice (BMP) according to the Washington State Department of Ecology's guidelines prior to discharge into natural or artificial drainage systems.

7. All site alteration activities shall provide for such water retention and settling structures and flow attenuation devices as may be necessary to insure that the foregoing standards and requirements are met.

8. Design of water retention structures and flow attenuation devices shall be subject to the approval of the building and zoning official pursuant to the standards herein.

9. Runoff shall be treated to remove oil and floatable solids before discharge from the site in a manner approved by the building and zoning official.

10. Erosion by water shall be prevented throughout the construction process.

11. For the purpose of this section, it is presumed that the lowering of the water table to construct detention/retention basins and to permanently protect road construction does not conflict with the stated objectives of these standards, if all of the following are met:

a. The development site is not in a sole-source aquifer protection area or wellhead protection area.

b. If ditches, underdrains or similar devices are used to lower the water table, the lateral volumetric effect will be calculated, and the volume will be deducted from that allowed for retention areas.

c. The high water table may be lowered to two feet below the undisturbed ground in the vicinity of roads for the purpose of protecting the sub-base and base of the roadway.

d. The lowering of the water table has no adverse effect on wetlands as defined in this section.

e. The lowering of the water table does not increase flows to the detriment of neighboring lands.

D. Review Procedure. The building and zoning official will ascertain the completeness of the stormwater management permit application within 10 working days of receipt. Completeness shall only be insofar as all required exhibits have been

submitted and shall not be an indication of the adequacy of these exhibits. Within 30 working days after the determination has been made that a completed permit application package has been submitted, the planning commission shall approve, with specified conditions or modifications if necessary, or reject the proposed plan and shall notify the applicant accordingly. If the planning commission has not rendered a decision within 60 working days after plan submission, the plan shall be deemed to be approved.

The planning commission, in approving or denying a stormwater management permit application, shall consider as a minimum the following factors:

1. The characteristics and limitation of the soil at the proposed site with respect to percolation and infiltration.

2. The existing topography of the site and the extent of topographical change after development.

3. The existing vegetation of the site and the extent of vegetational changes after development.

4. The plans and specifications of structures or devices the applicant intends to employ for on-site stormwater retention or detention with filtration, erosion control and flow attenuation.

5. The impact the proposed project will have on the natural recharge capabilities of the site.

6. The impact the proposed project will have on downstream water quantity and, specifically, the potential for downstream flooding conditions.

7. The continuity of phased projects. (Projects that are to be developed in phases will require the submission of an overall plan for the applicant's total land holdings.)

8. The effectiveness of erosion control measures during construction.

9. Permits required by any governmental jurisdiction to be obtained prior to the issuance of a permit under this section.

10. The adequacy of easements for drainage systems in terms of both runoff conveyance and maintenance.

11. The method of handling upland flow which presently discharges through the site.

12. The maintenance entity responsibility for upkeep of the system upon its completion. (Ord. 630 § 2[16.10.110(3)(b)], 1995)

#### **16.92.050 Automatic rejection of permit.**

Should 60 working days elapse from the date of mailing by the planning commission's appointed official a request for additional information or plan amendment without response by the applicant, or his/her engineer, the agency may immediately deny the permit applicant based on the inadequacy of the information presented. A request by the applicant to hold the application in abeyance shall be considered for a period not to exceed one year from the date of the original application. If no additional information is received within that one-year period, the planning commission may deny the application based upon the information presented.

In the event that the plan is approved with specified conditions or modifications, the applicant shall then have the opportunity to amend the plan in accordance with the requirements of the planning commission within 60 working days following the mailing date of the request. In the event that the applicant does not comply with the planning commission's requirements within 60 working days, the planning commission may deny the application based upon the inadequacy of the plan and information previously presented. (Ord. 630 § 2 [16.10.110(3)(c)], 1995)

#### **16.92.060 Application for preliminary review for modification to existing development.**

A. General. Any persons proposing to make any change in the size of any existing structure may submit an application for preliminary review to the building and zoning official to determine the requirement for a stormwater management permit. Those applications that shall be considered by the building and zoning official must be within the following parameters:

1. There shall be no change in the volume of stormwater nor shall the rate of stormwater runoff be affected;

2. The construction of any structure not otherwise exempt shall not exceed 1,000 square feet of impervious surface on or parallel to the ground;

3. The development shall not consist of the construction of new paved area;

4. The development shall not consist of the construction of any drainage improvements; and

5. The development shall not involve the alteration of the shape of land.

B. Application Requirements. The application for preliminary review shall contain sufficient information regarding the proposed improvements to adequately define the features of the project which impact the location, rate and the volume of stormwater runoff. Such information shall include, but may not be limited to:

1. Name, address and telephone number of the applicant.

2. Location map, address, legal description of the proposed improvement.

3. Statement expressing the scope of the proposed project.

4. Schedule of proposed improvements.

5. Sketch showing existing and proposed structures, paving, and drainage patterns.
6. Erosion control and drainage plan.

C. Review Procedure. The application for preliminary review shall be reviewed by the building and zoning official to determine whether a project is exempt, whether a permit waiver is possible or whether a water quality permit or stormwater management permit shall be required. Within 30 working days after receipt of the application for preliminary review, the building and zoning official will notify the applicant whether the project is exempt or what further application procedures are to be followed. (Ord. 630 § 2[16.10.110(4)], 1995)

#### **16.92.070 Request for appeal.**

If the applicant feels aggrieved due to rejection or modification, or any other action of the planning commission or building and zoning official, he or she may petition the city council for a hearing before them. Such petition shall be filed within 45 working days from the date of the mailing of the notice. (Ord. 630 § 2[16.10.110(5)], 1995)

#### **16.92.080 Permit duration.**

Any development activity for which a permit is issued under this chapter that is not commenced within one year from the date of permit issuance and/or which is not complete within two years from the date of permit issuance shall automatically be null and void, unless otherwise extended by the planning commission. (Ord. 630 § 2 [16.10.110(6)], 1995)

#### **16.92.090 Plan adherence.**

The applicant shall be required to adhere strictly to the plan as approved. Any changes or amendments to the plan must be approved in writing by the planning commission, in accordance with the procedures set forth in SMC [16.92.030](#) and [16.92.040](#). After the completion of the project, the planning commission may require from the owner/applicant that the professional engineer in charge certify compliance with terms of the permit or submit as-built plans, if the completed project appears to deviate from the approved plan. The filing of an application for a permit shall constitute a grant and consent by the owner for enforcement officials to enter and inspect the project to insure compliance with the requirements of this chapter. (Ord. 630 § 2[[16.10.110\(7\)](#)], 1995)

#### **16.92.100 Maintenance.**

A. General. The installed on-site retention/detention systems and drainage facilities required by these standards shall be maintained by the owner. The owner shall be required to execute a written system maintenance agreement that shall permit the city of Sultan:

1. To have adequate ingress and egress to inspect the premises at reasonable times; and
2. If necessary, take corrective action should the owner fail to properly maintain the system(s).

B. Failure to Maintain. Should the owner fail to properly maintain the stormwater management system(s), the building and zoning official shall give written notice to the owner of record as appears on the latest property tax rolls by certified mail of the nature of the violation and order the corrective action necessary. Should the owner fail, within 30 working days from the date of the notice, to take corrective action to the satisfaction of the building and zoning official or appeal the notice and order, the city of Sultan may enter upon the lands, take such corrective action as the official may deem necessary, and place a lien on the property of the owner for the cost thereof.

C. City Maintenance. Certain off-site systems as may be identified by the city's stormwater management plan, which are to provide general public benefits, may be accepted by the city for

maintenance. The selection of such systems to be maintained shall be made by the public works department. All areas and/or structures to be maintained by the city must be dedicated by plat or separate instrument and accepted by resolution of the city council. (Ord. 630 § 2[16.10.110(8)], 1995)

### **16.92.110 Inspections.**

A. The holder of any permit or approval issued subject to a detailed drainage plan shall arrange with the city engineer for scheduling the following inspections:

1. Initial Inspection. Whenever work on the site preparation, grading, excavations or fill is ready to be commenced, but in all cases prior thereto;
2. Rough Grading. When all rough grading has been completed;
3. Bury Inspection. Prior to burial of any underground drainage structure;
4. Finish Grading. When all work including installation of all drainage structures and other protective devices has been completed;
5. Planting. When erosion control planting shows active growth.

B. In certain circumstances, not all of the above inspections may be necessary. It shall be the discretion of the city engineer to waive or combine any of the above inspections as dictated by conditions. The city engineer shall inspect the work and shall either approve the same or notify the applicant in writing in which respects there has been failure to comply with the requirements of the approved plan. Any portion of the work which does not comply shall be promptly corrected by the applicant. (Ord. 630 § 2[16.10.110(9)], 1995)

## ***Chapter 22.06*** ***SIGN STANDARDS***

### **22.06.010 Purpose.**

The purpose of this chapter is to establish sign regulations that are intended to:

- A. To promote and protect the general public health, safety, welfare, and aesthetics of the community by regulating existing and proposed signs.
- B. Promote the community's appearance by regulating the number, design, character, location, type, and quality of materials, scale, illumination and maintenance of signs to maximize their positive visual impact.
- C. Promote the effective identification of businesses while maintaining an attractive and inviting cityscape.
- D. Promote signs that identify uses and premises without confusion.
- E. Reduce possible traffic and safety hazards through good signage. (Ord. 806-03 § 1)

### **22.06.020 Definitions.**

For the purpose of this chapter, the terms set out in this section shall have the meanings indicated:

1. "Abandoned sign" is a sign which represents or displays any reference to a business or use which has been discontinued for more than six months or for which no valid business license has been issued by the city.
2. "A-board, sandwich board, and similar signs" means small type signs, either single or double face, portable or permanently installed, upon which is generally placed advertising copy denoting products being offered upon the premises on which such signs are placed.

3. "Advertising copy" means any letters, figures, symbols, logos, trademarks or similar devices which identify or promote the sign user or any product or service; or which provides information about the sign user, the premises, the building or the products or services available.

4. "Animated sign" means a sign which contains wind, electronic, or mechanically operated moving parts or which flashes or simulates motion by the use of electric lights.

5. "Awning – retractable" means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported by that wall and that is collapsible, retractable, or capable of being folded against the face of the supporting building.

6. "Awning – fixed" means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported by that wall, and is held in place with rigid frames and covered with a flexible material.

7. "Banner" means a temporary sign made of cloth, fabric, paper, and nonrigid plastic or similar types of material and displayed from a building or structure.

8. "Bench sign" means any sign which is painted or affixed to any portion of a bench and shall be no larger than the area reasonably necessary to accommodate a functional bench.

9. "Billboard" means a preprinted or hand painted changeable advertising copy sign which directs attention to businesses, commodities, services, or facilities which are not primarily sold, manufactured, or distributed from the property on which the sign is located. The term "billboard" includes both the structural framework which supports a billboard and any billboard faces attached thereto.

10. "Canopy" means any structure, other than an awning, made of cloth or metal with metal framework attached to a building or carried by a framed supported by the ground.

11. "Campaign/political sign" is a noncommercial temporary sign displaying a message relating to a candidate, political party, or public issue.

12. "Changeable copy/message sign" means a sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature and date sign, message center or reader board where different copy changes of a public service or commercial nature are shown on the same lamp bank.

13. "Change" means a change of a sign which consists of relocating the sign, or replacing 25 percent or more of the advertising copy or sign face and structural material in the sign. Normal maintenance is not a change which requires a permit.

14. "Commercial sign" means a sign displayed for the purpose of identifying a commercial use, or advertising any good, product, service, business, or other enterprise that is regularly offered for trade or sale.

15. "Directional sign" means a sign permanently erected and permitted by the city or state which serves solely to designate the direction to or location of any place, area, or to direct and regulate traffic. "Directional sign" also means a sign providing notice about the time and place of regular civic meetings and religious activities and services. "Directional sign" also means a sign which has only information (informational directional sign) on exit and entrance or parking and contains no form of advertising copy, or the name of the advertiser, is not greater than four square feet in area and does not exceed three feet in height.

16. "Display sign" means a case or cabinet or other device having a window or transparent material and which is either freestanding or mounted on the exterior of a building structure.

17. "Electrical sign" means a sign or sign fixture in which electrical wiring and connections for fixtures are used as part of the sign.

18. "Existing sign" means a sign in existence prior to the enactment of this chapter.

19. "Exterior/wall sign" means a sign attached to and supported by a wall or facade of a building or structure, with the exposed face of the sign parallel to the wall or facade and extending no more than 18 inches from the wall or facade. Any sign placed behind glass, or affixed to a window of a building and located in such a manner as to have an obvious intent to capture interest of persons outside the building, shall be considered a wall sign and shall be treated in the same manner.

20. "Facade" means the entire building front or the street sidewall of a building from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

21. "Flashing sign" means an illuminated sign which changes intensity of lighting and/or switches on and off in a constant pattern or in which lighting is not maintained stationary and with constant intensity and color.

22. "Freestanding sign" means an exterior sign which is self-supported by use of poles, uprights, or braces in a fixed location, and in or on the ground, and is not attached to a building, but not including A-board or sandwich board signs.

23. "Frontage – primary" means as follows:

a. In a building containing only one business, primary frontage shall be the width of that side of the building which contains the main public entrance to that business.

b. In a building containing more than one business, all of which businesses have their main public entrances on the same side, primary frontage shall be the width of that side of the building which contains those public entrances.

c. In a building containing more than one business, where those businesses have their main public entrances on more than one side of the building, each side shall constitute a primary frontage. Each primary frontage shall be the width of that frontage.

24. "Frontage – secondary" means as follows, in a building containing one or more businesses, and having all main public entrances on one side, one secondary frontage may be designated by the building owner. That frontage shall be the width of that side of the building as designated.

25. "Gas station price sign" means a sign advertising the price of fuel and containing no other business advertising.

26. "Governmental sign" is a sign posted and displayed by a governmental agency that is necessary to protect and regulate the public health and safety. Governmental signs include traffic signs, directional and informational signs for public health and safety facilities and public safety warning or hazard signs.

27. "Grade" means the elevation as measured at relative level from the top-of-curb or center of the street, whichever is greater in the immediate vicinity of the sign.

28. "Ground sign" means a type of freestanding sign which is erected on the ground and which contains no free air space between the ground and top of the sign.

29. "Hanging sign" means a sign suspended from an awning, canopy, or marquee.

30. "Identification sign" means a sign limited to the name, address, and number of a building, institution, or person or activity carried on in the building.

31. "Incidental sign" means a small information sign not exceeding four square feet in area indicating goods, services, products, credit cards, hours of operation, or facilities which are available on the premises and is primarily intended for the convenience of the public.

32. "Illegal sign" is a sign which was erected without first complying with all ordinances and regulations in effect at the time of its erection and use.

33. "Illuminated sign" means a sign designed to give forth an artificial light, or designed to reflect light from an external source.

34. "Illumination – external" means an exterior lighting source located away from a sign which lights the sign, but is not readily visible.

35. "Illumination – internal" means a light source concealed or contained within the structure which becomes visible in darkness through a translucent surface.

36. "Joint use sign" means a sign which is designed and constructed to be used by more than one business.

37. "Mansard roof sign" means signs which are structurally incorporated into a sloped roof or roof-like facade architecturally capable of being treated as a building wall.

38. "Marquee" means a permanent roof or hood structure attached to, supported by, and projecting from a building over the public right-of-way or public place. It provides protection from weather elements, but does not include a projecting roof.

39. "Mural" is a picture painted directly on a building, or to surfaces mounted on the building, or its appurtenances.

40. "Multiple tenant building" means a single structure housing more than one retail business, office or commercial venture.

41. "Noncommercial sign" means a sign which is devoted to religious, charitable, cultural, political, artistic, governmental or educational messages, and that is not primarily associated with a good, product, or service offered for sale or trade. Noncommercial signs include, but are not limited to, signs advertising incidental and temporary commercial activities conducted by governmental agencies, schools, churches, and nonprofit civic or service clubs, and residential property owners and tenants.

42. "Nonconforming" means a sign or sign structure legally erected prior to this code that does not conform to the provisions as contained in this chapter.

43. "Obsolete sign" means a sign advertising a business no longer conducted or product no longer sold.

44. "Off-premises or remote sign" means a sign, including a billboard, which is not located on the property where the business depicted by the sign is located, and which is not directly related to the use or activity operated on the site of the sign.

45. "On-premises sign" means a sign which displays only advertising copy strictly incidental to the lawful use of the premises on which it is located and shall, depending upon the zoning district in which it is located, contain any of the following:

- a. The name of the owner, occupant, management, or firm occupying the premises;
- b. The address and use;
- c. The kind or name of the business and/or the brand name of the principal commodities sold or produced on the premises;

d. Other information relative to a service or activity involved in the conduct of the business (also includes owner identification or business sign). Any commercial or noncommercial sign which advertises or relates to a good, product, service, place, thing, event, or meeting that is lawfully offered, sold, traded, provided, located or conducted at the location upon which the sign is posted or displayed.

46. "Permanent sign" is a fixed or portable sign intended for continuous use or intermittent display for periods exceeding 60 days in any calendar year.

47. "Pole sign" means an exterior sign which is self supported by use of a single supporting structure or single pole, in a fixed location, and in or on the ground, and is not attached to a building.

48. "Portable sign" means any sign which is readily capable of being moved or removed, whether attached or affixed to the ground or any structure, that is designed, constructed, and typically intended for temporary display. Portable signs include, but are not limited to:

- a. Signs posted or displayed upon a movable chassis or support with or without wheels;
- b. A-frame signs;
- c. Wooden, cardboard, metal, or plastic "stake" or "yard" signs;
- d. Posters or banners affixed to windows, railings, overhangs, trees, hedges, or other structures or vegetation;
- e. Signs mounted on vehicles parked and visible from the public right-of-way, except signs mounted upon vehicles that are being primarily used for normal day to day commercial or noncommercial transportation purposes, and not primarily for advertising or display purposes, and except for signs advertising for sale the vehicle upon which the sign is posted;
- f. Searchlights;
- g. Balloons or inflatable signs over 24 inches in diameter and similar devices of a carnival nature.

49. "Projecting sign" means a two-sided sign projecting more than 15 inches from a structure or building which is supported by a wall of the structure.

50. "Real estate sign" means a temporary sign erected by the owner or his agent advertising the real estate upon which the signs are located for rent, for lease or for sale.

51. "Roof sign" means a sign erected upon or above the parapet of a building or structure. Mansard roof signs shall not be included.

52. "Sign" means any communication device, structure, fixture, illuminated or nonilluminated, which is visible from any public right-of-way, and using graphics, pictures, symbols or written copy, that is intended to direct attention to and to promote the sale of products, goods, services, events, or to identify a building. The term "signs" shall not include the following:

a. Flags, pennants or insignia of nations, or an organization of nations, states or cities, or fraternal, religious and civic organizations or any educational institutions except when such flags are used in connection with a commercial promotion or as an advertising device.

b. Placards, banners, pennants, merchandise, pictures or models of products or services incorporated into a window display.

c. Works of fine art and painted murals which in no way identify a product or business and which are not displayed in conjunction with a commercial enterprise, which enterprise may benefit or realize direct commercial gain from such display.

d. One nameplate per public entrance per business of no more than two square feet per face which is suspended under a canopy or mounted on the face of the building.

e. Temporary decorations or displays clearly incidental and customary and commonly associated with national, local or religious holiday celebrations if erected entirely on private property and not displayed for a period of more than 10 days (40 days for the Christmas/New Year holiday) coinciding with that holiday; provided, however, there shall be no flashing lights permitted in the urban center, highway oriented development or economic development zoning districts.

f. Signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right-of-way.

g. Traffic and other official signs of any public or governmental agency.

h. Commemorative plaques and historical site or structure signs.

i. Billboards signs located on the outfield fence of the Mariner's Field located at the Sultan High School.

j. Special event signs; provided, that all of the following conditions are met:

i. The promoter of the event or grand opening shall have met with the city to obtain a determination that the proposed sign(s) fall within the definition of a special event sign.

ii. No such sign shall include moving parts or flashing lights.

iii. No such sign shall create a hazard.

iv. No such sign shall be erected or displayed more than 30 days before the special event or grand opening it announces or 14 days thereafter.

v. All such signs shall be removed within 14 days following the conclusion of the special event or grand opening.

k. Temporary, nonilluminated real estate signs limited to one in all residential zones and not exceeding six feet in area per sign face.

l. Temporary, nonilluminated construction signs limited to one sign in residential areas not exceeding 32 square feet in area per face, and two signs in commercial and industrial zoning district not exceeding 32 square feet in area per face per street frontage.

53. "Sign area" means the entire area of the structure on which advertising copy is to be placed. It shall include the total height and width of the structure. Sign supporting structures which are part of the sign display shall be included in the area rectangle. Architectural embellishments and decorative features which contain no written or advertising copy shall be included in determining the sign area. Where a sign is affixed to or otherwise displayed on a structure which is not in itself a sign, such as a wall, marquee, canopy, or awning, the sign area shall be a rectangle formed by the greatest height and width of the advertising copy. The area of all ground signs shall be measured by determining the sum of the area of the advertising copy as noted above, and that portion of the sign structure which exceeds one and one-half times the area of the sign face.

54. "Sign face" means the area of display surface used for the message.

55. "Sign height" means the vertical distance measured from the adjacent street grade or upper surface of the nearest street curb, other than elevated roadways, which permits the greatest height to the highest point of the sign.

56. "Sign package review" means a process by which building design, commercial development design, and signs are integrated into one architectural set of plans that are submitted for planning review and/or building permits.

57. "Special event sign" means a sign that displays information concerning a special event, festivals, carnivals, grand openings, or annual sales occurring no more than twice within any 12-month period.

58. "Temporary sign" is an allowed portable sign intended for short-term use, not to exceed 60 days in a calendar year.

59. "Window sign" means a sign affixed to a window for advertising purposes. (Ord. 806-03 § 1)

### **22.06.030 Sign classifications and permitted signs.**

A. Exempt Signs. The following types of signs and devices shall be exempt from the permit requirements of this chapter; provided, that all applicable standards or conditions are met:

1. Political signs; provided, that such of these signs that relate to a particular election shall be removed no later than 10 days after the election to which the signs pertain and do not exceed 32 square feet in area.

2. Those signs identified as exempt in the definition of "sign," which are as follows:

a. Flags, pennants or insignia of nations, or an organization of nations, states or cities, or fraternal, religious and civic organizations or any educational institutions except when such flags are used in connection with a commercial promotion or as an advertising device.

b. Placards, banners, pennants, merchandise, pictures or models of products or services incorporated into a window display.

c. Works of fine art and painted murals which in no way identify a product or business and which are not displayed in conjunction with a commercial enterprise, which enterprise may benefit or realize direct commercial gain from such display.

d. One nameplate per public entrance per business of no more than two square feet per face which is suspended under a canopy or mounted on the face of the building.

e. Temporary decorations or displays clearly incidental and customary and commonly associated with national, local or religious holiday celebrations if erected entirely on private property and not displayed for a period of more than 10 days (40 days for the Christmas/New Year holiday) coinciding with that holiday; provided, however, there shall be no flashing lights permitted in commercial areas.

f. Signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right-of-way.

g. Traffic and other official signs of any public or governmental agency.

h. Commemorative plaques and historical site or structure signs.

i. Billboards signs located on the outfield fence of the Mariner's Field located at the Sultan High School.

j. Special event signs; provided, that all of the following conditions are met:

i. The promoter of the event or grand opening shall have met with the city to obtain approval for the proposed sign(s) to ensure they fall within the definition of a special event sign.

ii. No such sign shall include moving parts or flashing lights.

iii. No such sign shall create a hazard.

iv. No such sign shall be erected or displayed more than 30 days before the special event or grand opening it announces or 14 days thereafter.

v. All such signs shall be removed within 14 days following the conclusion of the special event or grand opening.

k. Temporary, nonilluminated real estate signs, limited to one in all residential zones, and not exceeding six feet in area per sign face.

1. Temporary, nonilluminated construction signs, limited to one sign in residential areas, not exceeding 32 square feet in area per face; and two signs in commercial and industrial zoning district, not exceeding 32 square feet in area per face per street frontage.

m. Real estate directional signs in all zoning districts not exceeding six square feet in area per face or four feet in height.

B. Prohibited Signs. It is unlawful to erect or maintain:

1. Abandoned signs.

2. Signs which interfere with the view of traffic signs, signals or devices and approaching or merging traffic.

3. Animated signs. No sign shall be animated, revolve or rotate either mechanically or by illumination, except the movement of the hands of a clock, electronic message displays, and barber poles.

4. Signs which are significantly distracting to vehicle operators, such as those containing flashing, moving or intermittent lights, or signs with a concentrated light source or reflecting frames or surface(s) of such intensity or glare that it may create a safety hazard to motorists or pedestrians.

5. Signs erected, maintained, or painted upon trees, rocks, or other natural features.

6. Signs which are structurally unsafe, or improperly maintained or otherwise in violation of the Uniform Building Code, other city ordinances, and state codes.

7. Private signs on utility poles as prohibited by RCW 70.54.100.

8. Pinwheels, twirlers, propellers, and flashing or blinking lights; flares.

9. Portable temporary signs of the following types:

a. Signs posted or displayed upon a movable chassis or support, with or without wheels.

b. Posters outside of the business establishment.

c. Signs mounted upon vehicles as specified in SMC [22.06.020](#)(48) of the definition for portable signs, of a commercial nature.

d. Searchlights.

e. Inflatable signs and balloons over 12-inch in diameter, and similar devices of a carnival nature.

f. Billboards.

g. Signs which by reason of their size, location, movement, content, shape, coloring or manner of illumination obscure, imitate, or may be confused with lawfully posted governmental signs such as traffic control signs, signals, or devices.

11. Signs in dilapidated or hazardous condition.

12. Roof signs.

C. Permitted Signs.

1. Signs in the residential districts (low/moderate density (LMD), moderate density (MD), and high density (HD)) may include and shall be limited to the following:

a. No off-premises signs are permitted except for real estate directional signs in conjunction with subsection (C)(1)(b) of this section.

b. Real estate signs shall be limited to one per street frontage not exceeding six square feet in area per face or four feet in height.

c. One identification sign per multifamily dwelling, manufactured home park, and subdivision, not exceeding 25 square feet in area per face, provided it has only indirect illumination and does not exceed a height of five feet.

d. One identification sign per public or semi-public use, provided such sign does not exceed 35 square feet in area per face or five feet in height and has only indirect illumination.

e. Conditional uses within the above zoning districts may be allowed one wall or ground sign, as part of the conditional use approval process (Chapter [21.04](#) SMC), providing the size of the sign does not exceed 25 square feet in area or five feet in height and has only indirect illumination.

f. Home occupation or commercial nameplate identification signs, or combination nameplate and street identification signs, not exceeding four square feet. Signs larger than four square feet shall be allowed if approved by the design review board; provided, the owner can show burden of proof that site is

unique and a larger sign is needed due to topography of property or access to site. No sign shall exceed eight square feet.

g. Internally illuminated signs are prohibited.

2. Signs in the urban center (UC) zone may include and shall be limited to the following:

a. Off-premises signs are prohibited.

b. On-premises signs shall include wall signs, marquee signs, and projecting signs only. A mansard roof sign shall be considered a wall sign in this district. Projecting signs shall be limited to one per street frontage and shall not exceed an area of 25 square feet per sign face.

c. Wall and marquee signs shall not exceed a total sign area of two square feet per lineal foot of building frontage; except that in no event shall the sign allowance for any one building be less than 60 square feet regardless of frontage.

d. Signs attached to marquees projecting over public property shall be constructed on noncombustible materials.

e. Wall signs and projecting signs shall be constructed of noncombustible materials, or wood of one-inch nominal thickness. Approved plastics may be used in the construction of electric signs.

f. One freestanding sign per business or complex may be permitted for properties with street frontage on Highway No. 2, provided the area of the sign does not exceed one square foot per lineal foot of street frontage not to exceed 150 square feet in area and not to exceed 20 feet in height.

g. Portable signs as defined in SMC [22.06.035](#).

h. Public directory/directional signs located in the public right-of-way, established by the city, not exceeding 25 square feet in area and eight feet in height.

3. Signs in the highway-oriented development (HOD) zone may include and shall be limited to the following:

a. Only on-premises signs are permitted, except that off-premises directional signs with a sign area of 40 square feet per face and eight feet in height, limited to four square feet of signage for each individual business or advertiser and outdoor advertising signs not exceeding 100 square feet in area per sign face and 20 feet in height are permitted.

b. Single-Tenant Building.

i. One freestanding sign with a total sign area of one square foot per lineal foot of street frontage not to exceed 100 square feet in area per sign face and 20 feet in height;

ii. A projecting sign may be used in lieu of a freestanding sign, but shall be limited to one-half of the area allowed for a freestanding sign on that frontage, and in no case shall exceed 36 square feet in area per sign face;

iii. Wall or marquee signs shall not exceed a total sign area of two square feet per lineal foot of building frontage, but at least 60 square feet of sign area shall be permitted, but each business in the complex/building shall be allowed at least 32 square feet in sign area regardless of their location or building frontage;

iv. Portable signs as stated in SMC [22.06.035](#).

c. Multibuilding Complexes or Multitenant Buildings.

i. One freestanding sign with a total sign area of one and one-half square feet of sign area per one foot of street frontage not to exceed 150 square feet in area per sign face and 20 feet in height;

ii. There shall be not more than one freestanding or projecting sign per street frontage, except that if a complex has more than 300 lineal feet of street frontage, they shall be allowed one additional freestanding sign, not to exceed 100 square feet in area per sign face and 20 feet in height. The signs must be located at least 150 feet apart;

iii. A projecting sign may be used in lieu of a freestanding sign, but shall be limited to one-half the area allowed for the freestanding sign on that frontage, and in no case shall exceed 36 square feet in area per sign face. A projecting sign and a freestanding sign shall not be permitted along the same street frontage;

iv. The total allowable sign area for wall and marquee signs shall not exceed three square feet per lineal foot of building frontage, but each business shall be allowed at least 60 square feet regardless of the length of the building frontage;

v. Changing message center signs or other similar electrically or electronically controlled sign with advertising are allowed;

vi. Portable signs as stated in SMC [22.06.035](#).

4. Signs in the economic development (ED) zone may include and shall be limited to the following:

a. Only on-premises signs are permitted except that off-premises directional signs with a sign area of 40 square feet per face and eight feet in height and limited to four square feet of signage for each individual business or advertiser and outdoor advertising signs with a sign area of 100 square feet per side are permitted.

b. One freestanding sign shall be permitted with a maximum sign area of one square foot for each one foot of street frontage, not to exceed 50 square feet in area per sign face and 20 feet in height.

c. One wall sign shall also be permitted, in addition to a freestanding sign, with a maximum sign area of one square foot for each one foot of building frontage, not to exceed 50 square feet in area. In lieu of a freestanding sign, one additional wall sign is permitted not to exceed 50 square feet in area.

d. Portable signs as stated in SMC [22.06.035](#). (Ord. 806-03 § 1)

### **22.06.035 Portable signs.**

Portable signs are permitted, subject to the regulations set forth below.

A. Size and Height. No sign shall exceed six square feet in area per face with a maximum height of three feet.

B. Setbacks. Portable signs shall maintain a 15-foot side yard setback in all districts and shall not obstruct traffic visibility at street, highway, or driveway intersections.

C. Location. Portable signs shall be located on the business premises advertised except in the UC (urban center) zone where they may be located 150 feet off the business premises provided the location does not create a hazard to pedestrian movement on the sidewalk, or the use of the adjacent street, including on-street parking spaces.

D. Number of Signs Permitted.

1. Single-Tenant Building. No more than one portable sign shall be allowed for each street frontage for any single-tenant building.

2. Multibuilding Complexes or Multitenant Buildings. For multibuilding complexes or multitenant buildings no more than one portable sign shall be allowed for each 50 feet of continuous street frontage; provided, that a minimum 25-foot separation must be maintained between signs.

E. Anchoring. All signs shall be anchored in a manner which both prevents the sign from being moved or blown over from its approved location and also allows for the prompt removal of the sign.

F. Illumination. No portable identification sign may be illuminated.

G. Hazard. No portable sign or associated apparatus shall be situated or used in a manner which creates a hazard to the public. The city retains the right to revoke any permit and to remove a portable sign that, in the judgement of the city officials, may create an accident or hazardous situation. The determination to remove a portable sign or revoke a permit for a portable sign may be appealed to the city council by filing a written request therefor within 10 days of the removal of the sign or the revocation of the permit. The permit shall not be restored, nor the sign replaced, until a determination by the city council has been made.

H. Permit and Permit Sticker Required. No portable sign may be installed or utilized without first obtaining a permit therefor from the city of Sultan building official. Applications for permits may be made according to such procedures and upon such forms as may be established by the building official. A valid city-issued permit sticker shall be affixed to the sign in the location determined appropriate by the building official prior to installation of any portable sign. (Ord. 806-03 § 1)

#### **22.06.040 Application and permits.**

A. Permit Requirement. No sign governed by the provisions of this chapter shall be displayed, erected, relocated, or altered without first obtaining a sign permit. When such a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of said permit without prior written approval from the building and zoning official.

B. Application for Permit. An application for a sign permit shall be made by the owner of the property or his authorized agent, except for political signs or other signs not requiring a permit. The permit application shall contain a legal description of the property where the sign is proposed to be located; the name, address, and telephone number of the owner or his/her authorized agent; the name, address, and telephone number of the sign installer/erector; the type of sign surface area, and value of the sign proposed; the signature of the applicant; a drawing to scale showing the design and location of the sign, and an indication as to the material to be used to construct the sign, its color, and how it is proposed to be affixed to the property; and any other pertinent information deemed necessary by the building and zoning official's office to ensure compliance with these standards.

C. Statement of Authorization. Any application for a sign permit that is signed by an individual other than the property owner shall be accompanied by a notarized statement of authorization consenting to the sign placement by the owner of record or, if the property or building upon which the sign to be located is leased, a copy of the executed lease shall accompany the application form. Off-premises signs shall require a notarized statement from the property owner authorizing the placement of the sign. (Ord. 806-03 § 1)

#### **22.06.050 Design and construction standards.**

A. Plans and Specifications. Plans and specifications for any proposed sign shall be prepared and submitted in triplicate to accompany the application. Such plans and specifications shall be drawn to scale and, at a minimum, include the following:

1. Sign dimensions;
2. Lot frontage on all public rights-of-way;
3. Maximum and minimum height of the sign, as measured from the finished ground floor grade;
4. The location of the sign in relation to property lines, public rights-of-way, easements, buildings, and any other existing signs on the property;
5. Dimensions of the sign's supporting members;
6. For illuminated signs, the type, placement, intensity, and proposed hours of operation;
7. All construction and electrical specifications, if any, of the proposed sign;
8. Lineal footage of building frontage;
9. Contact and number for dial-a-dig location;
10. For ground and pole sign footing and foundation details and specifications.

B. Existing Signs. The number, type, location, and surface area of all existing signs on the same property and/or building upon which the proposed sign is to be located shall be indicated.

C. Revocation of Permit. If the work involving the erection of any sign is found, upon inspection, to not be proceeding in accordance with the drawings and specifications contained in the sign permit application, and/or is proceeding in violation of these standards, or any other codes and laws of the city of Sultan, the owner or his/her authorized agent shall be notified of the violation in writing by the building and zoning official's office. If the owner or his authorized agent fails or refuses to make corrections within 15 working days of being notified, it shall be the duty of the building and zoning official's office to revoke such permit and serve notice upon such owner. It shall be unlawful for any person to continue with any work associated with sign erection/installation after such notice is issued.

D. Revocation of Permit for Nonuse. If work has not commenced within 90 working days from the date of the issuance of the sign permit, the permit shall become null and void. If construction of a sign has

commenced under a sign permit, but is then suspended for a period of at least 60 working days, such permit shall become null and void. If any sign permit has been declared null and void and the owner, developer, or tenant decides to reinstate action on the construction/installation of the sign, it shall be necessary for him/her to reapply in writing for a new permit. All requests for extensions of the time limit and all approvals (or denials) for these requests shall be in writing.

E. Inspection. The building and zoning official's office may make or require any inspections of any sign construction or installation to ensure compliance with these standards and other pertinent laws. (Ord. 806-03 § 1)

### **22.06.060 Structural requirements and sign design.**

A. Landscaping. The purpose of this subsection is to establish aesthetic standards that will lead to an attractive appearance along public rights-of-way through the use of landscaping.

1. A landscaped area shall be provided and maintained in a neat and orderly manner at the base of every freestanding or ground sign, in addition to any other required landscape standards.

2. Said landscaped area shall contain a minimum of one square foot for each square foot of sign surface area.

3. Real estate, permitted banners, and pennants, all permitted temporary signs, and political signs are exempt from this requirement.

#### **B. Sign Locations.**

1. No sign shall be attached to a gutter, drainpipe, or fire escape, nor shall any sign be installed that impedes access to a roof. No sign shall encroach into a means of egress as identified in the Uniform Building Code.

2. No sign shall be installed in any location where, by reason of its position, it will obstruct the view of any authorized traffic signal, sign, or other traffic control device.

3. No sign shall be attached to any public tree, utility pole, traffic sign device and restraining object.

4. All signs, except for political signs and temporary noncommercial social event signs, shall pertain to a permitted use on the property upon which they are installed.

5. No business, office, or industrial use shall have more than two signs per public right-of-way frontage.

6. There shall be a clearance of at least nine feet between the ground and the bottom of the sign and no sign shall overhang within two feet of the vertical projection of a public right-of-way or curb line in the urban center district.

#### **C. Traffic Hazard. No sign shall hereinafter be erected, installed, operated, used, or maintained that:**

1. Due to its position, shape, color, format, or illumination, obstructs the view of or may be confused with an official traffic sign, signal, or device.

2. Contains display lights resembling the flashing lights customarily associated with emergency situations, such as those used by police, fire, ambulance, or any other emergency vehicle.

3. Uses, in a manner which may confuse motor vehicle operators, the words "stop," "warning," "turn," or similar words implying the existence of danger or the need to stop or maneuver.

4. Obstructs the view of motor vehicle operators entering or exiting a public roadway from any parking area, service drive, or other thoroughfare.

5. Obstructs visibility at street intersections for motorists.

6. Is placed within the public right-of-way.

D. Compliance with Other Codes. All signs hereafter erected shall comply with all applicable provisions of all other codes as related to location, structural design, and construction.

1. All freestanding and ground signs erected within the right-of-way of State Highway No. 2 or within the required building setback areas of properties adjacent to State Highway No. 2 shall incorporate break away design standards into the design and construction of the sign(s) as recommended by the Washington State Department of Transportation.

#### **E. Other Specifications.**

1. No sign shall be erected or installed so as to obstruct any fire escape, require exits, or window or door opening intended as a means of egress from a building.
2. No sign shall be erected or installed that interferes with any opening required for ventilation.
3. No sign shall be erected or installed that creates a potentially unsafe situation because of its proximity to electrical conductors.
4. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for potable water, wastewater, gas, fuel, electricity, or communications equipment or lines. The placement of any sign shall not interfere with any stormwater drainage facility or channel.
5. No visible angle or other supporting frame structure for the support of projecting, and/or canopy signs are prohibited except for structures designed to be an integral part of the sign.
6. Signs shall not contain more than three cabinets or modules. (Ord. 806-03 § 1)

#### **22.06.070 Sign variance procedure.**

A. The hearing examiner may approve or approve with modification the application for a variance from the provisions of the sign code if:

1. The applicant is unable to obtain signage consistent with this chapter due to special circumstances or conditions related to the size, topography, location or other physical characteristics of the premises, and that such special circumstances or conditions are not the direct result of the actions or omissions of the applicant. For purposes of this section, such special circumstances may include the proximity of the premises to any state highway, but shall not include proximity to local streets and roads.

2. The variance shall not constitute a grant of a special privilege inconsistent with the limitation upon signage and other uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located.

3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is situated.

B. A nonrefundable sign permit variance fee shall be collected at the time of application submittal. Fees will be set by resolution by the city council.

C. Any person aggrieved by the decision of the hearing examiner on a variance application shall have the right to appeal that decision to the Snohomish County superior court. (Ord. 806-03 § 1)

#### **22.06.080 Nonconforming use and discontinuance of use.**

A. A legal, nonconforming sign existing on the effective date of this sign code shall be allowed to continue in existence without abatement provided all of the following criteria are met:

1. The sign was lawfully constructed, erected, posted or displayed in full compliance with all development regulations and standards then in effect; and

2. The sign does not present a threat to the public health and safety.

B. A legal, nonconforming sign shall immediately be brought into compliance with the applicable provisions of this sign code upon any of the following events:

1. Any change in the use classification of the primary building or structure to which the sign advertises or relates, as determined by reference to the most current version of the Uniform Building Code as adopted by reference.

2. Any significant modification or repair to the structure, frame, or support of the nonconforming sign. For purposes of this section, "significant modification or repair" shall mean modification or repair that exceeds 50 percent of the fair market value of the sign.

3. Any relocation or replacement of a nonconforming sign.

C. A legal, nonconforming sign shall not be expanded or enlarged to any degree without bringing the sign into conformance with the provisions of this sign code.

D. Where the use of a legal nonconforming sign is abandoned or discontinued for a continuous period of 180 days, such sign shall lose its nonconforming status and shall be immediately removed or brought into compliance with the provisions of this sign code. For commercial signs, a nonconforming sign shall be considered to be abandoned or discontinued upon the close, expiration, or termination of the commercial location or activity to which the sign relates. (Ord. 806-03 § 1)