

**CITY OF SULTAN'S DETERMINATION OF NON-SIGNIFICANCE DATED
OCTOBER 6, 2006, PROPOSING REVISIONS TO SULTAN'S CODE WHICH
WOULD ALLOW RESIDENTIAL USES IN THE HOD ZONE**

G.R.I.T. NOTE: Sultan's HOD (Highway Oriented Development) zone was designed for commercial and retail establishments only. (Font in underlined, bold red bolded font added by us).

THREE MAJOR CHANGES PROPOSED:

1. NEW CODE CHAPTER 16.54 for MIXED USE DEVELOPMENT STANDARDS, specifics for which are as yet unknown. (The City did not attach a draft of the proposed code or proposed changes with the publication of their legal notice, announcing the issuance of their DNS decision.)
2. To revise the only currently-permitted residential use – A caretaker residences -- to (probably) some form of private residential condominium or townhouse, which would add perhaps hundreds of new homes).
3. To revise setback and lot sizes

CODES AS CURRENTLY WRITTEN:

16.12.050 Highway-oriented development (HOD) zone.

A. General Description of Character and Intent of the Zone. This zone **includes areas that have the potential to accommodate moderate to dense highway-oriented development** along Route 2. **Commercial and office uses** as part of a planned retail center are envisioned for this zoning district.

B. Permitted Uses.

1. Residential.

a. Caretaker residences.

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

- a. Apartment hotels;
- b. Hotels;
- c. Motels;
- d. Bed and breakfast inns;
- e. Guest houses.

3. Retail Trade Establishments/Wholesale Trade Establishments. Establishments primarily engaged in providing finished products to individuals and retailers.

- a. Pawnshops;
- b. Bakeries;
- c. Apparel and accessories shops;
- d. Florists and plant nurseries;

- e. Gift shops;
- f. Book and stationery stores;
- g. Electrical and electronic products shops;
- h. Furniture stores;
- i. Handicraft, craft, and artisan shops;
- j. Home building supply stores;
- k. Grocery stores/supermarkets;
- l. Household items stores;
- m. Office furnishings and equipment stores;
- n. Photographic equipment/camera shops;
- o. Sporting goods stores;
- p. Automobile service stations;
- q. Car washes;
- r. Automobile sales and services;
- s. Automobile rental agencies;
- t. Shopping centers;
- u. Retail food establishments;
- v. Pharmacies;
- w. Bars/taverns/cocktail lounges;
- x. Flea markets;
- y. Theaters/museums/art galleries;
- z. Public transit terminals;
- aa. Agricultural produce stands (temporary use as part of planned retail center);
- bb. Video rentals and sales.

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

- a. Barber shops;
- b. Beauty salons;
- c. Health clubs;
- d. Private clubs;
- e. Funeral homes/mortuaries;
- f. Shoe repair shops;
- g. Opticians;
- h. Automobile fuel dispensing and repair and servicing conducted inside a building;
- i. Laundromats/laundry and dry cleaning establishments;
- j. Day care centers;
- k. Veterinarians/animal kennels and shelters;
- l. Banks.

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

- a. Advertising agencies;
- b. Accounting services;
- c. Legal services;
- d. Finance, insurance, and real estate services;
- e. Health care facilities/doctors' and dentists' offices;
- f. Employment services;

- g. Travel agencies;
 - h. Professional consultants;
 - i. Off-set printing and publishing/photocopying/photo processing services.
6. Government Services, Public Utilities, and Quasi-Public Facilities. Government agencies and entities that provide administrative and related services to the community.
- a. Libraries;
 - b. Government offices;
 - c. Post offices;
 - d. Public safety (police/fire) stations.
7. Recreational and Entertainment Facilities. Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.
- a. Ball parks;
 - b. Urban parks;
 - c. Night clubs combined with a bar or restaurant, etc.;
 - d. Game/video arcades.
8. Miscellaneous Associated Facilities.
- a. Recreational vehicle parks;
 - b. Tattoo parlors.
9. Manufacturing.
- a. Food processing in conjunction with retail sales of food/beverage products.
- C. Conditional Uses.
1. Manufacturing Uses.
- a. Freezer plants/cold storage/food mills/fertilizer production and storage;
 - b. Apparel/finished products;
 - c. Building construction yards;
 - d. Electrical/electronics;
 - e. Metal products;
 - f. Computer equipment;
 - g. Leather products;
 - h. Adult entertainment.
2. Lift stations/wells/pumps.
3. Substations.
4. Houses of worship.
5. Transmission lines.
6. Seasonal parking facility.
- D. Temporary Uses.
1. Agricultural produce stands as part of a planned retail center.
2. Accessory Uses.
- a. Caretaker residences;
 - b. Parking structures.
- E. All of the above uses shall be permitted in the HOD zone; provided, that all of the standards for each use, as specified in the following table of dimensional and density requirements, and those performance standards that apply to the proposed development have been observed. The performance standards that could apply include those found in the following list:
- 1. Residential performance standards (including subdivision regulations);
 - 2. Nonresidential performance standards;

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

Highway-Oriented Development (HOD) Zone
Table of Dimensional and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft)			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
<u>Caretaker Residence</u>	–	4,500 sq. ft.	50	90	25	10	25	30	25
Guest Houses	12 rooms	0.5 acres	100	100	25	10	25	30	35
Hotels/Apartment Hotels	30 rooms	0.5 acres	100	100	25	10	25	30	35
Motels	30 rooms	1 acre	100	200	25	10	25	30	25
Bed and Breakfast Inns/Guest Houses	16 rooms	0.5 acres	100	100	25	25	25	30	25
Retail Trade Establishments ¹	–	10,000 sq. ft.	70	80	25	10	25	30	25 ⁶
Agricultural Produce Stands/Plant Nurseries ⁵	–	10,000 sq. ft.	70	80	25	10	10	30	50
Home Building Supply Stores	–	1 acre	100	200	50	25	50	30	35 ⁶
Flea Markets ³	–	1 acre	100	200	25	25	25	30	25
New and Used Car Sales and Service Facilities	–	1 acre	100	200	25	25	25	30	25 ⁶
Automobile Service Stations/Car Washes	–	0.5 acres	100	100	25	25	25	30	25
Automobile Rental Agencies	–	10,000 sq. ft.	70	80	25	10	25	30	20
Shopping Centers	–	2 acres	200	300	25	25	50	30	25 ⁶
Wholesale/Storage/Distribution Facilities	–	1 acre	100	200	25	25	25	30	40 ⁶

Personal Services Establishments ¹	–	10,000 sq. ft.	70	80	10	10	25	30	35 ⁶
Veterinarians/Animal Kennels and Shelters	–	0.5 acres	100	100	25	25	50	30	40
Public Transit Terminal Facilities	–	2 acres	200	200	50	25	50	30	20
Parking Structures ⁴	–	0.5 acres	100	100	10	10	10	30	60
Automobile Repair and Service Facilities	–	0.5 acres	100	100	25	25	50	30	25
Business/Professional Services Establishments ¹	–	10,000 sq. ft.	70	80	10	10	25	30	35 ⁶
Libraries	–	0.5 acres	100	100	25	20	25	30	40 ⁶
Government Offices	–	10,000 sq. ft.	70	80	10	10	25	30	35 ⁶
Post Offices	–	1 acre	100	200	25	20	60	30	25 ⁶
Health Care Facilities	–	0.5 acres	100	100	25	25	25	30	25 ⁶
Public Safety (Police/Fire) Stations	–	0.5 acres	100	100	25	25	40	30	35 ⁶
Sewage Lift Station/Water Pump Station ³	–	0.5 acres	100	100	25	30	30	30	40
Electrical Substations ³	–	10,000 sq. ft.	70	80	25	15	25	30	40
Transmission Lines ³	–	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tattoo Parlors ⁷	–	1 acre	100	200	25	25	35	30	25
Houses of Worship ³	–	1 acre	100	200	25	25	25	30	30 ⁶
Recreation Facilities	–	²	²	²	²	²	²	30	10
Game/Video Arcades ¹	–	10,000 sq. ft.	70	80	25	25	25	30	25
Night Clubs	–	1 acre	100	200	25	30	50	30	25
Adult Entertainment Facilities ^{3,7}	–	1 acre	100	200	25	25	35	30	25
Recreational Vehicle Parks	20 vehicles	2 acres	200	200	50	25	25	30	10
Seasonal Parking Facility ³	–	2,500 sq. ft.	50	50	10	5	5	N/A	N/A
Limited Food/Beverage Processing Facilities	–	1 acre	100	200	25	25	25	30	30 ⁶
Manufacturing Uses ³	–	1 acre	100	200	25	25	25	30	30 ⁶

¹Permitted subject to inclusion in a planned retail center. Establishments larger than 10,000 g.s.f. may be freestanding.

²Minimum dimensional requirements for recreational facilities shall be established by the building and zoning official, based on the recreation performance standards.

³Conditional use.

⁴Temporary use as part of a planned retail center.

⁵Accessory use.

⁶Transfer of floor area from critical areas may be applicable:

Buildable Area Calculation – Transfer of Floor Area. An owner of a site or property containing critical areas (streams and wetlands) may be permitted to transfer the available floor area attributed to the size of the critical area to the unconstrained portion of the same site or property, and reduce the parking requirements for the development by an area equal to the floor area transferred, subject to the following requirements:

- (1) The critical area and or stream corridor and required buffers be dedicated to the city as an easement.
- (2) The minimum parking requirements for the proposed single-story land use, based on maximum lot coverage and net usable lot area is provided.

⁷No adult entertainment facility or tattoo parlor shall be located any closer than 400 feet from the nearest right-of-way line of State Route 2, nor shall any such facility be located within 1,000 feet of any school or house of worship.

(Ord. 796-02 § 1; Ord. 780-02 § 12; Ord. 765-01 §§ 5, 6; Ord. 630 § 2[16.07.050], 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)