

CITY OF STANWOOD
WASHINGTON

ORDINANCE 1377

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE (SMC) SECTION 17.20.200 "S" DEFINITIONS BY ADDING A NEW DEFINITION OF THE TERMS "STRUCTURE" AND "SUBSTANTIAL DAMAGE" AND AMENDING THE DEFINITION TO THE TERM SUBSTANTIAL IMPROVEMENT"; AMENDING SMC 17.30.040 REGARDING ZONING USE TABLE BY ADDING HOUSE OF WORSHIP AS A PERMITTED USE IN THE GENERAL COMMERCIAL ZONE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, under the State Growth Management Act (GMA), the City is authorized to adopt concurrent zoning code amendments to implement its Comprehensive Plan; and

WHEREAS, amendments to the zoning code and zoning map are required to ensure consistency with the Comprehensive Plan; and

WHEREAS, the development regulation amendment procedures contained in this ordinance are consistent with the procedural guidelines for amendments to the development regulations of the City; and

WHEREAS, on April 28, 2014 the Stanwood Planning Commission reviewed the amendments set forth in this Ordinance during the amendment process; and

WHEREAS, the City of Stanwood SEPA Responsible Official reviewed the amendments and issued a Determination of Non-significance (DNS) on May 13, 2014; and

WHEREAS, on June 12, 2014, following notice as required by law, a public hearing was held by the Planning Commission and all persons wishing to provide public input concerning the proposed amendments set forth in this Ordinance were heard; and

WHEREAS, public notice of the SEPA DNS and the above-referenced public hearings were provided as required by law; and

WHEREAS, the City Council received the recommendation from the Planning Commission at their July 10, 2014 regular meeting and provided direction on each of the proposed amendments contained in this Ordinance; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to the zoning code; and

WHEREAS, the City Council has determined that it is in the best interests of the City to amend Title 17 as contained in this Ordinance;

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

Section 1. SMC § 17.20.200 "S" definitions, "Structure" definition is hereby added as follows:

"Structure" for the purpose of Chapter 17.120 Critical Areas – Frequently Flooded Areas – Specific Standards shall mean a walled and roofed building, including a gas or liquid tank, which is principally above ground, as well as a manufacture home."

Section 2. SMC § 17.20.200 "S" definitions, "Substantial damage" definition is hereby added as follows:

"Substantial damage" for the purpose of Chapter 17.120 Critical Areas – Frequently Flooded Areas – Specific Standards shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred."

Section 3. SMC § 17.20.200 "S" definitions, "Substantial improvement" is hereby amended by the deletions and additions as follows:

~~"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds 50 percent of the assessed value of the structure. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

"Substantial improvement" means any repair, reconstruction, or improvement to a structure taking place during last 24 month period, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the

local code enforcement official and which are necessary to assure safe living conditions; or

(2) Any alteration of a structure listed in the National or State Register of Historic Places.”

Section 4. SMC § 17.30.040 Zoning use table, is hereby amended by adding following:

Under Quasi-Public “House of worship/church” shall be a “Permitted Use¹¹” under General Commercial (GC).

Section 5. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 6. Effective Date. This Ordinance shall take effect from and after five (5) days after its passage and publication as required by law.

PASSED AND APPROVED by the Stanwood City Council this 21st day of August, 2014.

CITY OF STANWOOD



Leonard Kelley, Mayor

ATTEST:

By: 

Greg Thramer, City Clerk

APPROVED AS TO FORM:

By: 

Grant Weed, City Attorney

Date of Publication: August 26, 2014

Effective Date: September 1, 2014