

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

**AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, AMENDING
SULTAN MUNICIPAL CODE SECTION 16.26.060, NON CONFORMING
STRUCTURES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, the current Code 16.26.060 only permits residential structures destroyed by fires or other accidental causes in single-family and multifamily residential zones: and

WHEREAS, the city has identified a number of commercially and industrially zone properties which contain legally nonconforming residences: and

WHEREAS, the City Council feels that the inability to rebuild these legally nonconforming structures is an undue burden on these residents as it prevents their sale and denies them of the right to rebuild after accidental destruction: and

WHEREAS, the City Council wants to encourage economic development and remove unnecessary restrictions on homeowners

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

Section 1. Sultan Municipal Code (SMC) 16.26.060 is hereby amended to read as follows:

16.26.060 Nonconforming structures.

Where a lawful structure exists as of the effective date of this title, which could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure, said structure may remain so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its degree of nonconformity. All work contemplated under this subsection shall be conditioned upon the city's prior approval of complete plans for the work submitted by the applicant.

B. Should such nonconforming structure be destroyed by any means to an extent exceeding 50 percent of its replacement cost at time of destruction, in the judgment of the city, it may not be reconstructed except in conformity with provisions of this title; provided, that in residential zoning districts, structures that are nonconforming in regard to yard setbacks, but were in conformance at the time of construction, may be reconstructed to their original dimensions and location on the lot.

C. Should such nonconforming structure be moved for any reason or any distance whatsoever, it shall thereafter be required to conform to the regulations for the zoning district in which it is located.

D. When a nonconforming structure, or structure and premises in combination, is vacated or abandoned for 12 consecutive months, the structure, or structure and premises in combination, shall thereafter be required to conform to the regulations of the zoning district in which it is located. Upon request of the owner, the planning director may grant an extension of time beyond the 12 consecutive months. A request for an extension beyond the 12 months must be in written form, contain all property information, reason for request (i.e., bankruptcy, probate, sale, etc.), and projected long term use of the property. Any property that has received any previous land use actions or decisions will be upheld.

E. Residential structures and uses located in any single-family or multifamily residential zoning district may be rebuilt after a fire or other natural disaster to their original dimensions and bulk but may not be changed except as provided in Chapter 16.12 SMC.

F. Legally nonconforming single-family dwellings, including accessory buildings, located in non-residential zoning districts may be rebuilt after a fire or other natural disaster to their original dimensions and bulk but may not be changed except as provided in Chapter 16.12 SMC.

G. Improvements, expansions, or additions to existing single-family dwellings including accessory buildings, which are considered nonconforming, are permissible when the improvement, expansion, or addition:

1. Does not change the existing use, as established, from the effective date of the nonconformance;
2. Does not increase the land area devoted to the nonconforming use by more than 25 percent from the effective date of the nonconformity;
3. Does not create additional dwelling units;
4. Conforms to required occupancy, setback, lot coverage, landscaping, parking, and all other development standards within the respective zone;
5. Meets performance standards defined in Chapter 16.30 SMC; and

6. Provides public improvements, as deemed necessary for the project, such as sewer, water, drainage, pedestrian circulation and vehicle circulation in addition to other

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY, 2019.

CITY OF SULTAN



John Seehuus, Mayor

ATTEST/AUTHENTICATED:



Laura Koenig, City Clerk

Approved as to form:



Hillary Graber, City Attorney

Date of Publication: 02/20/2019

Effective Date: 02/25/2019