

ORDINANCE NO. 1252

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, REVISING THE CITY'S REGULATIONS FOR NEIGHBORHOOD BUSINESS BY AMENDING CHAPTERS 17.20 AND 17.55 OF THE STANWOOD MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in March 2008 the City Council considered several re-zoning requests involving the Neighborhood Business Zone as part of the 2007-2008 Comprehensive Plan Docket; and

WHEREAS, the City Council determined that there was community concern about the some uses allowed in the Neighborhood Business zone; and

WHEREAS, as part of the 2007-2008 Docket action the Council directed the Community Development Department to prepare the associated amendments to the Stanwood Municipal Code needed revise the Neighborhood Business Zone; and

WHEREAS, the Community Development Department filed Application LZCA 09-01 to consider amendments to the Neighborhood Business regulations; and

WHEREAS, the City of Stanwood SEPA Responsible Official reviewed the amendment applications and issued a Determination of Non-significance (DNS) on December 31, 2008; and

WHEREAS, on April 13, 2009, a public hearing was held by the Planning Commission, and all persons wishing to provide public input concerning the docketed requests were heard; and

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

WHEREAS, the Planning Commission met in workshop session on March 23, 2009 and made a recommendation to the City Council on April 13, 2009; and

WHEREAS, the City Council met June 25th, 2009 to consider the Planning Commission's recommendation on the proposed zoning text amendments; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Community, Trade, and Economic Development of the City's intent to adopt the proposed change in zoning text amendments,

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

Section 1. Stanwood Municipal Code Chapter 17.20; Construction of Language-Definitions, Section **17.20.2290 Special Use**, is hereby re-numbered to 17.20.2287.

Section 2. Stanwood Municipal Code Chapter 17.20; Construction of Language-Definitions is hereby amended by adopting a new **Section 17.20.2290 Specialty Food Store** to read as follows:

A food store of less than 10,000 sq.-ft. primarily engaged in selling food stuffs associated with a particular nationality, religious observance, dietary practices, or cuisine.

Section 3. Stanwood Municipal Code Chapter 17.55; NB (Neighborhood Business) Zoning District, Section **17.55.020 Permitted Uses**, is hereby amended to read as follows:

17.55.020 Permitted uses.

The following uses shall be permitted in this zone:

(1) Retail Trade Establishments. Establishments primarily engaged in providing finished products to individuals. However, no car dealerships, gasoline stations, auto repair facilities, or car washes are to be allowed in this zone.

- (a) Apparel and accessories shops;
- (b) Book and stationery stores;
- (c) Electrical and electronic appliance stores;
- (d) ~~Grocery Stores~~; Specialty food stores;
- (e) Retail food establishments (restaurants and catering services only);
- (f) Florists;
- (g) Camera/photographic equipment stores;
- (h) ~~Pharmacies~~ Fruit Stands;
- (i) ~~Plant nurseries~~ Farmers' Markets;
- (j) Video rentals and sales stores;
- (k) ~~Convenience stores~~;
- (l) ~~Neighborhood shopping centers~~
- (m)(k) ~~Accessory buildings/structures~~.

(2) Personal Services. Establishments primarily engaged in providing services to individuals.

- (a) Barber shops;
- (b) Beauty shops;
- (c) Shoe repair services;
- (d) Opticians;
- (e) Laundromats/dry cleaners¹;
- (f) Daycare centers, mini daycare facilities, or family daycare homes;
- (g) ~~Veterinarians~~ Dog Grooming;

(h) Dog Daycare;

(i)-(h) Health care facilities;

(j) Accessory buildings/structures (not including accessory dwelling units).

(3) Business or Professional Services. Establishments primarily engaged in rendering services to other businesses or private individuals on a fee or contract basis.

(a) Legal services;

(b) Finance, insurance, and real estate services;

(c) Travel agencies;

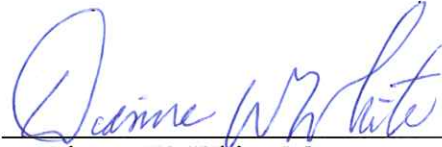
(d) Professional consultants;

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 5. Adoption of Findings of Fact and Conclusions. Having reviewed all of the record made before the Planning Commission and the record before the City Council, the Findings of Fact and Conclusions attached hereto as Exhibit A are hereby adopted and incorporated by this reference.

Section 6. Effective Date. This Ordinance shall take effect five days after its publication by summary.

PASSED by the City Council and signed by the Mayor this 25th day of June, 2009.

By: 
Dianne W. White, Mayor

Attest:

Approved as to form:

By: 
Melissa A. Collins, City Clerk

By: 
Grant K. Weed, City Attorney

FINDINGS OF FACT AND CONCLUSIONS

Findings of Fact:

- 1) The Neighborhood Business Zone is intended to accommodate uses that meet “the daily convenience needs of people living in the environs” of the zone.
- 2) In March 2008 the City Council determined that certain uses in the Neighborhood Business Zone were not consistent with the adopted intent of the zone.
- 3) The City Council approved a work program to amend the list of uses allowed in the Neighborhood Business Zone and provide a new definition of specialty food stores.
- 4) The Neighborhood Business Zone amendments are consistent with the purpose of the Neighborhood Business Comprehensive Plan Land Use Designation Classification, which provides for retail land service businesses which serve the limited convenience shopping and personal service needs of the immediate surrounding neighborhood.
- 5) The Planning Commission held a duly noticed public hearing on April 13 and May 18, 2009, and all persons wishing to provide public input concerning the docketed requests were heard.
- 6) Consistent with RCW 43.21C, the Responsible Official issued a Determination of Non-significance March 24, 2009.
- 7) At its regularly scheduled City Council meeting June 25, 2009 after review of the application, staff report, and Planning Commission recommendation and after consideration of the public testimony submitted at or as part of the public hearing, the City Council held first and second readings of Ordinance No. 1252.

Conclusions/Decision:

Based upon the entire record in this matter, which shall be incorporated by reference, the Stanwood City Council approves the following zoning text amendment:

- 1) Amend the list of uses allowed in the Neighborhood Business Zone to delete grocery stores, pharmacies, convenience stores, neighborhood shopping centers and veterinarians, based on the finding that these uses serve more than the limited convenience shopping and personal service needs of the immediate surrounding neighborhood..
- 2) Amend the list of uses allowed in the Neighborhood Business Zone to allow specialty food stores, fruit stands, farmers markets, dog grooming, and dog daycare, based on the finding that these uses do provide convenience and personal service needs to residents of the surrounding area.
- 3) Provide a new definition of specialty food stores.