

## ORDINANCE 1263

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, REVISING THE CITY'S REGULATIONS FOR RESIDENTIAL USE IN THE MAIN STREET BUSINESS 1 ZONE, AMENDING CHAPTER 17.60 OF THE STANWOOD MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, The Stanwood City Council approved a work program for revision of regulation for residential use in the Main Street Business 1 Zone on August 13, 2009 and referred that work program to the Planning Commission for review; and

**WHEREAS**, The Planning Commission held a pre-application meeting to consider these issues on September 21, 2009; and

**WHEREAS**, The Community Development Department filed Application LZCA 09-05 on November 25, 2009; and

**WHEREAS**, the City of Stanwood SEPA Responsible Official issued a threshold determination of non-significance on November 25, 2009; and

**WHEREAS**, on December 14, and December 28, 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 above-referenced public hearing were provided as required by law; and

**WHEREAS**, the Planning Commission made a recommendation to the City Council on December 28, 2009; and

**WHEREAS**, the City Council met January 14, 2010 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.** SMC Title 17 Zoning, Section 17.60 MB-I Main Street Business Zoning District, **Section 17.60.020 Permitted Uses** is amended to read as follows:

### 17.60.020 Permitted uses.

The following uses shall be permitted in this zone:

(1) Residential. Buildings occupied or intended to be occupied exclusively for residential purposes and supporting activities.

- (a) Home occupations;
- (b) Accessory buildings/structures;
- (c) Boarding/rooming houses;
- (d) Mixed use (second and third story residential over commercial and/or office development).

(e) Residential single family use on the ground floor in structures built prior to 1980 except:

(i) on properties with frontage on Main Street/270<sup>th</sup> Street between 102nd St and 97<sup>th</sup> St; or

(ii) within structures built as a Type B and Type M commercial occupancy under the International Building Code.

(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) Bed and breakfast residences;
- (d) Bed and breakfast inns;
- (e) Guest houses;
- (f) Accessory buildings/structures.

(3) Retail Trade Establishments. Establishments primarily engaged in providing finished products to individuals. However, automobile-related retail trade facilities, drive-in establishments (e.g., drive-in restaurants), or establishments that require a large truck traffic volume because of the nature of its operation (e.g., building supplies, lumber yards, etc.) shall not be allowed in this zone.

- (a) Apparel and accessories shops;
- (b) Books and stationery stores;
- (c) Confectionery shops;
- (d) Handicraft, craft, and artisan shops and studios;
- (e) Dairy products stores;
- (f) Electrical and electronic products stores;
- (g) Furniture stores;
- (h) Grocery stores;
- (i) Gift shops;
- (j) Household items stores;
- (k) Office furnishings and equipment stores;
- (l) Artist and drawing supplies stores;
- (m) Photographic equipment/camera shops;
- (n) Sporting goods stores;
- (o) Retail food establishments (all types except drive-in restaurants);
- (p) Jewelry shops;

- (q) Pharmacies;
- (r) Pawnshops;
- (s) Theaters, art galleries, and museums;
- (t) Boutiques;
- (u) Bars, taverns, and cocktail lounges;
- (v) Bakeries;
- (w) Parking lots or structures;
- (x) Accessory buildings/structures; and
- (y) Thrift stores.

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

- (a) Barber shops;
- (b) Beauty salons;
- (c) Private clubs;
- (d) Health/athletic clubs;
- (e) Bicycle repair shops;
- (f) Shoe repair shops;
- (g) Tailors;
- (h) Opticians;
- (i) Laundromats/laundry and dry cleaning establishments;
- (j) Daycare centers or mini daycare facilities outside the home;
- (k) Veterinarians (not to include outdoor animal kennels/runs);
- (l) Funeral homes/mortuaries;
- (m) Banks (not to include drive-in facilities);
- (n) Health care facilities/doctor's and dentist's offices; and
- (o) Accessory buildings/structures.

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

- (a) Advertising agencies;
- (b) Legal services;
- (c) Accounting services;
- (d) Finance, insurance, and real estate services;
- (e) Employment services;
- (f) Travel agencies;
- (g) Professional consultants;
- (h) Off-set printing and publishing/photocopying/photo processing services; and
- (i) Accessory buildings/structures.

(6) Government Services, Public Utilities, and Quasi-Public Facilities. Government agencies that provide executive, legislative, judicial, regulatory, and administrative functions to the city. Auxiliary facilities that provide electricity, sanitary sewers, water, transportation, communications, and other related services for public consumption. Quasi-public facilities under this heading shall include houses of worship and other meeting facilities for the public, but shall not include educational facilities (except Sunday schools).

- (a) Post offices;

- (b) Courthouses;
- (c) Government offices;
- (d) Public safety (police/fire) stations;
- (e) Libraries;
- (f) Electrical substations;
- (g) Houses of worship;
- (h) Electrical transmission lines;
- (i) Public transit terminals;
- (j) Meeting halls;
- (k) Food banks; and
- (l) Accessory buildings/structures.

(7) Recreational Facilities. Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.

- (a) Urban parks;
- (b) Playgrounds;
- (c) Tot lots;
- (d) Night clubs;

(e) Game/video arcades. (Ord. 1153 § 2, 2004; Ord. 1164 § 4, 2004; Ord. 1110 § 3, 2002; Ord. 929 Ch. 7(G)(2), 1995).

**Section 2.** SMC Title 17 Zoning, Section 17.60 MB-I Main Street Business Zoning District, **Section 17.60.040 Table of density and dimensional requirements** is amended to read as set forth in Exhibit I.

**Section 3**

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 II are hereby adopted and incorporated by this reference.

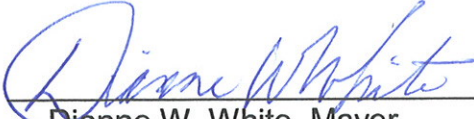
**Section 4.**

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**

This Ordinance shall take effect five days after its publication by summary.

PASSED by the City Council and signed by the Mayor this 11<sup>th</sup> day of Feb., 2010.

By:   
Dianne W. White, Mayor

Attest:

By: Melissa A. Collins  
Melissa A. Collins, City Clerk

Approved as to form:

By: Grant K. Weed  
Grant K. Weed, City Attorney

**Exhibit I**

**17.60.040 Table of dimensional and density requirements.**

**MB-I Zoning District**

**Table of Dimensional and Density Requirements**

Use	Maximum Units	Min. Lot Dimensions			Min. Yard Setbacks (ft.)			Max. Building Height (ft.)	Max. Building Coverage (%)
		Area	Width (ft.)	Depth (ft.)	Front	Rear	Side		
Residential Units over Retail/Office <sup>7</sup>	20 du/ac gross density	10,000	75	75	0	30	0	40	90
<u>Single Family Detached Dwellings</u>	<u>10 du/ac gross density</u>	<u>4,500</u>	<u>50</u>	<u>75</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>30</u>	<u>50</u>
Hotels	30 (rooms)	20,000 sq.ft.	100	100	10	25	0	30	60
Boarding/Rooming Houses <sup>5</sup>	12 (rooms)	8,000 sq.ft.	70	80	10	25	10	30	60
Bed and Breakfast Accommodations <sup>6</sup>	12 (rooms)	8,000 sq.ft.	70	80	10	25	0	30	60
Houses of Worship/Meeting Halls	20 du/ac gross density	20,000 sq.ft.	100	100	10	25	20	30	60
Recreational Facilities	—	1	1	1	5	10	5	15	20
Retail Trade Establishments <sup>2, 4</sup>	—	2,500 sq.ft.	20	75	0	15	0	30	90
Thrift Stores <sup>8</sup>	—	2,500 sq.ft.	20	75	0	15	0	30	90
Personal Service Establishments <sup>2</sup>	—	2,500 sq.ft.	20	75	0	15	0	30	90

Business/Professional Services <sup>2</sup>	—	2,500 sq.ft.	20	75	0	15	0	30	90
Health Care Facilities	—	2,500 sq.ft.	20	75	0	15	0	30	90
Post Offices	—	20,000 sq.ft.	100	100	0	40	0	30	60
Government Offices/Courthouses	—	20,000 sq.ft.	100	100	0	30	0	30	40
Office Buildings	—	10,000 sq.ft.	75	75	0	30	0	30	60
Public Safety (Police/Fire) Stations	—	1 Acre	100	200	25	25	20	30	60
Libraries	—	10,000 sq.ft.	75	75	0	20	0	30	60
Theaters	—	8,000 sq.ft.	70	80	0	25	0	30	60
Museums/Art Galleries	—	5,000 sq.ft.	40	75	0	15	0	30	80
Night Clubs/Health Clubs	—	5,000 sq.ft.	40	75	0	15	0	30	80
Parking Structures	—	10,000 sq.ft.	75	75	0	0	0	30	90
Sewage Lift Stations/Water Pump Stations	—	10,000 sq.ft.	75	100	25	25	30	20	25
Electrical Substations	—	10,000 sq.ft.	75	100	25	25	30	30	25
Food Banks <sup>8</sup>	—	10,000 sq.ft.	75	100	0	15	0	30	90
Accessory Buildings (not including Accessory Dwelling Units)	—	3	3	3	10	0	0	20	10

<sup>1</sup> Minimum lot size and dimensional requirements for recreational facilities shall be determined by the planning director, based upon the recreational performance standards contained in this code.

<sup>2</sup> No automobile-related activities (new or used car dealership, service station, gasoline station, car wash, drive-in restaurant or drive-in bank, etc.); nor any adult entertainment facility shall be allowed in this zoning district.

- <sup>3</sup> Minimum lot size and dimensional requirements for accessory buildings (not including accessory dwelling units) shall be the same as for the principal use to which these buildings are subordinate.
- <sup>4</sup> Handicraft, craft, and/or artisan shops and studios shall be limited to 2,000 square feet of floor area of fabrication or manufacturing space in this zoning district. The retail sales floor area (which shall be shown on any plans submitted for development approval) for these activities shall not be counted as part of this requirement.
- <sup>5</sup> Boarding/rooming houses shall be allowed only as second or third floor activities over retail trade, personal service, or business/professional service establishments. They shall not be allowed as ground floor uses in this district.
- <sup>6</sup> Restaurants that serve lunches and/or dinners shall be allowed in bed and breakfast accommodations in this district.
- <sup>7</sup> Architectural design guidelines for mixed use buildings are found in SMC 17.115.050.
- <sup>8</sup> Associated outdoor storage and public drop-off areas must be surrounded with solid fencing that adequately shields items from views from public rights-of-way.  
(Ord. 1153 § 3, 2004; Ord. 1138 § 2, 2003; Ord. 1110 § 3, 2002; Ord. 929 Ch. 7(G)(3), 1995).



## FINDINGS OF FACT AND CONCLUSIONS

Findings of Fact:

- 1) August 13, 2009 the Stanwood City Council approved a work program for revision of the Main Street Business I Zone to consider residential use and referred that work program to the Planning Commission for review.
- 2) The work program was processed by the City as file # LZCA 09-05.
- 3) The Planning Commission held a duly noticed public hearing on December 14 and December 28, to consider the draft zoning text amendments for the MB-I Zone.
- 4) The amendments to the MB-I Zone are consistent with the Comprehensive Plan Land Use policies for the Main Street Business I Designation that allow limited residential use.
- 5) Consistent with RCW 43.21C, the Responsible Official issued a Determination of Non-significance November 25, 2009.
- 6) At its regularly scheduled City Council meeting, February 11, 2010, 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 reading of Ordinance No. 1263.
- 7) 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 change in zoning text amendments.

Conclusions/Decision:

1. Based upon the entire record in this matter, which shall be incorporated by reference, the Stanwood City Council adopts the following conclusions and decisions.
2. SMC Chapter 17.60 MB-I Main Street Business Zone is amended to add an allowance for residential single family use on the ground floor except:
  - a. In structures built after 1980;
  - b. On properties with frontage on Main Street/270<sup>th</sup> St. between 102<sup>nd</sup> St and 97<sup>th</sup> St;
  - c. Within structures built as a Type B and Type M commercial occupancy under the International Building Code.
3. SMC 17.60.040 Table of density and dimensional requirements is amended to add lot size, lot configuration, setback, height and coverage requirements for single family residential use in the MB-I zone.