

ORDINANCE 1267

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, REVISING THE CITY'S REGULATIONS FOR OUTDOOR ENTERTAINMENT AND OUTDOOR EATING BY AMENDING THE STANWOOD MUNICIPAL CODE CHAPTER 5.06, CHAPTER 17.20 , CHAPTER 17.25, CHAPTER 17.60, CHAPTER 17.65, CHAPTER 17.70 , CHAPTER 17.72 , CHAPTER 17.80 AND CHAPTER 3.30 AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The Stanwood City Council approved a work program for review of regulations for entertainment and outdoor eating 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 January 21, 2010; and

WHEREAS, The Community Development Department filed Application LZCA 10-02 on January 26, 2010; and

WHEREAS, the City of Stanwood SEPA Responsible Official issued a declaration of non-significance (DNS) on January 27, 2010; and

WHEREAS, on February 22, March 8, March 2, and April 12, 2010 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 was provided as required by law; and

WHEREAS, the Planning Commission made a recommendation to the City Council on April 12, 2010; and

WHEREAS, the City Council met May 13, 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 regulations;

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

Section 1. SMC Title 5 Business Licenses and Regulation, Chapter 5.06 Public Dances, Music or Entertainment is deleted.

~~Chapter 5.06
MUSIC DANCING AND ENTERTAINMENT~~

Sections:

- ~~5.06.010~~ Applicability
- ~~5.06.020~~ Entertainment Permit
- ~~5.06.030~~ Liquor retailer license.
- ~~5.06.040~~ Application and fees.
- ~~5.06.050~~ Policing dances.
- ~~5.06.060~~ Immoral dances prohibited — Hours dances may be conducted.
- ~~5.06.070~~ Right of inspection — Minors.
- ~~5.06.080~~ Intoxicated and boisterous persons.
- ~~5.06.090~~ Revocation of license — Transferability.
- ~~5.06.100~~ Penalties for violations.

~~5.06.010~~ Applicability.

~~(1) No person shall hold any public dance or provide indoor or outdoor live entertainment without first obtaining an entertainment permit as provided in Section 5.05.020 except~~

~~(a) mechanical music devices, radios and television sets intended for personal use, and~~

~~(b) dance, music or entertainment provided inside a nightclub as defined in SMC 17.20.1700, and~~

~~(c) dance, music or entertainment provided inside houses or worship as defined in SMC 17.20.1260 and~~

~~d) dance, music or entertainment provided inside a meeting hall as defined in SMC 17.20.1622.~~

~~5.06.020~~ Entertainment permit.

~~(1) The entertainment permit shall be an annual permit running from January 1st of each year.~~

~~(2) An entertainment permit shall authorize a maximum of two events per year and a maximum of 7 days per event. Entertainment provided on a more frequent basis shall be regulated under Title 17 Zoning.~~

~~(3) No person maintaining a premises shall rent or provide such premises to any other person for entertainment without evidence that such other person has obtained a permit under this chapter or under Title 17 Zoning. (Ord. 590 § 3, 1982; Ord. 559 § 3, 1980).~~

~~5.06.030~~ Liquor retailer license.

The requirements for an entertainment permit do not supersede any requirements or conditions of a liquor retailer license.

5.06.040 Application and fees.

- (1) Application for an entertainment permit shall be made by written application to the City Clerk, citing the reasons for the application and setting forth the following:
 - (a) Description of the nature, frequency, and hours of duration of the proposed activity;
 - (b) Statement that the proposed activity will not adversely affect the use and occupancy of other premises in the vicinity, or the public peace, morals and welfare generally; and
 - (c) Statement demonstrating how security will be provided so that the proposed activity will not impose a substantially increased burden on law enforcement in the city.
- (2) The dance, music or entertainment permit application fee shall be a non-refundable fee of \$50.00, which shall be paid at the time of application.
- (3) The City Clerk shall approve, disapprove or condition the application based on the finding that the proposed entertainment can be provided in a manner consistent with
 - (a) SMC Chapter 9.50 Public Nuisance and Disturbance Noises
 - (b) The application includes an adequate security plan that does not substantially increase the burden on law enforcement
 - (c) The proposed activity is consistent with requirements for hours of operation, duration, lighting, occupancy standards, and all other requirements of this chapter.
 - (d) The proposed activity does not adversely affect the use and occupancy of other premises in the vicinity or the general public welfare.

~~5.06.050 Whenever or wherever an officer or officers are required to police a public dance, the expense thereof shall be borne by the applicant, and such officer shall be approved by the chief of police before being allowed to serve. (Ord. 550 § 7, 1980).~~

~~5.06.060 Immoral dances prohibited — Hours dances may be conducted.~~

~~No immoral or indecent dance shall be given or carried on in any place permitted under the provisions of this chapter. Every such building or other place used for music, entertainment or public dancing including buildings and uses exempt from permit requirements in Section 5.06.010 shall be kept in a clean, healthful and sanitary condition, and all premises, corridors and stairways connected therewith shall at all times be open to the public and be fully lighted. No public dance or premises shall be~~

~~conducted or operated indoors between the hours of 2:00 a.m. and 6:00 a.m. on any day or night of the week. (Ord. 590 § 6, 1982; Ord. 559 § 6, 1980).~~

~~**5.06.070 Right of inspection—Minors.**~~

~~All peace officers of the city shall have free access to the premises and the public dances including buildings and uses exempt from permit requirements in Section 5.06.010 for the purpose of inspection and to enforce compliance with the provisions of this chapter. (Ord. 590 § 7, 1982).~~

~~**5.06.080 Intoxicated and boisterous persons.**~~

~~No person under the influence of intoxicating liquor shall be permitted to or allowed to remain at or in any public dance or dancehall, and no boisterous conduct shall be allowed on the part of any person attending any public dance or dancehall, including uses and activities occurring in buildings exempt from permit requirements in Section 5.06.010 and any person found guilty of violating this section shall be guilty of a misdemeanor, and punished as set forth in SMC 5.06.110. (Ord. 590 § 8, 1982).~~

~~**5.06.090 Revocation of license Transferability**~~

~~(1) Any permit or license granted under this chapter may be revoked by the city clerk based on a finding that the permitted event was conducted in violation of the terms of this chapter. The licensee shall have 10 days thereafter to appeal the revocation of license to the hearing examiner.~~

~~(2) No license granted hereunder shall be transferable, nor shall any public dance, music or entertainment be conducted at any other place than that specified in the license therefore. (Ord. 590 § 9, 1982).~~

~~**5.06.100 Penalties for violations.**~~

~~Violation of this chapter shall constitute a Class B infraction as defined in SMC 13.01.045(1) and subject the violator to enforcement as set forth therein. (Ord. 1112 § 2, 2001; Ord. 590 § 10, 1982).~~

Section 2 SMC Title 17 Zoning Chapter 17.20 Definitions **Section 17.20.260 Bar and/or cocktail lounge** is amended to read as follows:

17.20.260 Bar and /or cocktail lounge

"A business conducted entirely within a building wherein primarily alcoholic beverages are sold at retail for consumption on the premises. Limited food service and live entertainment may be provided as an accessory use. Bar/cocktail lounge excludes nightclub, restaurant, and tavern.

Section 3 SMC Title 17 Zoning Chapter 17.20 Definitions **Section 17.20.1467 Live Entertainment** is adopted to read as follows.

17.20.1467 Live Entertainment

An activity characterized by amplified music, dance, or similar venue at which a performer sings, acts, recites or engages an audience or group in a manner intended to entertain and /or to augment another activity or in which amplified music is used for

group exercise and/or dance. Performers/leaders may or may not be paid. Live entertainment includes karaoke, and all forms of group dances conducted by a disc jockey, and exercises carried out to music such as zumba , but excludes background music.

Section 4 SMC Title 17 Zoning Chapter 17.20 Definitions **Section 17.20.1700 Night Club** is amended to read as follows

17.20.1700 Night club

A business conducted entirely within a building that has a capacity for at least 30 persons seated at tables, and includes a bar, employs a bartender and maintains table service, dancing and/or live entertainment for the guests. Food service may be provided as an accessory use. The term "night club" excludes bar/cocktail lounge, restaurant and tavern.

Section 5 SMC Title 17 Zoning Chapter 17.20 Definitions **Section 17.20.2385 Tavern** is amended to read as follows

17.20.2385 Tavern

A business conducted entirely within a building where beer and/or wine is served to the public, which holds a class "A" or "B" license from the Washington State Liquor Control Board. Limited food service and live entertainment may be provided as an accessory use. The term "Tavern" excludes bar/cocktail lounge nightclub and restaurant.

Section 6 SMC Title 17 Zoning Chapter 17.20 Definitions, **Section 20.1622 Meeting Hall** is adopted to read as follows.

20.1622 Meeting Hall

A place of assembly that is used, on a temporary but recurring basis for a variety of public or private events including meetings, live entertainment, celebrations, exhibits or similar activities.

Section 7 SMC Title 17 Zoning Chapter 17.20 Definitions, **Section 20.2060 Retail Food Establishment** is amended to read as follows.

17.20.2060 Retail food establishment.

"Retail food establishment" means any fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria shall be deemed a restaurant for purposes of this code. This definition excludes bar/cocktail lounge, tavern, and night clubs.

(1) *Restaurant.* An establishment whose primary business is the sale of food and beverages to patrons for consumption on the premises and whose method of operation includes any of the following:

(a) Patrons place their order at their table from which displays (menus) describe the food and beverage available to them.

(b) Preparation, service and consumption of food and beverages takes place primarily within a completely enclosed building,

~~(c) Outside dining is limited to areas permanently designated for such use, and shall not exceed 50 percent of the establishment's seating capacity, shall be in keeping with the exterior architectural theme of the building, and shall not permit the consumption of food or beverages within automobiles. Outside dining and food preparation are limited to accessory uses.~~

~~(ed)~~ Food and beverages are regularly served to patrons while seated at their table by an employee of the establishment.

(e) Live entertainment may be provided as an accessory use.

(2) *Fast Food Restaurant.* Any establishment whose principal business is sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes any of the following characteristics:

(a) Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.

(b) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

(c) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

(d) The kitchen is in excess of 50 percent of the total floor area.

(3) *Drive-In Restaurant.* Any establishment where provision is made on the premises for the sale of foods, frozen desserts or beverages to the consumer in automobiles or primarily within a completely enclosed building accommodating at least 90 percent of the establishment's permitted seating capacity and whose design, method of operation, or any portion of whose business includes any of the following characteristics:

(a) Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.

(b) Foods, frozen desserts, or beverages may be served directly to the customer in a motor vehicle by any means that eliminates the need for the customer to exit the motor vehicle.

(c) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

(d) The kitchen is in excess of 50 percent of the total floor area.

A restaurant that provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for purposes of this title.

(4) *Carry-Out Restaurant. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes any of the following characteristics:*

(a) *Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.*

(b) *Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.*

(c) *The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.*

(d) *The kitchen is in excess of 50 percent of the total floor area.*

(5) *Catering Service. Any establishment whose principal business is the sale and delivery of food, beverages, and services to the customer in a ready-to-consume state. Catering services may operate as a home occupation. Hotel food service operations and restaurants may operate as catering services. (Ord. 929 Ch. 5, 1995).*

Section 8 SMC Title 17 Zoning Chapter 17.60 Main Street Business I Zone **Section 17.60.020 Permitted Uses (3) Retail Trade Establishments (0)** is amended to read as follows

17.60.020 9(3) (0) Retail food establishments (all types except drive-in restaurants) Provided that outside dining is limited to areas permanently-designated for such use, and shall not exceed 50 percent of the establishment's seating capacity, shall be in keeping with the exterior architectural theme of the building, and shall not permit the consumption of food or beverages within automobiles.

Section 9 SMC Title 17 Zoning Chapter 17.65 Main Street Business II Zone **Section 17.65.020 Permitted Uses (3) Retail Trade Establishments (0)** is amended to read as follows:

17.65.020 Permitted Uses (3) (0) Retail Trade Establishments (all types) provided that outside dining is limited to areas permanently-designated for such use, and shall not exceed 50 percent of the establishment's seating capacity, shall be in keeping with the exterior architectural theme of the building, and shall not permit the consumption of food or beverages within automobiles.

Section 10 SMC Title 17 Zoning Chapter 17.70 General Commercial Zoning District **Section 17.70.020 Permitted Uses (3) Retail Trade Establishments (x)** is amended to read as follows:

17.70.020 Permitted Uses (3) (x)Retail Trade Establishments (all types) provided that outside dining is limited to areas permanently-designated for such use, and shall not exceed 50 percent of the establishment's seating capacity, shall be in keeping with the

exterior architectural theme of the building, and shall not permit the consumption of food or beverages within automobiles.

Section 11 SMC Title 17 Zoning Chapter 17.72 Light Industrial Zoning District **Section 17.72.020 Permitted Uses (4) Retail Trade Establishments (j)** is amended to read as follows:

17.70.020 Permitted Uses (4) (j) Retail Trade Establishments (restaurants, delis, drive through restaurants) provided that outside dining is limited to areas permanently designated for such use, and shall not exceed 50 percent of the establishment's seating capacity, shall be in keeping with the exterior architectural theme of the building, and shall not permit the consumption of food or beverages within automobiles.

Section 12. SMC Title 17 Zoning Chapter 17.100 Non Residential Performance Standards is amended to adopt Section 17.100.055 Supplemental Standards for live entertainment uses which shall read as follows:

17.100.055. Supplemental Standards for Live Entertainment Uses.

(1) Use Requirements

(a) Live entertainment is allowed as part of the following businesses in MBI, MBII, General Commercial and Light Industrial Zone Districts under the establishment's business license and subject to any conditions required for the business provided the entertainment use is limited as follows:

i. bars/lounges, taverns, , may provide live entertainment as an indoor accessory use;

ii. nightclubs, meeting halls health/athletic clubs and gymnasiums may provide live entertainment as an indoor primary or indoor accessory use;

iii. churches, and restaurants may provide live entertainment as an indoor or outdoor accessory use;

(b) Schools in all zones may allow live entertainment as an indoor or outdoor accessory use subject to any conditions of the primary use.

(c) Live entertainment associated with all other occupancies and uses in all zones is allowed as a temporary use subject to the requirements of Section 17.100.080 (Temporary Uses) provided that the duration is limited to a maximum of 4 days with one 3 day extension as provided in Section 17.100.080(3) (e)

(2) Public Safety

(a) The chief of police may evaluate the operation of a live entertainment venue upon application for business license and/or during operation of the venue, or upon complaint to determine whether a public safety plan is required. A police officer or officers may, at the discretion of the chief of police, be required to police a dance or other live entertainment event to provide security and/or traffic control. When required, the expense of additional security shall be borne by the applicant, and a public safety plan shall be approved by the chief of police.

(3) Hours live entertainment may be conducted.

(a) Live entertainment may be conducted or operated indoors between the hours of 8:00 a.m. and 2:00 a.m. on any day or night of the week and outdoors between the hours of 10:00 AM and 11 PM except that when a live entertainment venue abuts or is located on the same parcel as a residential occupancy, outdoor entertainment shall end at 10 PM.

(4) Conditions of Premises

(a) Every building or other place used for music, live entertainment or public dancing shall be kept in a clean, healthful and sanitary condition, and

(b) all premises, corridors and stairways connected therewith shall at all times be open to the public and be fully lighted, and

(c) Indoor entertainment venues shall conduct the activity entirely inside the premises and shall provide adequate ventilation and/or air conditioning. Doors and windows shall remain closed.

(5) Indecent Entertainment/Adult entertainment

No indecent dance or live entertainment event (as defined in SMC Chapter 5.32) shall be given or carried on in any place within the City. All dance and entertainment uses shall be operated in compliance with Chapter 5.32 Sexually Oriented Businesses.

~~(5) Right of inspection~~

~~All peace officers of the city shall have free access to the premises and the public dances including buildings for the purpose of inspection and to enforce compliance with the provisions of this chapter.~~

~~(6) Intoxicated and boisterous persons.~~

~~No person under the influence of intoxicating liquor shall be permitted to or allowed to remain at or in any live entertainment venue, and no boisterous conduct shall be~~

~~allowed on the part of any person attending any live entertainment venue, including uses and activities occurring in buildings.~~

(6) Penalties for violations.

Violation of this chapter shall constitute a Class B infraction as defined in SMC 13.01.045(1) and subject the violator to enforcement as set forth therein.

Section 13 SMC Title 17 Zoning Chapter 17.100 Non Residential Performance Standards **Section 17.100.020 Categories of Use** is amended to read as follows:

17.100.020 Categories of use.

The following categories of land use shall be subject to the standards contained in this chapter.

- (1) Public/semi-public: institutional uses and public services uses only;
- (2) Office uses;
- (3) Commercial uses: general commercial, commercial recreational, automobile-oriented commercial (gas stations, auto repair shops, tire shops, etc.), home building supply outlets, plant and landscape nurseries, and shopping centers;
- (4) Industrial uses: industrial, wholesaling, warehousing, and distribution activities;
- (5) Tourist facilities: hotels, bed and breakfast accommodations, and entertainment activities. (Ord. 929 Ch. 10(B)(1), 1995).
- (6) Live entertainment (Ord. 929 Ch. 10(B)(1), 1995).

Section 14 SMC Title 17 Zoning Chapter 17.100 Non Residential Performance Standards **Section 17.100.080 Temporary Uses** is amended to read as follows.

17.100.080 Temporary uses.

(1) Purpose. The city of Stanwood recognizes that there are certain instances when a temporary use structure is needed which is adjunct to a permanent use, or which requires a temporary structure for a limited period of time. The purpose of this section is to establish provisions authorizing temporary uses and/or structures, for limited periods of time, for the uses set forth herein, and under the conditions set forth herein, when such uses are consistent with the purposes of this section.

(2) Permitted Temporary Uses. The following types of temporary uses may be authorized, subject to specific limitations in this section and such additional conditions as may be established by the planning director or his/her designee:

(a) Contractor's office, storage yard and equipment parking and servicing on the site of an active construction project or other offices associated with an active construction project.

(b) Circuses, carnivals, rodeos, fairs or similar transient amusement or recreational activities.

(c) Indoor or outdoor art and craft shows and exhibits.

(d) Indoor or outdoor special sales, including swap meets, flea markets, parking lot sales, warehouse sales or similar activities, limited to locations on lots not used for

residential purposes in commercial or industrial districts, and when operated not more than 30 days in the same year, unless otherwise permitted by the city.

(e) temporary live entertainment for a maximum of 7 days.

(ef) Temporary use of mobile trailer units or similar portable structures for nonresidential purposes, located in districts where the use is a permitted use and is approved by the planning director or his/her designee.

(fg) The planning director or designee may authorize additional temporary uses not listed in this subsection when it is found that the proposed uses are in compliance with the requirements and findings of subsection (3) of this section.

(3) Conditions of Temporary Use.

(a) Each site occupied by a temporary building shall be left free of debris, litter or other evidence of temporary use upon completion or removal of the use.

(b) A temporary use conducted in a parking facility shall not occupy or remove from availability more than 25 percent of the spaces required for the permanent use except those civic or special city events approved pursuant to subsection (3)(d) of this section.

(c) Each site occupied by a temporary use must provide or have available sufficient off-street parking and vehicular maneuvering area for customers. Such parking shall comply with the requirements of Chapter 17.105 SMC and must provide safe and efficient interior circulation and ingress and egress from the public right-of-way.

(d) No temporary use shall occupy or use public rights-of-way, parks or other public lands in any manner unless specifically approved by the city council.

(e) No temporary use shall occupy a site or operate within the city except, when authorized by the planning director or his/her designee, except for live entertainment, a temporary use may operate 30 days from the time the temporary use is authorized by the planning director or his/her designee if it is found that such will be consistent with the requirements of this chapter. The planning director or designee may also authorize one 30-day extension.

(f) All temporary uses shall obtain, prior to occupancy of the site, all required city permits, licenses or other approvals, e.g., business license, building permit, site development zoning permit, etc.

(g) The planning director or his/her designee may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include but are not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.

(4) Criteria. The planning community development director or his/her designee may authorize the temporary uses described in subsection (2) of this section after consultation and coordination with all other applicable city departments and other agencies and only when a determination that the following criteria can be met:

(a) The temporary uses will not impair the normal, safe and effective operation of a permanent use on the same site.

(b) The temporary use will not impact public health, safety or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.

(c) The use and associated structures will be conducted and used in a manner compatible with the surrounding area.

(d) The temporary use shall comply with all applicable standards of the Snohomish County health department.

(e) The applicable temporary use meets all requirements of Chapter 5.08 SMC.

(5) Application/Authorization – Penalty for Violation.

(a) Application to conduct a temporary use shall be made to the planning community development department at least 15 days prior to the time when the applicant plans to begin the temporary use, and shall include such information as the planning director or his/her designee may require to evaluate the use and to make the determinations required by this chapter.

(b) Application shall be made prior to the requested date for commencement of the temporary use, and the planning director or his/her designee shall make a determination whether to approve, approve conditionally or deny the temporary use within 10 days after the date of application.

(c) Authorization of a temporary use shall be by issuance of a temporary use permit.

(d) A temporary use authorized pursuant to this section shall not be exempted or relieved from compliance with any other ordinance, law, permit or license applicable to such use, except where specifically noted.

(e) Failure to obtain a permit prior to moving the temporary use into place shall be considered a Class B violation, and shall result in a fine as determined by SMC Title 13. (Ord. 1110 § 3, 2002; Ord. 995, 1997; Ord. 970, 1996. Formerly Ch. 14.34).

Section 15 SMC Title 3 Revenue and Finance Chapter 3.3 Fee Schedule **Section 3.30.030 Zoning and Site Plan Review Fees** is amended to read as follows.

3.30.030 Zoning, grading and site development plan review fees.

Conditional use permit	\$950.00
<u>Temporary Use</u>	<u>\$50.00 Planning Commission recommendation</u> <u>\$25.00 Staff recommendation</u>
Zoning appeal	\$500.00
Zoning variance (administrative)	\$450.00
Zoning variance (examiner)	\$950.00
Rezone	\$800.00
Site development permit	\$25 for projects between \$0 and \$5,000 valuation plus engineering and or legal review at actual cost (if any) \$100 for projects between \$1,001 and \$15,000 valuation plus engineering and or legal review at actual cost (if any) \$700.00 plus 5% of the engineering estimate for site work (includes

	1st engineering review; additional engineering and legal reviews if any at actual cost) for greater than \$15,001
Grading Permits	Per UBC 1997, plus engineering reviews at actual cost
Pre-application for site development permit	\$50 plus engineering or legal review at actual cost (if any). Pre-application fees shall be applied to the Site Development Fee when a complete application is submitted within 180 days. Projects of less than \$5,000 valuation are exempt.

(Ord. 1171 § 1, 2005; Ord. 1047A, 1999; Ord. 1047, 1998; Ord. 965, 1996; Ord. 901 § 1, 1994; Ord. 818 § 9, 1991).

Section 16 SMC Title 3 Revenue and Finance Chapter 3.3 Fee Schedule **Section 3.30130 Other ordinance fees adopted by reference** is amended to read as follows

3.30.130 Other ordinance fees adopted by reference.

Auctioning	SMC <u>5.10.010</u>
CATV franchise	SMC <u>5.20.270</u>
Fire marshal	SMC <u>2.32.060</u>
Fireworks	SMC <u>5.04.080</u>
Garbage collection	SMC <u>7.04.020</u>
Impact fees – Public facilities	SMC <u>17.151.080(6)</u>
Local improvements	SMC <u>3.12.320</u>
Plant investment charges	SMC 12.40
Public dance music or entertainmentt	SMC <u>5.06.040</u>
Public nuisance and disturbance noises	SMC 9.50

Section 17

Adoption of Findings

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 I are hereby adopted and incorporated by this reference.

Section 18

Severability

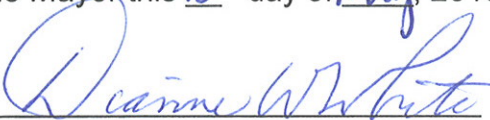
If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 19

Effective Date

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

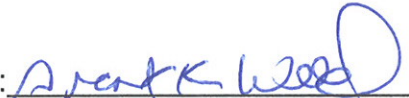
PASSED by the City Council and signed by the Mayor this 13th day of May, 2010.

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) August 13, 2009 the Stanwood City Council approved a work program for outdoor entertainment and eating and drinking and referred that work program to the Planning Commission for review.
- 2) The work program was processed by the City as file # LZCA 10-03.
- 3) The Planning Commission held a duly noticed public hearing on February 22, March 8, March 2, and April 12, 2010 to consider amendments to SMC 14 Building and Construction, and SMC Chapter 3.30 Fee Schedule.
- 4) Consistent with RCW 43.21C, the Responsible Official issued a Determination of Non-significance January 27, 2010.
- 5) At its regularly scheduled City Council meeting, May 13, 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. 1267.
- 6) 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 Title 5 Business Licenses and Regulation, Chapter 5.06 Public Dances, Music or Entertainment, is deleted.
3. Definitions of Bar/Cocktail Lounge , Tavern, Nightclub and Restaurant are amended to clarify the difference between these uses.
4. The definitions of the terms "restaurant" and "retail food establishment" are amended to delete the requirement that outdoor seating is limited to 50% of the restaurant occupancy.

5. The definition of the term “restaurant” is amended to add outdoor eating and live entertainment as accessory uses.
6. Definitions of the terms “Live Entertainment” and “Meeting Hall” are adopted.
7. SMC Title 17 Zoning Chapter 17.100 Non Residential Performance Standards is amended to adopt Section 100.055 Supplemental Standards for live entertainment uses incorporating the following standards: use requirements, public safety standards, hours of operation, standards for the condition of the premises, cross referencing adult entertainment standards, and adding live entertainment to the list of activities included in the non residential performance standards.
8. Section 17.100.080 Temporary Uses is amended to add live entertainment for up to 7 days maximum subject to SMC 17.100 Non Residential Performance Standards for uses within zones that do not allow live entertainment as a normal accessory use.
9. SMC 3.30 Fee Schedule is amended to adopt a fee for an temporary uses.
10. SMC Title 3 Revenue and Finance Chapter 3.3 Fee Schedule Section 3.30130 Other ordinance fees adopted by reference is amended to delete reference to the public dance music or entertainment permit