

CITY OF STANWOOD  
Stanwood, Washington

**ORDINANCE NO. 1308**

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, RELATING TO ZONING AND STANWOOD MUNICIPAL CODE (SMC) TITLE 17 ZONING; AMENDING SECTIONS 17.20.040, .070, .080, AND .200 OF SMC CHAPTER 17.20 CONSTRUCTION OF LANGUAGE – DEFINITIONS REGARDING THE DEFINITIONS OF “CONVENIENCE STORE”, “GROCERY, CONVENIENCE STORE”, “GROCERY, MINIMART”, AND “GROCERY, SPECIALTY”, “GROCERY, SUPERMARKET”; AND AMENDING SECTIONS 17.30.040, ZONING USE TABLE AND .050, ZONING USE CONDITIONS OF SMC CHAPTER 17.30 PERMITTED LAND USES TO AMEND USES FOR GROCERY, SPECIALTY GROCERY, MINIMART, CONVENIENCE GROCERY AND FARMERS MARKET USES IN THE TRADITIONAL NEIGHBORHOOD, MAINSTREET BUSINESS I, MAINSTREET BUSINESS II, NEIGHBORHOOD BUSINESS AND GENERAL COMMERCIAL ZONES.**

**WHEREAS**, the Planning Commission held a pre-application meeting to consider grocery related use issues on January 9, 2012; and

**WHEREAS**, the Stanwood City Council referred a work program for consideration of grocery related uses to the Planning Commission for review on January 12, 2012; and

**WHEREAS**, the Community Development Department filed Application LZCA 12-01 on January 13, 2012; and

**WHEREAS**, the Planning Commission met in workshop session January 30, 2012, and requested that review of the farmers market use be added to the work program as it is a grocery related use; and

**WHEREAS**, the City of Stanwood SEPA Responsible Official issued an threshold determination of non-significance on January 31, 2012, concerning Application LZCA 12-01; and

**WHEREAS**, on February 13, 2012, a public hearing was held by the Planning Commission regarding Application LZCA 12-01, 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 in accordance with and as required by law; and

**WHEREAS**, the Planning Commission made a recommendation regarding Application LZCA 12-01 to the City Council on February 13, 2012; and

**WHEREAS**, the City Council met March 8, 2012 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 Commerce of the City's intent to adopt the proposed change in regulations.

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

**SECTION 1.** The Findings of Fact and Conclusions attached hereto as Attachment 2 are hereby incorporated by this reference.

**SECTION 2.** The definition of "Convenience store" contained in SMC 17.20.040 "C" definitions is hereby deleted in its entirety.

**SECTION 3.** SMC 17.20.070 "F" definitions is hereby amended by adding and including the following definition of "Farmers market":

"Farmer's market" means a retail area, outdoors or indoors~~usually out of doors, or in a pavilion or similar structure~~, either in a public space or on private land, where ~~temporary~~ vendors sell produce, baked goods, food and/or limited crafts to the public. See also "Agricultural produce stand" and "Agricultural or produce concession stand."

**SECTION 4.** SMC 17.20.080 "G" definitions is hereby amended to read as follows:

17.20.080 "G" definitions.

"Gambling establishment" means a casino or other facility in which are included facilities for roulette, dice, various card games, slot machines and/or other games of chance.

"Game, video arcade" means a venue where people play indoor table games and/or arcade video games.

"Garage" means a building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building.

Garage, Parking. See "Parking garage."

"Garage, parking, public" means a building designed and used for compensation for the storage and parking of motor vehicles or boats as a business.

Garage, Private. See "Private garage."

"Geologically hazardous areas" means areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard.

"Gift shop" means a shop that sells souvenirs, handicrafts, knickknacks, household goods and other miscellaneous articles appropriate as gifts.

"Go-kart tracks" means tracks used for go-kart racing or karting, which is a variant of open-wheel motor sport with small, open, four-wheeled vehicles called karts, go-karts, or gearbox/shifter karts depending on the design. They are usually raced on scaled-down circuits.

"Golf course" means a tract of land for the playing of the game of golf, with tees, greens, fairways, hazards, etc. A golf course may be nine or 18 holes in length.

"Governmental use" means public land areas and facilities that are utilized for daily administration and operation of government business which house personnel, records, equipment and the like, belonging to or leased by the city, state, or federal government, special district, or agency.

"Grade" means the established grade of the street or sidewalk as prescribed by the department of public works. Where no such grade has been established, the grade shall be the average computed by a licensed land surveyor at the sidewalk at the property line. Where no sidewalk exists, the grade shall be established in the same manner on the street adjacent to the property line.

"Gradient terrace" means an earth embankment or a ridge-and-channel constructed with suitable spacing and an acceptable grade to reduce erosion damage by intercepting surface runoff and conducting it to a stable outlet at a stable nonerosive velocity.

"Greenbelt" means a strip of land for the planting, growing, and maintaining of a sight-obscuring screen of healthy trees and shrubs to attain an ultimate height of not less than eight feet.

"Greenhouse" means an enclosed building, permanent or portable, that is used for the growth of plants.

"Grocery, convenience store" means a retail establishment that is usually open for extended daily hours of business (12 to 24 hours), normally located as a single entity or in a strip building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising usually sells a limited selection of items and brands of prepackaged or prepared foods, ready-to-

eat foods, snacks, gum, candy, beverages, which may include beer or wine, dairy products, or sundries, all of which are frequently purchased for immediate use. It may be developed with facilities for the dispensing and sales of vehicular fuels, but with no sale or installation of tires, batteries or similar accessories. If such establishment is combined with said fuel sales and dispensing, it shall be regulated as accessory to an automobile service station use and there shall be limitations and controls placed upon the nature, size, delivery, storage, location and type of said fuel sales or dispensing facilities to provide maximum possible protection to adjacent properties, and it must meet the specific requirements of an automobile service station. Additionally, any retail establishment that sells a substantial portion of its merchandise (more than 20 percent of its sales) described in the definition of an "adult entertainment facility" shall not be deemed to be a convenience store.

~~"Grocery, mini-mart" means a convenience grocery or mini-mart typically open 15 to 16 hours per day. These markets sell convenience foods, newspapers, and magazines, and may sell beer and wine, and do not have gasoline pumps.~~

~~"Grocery, Specialty" See "Specialty food store." "Grocery, specialty" means a food store of less than 10,000 square feet primarily engaged in selling foodstuffs associated with a particular nationality, religious observance, dietary practice, or cuisine.~~

~~"Grocery, supermarket" means a freestanding retail store which may be free standing or part of a larger development selling a complete assortment of food, food preparation materials, household goods and household cleaning and servicing items. This use may include a pharmacy.~~

~~"Gross acre" means a tract of land consisting of 43,560 square feet.~~

~~"Gross density" means the number of units that are permitted per gross acre of land proposed for development.~~

~~"Gross leasable area (GLA)" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. GLA is that area on which the tenants pay rent; it is the area producing income to the landlord, and is the square footage amount used for determining required parking area. GLA includes all areas except common areas.~~

~~"Ground floor area" means the square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage.~~

“Groundwater” means the portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body.

“Groundwater management” means the management and coordination of groundwater regulations, strategies, polices, and technical information for the protection and use of groundwater resources.

“Group home” means a facility licensed by the state to provide, on a 24-hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.

“Guest house” means a building used for guests, especially a house or hostel run as a boarding house or bed and breakfast.

“Gutter” means a constructed waterway, usually along a street curb, installed to collect and conduct street surface water.

**SECTION 5.** The definition of “Specialty food store” contained in SMC 17.20.200 “S” definition is hereby deleted in its entirety.

**SECTION 6.** SMC 17.30.040 Zoning use table, Retail Trade Establishments is amended to change the name of “grocery, minimart” to “grocery, convenience”, to add “grocery, convenience” to the TN and MBII zones subject to note 23, to add grocery, specialty to the MBI, MBII, and GC zones, and to add “farmers market” to the MBI and MBII zones as a permitted use, all as shown on Attachment 1.

**SECTION 7.** Subsection (23) of SMC 17.30.050 Zoning Use conditions is amended to read as follows:

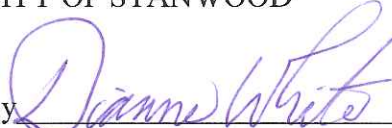
(23) ~~Mini-marts~~Grocery, convenient uses are limited to 3,000 sq. ft.

**SECTION 8.** 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 9.** This Ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council and APPROVED by the Mayor this 8<sup>th</sup> day of March, 2012.

CITY OF STANWOOD

By   
DIANNE WHITE, Mayor

ATTEST:

By   
MELISSA COLLINS, City Clerk

Approved as to form:

By   
GRANT K. WEED, City Attorney

## FINDINGS OF FACT AND CONCLUSIONS

Findings of Fact:

1. The Community Development Department filed a zoning text amendment Application LZCA 12-01 (“Application LZCA 12-01”) on January 13, 2012.
2. Consistent with RCW 43.21C, the Responsible Official issued a Notice of Determination of Non-Significance on January 31, 2012 regarding Application LZCA 12-01.
3. The Planning Commission held a duly noticed public hearing on Application LZCA 12-01 on February 13, 2012.
4. At a regularly scheduled City Council meeting on March 8, 2012, the City Council considered and reviewed Application LZCA 12-01 and the related staff reports, Planning Commission recommendations, and the public testimony submitted at or as part of the public hearing.
5. At said March 8, 2012 meeting, the City Council held first and second reading of Ordinance No. 1308 which would adopt the amendments proposed in Application LZCA 12-01 to Title 17 SMC, Zoning.
6. Application LZCA 12-01 is consistent with the decision criteria for amending the Chapter 17 zoning (SMC 17.155.090 (2)):
  - a. *The purpose and desired effect of the proposed zoning code amendment are consistent with the Stanwood Municipal Code.* The purpose and desired effect of the zoning code amendments proposed in Application LZCA 12-01 would allow a wider of range of uses within the MBII and MBI zones which is consistent with the overall purpose of the Main Street Business I and II Land Use Designations and the Stanwood Municipal Code.
  - b. *There is a positive relationship to the public health, safety and welfare of the community.* The zoning code amendments proposed in Application LZCA 12-01 would allow greater flexibility for building owners to attract a variety of uses and would encourage new business development by providing a wider range of allowed uses in these zones and thus provide a positive relationship to the public health, safety and welfare of the community.
  - c. *The proposed amendment is consistent with the Stanwood Comprehensive Plan.* The zoning code amendments proposed in Application LZCA 12-01 are consistent with and implement the following policies of the Land Use Element of the Comprehensive Plan:
    - *LUP-2-9 Maintain commercial centers with a sufficient range of uses*
      - a) *To allow residents to meet their basic daily needs within town,*
      - b) *Support a network of personal and business interactions that result in a friendly hometown.*
    - *LUG 6 - To encourage and promote the development or enhancement of retail areas to achieve a balanced shopping, dining, cultural, and entertainment experience in the Downtown Center.*
    - *Purpose Statement MB (Mainstreet Business I).*  
*The intent of the Mainstreet Business I land use designation is to create a dense, mixed use, pedestrian-friendly shopping environment reminiscent in design and uses to a turn-of-the-century downtown.*
    - *Purpose Statement MB II (Mainstreet Business II).*  
*The intent of the Mainstreet Business II land use designation is to create an area of less intense commercial uses than the MB I designated areas of Stanwood. MB II is proposed to include high density commercial, office and other business functions to provide a full range of business activities and urban services in the Downtown Center Stanwood.*

Conclusions: Based upon the entire record in this matter, the following conclusions are made.

1. Convenience store without gas pumps continue to be defined separately, that it be limited to 3,000 sq. ft maximum and that it be allowed in the MBII zone. This is based on the difference in traffic generation between convenience stores with and without gas pumps, and supermarkets
2. The definitions of convenience store and mini-mart be reconciled so there is one definition.
3. Grocery convenience be removed as a permitted use in the MBI zone.
4. Grocery supermarket be removed as a permitted use in the MBI zone.
5. Specialty grocery be retained as a category with the existing definition but the size limit eliminated.
6. Specialty grocery be added as a permitted use in the MBI, MBII and GC zones.
7. The definition and listing of grocery, supermarket be retained
8. Farmers market definition to be revised to allow outdoor and indoor use and to limit crafts.
9. Farmers market to be added to the MBI and MBII zones.



Attachment 1 SMC 17.30.040 Zoning Use Table Retail Trade Establishments

Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN	MBI <sup>29</sup>	MBII	NB	GC	LI	GI
<b>Retail trade establishments</b>												
Agricultural produce stand					P39MXXO	P			P	P		
Antique shop					P39MXXO		P37TO			P37TO		P37TO
Apparel shop					P39MXXO	P	P P37TO	P	P	P P37TO		P37TO
Artisan and handcraft studio					P39MXXO		P30	P30		P	P	P
Artist and drawing supply					P39MXXO		P	P				
Auto part					P39MXXO			P		P	P22	
Bakery					P39MXXO		P	P		P		
Book store					P39MXXO	P	P P37TO	P	P	P P37TO	P40CO	P37TO
Camera store					P39MXXO	P	P37TO	P	P			P37TO
Confectionery shop					P39MXXO		P P37TO	P		P		P37TO
Construction and home building supplies					P39MXXO						P22	
Dairy products store							P	P		P		
Electrical and electronic goods					P39MXXO		P	P	P	P		
Electrical and plumbing supplies					P39MXXO					P	P22	
Farmer's market					P39MXXO	P	<u>P</u>	<u>P</u>	P	<u>P</u>	P22	
Feed and farm supply					P39MXXO	P		P		P	P	
Flea market					P39MXXO							
Florist					P39MXXO	P	P37TO			P	P37TO	P37TO

