

ORDINANCE 1312

AN INTERIM ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, RELATED TO TITLE 17 ZONING; AMENDING SMC 17.20.020 "A" DEFINITIONS TO ADD A DEFINITION OF APARTMENT; AMENDING SMC 17.20.140 "M" DEFINITIONS TO AMEND THE DEFINITION OF MIXED USE AND MIXED USE ZONING; AMENDING SMC 17.30.040, ZONING USE TABLE, OF SMC CHAPTER 17.30 PERMITTED LAND USES TO ALLOW A WIDER RANGE OF USES IN THE MBI ZONE WITHIN THE HISTORIC DOWNTOWN OVERLAY; AMENDING SMC 17.30.050 ZONING USE CONDITIONS OF SMC 17.30 PERMITTED LAND USES; AMENDING SUBSECTION (1) DEVELOPMENT STANDARDS TABLE RESIDENTIAL/COMMERCIAL ZONES OF SMC 17.60.030 RESIDENTIAL/COMMERCIAL ZONE DEVELOPMENT STANDARDS; ADDING A NEW SECTION 17.30.025 PERMITTED USES TO SMC CHAPTER 17.73 HISTORIC DOWNTOWN OVERLAY; AMENDING SECTION 17.73.030 STANDARDS OF SMC CHAPTER 17.73 HISTORIC DOWNTOWN OVERLAY TO ADD LANDSCAPE AND PARKING STANDARDS; AMENDING SUBSECTION (1) NUMBER OF SPACES OF SMC 17.105.110 OFF-STREET PARKING REQUIREMENTS IN THE MB ZONING DISTRICTS TO EXTEND PARKING EXEMPTION TO COMMERCIAL USES IN THE HISTORIC DOWNTOWN OVERLAY DISTRICT FOR A SIX MONTH PERIOD; REFERRING THE MATTER TO THE PLANNING COMMISSION FOR REVIEW; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING THAT THE INTERIM REGULATIONS UNLESS EXTENDED, WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION.

WHEREAS, Land Use Goal 2 States "Revitalize and reinforce the character of Stanwood's existing residential and commercial neighborhoods as infill and redevelopment occur, and

WHEREAS, Land Use Goal 3 states "Recognize Stanwood's existing character, scale and neighborhood quality as assets that will add to the desirability of the community when incorporated into the design of new development", and

WHEREAS, the City has established an Historic Downtown Overlay within the zoning code, and

WHEREAS, Land Use Policy LUP-3.3 provides that when structures display a desired historic period architectural character and scale the City will allow flexible interpretations of standards to encourage re-investment, and

WHEREAS, properties in the historic downtown were developed before adoption of current standards;

WHEREAS, in the Downtown Center there are currently approximately 28 vacant store fronts out of approximately 180 downtown vacancies, or approximately 16%; and

WHEREAS, the Economic Development Element of the Comprehensive Plan Goal EDPG-3 provides *"Promote a strong diversified and sustainable local land regional economy, preserving or enhancing the quality of life in the community"*; and

WHEREAS, the Economic Development Element of the Comprehensive Plan Policy EDP6.1 provides *"Ensure that City licensing and permitting procedures and development regulations are coherent, fair, and expeditious"*; and

WHEREAS, the Economic Development Action Plan calls for a zoning and development standards work program to review and revise zoning regulations ensuring that regulations do not create barriers for new development; and

WHEREAS, the purpose of the MB-I (Mainstreet Business I Zone) is to include high density residential, commercial office and other central business district functions to provide a full range of pedestrian-oriented activities and urban services; and

WHEREAS, the purpose of the historic downtown overlay is to recognize the historical character of site planning, street grid, architecture and building scale of structures in East Stanwood and West Stanwood commercial nodes and to provide flexible interpretations of standards to encourage re-investment in, re-use and maintenance of structures that display historic period architectural character and scale within the overlay.

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

Section 1. The Findings of Fact and Conclusions attached hereto as Attachment 3 are

hereby incorporated by this reference.

Section 2. That it is in the public interest to establish interim regulations to allow greater flexibility for re-use of existing buildings in the Main Street Business I zone.

Section 3. That, pursuant to Section 17.80.010 of the Stanwood Municipal Code, the City Council hereby refers a zoning work program to the Planning Commission for review and recommendation on consideration of changes to regulations and requirements to address re-use of buildings and support new business development in the Downtown Center, including the Mainstreet Business (MBI and MBII) zones and the General Commercial (GC) zone.

Section 4. That this Ordinance, and the regulation established herein, shall expire and terminate on November 30, 2012, unless extended by the City Council.

Section 5. That the Planning Commission is hereby directed to develop appropriate zoning regulations to help address the large number of commercial vacancies in existing buildings in the Downtown Center.

Section 6. SMC 17.20.020 "A" Definitions is amended to adopt a definition of "apartment" to read as follows:

"Apartment" means a set of rooms used as a dwelling by one person or one family.

Section 7. SMC 17.20.140 "M" Definitions "Mixed Use" and "Mixed Use Zoning" are amended to read as follows:

"Mixed use, vertical" means a residential and commercial use in which residential units are provided on the second or third story over commercial or office uses when the underlying zoning is a single use commercial or

residential designation and a mixed use overlay allows the additional use. An example of such a type of development could have commercial uses or parking on the ground floor, offices or residences above, and residential units above the offices.

“Mixed use zoning” means zoning that permits a land use combination of typically separated residential and commercial uses within a single building or development that may occur either within one story as a horizontal mix, in one structure with multiple stories as a vertical mix, or in more than one detached structure. Mixed use may occur where the underlying zoning allows “mixed use” or all uses proposed as “permitted”. Unit types allowed within “mixed use” may include one or two apartments, an apartment house of 3 or more units, or townhouses. —An example of such a type of development could have commercial uses on the ground floor, offices above them, and residential units above the offices. Other combinations of uses may also occur in this type of setting.

Section 8. The MBI zone within the zoning use table contained in SMC 17.30.040 is amended to add uses in the following categories within the Historic Downtown Overlay subject to Note 51 as permitted uses as shown on Attachment 1:

“Animal Services” category; add “Dog Grooming”;

“Office” category add; “Other uses determined to be consistent with the definition of Office as defined in this code”;

“Personal Service” category add; “Other uses determined to be consistent with the definition of Personal Service, as defined in this code”;

“Repair Services” category add; “Other uses determined to be consistent with the definition of Repair Service as defined in this code”;

“Retail Trade Establishments” category; add “Other uses determined to be consistent with the definition of Retail Trade as defined in this code”;

“Schools category”; add “School, other”.

Section 9. SMC 17.30.050 Zoning use conditions is amended to add a new condition (51) to read as follows:

“(51) Permitted when located in the historic downtown overlay provided there is no outdoor display or storage.”

Section 10. Subsection (1) Development Standards Table – Residential/Commercial Zones of SMC 17.60.030 Residential/commercial zone development standards is amended to add “apartment within mixed use” in the Maximum Residential Density column to read “Townhouse/apartment in mixed use” 10 du/ac in the MBI zone as shown on Attachment 2.

Section 11. SMC Chapter 17.73 Historic Downtown Overlay is hereby amended to adopt a new Section 17.73.025 to read as follows:

“Section 17.73.025 Permitted uses.

Uses permitted in the historic overlay are subject to the additional conditions as shown in the master use table provided in SMC 17.30.040 with the notation P51HO.

Section 12. SMC 17.73.030 Standards of SMC Chapter 17.73 Historic Downtown Overlay is hereby amended to change the title to read “Development Standards”, and to adopt “Landscape Standards” and “Parking Standards” and shall read as follows.

“17.73.030 Development Standards.

(1) Signage

- (a) Blade and projecting signs placed on existing structures within the historic downtown overlay may be considered for modifications to height and clearance consistent with SMC 17.110.080(5)(iv) provided all other standards are met.
- (b) Freestanding pole signs are prohibited based on the finding that they are inconsistent with the architecture and building scale of structures in East Stanwood and West Stanwood commercial nodes and the purpose of the historic downtown overlay.”

(2) Landscape Standards.

- (a) Landscape strips required in SMC 17.145.050 may be located consistent with the historic development pattern in the designation. The community development director may allow required landscaping to be located behind the sidewalk rather than between the sidewalk and the right of way.
- (b) When existing developed properties are re-used and a change of use triggers landscape requirements, the community development director may adjust the standards consistent with the treatment of property within the historic downtown overlay pursuant to the process and findings in SMC 17.145.160.
- (c) The community development director may consider decorative paving for up to 50% of required landscaping when developed properties are re-used or remodeled within the historic downtown overlay.
- (d) The community development director may consider substitution of planter boxes for the required street frontage landscaping within this historic downtown overlay.

(3) Parking Standards.

Parcels in the historic downtown overlay are regulated by the off-street parking requirements in the MBI zoning district in SMC 17.105.110. Other design standards of Chapter 17.105 SMC shall still apply.

Section 13. Subsection (1) Number of Spaces of SMC 17.105.110 Off-street parking requirements in the MB zoning districts is amended to read as follows:

(1) Number of Spaces. To promote a more compact, pedestrian-friendly downtown center in Stanwood, the off-street parking requirements for retail trade, personal and business service establishments and offices, night clubs, and health clubs (as contained in the Table of Off-Street Parking Requirements contained in SMC 17.105.140) are reduced by 50 percent when they are proposed to be located in the MB-I zoning district. Commercial uses with MB-I zoning in the transit overlay zone are exempt from the requirements for off-street parking provided the use is a permitted use in the overlay.

Section 14. 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 15. This Ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

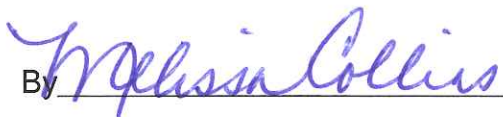
PASSED by the City Council and APPROVED by the Mayor this 24th day of May, 2012.

CITY OF STANWOOD

By 

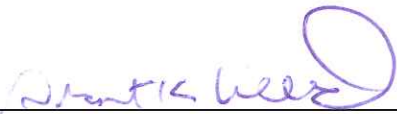
DIANNE WHITE, Mayor

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 Planning Commission held a pre-application meeting on special event, community and mural sign amendments on April 30, 2012.
2. Community Development Department filed a zoning text amendment Application LZCA 12-05 on May 1 2012.
3. Consistent with the State Environmental Policy Act, RCW Chapter 43.21C ("SEPA"), the Responsible Official issued a SEPA Determination of Non Significance May 4, 2012.
4. The Planning Commission held a duly noticed public hearing on Application LZCA 12-05 on May 21 , 2012.
5. At a regularly scheduled City Council meeting on May 24, 2012, which was open to the public, and after review of the applications, staff reports, and Planning Commission recommendations 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. 1312, adopting amendments to SMC Chapter 17 addressing use, parking and landscape standards in the MBI zone.
6. The decision criteria for SMC Title 17 zoning amendments, including amendments to SMC Chapter 17 are the following (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 proposed zoning text amendments will provide more market responsive regulations to implement the purpose and intent of the MBI zone and the Historic Overlay designation.
 - b. *There is a positive relationship to the public health, safety and welfare of the community.*

The interim regulations in the MBI zone will reduce impediments to new businesses that are consistent with the purpose and intent of adopted zoning and land use districts and improve the quality of life for residents by providing a wider range of economically viable uses within the downtown area.
 - c. The proposed amendment is *consistent with the Stanwood Comprehensive Plan.* The amendment implements the following policies by adopting regulations that allow new businesses within existing buildings in the downtown center .

Goal EDPG-3 *"Promote a strong diversified and sustainable local land regional economy, preserving or enhancing the quality of life in the community,"* and

EDP6.1 *“Ensure that City licensing and permitting procedures and development regulations are coherent, fair, and expeditious”; and*

Conclusions/Decision:

Based upon the entire record in this matter, which shall be incorporated by this reference, the Stanwood City Council adopts the following conclusions and decisions.

1. Add “other uses as determined to be consistent with this section” into the use table for *personal service, retail, office and repair services* use categories;
2. Exempt commercial re-uses of buildings from new parking requirements;
3. Allow 50% hardscape and/or planter boxes to meet landscape standards;
4. Allow apartments as part of a mixed use development within existing commercial buildings;
5. Add a new definition of “apartment” that doesn’t include number of units;
6. Amend the definition of mixed use development to create two types:
 - a. *“mixed use, vertical”* for the larger scale buildings with commercial underlying zoning where residential is only allowed through mixed use overlay standards;
 - b. *“mixed use”* that allows horizontal, vertical and detached units that applies to zones allowing commercial and residential as permitted uses and there is no mixed use overlay zone;
7. Added apartment/mixed use into the development standards table at 10 du/ac.