



Agenda
City Council Special Workshop
June 11, 2026 | 5:00 PM

Stanwood-Camano School District, Admin. Building Board Room
26920 Pioneer Highway, Stanwood, WA 98292

The public is invited to attend in person.

- 1. Call to Order**
- 2. New Business**
 - a. Planning Commission Permitted Use Matrix and Standards Recommendation
- 3. Adjourn**



**CITY OF STANWOOD
CITY COUNCIL
AGENDA STAFF REPORT**

ITEM NUMBER: 2.a.
DATES: June 11, 2026
SUBJECT: Permitted Use Matrix and Standards Workshop
CONTACT PERSON: Patricia Love, Community Development Director
ATTACHMENTS:
1. Draft Permitted Use and Development Standards Ordinance 1564
2. Draft Findings of Fact and Conclusions
3. Adult Entertainment Ordinance 1565

PURPOSE:

The purpose of this agenda item is for the City Council to review the Planning Commission's recommendation on the Permitted Use Matrix and Development Standards, provide comments on the amendments, and direct staff to proceed with a public hearing on the draft ordinance.

RECOMMENDATION:

Staff: The next phase of the City's Municipal Code Update focuses on revising and modernizing the Permitted Use Matrix. This update represents an essential step in updating the City's Unified Development Code with current state laws, industry standards, and Comprehensive Plan policies, while improving the code's usability and clarity for staff, developers, and the public.

The proposed amendments:

- Clearly identify land uses as either permitted, conditional, accessory, or prohibited within each zoning district.
- Include clear and concise development standards for specific uses.
- Are consistent with the Comprehensive Plan
- Provide a more user-friendly framework for property owners, developers, staff, and decision-makers.

Planning Commission:

The Planning Commission began its review of the permitted use codes in late 2025 with a general introduction into early 2026.

- November 2025: General approach and chapter structure
- January 2026: Permitted Uses Table and Comprehensive Plan Policy Discussion
- February: Reorganized Formatting and Categorization of Permitted Uses
- March: Permitted Uses and Definitions
- April: Public Hearing and Development Standards
- May: Continued Public Hearing

Staff presented an option that would require a portion of the Downtown Mixed-Use (DMU) Zone to be occupied by restaurant and retail uses, while allowing uses such as salons, learning centers, and similar service-oriented businesses to locate on upper floors or behind street-fronting commercial spaces. The Commissioners expressed concern that such a requirement could be overly restrictive and may limit business opportunities. Instead, they suggested exploring a more flexible approach that would allow these uses under certain circumstances through administrative review and approval criteria.

After considering public comments, staff comments and Commission deliberations, the Planning Commission unanimously approved forwarding the Permitted Use Matrix and Development Standards Code Amendments to the City Council.

BACKGROUND:

Stanwood's Unified Development Code regulates how land and buildings may be used within each zoning district. The permitted use matrix is a Chapter of the UDC which clearly identifies which land uses are allowed, conditionally allowed, or prohibited. The matrix serves as a quick reference for property owners, developers, staff, and decision-makers by clearly identifying where specific uses may be established and the type of review required.

Associated with the Permitted Use Matrix are Development Standards which establish site and use specific requirements for land development. While the matrix determines *where* a use may be located, the development standards establish *how* that use may be developed and operated.

The proposed amendments include both new regulatory provisions and the readoption of existing codes. The amendments also integrate the City's recently adopted Missing Middle Housing and Land Division regulations into the UDC, ensuring that these provisions are coordinated with the Permitted Use Matrix, development standards, and other zoning regulations. This integration improves code usability, reduces duplication and potential conflicts between code sections, and provides a more consistent and user-friendly code.

ANALYSIS:

The following provides a summary of the proposed amendments.

Definitions: Land use related definitions are being moved from Title 17 to Title 18 with changes shown in bold / strikeout and were edited to match the uses as shown in the draft permitted use matrix.

Use Categories: The revised permitted use matrix has been reconfigured to reduce and simplify the total number of land use categories.

<u>Existing Use Categories:</u>	<u>Proposed Use Categories:</u>
<ul style="list-style-type: none">• Agriculture	<ul style="list-style-type: none">• Agriculture (<i>no change</i>)
<ul style="list-style-type: none">• Animal Services• Office• Personal Services	<ul style="list-style-type: none">• General Services
<ul style="list-style-type: none">• Cultural/Entertainment• Hotels and Guesthouses• Recreation	<ul style="list-style-type: none">• Entertainment and Tourism
<ul style="list-style-type: none">• Automotive Services• Industrial• Repair Services• Wholesale Storage / Distribution Facilities	<ul style="list-style-type: none">• Industrial
<ul style="list-style-type: none">• Public Facilities• Quasi-Public• Schools	<ul style="list-style-type: none">• Institutional
<ul style="list-style-type: none">• Residential• Retail Trade Establishments• Retail Prepared Food / Beverage Establishment	<ul style="list-style-type: none">• Residential (<i>no change</i>)• Retail Establishments
<ul style="list-style-type: none">• Utilities• Wireless Communication Facilities	<ul style="list-style-type: none">• Utilities
<ul style="list-style-type: none">• Other	<ul style="list-style-type: none">• N/A

Prohibited Uses: Added clarifying language for Data Centers and Crypto Mining Operations specifying that the prohibition does not apply to incidental server rooms or data equipment that are accessory to and support the primary operations of a permitted business.

Uses: The uses identified in the permitted use matrix are intended to implement the land use, housing, and economic development goals and policies of the Comprehensive Plan. The matrix should reinforce the City’s vision for Downtown as a walkable, pedestrian-

oriented area while Uptown is planned to function as a more auto-oriented commercial and business center.

The draft permitted use matrix has been consolidated into a single matrix, with zoning districts listed across the top of the table and land uses listed down the left-hand column.

Uses are identified as follows:

- Permitted uses are shown as “P”
- Accessory uses as “AC”
- Conditional uses as “C”
- Uses that are not allowed in a zoning district are left blank
- Prohibited uses are either identified in the Prohibited Use List or not listed in the matrix

Significant changes to the specific uses listed in the matrix are as follows:

<u>Use Category</u>	<u>Change</u>
Agriculture Uses	<ul style="list-style-type: none"> • Repealed “Farms, Existing” due to lack of applicable Right-to-Farm eligible properties • Moved “Produce Stands” and “Plant Nursery” from Retail to Agriculture • Moved “Community Garden” from Recreation to Agriculture • Proposing new use – “Small Animal Husbandry, Small” <ul style="list-style-type: none"> ○ Based on existing SMC definition: “<i>Small animal husbandry (noncommercial)</i>” means the raising of small animals for the primary consumption of or used by the occupants of the premises.”
Entertainment and Tourism Uses	<ul style="list-style-type: none"> • Repealed “Resort” use • Moved “Private Recreational Clubs” from General Services to Entertainment and Tourism • Separated “Amusement Center” into new proposed uses “Amusement Center, Indoors” and “Amusement Center, Outdoors” to consolidate ACTIVE recreational / entertainment uses. Proposed New Definitions: <ul style="list-style-type: none"> ○ “Amusement Center, Indoors” means an establishment that provides active entertainment facilities for the use of others within a fully enclosed structure. Examples may include bowling alleys, arcades, movie theaters, billiard halls, indoor batting cages, “play cafes”, and other similar activities. ○ “Amusement Center, Outdoors” means an establishment that provides active entertainment facilities for the use of others within a covered or

uncovered defined area. Examples may include skating rinks, swimming pools, driving ranges, outdoor batting cages, bumper cars, go-karts, and other similar activities.

- Revised definition of “Cultural Entertainment Facility” to consolidate **PASSIVE** recreational / entertainment uses
- Added short-term rentals to the bed and breakfast line item in the permitted use matrix

General Uses

Service

- Renamed service-based uses for consistent language
- Moved all Office uses into General Services
- Proposing new use – “**Animal Shelter**”
- Removed the “AC” designation from general services uses in residential zones to avoid confusion. Labeling uses as “AC” would allow them outright in residential zones. Uses affected include artisan/handcraft services, professional office services, minor repair services, and personal care services. These uses should instead be regulated under home occupation provisions.

Industrial Uses

- Repealed the following industrial uses:
 - “**Automotive High Intensity**”
 - Includes Impound, Storage, Tow Yards, Wrecking
 - “**Building Construction Yard**”
 - “**Detached Commercial Accessory Storage**”
 - “**Laundry Plant**”
- Consolidated uses into “Automotive Sales and Rentals”
- Consolidated uses into “Parking Facilities, Standalone”
- Consolidated uses into “Public Transit / School Vehicle Facility”
- Proposing new, tiered method for defining industrial manufacturing, processing, and distribution uses:
 - Industrial Manufacturing, Processing, and/or Distribution – **Light**
 - Industrial Manufacturing, Processing, and/or Distribution – **Medium**
 - Industrial Manufacturing, Processing, and/or Distribution – **Heavy**
- Proposing new use – “**Warehouse, Incubator / Modular**”
- Removed Industrial Parks from the General Industrial zone to preserve limited GI-zoned land for heavier industrial uses.

Institutional Uses

- Consolidated uses into “Governmental Public Facility”
 - Consolidated uses into “Schools, Academic”
 - Proposing new use – “**Governmental Heavy Use**”
 - Revised “Governmental Public Facility” to “Governmental/Public Service Facility” to more broadly include not only public buildings but also nonprofit organizations providing public and social services, such as the Stanwood-Camano Resource Center and the Food Bank.
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Residential Uses

- Residential uses were updated as part of the Missing Middle Housing and Land Divisions Ordinances
 - No changes proposed at this time
 - Removed single-family residential uses from the multifamily zone to preserve it for higher-density development. Existing homes within the MR zone will be grandfathered and may continue under nonconforming use regulations.
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Retail Establishments Uses

- Proposing new, tiered method for defining food / beverage establishment uses:
 - Food / Beverage Establishment – **Small**
 - Food / Beverage Establishment – **Medium**
 - Food / Beverage Establishment – **Large**
 - Proposing new use – “**Drive-Through Facilities**”
 - Added drive-through businesses to the Downtown Mixed-Use District. Associated development standards (SMC 18.614) restrict drive-throughs along 271st Street between 88th Avenue and 84th Avenue, and along 270th Street from 99th Avenue to 102nd Drive. These standards preserve the historic character of the east and west end districts while allowing drive-throughs elsewhere in downtown.
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Utilities Uses

- Repealed “**Solid Waste Disposal/Recycling Center**”
 - Consolidated uses into “Electrical Substation” and “Governmental Heavy Use”
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Development Standards: The associated standards are based on the footnotes that were included in the current version of the permitted use matrix. All sections have been edited to conform to the reader friendly style.

Standard	Summary
Accessory Dwelling Units	These standards were adopted with the Missing Middle Housing Ordinance; they are now being relocated into Title 18 with no changes.
Accessory Structures and Uses (Non-Dwelling)	Addresses sheds and other outbuildings and includes design standards for both residential and commercial uses.
Adult Entertainment Uses	Moves land use and permitting requirements from the business license chapter into Title 18. Existing standards and location restrictions are maintained, with one amendment. Due to the Missing Middle Housing Ordinance, residential units may now be located within 500 feet of an AEU. A limited exception to the separation requirement has been added to mitigate potential impacts.
Automotive Services	Existing requirements have been consolidated into a single section with a matrix identifying lot size, outdoor work and storage, and screening requirements.
Building Alterations and Conversions	Existing standards in Title 17 are being readopted in Title 18 with no changes.
Co-Living Housing	These standards were adopted with the Missing Middle Housing Ordinance; they are now being relocated into Title 18 with no changes.
Culture and Entertainment	Expanded standards addressing live entertainment as an accessory to other retail / restaurant uses. Standards address business license requirements, hours, public safety, and noise.
Daycares	Requires approval by the Washington State Department of Children, Youth and Families, a City business license, off street parking for drop-off and pick up.
Drive Through	Readopts standards from Title 17 into Title 18 with minor changes providing greater detail regarding drive lane dimensions.
Essential Public Facilities	Adopts new standards for EPF, including siting requirements, application review and development

	standards for group homes, congregate care facilities and secure community transition facilities.
Home Businesses	Readopts the current standards for home occupations but expands the details of what is allowed in a home occupation: locations, vehicles, traffic, deliveries, and an exception process if needed.
Industrial Use Standards	Readopts standards from Title 17 into Title 18 with no changes.
Lodging	Consolidates bed and breakfast and hotel standards into Title 18. Addresses noise, parking, business licensing, neighborhood compatibility, landscaping, building height, and density.
Manufacture Housing	Defines type of manufactured housing: Type A or Type B. Requires all buildings and parks to comply with the applicable building code and zoning districts.
Marijuana	Readopts standards from Title 17 into Title 18 with no changes.
Mixed-Use Development Standards	Readopts footnote standards from Title 17 into a combined list of standards addressing street frontage requirements, density in the PI zone, where live-work units are allowed and laundromat restrictions in the TN zone.
Public Utilities	Readopts standards from Title 17 into Title 18 with no changes.
Quasi-Public and Religious Institution Uses	Combined into a single section because they have the same development issues and impacts on the community: noise, parking, traffic lighting, and refuse. Copied over from Title 17 to Title 18.
Recreation Areas and Sports Facilities	Requires landscape buffers, allows public events as an accessory use, and requires noise attenuation on shared walls within a building.
Retail Food and Drink Establishments	Readopts standards from Title 17 into Title 18 with no changes.
Retail Trade Uses	Readopts portions of the Missing Middle Housing related to development in the Downtown Mixed-Use

	Zone; defines small, medium and large-scale retail uses by square footage, and provides some development flexibility through a deviation process.
Schools	Readopts standards from Title 17 into Title 18 with minor changes: allows daycares, preschools, and after school programs as an accessory use.
Small Scale Commercial Infill	These standards were adopted with the Missing Middle Housing Ordinance; they are now being relocated into Title 18 with no changes.
Temporary Use and Structures	Readopts Title 17 standards in Title 18 with additional clarification: adopts approval criteria, defined exempt activities, addresses time duration, and development standards for temporary uses and structures.
TN Zoning Standards	Readopts standards adopted with the Comp Plan update from Title 17 into Title 18 with no changes.
Townhouse Standards	These standards were adopted with the Missing Middle Housing Ordinance; they are now being relocated into Title 18 with no changes.
Wireless Communications Facilities (WCF's)	Readopts WCF in Title 17 to Title 18, as they are compliance with federal laws. Sections include: Chapter 18.648 Wireless Communication Facilities General Provisions Chapter 18.648A Eligible Facility Modifications Chapter 18.648B, Regulation of Wireless Communication Facility Franchise Chapter 18.648C, Wireless Communication Facilities (WCF) Attached and Detached

Permit Process Amendments: Updated to include temporary uses and unclassified uses in the permit review procedure codes.

Repealed Definitions: Repeals the use definitions in Title17 and either readopts or amends the definition section noted above.

Development Standards:

- Added language to the Change in Use section (SMC 18.502.040) to address situations where business growth becomes inconsistent with the zoning designation of the property.

New subsection 2:

Any existing business that proposes to change its use, expand its operations, or introduce a new use not permitted under the current zoning designation shall be subject to zoning review and must obtain appropriate land use approval, such as a zoning reclassification, conditional use permit, or other required authorization, prior to initiating such change or expansion. Failure to do so shall constitute a violation of the zoning code and be subject to enforcement actions.

Planning Commission comments that were not included in the code update:

1. A question was raised regarding existing businesses that may be affected by changes to the permitted use matrix. Uses or businesses that were previously allowed but are no longer permitted would be considered nonconforming and may continue to operate as previously established.
2. The Commission requested that electric vehicle charging stations be allowed as a permitted use. This topic is more appropriately addressed in the parking code, which is expected to be updated in the near future.
3. How have definitions been updated? Updates were based on existing Title 17 definitions, consistency with state law (RCW and WAC), language from other jurisdictions such as Everett and Arlington, and standard dictionary sources. Uses not specifically defined will follow their ordinary dictionary meaning.
4. Should overnight in vehicle parking be allowed as part of City's strategy to address homelessness? Overnight parking was not added as an allowed or emergency use. The City currently addresses homelessness through codes related to emergency housing, emergency shelters, permanent supportive housing, and transitional housing. Allowing overnight, in-vehicle parking is a more complex issue and should be considered separately.

Adult Entertainment Code Amendment:

Currently, the City's adult entertainment (AE) licensing and permitting requirements are contained within Chapter 5.32 of the Municipal Code, which addresses business licensing. When Chapter 5 was updated in 2023, the AE provisions were intentionally left unchanged because the business licensing, permitting, operational, and land use requirements were closely intertwined, making it difficult to separate them in a clear and organized manner.

With the upcoming adoption of the City's new permitted use matrix and development standards into the Unified Development Code (UDC), these provisions can now be effectively reorganized. Under the proposed amendments, Chapter 5.32 will be limited to business licensing requirements, while all land use, zoning, location, and operational standards applicable to adult entertainment establishments will be relocated to new Chapter 18.606 of the Unified Development Code.

To help staff with this reorganization, City Attorney Nikki Thompson has comprehensively revised the adult entertainment licensing provisions to ensure compliance with current state and federal law. The proposed amendments improve the organization, clarity, and legal defensibility of the City's regulations while maintaining appropriate licensing requirements.

FINANCIAL IMPACT:

None; staff costs to implement the ordinance are part of the overall job duties of the Community Development and Public Works Departments.

COUNCIL OPTIONS:

The purpose of this staff report is to present the Planning Commission's findings and recommendations regarding the proposed Permitted Use Matrix and Development Standards code amendments. This workshop is intended to provide the City Council with an opportunity to review the draft ordinance, ask questions, and discuss the proposed amendments prior to the public hearing process.

At this time, the Council may consider the following options:

1. **Provide Direction to Proceed as Proposed.** Review the draft ordinance and Planning Commission recommendations and provide direction to schedule the proposed amendments for public hearing and consideration on July 9, 2026.
2. **Provide Direction for Additional Revisions.** Identify specific provisions for further review or modification and direct staff to incorporate revisions prior to the public hearing.
3. **Request Additional Information.** Continue discussion of the proposed amendments and direct staff to return with additional analysis, alternatives, or supporting information before proceeding to a public hearing.

No action is required at this workshop. Following Council discussion and direction, staff will finalize the draft ordinance and schedule a public hearing for July 9, 2026, at which time the Council will receive public testimony and consider adoption of the proposed code amendments.

PROPOSED MOTION:

None; information discussion item.

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. 1564

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE (SMC) ADOPTING AMENDMENTS TO CHAPTER 18.102, DEFINITIONS, ADOPTING NEW DIVISION5, ZONING AND USES, ADOPTING NEW DIVISION6, SPECIFIC USE STANDARDS, AMENDING OR DELETING ASSOCIATED PROVISIONS IN TITLE 17, ZONING FOR CONSISTENCY, AND ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practice; and

WHEREAS, the purpose of this code amendment is to eliminate conflicts, improve clarity to ensure consistent interpretation and administration, reduce ambiguity and disputes, and improve predictability for residents, property owners, applicants, and decision-makers; and

WHEREAS, the GMA requires jurisdictions to adopt development regulations that are consistent with and implement the comprehensive plan; and

WHEREAS, the City Council adopted the 2024 Comprehensive Plan which establishes goals and policies addressing land use, housing, economic development, capital facilities, utilities, transportation, parks and recreation, and environmental protection; and

WHEREAS, the City desires to ensure that the Stanwood Municipal Code includes definitions and regulatory standards that are clear, internally consistent, and aligned with the Comprehensive Plan’s intent and policy direction; and

WHEREAS, best practices in planning and zoning necessitate updates to outdated land use definitions and terminology; and

WHEREAS, permitted use tables and use classifications are primary tools by which the Comprehensive Plan is implemented through zoning; and

WHEREAS, adopting updated permitted uses and associated development regulations is intended to implement Comprehensive Plan policies related to housing, businesses, economic development, and provisions for public services; and

WHEREAS, use specific development standards ensures neighborhood compatibility and protects community character while allowing a variety of businesses in the city; and

WHEREAS, updating development standards consistent with the Comprehensive Plan will improve the quality and predictability of development and redevelopment; and

WHEREAS, a SEPA determination of non-significance for the draft ordinance was issued on March 3, 2026, and the comment / appeal period ended on March 17, 2026; and

WHEREAS, pursuant to RCW 36.70A.106, the City submitted the proposed code amendment for the 60-day review to the Washington State Department of Commerce on February 3, 2026. The 60-day review period was completed on April 4, 2026; and

WHEREAS, the code amendment was circulated for public review on March 3, 2026 through March 17, 2026; and

WHEREAS, the Stanwood City Council held three workshop meetings to provide input and direction for the code update on January 12, 2026, March 26, 2026 and May 14, 2026; and

WHEREAS, the Stanwood Planning Commission held a public hearing on ordinance on April 13, 2026, and forwarded their findings of fact and conclusions recommending to approve the ordinance to the City Council; and

WHEREAS, all persons desiring to either provide written testimony or speak for or against the ordinance were given the opportunity to do so before both the Planning Commission and City Council; and

WHEREAS, the City Council held a public hearing on the draft code amendment on May 28, 2026, and accepted public comment; and

WHEREAS, the City is authorized under the Constitution and laws of the State of Washington, including the Growth Management Act, Chapter 36.70A RCW, to adopt and amend land use regulations and development standards to protect the public health, safety, and welfare; and

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

Section 1. General Provisions. Stanwood Municipal Code Chapter 18.100, General Provisions is amended as provided in Exhibit A attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. Definitions. Stanwood Municipal Code Chapter 18.102, Definitions is amended as provided in Exhibit B attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 3. Zoning And Uses. Stanwood Municipal Code Division 5, Zoning and Uses, is adopted as provided in Exhibit C attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 4. Specific Use Standards. Stanwood Municipal Code Division 6, Specific Use Standards, is adopted as provided in Exhibit D attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 5. Permit Types and Process. Permit applications and review process is amended as provided in E, which is attached hereto and incorporated by this reference.

Section 6. Repealed Sections. The Stanwood Municipal Code Chapters and Sections repealed by this Ordinance are identified in Exhibit F, which is attached hereto and incorporated by this reference.

Section 7. Findings of Fact and Conclusions. The Stanwood City Council adopts the Findings of Fact and Conclusions as recommended by the Planning Commission and attached hereto as Exhibit G and incorporated herein by reference.

Section 8. Citation Corrections. The Codifiers of this ordinance are here by instructed to make any and all appropriate code citation references, cross-references, and formatting adjustments necessary to ensure consistency with the amendments and revisions adopted by this ordinance.

Section 9. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 10. Effective Date. This Ordinance shall take effect five days after its passage and publication as required by law.

PASSED and APPROVED this ____ day of _____, 2026.

CITY OF STANWOOD:

- () Approve
- () Veto

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

EXHIBIT A

Chapter 18.100 GENERAL PROVISIONS

Chapter 18.100 General Provisions

Repeal SMC 17.25.010, Conflict with other laws and other legal documents, and recodify as SMC 18.100.015 as written below.

18.100.015 Conflict with other laws and other legal documents

Where other laws, or codes (not including the previously adopted zoning code), impose greater requirements, regulations, or restrictions than those contained herein, those other laws or codes shall control, regardless of whether such laws or documents have been passed or created prior to or subsequently to the effective date of this code.

Repeal SMC 17.25.030, Minimum requirements, and recodify as SMC 18.016 as written below.

18.100.016 Minimum requirements

The regulations set forth in this code shall be considered to be minimum requirements for the purpose of promoting the general public health, safety and welfare of the people of the city of Stanwood.

EXHIBIT B

Chapter 18.102 DEFINITIONS AND RULES OF INTERPRETATION

Chapter 18.102 Definitions

i The following definitions have been either amended or added as provided below. All other definitions in Chapter 18.102 remain unchanged.

18.102.020 "A" Definitions

“Accessory dwelling unit” or “ADU” means a dwelling unit located on the same lot as a single-family dwelling unit.

“Accessory dwelling unit, attached”, also referred to as an “attached accessory dwelling unit” or “AADU”, means an accessory dwelling unit located within or attached to the principal unit.

“Accessory dwelling unit, detached”, also referred to as a “detached accessory dwelling unit” or “DADU”, means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from the principal unit.

“Accessory structure” means a nonresidential detached, subordinate structure located on the same lot, the use of which is clearly incidental to that of the main building or to the principal use of the land.

“Accessory use” means uses, facilities and activities normally associated with a use listed as a permitted use in a zone and are permitted as part of that permitted use on the same lot as the principal structure. The accessory use, facility or activity must be clearly secondary to the permitted use. The primary use or activity shall be established before or concurrent with the accessory use or activity.

“Addition (to an existing building)” means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls is considered to be new construction.

“Adult entertainment use” means a business where at least 20% of its operations involve the sale or viewing of materials that depict sexual activities or nudity. This does not include the sale or advertisement of contraceptives.

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room, and board for more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services for up to eight adults upon approval from the Department of Social and Health Services under RCW 70.128.066.

“Affordable housing” means any rental or owned dwelling unit which has a monthly payment that is 30 percent or less of the monthly salary of a moderate, low, and/or very low income family. A moderate income family earns 125 percent or less of the area median income established for Stanwood; a low income family earns 80 percent or less; and a very low income family earns 50 percent or less.

“Aggregate extraction” means the process of removing or mining raw earth materials from natural deposits such as quarries.

“Agricultural activity” means an activity associated with the production of crops, animal husbandry, horticulture, aquaculture, and viticulture, including the normal operation, repair, maintenance of related structures, facilities, implements, and machinery, as well as construction of new farms, buildings, and facilities consistent with this code.

“Agricultural produce stand”-See produce stand.”

“Airport” means any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

“Amusement Center, Indoors ” means an establishment that provides active entertainment facilities for the use of others within a fully enclosed structure. Examples may include bowling alleys, arcades, movie theaters, billiard halls, indoor batting cages, “play cafes”, and other similar activities.

“Amusement center, outdoors” means uses an establishment that provides active entertainment facilities for the use of others within a covered or uncovered defined area. Examples may include skating rinks, swimming pools, driving ranges, bumper cars, outdoor batting cages, go-karts, and other similar activities.

“Animal services” means an establishment providing daytime training, supervision, and recreation for animals and/or pet grooming services including hygienic care and cleaning. Animal services do not include overnight boarding or veterinary services.

“Animal husbandry” means an agricultural activity in which animals and/or livestock are reared, lodged, bred, or are kept in order to sell the products they produce.

“Animal Shelter” means a facility, operated privately or publicly, which provides care for lost or unwanted animals or animals that have been placed for adoption.

“Aquaculture” means the farming of food fish, shellfish, or other aquatic plants or animals for commercial and/or recreational purposes.

“Arcade”, See “Amusement Center, Indoors”.

“Art Gallery”, See “Cultural entertainment facility”.

“Artisan / Handicraft Services” means an establishment where handmade or custom artisan goods are made on-site. Services may also include specialized craftsmanship classes, workspace areas, or associated equipment that does not generate external impacts.

“Assisted living/independent living facility” means any home or other institution providing housing, basic services, and assuming general responsibility and well-being of the residents including nursing care. This use can include a continuum of care from relatively independent units to full assistance with such as wellbeing checks, recreational activities, housekeeping and laundry services with options for meals. This use does not include facilities certified as group training homes pursuant to RCW 71A.22.040.

“Attached Dwelling”, See “Dwelling, Attached”.

“Auction house” means a facility where livestock or similar animals are sold to the highest bidder.

“Automotive fueling” means the motor fuel-dispensing facilities for vehicles which do not exceed a one (1) ton capacity.

“Automotive high intensity” means sale, rentals, fueling, minor or major repairs, or storage of vehicles which exceed a one (1) ton capacity; including wrecking facilities; and other automotive uses with the high noise, odor, or traffic impacts.

“Automotive repair, > 1 Day” means repairs which need more than one day on vehicles which do not exceed a one (1) ton capacity

“Automotive repair, ≤ 1 Day” means repairs or services, including quick lubrication services or car washes, which can be made in one day or less without requiring overnight vehicle stay on vehicles which do not exceed a one (1) ton capacity.

“Automotive sales and rentals” means the sales or rental of vehicles which do not exceed a one (1) ton capacity.

18.102.030 "B" Definitions

“Bed and breakfast” means residential lodging that provides short-term accommodations primarily for overnight stays. Guest services may include on-site meals.

“Building construction yard” means an outdoor area consisting of short-term parking and storage of equipment and supplies used in the construction industry. Construction yards may include related offices.

18.102.040 "C" Definitions

“Cannabis (marijuana)” means all parts of the cannabis plant whether growing or not.

“Cannabis (marijuana) processor” means the definition as set forth in RCW 69.50.101.

“Cannabis (marijuana) producer” means the definition as set forth in RCW 69.50.101.

“Cannabis (marijuana) retailer” means the definition as set forth in RCW 69.50.101.

“Cannabis (marijuana) use” includes a store, agency, organization, dispensary, cooperative, network consultation, operation, or other business entity, group or person, no matter how described or defined, including any associated premises and equipment which has for its purpose or which is used to grow, select, measure, process, package, label, deliver, dispense, sell or otherwise transfer for consideration, or otherwise, cannabis in any form.

“Cannabis-infused products” means the definition as set forth in RCW 69.50.101.

“Casino / card room” means a facility with two or more card tables and/or roulette, dice, various card games, slot machines and/or other games of chance.

“Caretaker’s house” means an accessory building for the sole use of a person or persons employed on the premises.

“Cemetery” means a place for the burial or interment of dead persons or household pets.

“Co-living housing” means a residential development with sleeping units that are independently rented and lockable and that provide living and sleeping space, as well as kitchen facilities that may be shared with other sleeping units in the building.

“Communication Technology” means facilities related to the provision of television, radio, or internet services as well as to facilities related to movie productions.

“Community center / meeting hall ” means a facility used for a variety of public or private events on a temporary but recurring basis. Uses may include meetings, live entertainment, celebrations, exhibits or similar social, civic, or recreational activities.

“Community garden” means land set aside for collective use for an organization or for the general public to grow produce and/or flowers. No cannabis shall be grown in such gardens.

“Congregate care facility” means a residential facility for the elderly and/or handicapped persons. The facility must have a central lobby, common dining area, hobby and/or recreational rooms. The fee structure shall include at least one meal per day in the common dining area. Accessory support uses for the tenants, such as pharmacies, banking and other internal services, may be included. Congregate care facilities may include the definition for skilled nursing facility and/or short term rehab facility.

“Cottage housing” means a minimum of four small detached single-family homes located together in a neighborhood format around common open space and intended to provide higher density alternative housing choices for retirees, singles, or smaller families.

“Crematorium” means a facility where human or animal remains are incinerated.

“Cultural entertainment facility” means an establishment that provides passive entertainment, amusement, cultural, or leisure activities. Examples may include museums, art galleries, theaters, and other similar activities.

18.102.050 "D" Definitions

“Data center / crypto mining” means a specialized facility dedicated to the housing of computers, data processing equipment, or systems for the primary purpose of mining one or more blockchain-based cryptocurrencies.

Daycare Facility. The following definitions apply to the various daycare facilities allowed in the different zoning districts:

- (1) “Daycare center” means an agency that provides for the care of children under the age of 12 or seniors for periods of less than 24 hours in a facility that is not a “home daycare”.
- (2) “Daycare, home” means a residence used for the care of children under the age of 12 or seniors located in the family dwelling of the person or persons under whose direct care the child or children are placed, accommodating 12 or fewer, such numbers to include those members of the resident family who are under the age of 12 years old. This definition applies regardless of whether the care is provided for compensation.

"Development permit" means a project permit as defined in this chapter.

"Director" means the Director of Community Development appointed per SMC Chapter 2.08, or the Director's designee.

“Drive aisle” means a designated route for vehicle circulation within a parking lot or garage.

“Duplex” means a residential building with two attached dwelling units.

“Dwelling” means a building or a portion of a building, occupied or intended to be occupied for residential purposes, but not including hotels.

“Dwelling, Multifamily”. See “Multifamily dwelling.”

“Dwelling, Townhouse” See “Townhouse”

18.102.060 "E" Definitions

“Electrical generating plant” means an establishment or utility that provides electricity.

“Electrical substation” means a facility that provides transmission and distribution of electric power. The facility may also include areas to support the substation operations and may include storage laydown yards, storage buildings, maintenance buildings, or vehicle parking areas.

“Electrical transmission lines” means lines which connect the power produced at generating facilities to substations.

“Emergency housing” means temporary indoor accommodations for persons or families who are homeless or at imminent risk of becoming homeless. Emergency housing is intended to address the basic health, food, clothing, and personal hygiene needs of persons or families and may or may not require occupants to enter into a lease or an occupancy agreement.

“Emergency shelter” means a facility that provides a temporary shelter for persons or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

“Enhanced service facility” (ESF) means a residential facility that provides services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the Department of Social and Health Services to be inappropriate for placement in other licensed facilities due to complex needs. In accordance with WAC 388-107-0700, three types of enhanced service facilities are based off of building occupancy requirements:

- (a) *Enhanced Service Facility Category 1 – Nursing Home Type.* Resident(s) physically or cognitively incapable of self-preservation.
- (b) *Enhanced Service Facility Category 2 – Assisted Living Type.* Resident(s) capable of self-preservation with physical assistance from another person.
- (c) *Enhanced Service Facility Category 3 – Adult Family Home Type.* No more than six residents capable of evacuating the facility within five minutes.

“Equipment and machinery storage” means an establishment handling heavy machinery used in agriculture, trucking, industry and manufacturing, and providing short-term storage in addition to sales. The use occurs both indoors and outdoors, and may include storage yards.

18.102.070 "F" Definitions

“Farmer’s market” means a retail area, outdoors or indoors, either in a public space or on private land, where vendors sell produce, baked goods, food and/or limited crafts to the public.

“Food and beverage processing” means sorting, packaging, bottling, or labeling raw or semi-processed food or beverages into a product.

“Food / beverage establishment” means a retail establishment whose primary business is the sale of food or beverages.

- (a) *Food / Beverage Establishment, Small.* A food / beverage establishment with a maximum dining room occupancy of 25 or less.
- (b) *Food / Beverage Establishment, Medium.* A food / beverage establishment with a maximum dining room occupancy between 26 to 50.
- (c) *Food / Beverage Establishment, Large.* A food / beverage establishment with a maximum dining room occupancy of 51 or more.

“Floriculture” means the cultivation and management of ornamental and flowering plants.

“Freezer plants/cold storage/food mills” means industrial businesses providing refrigeration and storage of food or products requiring refrigeration/freezing and may include food processing and management of substances that supply plant nutrients or amend soil fertility.

“Freight distribution center” means an industrial business receiving, storing and delivering a wide variety of goods to other wholesale or retail outlets typically by truck or train. Facilities may include a loading dock.

“Fuel storage facility” means an area used for the storage and distribution of petroleum products used for the powering of motor vehicles, boats and ships, and aircraft, and for the operation of electrical generating plants. The facilities may be above-ground or underground storage tanks. This use includes propane, gasoline and other petroleum storage and distribution.

“Funeral home” means a building used for the preparation of the deceased for burial, the display of the deceased, and ceremonies connected therewith before burial or cremation. The burning or incineration of the deceased is prohibited.

18.102.080 "G" Definitions

“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, Heavy Use” means a Governmental Public Facility that requires the use of heavy equipment or materials which could result in greater impacts relating to noise, odor, lighting, traffic, or outdoor storage. Examples may include public works facilities, utility laydown yards, and similar public service facilities.

“Governmental /Public Service Facility” means a facility owned or operated by an agency of the federal, state, special district, local government, non-profit or a similar agency if applicable. Examples may include city hall, libraries, post office, and other similar facilities.

“Gross floor area” means the sum of the gross horizontal areas of all floors of all buildings on a lot, measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings. Floor area must include the area of basements if used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or housing of mechanical equipment, or the basement apartment of a custodian in a multifamily dwelling, except that portion of said custodian’s dwelling unit that is in excess of 50% of the total basement area.

“Group care facility” means shared living quarters (without separate kitchen or bathroom facilities for each room or unit) for seven or more persons with physical or mental impairments that substantially limit one or more of such persons’ major life activities when such persons are not living together as a single household unit.

“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.

18.102.090 "H" Definitions

“Health care services” means primarily providing outpatient health services and medical supplies.

“Hobby farm” means a small-scale farm operated for pleasure or for supplemental income.

“Home occupation” means an economic enterprise carried on within a dwelling unit or accessory building which is customarily incidental and secondary to the residential use of the unit as outlined in the residential performance standards of this code. (Bed and breakfast facilities shall not be deemed to be home occupations.)

“Hospital” means primarily providing inpatient health services.

“Hotel” means commercial lodging that provides short term accommodations primarily for overnight stays. Guest services may include daily housekeeping, a front desk, and limited on-site amenities such as a restaurant, lounge, or meeting room.

“Horticulture” means the cultivation of vegetables, fruit, grains, field crops, floriculture, Christmas trees, and nursery products. The term includes, but is not limited to:

- (a) Soil preparation such as plowing, fertilizing, or weed control before planting;
- (b) Crop cultivation, such as planting, thinning, pruning, or spraying, consistent with federal, state, and local standards; and
- (c) Crop harvesting activities, such as threshing grain, mowing, baling, or picking.

18.102.100 "I" Definitions

“Industrial” means a land use where assembly, fabrication, distribution, processing and manufacturing is allowed.

Industrial Manufacturing, Processing, and/or Distribution” means a facility used for the manufacturing, processing, fabrication, assembly, packaging, storage, or distribution of goods or materials. These uses may vary in scale and intensity and are classified as light, medium, or heavy based on potential off-site impacts such as noise, vibration, odor, dust, emissions, lighting, traffic, and the presence of hazardous materials.

- (a) Industrial Manufacturing, Processing, and/or Distribution, Light. Industrial uses that generate minimal off-site impacts and are conducted within enclosed buildings with no outdoor storage. Activities produce little to no noticeable noise, vibration, odor, dust, or emissions and involve no more than one daily freight delivery.
- (b) Industrial Manufacturing, Processing, and/or Distribution, Medium. Industrial uses that generate moderate off-site impacts, which are generally contained or mitigated on-site. Activities may include some outdoor storage and require three or fewer daily freight trips. These uses are typically appropriate in designated industrial zones and may require buffering from non-industrial areas.
- (c) Industrial Manufacturing, Processing, and/or Distribution, Heavy. Industrial uses that generate significant off-site impacts or involve intensive operations. Activities may include substantial noise, vibration, odor, dust, emissions, hazardous materials, or outdoor operations and storage, or regular freight traffic. These uses typically require separation from residential and commercial areas due to their potential impacts.

18.102.110 "J" Definitions

“Janitorial company services” means a company providing janitorial services such as the cleaning of offices or other building establishments.

18.102.120 "K" Definitions

“Kennel, commercial” means a building in which four or more domestic animals at least four months of age are kept commercially for boarding, breeding, sale or treatment.

“Kennel/cattery, hobby” means a collection of three or more adult dogs and three or more cats and one litter of unweaned pups or four or more adult dogs and four or more cats kept for hunting, breeding, exhibition, and/or domestic use.

“Kiosk/vending machine” means mobile units such as kiosks and vending machines that dispense products for sale including but not limited to beverages, food and video.

18.102.130 "L" Definitions

“Laboratory” means a place devoted to experimental study, such as testing and analyzing, as well as physical diagnostic facilities and soil and water testing facilities. The manufacturing of any product or products is not considered to be part of this definition.

“Laundry services ” means an establishment providing drop-off or self-service washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

“Laundry plant” means an establishment for the mechanized washing and/or dry cleaning of clothing, linens, and the like.

“Live entertainment” means accessory use characterized by amplified music, dance, entertainment, or similar performance.

“Livestock” means all animals traditionally or commonly raised on farms, whether now or in the future, and includes such animals as emus, ostriches, buffaloes, llamas, and the like, which are not traditional farm animals, but are raised on farms throughout the nation. “Livestock” does not include dogs, cats, or exotic animals as defined by city ordinance or state statute.

“Live/work unit” means a single dwelling unit in a detached building, or in a multifamily or mixed-use building, that also accommodates limited commercial uses within the dwelling unit. The predominate use of a live/work unit is residential, and commercial activity is a secondary use.

“Lumber and wood products processing” means a facility that fabricates wood products and/or provides mill work or construction and assembly of products made from wood.

18.102.140 "M" Definitions

“Major transit stop” means:

- (a) A stop on a high capacity transportation system funded or expanded under the provision of Chapter 81.104 RCW;
- (b) Commuter rail stops;
- (c) Stops on rail or fixed guideway systems, including transitways, not including Stanwood Station;
- (d) Stops on rapid transit routes or routes that run on high occupancy vehicle lanes; or

- (e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.

“Mail/small shipping store” means an establishment providing a range of printing, packaging, and shipping services, as well as private mail boxes and mail or package delivery services.

“Major repair services” means a facility repairing a wide variety of electrical, gas and mechanical appliances and tools. Automobile repair is not allowed.

“Manufactured/Mobile Home”

(2) For the purposes of Chapter 18.810 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards, “manufactured/mobile home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured/mobile home” does not include a “recreational vehicle.”

(3) Except for purposes of Chapter 18.810 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards, “manufactured/mobile home” means a residential unit on one or more chassis for towing to the point of use and designed to be used with a permanent foundation as a dwelling unit on a year-round basis, and which bears an insignia issued by a state or federal regulatory agency indicating the mobile/manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of manufactured home. Commercial coaches, recreational vehicles, or motor homes are not mobile/manufactured homes.

“Manufacturing, heavy” means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve, hazardous or commonly recognized offensive conditions.

“Manufacturing, light” means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

“Medium retail” means a retail business between 3,000 and 10,000 square feet.

“Microbrewery / Distillery” means a facility for the production of beer in relatively small quantities, primarily for on-site consumption, off-site sale, or distribution. A microbrewery may include accessory uses such as a tasting room, taproom, or retail sales area. Food service may be provided as an accessory use. Production activities are typically conducted indoors and are of a scale and intensity that are compatible with commercial or mixed-use areas, with limited off-site impacts related to noise, odor, traffic, or hours of operation.

“Minor repair services” means a facility that offers repair services which can be conducted within a fully enclosed structure in less than a day. Automobile or appliance repair is not allowed.

“Mixed-use” means a land use combination of 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 three or more units, or townhouses.

“Moving van and storage facility” means an establishment providing trucking to move household or business furniture and both short-term or long-term storage facilities.

“Multifamily dwelling” means a building or a portion of a building used or designed as a residence for three or more single households living independently of each other and each with facilities for living, sleeping, and cooking. This definition includes apartment houses but does not include hotels, trailers, or mobile/manufactured homes.

18.102.150 "N" Definitions

“Night club” means a business conducted entirely within a building that has a capacity for at least 30 persons seated at tables, includes a bar, employs a bartender and maintains table service, dancing, and/or live entertainment for the guests.

18.102.160 "O" Definitions

“Office” means a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

“Open space” means an area that is intended to provide light and air, and is designed or preserved for environmental, conservation, habitat, scenic or recreational purposes.

“Other schools” means places for systematic instruction, to include trade, vocational/technical, art, music, dance, and business schools or similar type institutions.

18.102.170 "P" Definitions

“Parks and trails” are outdoor areas meant for the passive or active enjoyment of nature, sports, walking, hiking, running, bicycling, horseback riding or other similar recreational activities. Parks include any of the following:

- (a) “Regional park” means a regional facility including athletic fields and/or ball fields and/or other improvements for organized activities, open space for passive recreation, playgrounds and similar facilities. A community park serves an area of over 10,000 in population and is 20 to 100 acres.
- (b) “Neighborhood park” means a combination playground and park of five to 20 acres designed primarily for nonsupervised, non-organized recreation activities serving an area of 2,000 to 10,000 population within a quarter to one-half mile service area.
- (c) “Urban park” means an area that may be improved for the purpose of providing public access and use in a manner consistent with its recreational, educational, cultural, historical, or aesthetic qualities. This type of facility may include passive recreation, playground, garden, picnic area, path or trail, seating area, restroom, or similar activities.
- (d) “Private Park” means privately owned outdoor premises, available for community use, containing recreational areas, common space, or playground equipment. A private park is owned and maintained by an individual, company or homeowners association. The park grounds and recreational facilities shall be for the sole use of residents living in the area or subdivision where such facilities are located and shall not be used for commercial purposes.

“Parking Facilities, Standalone” means a piece of land, without a primary use, that is used for the temporary storage of vehicles for customers, employees, or residents.

"Permanent supportive housing" means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy. Permanent supportive housing uses admissions practices designed to lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person

living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW.

“Personal care service” means a facility devoted primarily to non-office services, including beauty parlors, shops or salons; barbershops; reducing or slenderizing studios; electrolysis services; manicurists; and the like.

“Plant nursery, Wholesale” means an enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

“Pottery studio”, See “Artisan / Handicraft Services”.

“Post office” means a facility authorized by a postal system for the posting, receipt, sorting, handling, transmission and delivery of mail. Post offices offer mail-related services such as post office boxes, postage and packaging supplies.

“Preschool / early childhood education facility” means an educational facility that primarily provides instruction to children prior to kindergarten.

“Principal unit” means the single-family dwelling unit located on the same lot as an accessory dwelling unit. Also referred to as the “primary unit.”

“Printing, publishing or allied industry” means an industry for the process of printing or the reproduction of text and image, typically with ink on paper using a printing press. It is often carried out as a large-scale industrial process, and is an essential part of publishing and transaction printing.

“Private recreational clubs” means organizations that are privately owned and operated which maintain recreational, dining, and/or athletic facilities for the use of others with or without a membership and uses accessory or incidental thereto.

“Produce stand” means a farm stand that sells produce including fresh, dried or jarred vegetables and fruits and plants/flowers. See also “Farmer’s market” and “Agricultural or produce concession stand.”

“Professional office services ” means a facility providing specialized knowledge-based or advisory services to clients, primarily conducted in an office setting. These services typically involve administrative, clerical, or professional activities with minimal on-site sales, storage, or customer traffic.

“Public transit / school vehicle facility” means a facility used for the servicing, washing, and the overnight parking of buses or other mass transit vehicles that are used for transporting the general public, tourists, school children, the elderly, and/or handicapped or construction workers.

“Public transit terminal” means a terminal used for public transit.

18.102.190 "R" Definitions

“Recycling collection stand” means a movable kiosk for the collection of recyclable materials or donations such as newspapers, clothing or books.

“Religious institution” means a building or structure wherein persons regularly assemble for religious worship, which is specifically designed and used primarily for such purpose, and which is maintained and controlled by a religious body organized to sustain public worship.

“Residential treatment facility” means a facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, and nursing homes, rest and convalescent homes, and orphanages. In such a facility service, equipment, and safety features necessary for the proper care of residents is normally provided. Such services may include: (1) supervision and assistance in dressing, bathing, and in the maintenance of good personal hygiene; (2) care in emergencies or during temporary illness, usually for periods of one week or less; (3) supervision in the taking of medication; and (4) other services conducive to the residents’ welfare.

“Residential use” means use of land or structure thereon, or portion thereof, as a dwelling place for one or more families or households, but not including occupancy of a transient nature such as in hotels, motels, or time-sharing condominium uses.

“Resort” means commercial, destination-oriented lodging that provides short term accommodations primarily for vacation or recreation experiences. In addition to the guest services provided at “hotels,” resorts may also provide other on-site recreational, leisure, and entertainment amenities.

“Retail Outdoor Market” means an outdoor area retail area, either in a public space or on private land, used on a temporary or recurring basis where vendors can sell produce, baked goods, food and/or limited crafts to the public.

“Retail Storefront” means an establishment that primarily sells finished goods or products to retail customers.

- (a) *Retail Storefront, Small.* A retail business less than 3,000 square feet.
- (b) *Retail Storefront, Medium.* A retail storefront between 3,000 and 10,000 square feet.
- (c) *Retail Storefront, Large.* A means a retail business greater than 10,000 square feet.

18.102.200 "S" Definitions

“Schools, Academic” means a place for systematic instruction in any branch or branches of knowledge.

“Schools, Vocational” means a place for systematic instruction, to include trade, vocational/technical, art, music, dance, and business schools or similar type institutions.

“Sewage lift station” means the station in a sewer system where the wastewater needs to be pumped (lifted) to a higher elevation so that gravity can be used to bring the wastewater to the treatment plant.

“Sewage treatment plant” means any arrangement of devices and structures used for treating sewage and does not include the definition of septage facility.

“Short-term rental” means a dwelling, or part of a dwelling, rented to guests for fewer than 30 consecutive nights. Short-term rentals do not include:

- (1) Hotels or resorts;
- (2) A home or apartment where the owner lives for at least six months per year and rents out fewer than three rooms at a time;
- (3) A rental unit where the same guest stays for 30 or more consecutive nights;
- (4) Temporary housing provided by a registered charitable organization or government entity for persons or their families receiving treatment for trauma, injury, or disease;
- (5) Emergency housing or transitional housing.

“Single-family dwelling” means a detached residential building containing no more than one principal dwelling unit designed for occupancy by a single household.

“Sleeping unit” means an independently rented and lockable space used for living and sleeping within a co-living residential development.

“Small animal husbandry, hobby” means the raising of small animals for the primary consumption of or used by the occupants of the premises.

“Small appliance and tool repair” means an establishment repairing a wide variety of electrical, gas and mechanical appliances and tools.

“Small retail” means a sidewalk-oriented individual retail business which is 3,000 square feet or less.

“Solid waste disposal/recycling center” means a facility providing solid waste disposal or sorting and/or processing of recycled material for resale.

“Storage, commercial accessory” means the safekeeping of any goods or products used for a commercial activity within a detached subordinate structure located on the same lot as the primary structure, the use of which is clearly incidental to that of the main building or to the principal use of the land.

“Strip mall” means an automobile-oriented retail development consisting of multiple small or medium-sized retail tenants in a singular building or linear arrangement sharing common parking and vehicle access.

18.102.210 "T" Definitions

“Tandem parking” means having two or more vehicles, on in front of or behind the other, with a means of ingress and egress.

“Temporary use” means common land uses that may require a permit such as: carnivals, construction offices and yards, model homes that serve as sales centers in a subdivision, outdoor revival meetings, food trucks, pop-up restaurants or crafts shops, produce stands, Christmas tree stands, fireworks stands, and disaster relief kiosks or offices. City sponsored events or approved special event permits are not considered temporary uses.

“Townhouse” means a building that contains two or more attached residential dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides. Each dwelling unit is designed for occupancy by a single household.

“Transitional housing” means a facility that provides housing and supportive services to homeless persons or families for up to two years and then facilitates the movement of homeless persons and families into independent living.

18.102.230 "V" Definitions

“Veterinary hospital or clinic” means a building used to provide health care services to animals.

“Viticulture” means cultivation of grapes.

18.102.240 "W" Definitions

“Warehouse, incubator / modular” means a facility that offers a combination of warehouse and office/retail space for lease to other businesses.

“Warehouse, wholesale / distribution” means a facility primarily engaged the storage and distribution of goods and materials to places such as grocery stores and restaurants or large facilities to provide items for sale to the

public. Limited accessory office space and incidental packaging or assembly may occur, provided such activities are clearly subordinate to the storage and distribution function. No outdoor storage or retail sales are allowed.

“Water, drainage or sewage infrastructure” means pipes, installations and other infrastructure that are part of a system used for the purpose of water, drainage or sewage.

“Water well and pump station” means infrastructure used to move water from a ground water source and convey water within a utility system.

EXHIBIT C

Division 5 ZONING AND USES

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Chapter 18.500 Purpose and Applicability

18.500.010 Purpose.

The purpose of this chapter is to establish standards specific to permitted uses and structural dimensions, in some cases, based on zone. This chapter intends to implement the land use and housing policies of the Comprehensive Plan through the allowance or prohibition of certain uses throughout the city’s zones, in order to minimize land use conflicts, avoid impacts from incompatible uses, and support sustainable development patterns.

18.500.020 Applicability.

The standards in this chapter apply to all lands in the city of Stanwood.

Chapter 18.502 Permitted Land Uses

18.502.010 Permitted land uses and established classification of uses.

- (1) Any site developed or structure constructed, converted, enlarged, reconstructed, or structurally altered in the City of Stanwood must comply with the land use permissions established by this chapter.
- (2) Under certain circumstances, preestablished nonconforming uses may be permitted to continue, pursuant to SCM 18.506 Nonconforming Uses, Structures, and Lots.
- (3) Land Use Classifications Established. This section establishes permitted, conditional, accessory, and prohibited uses for all zones in the city. Any land use in a given zone is classified as one of the following:

Classification	Description
Permitted Use (P)	Land uses allowed outright within a zone
Accessory Use (AC)	Uses incidental and subordinate to the principal use and located on the same as the principal use. Accessory uses are intended to support the main occupancy of the principal use.
Conditional Use (C)	Uses with special characteristics that may not generally be appropriate within a zoning district, but may be permitted subject to additional review and public hearing to establish conditions to protect public health, safety and welfare.
Use Not Allowed in Zone	Blank box
Prohibited Use	Any use not specifically listed as a permitted, accessory, or conditional use is prohibited, except those uses determined to be unclassified and permitted by the community development director. Specific prohibited uses are listed in this chapter. Any prohibited use is illegal and is subject to civil or criminal penalties under SMC Title 13 .

18.502.020 Temporary uses.

In some cases, a certain land use is needed only temporarily, or a structure is needed only for a temporary period of time. These uses are regulated under SMC 18.645 Temporary Uses and Structures.

18.502.030 Unclassified uses.

- (1) **Applicability:** In the event that a proposed use is not listed in the permitted use table, or there is ambiguity as to whether a proposed use meets the definition of a use defined by the Stanwood Municipal Code, an applicant may request a determination regarding whether the proposed use is allowed, allowed as an accessory use, allowed as a conditional use, or prohibited.
- (2) **Criteria for Unclassified Uses:** In making a determination on an unclassified use, the decision-maker shall consider if the use meets all of the following:
 - (a) In keeping with the purpose and intent of the zoning district as described in the Stanwood Comprehensive Plan.
 - (b) Compatible with other permitted, accessory, or conditional uses in the zoning district, including but not limited to being similar in nature to and no more intense than a specifically listed permitted, conditional, or accessory use.
 - (c) More appropriately located in an alternative zoning district. Evaluation shall include, but not be limited to, traffic, access, noise, odor, smoke, vibrations, parking demand, outdoor storage, and impacts to adjacent uses or zoning buffers.
- (3) **Administrative Determination:** minor requests that are substantially similar in nature, scale, and operational characteristics to existing allowed uses may be allowed as follows:
 - (a) The Community Development Director may determine that an unclassified use is allowed, allowed as an accessory use, allowed as a conditional use, or prohibited within the subject zoning district under the following circumstances:
 - i. Retail or commercial uses that are similar in function and scale to permitted uses and do not increase traffic, noise, or parking demand.
 - ii. Residential and Industrial unclassified uses shall automatically be processed as a major unclassified use per subsection 4 below.
 - iii. Accessory or incidental uses that are customarily associated with a permitted primary use and do not adversely affect adjacent properties.
 - iv. New, evolving, or technology-based uses that operate in a manner comparable to a permitted use and do not create additional or different impacts.
 - v. The proposed use does not require conditions of approval beyond standard code requirements to ensure compatibility.
 - (b) For purposes of this section, “impacts” include, but are not limited to, traffic generation, parking demand, noise, hours of operation, lighting, odors, and compatibility with surrounding uses.
 - (c) If the Director determines that the criteria cannot be met, the application shall be processed as a Major Unclassified Use.
- (4) **Major Unclassified Use.** Major Unclassified Uses are those requests that do not qualify as a minor determination, or that involve potential land use impacts, policy considerations, or require site-specific conditions to ensure compatibility.
 - (a) The following unclassified uses require review by the hearing examiner and City Council due to potential impacts, policy considerations, or the need for site-specific conditions:
 - i. Uses that may generate increased traffic, parking demand, noise, smoke, odors, vibrations or operational impacts beyond those typical of permitted uses in the zone.

- ii. Uses that are similar in nature to listed uses but are greater in intensity or scale.
 - iii. Uses that raise policy questions regarding appropriate zoning classification or long-term land use compatibility.
 - iv. Uses that may be more appropriately located in another zoning district.
- (5) Upon issuance of a final decision, or conclusion of any associated appeals, the unclassified use interpretation shall be documented and posted on the City's website.
- (6) Adopted interpretations must be incorporated into this title through a zoning code amendment approved by the City Council.

18.502.040 Change in use.

- (1) A substantial change in use occurs whenever a new use or activity conducted on a lot creates a more intensive impact to the site or to the infrastructure of the city than the previous use, as determined by the community development director and/or his or her designee.
- (2) Any existing business that proposes to change its use, expand its operations, or introduce a new use not permitted under the current zoning designation shall be subject to zoning review and must obtain appropriate land use approval, such as a zoning reclassification, conditional use permit, or other required authorization, prior to initiating such change or expansion. Failure to do so shall constitute a violation of the zoning code and be subject to enforcement actions.
- (3) A change in the status of property from occupied to unoccupied or vice versa does not constitute a substantial change in use. Whether a change in use occurs shall be determined by comparing the uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 12 months or has been abandoned.
- (4) A change in ownership of a business or enterprise or a change in the name shall not be regarded as a substantial change in use.

18.502.050 Prohibited uses.

The following activities and uses are prohibited throughout the city of Stanwood due to their impactful nature on adjacent land uses or the community at large:

- (1) Aggregate extraction.
- (2) The disassembly, dismantling, or storage of more than five wrecked vehicles as defined in RCW [46.80.010\(6\)](#) at any one time unless completely contained within an enclosed building.
- (3) Manufacture of explosives.
- (4) Stockyards, slaughterhouses, or rendering plants; with the exception of existing legal nonconforming uses or those established prior to November 8, 2018.
- (5) Petroleum refineries.
- (6) Fertilizer manufacture.
- (7) Guy wires and lattice towers
- (8) Sanitary landfills.
- (9) Waste-to-energy facilities.

- (10) Casinos and card rooms with two or more card tables used for the purpose of gambling.
- (11) Auctions or sale of livestock or similar animals in the planned industrial or general industrial zones as noted in Chapter [17.50](#) SMC.
- (12) Storage, manufacturing or sales of highly volatile or otherwise extremely hazardous substances or materials.
- (13) Incineration or reduction of garbage, sewage, dead animals or refuse.
- (14) Crematoriums including the cremation of human and animal remains.
- (15) Septage treatment plants.
- (16) Uses that cannot meet and/or exceed the performance standards listed in SMC [17.50.020](#), Planned industrial and general industrial district performance standards.
- (17) Use of an automobile, travel trailer, motor home, or other recreational vehicle for living purposes for more than two consecutive weeks at a time and more than four weeks per year.
- (18) Temporary or permanent homeless encampments except as allowed by RCW [35A.21.360](#).
- (19) Data Centers and Crypto Mining Operations. This prohibition does not apply to incidental server rooms or data equipment that are accessory to and support the primary operations of a permitted business.
- (20) Outdoor Gun Ranges
- (21) Resorts

18.502.060 Permitted Land Use Table.

- (1) The following table establishes which land uses are permitted to be developed in Stanwood’s zones. The table establishes permission based on the following categories:
 - (a) The letter “P” means that the use is permitted in that zone.
 - (b) The letters “AC” mean that the use is permissible as an accessory use to a primary use on the same property.
 - (c) The letter “C” means that the use is permissible with a conditional use permit approved by the hearing examiner after holding a public hearing.
 - (d) No letter in the cell means the use is not allowed in that zone.
 - (e) Uses not listed are considered unclassified. See SMC 18.502.030.
- (2) Where additional use standards exist for a specific land use, a cross reference is included in the lefthand column.

Table 18.502.030(1) Permitted Land Use Table

Land Use	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards SMC 18.631 Mixed-Use Development Standards				Industrial Zones Cross Reference: SMC 18.623 Industrial Use Standards		Parks and Open Space and Public Facilities		Cross references that apply to all zones: SMC 18.604 Accessory Structures and Uses SMC 18.608 Building Alterations & Conversions	
	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference	
Agriculture																
Community Garden	P	P	P	P	P	P	AC	AC		AC			P	AC		
Hobby Farms	P	P	P	P	P	P										SMC Title 8, Animals
Produce Stand	AC	AC	AC	AC	AC	AC	P	P	P	P	AC	AC	AC	AC		
Small Animal Husbandry, Hobby	AC	AC	AC	AC	AC	AC							AC	AC		SMC Title 8, Animals
Wholesale Plant Nursery											P					
Entertainment and Tourism (<i>Cultural / Entertainment, Lodging, Recreation</i>)																
Adult Entertainment Uses											P					SMC 18.606 Adult Entertainment Uses
Cultural Entertainment Facility								P		P			AC	AC		SMC 18.610 Culture and Entertainment
Live Entertainment							AC	AC		AC	AC	AC	AC	AC		SMC 18.610 Culture and Entertainment
Bed and Breakfast & Short Term Rentals	C	C	C	C	C	C	P	P		C						SMC 18.624 Lodging
Hotel								P		P	P					SMC 18.624 Lodging
Amusement Center, Indoors							P	P	P	P			AC			
Amusement Center, Outdoors	C	C	C	C	C	C				P			P			SMC 18.636 Recreation Areas and Sports Facilities
Parks and Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P		SMC 18.636 Recreation Areas and Sports Facilities
Recreational Clubs							P	C		P	C					SMC 18.636 Recreation Areas and Sports Facilities
General Services (<i>Animal Services, Personal Services</i>) Mixed-Use																
Animal Services							P	P	P	P	P	P				SMC 8.70 Animal Welfare
Animal Shelter											C	P				

Land Use	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards SMC 18.631 Mixed-Use Development Standards				Industrial Zones Cross Reference: SMC 18.623 Industrial Use Standards		Parks and Open Space and Public Facilities		Cross references that apply to all zones: SMC 18.604 Accessory Structures and Uses SMC 18.608 Building Alterations & Conversions
	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Artisan / Handicraft Services							P	P	P	P	P				SMC 18.640 Retail Trade Uses
Professional Office Services							P	P	P	P	P	P			
Health Care Services							P	P	P	P	P				
Hospital							C	C	C	C	C				
Kennel / Cattery, Commercial								AC / C		AC	P				SMC 8.20 Hobby Kennels and Catteries
Kennel / Cattery, Hobby	AC & C	AC & C	AC & C	AC & C	AC & C	AC & C									SMC 8.20 Hobby Kennels and Catteries
Veterinarian Hospital or Clinic								P		P	P				SMC 8.20 Hobby Kennels and Catteries
Janitorial Company Services										P	P	P			
Laundry Services							P	P	P	P	P	P			SMC 18.631 Mixed-Use Development Standards
Minor Repair Services							P	P	P	P	P	P			
Personal Care Services							P	P	P	P	P	P			
Industrial Uses (Automotive Services, Industrial, Repair Services, Wholesale)															
Automotive Sales and Rentals										C	C	C			SMC 18.607 Automotive Services
Automotive Fueling								C		P	P	P			SMC 18.607 Automotive Services; Only allowed when accessed directly from SR 532
Automotive Repair, ≤ 1 Day										P	P	P			SMC 18.607 Automotive Services
Automotive Repair, > 1 Day											P	P			SMC 18.607 Automotive Services
Parking Facilities, Standalone								C		C	C	C			SMC 18.607 Automotive Services
Industrial Manufacturing, Processing, and/or Distribution, Light										C	P	P			

Land Use	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards SMC 18.631 Mixed-Use Development Standards				Industrial Zones Cross Reference: SMC 18.623 Industrial Use Standards		Parks and Open Space and Public Facilities		Cross references that apply to all zones: SMC 18.604 Accessory Structures and Uses SMC 18.608 Building Alterations & Conversions
	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Industrial Manufacturing, Processing, and/or Distribution, Medium											C	P			
Industrial Manufacturing, Processing, and/or Distribution, Heavy												C			
Laboratory											P	P			
Major Repair Services											P				SMC. 18.607 Automotive Services
Microbrewery / Distillery							AC	AC		AC	P	P			
Planned Industrial Park											P				
Public Transit / School Vehicle Facility											P	P		P	
Communication Technology										P	P				SMC 18.623 Industrial Use Standards
Printing, Publishing, or Allied Industry											P	P			
Warehouse, Incubator / Modular											P	P			
Warehouse, Wholesale / Distribution												P			
Institutional Uses (Public Facilities, Quasi-Public, Schools)															
Essential Public Facilities	C	C	C	C	C	C	C	C	C	C	C	C		P	SMC 18.616 Essential Public Facilities
Governmental / Public Service Facility					C		P	P		P	P	P		P	SMC 18.632 Public Utilities
Governmental Heavy Use											C	P			
Cemetery														C	SMC 18.634 Quasi-Public and Religious Institutional Uses

Land Use	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards SMC 18.631 Mixed-Use Development Standards				Industrial Zones Cross Reference: SMC 18.623 Industrial Use Standards		Parks and Open Space and Public Facilities		Cross references that apply to all zones: SMC 18.604 Accessory Structures and Uses SMC 18.608 Building Alterations & Conversions
	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Community Center/ Meeting Hall	C	C	C	C	P		P / C	P			P				SMC 18.634 Quasi-Public and Religious Institutional Uses
Funeral Home								P			P				SMC 18.634 Quasi-Public and Religious Institutional Uses
Religious Institution	C	C	C	C	C	C	C	C	C	C	P	P			SMC 18.634 Quasi-Public and Religious Institutional Uses
Daycare, Home	AC	AC	AC	AC	AC	AC	P	P							SMC 18.612 Daycares
Daycare Center	P	P	P	P	P	P	P	P	P	P	P	P		AC	SMC 18.612 Daycares
Preschool / Early Childhood Education	C	C	C	P	P	P	P	P	P	P	P				SMC 18.642 Schools
Schools, Academic	C	C	C	C	C	C	C								SMC 18.642 Schools
Schools, Vocational / Trade (Not associated with the School District)							C				P	P			SMC 18.642 Schools
Residential															
Adult Family Home	P	P	P	P	P	P	P	P	P	P					
Assisted Living/Independent Living		C			P				P						
Caretaker's House											P	P			
Co-living Housing					P	P	P	P	P						SMC 18.609 Co-Living Housing Standards
Congregate Care Facility					C	C	C	P/C	P						SMC 18.616 Essential Public Facilities
Dwelling, Accessory	P	P	P	P	P	P	AC	P							SMC 18.602 Accessory Dwelling Units (ADUs)
Dwelling, Cottage	P	P	P	P	P	P	P	P	P						SMC 18.402 Land Divisions
Dwelling, Duplex		P	P	P	P	P	P	P	P						
Dwelling, Multiple Family					P		P	P	P						SMC 18.631 Mixed-use Development Standards

Land Use	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards SMC 18.631 Mixed-Use Development Standards				Industrial Zones Cross Reference: SMC 18.623 Industrial Use Standards		Parks and Open Space and Public Facilities		Cross references that apply to all zones: SMC 18.604 Accessory Structures and Uses SMC 18.608 Building Alterations & Conversions	
	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference	
Dwelling, Single-Family	P	P	P	P		P	P									
Dwelling, Townhouse		P	P	P	P	P	P	P		P					SMC 18.647 Townhouse standards	
Emergency Housing								P		P	P					
Emergency Shelter								P		P	P				SMC 18.616 Essential Public Facilities	
Enhanced Service Facility Category 1 – Nursing Home Type						C	C	C	P	P					SMC 18.616 Essential Public Facilities	
Enhanced Service Facility Category 2 –Assisted Living Type						P	C	C	P	P					SMC 18.616 Essential Public Facilities	
Enhanced Service Facility Cat. 3 – Adult Family Home Type	P	P	P	P	P	P	P	P							SMC 18.616 Essential Public Facilities	
Group Care Facilities							P	P								
Group Home	P	P	P	P	P	P	P	P		P					SMC 18.616 Essential Public Facilities	
Home Businesses	AC	AC	AC	AC	AC	AC	AC	AC		AC					SMC 18.622 Home Businesses	
Live/Work Units							P	P		P					SMC 18.631 Mixed-Use Development Standards	
Manufactured/Mobile Home	P	P	P	P											SMC 18.626 Manufactured Housing	
Mixed Use							P	P		P	P				SMC 18.631 Mixed-Use Development Standards SMC 18.623 Industrial Standards (PI Zone Only)	
Permanent Supportive Housing	P	P	P	P	P	P	P	P		P	P					
Transitional Housing	P	P	P	P	P	P	P	P		P	P					
Retail Establishments (<i>Retail Trade, Retail Food and Beverage</i>)																
Drive-Through Facilities								AC	AC	AC	AC	AC	AC			SMC 18.614 Drive Through
Retail Storefront, Small								P	P	P	P	P				SMC 18.640 Retail Trade Uses

Land Use	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards SMC 18.631 Mixed-Use Development Standards				Industrial Zones Cross Reference: SMC 18.623 Industrial Use Standards		Parks and Open Space and Public Facilities		Cross references that apply to all zones: SMC 18.604 Accessory Structures and Uses SMC 18.608 Building Alterations & Conversions
	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Retail Storefront, Medium							P	P		P	P	P			SMC 18.640 Retail Trade Uses
Retail Storefront, Large										P	C	C			SMC 18.640 Retail Trade Uses
Retail Outdoor Market							P	P	P	P	P				
Cannabis (Marijuana) Retailer								C							SMC 18.628 Cannabis (Marijuana) Retail
Food / Beverage Establishment, Small							P	P	P	P	P	P			SMC 18.638 Retail Food & Drink Establishments
Food / Beverage Establishment, Medium							P	P		P	P				SMC 18.638 Retail Food & Drink Establishments
Food / Beverage Establishment, Large										P					SMC 18.638 Retail Food & Drink Establishments
Small-Scale Commercial – “Corner Stores”		C	C		P	P	P								SMC 18.644 Small Scale Commercial Infill in the Uptown Area
Utilities															
Electrical Generating Plant												C		P / C	SMC 18.632 Public Utilities
Electrical Substation	P	P	P	P	P	P	P	P	P	P	P	P		P	SMC 18.632 Public Utilities
Electrical Transmission Lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recycling Collection Stand								AC	AC	AC	AC				
Sewage Lift Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Sewage Treatment Plant												C		C	SMC 18.623 Industrial Use Standards
Water, Drainage or Sewage Infrastructure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Water Well and Pump Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Co-Location PWCF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	SMC 18.648 Wireless Communication Facilities (WCFs)

Land Use	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards SMC 18.631 Mixed-Use Development Standards				Industrial Zones Cross Reference: SMC 18.623 Industrial Use Standards		Parks and Open Space and Public Facilities		Cross references that apply to all zones: SMC 18.604 Accessory Structures and Uses SMC 18.608 Building Alterations & Conversions
	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Minor Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	SMC 18.648 Wireless Communication Facilities (WCFs)
Monopole Towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C	SMC 18.648 Wireless Communication Facilities (WCFs)
Single PWCF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	SMC 18.648 Wireless Communication Facilities (WCFs)
Small Cell Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	SMC 18.648 Wireless Communication Facilities (WCFs)

Chapter 18.504 Height and Bulk Standards

18.504.010 Purpose and Applicability

- (1) The tables in this chapter contain dimensional development standards for each zone and alternative bulk standards by lot type or use.
- (2) If a unit lot subdivision or lot split land division process is proposed in accordance with Title 18 Part 4 Land Divisions, then the development standards in this chapter apply to the parent lot. Additional standards that may apply to an individual lot resulting from these processes include those found in Chapter 18.402 Standards for Land Divisions and Adjustments.
- (3) Additional standards that may apply include but are not limited to those found in Chapter 17.90-17.154 SMC and Chapter 17.200-17.220 SMC, and Title 18 Part 4 Land Divisions and Adjustments.

18.504.020 Standards

- (1) More than one structure containing a permitted or permissible principal use may be erected on a single lot in conformance with the provisions of this code; provided, that required setbacks, lot area and other requirements of this code must be met for each structure as though it were on an individual lot.
- (2) Permitted Building Area. All buildings must be built within the required setbacks.
- (3) Exceptions to Setbacks. In all zoning districts, every part of the required setback area must be open and unobstructed at and above ground level, except as provided below:
 - (a) Eaves may project up to 24 inches into a required yard. However, where the side yard is less than five feet, no eaves may project into a required setback.
 - (b) Movable awnings and decks averaging less than 30 inches from the ground may project into a required yard area, provided they do not cover more than one-half the width of the required yard.
 - (c) In all zoning districts, fences, walls, and hedges are permitted within any required front, rear, or side yard area, provided these do not conflict with the “sight triangle” requirements contained in the landscape performance standards or architectural design standards in this code.
 - (d) Sheds, playhouses, gazebos, etc., and other accessory structures less than 200 square feet, may be located within two feet from a property line.
 - (e) Uncovered decks less than four (4) feet in height, measured at the point of connection to the principal building, may extend up to ten (10) feet into a required rear setback.
 - (f) Ramps designed to provide accessibility in compliance with the Americans with Disabilities Act (ADA) may extend into a required setback.
 - (g) Architectural building features such as chimneys, bay windows, covered stoops, and porches, may extend up to twenty-four (24) inches into a required building setback. Fire resistant construction may be required.
- (4) Distance to a property line is measured at the narrowest space between the structure and property line, and must not include any roof overhang (eaves) in calculating the building/setback measurement. In no instance shall any roof overhang be allowed to extend beyond a property line.
- (5) Exception to Height Limits.

- (a) The height limitations contained in this chapter SMC 18.504 do not apply to flag poles, spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, roof mechanical penthouses solely for air handling equipment, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Rooftop air conditioning and ventilating units must be screened so they are not visible from the adjacent public right-of-way.
- (b) Elevator machine rooms and elevator shafts may exceed the height limit provided that they do not occupy more than 20 percent of the roof of the building on which it is located.

18.504.030 Residential zones standards.

Repeal SMC 17.60.020 as adopted in Ordinance 1549 in its entirety and recodify as SMC 18.504.030, Residential zones standards, with the following change. All other sections shall remain as adopted in Ordinance 1549.

Delete Note in Table 17.60.020(1) Development Standards – Residential Zones in its entirety:

NOTE: Development standards pertaining to density, lot area, lot width, and lot depth are removed from this table for ease of review; however, these standards are not intended to be deleted by this ordinance.

18.504.040 Residential/commercial zone standards

Repeal SMC 17.60.030 as adopted in Ordinance 1549 in its entirety and recodify as SMC 18.504.040, Residential / Commercial zones standards, with the following change. All other sections shall remain as adopted in Ordinance 1549.

Delete Note in Table 17.60.030(1) Development Standards – Residential / Commercial Zones in its entirety:

NOTE: Development standards pertaining to density, lot area, lot width, and lot depth are removed from this table for ease of review; however, these standards are not intended to be deleted by this ordinance.

18.504.050 Commercial and industrial zones standards.

Repeal SMC 17.60.040 as adopted in Ordinance 1549 in its entirety and recodify as SMC 18.504.050, Commercial and industrial zones standards, with the following change. All other sections shall remain as adopted in Ordinance 1549.

Delete Note in Table 17.60.040(1) Development Standards – Commercial / Industrial Zones in its entirety:

NOTE: Development standards pertaining to density, lot area, lot width, and lot depth are removed from this table for ease of review; however, these standards are not intended to be deleted by this ordinance.

18.504.060 Public facility standards.

Repeal SMC 17.60.044 as adopted in Ordinance 1549 in its entirety and recodify as SMC 18.504.060, Public facility standards, with the following change. All other sections shall remain as adopted in Ordinance 1549.

Delete Note in Table 17.60.045(1) Development Standards –Public Facility Zones in its entirety:

NOTE: Development standards pertaining to density, lot area, lot width, and lot depth are removed from this table for ease of review; however, these standards are not intended to be deleted by this ordinance.

18.504.070 Parks and Open Space standards

Repeal SMC 17.60.050, parks and open space development standards in its entirety and recodify as SMC 18.504.070, Parks and Open Space Standards, with only changes to citation numbers and formatting.

Chapter 18.506 Nonconforming Uses, Structures, and Lots

This chapter is codified per Ordinance 1558, Nonconforming Uses, Structures, Lots, without change.

Chapter 18.508 Development Agreements

Repeal SMC 17.60.060, development agreements, in its entirety and recodify as SMC 18.508, Development Agreements, with only changes to citation numbers and formatting.

EXHIBIT D

Division 6 Specific Use Standards

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Chapter 18.600 Purpose and Applicability

18.600.010 Purpose and Applicability.

- (1) The purpose of this chapter is to establish standards for specific land uses that, because of their unique characteristics or potential impacts, require additional regulations to ensure they are compatible with surrounding development and consistent with the purpose and intent of the zoning code.
- (2) Further, this chapter is also intended to implement the land use policies of the Comprehensive Plan by providing development standards for specific uses that warrant special consideration. These standards ensure such uses minimize conflicts with surrounding properties.

- (3) The standards in this chapter apply to all land uses listed in the sections below and apply in any zoning district where the land use is located, unless specifically clarified otherwise in this code. These standards are in addition to, and do not replace, the general provisions and development standards applicable to all uses within the zoning code.

Chapter 18.602 Accessory Dwelling Units (ADUs)

Stanwood Municipal Code Chapter 17.95, Residential Performance Standards, Article IX, Accessory Dwelling Units, as adopted in Ordinance 1549, is hereby recodified without amendment, except that the section is renumbered to conform to the formatting style of this ordinance.

Chapter 18.604 Accessory Structures and Uses (Non-Dwelling)

18.604.010 Standards for accessory structures in all zones.

- (1) In all zones, accessory structures over 120 square feet, are permitted to be located in required side or rear yards, but not front yards, provided that the structure meets the setback requirements in Chapter 18.504, Height and Bulk Standards.
- (2) When an accessory structure is attached to and made a part of the main building it is considered to be part of the main building and is no longer considered accessory.
- (3) An accessory structure, unless attached to and made a part of the main building, must be no closer than five feet to the main building.

18.604.020 Standards for commercial accessory storage structures and uses.

- (1) Metal storage or cargo containers:
 - (a) Storage uses may occur in metal prefabricated and movable structures up to 400 square feet maximum provided the structures are visually screened, include enclosure walls providing 100 percent visual separation and a roof. The roof requirement may be waived when the top of a metal storage unit is not visible from adjacent properties, including views from roads, parking areas, and outdoor recreation areas.
 - (b) Screening must be of building materials consistent with the materials of the primary building on the site and may consist of any building material allowed by the architectural standards for the zone.
 - (c) Landscape materials are not permitted for screening purposes.
 - (d) Storage containers must meet the anchoring standards required for manufactured homes.
- (2) Built storage structures:
 - (a) If accessory storage is located in a structure built consistent with the International Building Code, which meets the architectural standards for new buildings in the zone, and is constructed of material consistent with the primary structure, then additional screening is not required.
 - (b) Structures must be installed with a permanent foundation.
- (3) All storage containers or structures:
 - (a) Must not be used for residential purposes.

- (b) Must not displace required parking established for the primary use of the property.
- (c) The gross square footage of the storage use must be included in the calculation for off-site parking and loading requirements for the primary use at the same use designation.
- (d) Must comply with the relevant height, setback and bulk standards.
- (e) Detached accessory storage must comply with the architectural standards for the DMU zoning district and GC zoning district.

Chapter 18.606 Adult Entertainment Uses

18.606.010 Purpose.

It is the purpose of this section to regulate the location and physical standards of adult use businesses to prevent adverse secondary impacts on surrounding properties while protecting constitutional rights to free expression.

18.606.020 Applicability.

- (1) Adult uses subject to this chapter include those regulated by special license in SMC Chapter 5.32.
- (2) Adult retail establishments, as defined in this below, are subject to this Chapter.
- (3) Compliance with this Chapter is a prerequisite to eligibility for a license under Chapter 5.32. The planning director or his/her designee is responsible for ascertaining whether a proposed adult use complies with all requirements enumerated herein and all other applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date of the ordinance codified in this Chapter.

18.606.025 Definitions.

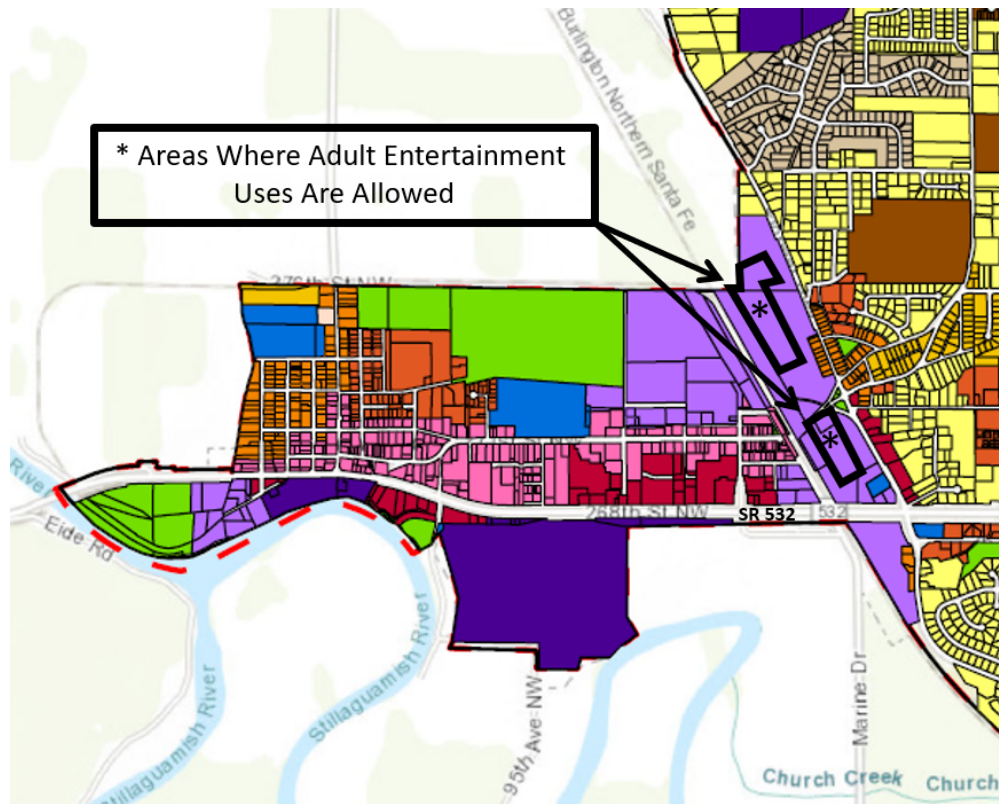
The definitions contained in SMC Chapter 5.32 are applicable to this Chapter.

“Adult retail establishment” means a retail establishment in which a substantial portion of the goods sold consist of merchandise distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to “specified sexual activities” or a retail establishment which has as one of its principal purposes, the sale, exchange, rent, loan, trade, transfer, and/or viewing of merchandise distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to “specified sexual activities” The term “merchandise” as used above includes but is not limited to the following: books, magazines, posters, cards, pictures, periodicals, or other printed matter; prerecorded video tapes, discs, film or other such medium; instruments, devices, equipment, paraphernalia or other such products.

“Adult use” means an adult retail establishment or an adult entertainment establishment.

18.606.030 Zoning and location restrictions.

- (1) Adult entertainment uses are only allowed in the Planned Industrial zone located between the railroad tracks (east of 84th Avenue) and west of Pioneer Highway as shown below and must comply with the licensing requirements in SMC 5.32.



18.606.040 Buffers.

- (1) Adult entertainment establishments are prohibited within 500 feet of any residential land use zone, single or multiple-family residence, public or private school (preschool – twelfth grade), religious facility, public park, childcare service, child daycare center, public library, community youth center, or other adult use.
- (2) The 500-foot distance is measured as a straight, horizontal line, measured from the nearest point of that portion of a lot proposed to be used for an adult entertainment establishment (generally, the enclosed building or indoor leased space, excluding, for example, parking areas, landscaping or tenant common areas) to the nearest point of:
 - (a) That portion of a lot used for another adult entertainment establishment;
 - (b) A lot owned or leased, or that portion of a lot leased (excluding common areas), for a residence, private or public school (preschool – twelfth grade), religious facility, public park, childcare service, child daycare center, public library, or community youth center; or
 - (c) A residential land use zone.
- (3) Limited Exception to Separation Requirements: To ensure that the separation requirement does not operate as a de facto prohibition on adult entertainment establishments within the City, an exception to the 500-foot separation requirement may be granted only if the applicant demonstrates, through a site availability analysis, that no parcel or lawful tenant space within the allowed area, per section 18.606.030, is available that can reasonably accommodate an adult entertainment establishment in compliance with subsection (1) and (2).
 - (a) The exception shall be processed as provided in Chapter 18.230, Review Process, with a public hearing.

(b) An exception may be approved only if all of the following are met:

- (i) Strict application of the 500-foot separation requirement would preclude the siting of any adult entertainment establishment within the City;
- (ii) The proposed location minimizes potential adverse secondary effects on nearby sensitive land uses to the maximum extent feasible;
- (iii) The proposed establishment is located as far as practicable from the uses listed in subsection (1);
- (iv) The proposed establishment complies with all other applicable zoning, development, licensing, and operational standards of the City; and
- (v) Granting the exception is necessary to avoid an unconstitutional restriction on lawful adult expression.

(c) Limitations: Any approved exception must:

- (i) Apply only to the specific site and use approved;
- (ii) Not be transferable to another location;
- (iii) Not reduce the separation distance below the minimum necessary to allow siting of the use; and
- (iv) Be subject to any reasonable conditions imposed to mitigate potential secondary effects, including but not limited to hours of operation, signage limitations, lighting, and security measures.

(4) Burden of Proof: The applicant bears the burden of demonstrating compliance with this subsection. Failure to establish eligibility or satisfy the approval criteria will result in denial of the exception.

18.606.050 Buildings.

(5) All adult use building facades, exteriors, and exits must be indistinguishable from surrounding buildings. Illustrations depicting partially or totally nude males and/or females can not be posted or painted on any exterior wall of a building used for an adult use business, or on any door or apparatus attached to such building.

(6) The exterior of any newly constructed, renovated, or altered building must comply with the architectural design standards contained in Chapter 17.112 SMC.

18.606.060 Signs.

Signs must meet the requirements of Chapter [17.110](#) SMC. Illustrations depicting partially or totally nude males and/or females are not be permitted on signage.

18.606.070 Parking and lighting regulations.

On-site parking must meet the requirements of Chapter [17.105](#) SMC, and in addition must meet the following requirements:

(1) All on-site parking areas and premises entries of adult use businesses must be illuminated from dusk until one hour past closing hours of operation with a lighting system that will provide adequate illumination and visibility on the parking surface and/or walkways. An on-premises exterior lighting plan must be approved by the Director prior to the operation of any adult use business.

(2) All parking must be visible from the fronting street. Access to the exterior rear of the building must be denied to any persons other than employees and public officials during the performance of their respective duties and tasks by means of fencing as approved by the city Director.

18.606.080 Number of permitted uses per structure.

No more than one adult use operating in the same building, structure, or portion thereof is allowed. In addition, no other adult use business operating in the same building, structure, or portion thereof in which an adult use business is currently operating, is allowed.

18.606.090 Penalties for violation.

Violation of this chapter is a class 1 civil infraction and may also be enforced pursuant to SMC Title [13](#).

Chapter 18.607 Automotive Services

- (1) Lighting. All automotive uses must meet lighting standards in SMC 17.112.090 Lighting.
- (2) Outdoor work. Outdoor work on vehicles must be screened so that damaged vehicles are not visible from the fronting right-of-way. Screening must meet standards in SMC 17.117.070. No chain link fencing or fencing with slats are allowed.
- (3) Junk and nuisance vehicles. Junk and nuisance vehicles are prohibited according to SMC 7.18.040.

	Sales	Rentals	Fueling	Minor Repair & Services	Major Repair & Services	High Intensity
Vehicle capacity served	1-Ton or less					Any size vehicle
Minimum lot size	20,000 square feet		Underlying zoning	20,000 square feet		
Outdoor work allowed?	No	No	No	No	Yes	Yes
Vehicle Storage Lot allowed as accessory use?	No	No	No	No	Yes	Yes
Screening required?	No	No	No	No	Yes	Yes
Vehicle storage lot allowed as an accessory use?	No	No	No	No	Yes	Yes
Examples	New car sales Used car sales	Rental agency Equipment Rental	Gas station	Car Wash Oil Change Engine tune up	Towing Paint & body shop	Vehicle service, repair, fueling

		(non-automotive)		Brake repair Front end alignments Small Appliance and Tool Repair (non-automotive)	Engine or transmission overhaul Tire shop Small engine repair (non-automotive)	
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(4) Automotive Fueling Standards.

- (a) Automotive Fueling uses will meet the motor fuel-dispensing facilities regulations in International Fire Code.
- (b) The surface area of canopies will be measured as coverage for the purposes of determining both maximum lot coverage and setback requirements.

(5) Automotive Sales, Display, Rental and Storage Lot Standards.

- (a) Vehicles shall be parked in orderly rows and must not encroach on sidewalks, rights-of-way, or required landscape areas.
- (b) A five foot landscaped buffer must be provided along street frontages and maintained in good condition.
- (c) Low fencing, hedges, or similar screening may be used along roadways where appropriate for aesthetics and safety.
- (d) Outdoor lighting shall be shielded to eliminate glare onto roadways and adjacent properties.
- (e) Pricing; temporary flags, banners, inflatables, and similar visual clutter are prohibited along street frontages.
- (f) Lots shall be kept free of litter, debris, and abandoned vehicles, with pavement and site features maintained.

(6) Parking lots.

- (a) Landscaping. Parking lots must meet the standards for landscaping required in SMC 17.145, Landscape Performance Standards.

Chapter 18.608 Building Alterations and Conversions

The following Sections of Stanwood Municipal Code Chapter 17.25, General Provisions, are hereby recodified in Chapter 18.608, Building Alterations and Conversions, without amendment , except that the sections are renumbered to conform to the formatting style of this ordinance.

- 17.25.120 Restoration of Buildings
- 17.25.130 Building Upgrades
- 17.25.140 Buildings to be moved to new lots
- 17.25.150 Building permits required
- 17.25.160 Building Conversions (Per Ordinance 1549, Exhibit B)
- 17.25.165 Conversion to residential use in an existing building (Per Ordinance 1549, Exhibit B)

Chapter 18.609 Co-Living Housing

Stanwood Municipal Code Chapter 17.95, Residential Performance Standards, Article XI, Co-Living Housing, as adopted in Ordinance 1549, is hereby recodified without amendment, except that the section is renumbered to conform to the formatting style of this ordinance.

Chapter 18.610 Culture and Entertainment

18.610.010 General standards.

- (1) General standards.
 - (a) All events, live entertainment, venues and businesses must meet the noise standards per SMC 7.30.
 - (b) Outdoor lighting associated with cultural and entertainment venues shall be directed away from residential areas and designed to minimize glare, spillover, and late-night illumination.
 - (c) Traffic must be managed to reduce congestion on surrounding streets and maintain safe access for residents and emergency vehicles.
 - (d) On-site or off-site parking must be provided to prevent spillover parking in residential neighborhoods.
- (2) Accessory Uses.
 - (a) Accessory commercial and retail uses such as restaurants and gift shops are allowed.
 - (b) The accessory uses must not constitute more than 25% of the total floor area.
- (3) Night Club standards.
 - (a) Night clubs must have capacity for at least 30 people seated at tables.
 - (b) Night clubs can include food service as an accessory use.
 - (c) Night clubs can include a bar, maintain table service, and allow dancing and live entertainment for guests.

18.610.020 Live entertainment standards.

- (1) Live entertainment standards. In the zones where it is permitted, live entertainment is allowed as an accessory use.
- (2) A business license specifying indoor or outdoor use is required to provide live entertainment.
- (3) Indoor live entertainment must be conducted entirely inside the premises and doors and windows must remain closed.
- (4) Outdoor live entertainment shall be permitted only through the City's special event or temporary use permitting process and shall comply with all applicable noise regulations. Amplified sound shall be limited to approved hours and decibel levels, with more restrictive standards applied when events are located adjacent to residential zones. Event organizers shall provide adequate off-street parking, prevent spillover parking into surrounding neighborhoods, and maintain clear emergency access at all times. The City may

require traffic control measures, security staffing, and crowd management plans as conditions of approval to ensure public safety and minimize impacts.

- (5) Live entertainment is allowed for all other uses as a temporary use, subject to SMC 18.646, Temporary Use.
- (6) Public Safety.
 - (a) The chief of police may evaluate the operation of a live entertainment venue upon application for business license and during operation of the venue, or upon complaint to determine whether a public safety plan is required.
 - (b) 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.
 - (c) When required, the expense of additional security must be borne by the applicant, and a public safety plan must be approved by the chief of police.
- (7) Hours Live Entertainment May Be Conducted. Live entertainment is allowed:
 - (a) Indoors between 8:00 a.m. and 2:00 a.m. on any day or night of the week
 - (b) Outdoors between 10:00 a.m. and 10:00 p.m. unless otherwise allowed by a special event permit.
- (8) Conditions of Facilities.
 - (a) Any facility providing live entertainment must be kept in a clean, healthful, and sanitary condition.
 - (b) All corridors and connected stairways must be open to the public and fully lighted.
 - (c) Any facility providing live entertainment must provide adequate ventilation and air conditioning.

Chapter 18.612 Daycares

- (1) General Standards for all daycares.
 - (a) Daycare facilities must be licensed with the Washington State Department of Children, Youth, and Families (DCYF).
 - (b) Daycare facilities must obtain a City business license.
 - (c) Outdoor preschools are allowed as an accessory to a daycare facility.
 - (d) Home daycare facilities must provide at least one parking space for child drop-off and pick-up. Commercial days must provide parking and drop off areas per the Municipal Code parking requirements.
 - (e) Home daycare facilities are limited to one, unlit six square foot sign that must be attached to the primary residential building.

Chapter 18.614 Drive Throughs

- (1) Commercial driveways shall be spaced at least 75 feet apart, with two one-way driveways no more than 12 feet wide counted as one. Where this standard cannot be met due to existing development, the applicant shall seek shared access; if unavailable, the Planning Director may approve a deviation, provided the driveway is located as far as practicable from existing access points.

- (2) Approach lanes for the drive-through facilities must have the following minimum widths: one lane – 12 feet; two or more lanes – 10 feet per lane.
- (3) Drive-through facilities shall provide a minimum of 100 feet of linear vehicle stacking distance, measured from the order point to the entry queue point, to prevent vehicle queuing onto public rights-of-way or internal circulation aisles.
- (4) The minimum distance from the proposed drive-through facility to the right-of-way must be 40 feet where no turns are required. This distance must be measured from the drive-through station farthest from the main building. Where turns are required in the exit lane, the minimum distance from any drive-through window to the beginning point of the turn must be 34 feet. The minimum turning radius must be 17 feet.
- (5) The minimum distance from a drive-through facility to any residential building must be 25 feet. This distance must be measured at the narrowest point between the main building, an off-street parking area, or vehicle lanes, whichever is closer.
- (6) Alleys or driveways in residential areas adjacent to drive-through facilities may not be used for circulation of customer traffic.
- (7) No drive-through service is allowed on 271st between 88th Avenue and 84th Avenue and 270th from 99th Avenue to 102nd Drive.

Chapter 18.616 Essential Public Facilities

18.616.010 Applicability.

- (1) This section applies to all existing and new essential public facilities as defined in RCW 36.70A.200. Examples from the City of Monroe (which has more exemptions listed). Placeholder for any appropriate exemptions.
- (2) Exemptions. The following are exempt from the requirements of this chapter:
 - (a) Repair of existing essential public facilities, provided that any addition is located within the existing property boundary and is deemed by the community development director to be minor.
 - (b) Preempted facilities. Any essential public facilities for which the city's regulatory authority is preempted by state or federal law.
- (3) Inventory of Existing Stanwood Essential Public Facilities. The following EPFs are currently located within the city of Stanwood:
 - (a) Stanwood Sewage Treatment System

18.616.020 Siting requirements.

- (1) The site of any facility for substance abuse treatment or recovery, group homes, or community facilities must be located at least 1,200 feet from another such facility, measured at the property line of each site.
- (2) Essential public facilities must be located outside of the 100-year floodplain and other hazardous areas unless no other location is physically available.
- (3) Essential public facilities should not be located in areas that have experienced disproportionate impacts on marginalized communities.

18.616.030 Application and review.

- (1) Determination of essential public facilities. The community development director will determine if an application is an essential public facility per WAC 365-196-550(2)(a)-(e).
- (2) General approval criteria. Essential public facilities must meet all of the following criteria:
 - (a) If required by state law, the applicant has provided opportunity for public participation in the siting decision and development of any mitigation measures;
 - (b) The proposal complies with the applicable requirements of this title and all other applicable provisions of the Stanwood Municipal Code.
 - (c) All buildings must conform to the existing architectural form and design of surrounding buildings.
 - (d) Essential public facilities must be located and designed to minimize adverse impacts on nearby residential areas, public health and safety, and other identified impacts.
 - (e) There are no other feasible sites available that meet the functional requirements and operational needs of the facility.
 - (f) The facility will not result in a concentration of similar facilities in a particular neighborhood, community, jurisdiction, or region.
- (3) Independent consultant review.
 - (a) The community development director may require independent consultant review of the proposal to assess its compliance with the decision criteria contained in this chapter.
 - (b) The cost of any additional consultant services shall be the responsibility of the applicant and shall be based on a scope of work determined by the city and Chapter [3.30](#) SMC, Fee.

18.616.040 Standards.

The following specific standards apply when siting certain essential public facilities.

- (1) Group homes and temporary emergency shelters
 - (a) If the facility is located within a residential neighborhood, it must be maintained to conform to look and feel of that neighborhood. This applies to design, density, lot size, landscaping, or other factors affecting the neighborhood.
 - (b) Only identification signs not exceeding six square feet in area denoting the name and/or purpose of a special residential use are allowed in a residential neighborhood. Such signs must be attached to the structure.
 - (c) Facilities located in nonresidential areas must be maintained in the general style of the surrounding area. This applies to design, lot size, and landscaping affecting the look and feel of the area.
 - (d) The total occupancy of a structure designed for residential use is dictated by the adopted building code. For homes on a local residential street, occupancy may not exceed two clients per bedroom.
- (2) Congregate care facilities.
 - (a) Congregate care facilities are limited to 30 rooms per every 20,000 square feet of land area in the DMU zone.
- (3) Secure Community Transition Facilities

- (a) The following standards for secure community transition facilities (SCTFs) in compliance with RCW 71.09 are provided to maintain compatibility with other land uses and services permitted within the city.
 - (i) SCTFs may not be located adjacent to, immediately across a street or parking lot from, or within the line of sight (600 feet) of a risk potential activity or facility in existence at the time a site is listed for consideration, such as:
 - (A) Schools or daycare centers;
 - (B) Sports fields, playgrounds, parks, or recreation centers;
 - (C) Religious institutions;
 - (D) School bus stops;
 - (E) Properties used by organizations or businesses providing services or activities to children and/or youth;
 - (F) Public libraries or other public gathering spaces;
 - (G) Trails used by the general public to access schools or park and recreation facilities.
 - (ii) Sites furthest away from the risk potential activities listed in SMC 18.616.050(3)(a) must be given higher priority.
 - (iii) The site or building must meet all of the security requirements of RCW 71.09.295.
 - (iv) No SCTF may be located within 600 feet of any residential property.
 - (v) A minimum six-foot high solid fence between the facility and all property boundaries is required. The fence or screening must be complimentary of surrounding buildings and must not consist of chain-link, wire, or similar materials. If evergreen plantings are used, the plantings must be at least six feet from grade at the time of planting and must be maintained by the property owner.
- (b) Application Materials. In addition to the regular application materials required under SMC 18.220, the following materials are required for SCTFs:
 - (i) Proposed mitigation measures, including the use of buffering from adjoining uses.
 - (ii) A general overview of planned security for the facility, including backup power sources, per RCW 71.09.295.
 - (iii) A schedule and analysis of all public input solicited or to be solicited during the siting process, pursuant to RCW 71.09.315.
 - (iv) Notice of the application to all property owners and occupants of record within one mile of the proposed site.

Chapter 18.622 Home Businesses

- (1) A home business is allowable as an accessory use to a dwelling unit in any residential area. In addition to any provision regulating residential use, all of the following standards apply:
 - (a) All activities occur entirely indoors, either in a house, garage, or outbuilding.
 - (b) No outdoor display or storage of materials, goods, supplies, or equipment is allowed.
 - (c) There must be no changes to the exterior of the building nor any visible evidence that the residence also contains a home business, including signage.

- (d) The home business may not result in impacts that negatively affect the adjacent neighborhood. The following thresholds provide acceptable compliance levels:
 - (i) No more than two clients per hour, by appointment only and not more than eight total client visits per day;
 - (ii) On-site parking must be provided without using on-street parking;
 - (iii) Client visits shall be limited to 7 am to 8 pm;
 - (iv) All activities must be conducted in a manner that prevents sounds from being audible beyond the property line;
 - (v) Residential scale deliveries by postal services, courier services or common carriers using passenger vehicles or light delivery vans. Vehicles involving freight or bulk materials such as box trucks, flatbed trucks, tractor trailers or similar vehicles is not considered residential scale.
 - (e) No more than one non-resident may be employed in the home occupation.
 - (f) The maximum area devoted to a home occupation can be no greater than 25% of the gross floor area of the dwelling unit.
 - (g) Home occupations must have a home occupation business license.
- (2) Commercial vehicles and equipment associated with home occupations are allowed subject to the following standards:
- (a) One commercial vehicle, including a pickup truck, service van, or similar vehicle with company logo or signage.
 - (b) Small construction or trade equipment, including compressors, generators, tools, trailers, or similar equipment customarily used by tradespeople.
 - (c) All equipment must be stored within an enclosed structure such as a garage or storage shed or stored behind a solid fence not less than six feet in height and not visible from the public right of way. Tarps or temporary coverings are not considered adequate screening.
- (3) The following are prohibited as home occupations:
- (a) Uses that include regular freight or commercial vehicle deliveries.
 - (b) Uses involving hazardous materials beyond typical household quantities.
 - (c) Uses involving loading or unloading of commercial vehicles or equipment.
 - (d) Uses involving repair or service of motor vehicles, heavy equipment, or similar machinery.
 - (e) Uses involving semi-trucks, tractor-trailers, or heavy construction equipment such as backhoes, dump trucks, excavators, bulldozers.
 - (f) Uses that generate noise or vibrations inconsistent with residential use.
 - (g) Uses requiring compliance with state or federal licensing that cannot be met in a residential setting.
- (4) Exception. The Community Development Director, or designee, may approve a minor variance, per SMC 18.330.070, to the standards associated with a home occupation when:
- (a) Commercial vehicles or equipment are completely stored within a fully enclosed structure with no portion of the vehicles visible from public right-of-way or adjoining properties.

- (b) The exception will not result in increased traffic noise, vibrations, odors or other impacts inconsistent with residential uses.

Chapter 18.623 Industrial Use Standards

Stanwood Municipal Code, Additional Standards – PI and GI (Planned Industrial and General Industrial) Zoning Districts, Chapter 17.50 is hereby recodified without amendment, except that the chapter name is revised and the sections are renumbered to conform to the formatting style of this ordinance.

Chapter 18.624 Lodging

18.624.010 Bed and breakfasts and short term rental standards

Bed and breakfasts and short term rentals must give no outward appearance of a business, except as provided below.

- (1) Uses must not create noise, odor, vibration, or other nuisance conditions in violation of Title 7, Health, Sanitation and Nuisances, of the Stanwood Municipal Code.
- (2) The owners must have a valid business license.
- (3) The number of guest rooms are limited to the following:

	All other residential zones	SR 5.0	MR	GC
Number of guest rooms allowed	4	6	10	16

- (4) Commercial accessory uses are not permitted.
- (5) Meals.
 - (a) Meal service is limited to registered overnight guests only and shall not be provided to the general public or non-lodging visitors.
 - (b) Kitchen facilities are not permitted within guest rooms, except for microwave ovens, small refrigerators, and coffee pots.
- (6) Parking.
 - (a) Pick-up and drop-off and loading/unloading areas must be provided on-site.
 - (b) Adequate parking per SMC [17.105.140](#) must be provided on-site.
 - (c) Parking must be screened from the view of all neighboring properties.
- (7) All lot lines abutting residentially developed lots must be planted with a five-foot wide landscaping strip providing a dense visual barrier of trees and shrubs.
- (8) Signage. Signage must be limited to one monument sign meeting the standards of SMC [17.110.080](#).
- (9) Mixed-use developments are permitted in the PI zone in conjunction with a planned industrial park development under SMC 17.50.010; no more than 35% of the total industrial park floor area may be

devoted to residential uses and all residential uses must be located above commercial or industrial uses. A minimum of five acres of land is needed to apply the mixed-use allowances.

18.624.020. Hotel Standards

Hotels and resorts located adjacent residential zones shall be designed and operated to minimize impacts on nearby residences and preserve neighborhood compatibility. Development shall comply with the following standards:

- (1) **Neighborhood Compatibility.** Buildings, site layout, circulation, lighting, and operations must be designed and operated so that noise, odor, vibration, light spillover, and visual impacts do not exceed levels prohibited under Title 7, Health, Sanitation and Nuisances, of the Stanwood Municipal Code.
- (2) **Density and Room Area.** The total number of guest rooms and the gross floor area devoted to lodging use shall not exceed the maximum residential density permitted in the underlying zoning district.
- (3) **Building Height.** Building height shall not exceed the maximum height permitted in the underlying zoning district.
- (4) **Landscaping.** All lot lines abutting residentially zoned lots must be planted with a five-foot wide landscaping strip providing a dense visual barrier of trees and shrubs.
- (5) **Variations Prohibited.** Variations or modifications to the density, room area, or height standards of this section are not permitted.

Chapter 18.626 Manufactured Housing

18.626.010 Classifications of manufactured housing.

Manufactured homes are classified as follows for purposes of these standards:

- (1) A manufactured housing unit is a single-family residence, transportable in one or more sections, which is designed to be used with or without a permanent foundation when connected to the required utilities. After June 15, 1976, manufactured homes must be constructed in accordance with U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bear the appropriate insignia indicating such compliance.
- (2) **Type A.** New manufactured homes certified as meeting U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, or used manufactured homes certified as meeting the HUD standards specified above and found on inspection to be in excellent condition and safe and fit for residential occupancy.
- (3) **Type B.** Used manufactured or mobile homes, whether or not certified as meeting prior HUD codes, found on inspection by the building official to be in excellent or good condition, as defined by the HUD Manufactured Home Construction and Safety Standards.

18.626.020 Standards for manufactured housing.

- (1) Manufactured housing is an allowable dwelling unit type in those zones in which single-family residential land uses are permitted. Such housing is subject to the building code and all standards in this code that apply to residential land uses, including the subdivision standards contained in this code. Additionally, all manufactured housing must be installed on permanent foundations before an occupancy permit is issued.

- (2) Type A manufactured homes are allowed in any manufactured home park as defined in SMC 18.610.040 or on their own individual lots as a single-family home.
- (3) Type B manufactured or mobile homes are allowed only in a manufactured home park. A Type B manufactured or mobile home to be moved to a new location must meet the following standards:
 - (a) Upon inspection by the building official, the Type B manufactured or mobile home must be found to be in excellent or good condition prior to the move. Criteria for determining condition must be the same as those applied to housing inspections. After moving or relocation of the Type B manufactured or mobile home, a second inspection must be required to verify that the manufactured or mobile home remains in no less than good condition. An occupancy permit may not be issued until such conditions are met.

18.626.030 Standards for manufactured home parks.

A manufactured home park must meet the following standards.

- (1) A manufactured home park is allowed in the SR 7.0 and SR 5.0 zones. A manufactured home park may not exceed the densities established for single-family detached residential uses within the district proposed for the development.
- (2) The following are site design standards for a manufactured home park:
 - (a) Every manufactured home must be located at least eight feet from any internal abutting street.
 - (b) The minimum distance between a manufactured home (including allowable accessory buildings) and an adjacent manufactured home (including accessory buildings) is 15 feet. This distance must be measured at the narrowest space between structures, whether they be the living units or accessory buildings (e.g., carport, storage building).
 - (c) All platting, utility, and street improvement standards applicable to residential developments apply to the design and development of a manufactured home park.

Chapter 18.628 Cannabis (Marijuana) Retail

Stanwood Municipal Code Section 17.100.045, titled “Conditions for Permitting Marijuana Retailers,” is hereby recodified without amendment, except that the section is renamed and renumbered to conform to the formatting style of this ordinance.

Chapter 18.630 Missing Middle Housing

Stanwood Municipal Code Section 17.95, titled “Residential Performance Standards” is hereby recodified without amendment, except that the section is renamed and renumbered to conform to the formatting style of this ordinance.

Chapter 18.631 Mixed-Use Development Standards

- (1) Only mixed-use commercial/residential developments are allowed on properties with street frontage on 271st Street, 88th Avenue, 92nd Avenue, 102nd Avenue, and 270th Street between 99th Avenue and 102nd Drive, 72nd Avenue and 265th Street. The commercial mixed-use building(s) must be the dominant use along the street frontage. All other properties may be developed with residential infill developments without associated commercial uses.

- (2) Mixed-use developments are permitted in the PI zone in conjunction with a planned industrial park development under SMC 17.50.010; no more than 35% of the total industrial park floor area may be devoted to residential uses and all residential uses must be located above commercial or industrial uses. A minimum of five acres of land is needed to apply the mixed-use allowances.
- (3) Live/work units are allowed in the TN-MU, DMU, and GC zones as part of a mixed-use development.
- (4) Laundromat or dry cleaners are allowed in the TN-MU but are limited to drop-off and pick-up with no site dry cleaning allowed.

Chapter 18.632 Public Utilities

This section provides miscellaneous standards applicable to public utilities to supplement land use permissions and height and bulk sections in SMC Title 18 Division 5.

- (1) A minimum land area of 10,000 square feet is required for electrical substations and electrical equipment and pole storage yards.
- (2) Pole yards and storage areas must be screened from adjacent residential or commercial uses.
 - (a) Chain link fences with slats are not allowed.
 - (b) Required screening shall be sight-obscuring, durable, and compatible with the surrounding area, and shall be maintained year-round.
 - (c) Where landscaping is used, it must be designed to function similarly as a fence, effectively screening the use.
 - (d) Refuse and storage materials shall be fully contained within screened areas and shall not be visible from streets or adjacent properties.

Chapter 18.634 Quasi-Public and Religious Institution Uses

To ensure buildings and uses are designed and operated in a manner compatible with surrounding residential land uses, the following standards apply to all quasi-public uses such as community centers, meeting halls, public buildings or religious institutions:

- (a) Landscape Buffer. A 20-foot-wide landscape buffer must be provided along an abutting residentially zoned property line.
- (b) Outdoor activities and noise. Outdoor activities, including amplified sound, bells, music, announcements, or events, shall be conducted in compliance with Title 7, Health, Sanitation and Nuisances, of the Stanwood Municipal Code.
- (c) Accessory Use. Classes, meals, counseling, daycare centers, senior care and adult daycare, or similar functions are allowed as accessory uses.
- (d) Parking Location. Off-street parking and circulation areas shall be located away from or appropriately set back from adjacent residential properties and designed to minimize noise, headlight glare, and activity impacts on nearby homes.
- (e) Refuse and Service Areas. Refuse containers, recycling areas, and service functions shall be located away from adjacent residential properties and screened to reduce noise, odor, and visual impacts.

- (f) Lighting. Exterior lighting shall be designed and located to prevent light spillover onto adjacent properties and public rights-of-way.
- (g) Traffic Access. Vehicular access shall be taken from arterial or collector streets where available. Direct access from local residential streets shall be avoided to the maximum extent practicable.

Chapter 18.636 Recreation Areas and Sports Facilities

The following standards apply to all Recreation Areas and Sports Facilities, including public and private parks, recreation and amusement facilities:

- (a) A 20-foot-wide landscape buffer must be provided along an abutting residentially zoned property line.
- (b) Food and beverage service or concession stands are considered an accessory use for patrons using the facility.
- (c) Hosted events such as parties or other activities are allowed as an accessory use.
- (d) Recreation and amusement uses within a building with shared walls, such as multitenant buildings, must provide soundproofing to limit noise impacts on adjacent uses.

Chapter 18.638 Retail Food & Drink Establishments

- (1) The following standards apply to retail food and drinking establishments.
 - (a) Drive throughs must meet standards in SMC 18.616, Drive Throughs.
 - (b) Live Entertainment must meet standards in SMC 18.610.030, Live Entertainment standards.
 - (c) Outdoor dining is allowed as an accessory use and limited to areas designated for such use.
 - (d) In commercial zones, a microbrewery shall be permitted when it includes a retail component open to the public, such as a tasting room, taproom, or on-site sales area. A minimum of 25 percent of the gross floor area, or a minimum of 500 square feet shall be devoted to the retail component.

Chapter 18.640 Retail Trade Uses

- (1) Retail Size Categories. For purposes of this section, retail development is classified as follows:
 - (a) Small-Scale Retail: Up to 10,000 square feet of gross floor area.
 - (b) Medium-Scale Retail: 10,001 to 20,000 square feet of gross floor area.
 - (c) Large-Scale (Big-Box) Retail: Greater than 20,000 square feet of gross floor area.
- (2) Zone Applicability.
 - (a) Downtown Mixed-Use (DMU) and Neighborhood Business (NB) Zones. Only small-scale retail is permitted in the DMU zone.
 - (b) General Commercial and Industrial Zones. Small-, medium-, and large-scale retail uses are permitted in General Commercial zones, subject to applicable development standards.
 - (c) Strip Mall Uses. Multi-tenant retail or service developments consisting of two or more commercial tenant spaces arranged in a linear or clustered format with shared parking, are permitted only within General Commercial and Industrial zoning districts.

- (3) Deviation Process in the Downtown Mixed-Use (DMU) Zone. To encourage high-quality, context-sensitive development, limited deviations from applicable DMU development standards may be approved through the design review process, subject to the following:
- (a) Purpose. Deviations are intended to allow flexibility in site and building design where strict application of development standards would result in inferior design or conflict with adopted downtown or community design goals.
 - (b) Eligibility. Deviations may be considered only the square footage requirement in subsection 2. Deviations to permitted uses, maximum density, or maximum building height are not allowed unless expressly authorized elsewhere by this code.
 - (c) Approval Criteria. A deviation may be approved only if the applicant demonstrates that:
 - (i) The proposal is consistent with the intent of the DMU zone and the Comprehensive Plan;
 - (ii) The deviation results in equal or superior urban design and pedestrian orientation.
 - (iii) The deviation will not increase impacts to adjacent properties, including noise, traffic, light, or scale; and
 - (iv) The project remains compatible with the surrounding building scale.
 - (d) Limitations. Deviations shall be the minimum necessary to achieve the design objective and shall not establish a precedent for similar deviations on other sites.

Chapter 18.642 Schools

- (1) New school facilities, and existing school facilities that create or contribute to traffic congestion or vehicle queuing on public streets, shall provide on-site pick-up and drop-off areas of sufficient size and design to substantially reduce vehicle on-street queuing.
- (2) Schools must connect to public sewer, water, and electricity.
- (3) Schools must be served by public roads meeting City street standards.
- (4) Daycares, preschools, and before and after school programs are allowed as accessory uses and must be licensed with the Department of Children, Youth, and Families when required by the state.
- (5) Vocation programs at the high school which provide services to the public are allowed as an accessory use.
- (6) A 20-foot-wide landscape buffer must be provided along an abutting residentially zoned property line.
- (7) Parking Location. Off-street parking and circulation areas shall be located away from or appropriately set back from adjacent residential properties and designed to minimize noise, headlight glare, and activity impacts on nearby homes.
- (8) Refuse and Service Areas. Refuse containers, recycling areas, and service functions shall be located away from adjacent residential properties and screened to reduce noise, odor, and visual impacts.
- (9) Lighting. Exterior lighting shall be designed and located to prevent light spillover onto adjacent properties and public rights-of-way.

Chapter 18.644 Small Scale Commercial Infill (Corner Stores)

Stanwood Municipal Code Section 17.100.085, Supplemental Standards for Small-Scale Commercial – “Corner Store” Infill, as adopted in Ordinance 1549, is hereby recodified without amendment, except that the section is renumbered to conform to the formatting style of this ordinance.

Chapter 18.645 Temporary Uses and Structures

- (1) The following uses may be authorized as a temporary use, subject to applicable approval criteria in this Title.
 - (a) Temporary entertainment or cultural events which do not meet the definition of special events under Chapter [5.06](#) SMC.
 - (b) Indoor or outdoor art and craft shows and exhibits when operated no more than 15 days in one year.
 - (c) Indoor or outdoor special sales including sidewalk sales, 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.
 - (d) Temporary live entertainment for a maximum of three days.
 - (e) Temporary structures including sheds or similar portable structures 400 square feet or less used for nonresidential purposes, and located in districts where the proposed use of the structure is allowed as a primary or accessory use for a maximum of 60 days with one 30-day extension,
 - (f) Metal shipping and storage container, tents, canopies and other structures up to a maximum of 400 square feet used for nonresidential purposes are allowed for a maximum of 60 days except that metal shipping and storage containers are not permitted in residential zones.
 - (g) The community development director or designee may authorize additional temporary uses/structures not listed in this subsection when it is found that the proposed uses are in compliance with the requirements and conditions of subsection [\(5\)](#) of this section.
- (2) The following activities are exempt from requirements to obtain temporary use permit approval:
 - (a) Uses subject to the special events provisions of Chapter [5.06](#) SMC.
 - (b) Fireworks stands, subject to the provisions of Chapter [5.04](#) SMC.
 - (c) Garage Sales. Garage sales shall occur no more than three times per calendar year and not to exceed three consecutive days at one time.
 - (d) Fundraising car washes.
 - (e) Temporary storage structures used for special events when authorized as part of the special event permit and when limited to the duration of the special event permit.
 - (f) Contractor’s office and laydown area on an active construction project site or other offices associated with an active construction project. This use may be approved as part of an active building permit for the duration of the permit without a separate temporary use permit required. Maintenance and upkeep of the building grounds shall be provided by the permit holder.
 - (g) Temporary dumpsters on private property used for up to 14 days.
- (3) Duration of Temporary Uses/Structures.

- (a) Temporary uses and structures may operate for up to 30 days, unless a different duration is expressly authorized by this chapter.
 - (b) For intermittent activities, the community development director or designee may approve up to 30 nonconsecutive days when consistent with the purpose and approval criteria of this chapter.
 - (c) Only one temporary use permit may be issued per calendar year for the same use or structure; however, the director or designee may approve one additional 30-day extension upon written request, except for metal shipping containers and other temporary storage structures.
- (4) Standards for Temporary Uses/Structures.
- (a) Each site occupied by a temporary use or building must 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 cannot occupy or remove from availability more than 25 percent of the spaces required for the permanent use.
 - (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 must 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) All temporary uses must obtain, prior to occupancy of the site, all required city permits, licenses or other approvals, e.g., business license, building permit, site development.
 - (e) The community development 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.
- (5) Public Safety. In the event the police chief determines that a police officer should be in attendance at any temporary use, the cost to cover the salary of the extra officer shall be paid by the sponsor/promoter.

Chapter 18.646 TN (Traditional Neighborhood) Zoning Standards

Stanwood Municipal Code, TN (Traditional Neighborhood) Zoning District, Chapter 17.47 is hereby recodified without amendment, except that the chapter name is amended and sections are renumbered to conform to the formatting style of this ordinance.

Chapter 18.647 Townhouse Standards

- (1) Townhouses are permitted in accordance with SMC 18.400.045, Housing Diversity in Subdivisions. Each townhouse building must have four or fewer attached townhouse dwelling units.
- (2) Commercial Zone Standards. In the GC zone, townhouses are permitted if part of a mixed-use development.

Chapter 18.648 Wireless Communications Facilities (WCFs)

Stanwood Municipal Code, Wireless Communication Facilities Chapters 17.200, 17.205, 17.210, and 17.220 are hereby recodified without amendment, except that the chapter and sections are renumbered to conform to the formatting style of this ordinance.

Chapter 18.648 Wireless Communication Facilities General Provisions

Chapter 18.648A Eligible Facility Modifications

Chapter 18.648B, Regulation of Wireless Communication Facility Franchise

Chapter 18.648C, Wireless Communication Facilities (WCF) Attached and Detached

EXHIBIT E

PERMIT TYPES AND PROCESS

Update Table 18.220.030-1, Types of Review and Permit Groups, to add Temporary Uses and Unclassified Uses as shown below. No other changes are made to this table.

Temporary Uses:	Group Type 1C
Minor Unclassified Use:	Group Type 2B

Update Table 18.230.020-1, Types of Review, to add Temporary Uses and Unclassified Uses as shown below. No other changes are made to this table.

Temporary Uses:	Type 1 Permit – Director Decision without Notice
Major Unclassified Use:	Type 4 Permit – City Council Decision

EXHIBIT F

REPEALED CODE CHAPTERS AND SECTIONS

Chapter 17.20, Construction of Language – Definitions, as follows:

Section 17.20.020, “A” Definitions: the following definitions are repealed.

“Accessory dwelling unit” or “ADU”	“Assisted living facility”
“Accessory dwelling unit, attached”	“Athletic field”
“Accessory dwelling unit, detached”	“Attached accessory dwelling unit” or “AADU”
“Adult entertainment facility”	“Automobile rental agency”
“Adult family home”	“Automotive repair establishment”
“Agricultural produce stand”	“Automotive Sales and Service, new or used”
“Amusement park or center”	Automotive Service Station”
“Aquaculture”	“Automotive Service”
“Art gallery”	

Section 17.20.030, “B” Definitions: the following definitions are repealed.

“Ball park”	“Bed and breakfast residence”
“Bar and/or cocktail lounge”	“Bowling alley”
“Barber shop or beauty shop”	“Building construction yard”
“Batting cage”	“Bus and mass transit storage and maintenance facility”
“Bed and breakfast house or inn”	

Section 17.20.040, “C” Definitions: the following definitions are repealed.

“Caretaker’s house”	“Co-living housing”	“Conservation area”
“Car wash”	“Community center”	“Courthouse”
“Catering”	“Community garden”	“Crops”
“Cemetery”	“Congregate care facility”	“Cultural / entertainment”
“Civic Uses”	“Cottage housing”	

Section 17.20.050, "D" Definitions: the following definitions are repealed.

"Daycare facility"	"Duplex"	"Dwelling, Multifamily"
"Detached Accessory Dwelling Unit"	"Duplex, dwelling"	"Dwelling, Single-Family"
"Dog daycare"	"Dwelling"	"Dwelling, Townhouse"
"Dog grooming"	"Dwelling, Accessory"	"Dwelling Unit"
"Drive aisle"	"Dwelling, Attached"	
"Dry cleaner"	"Dwelling, Cottage"	

Section 17.20.060, "E" Definitions: the following definitions are repealed.

"Electrical generating plant"	"Emergency housing"
"Electrical substation"	"Emergency shelter"
"Elementary school"	"Enhanced service facility"
"Electrical transmission lines"	"Equipment and machinery storage".

Section 17.20.070, "F" Definitions: the following definitions are repealed.

"Farmer's market"	"Freezer plants/cold storage/food mills"
"Farm, existing"	"Freight distribution center"
"Farm, new"	"Fuel storage facility"
"Food and beverage processing"	"Funeral home"

Section 17.20.080, "G" Definitions: the following definitions are repealed.

"Game, video arcade"	"Group care facility"
"Golf course"	"Group home"
"Gross floor area"	

Section 17.20.090, "H" Definitions: the following definitions are repealed.

"Health care facility"	"Homeless housing"	"Hospital"
"Health club"	"Hotels and guest houses"	
"High school"	"Horticulture"	
"Home occupation"	"House of worship/church"	

Section 17.20.100, "I" Definitions: the following definitions are repealed.

"Impound, storage, tow yards"	"Independent living facility"	"Industrial"
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Section 17.20.110, "J" Definitions: the following definitions are repealed.

"Janitorial services"

Section 17.20.120, "K" Definitions: the following definitions are repealed.

"Kennel, commercial"	"Kennel/cattery, hobby"	"Kiosk/vending machine"
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Section 17.20.130, "L" Definitions: the following definitions are repealed.

"Laboratory".	"Live entertainment"
"Laundromat"	"Livestock"
"Laundry plant"	"Live/work unit"
"Laundry service"	"Lumber and wood products processing"

Section 17.20.140, "M" Definitions: the following definitions are repealed.

"Major transit stop"	Marijuana producer"	"Middle school"
"Manufactured/Mobile Home"	"Marijuana retailer"	"Mixed-use"
"Manufacturing, heavy"	Marijuana use"	"Moving van and storage facility"
"Manufacturing, light"	"Marijuana-infused products"	"Multifamily dwelling"
"Marijuana"	"Meeting hall"	"Museum"
"Marijuana Processor"		

Section 17.20.150, “N” Definitions: the following definitions are repealed.

“Night club”

Section 17.20.160, “O” Definitions: the following definitions are repealed.

“Office”

“Open space”

“Other schools”

Section 17.20.170, “P” Definitions: the following definitions are repealed.

“Park and ride facility”

“Personal service”

“Printing, publishing or allied industry”

“Park, community”

“Photo processing service”

“Private clubs”

“Park, neighborhood”

“Photocopy / private mail center”

“Private garage”

“Park, private/HOA”

“Plant nursery”

“Private parking”

“Park, urban”

“Playground”

“Professional office”

“Parking, garage”

“Post office”

“Public safety station”

“Parking lot and/or garage”

“Post-secondary school”

“Public transit storage and maintenance facility”

“Parking structure”

“Preschool facility”

“Public transit terminal”

“Permanent supportive housing”

“Principal unit”

“Printing and publishing”

Section 17.20.190, “R” Definitions: the following definitions are repealed.

“Recreation areas or facilities”

“Residential use”

“Recreational facilities”

“Resort”

“Recycling collection stand”

“Retail food establishment”

“Repair service”

Retail sales area”

“Residential treatment facility”

“Retail trade”

Section 17.20.200, “S” Definitions: the following definitions are repealed.

“School”	“Seminary”	“Small appliance and tool”
“School, elementary”	“Sewage lift station”	“Small engines”
“School, high”	“Sewage treatment plant”	“Solid waste disposal/recycling center”
“School, middle”	“Short-term rental”	“Storage, commercial detached accessory”
“School, other”	“Single-family dwelling”	“Swimming pool”
	“Skating rink”	
	“Sleeping unit”	

Section 17.20.210, “T” Definitions: the following definitions are repealed.

“Tandem parking”	“Thrift store”
“Tattoo parlor”	“Towing”
“Tavern”	“Townhouse or rowhouse”
“Temporary use”	“Trail”
“Theater”	

Section 17.20.230, “V” Definitions: the following definitions are repealed.

“Vehicular use area”	“Veterinary hospital or clinic”	“Video sales and rental”
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Section 17.20.240, “W” Definitions: the following definitions are repealed.

“Warehouse operations”	“Wholesale (trade)”
“Water, drainage or sewage infrastructure”	“Wrecking”
“Wholesale operation”	

Chapter 17.25, General Provisions is repealed in its entirety

Chapter 17.30, Permitted Land Uses is repealed in its entirety.

Chapter 17.47, TN (Traditional Neighborhood) Zoning District is repealed in its entirety.

Chapter 17.50, Additional Standards – PI and GI (Planned Industrial and General Industrial) Zoning Districts is repealed in its entirety.

Chapter 17.60, Zoning Standards Tables is repealed in its entirety.

Chapter 17.100, Nonresidential Performance Standards is repealed in its entirety.

EXHIBIT G

FINDINGS OF FACT AND CONCLUSIONS

CITY OF STANWOOD
Planning Commission Findings of Fact and Recommendation



10220-270TH Street NW
Stanwood, WA 98292

City of Stanwood, Washington

Permitted Use Matrix and Development Standards

Findings of Fact and Conclusions of Law

A. GENERAL INFORMATION

File Number(s): 2025-0011 (Code Amendment)

Project Summary: Stanwood Unified Development Code: Permitted Use Matrix and Development Standards

Applicant: City of Stanwood

Location: Applies Throughout the City of Stanwood Jurisdictional Limits

Staff Contact: Patricia Love, Community Development Director

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

In 2022, the City launched the Municipal Code Update project to modernize the code with best practices for both content and administration. As part of this effort, a new Unified Development Code is being developed which includes amendments to the City's permitted use and development standards regulations.

The Permitted Use Matrix defines the land uses permitted within each zoning district, while the Use Standards establish criteria to ensure that certain uses are designed and operated in a way that minimizes potential conflicts with neighboring properties. The current Permitted Use Matrix and Use Standards were last updated in 2020, nearly five years ago. Since that time, significant changes have occurred, including the impacts of the COVID-19 pandemic, which altered how people work, live, and use space. Additionally, the City has updated its Comprehensive Plan, creating the need to reassess allowed uses for consistency with the community's long-term vision and recent state law changes.

Amendments include:

- Updates all permitted uses across zones to ensure consistency with the City's Comprehensive Plan and community vision,

- Consolidates use categories where appropriate for clarity and efficiency; and
- Adopts or amends specific use standards to mitigate potential impacts (e.g., noise, traffic, light, or compatibility issues) on adjacent properties.

C. CODE AMENDMENT CRITERIA (SMC 17.155.090(2))

The city may approve zoning code text amendments per the following criteria:

(a) The purpose and desired effect of the proposed zoning code(s) are consistent with the Stanwood Municipal Code;

The proposed update to the Permitted Use Matrix is consistent with the purpose and intent of the Stanwood Municipal Code (SMC) as the amendments are designed to clarify, refine, and modernize the use classifications consistent with the City's adopted land use framework. The proposed changes:

1. *Improve Clarity and Predictability.* The updated matrix provides clearer direction regarding which uses are permitted outright, conditionally permitted, or prohibited within each zoning district. This reduces ambiguity for property owners, developers, staff, and decision-makers, thereby supporting consistent and transparent application of the Code.
2. *Ensure Uses are Consistent with Zoning District Intent.* The revisions ensure that permitted and conditional uses reflect the stated purpose of each zoning district as established in the SMC. By aligning land uses with district intent, the update reinforces the City's adopted land use pattern and promotes orderly and compatible development.
3. *Support Comprehensive Plan Implementation.* The Permitted Use Matrix functions as a regulatory tool to implement the City's Comprehensive Plan policies. The proposed updates further those policies by ensuring land use regulations remain internally consistent, legally defensible, and responsive to current development trends.
4. *Increase Administrative Efficiency.* By consolidating, reorganizing, and clarifying use categories, the amendments improve the usability of the Code and intent of the zoning districts.

Overall, the proposed update does not alter the foundational purposes of the zoning districts but instead strengthens the internal consistency, clarity, and effectiveness of the Municipal Code.

(b) There is a positive relationship to the public health, safety and welfare of the community; and

The proposed updates to the Permitted Use Matrix and associated development standards ensure that land uses are appropriately located within zoning districts based on compatibility, intensity, and potential impacts. By clearly distinguishing between permitted, conditional, and prohibited uses, the Code provides a structured review framework that helps prevent incompatible land use patterns, reduces land use conflicts, and protects residential neighborhoods from adverse impacts such as excessive noise, traffic, light, and other operational effects.

The use standards provide predictability and fairness with clearly defined and objective development standards that ensure consistent expectations for property owners and residents, supporting orderly growth and long-term community stability.

Collectively, the Permitted Use Matrix and development standards implement the City's adopted land use framework in a manner that promotes orderly development, reduces potential land use conflicts, and protects community character. As a result, the proposed amendments maintain and enhance the public health, safety, and welfare of the Stanwood community.

The code also includes built-in flexibility to address unforeseen or emerging land use trends through the adoption of an unclassified use amendment process. This process allows the City to evaluate new or evolving uses that are not expressly identified in the Permitted Use Matrix and determine the most appropriate zoning classification and level of review based on the use's characteristics, operational impacts, and consistency with district intent.

By providing a formal mechanism for analysis and public review, the unclassified use process ensures that innovative or previously unanticipated land uses can be accommodated in a thoughtful and consistent manner, while maintaining alignment with the Comprehensive Plan, protecting neighborhood compatibility, and upholding the public health, safety, and welfare.

(c) The proposed amendment is consistent with the Stanwood Comprehensive Plan.

The Comprehensive Plan establishes the City's long-range vision for land use patterns, housing, economic development, environmental protection, and community character. The proposed amendment serves as an implementing tool that supports and advances those adopted policies.

Specifically, the amendment reinforces the Comprehensive Plan’s land use designations by ensuring that permitted and conditional uses align with the intended function, intensity, and character of each zoning district. With clear use classifications, the amendment promotes orderly growth, compatibility between land uses, and predictable development outcomes; all of which are core principles reflected throughout the Comprehensive Plan.

The updates also support economic vitality and stability by allowing appropriate commercial and employment uses in designated areas, while preserving residential neighborhoods consistent with adopted housing and community character goals. In addition, the adoption of objective development standards ensures that growth occurs in a manner that protects the character of the City.

Overall, the amendments implement the Comprehensive Plan’s goals and policies for employment, housing, and land use. For these reasons, the proposed amendment is consistent with and advances the Stanwood Comprehensive Plan.

The proposed amendments to the permitted use matrix and development standard are consistent with, and help implement, the following Comprehensive Plan goals and policies:

General City Character

Goal 5:	<i>Re-vitalize and reinforce the character of Stanwood as new development, redevelopment, and infill occurs.</i>
Policy 5.3:	Recognize Stanwood as the urban focal point of a rural, agricultural community and support residential use at urban densities.
Policy 5.5:	The City shall maintain the Comprehensive Plan Future Land Use Map (FLUM). The City’s Zoning Map, municipal code, and development standards shall align with the FLUM.
Policy 5.6:	Zoning designations and land uses shall be guided by the assigned Future Land Use designations.

Downtown Stanwood

Goal 8:	<i>Develop Downtown Stanwood, defined as the area incorporating East- End, the 271st Corridor, and West-End, and recognize that the Downtown District serves the City and tri-county region as consistent with the Downtown Master Plan.</i>
Policy 8.1:	Allow a mix of residential, office, retail, entertainment, and service uses to operate and serve incorporated Stanwood, unincorporated Snohomish County, Skagit County, and Island County.
Policy 8.2:	Support residential, commercial, and mixed use re-development of the Downtown and recognize the area as transit and pedestrian focused.
Policy 8.3:	Encourage a compact Downtown to facilitate easy pedestrian and bicycle access between shops, buildings, and surrounding neighborhoods.
Policy 8.4:	Foster an atmosphere in the Downtown in which customers are encouraged to park their cars and walk to multiple shops and services.

Policy 8.8:	Encourage use of downtown development incentives and flexible standards to promote business and infill development to achieve a balanced shopping, dining, cultural, and entertainment experience in Downtown.
Policy 8.9:	Allow flexibility in mixed use developments with residential units built into a convenient, transit-oriented, and walkable downtown where there is not convenient access to commercial storefronts.
Policy 8.14:	Encourage small scale, specialty, and local retail along the front of 271st Ave. Encourage residential uses between 271st Ave (behind storefronts) and larger-scale retail and service uses along SR 532.

Uptown Stanwood

Goal 9:	<i>Maintain and encourage further infill development of commercial and mixed-use structures in the Uptown District to support new jobs, retailer provided essential goods and services, and a variety of housing opportunities.</i>
Policy 9.1:	Support residential, commercial, and mixed use re-development and infill of the Uptown District and allow shared parking and off-site parking when appropriate. Commercial developments should include pedestrian connectivity through drive aisles and parking lots in the uptown District.
Policy 9.2:	Plan for auto-oriented site development within the Uptown District with a combination of private and public street systems and large parcels with shared access through private drive aisles in parking lots.
Policy 9.3:	Allow a variety of retail, service, office, and other commercial uses as well as incentivizing mixed use, middle house, subsidized and affordable housing, senior housing and assisted living residential uses in the Uptown District.

Essential Public Facilities:

Goal 11:	<i>Provide for the siting of essential public facilities, as dictated by the Growth Management Act (GMA).</i>
Policy 11.2:	The City should strive to locate essential public facilities and hazardous industries outside of the floodplain as required by FEMA.
Policy 11.4:	The City shall not prevent the siting of an essential public facility but should mitigate the impacts of development.
Policy 11.5:	Siting of an essential public facility should not be located in areas that have experienced disproportional impacts to marginalized communities.

Goods and Services:

Goal 14:	<i>Maintain commercial districts with a sufficient range of uses that provide a variety of essential goods and services to residents while preserving and supporting development of local businesses.</i>
Policy 14.2:	Stanwood should support a variety of commercial and service uses that serve the residents of the larger, rural community and allows residents to meet their basic daily needs within the City.
Policy 14.4:	Balance the need for “big box” and local businesses by prioritizing placement of “big box” stores in auto oriented and commercialized areas of the City, particularly Uptown, and enhancing opportunities for local businesses Downtown.

Policy 14.5:	Support development of major retailer stores providing key goods and services, such as clothing and furniture, to Stanwood and the surrounding unincorporated areas reducing the City’s economic spillage into other urbanized areas.
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Compatibility:

Goal 16:	<i>Encourage compatibility between industrial uses and nearby non-industrial development where industrial land abuts other land uses.</i>
Policy 16.1:	Discourage industrial development that would negatively impact residential and commercial land uses, shorelines, and environmentally sensitive areas.
Policy 16.3:	A mix of appropriate industrial uses with the inclusion of retail, offices, eating and dining, public spaces, and recreation opportunities in business park-type developments are encouraged.

Livable Wages

Goal 17:	<i>Support existing local businesses while promoting development of new planned industrial, office, and complimentary uses since both local and large scale businesses provide livable wage jobs.</i>
Policy 17.3:	Conduct an assessment of permitted industrial uses to ensure there is consistent review of other potential uses that encourage a diverse range of living wage jobs. The assessment should occur alongside the 10-year periodic Comprehensive Plan update.
Policy 17.4:	Support businesses oriented in emerging services, technologies, and industries, such as green businesses, through the Unclassified Use Permit Process.

Missing Middle Housing

Goal 2:	<i>Update the Stanwood Municipal Code to allow for the development of a range of housing types to ensure a diverse variety of living accommodations for those desiring to live in Stanwood.</i>
Policy 2.2:	<i>Encourage the development of a full range of housing types, sizes, and densities to meet the different needs of Stanwood homeowners and renters at all income levels.</i>
Policy 2.3:	<i>Allow for vertical and horizontal mixed-use housing units in addition to live-work housing units where appropriate.</i>
Policy 2.4:	<i>Encourage moderate-density development such as townhouses, duplexes, triplexes, fourplexes, permanent supportive housing, apartments, condominiums, or other housing types to bridge the gap between higher-density residential areas to single-family residential areas to promote affordable housing ownership and rental opportunities.</i>
Policy 2.6:	<i>Encourage and support the development of a variety of housing types that effectively uses the City’s remaining land supply to meet housing needs, including accessory dwelling units, cottages, manufactured homes and similar infill housing types.</i>

Resiliency:

Goal 1:	<i>Promote a self-sustaining economy that equally supports public and private development, diversifies the City’s tax base, and provides both employment and consumer shopping opportunities for the region.</i>
Policy 1.4:	Expand the types professional / office uses permitted in commercial and industrial zones to encourage more living wage jobs.

Diversification:

Goal 3:	<i>Promote a strong, diversified and sustainable local and regional economy, preserving or enhancing the quality of life in the community while reducing disparities and displacement of underrepresented groups.</i>
Policy 3.1:	Identify sectors of the economy within Stanwood where opportunities might exist to create additional jobs and identify potential strategies for attracting employment.
Policy 3.3:	Strive to create livable wage jobs to promote economic opportunity and sustainability for residents living in the greater Stanwood region.
Policy 3.4:	Office uses should be encouraged in the industrial zones to balance existing service, retail, and industrial based jobs.
Policy 3.5:	Recognize the importance of home-based businesses as a source of new business development.
Policy 3.7:	Encourage businesses and recreational activities that promote tourism.

Natural Resources:

Goal 6:	<i>Encourage economic development activities which respect the natural environment and take into consideration the area’s natural resources, public services, and facilities.</i>
Policy 6.1:	Support businesses that support outdoor recreation and ecotourism by building on the natural amenities present in the community.

Sustainability:

Goal 8:	<i>Strengthen Stanwood’s concentration of “green” businesses and its reputation as an environmentally friendly community.</i>
Policy 8.8:	Identify restrictive municipal codes that may prevent development of emerging industries, technologies, and services that promote environmental sustainability, especially addressing climate change and resilience from entering the City.

Downtown:

Goal 9:	<i>Enhance the City’s historic Downtown District.</i>
Policy 9.6:	Encourage residential development within walking distance (up to a ½ mile) of the downtown commercial area.
Policy 9.8:	Revitalize the downtown and uptown districts to have a healthy diversity of uses including mixed use residential, civic, and local businesses that tied together through thoughtful, uniform urban design.

D. FINDINGS OF FACT

1. The City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practice.
2. The City Council adopted the 2024- 2044 Comprehensive Plan which includes goals and policies addressing land use, housing, economic development, capital facilities, utilities, transportation, parks and recreation, and environmental protection.
3. The GMA requires jurisdictions to adopt development regulations that are consistent with and implement the comprehensive plan.
4. The City of Stanwood has established zoning regulations to guide land use and development in a manner that promotes public health, safety, and welfare.
5. Best practices in planning and zoning necessitate updates to outdated land use definitions and terminology.
6. Permitted use tables and use classifications are primary tools by which the Comprehensive Plan is implemented through zoning.
7. The purpose of this code amendment is to eliminate conflicts, improve clarity to ensure consistent interpretation and administration, reduce ambiguity and disputes, and improve predictability for residents, property owners, applicants, and decision-makers.
8. The City desires to ensure that the Stanwood Municipal Code includes regulatory standards that are clear, internally consistent, and aligned with the Comprehensive Plan's intent and policy direction.
9. Adopting updated permitted uses and associated development regulations is intended to implement Comprehensive Plan policies related to housing, businesses, economic development, and provisions for public services.
10. Use specific development standards ensures neighborhood compatibility and protects community character while allowing a variety of businesses in the city.
11. The Permitted Use Matrix and development standards implement the City's adopted land use framework in a manner that promotes orderly development, reduces potential land use conflicts, and protects community character.
12. The amendment provides clarity regarding where specific uses are allowed, conditionally allowed, or prohibited, thereby reducing ambiguity and ensuring consistent application of the Comprehensive Plan's land use designations.
13. The code includes a process to address unforeseen or emerging land use trends through the adoption of an unclassified use amendment process.

14. A SEPA determination of non-significance for the draft ordinance was issued on March 3, 2026, and the comment / appeal period ended on March 17, 2026.
15. Pursuant to RCW 36.70A.106, the City submitted the proposed code amendment for the 60-day review to the Washington State Department of Commerce on February 2, 2026. The 60-day review period was completed on April 4, 2026.
16. The code amendment was circulated for public review on March 3, 2026, through March 17, 2026.
17. The Stanwood Community Development Committee reviewed the draft ordinance at their April 2, 2026, meeting and has recommended that the City Council adopt the ordinance.
18. The Stanwood Planning Commission held a public hearing on ordinance on April 13, 2026, and forwarded their findings of fact and conclusions recommending to Stanwood City Council.
19. All persons desiring to either provide written testimony or speak for or against the ordinance were given the opportunity to do so.
20. Staff prepared a report summarizing the proposed code amendment. This report is part of the public record and was presented to the Planning Commission at the public hearing on April 13, 2026, for their consideration.

E. CONCLUSIONS OF LAW

1. The City of Stanwood has authority under RCW Title 35A, to adopt plans and regulations related to development and operations within the City of Stanwood.
2. Stanwood Municipal Code requires that the Planning Commission review and make recommendations to the Stanwood City Council regarding code amendments to the Zoning and Unified Development Codes.
3. On March 31, 2026, the Planning Commission public hearing notice was printed in the Stanwood Camano News and notices were sent to the party of record list and agency distribution list as required by law.
4. SEPA review was conducted on the proposal and a Determination of Nonsignificance (DNS) was issued per City Code and under WAC 197-11-340(2). No appeals of the SEPA determination were filed.
5. The proposed code amendment is consistent with the Stanwood 2024 - 2044 Comprehensive Plan in both purpose and effect. They maintain the City's commitment to fair, clear, and consistent land use regulations.

6. The permitted use matrix provides opportunities for housing diversity, including varying housing types to address the needs of different income levels, household sizes, and demographic groups.
7. Commercial, industrial and employment-generating uses implement the Comprehensive Plan's economic development goals and supports the creation and retention of local employment opportunities.
8. By establishing clear permitted uses and development standards, the code provides predictability in land use decisions, reduces land use conflicts, and ensures that development occurs in an orderly and coordinated manner.
9. The code also advances public welfare by facilitating housing opportunities to meet projected population growth, supporting economic development, and promoting efficient use of land and public facilities consistent with the Comprehensive Plan and the Growth Management Act.
10. After considering staff comments and public testimony, the Stanwood Planning Commission determined the draft code amendments are consistent with the Comprehensive Plan and should be adopted.

G. STAFF RECOMMENDATION

The Planning Commission hereby **ADOPTS** the Findings of Fact and Conclusions of Law contained herein and **AUTHORIZES** the Planning Commission Chair to sign the Findings on behalf of the Commission and recommend that the Stanwood City Council **APPROVE** the proposed amendments to the Stanwood Municipal Code.

Dated this 11 day of May 2026.



Patrick Hosterman, Planning Commission Chair
City of Stanwood

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. 1565

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING CHAPTER 5.32, "SEXUALLY ORIENTED BUSINESSES", OF THE STANWOOD MUNICIPAL CODE TO REMOVE ADULT ENTERTAINMENT ZONING REGULATIONS FROM THE LICENSING TITLE AND UPDATE THE REGULATORY LANGUAGE IN THE CODE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, under the First Amendment and Washington Constitution, adult entertainment is protected speech, yet municipalities may impose content-neutral time, place, and manner regulations to address documented secondary effects of such uses; and

WHEREAS, regulation through licensing, zoning, operational standards, training, security, and safety mechanisms, can mitigate public health and safety risks while allowing lawful adult entertainment; and

WHEREAS, certain conduct occurring on premises offering adult entertainment is detrimental to the public health, safety, and general welfare of the citizens of the City and therefore, such conduct must be regulated as provided herein; and

WHEREAS, RCW 49.17.470 and WAC 296-831 establish baseline safety, training, and labor standards for adult entertainers and establishments; and RCW 49.44.260 prohibits local ordinances that would unduly limit an entertainer's ability to collect payment or restrict patron proximity, provided no physical contact occurs; and

WHEREAS, it is necessary to license entertainers in the adult entertainment industry to prevent the exploitation of minors; to ensure that each such entertainer is an adult; and to ensure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible; and

WHEREAS, it is necessary to have a licensed manager on the premises of an establishment during the establishment's hours of operation so that there will at all necessary times be an individual responsible for the overall operation of the establishment, including the actions of patrons, entertainers and other employees; and

WHEREAS, the City is in the process of comprehensively updating its Municipal Code; and

WHEREAS, both licensing and zoning requirements for adult entertainment businesses are currently contained in Title 5 of the Municipal Code; and

WHEREAS, licensing and zoning regulations are functionally different and distinct and would more appropriately be placed in different Titles within the Municipal Code; and

WHEREAS, the Stanwood Community Development Committee reviewed the draft ordinance at their _____, 2026, meeting and has recommended that the City Council adopt the ordinance; and

WHEREAS, the City Council held a public hearing and first reading of the draft code amendment on _____, a second reading on _____, and accepted public comment.

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

Section 1. Amendment to Chapter 5.32. Chapter 5.32, “Sexually Oriented Businesses”, of the Stanwood Municipal Code is hereby Amended as shown in **Exhibit A**.

Section 2. Severability - Construction. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Stanwood Municipal Code, the provisions of this ordinance shall control.

Section 3. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 4. Effective Date. This Ordinance shall take effect five days after its passage and publication as required by law.

PASSED and APPROVED this _____ day of _____, 2026.

CITY OF STANWOOD:

- Approve
- Veto

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

EXHIBIT A

Chapter 5.32

ADULT ENTERTAINMENT ESTABLISHMENTS

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5.32.010 Purpose and intent

It is the purpose of this chapter to regulate adult entertainment establishments and related activities to promote health, safety, morals, and general welfare of the citizens of the city of Stanwood, and to establish reasonable and uniform regulations and operation requirements for adult entertainment establishments within the city.

5.32.020 Definitions

For the purposes of this chapter certain terms and words are defined as follows:

“Adult entertainment” shall mean any of the following:

- (a) Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast with less than a fully opaque covering of any part of the nipple or areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast with less than a fully opaque covering of any part of the nipple or areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (b) Any exhibition, performance, or dance of any type conducted on a premises where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation, or relation to the following specified sexual activities:
 - (i) Human genitals in a state of sexual stimulation or arousal;
 - (ii) Acts of human masturbation, sexual intercourse, or sodomy;
 - (iii) Fondling or other erotic touching of human genitals, pubic area, buttocks, or female breast.

“Adult entertainment establishment” shall mean any commercial premises or club to which any patron is invited or admitted and where adult entertainment is provided on a regular basis or is provided as a substantial part of the premises

“City” means the city of Stanwood, Washington.

“Employee” means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of any business offering adult entertainment, adult theater, or adult use establishments, whether or not such person is paid compensation by the operator of said business.

“Entertainer” means any person who provides adult entertainment in an adult entertainment establishment, whether or not an employee of the operator and whether or not a fee is charged or accepted for such entertainment.

“Manager” means any person who manages, directs, administers, or is in charge of, the affairs and/or the conduct of an adult cabaret.

“Nude or state of nudity” means the appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast.

“Operator” means and includes the owner, license holder, custodian, manager, operator, or person in charge of any permitted or licensed premises.

“Permitted and/or licensed premises” means any premises that requires a license and/or permit and that is classified as a adult entertainment establishment.

“Permittee and/or licensee” shall mean a person in whose name a permit and/or license to operate a adult entertainment establishment has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

“Person” means any individual, firm, joint venture, copartnership, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver or any other group or combination acting as a unit.

“Semi-nude” means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

“Specified sexual activities” means and includes any of the following:

- (a) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- (c) Masturbation, actual or simulated; or
- (d) Human genitals in a state of sexual stimulation, arousal or tumescence; or
- (e) Excretory functions as part of or in connection with any of the activities set forth in subsections (a) through (d) of this definition.

“Transfer of ownership or control of a adult entertainment establishment” means and includes any of the following:

- (a) The sale, lease or sublease of the business; or
- (b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (c) The establishment of a trust, gift or other similar legal devise which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

“Youth-oriented business or activity” means a business utilizing a permanent building or facility where children under the age of 18 years are invited onto the business premises in conjunction with such business activity and at least 50 percent of the business revenue is generated from their patronage.

5.32.030 Licenses required

- (1) It is unlawful for any person to operate or maintain an adult entertainment establishment in the city of Stanwood unless the owner, operator or lessee thereof has obtained a business license pursuant to Chapter 5.02 SMC.

- (2) It is unlawful for any person to operate or maintain an adult entertainment establishment in the city of Stanwood unless the owner, operator or lessee thereof has obtained a license to do so, to be designated an “adult entertainment establishment license.” No license may be issued until the City confirms that the requirements in Chapter 18.606 SMC are met.
- (3) It is unlawful for any person to knowingly allow the use of his or her property for the operation of an adult entertainment establishment that is not licensed under this chapter.
- (4) It is unlawful for any entertainer, employee or manager to knowingly work in or about, or to knowingly perform, any service or entertainment directly related to the operation of an unlicensed adult entertainment establishment.

5.32.040 Manager and Entertainer licenses

- (1) It is unlawful for any person to work as a manager at an adult entertainment establishment without first having obtained from the director a license to do so, to be designated as an “adult entertainment manager’s license.”
- (2) It is unlawful for any person to work as an entertainer at an adult entertainment establishment without having first obtained from the director a license to do so, to be designated as an “adult entertainer’s license.”

5.32.050 Adult entertainment license applications

- (1) Adult Entertainment Establishment License. All applications for an adult entertainment establishment license must be submitted in the name of the person proposing to conduct such adult entertainment on the establishment and must be signed by such person and notarized or certified as true under penalty of perjury. All applications must be submitted on a form supplied by the City and must contain the following information. A failure to provide information required by this subsection will constitute an incomplete application, which will not be processed.
 - (a) The name, residence address, home telephone number, date and place of birth, and Social Security number of the applicant;
 - (c) The business name, address and telephone number of the establishment;
 - (d) The names, residence addresses, residence telephone numbers, Social Security numbers and dates of birth of any partners, members, corporate officers and directors;
 - (e) The applicant must supply an acceptable set of fingerprints to undergo a fingerprint-based state and national background check;
 - (f) Two two-inch by two-inch color passport-quality photographs of the applicant taken within six months of the date of application showing only the full face, and such information as the finance department, by rule, may require concerning the identity of corporate or other business or entity shareholders;
 - (g) Addresses of the applicant for the five years immediately prior to the date of application;
 - (h) Whether the applicant has had a license under this chapter or an adult entertainment-related license issued by another jurisdiction denied, suspended or revoked within the five years immediately preceding the date of the application; and, if so, the name and location of the adult entertainment business to which the denied, suspended or revoked license pertained, the date of the action, the jurisdiction that took such action, the reason for the action, and the status of any appeal of the action;

- (i) A description of the business, occupation, or employment of the applicant for the five years immediately preceding the date of application;
 - (j) The name of at least one natural person whose name and mailing address, which shall be an address located within the state of Washington, will appear on the adult entertainment establishment license and who will receive notices from the finance department;
 - (k) Whether the applicant has been the subject of a bail forfeiture, adverse finding or conviction with local, state or federal criminal law, other than a parking offense or traffic infraction, within the five years preceding the date of the application; and, if so, the nature of the crime and the date, location and nature of the judicial action taken.
- (2) Adult Entertainment Manager's or Adult Entertainer's License. All applications for an adult entertainment manager's license or adult entertainer's license must be signed by the applicant and notarized or certified as true under penalty of perjury. All applications must be submitted on a form supplied by the finance department and must include the following information. Failure to provide information required by this subsection will constitute an incomplete application which will not be processed.
- (a) The applicant's name, home address, home telephone number, date and place of birth, Social Security number, proof of U.S. citizenship or of legal residency and the right to work in Washington State, and any stage names or nicknames used in entertaining;
 - (b) The name and address of each adult entertainment establishment at which the applicant intends to work as a manager or entertainer;
 - (c) The applicant must present documentation that he or she has attained the age of 18 years. Any of the following will be accepted as documentation of age:
 - (i) A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
 - (ii) A state-issued identification card bearing the applicant's photograph and date of birth;
 - (iii) An official passport issued by the United States of America or another country;
 - (iv) An immigration card issued by the United States of America;
 - (v) Any other picture identification bearing the applicant's photograph and date of birth issued by a governmental agency; or
 - (vi) Two two-inch by two-inch color passport-quality photographs of the applicant taken within six months of the date of application showing only the full face, and such other form of identification as the finance department deems, by rule, to be acceptable;
 - (d) The applicant must provide an acceptable set of fingerprints to undergo a fingerprint-based state and national background check;
 - (e) Whether the applicant has had a license under this chapter or an adult entertainment-related license issued by another jurisdiction denied, suspended or revoked within the five years immediately preceding the application; and, if so, the name and location of the adult entertainment business to which the denied, suspended or revoked license pertained, the jurisdiction that took such action, the reason for the action, the date of the action and the status of any appeal of the action; and
 - (f) Whether the applicant has been the subject of a bail forfeiture, adverse finding or conviction in connection with local, state or federal criminal law, in this country or another country, other than a parking offense or traffic infraction, within the five years immediately preceding the date of the application; and if so, the nature of the crime and the date, location, and nature of the judicial action taken.

- (3) Duty to Supplement. Each applicant for, or holder of, a license issued under this chapter must modify or supplement application information on file with the City, within 10 days of a change, if the information changes materially from what is stated on the applicant's or holder's license application.
- (4) Renewals. License renewals will be processed pursuant to Chapter 5.02 SMC.

5.32.060 Application review process

- (1) Upon receipt of an application properly filed with the department designated by the Mayor to process business licenses, and upon payment of the nonrefundable application fee, the city shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to other city departments or other agencies responsible for enforcement of health, fire, and building codes and laws. Each department or agency shall promptly conduct an investigation of the applicant's application. Said investigation shall be completed within 60 working days of receipt of the application. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its recommendation as to approval or disapproval of the application, date it, sign it, and in the event it recommends disapproval, state the specific reasons therefor citing applicable laws or regulations.
- (2) A department or agency shall recommend disapproval of an application if it finds that the proposed license will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the city. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the designated department.

5.32.070 Issuance of license

- (1) Adult Entertainment Establishment License. Within 60 days of receipt by the finance department of a complete application for an adult entertainment establishment license, including all submittals and information required by this chapter, the director must issue or deny the adult entertainment establishment license. If the director fails to issue or deny the license within the 60-day period, the license is deemed issued on the last day of the 60-day period and the applicant may operate the adult entertainment establishment for which the license was sought, subject to all other provisions of this chapter.
 - (a) The director must deny the adult entertainment establishment license for any of the following reasons, and must notify the applicant in writing of the reasons for the denial and the opportunity to appeal if the director finds:
 - (i) The application does not meet the requirements of this chapter;
 - (ii) The applicant, his or her employee, agent, partner, director, officer, or manager has knowingly made any false, misleading or fraudulent omission or statement of material fact in the application for a license, or in any report or record required to be filed with the director;
 - (iii) The applicant, and all employees, agents, partners, directors, officers, or managers of the applicant have not attained the age of 18 years;
 - (iv) The applicant or his or her partner, director, or officer is currently the subject of a final adult entertainment establishment license revocation order issued pursuant to this chapter which became final less than one year prior to the pending application.
 - (b) If the director denies an adult entertainment establishment license authorized by this chapter, and if the applicant files a timely notice of appeal pursuant to this chapter, the director must, upon receipt of a copy of such notice of appeal, immediately issue the applicant a temporary license which authorizes the applicant to operate the establishment to the same requirements as if the license had been granted,

pending the final outcome of the appeal. A license applicant must pay the fee for an adult entertainment establishment license as set forth in master fee schedule in effect at the time the temporary license is issued. The holder of a temporary license is subject to all requirements, standards and penalty provisions of this chapter. Nothing in this section is intended to authorize activities that do not comply with other requirements of the Stanwood Municipal Code or other applicable law.

- (2) Adult Entertainment Manager's and Adult Entertainer's Licenses. The director must issue or deny an adult entertainment manager's license or an adult entertainer's license by the close of the second business day after the complete application, which must include all submittals and information required by this chapter, is received.
 - (a) The director must deny an application for an adult entertainment manager's license or an adult entertainer's license for any of the following reasons, and must notify the applicant in writing of the grounds for the denial and the opportunity to appeal, if the director finds:
 - (i) The applicant is less than 18 years old;
 - (ii) The applicant has failed to provide any of the submittals or information required to be supplied according to this chapter;
 - (iii) The applicant has knowingly made any false, misleading or fraudulent statement or omission of material fact in the application for a license; or
 - (iv) The applicant is currently the subject of a final license suspension order issued pursuant to this chapter or is the subject of a license revocation order issued pursuant to this chapter which became final less than one year before the pending application.
 - (b) If the director denies an adult entertainment manager's license or an adult entertainer's license authorized by this chapter, and if the applicant files a timely notice of appeal pursuant to this chapter, the director must, upon receipt of a copy of such notice of appeal, immediately issue the applicant a temporary license which authorizes the applicant to perform as a manager or entertainer in the same manner and subject to the same requirements as if the license had been granted, pending the final outcome of the appeal. A license applicant must pay the fee for an adult entertainment manager's license or an adult entertainer's license as set forth in master fee schedule in effect at the time the temporary license is issued. The holder of a temporary license is subject to all requirements, standards and penalty provisions of this chapter. Nothing in this section is intended to authorize activities that do not comply with other requirements of the Stanwood Municipal Code or other applicable law

5.32.080 Grounds for denial, revocation or refusal to renew license

- (1) Licenses expire one year from the date of issue.
- (2) A license may be denied, suspended, revoked, or not renewed for violation of any ordinance or law that regulates licensed activity in order to further the public interest in public health, safety, and welfare. A license may also be denied, suspended, revoked, or not renewed upon a finding that any applicant or license holder, or any owner, officer or agent thereof:
 - (a) Has omitted to disclose any material fact necessary to make a statement not misleading, in any application for the license; or
 - (b) Has charges pending against her/him or has been convicted of a crime or offense that directly relates to the activity for which the license is required, and the time elapsed since the date of conviction or release from jail or prison, whichever is more recent, is less than 10 years; or has been convicted of several crimes including at least one within the last 10 years; provided, however, that any license holder whose license is revoked because of charges pending against her/him may engage in the activity for which the

license is required, pending a final decision on the charges; “crimes or offenses that directly relate to the activity for which the license is required” include Chapter [9A.44](#) RCW, Sex Offenses; Chapter [9A.88](#) RCW, Indecent Exposure – Prostitution; Chapter [9.68](#) RCW, Obscenity and Pornography; Chapter [9.68A](#) RCW, Sexual Exploitation of Children; Chapter [69.50](#) RCW, Washington Uniform Controlled Substances Act; or violations of similar city ordinances; or

- (c) Has been subject to an adverse finding in any judgment or order that directly relates to the activity for which the license is required, in any judicial or administrative proceeding in which fraud, deceit, coercion, breach of trust, unfair method of competition, unfair or deceptive trade act or practice, or assertion of unconscionable contractual provisions, or other similar act, practice, or conduct, on the part of the license holder applicant is proven, and the time elapsed since the judgment or order is less than 10 years; or
 - (d) Has violated or failed to comply with any applicable provisions of the SMC or rule or regulation prescribed under this chapter; provided, that failure to obtain a license is not grounds for license denial; or
 - (e) Is in default in any payment of any fee or tax required under the Stanwood Municipal Code; or
 - (f) Has been subject to an adverse finding in any judgment or order, in any judicial or administrative proceeding for violation of any provision of a city ordinance or rule or regulation prescribed thereunder pertaining to fire, building, health, sanitation, zoning, weights and measures, consumer protection, environmental protection, or any other ordinance or law and that is applicable to the licensed activity or licensed establishment; or
 - (g) Has been determined to have discriminated against any person because of race, color, age, sex, marital status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, or the presence of any sensory, mental, or physical handicap, in the course of licensed activity, in violation of a city ordinance, law, rule or regulation prescribed thereunder; or
 - (h) Has violated or failed to comply with any final order of the director or hearing examiner; or
 - (i) Has failed to complete the application for a license as required by the SMC; or
 - (j) Has failed to obtain a license or permit required by state or other law necessary to engage in the licensed activity; or
 - (k) Has failed to comply with Chapters 49.12 and 26.28 RCW, and rules and regulations promulgated pursuant thereto, regarding employment of minors; or
 - (l) Has permitted or authorized his/her agent to violate or fail to comply with any provision of the SMC; or
 - (m) Has allowed the property at which the business is located to be determined by a court to be a chronic nuisance property as provided by law.
- (3) License suspension and/or revocation and appeal therefrom shall be done in accordance with SMC 5.32.250.

5.32.090 Procedure for appealing a license denial

- (1) When a license is denied, the applicant shall be notified in writing describing the reasons therefor, and informed of their right to appeal. An applicant may appeal the decision within 10 days of the date of the written notification. The appeal shall contain a statement of the specific reasons for the appeal and a statement of the relief requested.
- (2) Within 10 days of receiving a timely appeal, the appeal shall be forwarded to the Hearing Examiner.

- (3) Once the applicant has appealed the decision, the Hearing Examiner shall review the administrative record per the adopted Hearing Examiner Rules of Procedures. Written notice of the date and time of the scheduled meeting will be given to the applicant by mailing the same, postage prepaid, to the applicant at the address shown on the license or permit application.
- (4) The applicant and the City's representative shall be given an opportunity to argue the merits of the appeal before the Hearing Examiner. Oral argument by each party shall not exceed 20 minutes and shall be limited to the administrative record. New evidence shall not be presented by the parties or accepted by the Hearing Examiner.
- (5) The Hearing Examiner shall uphold the City's decision unless it finds the decision is not supported by substantial evidence in the administrative record. The applicant shall bear the burden of proof.
- (6) The Hearing Examiner shall issue a written decision within 10 days of hearing the appeal. The Hearing Examiner may uphold the City's decision and deny the permit, overrule the decision and grant the permit, or remand the matter to the City for further review and action. Any further review of the license required by the Hearing Examiner shall be completed within 30 days of receiving the remand.
- (7) Appeal to the Hearing Examiner shall constitute final administrative review.

5.32.100 Manager on premises

- (1) A licensed manager shall be on duty at an adult entertainment establishment at all times.
- (2) The licensed manager on duty shall not be an entertainer.
- (3) It shall be the responsibility of the manager to verify that any entertainer who works or appears within the premises possesses a current and valid entertainer's license posted in the manner required by this chapter. Each manager is responsible for maintaining a daily log, on a form provided by the director, of all employees, entertainers, and managers working at the adult entertainment establishment each day. The log must list the employee's, entertainer's and manager's name as it is listed on his/her license, the license number, stage name, if any, the time he/she arrived at the adult entertainment establishment, and the time he/she left the adult entertainment establishment. Each employee, entertainer and manager must sign his/her name in the daily log each time he/she arrives and leaves the adult entertainment establishment

5.32.110 License nontransferable

No license or permit issued pursuant to this chapter shall be transferable.

5.32.120 License – Posting and display

- (1) Every entertainer shall post his or her license in his or her work area so that it is readily available for public inspection.
- (2) Every person, corporation, partnership, or association licensed under this chapter shall display its license in a prominent place within the establishment. The name of the manager on duty shall be prominently posted during business hours.

5.32.130 Standards of conduct and operation

The following standards of conduct must be adhered to by employees of any adult entertainment establishment:

- (1) No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic regions, anus, buttocks, vulva, or genitals, except upon a stage at least 18 inches above the immediate floor level and removed at least 10 feet from the nearest patron.
- (2) No employee or entertainer mingling with patrons shall be unclothed or in less than opaque and complete attire, costume, or clothing as described in subsection (1) of this section, nor shall any male employee or entertainer at any time appear with his genitals in a discernibly turgid state, even if completely and opaquely covered, or wear or use any device or covering which simulates the same.
- (3) No employee or entertainer mingling with patrons shall wear or use any device or covering exposed to view which simulates the breast with less than a fully opaque covering of any part of the nipple or areola, vulva, genitals, anus, or buttocks.
- (4) No employee or entertainer shall caress, fondle, or erotically touch any patron. No employer or entertainer shall encourage or permit any patron to caress, fondle, or erotically touch any employee or entertainer.
- (5) No employee or entertainer shall perform actual or simulated acts of sexual conduct as defined in this chapter, or any act which constitutes a violation of Chapter [7.48A](#) RCW, the Washington Moral Nuisances Statute.
- (6) No employee or entertainer mingling with patrons shall conduct any dance, performance, or exhibition in or about the non-stage area of the adult entertainment establishment.
- (7) No tip or gratuity offered to or accepted by an adult entertainer may be offered or accepted prior to any performance, dance, or exhibition provided by the entertainer. No entertainer performing upon any stage area shall be permitted to solicit, demand, accept or receive any form of gratuity offered directly to the entertainer by any patron. Any gratuity offered to any entertainer must be placed into a receptacle provided for receipt of gratuities by the adult entertainment establishment, or provided through a manager on duty on the premises. Any gratuity or tip offered to any adult entertainment establishment shall be placed into a receptacle provided by the manager, and not upon the person or into the clothing of the adult entertainer or any other employee.
- (8) Separate restrooms shall be maintained for performers, entertainers, managers and employees than for customers and members of the public. Performers, entertainers, managers and employees shall not be permitted to use restrooms available for customers or members of the public, nor shall customers or members of the public be permitted to use restrooms available for performers, entertainers, managers and employees.
- (9) No viewing equipment shall be installed, maintained or used in any of the restrooms located on the premises.

5.32.140 Physical layout of premises

- (1) Performance Area at Adult Entertainment Establishments. Every place offering adult entertainment shall be physically arranged in such a manner that the performance area where adult entertainment is provided shall be a stage or platform at least 18 inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least 10 feet from all areas of the premises to which patrons have access. The stage and the entire interior portion of cubicles, rooms, or stalls wherein adult entertainment is

provided must be visible from the common areas of the premises and at least one manager's station. Visibility shall not be blocked or obstructed by doors, curtains, drapes, or any other obstruction whatsoever.

- (2) Picture Machines Must Be Visible and Publicly Accessible. Every booth, cubicle, or partition utilized or maintained at a picture machine location at the area from which the screen of any picture machine is to be viewed shall be arranged so that any person viewing such picture machine screen shall be visible from the waist down to the floor without obstruction by the viewing booth, cubicle, or partition. The endorsement holder shall not permit any doors to any publicly accessible area on the premises to be locked during business hours. Every room or area on such premises which is open to the public shall be readily accessible at all times for inspection by any public officer charged with the enforcement of the provisions of applicable city ordinances or regulations. The license holder must maintain sufficient illumination generally distributed in all parts of the premises at all times when the picture machine area is open or when the public is permitted to enter or remain on the picture machine premises.
- (3) No activity or entertainment occurring on the premises shall be visible at any time from outside the facility or from any other public place.
- (4) No alteration in the configuration or location of a manager's station may be made without the prior approval of the city.
- (5) It is the duty of the license holder of the premises to ensure that at least one licensed manager is on duty and situated in each manager's station at all times that any patron is present inside the premises.

5.32.150 License – Name of business and place of business

No person granted a license pursuant to this chapter shall operate an adult entertainment establishment under a name not specified in his/her license, nor shall he/she conduct business under any designation or at a location not specified in his/her permit and/or license.

5.32.160 Inspections

- (1) All books and records required to be kept pursuant to this chapter shall be open to inspection by the police chief of the city of Stanwood during the hours when the licensed premises is open for business upon two days' written notice to the licensee. The purpose of such inspection shall be to determine if the books and records meet the requirements of this chapter.
- (2) The licensed premises shall be (as an implied condition of receiving an adult entertainment establishment permit and/or license) open to inspection by the police chief during the hours when the adult entertainment establishment premises is open for business. The purpose of such inspection shall be to determine if the licensed premises is operated in accordance with the requirements of this chapter. It is hereby expressly declared that unannounced inspections are necessary to insure compliance with this chapter.

5.32.170 Hours of operation

It is unlawful for any adult entertainment establishment premises to be conducted, operated, or otherwise open to the public between the hours of 2:00 a.m. and 11:30 a.m.

5.32.180 Severability

If any portion of this chapter as now or hereafter amended, or its application to any person or circumstance is held invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole, or any section, provision, or part thereof not adjudged to be invalid or unconstitutional, and its application to other persons or circumstances shall not be affected. Any ordinance or regulation in conflict with this chapter is hereby repealed.

5.32.190 Limitation of liability

None of the provisions of this chapter are intended to create a cause of action or provide the basis for a claim against the city, its officials, or employees for the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.

5.32.200 Penalties for violation

Violation of this chapter is a class 1 civil infraction and may also be enforced pursuant to SMC Title [13](#).

5.32.210 Public nuisance – Injunctions

Any adult entertainment establishments in violation of this chapter shall be deemed a public nuisance, which, in addition to all other remedies, may be abated by injunctive relief.

5.32.220 Moral nuisances

Chapter [7.48](#) RCW pertaining to moral nuisances is hereby adopted by reference.