

**CITY OF MONROE
ORDINANCE NO. 007/2018**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, ADOPTING INTERIM ZONING REGULATIONS PURSUANT TO RCW 36.70A.390 AND RCW 35A.63.220; AMENDING CHAPTER 18.10 MMC LAND USE ZONING DISTRICT AND DISTRICT REQUIREMENTS AND CHAPTER 18.02 MMC DEFINITIONS; AUTHORIZING AND ESTABLISHING STANDARDS AND DEFINITIONS FOR THE INSTALLATION, USE AND OCCUPANCY OF TEMPORARY DWELLINGS FOR SECURITY GUARDS ON ACTIVE DEVELOPMENT PROJECT SITES; SETTING FORTH PRELIMINARY SUPPORTIVE FINDINGS; REQUIRING A POST-ADOPTION PUBLIC HEARING; PROVIDING FOR SEVERABILITY; DECLARING A PUBLIC EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE

WHEREAS, the City has recently experienced a dramatic increase in both residential and commercial development activity; and

WHEREAS, concurrent with this increased level of development, there has been a sharp increase in property-related crimes that have occurred on active development sites; and

WHEREAS, local developers have expressed to the City their desire to maintain a full-time security presence at active development sites in order to deter and protect against theft, vandalism and trespass, particularly criminal activity of this type that occurs afterhours; and

WHEREAS, the City Council desires to accommodate this preference by authorizing the installation, use and occupancy of temporary dwelling units for security guards on active development sites; and

WHEREAS, the City is authorized by state law, including RCW 36.70A.390 and RCW 35A.63.220. to expeditiously adopt interim zoning ordinances while permanent regulations are developed, vetted and processed through the City's standard legislative procedures; and

WHEREAS, adopting interim zoning regulations as set forth herein is necessary for the immediate preservation of the public peace, health or safety; and

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

Section 1. Preliminary Findings. The City Council hereby adopts the above recitals, together with the content of Agenda Bill Nos. 18-080 as preliminary findings in support of this ordinance. The City Council also finds that adoption of this ordinance is necessary in order to expeditiously address the sharp increase in property-related crimes that have occurred on active development sites. As such, a public emergency exists requiring that this ordinance take effect immediately upon passage.

Section 2. Amendment of MMC 18.02.200. Section 18.02.200 of the Monroe Municipal Code is hereby amended by the addition of a new definition for “Temporary dwelling—security guard” to provide in its entirety as follows:

....
“Temporary dwelling, security guard” means a recreational vehicle, park model or trailer located upon an active development site, that is exclusively used for and occupied as a temporary residence for an on-site security guard.
....

Section 3. Amendment of Chapter 18.10 MMC—Adoption of New Section 18.10.085. Chapter 18.10 of the Monroe Municipal Code is hereby amended by the addition of a new section 18.10.085, Temporary dwellings - Security guard, as follows:

18.10.085 Temporary dwellings – Security guard.

A. Purpose. The purpose of this section is to facilitate and promote site safety and security during the active construction phase of development projects by permitting the onsite installation, occupancy and use of temporary dwellings for security guards.

B. Temporary dwellings for security guards authorized pursuant to this section shall comply with the following standards:

1. Temporary dwellings are allowed only for the following categories of development projects:
 - a. Residential subdivisions; and
 - b. The construction of new commercial, industrial or multifamily structures.
2. Temporary dwellings are allowed only during the active construction phase of the underlying development project.
3. A maximum of one (1) temporary dwelling is allowed per development project site.
4. Temporary dwellings shall not be permanently affixed to the ground.
5. Temporary dwellings shall be located entirely within the property boundaries of the underlying project site and shall be visually screened from the public right-of-way.
6. Installation of a temporary dwelling may occur only after issuance of the underlying development permit as follows:
 - a. For subdivisions, installation is allowed after issuance of a clearing permit; and

- b. For construction of new commercial, industrial or multifamily structures, installation is allowed after approval of a binding site improvement plan or issuance of a building permit.
- 7. A temporary dwelling shall be removed no later than one (1) week after:
 - a. The final certificate of occupancy for the underlying development project is issued; or
 - b. When construction activity ceases for a period of thirty (30) days or more.
- 8. Occupancy and use of a temporary dwelling shall be strictly limited to on-duty security guard.
- 9. A temporary dwelling shall be maintained, operated, occupied and used in full compliance with all applicable state and local regulations, licenses and approvals.
- 10. A temporary dwelling shall be totally self-contained and shall not discharge wastewater, including sanitary sewage or gray water, onto the ground.

C. No temporary dwelling for security guard under this section may be installed, used or occupied without a permit issued by the director. The director may in his/her discretion impose reasonable conditions of approval for any such permit. The original duration of the permit shall be for a period of one (1) month, but may be renewed for successive one (1) month periods upon verification by the director of full compliance with the provisions of this section and any applicable conditions of permit approval. The permit fee shall be established by resolution of the city council.

D. If an approved temporary dwelling for security guards violates any of the requirements of this section and/or any applicable conditions of permit approval, the temporary dwelling shall, without prejudice to any other applicable remedy or penalty, be immediately removed from the property at the applicant's sole expense, and no subsequent temporary dwelling permits will be issued for the site.

Section 4. Amendment of MMC 18.10.050. Section 18.10.050 of the Monroe Municipal Code is hereby amended to provide as follows.

18.10.050 Zoning land use matrix.

Zoning Matrix

Conforming Use	Public Open Space	Limited Open Space	Limited Open Space - Airport	SR 15,000	UR 9,600	Residential 4 Units	UR 6,000	MR 6,000	Mixed Use Commercial ¹	Mixed Use Neighborhood Center ¹	General Commercial	Service Commercial	Downtown Commercial	Professional Office	Light Industrial	General Industrial
<u>Temporary Dwellings, caretaker/ Security guard</u>	<u>A²</u>	<u>A²</u>	A1	<u>A²</u>	<u>A²</u>	<u>A²</u>	<u>A²</u>	<u>A²</u>	<u>AC</u>	<u>AC²</u>	<u>A²</u>	<u>A²</u>	<u>A²</u>	<u>A²</u>	<u>A²</u>	<u>A²</u>

A² See MMC 18.10.085 for additional requirements

Section 5. Public Hearing. The City Clerk is hereby authorized and directed to schedule a public hearing on the interim regulations set forth in this ordinance and to provide notice of said hearing in accordance with applicable standards and procedures. Said hearing shall be held no later than 60 days after the date of adoption hereof. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council may adopt additional legislative findings in support of this ordinance at the conclusion of said hearing.

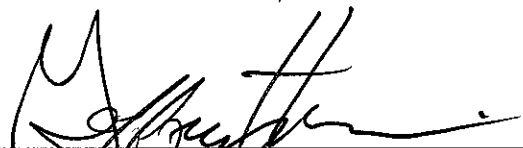
Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Declaration of Emergency; Effective Date; Sunset. Based upon the findings set forth above, the City Council hereby declares a public emergency requiring this ordinance to take effect immediately. This ordinance shall accordingly be in full force and effect immediately upon passage, and shall remain effective for a period of six months unless terminated earlier or subsequently extended by the City Council. PROVIDED, that the City Council may, in its sole discretion, renew the interim zoning regulations set forth herein for one or more six month periods in accordance with state law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 20th day of April, 2018.

First Reading: Waived
Adoption: March 20, 2018
Published: March 23, 2018
Effective: March 20, 2018

CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk



J. Zachary Lell, City Attorney