

**CITY OF MONROE
ORDINANCE NO. 031/2017**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING MONROE MUNICIPAL CODE TITLE 17 (SUBDIVISIONS) AND TITLE 18 (PLANNING AND ZONING); AUTHORIZING MINOR AND NON-SUBSTANTIVE CODE AMENDMENTS TO REVISE CONFLICTING, INCONSISTENT, AND OUTDATED PROVISIONS IN EXISTING DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City regulates the use and development of land through provisions codified in Titles 17 through 21 of the Monroe Municipal Code; and

WHEREAS, following adoption of Ordinance No. 022/2016, it was discovered that the ordinance inadvertently omitted intended revisions or unintentionally overlooked related provisions elsewhere in the development regulations; and

WHEREAS, the Washington State Department of Commerce granted expedited review on November 17, 2017, of the proposed amendments; and

WHEREAS, the amendments set forth in this ordinance were vetted by the City's Planning Commission and City Council, and were subject to all applicable public noticing, public hearing, SEPA review, and public participation requirements, as part of the City's legislative process; and

WHEREAS, the City Council wishes to adopt the amendments set forth herein to resolve conflicting, inconsistent, and outdated provisions within the development regulations currently in effect.

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

Section 1. Findings. The City Council hereby adopt the above recitals, and the Planning Commission Findings of Fact and Conclusions of Law dated November 27, 2017, incorporated herein as Exhibit A, as legislative findings in support of this ordinance. The Monroe City Council further finds as follows:

- A. The Planning Commission held a public hearing on the substance of this ordinance on November 27, 2017, and recommended adoption by the City Council.

- B. The City is authorized by State law, including but not limited to Chapter 35A.63 RCW and Chapter 36.70A RCW, to adopt local regulations governing the use and development of land.
- C. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to requirements related to public notice and comment.
- D. All relevant requirements of SEPA have been satisfied with respect to this ordinance.
- E. The City Council has carefully considered, and the regulations set forth in this ordinance satisfy, the review requirements and criteria set forth in Title 18 and Title 21 MMC. In adopting this ordinance, the City considered and was guided by the applicable GMA planning goals enumerated at RCW 36.70A.020.
- F. The regulations set forth in this ordinance are consistent with and will implement the City's Comprehensive Plan, and will meet the requirements and intent of the MMC.
- G. The regulations set forth in this ordinance are beneficial to the public health, safety, and welfare, and are in the public interest.

Section 2. Amendment of MMC 17.08.010. Monroe Municipal Code (MMC) Section 17.08.010, Subdivisions – Definitions – Generally, is hereby amended to provide for changes to the definitions of “Lot, panhandle” or “flag lot” as follows:

“Lot, panhandle” or “flag lot” means a lot where the front and rear lot lines conform to zoning code requirements for lot dimensions except for the panhandle. The panhandle is a narrow strip of land to be utilized for access purposes from an improved public right-of-way. The panhandle or access portion of the lot is not to be used to determine building setbacks, but is counted toward minimum lot area requirements or maximum allowed residential density, as applicable.

Section 3. Amendment of MMC 17.16.030. Monroe Municipal Code (MMC) Subsection 17.16.030(F), Subdivisions – Development Standards – Street and block design, is hereby amended as follows:

F. Maximum residential density[~~LOT AREA~~] shall be as set forth in MMC 18.10.140.

Section 4. Amendment of MMC 18.02.120. Monroe Municipal Code (MMC) Section 18.02.120, Planning and Zoning – Definitions – L definitions, is hereby amended to provide for changes to the definitions of “Lot, panhandle” or “flag lot” as follows:

“Lot, panhandle” or “flag lot” means a lot where the front and rear lot lines conform to zoning code requirements for lot dimensions except for the panhandle. The panhandle is a narrow strip of land to be utilized for access purposes from an improved public right-of-way. The panhandle or access portion of the lot is not be used to determine building

setbacks, but is counted toward minimum lot area requirements or maximum allowed residential density, as applicable.

Section 5. Amendment of MMC 18.10.050. Monroe Municipal Code (MMC) Section 18.10.050, Planning and Zoning – Land Use Zoning District and District Requirements – Zoning land use matrix, is hereby amended as follows:

18.10.050 Zoning land use matrix.

The zoning administrator, under MMC 18.08.020, Interpretations, is charged with the responsibility of determining in which zone similar or like uses, not shown in the matrix, would be located and whether or not such uses are permitted outright, require a conditional use permit or special use permit, are an accessory use, or are prohibited.

A zoning matrix is used to summarize all land uses and districts to show at a glance both the uses permitted in a specific zoning district as well as the zones in which specific uses are permitted.

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 ^{P6}	Mixed Use Neighborhood Center ^{P7/P6}	General Commercial	Service Commercial	Downtown Commercial	Professional Office	Light Industrial	General Industrial	
Aviation																	
Aircraft and flight schools			P ⁶ [P ⁷]														
Aircraft hangars and parking areas			P ⁶ [P ⁷]														
Aircraft sales, rentals, repair (major and minor), rebuilds, and maintenance services			P ⁶ [P ⁷]														
Airports, landing fields, and heliports	EPF	EPF	EPF														
Aviation fuel sales			P ⁶ [P ⁷]														
Storage and sale of aviation fuel, oil, and other fluids commonly used in aircraft			P ⁶ [P ⁷]														
Government and Education																	
Fire stations	P	C	A ¹	C	C	C	C	C	P	P	P	P	See Chapter 18.12 MMC	C	P	P	
Government facilities	P								P	P	C	C	See Chapter 18.12 MMC	C	C	C	
Jails	C																
Libraries	P								P	P	P	P		C	P	P	
Preschools	C	C		C	C	C	C	C	C	C	C	C	See Chapter 18.12 MMC	C	C	C	
Schools	P	C		C	C		C	C	C	C	C	C		C	C		
State and local correctional facilities	EPF																
State educational facilities including colleges, community colleges, and universities, ten acres in size or larger	EPF								EPF		EPF					EPF	EPF
Work release facilities	EPF								EPF								
Health Services																	
Clinics, health services	P								P	P	P	P	See Chapter 18.12 MMC	P	P		
Hospitals	EPF								EPF	EPF	EPF	EPF	See Chapter 18.12 MMC	EPF			
In-patient facilities, including substance abuse and mental health facilities	P								C	C	C	C	See Chapter 18.12 MMC	P	P		

Parks and recreation facilities	P	C ⁴		C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	P	P						
Parks, RV		C										C				
Public stables	C	C														
Residential and Associated Uses																
Accessory dwelling units				P ¹ [P ¹]	P ¹ [P ¹]	P ¹ [P ¹]	P ¹ [P ¹]	P ¹ [P ¹]	P	P				See Chapter 18.12 MMC		
Dwellings, caretaker/security			A ¹						C	C						
[DWELLINGS- DUPLEX]				[P ¹]	[P ¹]	[P ¹]	[P ¹]	[P ¹]		[P ¹]					[P ¹]	
Dwellings, farm worker		A		A							A	A				
Dwellings, mobile home/manufactured home		P		P	P	P	P	P								
Dwellings, multifamily								P	P	P				See Chapter 18.12 MMC	P	
Dwellings, single-family		P	P ¹ [P ¹]	P	P	P	P	P	P ¹ [4-2]	P ¹ ,P ² [4-3]				See Chapter 18.12 MMC	P	
Dwellings, townhouse								P	P	P				See Chapter 18.12 MMC	P	
Family day care				A	A	A	A	A	A	A						
Group homes, Type 1		P		P	P	P	P	P		P				See Chapter 18.12 MMC	P	
Group homes, Type 2		C ²		C ²	C ²	C ²	C ²	C ²		C				See Chapter 18.12 MMC	C ²	
Halfway houses		EPF		EPF	EPF	EPF	EPF	EPF		EPF				See Chapter 18.12 MMC	EPF	
Home occupations				P	P	P	P	P	P	P				See Chapter 18.12 MMC	P	
Mobile/manufactured home parks				C	C	C	C	C								
Model home(s) and sales offices				P	P	P	P	P	P	P					P	
Nursing and/or convalescent homes	P								C	P	P	C	C		P	
Retirement housing/ assisted living facilities								P ² [P ²]	P	P		C ³		See Chapter 18.12 MMC	P ² [P ²]	
Temporary dwelling unit			A ¹	C	C		C	C	A	A					C	
Retail and Commercial																
Art galleries									P	P	P	P		See Chapter 18.12 MMC	P	P
Bakeries									P	P	P	P		See Chapter 18.12 MMC		P
Breweries									P							P
Breweries, micro									P	P	P	P		See Chapter 18.12 MMC		P
Coffee shops			A ¹						P	P ² [P ²⁰]	P	P		See Chapter 18.12 MMC	A	P

Convenience stores								P	EP ⁹ [P ²⁰]	P	P	See Chapter 18.12 MMC			
Department stores										P		See Chapter 18.12 MMC			
Drug store/pharmacy			A ¹					P	EP ⁹ [P ²⁰]	P	P	See Chapter 18.12 MMC	A		
Garden produce		P		C	C			P	P	P	P	See Chapter 18.12 MMC		P	P
Greenhouses, retail		P						P		P	P	See Chapter 18.12 MMC		P	P
Grocery stores								P	P	P		See Chapter 18.12 MMC	P	P	P
Hardware store 1								P	P	P	P	See Chapter 18.12 MMC		P	
Hardware store 2							C			P	P			P	
Home improvement centers										P				P	
Lumber yards								A		P		See Chapter 18.12 MMC		P	P
Motor vehicle sales facility								P		P	P	See Chapter 18.12 MMC		P	P
Restaurants			A ¹					P	P	P	P	See Chapter 18.12 MMC	C	P	P
Retail stores			A ¹					P	P	P	P	See Chapter 18.12 MMC		P	P
Secondhand stores								P	P	P	P	See Chapter 18.12 MMC			
Taverns								P	C	P	P	See Chapter 18.12 MMC			
Tool sales and rental								P		P	A	See Chapter 18.12 MMC		P	P
Wholesale establishments								P						P	P
Service															
Amusement facilities								P		P	C	See Chapter 18.12 MMC		P	P
Auto repair, minor			EP ⁹ [P]					P		P	P	See Chapter 18.12 MMC		P	P
Auto repair, major								C		P	P	See Chapter 18.12 MMC		P	
Banks								P	EP ⁹ [P ²⁰]	P	P	See Chapter 18.12 MMC			
Bed and breakfasts		C	A ¹		C	C	C	C	P	P			P		
Car washes								P		P	P			P	P
Cleaning establishments								P	P	P	P	See Chapter 18.12 MMC		P	P
Clubs			A ¹					P	C	P	P	See Chapter 18.12 MMC	C		

P = Permitted use; A = Accessory use; C = Requires a conditional use permit; S = Requires a special use permit; EPF = Essential public facility (see Chapter 18.15 MMC)

Notations to Zoning Matrix

1. Existing single-family dwellings in MUC are considered allowed, legally conforming uses. Existing single-family dwellings that are destroyed may be rebuilt within the building footprint as it existed immediately prior to the destruction. No other new single-family residences are permitted.
2. Existing single-family dwellings in MUC that are converted to a nonresidential use for no longer than twelve months may be converted back to residential use.
3. Existing single-family dwellings in MUNC are considered allowed, legally conforming uses. Existing detached single-family dwellings that are destroyed may be rebuilt in accordance with current code setback requirements. No other new detached single-family residences are permitted.
4. Existing single-family dwellings in MUNC that are converted to a nonresidential use may be converted back to residential use.

P¹ Must be located within the city's defined adult entertainment boundary.

~~[P² REQUIRES ONE AND ONE-HALF THE MINIMUM LOT AREA OF A SINGLE-FAMILY DWELLING.]~~

~~P²[P^{3 Based upon bedrooms as opposed to dwelling units in any combination of one-, two- and/or three-bedroom units, not to exceed the maximum density allowed in the underlying zoning district. The standard formula would be to use the maximum allowed density per acre (forty-three thousand five hundred sixty square feet divided by minimum zone lot size) multiplied by three (standard bedroom equivalent unit) to achieve bedroom density. For example, in the MR 6,000 zone, a one-acre site could achieve thirty-three bedrooms per acre ($43,560/4,000 = 10.89$ or 11 dwelling units per acre $\times 3 = 33$).}~~

~~P³[P⁴~~ All outdoor storage shall be enclosed by a six-foot-tall site-obscuring fence or wall, and shall include a Type III landscaping buffer along the exterior perimeter of the property or site (see MMC 18.78.030).

~~P⁴[P⁵~~ Must meet criteria outlined in Chapter 18.40 MMC, Accessory Dwelling Units.

~~[P⁶ THE MINIMUM LOT SIZE FOR DUPLEX AND MULTIFAMILY STRUCTURES SHALL BE FOUR THOUSAND SQUARE FEET PER UNIT.]~~

~~P⁵[P⁷~~ Subject to Chapter 18.60 MMC, Airport Compatibility.

~~P⁶[P⁸~~ Individual commercial uses should be limited to thirty thousand square feet or less. The city may allow buildings up to sixty thousand square feet with a conditional use permit per Chapter 18.96 MMC.

~~P⁷[P⁹~~ Individual commercial uses should be limited to ten thousand square feet or less. The city may allow buildings up to thirty thousand square feet with a conditional use permit per Chapter 18.96 MMC.

~~P⁸[P⁴⁰~~ Drive-up facilities not permitted.

~~P⁹[P⁴⁴~~ If any outdoor caging of animals is proposed, a conditional use permit is required per Chapter 18.96 MMC.

C¹ Limitation on number of children permitted per establishment.

C² Group homes that qualify as essential public facilities shall follow the regulations in Chapter 18.15 MMC, Essential Public Facilities.

C³ Based upon bedrooms as opposed to dwelling units; see P³.

C⁴ If a parks and recreation facility is the primary use a conditional use permit will be required; if the facility is secondary to a larger project, the use is considered accessory.

A¹ Subject to Chapter 18.60 MMC, Airport Compatibility.

Section 6. Repealer of MMC 18.10.060. Monroe Municipal Code (MMC) Section 18.10.060, Planning and Zoning – Land Use Zoning District and District Requirements – Zoning lot area, lot coverage and setback requirements matrix, is hereby repealed in full:

18.10.060 Repealed~~[ZONING LOT AREA, LOT COVERAGE AND SETBACK REQUIREMENTS MATRIX].~~

~~[THE SETBACK MATRIX ESTABLISHES MINIMUM AND MAXIMUM ZONING LOT COVERAGE, HEIGHT, AND SETBACK REQUIREMENTS FOR LOTS WITHIN THE CITY. THESE REQUIREMENTS MAY BE AMENDED UNDER CHAPTER 18.84 MMC, PLANNED RESIDENTIAL DEVELOPMENT (PRD).]~~

Section 7. Amendment of MMC 18.10.065. Monroe Municipal Code (MMC) Subsection 18.10.065(A), Planning and Zoning – Land Use Zoning District and District Requirements – Infill development incentives, is hereby amended as follows:

A. The city will grant a thirty percent density bonus~~[, ALLOW A MINIMUM LOT SIZE REDUCTION,]~~ and permit modifications to the bulk requirements for infill development projects, within zoning districts that allow single-family and multifamily uses, south of US 2 and less than three acres in size, as shown in the figure below.

Section 8. Amendment of MMC 18.10.140. Monroe Municipal Code (MMC) Subsection 18.10.140, Planning and Zoning – Land Use Zoning District and District Requirements – Bulk requirements, Table A, is hereby amended as follows:

Table A – Residential Zoning District Bulk Development Requirements

	Residential ^{1,2}											
	Single-Family											
	Multifamily		Urban Residential						Suburban Residential		Rural Residential	
	Mid-density Multifamily Small Lot Single-Family											
	MR 6,000/PO ³		UR 6,000		R-4		UR 9,600		SR 15,000		LOS ^{[7]4}	LOSA ^{[7]4}
	Standard	PRD	Standard	PRD	Standard	PRD	Standard	PRD	Standard	PRD	Standard	Standard
[UNITS PER ACRE] Maximum Residential Density	7.26		5.80		4.00		3.63		2.32		1 unit per 5 acres	1 unit per 2 acres
Minimum Lot Width ^{[8,9,10]5,6,7}	30	30	30	30	30	30	30	30	30	30	70	70
Maximum Lot Coverage	80%	80%	60%	60%	60%	60%	60%	60%	50%	60%	30%	100%
Maximum Building Height	35	35	35	35	35	35	35	35	35	35	35	35
Front Yard Setback ^{[11]8}	10	10	10/20	10/20	10/20	10/20	10/20	10/20	20	15	50' from arterials, 25' other streets	20
Side Yard Setback ^{[12]9}	5	5	5	5	5	5	5	5	10	5	25	20
Rear Yard Setback ^{[13]10}	20	20	10	10	10	10	10	10	15	10	25	20
Landscape Buffer ^{[14,15]11,12}	5	10		10		10		10		10		5

Notes:

1. MMC 18.12.200 defines residential lot requirements for the DC zone and MMC 18.10.140(B) defines residential lot requirements for mixed-use zones.
2. The city will provide development incentives, by zoning district, as defined under the PRD columns for single-family and multifamily infill projects, south of US 2 and less than three acres in size, when the proponent designs projects that meet the Infill, Multifamily, and Mixed Use Design Standards, unless otherwise restricted. The density bonus and development modifications will not require an additional open space dedication as required in MMC 18.84.080 for planned residential developments.

3. The mid-density multifamily category includes the MR 6,000 and PO zones; however, the PRD standards only apply to MR 6,000 zone per Chapter 18.84 MMC unless otherwise restricted in this title.

~~4. LOT SIZE IS PER DWELLING UNIT UNLESS OTHERWISE SPECIFIED.]~~

~~5. LOT SIZES FOR RESIDENTIAL ZONING DISTRICTS MAY BE REDUCED UP TO THIRTY PERCENT TO ACCOMMODATE LIMITED DENSITY TRANSFERS ATTRIBUTABLE TO CRITICAL AREAS AS AUTHORIZED BY MMC 20.05.070(I).]~~

~~6. DUPLEXES ARE ALLOWED AT ONE AND ONE HALF TIMES THE UNDERLYING MINIMUM LOT SIZE.]~~

~~4[7].~~ Refer to the open space and public use matrix for nonresidential standards (Table D).

~~5[8].~~ To maintain proportionate lots, the minimum lot width-to-depth ratio for single-family lots will be approximately 1:2; that is, the lot depth should be approximately two times greater than the lot width. When townhomes or other attached housing units are built on separate lots, the lot width-to-depth ratio will be approximately 1:4 and the lot width can be reduced to twenty-five feet. There will be no minimum lot width or width-to-depth ratio for low-rise multifamily apartments/condominiums to maintain flexibility for lot configuration.

~~6[9].~~ All lots shall have access to a public street and meet the minimum lot width requirement along the frontage. Lots fronting a cul-de-sac shall meet the minimum lot width at the building setback line.

~~7[40].~~ Lots with access to a public street via private access easement or panhandle shall have a minimum frontage of not less than twenty feet in width at the public street and shall meet the minimum lot width at the setback line measured from the end of the panhandle or easement where it joins the wide portion of the lot. An access easement or panhandle shall be a minimum of twenty feet wide along its entire length; the remainder of the lot shall provide adequate area to comply with the bulk development requirements.

~~8[44].~~ The standard front setback for zones that allow single-family uses is ten feet to the living area and twenty feet to the garage, unless otherwise specified. Front setbacks in zones that allow single-family uses along arterials will be twenty feet for both living area and garage.

~~9[42].~~ When townhomes or other attached housing units are built on separate lots, a zero setback between units is permitted in allowed zones. The outside setback for attached housing units abutting a ROW, separate detached unit(s), or different zone will be ten feet.

~~10[43].~~ The rear setback can be reduced to ten feet if parking is underground or in a structure underneath the unit for multifamily developments or parking is accessed off an alley/private drive to the rear and provides a maximum backup area of twenty feet including the alley or private lane.

~~11[44].~~ The landscape buffer is along the perimeter of the lot.

~~12[45].~~ The PRD landscape buffer is required along the outside of the development where it abuts a standard subdivision or different zoning district. This landscaped buffer may coincide with required open space.

Section 9. Amendment of MMC 18.12.130. Monroe Municipal Code (MMC) Subsection 18.12.130(A), Planning and Zoning – Downtown Commercial (DC) Zone – Residential neighborhood (RN), is hereby amended as follows:

A. Purpose. The Residential neighborhood frames the western edge of the Historic Main area and contains existing single-family houses, multifamily buildings, and some commercial uses. This mix of uses is appropriate for this neighborhood, as a transitional edge between single-family neighborhoods and the Historic Main area, to provide a setting for small businesses and close-in housing options. Future redevelopment in this area will provide a mix of uses. Residential uses in this neighborhood are limited to single-family residences~~[, DUPLEXES,]~~ and multifamily dwellings.

Section 10. Amendment of MMC 18.12.170. Monroe Municipal Code (MMC) Section 18.12.170, Planning and Zoning – Downtown Commercial (DC) Zone – Downtown neighborhood land use matrix, is hereby amended as follows:

18.12.170 Downtown neighborhood land use matrix.

This matrix shall be considered supplemental to the zoning land use matrix, MMC 18.10.050. Uses identified in the matrix below, but not in MMC 18.10.050, shall be considered prohibited in the zoning districts identified in MMC 18.10.050.

Downtown Neighborhood Land Use Matrix	Downtown Commercial Zone				
	Residential Neighborhood	Rails and Roads Neighborhood	Historic Main Area	East Downtown Neighborhood	Downtown Promenade
Accessory dwelling units (1)	P		P	P	
Adult entertainment (business use) (2)					
Amusement facility		P	C	P	
Antique shop		P	P	P	P
Art gallery		P	P	P	P
Auto repair, minor		P			
Auto repair, major		P			
Bakery		P	P	P	P
Bank without drive-up facility		P	P	P	P
Bank with drive-up facility		P	C	P	C
Bed and breakfast (3)	C		C	P	
Brewery, micro		P	P	P	P
Church	C	P	C	P	
Cleaning establishment		P	P	P	P
Clinic, health services	C	C	C	C	
Club		P	C	P	

Downtown Neighborhood Land Use Matrix	Downtown Commercial Zone				
	Residential Neighborhood	Rails and Roads Neighborhood	Historic Main Area	East Downtown Neighborhood	Downtown Promenade
Club, fitness		P	C	P	
Coffee shop	A	P	P	P	P
Community-oriented open-air market		P	P	P	P
Convenience stores		P	P	P	P
Day care services 1 (>24)		P	P		
Day care services 2 (13 – 24)		P	P	P	
Day care services 3 (<13)	A	P	P	P	
Distillery, craft		P	P	P	P
Drive-up/through		P		P	
Drug store		P	P	P	P
[DWELLING, DUPLEX]	[P]				
Dwelling, mobile home			C		
Dwelling, multifamily	P		P	P	C(4)
Dwelling, single-family	P		C		
Dwelling, townhouse	P		C	P	
Electrical transmission lines of higher voltage than 115 kV, in existing corridors (above or below ground)	P	P	P	P	P
Electrical transmission lines of higher voltage than 115 kV, in new corridors (below ground)	P	P	P	P	P
Electrical transmission lines of higher voltage than 115 kV, in new corridors (above ground)	C	C	C	C	C
Government facilities	C	C	C	C	
Greenhouse, retail		P	P	P	P
Grocery store		P	P(5)	P(5)	P(5)
Halfway house	EPF		EPF	EPF	
Hardware store 1 (6)		P	P	P	P
Home occupations, minor only	P		P		
Hotel		P	P	P	
Library		P	P	P	
Mixed-use (commercial and residential)	P		P	P	P
Mobile vendors (7)		P	P	P	P

Downtown Neighborhood Land Use Matrix	Downtown Commercial Zone				
	Residential Neighborhood	Rails and Roads Neighborhood	Historic Main Area	East Downtown Neighborhood	Downtown Promenade
Motor vehicle sales facility – Motorsports only		P			
Nursing and convalescent home (8)			P	P	
Office, professional	P	P	P	P	
Parking lots (stand-alone)		C	C	C	
Personal service shops		P	P	P	P
Preschool		P		P	
Print shop		P	C	P	
Regional transit station, including bus, train, and other high-capacity vehicle bases	EPF	EPF	EPF	EPF	
Restaurant		P	P	P	P
Retail stores		P	P	P	P
Residential care facilities (8)	P	P	P		
Retirement housing/assisted living facility (8)	P	P	P	P	
Service establishment	C	P	P	P	
State and regional transportation facilities including highways of statewide significance	EPF	EPF	EPF	EPF	
Tavern/pub		P	P	P	P
Tool sales and rental		P		A	
Utility services	C	C	C	C	
Veterinary clinic/animal hospital	C	P	C	P	

P = Permitted use; A = Accessory use; C = Requires a conditional use permit; and EPF = Essential public facility (see Chapter 18.15 MMC)

- (1) Accessory dwelling units must meet criteria outlined in Chapter 18.40 MMC.
- (2) Adult entertainment facilities are subject to Chapter 5.48 MMC and are not allowed in the downtown commercial zone.
- (3) Caretaker must be on site.
- (4) In the Downtown Promenade, multifamily dwellings are only allowed in conjunction with mixed-use structures.
- (5) Grocery stores may not exceed thirteen thousand square feet in gross floor area.
- (6) Hardware stores may not exceed twenty thousand square feet in gross floor area.
- (7) Mobile vendors must meet the criteria outlined in MMC 18.12.190(A).
- (8) Limited to parcels four acres in size or less.

Section 11. Amendment of MMC 18.40.030. Monroe Municipal Code (MMC) Subsection 18.40.030(C), Planning and Zoning – Accessory Dwelling Units – Criteria, is hereby amended as follows:

C. Size. In no case shall the floor area of an accessory dwelling unit, whether attached or detached, be larger than forty percent of the floor area of the principal dwelling, or exceed a total of eight hundred square feet in size, whichever is less. An accessory dwelling unit shall contain no more than two bedrooms. If the accessory dwelling unit is completely located on a single floor of the principal dwelling, the community development director may allow an increase in size to fifty percent of the floor area of the principal dwelling in order to efficiently use all floor area, so long as all other standards set forth in this chapter and MMC **18.10.140, Bulk requirements** ~~18.10.060, ZONING LOT AREA, LOT COVERAGE AND SETBACK REQUIREMENTS MATRIX~~, are met.

Section 12. Amendment of MMC 18.84.080. Monroe Municipal Code (MMC) Subsections 18.84.080(G)(11-12), (H)(15-16), and (K)(3), Planning and Zoning – Planned Residential Development (PRD) – General requirements for PRD, are hereby amended as follows:

G. Housing Standards. Housing standards shall require the mixing of housing styles to eliminate repetition in block/street frontage and housing design, as follows:

~~11. [DUPLEX DWELLING UNITS MUST HAVE SINGLE UNIT, GROUND LEVEL FRONT ACCESS EITHER ON DIFFERENT SIDES OF THE BUILDING OR USE STAGGERED FRONT YARD SETBACKS.~~

~~42.]When garage doors are facing the street or private driveways, they shall be set back at least twenty feet from the property line or sidewalk or edge of pavement of private street. The garage shall be set back a minimum of four feet from the face of the main structure. Where alley access is available or is provided within the development, vehicle access shall be from the alley with no curb cuts on the fronting street.~~

H. Street and Site Design Standards. All PRDs should fulfill the standards set forth in the city of Monroe public works and construction standards.

~~15. [LOT SIZES ALONG PRD PERIMETER BOUNDARY LINES WITH OTHER RESIDENTIAL USES SHOULD BE NO LESS THAN SEVENTY-FIVE PERCENT OF THE MINIMUM LOT SIZE OF THE UNDERLYING ZONE.~~

~~46.]Housing developments shall limit their impervious surface area in recognition of the storm water and soil conditions present in the residential development area and to prevent adverse storm water impacts. Low-impact development techniques for storm water management shall be used in accordance with the MMC 15.01.025, and as directed by the city engineer. Housing developments shall be designed to take advantage of open space and landscape features to utilize storm water low-impact development techniques including natural filtration and on-site infiltration of storm water.~~

K. Density Determination for a PRD. The intent of the PRD is to provide an exchange of density for the proper integration, placement, and dedication of open space, parks, and trails within the city of Monroe. The city of Monroe provides an increase in the density of a development for the amenities described within these standards.

3. For example, in the UR 9,600 zone, a one-acre site could yield five units (1 acre x ~~[0.80 = 0.80 ACRES X]~~ 3.63 units per acre = 3.63 units. 3.63 units x 0.30 = 1.09 bonus units. 3.63 units + 1.09 bonus units = 4.72 units or five total units).

Section 13. Amendment of MMC 18.84.140. Monroe Municipal Code (MMC) Section 18.84.140, Planning and Zoning – Planned Residential Development (PRD) – Developable acreage for calculation of dwelling unit base density, is hereby amended as follows:

18.84.140 Developable acreage for calculation of dwelling unit base density.

The gross acreage of the site is determined to be the developable acreage for the purpose of calculating allowed dwelling units.~~[TO ARRIVE AT THE NET AREA FOR PURPOSES OF CALCULATING DWELLING UNITS, THE FOLLOWING FORMULA MUST BE FOLLOWED:~~

~~DEVELOPABLE ACREAGE = GROSS ACREAGE X 0.8 (TWENTY PERCENT IS SET ASIDE FOR ROADS AND OTHER AREAS REQUIRED FOR PUBLIC USE).]~~

Section 14. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce.

Section 15. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 17. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 12th day of December, 2017.

First Reading: December 5, 2017
Adoption: December 12, 2017
Published: December 15, 2017
Effective: December 20, 2017

CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk

J. Zachary Lell, City Attorney



Attachment 1

CITY OF MONROE FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. GENERAL APPLICATION INFORMATION

File Number(s):	CA2017-11 (associated with SEPA2017-16)
Project Summary:	The proposal is non-project action to amend Monroe Municipal Code (MMC) Title 17, Subdivisions, and Title 18, Planning and Zoning, to clarify and revise conflicting, inconsistent, and outdated provisions in the existing development regulations.
Applicant:	City of Monroe
Location:	The proposal is a non-project action that is not site-specific. The proposed code amendment does not apply to a specific property or properties, but rather to the entire area within the limits of the City of Monroe.
Public Hearing Date:	Monday, November 27, 2017 at 7:00 PM Monroe City Hall Council Chambers 806 West Main Street Monroe, WA 98272
Staff Contact:	Shana Restall, Senior Planner City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4608 srestall@monroewa.gov

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The amendments to Monroe Municipal Code (MMC) Title 17, Subdivisions, and Title 18, Planning and Zoning, propose revisions to clarify and revise conflicting, inconsistent, and outdated provisions in the existing development regulations. The proposed amendments are minor, non-substantive, and intended to correct areas of the MMC where previous amendments have inadvertently omitted intended revisions or unintentionally overlooked related provisions elsewhere in the development regulations.

C. REVIEW PROCESS

1. Overview

MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).

The City is proposing amendments to MMC Title 17, Subdivisions, and Title 18, Planning and Zoning. Therefore, a Planning Commission public hearing and recommendation to the City Council is required. The required public hearing in front of the Planning Commission was held November 27, 2017. Following the public hearing, the Planning Commission will forward a recommendation to the City Council. No earlier than December 5, 2017, the City Council will hold a first reading to consider the Commission's recommendation. In accordance with MMC 21.50.050(B)(1), the Council shall take one of the following actions on the Planning Commission's recommendation:

- a. Approve as recommended;
- b. Approve with conditions;
- c. Modify, with or without the applicant concurrence;
- d. Deny (reapplication or resubmittal is permitted);
- e. Deny with prejudice (reapplication or resubmittal not allowed for one year); or
- f. Remand back to the Planning Commission for clarification.

Per MMC 21.50.090(H) and MMC 21.50.120, the Council's decision is the City's final action on the proposed code amendments. The decision may be appealed to the Growth Management Hearings Board.

2. Public Notification and Comments

- a. **Department of Commerce:** The proposed amendments were transmitted to the Washington State Department of Commerce for state agency review in accordance with RCW 36.70A.106 on November 2, 2017. Expedited review (14 days rather than 60 days) was requested. On November 17, 2017, the Department of Commerce sent an email stating that expedited review of the proposed amendments had been granted. The state expedited review period ended on November 16, 2017. No comments were received from the Department of Commerce or other state agencies that received notification through the Department of Commerce.
- b. **Notice of Public Hearing:** Notice of Public Hearing was provided in accordance with MMC 21.40.020 by posting the notice at City Hall and the Monroe Library, and publishing the notice in the Everett Daily Herald on November 8, 2017.

3. State Environmental Policy Act (SEPA) Review

Pursuant to WAC 197-11-704, the proposal is classified as a nonproject action under the State Environmental Policy Act. Nonproject actions involve "decisions on policies, plans, or programs," which includes the adoption of zoning ordinances [WAC 197-11-704(b)(ii)]. A SEPA Determination of Non-Significance (DNS) was issued on the

proposed code amendments on November 2, 2017. The public comment period for the DNS ended at 5:00 PM on November 16, 2017, with an appeal deadline of 5:00 PM on November 16, 2017. No comments or appeals were received on the SEPA Threshold Determination.

4. Public Hearing

The public hearing on this matter was held in front of the Planning Commission on November 27, 2017 at 7:00 PM in the City of Monroe Council Chambers. No written comments were received prior to the public hearing.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

There are no specific criteria listed in the Monroe Municipal Code (MMC) for review of a zoning code amendment. However, MMC 21.50.040 stipulates:

...the Planning Commission shall not recommend approval of a proposed comprehensive plan or development regulation amendment unless the following findings and conclusions are made:

1. *The proposal is consistent with the comprehensive plan and meets the requirements and intent of this code.*
2. *The proposal is beneficial to the public health, safety and welfare and is in the public interest.*

The following **Findings of Fact** have been made about the proposed code amendments, and the resultant **Conclusions of Law** were established from the Findings of Fact:

1. Findings of Fact regarding consistency with the City of Monroe 2015-2035 Comprehensive Plan:

- a. The current Monroe Comprehensive Plan contains an applicable policy and implementation action item, as shown below.

Policy/Action Item Number	Policy/Action Item Text
P.084:	Make City licensing and permitting regulations and procedures coherent, fair and expedient.
A.008:	Update and maintain development regulations, working to eliminate inconsistencies, conflicts and ambiguities, and aid timely permit processing.

Conclusions of Law:

The proposed code amendment is consistent with applicable elements, policies, and goals of the Comprehensive Plan.

2. Findings of Fact regarding consistency with the requirements and intent Monroe Municipal Code:

- a. The proposed code amendments would reconcile provisions in the Monroe Municipal Code (MMC) that are currently inconsistent with the rest of the code. The proposed amendments are minor, non-substantive, and intended to correct areas of the MMC where previous amendments have inadvertently omitted

intended revisions or unintentionally overlooked related provisions elsewhere in the development regulations.

Conclusions of Law:

The proposed code amendments do not modify the intent of the existing regulations; are consistent with the purpose of Titles 17 and 18 of the Monroe Municipal Code; and therefore, meet the requirements and intent of the MMC.

3. Findings of Fact regarding consistency with the State Environmental Policy Act [MMC Chapter 20.04, Washington Administrative Code (WAC) Chapter 197-11, and Revised Code of Washington (RCW) Chapter 43.21C]:

- a. An environmental checklist and supplemental non-project review sheet were submitted for environmental review on October 23, 2017.
- b. The SEPA Responsible Official issued a Determination of Non-significance on November 2, 2017.
- c. The Determination of Non-significance and SEPA checklist were placed on the City's website and emailed to the City's SEPA distribution list on November 2, 2017. The SEPA distribution list is comprised of interested parties and tribes, including the Department of Ecology.
- d. Notice of the SEPA Threshold Determination was published in the Everett Daily Herald and posted at City Hall and the Monroe Library on November 2, 2017.
- e. The SEPA comment period expired at 5:00 PM on November 16, 2017. No comments were received.
- f. The SEPA appeal period ended at 5:00 PM on November 16, 2017. No appeals were received.

Conclusions of Law:

The proposal is consistent with the requirements of the State Environmental Policy Act, pursuant to Chapter 20.04 MMC, Chapter 197-11 WAC, and Chapter 43.21C RCW.

4. Findings of Fact regarding consistency with the Washington State Growth Management Act (RCW Chapter 36.70A):

- a. The proposal addresses the following Planning Goals listed in RCW 36.70A.020: Urban Growth, Property Rights, and Permits.
- b. On November 2, 2017, the proposed amendments were transmitted to the State of Washington Department of Commerce for state agency review in accordance with RCW 36.70A.106. Expedited review was requested.
- c. Expedited review was granted by the Department of Commerce on November 17, 2017. No agency comments were received.

Conclusions of Law:

The proposal is consistent with the requirements of the Growth Management Act in accordance with RCW 36.70A.

5. Findings of Fact regarding consistency with Public Notice Requirements (Chapter 21.40 MMC):

- a. Notice of the November 27, 2017 public hearing was provided in accordance

with MMC 21.40.020. On November 8, 2017, the Notice of Public Hearing was: 1) published in the Everett Daily Herald; 2) emailed to parties of record and required agencies; and 3) posted at City Hall and the Monroe Library.

Conclusions of Law:

The proposal has met noticing requirements detailed within MMC 21.40.

6. Findings of Fact regarding consistency with the Review and Approval Process (Chapter 21.50 MMC):

- a. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).

As amendments are proposed to MMC Title 17, Subdivisions, and MMC Title 18, Planning and Zoning, a Planning Commission public hearing and recommendation to the City Council is required.

- b. A public hearing in front of the Planning Commission to consider the amendments and draft a recommendation to the City Council was held on November 27, 2017.
- c. In accordance with MMC 21.50.040(C)(1), a finding is made that the proposal is consistent with the City of Monroe Comprehensive Plan and meets the intent of this code.
- d. Pursuant to MMC 21.50.040(C)(2), a finding is made that the proposal is beneficial to the public health, safety and welfare and is in the public interest.

Conclusions of Law:

The proposal complies with the Review and Approval Process requirements in Chapter 21.40 MMC.

E. PLANNING COMMISSION RECOMMENDATION

The Planning Commission **ADOPTS** the Findings of Fact and Conclusions of Law contained in Attachment 2 to the Planning Commission agenda bill, **AUTHORIZES** the Planning Commission Chair to sign the Findings on behalf of the Commission, and **RECOMMENDS** that the Monroe City Council **APPROVE** the proposed amendments to Monroe Municipal Code Titles 17 and 18.



Bridgette Tuttle, Planning Commission Chair



Date

Jay Bull, Acting Chair