

**CITY OF MONROE
ORDINANCE NO. 004/2017(SUB)**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING MONROE MUNICIPAL CODE TITLE 15 (BUILDINGS AND CONSTRUCTION), TITLE 17 (SUBDIVISIONS), TITLE 18 (PLANNING AND ZONING), TITLE 20 (ENVIRONMENT), AND TITLE 21 (DEVELOPMENT REVIEW PROCEDURES), UPDATING, STREAMLINING, AND CLARIFYING THE CITY'S LAND USE PERMIT PROCESSING REGULATIONS TO REFLECT THE CITY'S INTENT AND MODERN PRACTICES; ELIMINATING OBSOLETE AND/OR REDUNDANT LAND USE APPROVAL PROCEDURES AND REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Washington State Growth Management Act Goal 7 (RCW 36.70A.020(7) states "7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability;" and

WHEREAS, from time to time, it is appropriate to review the City's permit processing procedures and identify amendments that apply best practices, find efficiencies, clarify codes and improve processes consistent with Washington State Growth Management Act Goal 7 [RCW 36.70A.020(7)]; and

WHEREAS, upon a review of the Monroe Municipal Code it was found that the intent and objectives of both the City's site plan review process and certificate of zoning compliance requirement can be achieved through other processes without adversely affecting the City's ability to ensure that development proposals meet City code standards; and

WHEREAS, the intent of the site plan review process can be achieved through review of site and other plans during the building permit review process; and

WHEREAS, the intent of the certificate of zoning compliance process also can be achieved through the building permit review process; and

WHEREAS, in accordance with RCW 36.70A.106, the proposed amendments were transmitted to the Washington State Department of Commerce for State agency review; and

WHEREAS, MMC 21.20.040(B) requires that amendments to MMC Chapters 17 through 20 require Planning Commission review and recommendation; and

WHEREAS, on February 13, 2017, the City of Monroe Planning Commission held a duly noticed public hearing on the amendments to accept public testimony; and

WHEREAS, on February 27, 2017, the Planning Commission adopted findings and made a recommendation to the City Council; and

WHEREAS, WAC 197-11-800(19)(a) and (b) categorically exempt from threshold determination and EIS requirements, procedural actions where the proposal, amendment or adoption of an ordinance relates solely to governmental procedures, and contains no substantive standards respecting use or modification of the environment and text amendments resulting in no substantive changes respecting use or modification of the environment; and

WHEREAS, the proposed text amendments relate only to procedures and is not a substantive change respecting the use or modification of the environment and has therefore been determined by the City's SEPA Responsible Official to be categorically exempt from threshold determination and EIS requirements;

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

Section 1. Findings. The City Council hereby adopts the Planning Commission's February 27, 2017, findings, the above recitals, and the content of Agenda Bill No. 17-044 as legislative findings in support of this ordinance.

Section 2. Amendment of MMC Section 15.15.030. Monroe Municipal Code (MMC) section 15.15.030, Buildings and Construction - Lighting Standards - Applicability, is hereby amended as follows:

15.15.030 Applicability.

~~[THIS SECTION DESCRIBES THE INSTANCES WHEN L]Lighting design and fixtures shall be reviewed by the community development department during development permit review including but not limited to SEPA review, building permits, conditional use permits and similar quasi-judicial or administrative actions. [THE COMMUNITY DEVELOPMENT DEPARTMENT SHALL REVIEW AND APPROVE THE LIGHTING DESIGN AND LIGHTING FIXTURES AS PART OF THE PERMITTING PROCESS AS FOLLOWS:~~

~~A. WHEN AN EXTERIOR LIGHTING INSTALLATION IS PART OF A NEW DEVELOPMENT PROPOSAL REQUIRING SITE PLAN REVIEW OR A CONDITIONAL USE PERMIT; AND~~

~~B. FOR PROJECTS UNDERGOING REDEVELOPMENT OR EXPANSION WHEN THE REDEVELOPMENT REQUIRES SITE PLAN APPROVAL OR OTHER LAND USE APPROVALS.]~~

Section 3. Amendment of MMC Subsection 17.12.030(A). MMC subsection 17.12.030(A), Subdivisions - Procedure – Specific Requirements, is hereby amended as follows:

A. Any person desiring to subdivide land in the city shall submit a complete application for preliminary plat approval to the administrator, on forms authorized by the

city. Unless the applicant requests otherwise, All permits required in conjunction with a subdivision application such as rezones, variances, planned residential developments, SEPA, [~~SITE PLAN APPROVALS,~~] and similar quasi-judicial or administrative actions shall be processed concurrently with the preliminary plat application to the extent that the procedural requirements applicable to these actions permit simultaneous processing.

Section 4. Amendment of MMC Section 18.02.010. MMC section 18.02.010, Planning and Zoning – Definitions – A definitions, is hereby amended to delete the definition of “Adopted site plan” in its entirety:

~~["ADOPTED SITE PLAN" MEANS A COMPREHENSIVE DOCUMENT AND SCALE DRAWING PREPARED IN CONFORMANCE WITH CHAPTER 18.82 MMC WHICH:
A. IDENTIFIES AND SHOWS THE AREA AND LOCATIONS OF ALL STREETS, ROADS, IMPROVEMENTS, UTILITIES, OPEN SPACES AND OTHER SUCH MATTERS SPECIFIED BY CHAPTER 18.82 MMC;
B. CONTAINS INSCRIPTIONS OR ATTACHMENTS SETTING FORTH SUCH APPROPRIATE LIMITATIONS AND CONDITIONS FOR THE USE OF THE LAND AS ARE ESTABLISHED BY THE COMMISSION AS APPROVED OR MODIFIED BY THE COUNCIL; AND
C. CONTAINS PROVISIONS REQUIRING CONFORMITY WITH THE ADOPTED SITE PLAN BY ANY DEVELOPMENT.]~~

Section 5. Amendment of MMC Section 18.02.040. MMC section 18.02.040, Planning and Zoning – Definitions – D definitions, is hereby amended to modify the definition of “Developmental approval” as follows:

“Development approval” means any written authorization from the city which authorizes the commencement of a development activity, including but not limited to building permits[,] and subdivision [~~AND SITE PLAN~~] approval.

Section 6. Amendment of MMC Section 18.02.160. MMC section 18.02.160, Planning and Zoning – Definitions – P definitions, is hereby amended to modify the definition of “Project permit” or “project permit application” as follows:

“Project permit” or “project permit application” means any land use or environmental permit or license required by the city of Monroe for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, [~~SITE PLAN REVIEW,~~] permits or approvals required for critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

Section 7. Amendment of MMC Section 18.02.190. MMC section 18.02.190, Planning and Zoning – Definitions – S definitions, is hereby amended to modify the definition of “School – land development permit” as follows:

“School – land development permit” means any land use or environmental permit or license including but not limited to a preliminary or final plat for a single-family residential project, building permit, [~~SITE PLAN,~~] or preliminary or final planned residential development plan.

Section 8. Repeal of MMC Section 18.10.280. MMC section 18.10.280, Planning and Zoning – Land Use Zoning District and District Requirements – Compliance required before permit issuance, is hereby repealed in its entirety:

18.10.280 Repealed[COMPLIANCE REQUIRED BEFORE PERMIT ISSUANCE].

~~[PRIOR TO THE ISSUANCE OF A PERMIT FOR CONSTRUCTION, THE APPLICANT SHALL SHOW THAT THE REQUIREMENTS OF CHAPTER 18.90 MMC HAVE BEEN MET, AS WELL AS THE PROVISIONS OF ALL OTHER APPLICABLE CITY CODES:~~

~~A. COMPLY WITH THE INTERNATIONAL FIRE CODE TO THE SATISFACTION OF THE CITY;~~

~~B. COMPLY WITH THE STATE AND FEDERAL REGULATIONS ON NOISE AND NOISE ABATEMENT;~~

~~C. COMPLY WITH THE STATE AND FEDERAL REGULATIONS ON EMISSION AND EMISSION CONTROL, AND SEWAGE AND INDUSTRIAL WASTE DISCHARGE;~~

~~D. COMPLY WITH STATE AND FEDERAL REGULATIONS ON LOGGING PRACTICES AND MINERAL EXTRACTIONS;~~

~~E. COMPLY WITH THE INTERNATIONAL BUILDING CODE TO THE SATISFACTION OF THE CITY;~~

~~F. COMPLY WITH ALL REQUIREMENTS FOR CONNECTION TO SEWER AND WATER AS SET FORTH IN THE APPLICABLE MONROE CODES;~~

~~G. COMPLY WITH THE DRAINAGE ORDINANCE TO THE SATISFACTION OF THE CITY;~~

~~H. COMPLY WITH THE STATE AND CITY SUBDIVISION CODES;~~

~~I. COMPLY WITH ALL OTHER APPLICABLE MONROE CODES (SEE THE ZONING MATRIX TABLE IN MMC 18.10.050).]~~

Section 9. Amendment of MMC Subsection 18.12.190(A)(1)(a). MMC subsection 18.12.190(A)(1)(a), Planning and Zoning - Downtown Commercial (DC) Zone – Special uses, is hereby amended as follows:

18.12.190 Special uses.

A. Mobile Vendors. The purpose of this section is to regulate the activities of mobile vendors, where permitted, and promote the safety and welfare of the general public.

1. Requirements.

a. Submit a site plan ~~[THAT INCLUDES THE ELEMENTS DESCRIBED IN MMC 18.82.030.]~~, **to scale, that shall include and depict the following:**

i. The boundaries of the property,

ii. The location of all existing structures and proposed structures and their distances to property lines including, but not limited to, the proposed mobile vendor location and proposed seating, if any,

iii. All existing easements,

iv. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads,

v. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces,

vi. Location and area, in square feet, of all proposed signs, and

vii. Additional information not specified in this Section when such information is deemed necessary in the Director's discretion to assure compliance with this code.

Section 10. Amendment of MMC Subsection 18.78.060(B). MMC subsection 18.78.060(B), Planning and Zoning - Landscape and Recreation Space Requirements – Landscaping plan and submittal – Submittal Requirements (1) and (2), are hereby amended as follows:

B. Submittal Requirements.

1. Preliminary Plans. ~~[A]~~**Where applicable, a** conceptual landscaping plan shall be submitted with the development application for all projects specified in MMC 18.78.040. The preliminary plan shall indicate existing and proposed plant material, including species name, size, plant count and location.

2. Final Plans. ~~[T]~~**In instances where a Preliminary Plan is required,** three copies of the final landscape plan shall be submitted with the building permit application ~~[AND SITE PLAN]~~for any project referenced under MMC 18.78.040. No clearing, grading or building permit shall be issued before the submittal and approval of this final plan. The final plan submission must include...

Section 11. Amendment of MMC Subsection 18.80.150(G). MMC subsection 18.80.150(G), Planning and Zoning – Signs – Nonconforming signs, is hereby amended as follows:

G. Any Change in Building Use or Classification. Any change requiring ~~[SUBMITTAL OF A LAND USE PERMIT FOR SITE PLAN APPROVAL, OR]~~ **change of use or** any new sign structure installation~~[,]~~ will **require**~~[BE CAUSE OF]~~ applicable signage to conform to the provisions of this section.

Section 12. Repeal of MMC Chapter 18.82. MMC Chapter 18.82, Planning and Zoning – Site Plan Review, is hereby repealed in its entirety:

~~[18.82.010 PURPOSE.~~

~~THE PURPOSE OF THIS TITLE IS TO ENSURE THAT ALL USES OF LAND AND DEVELOPMENTS ARE CONSISTENT WITH THE ADOPTED PLANS, POLICIES AND ORDINANCES OF THE CITY. AS SUCH, THE FOLLOWING CHAPTER IS DESIGNED, PRIMARILY, TO ASSURE THE REGULATION OF THE LAYOUT OF BUILDINGS AND OPEN SPACE, INCLUDING PARKING AREAS, AND THE PROVISIONS FOR ACCESS TO AND FROM THE PUBLIC STREET SYSTEM.~~

~~18.82.020 PLAN REVIEW REQUIRED.~~

~~SITE PLAN REVIEW AND APPROVAL SHALL BE REQUIRED PRIOR TO THE USE AND/OR ISSUANCE OF A BUILDING PERMIT FOR ANY COMMERCIAL, INDUSTRIAL, PUBLIC BUILDING OR ACTIVITY, OR RESIDENTIAL BUILDING. SUCH REVIEW AND APPROVAL SHALL BE ACCORDING TO THE PROVISIONS OF THIS CHAPTER.~~

~~(ORD. 033/2008 § 6; ORD. 922, 1989)~~

~~18.82.030 CONTENTS OF APPLICATION.~~

~~ALL APPLICATIONS SUBMITTED IN COMPLIANCE WITH THIS TITLE SHALL INCLUDE THE INFORMATION SET FORTH IN CHAPTER 21.30 MMC AND THE FOLLOWING SECTION. NO APPLICATION SHALL BE DEEMED COMPLETE, NOR ACCEPTED BY THE CITY, UNTIL ALL INFORMATION SET FORTH BELOW HAS BEEN SUBMITTED.~~

~~APPLICATIONS SHALL SHOW SUCH INFORMATION AS THE PROPOSED LOCATION OF THE BUILDINGS, PARKING AREAS, AND OTHER INSTALLATIONS ON THE PLOT, AND THEIR RELATION TO EXISTING CONDITIONS, SUCH AS ROADS, NEIGHBORING LAND USES, NATURAL FEATURES, PUBLIC FACILITIES, INGRESS AND EGRESS ROADS, INTERIOR ROADS, AND SIMILAR FEATURES. SPECIFICALLY, THE FOLLOWING INFORMATION SHALL BE INCLUDED, IN A CLEAR AND INTELLIGIBLE FORM, IN ALL APPLICATIONS FOR SITE PLAN REVIEW:~~

~~A. THE TITLE AND LOCATION OF THE PROPOSED DEVELOPMENT, TOGETHER WITH THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF THE RECORD OWNER OR OWNERS OF THE LAND AND WIVES, AND OF THE APPLICANT, AND, IF APPLICABLE, THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF ANY ARCHITECT, PLANNER, DESIGNER OR ENGINEER RESPONSIBLE FOR THE PREPARATION OF THE PLAN, AND OF ANY AUTHORIZED REPRESENTATIVE OF THE APPLICANT;~~

~~B. THE PROPOSED USE OR USES OF THE LAND AND BUILDINGS;~~

~~C. A SITE PLAN DRAWING OR DRAWINGS AT A SCALE OF NOT LESS THAN ONE INCH FOR EACH FIFTY FEET WHICH SHALL INCLUDE OR SHOW:~~

~~1. THE LOCATION OF ALL EXISTING AND PROPOSED STRUCTURES, INCLUDING, BUT NOT LIMITED TO, BUILDINGS, FENCES, CULVERTS, BRIDGES, ROADS AND STREETS ON THE SUBJECT PROPERTY;~~

~~2. THE BOUNDARIES OF THE PROPERTY PROPOSED TO BE DEVELOPED;~~

~~3. ALL PROPOSED AND EXISTING BUILDINGS AND SETBACK LINES;~~

~~4. ALL AREAS, IF ANY, TO BE PRESERVED AS BUFFERS OR TO BE DEDICATED TO A PUBLIC, PRIVATE, OR COMMUNITY USE OR FOR OPEN SPACE UNDER THE PROVISIONS OF THIS OR ANY OTHER CITY ORDINANCE, INFORMATION REGARDING PERCENTAGE OF AREA COVERED, LOCATIONS, AND GENERAL TYPES OF LANDSCAPING;~~

- ~~5. ALL EXISTING AND PROPOSED EASEMENTS;~~
 - ~~6. THE LOCATIONS AND SIZE OF ALL EXISTING AND PROPOSED UTILITY STRUCTURES AND LINES;~~
 - ~~7. THE STORM WATER DRAINAGE SYSTEMS FOR EXISTING AND PROPOSED STRUCTURES, INCLUDING THE LOCATION AND EXTENT OF CURBS AND GUTTERS;~~
 - ~~8. ALL MEANS OF VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS TO AND FROM THE SITE AND THE SIZE AND LOCATION OF DRIVEWAYS, STREETS AND ROADS;~~
 - ~~9. THE LOCATION AND DESIGN OF OFF-STREET PARKING AREAS SHOWING THEIR SIZE AND LOCATIONS OF INTERNAL CIRCULATION AND PARKING SPACES;~~
 - ~~10. TRAFFIC VOLUMES AND FLOWS ESTIMATED TO BE GENERATED BY THE PROPOSED DEVELOPMENT ON ADJACENT ROADS;~~
 - ~~11. LOCATION AND EXTENT OF STREET DEDICATION, WIDENING OR OTHER ROAD IMPROVEMENTS;~~
 - ~~12. LOCATION AND EXTENT OF ACCELERATION AND DECELERATION LANES, IF NEEDED;~~
 - ~~13. LOCATION OF TRAFFIC CONTROL DEVICES ON AND OFF THE SITE;~~
 - ~~14. THE LOCATION OF ALL LOADING SPACES, INCLUDING, BUT NOT LIMITED TO, LOADING PLATFORMS AND LOADING DOCKS WHERE TRUCKS WILL LOAD OR UNLOAD;~~
 - ~~15. LOCATION AND AREA, IN SQUARE FEET, OF ALL SIGNS;~~
 - ~~D. TOPOGRAPHIC MAP OR MAPS WHICH DELINEATE CONTOURS, BOTH EXISTING AND PROPOSED AT INTERVALS OF TWO FEET AND WHICH LOCATE EXISTING LAKES, STREAMS AND FORESTED AREAS;~~
 - ~~E. THE EXISTING ZONING DISTRICT OF THE PROPOSED DEVELOPMENT SITE AND ANY OTHER ZONING DISTRICT WITHIN THREE HUNDRED FEET OF THE SITE;~~
 - ~~F. THE PROPOSED NUMBER OF SQUARE FEET IN PAVED OR COVERED SURFACES, WHETHER COVERED BY BUILDINGS, DRIVEWAYS, PARKING LOTS OR ANY OTHER STRUCTURE COVERING LAND AND THE TOTAL AMOUNT OF SQUARE FEET IN THE ENTIRE PROPOSED DEVELOPMENT SITE;~~
 - ~~G. THE PROPOSED NUMBER OF DWELLING UNITS AND NUMBER OF BEDROOMS IN THE DEVELOPMENT;~~
 - ~~H. THE PROPOSED NUMBER OF SQUARE FEET IN GROSS FLOOR AREA FOR EACH COMMERCIAL AND INDUSTRIAL USE;~~
 - ~~I. A DESCRIPTION OF EACH COMMERCIAL AND INDUSTRIAL USE;~~
 - ~~J. THE WRITTEN APPROVALS OF THE SNOHOMISH HEALTH DISTRICT, IF REQUIRED;~~
 - ~~K. THE ZONING CODE ADMINISTRATOR SHALL SPECIFY THE SUBMITTAL REQUIREMENTS, INCLUDING TYPE, DETAIL, AND NUMBER OF COPIES FOR A SITE PLAN APPLICATION, AND DETERMINE IF THE APPLICATION IS COMPLETE. THE CITY MAY REQUIRE ADDITIONAL INFORMATION NOT SPECIFIED IN THE SUBMITTAL REQUIREMENTS WHEN SUCH INFORMATION IS NECESSARY TO ASSURE COMPLIANCE WITH THIS CODE. (ORD. 033/2008 § 6; ORD. 922, 1989)~~
- ~~18.82.040 REVIEW PROCESS.~~
- ~~REPEALED BY ORD. 033/2008. (ORD. 1203, 2000)~~
- ~~18.82.050 STANDARDS TO BE USED FOR REVIEW.~~

~~THE DEVELOPMENT REVIEW COMMITTEE (DRC), AS DEFINED IN MMC 21.30.050, SHALL APPROVE A SITE PLAN UNLESS IT MAKES ONE OR MORE OF THE FOLLOWING WRITTEN FINDINGS WITH RESPECT TO THE PROPOSED DEVELOPMENT OR MAJOR ALTERATION:~~

~~A. THE PROVISIONS FOR VEHICULAR ACCESS, CIRCULATION, LOADING AND UNLOADING, AND PARKING, AND FOR PEDESTRIAN CIRCULATION ON THE SITE AND ONTO ADJACENT PUBLIC STREETS AND WAYS WILL CREATE HAZARDS, WILL IMPACT SITE SENSITIVE FEATURES OF THE LAND, OR IMPOSE A SIGNIFICANT BURDEN UPON PUBLIC FACILITIES WHICH COULD BE AVOIDED BY MODIFICATIONS IN THE PLAN.~~

~~B. THE BULK, LOCATION AND/OR HEIGHT OF PROPOSED USES WILL BE DETRIMENTAL OR INJURIOUS TO OTHER PRIVATE DEVELOPMENT IN THE NEIGHBORHOOD, WILL IMPOSE UNDUE BURDENS ON PUBLIC FACILITIES OR WILL RESULT IN THE LOSS OR DAMAGE TO UNIQUE NATURAL FEATURES OF THE SITE THAT ARE IMPORTANT TO THE ENVIRONMENTAL QUALITY OF LIFE FOR THE CITIZENS OF MONROE, AND DEVELOPMENT OF THE SITE IS FEASIBLE IN A MANNER THAT WILL AVOID THESE DETRIMENTAL AND INJURIOUS RESULTS.~~

~~C. THE PROVISIONS FOR ON-SITE LANDSCAPING DO NOT PROVIDE ADEQUATE PROTECTION TO NEIGHBORING PROPERTIES FROM DETRIMENTAL FEATURES OF THE DEVELOPMENT THAT COULD BE AVOIDED BY ADEQUATE LANDSCAPING.~~

~~D. THE SITE PLAN FAILS TO PROVIDE MEASURES TO MITIGATE SOIL AND DRAINAGE PROBLEMS THAT MAY OCCUR FROM DEVELOPMENT.~~

~~E. THE PROVISIONS FOR EXTERIOR LIGHTING ARE INADEQUATE FOR THE SAFETY OF OCCUPANTS OR USERS OF THE SITE OR SUCH PROVISIONS WILL DAMAGE THE VALUE AND DIMINISH THE USABILITY OF ADJACENT PROPERTIES AND/OR CREATE A SAFETY HAZARD (ESPECIALLY TRAFFIC HAZARD), AS DEFINED IN CHAPTER 15.15 MMC.~~

~~F. THE SITE PROVIDES FOR COMMON OPEN SPACE AND LANDSCAPING, BUT THE APPLICANT HAS NOT SET FORTH A REASONABLE PLAN FOR THE PRIVATE CARE AND MAINTENANCE OF THAT OPEN SPACE AND LANDSCAPING, AND THIS FAILURE MAY RESULT IN A BURDEN ON THE PUBLIC OR CAUSE INJURY AND DETRIMENT TO THE NEIGHBORHOOD.~~

~~G. THE PROPOSED DEVELOPMENT WILL IMPOSE AN UNDUE BURDEN UPON OFF-SITE PUBLIC SERVICES INCLUDING SEWER, WATER AND STREETS, WHICH CONCLUSION SHALL BE BASED UPON A WRITTEN REPORT OF THE CITY ENGINEER FILED WITH THE DRC, A COPY OF WHICH SHALL BE PROVIDED THE APPLICANT, AND THERE IS NO PROVISION IN THE CAPITAL IMPROVEMENTS PROGRAM OF THE CITY TO CORRECT THE SPECIFIC BURDEN WITHIN A REASONABLE PERIOD AFTER THE DEVELOPMENT OR MAJOR ALTERATION SHALL BE COMPLETED.~~

~~H. IN CASES WHERE A PRELIMINARY PLAN HAS BEEN APPROVED, THERE IS A SUBSTANTIAL CHANGE IN THE FINAL SITE PLAN FROM THE APPROVED PRELIMINARY SITE PLAN AND SUCH SUBSTANTIAL CHANGE WILL HAVE AN ADVERSE EFFECT ON PUBLIC SERVICES, ADJACENT PROPERTIES, OR WILL ADVERSELY AFFECT THE ENVIRONMENTAL CONDITIONS ON THE SITE ITSELF.~~

~~I. THE PROPOSED DEVELOPMENT DOES NOT COMPLY WITH CRITICAL AREAS REQUIREMENTS PER CHAPTER 20.05 MMC OR SHORELINE REQUIREMENTS PER CHAPTER 19.01 MMC. (ORD. 033/2008 § 6; ORD. 1203, 2000; ORD. 922, 1989)
18.82.060 APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND APPROVALS.
REPEALED BY ORD. 033/2008. (ORD. 022/2004; ORD. 1203, 2000)
18.82.070 APPEAL OF HEARING EXAMINER DECISION.
REPEALED BY ORD. 033/2008.]~~

Section 13. Repeal of MMC Chapter 18.90. MMC Chapter 18.90, Planning and Zoning – Construction Permit Requirements, is hereby repealed in its entirety:

~~[18.90.010 PROPOSED USES.~~

~~PRIOR TO THE ISSUANCE OF A PERMIT FOR CONSTRUCTION, THE APPLICANT SHALL SHOW THAT THE PROPOSED USE WILL:~~

~~A. COMPLY WITH THE INTERNATIONAL FIRE CODE AS DETERMINED BY THE FIRE CODE OFFICIAL;~~

~~B. COMPLY WITH STATE AND FEDERAL REGULATIONS ON NOISE AND NOISE ABATEMENT;~~

~~C. COMPLY WITH STATE AND FEDERAL REGULATIONS ON EMISSIONS, EMISSION CONTROL AND SEWAGE AND INDUSTRIAL WASTE DISCHARGE;~~

~~D. COMPLY WITH THE INTERNATIONAL BUILDING CODE AS DETERMINED BY THE BUILDING OFFICIAL;~~

~~E. COMPLY WITH THE DRAINAGE ORDINANCE AS DETERMINED BY THE CITY ENGINEER;~~

~~F. COMPLY WITH ALL REQUIREMENTS FOR CONNECTION TO SEWER AND WATER AS SET FORTH IN APPLICABLE MONROE CODES;~~

~~G. COMPLY WITH STATE AND CITY SUBDIVISIONS CODES; AND~~

~~H. COMPLY WITH ALL OTHER APPLICABLE MONROE CODES;~~

~~I. COMPLY WITH THE SIDEWALK ORDINANCE. (ORD. 922, 1989)~~

~~18.90.020 CERTIFICATE OF ZONING COMPLIANCE – REQUIRED.~~

~~A. NO BUILDING PERMIT SHALL BE ISSUED WITHOUT THE PRIOR ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE BY THE CITY PLANNER EXCEPT FOR SINGLE FAMILY RESIDENCE STRUCTURES.~~

~~B. PRIOR TO ISSUING A CERTIFICATE OF ZONING COMPLIANCE, THE CITY SHALL REVIEW THE DEVELOPMENT PROPOSAL CONTAINED IN THE APPLICATION FOR SUCH CERTIFICATE.~~

~~C. THE PURPOSE OF THE REVIEW IS TO ENSURE THE FOLLOWING:~~

~~1. THE PROPOSED DEVELOPMENT IS A PERMITTED USE;~~

~~2. A CONDITIONAL USE PERMIT OR A VARIANCE HAS BEEN GRANTED OR IS NECESSARY;~~

~~3. THAT SUCH DEVELOPMENT CONFORMS TO THE BASIC INTENT OF THE COMPREHENSIVE PLAN;~~

~~4. THE NEED FOR BASIC STREET IMPROVEMENTS, INCLUDING BUT NOT LIMITED BY THIS REFERENCE TO STORM DRAINAGE, CURBS, GUTTERS AND SIDEWALKS;~~

~~5. COMPLIANCE WITH APPLICABLE REQUIREMENTS FOR INGRESS AND EGRESS:~~

~~A. PARKING;~~

~~B. LANDSCAPING;~~

~~C. SIGNS;~~

~~D. DIMENSIONAL STANDARDS.~~

~~D. STREET AND/OR OTHER IMPROVEMENTS MAY BE REQUIRED AS A CONDITION OF THE ISSUANCE OF THE CERTIFICATE OF ZONING COMPLIANCE AND/OR BUILDING PERMIT WHEN FOUND TO BE REQUIRED PURSUANT TO THE REVIEW PROVIDED FOR IN THIS SECTION.~~

~~E. A CERTIFICATE OF ZONING COMPLIANCE ISSUED PURSUANT TO THIS CHAPTER SHALL BE VALID FOR ONE YEAR FROM THE DATE OF APPROVAL. FAILURE OF AN APPLICANT OR HIS/HER SUCCESSORS IN INTEREST TO PROCEED UNDER AN APPROVED CERTIFICATE OF ZONING COMPLIANCE WITHIN THE TIME PERIODS ESTABLISHED WITHIN THIS SECTION SHALL REQUIRE THE APPLICANT OR HIS/HER SUCCESSORS TO REAPPLY FOR A CERTIFICATE OF ZONING COMPLIANCE AND SHALL NOT BE DEEMED TO HAVE VESTED ANY RIGHTS TO PROCEED WITH DEVELOPMENT WITHOUT FIRST OBTAINING A NEW CERTIFICATE OF ZONING COMPLIANCE.~~

~~18.90.030 APPLICATION – REFERRAL TO HEARING BODY.~~

~~THE ZONING CODE ADMINISTRATOR SHALL HAVE THE AUTHORITY, WITHIN TEN DAYS FROM THE DATE OF FILING OF AN APPLICATION FOR BUILDING PERMIT OR FOR A CERTIFICATE OF ZONING COMPLIANCE, TO DECLINE IN WRITING TO ACT UPON THE QUESTION OF ZONING COMPLIANCE AND SHALL FORWARD THE APPLICATION TO THE HEARING BODY FOR SUCH DETERMINATION FOLLOWING THE STANDARDS SET FORTH IN MMC 18.82.030.~~

~~18.90.040 CERTIFICATE OF ZONING COMPLIANCE – DENIAL – APPEAL.~~

~~THE ACTION OF THE ZONING CODE ADMINISTRATOR EITHER GRANTING OR DENYING AN APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE SHALL BE FINAL AND CONCLUSIVE, UNLESS THE APPLICANT OR AN ADVERSE PARTY FILES A WRITTEN APPEAL WITH THE DEPARTMENT OF COMMUNITY DEVELOPMENT. UPON THE FILING OF AN APPEAL, THE ACTION OF THE ZONING CODE ADMINISTRATOR SHALL BE INVALID, AND THE HEARING EXAMINER SHALL HEAR THE APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE. THE HEARING EXAMINER SHALL FOLLOW, IN ITS REVIEW OF THE APPLICATION, THE STANDARDS AS SET FORTH IN CHAPTER 18.82 MMC. THE ACTION OF THE HEARING EXAMINER EITHER GRANTING OR DENYING AN APPLICATION BY THE ZONING CODE ADMINISTRATOR OR UPON WRITTEN DEMAND AS SET FORTH IN THIS SECTION SHALL BE FINAL AND CONCLUSIVE UNLESS THE APPLICANT OR AN ADVERSE PARTY APPEALS THE DECISION TO THE CITY COUNCIL UNDER THE PROCEDURE SET FORTH IN CHAPTER 21.60 MMC.]~~

Section 14. Amendment of MMC Subsection 20.06.030(I). MMC section 20.06.030, Environment – Concurrency Management System - Definitions, is hereby amended to modify the definition of “Development Approvals” as follows:

I. Development Approvals. The following unexpired development approvals shall be considered to be final development approvals:

1. Final subdivision plat approval; **and;**

[2. FINAL SITE PLAN APPROVAL; AND

3]2. Building permit.

Section 15. Amendment of MMC 20.07.040. The definition of “development” set forth in Section 20.07.040 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

“Development” means all subdivisions, short subdivisions, conditional use permits, binding site plan approvals, rezones accompanied by ~~[AN OFFICIAL SITE PLAN]~~ **another project permit**, or building permits (including building permits for multifamily and duplex residential structures, and similar uses) and other applications requiring land use permits or approvals by the city of Monroe.

Section 15. Amendment of MMC Subsection 20.08.030. MMC section 20.08.030, Environment – Land Clearing and Forest Practices - Definitions, is hereby amended to modify the definition of “Land development permit” as follows:

“Land development permit” means any land use or environmental permit or license including but not limited to preliminary or final plat for a single-family residential project, a building permit, ~~[SITE PLAN,]~~ or preliminary or final planned residential development plan.

Section 16. Amendment of MMC Subsection 20.10.110(E). MMC subsection 20.10.110(E), Environment – Park Impact Fees – Payment of Fees, is hereby amended as follows:

E. For existing lots or lots not covered by subsection (B) of this section, application for single-family and multifamily residential building permits, mobile home permits, and **binding** site plan approval for mobile home parks proposed, the total amount of the impact fees shall be assessed and collected from the applicant when the building permit is issued or deferred in accordance with subsection (C) of this section, using the impact fee schedules then in effect.

Section 17. Amendment of MMC Subsection 21.10.030. MMC Section 21.10.030, Development Review Procedures – Introduction - Definitions, is hereby amended to modify the definitions of “Project permit or project permit application” and “Site plan, binding” as follows:

“Project permit” or “project permit application” means any land use or environmental permit or license required by the city of Monroe for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, ~~[SITE PLAN REVIEW,]~~ permits or approvals required for critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

“Site plan, binding” means a site plan reviewed and approved pursuant to MMC Title 18[~~AND CHAPTER 18.82 MMC~~], containing the inscriptions or attachments setting forth the limitations and conditions of use for a specific parcel of property and meeting the requirements of the Snohomish County auditor for recording.

Section 18. Amendment of MMC Subsection 21.30.010(B). MMC subsection 21.30.010(B), Development Review Procedures – Consolidated Application Process - Application, is hereby amended as follows:

B. All applications for development permits, [~~SITE PLAN REVIEW APPROVALS,~~] variances, and other city approvals under the development regulations shall be submitted on forms provided by the department of community development. All applications shall be acknowledged by the property owner(s) and any interested parties, if applicable.

Section 19. Amendment of MMC Section 21.30.030. MMC subsection 21.30.030, Development Review Procedures – Consolidated Application Process – Content of applications, is hereby amended as follows:

A. All applications for approval under MMC Titles 15 through 20 shall include the information specified in the applicable title. The director of community development may require such additional information as reasonably necessary to fully and properly evaluate the proposal, **including but not limited to:**

1. The title and location of the proposed development, together with the names, addresses and telephone numbers of the record owner or owners of the land and wives, and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;

2. The proposed use or uses of the land and buildings;

3. A site plan drawing or drawings at a scale of not less than one inch for each fifty feet which shall include or show:

a. The location of all existing and proposed structures, including, but not limited to, buildings, fences, culverts, bridges, roads and streets on the subject property;

b. The boundaries of the property proposed to be developed;

c. All proposed and existing buildings and setback lines;

d. All areas, if any, to be preserved as buffers or to be dedicated to a public, private, or community use or for open space under the provisions of this or any other city ordinance, information regarding percentage of area covered, locations, and general types of landscaping;

e. All existing and proposed easements;

f. The locations and size of all existing and proposed utility structures and lines;

g. The storm water drainage systems for existing and proposed structures, including the location and extent of curbs and gutters;

h. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads;

i. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces;

j. Traffic volumes and flows estimated to be generated by the proposed development on adjacent roads;

k. Location and extent of street dedication, widening or other road improvements;

l. Location and extent of acceleration and deceleration lanes, if needed;

m. Location of traffic-control devices on and off the site;

n. The location of all loading spaces, including, but not limited to, loading platforms and loading docks where trucks will load or unload; and

o. Location and area, in square feet, of all signs;

4. Topographic map or maps which delineate contours, both existing and proposed at intervals of two feet and which locate existing lakes, streams and forested areas;

5. The existing zoning district of the proposed development site and any other zoning district within three hundred feet of the site;

6. The proposed number of square feet in paved or covered surfaces, whether covered by buildings, driveways, parking lots or any other structure covering land and the total amount of square feet in the entire proposed development site;

7. The proposed number of dwelling units and number of bedrooms in the development;

8. The proposed number of square feet in gross floor area for each commercial and industrial use;

9. A description of each commercial and industrial use; and

10. The written approvals of the Snohomish Health District, if required.

B. The applicant shall apply for all permits identified in the preapplication meeting.

Section 20. Copy to Commerce. Pursuant to RCW 36.70A.106, a copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

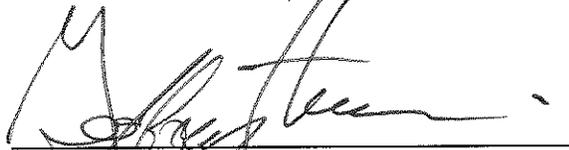
Section 21. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, 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 22. 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 21st day of MARCH, 2017.

First Reading: March 14, 2017
Adoption: March 21, 2017
Published: March ~~21~~ 24, 2017
Effective: ~~March 19~~ 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