

**CITY OF MONROE
ORDINANCE NO. 012/2017**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 18.12 MONROE MUNICIPAL CODE (MMC), DOWNTOWN COMMERCIAL (DC) ZONE; UPDATING AND MODIFYING THE ZONING AND LAND USE DEVELOPMENT STANDARDS FOR CITY'S DOWNTOWN COMMERCIAL ZONING DISTRICT; ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

WHEREAS, the City of Monroe regulates the use and development of land within the City's Downtown Commercial (DC) zone through standards codified at Chapter 18.12 MMC; and

WHEREAS, the City Council desires to update and amend Chapter 18.12 MMC in order to more accurately reflect the City's current vision and planning goals for the DC zone.

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

Section 1. Findings. The above recitals, together with the Planning Commission findings dated February 27, 2017, are hereby adopted 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 February 13, 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 Chapter 18.12 MMC. Chapter 18.12 of the Monroe Municipal Code, Downtown Commercial (DC) Zone, is hereby amended to provide in its entirety as follows:

**Chapter 18.12
DOWNTOWN COMMERCIAL (DC) ZONE**

Sections:

- 18.12.110 Purpose of the downtown commercial zone.
- 18.12.115 Definitions.**
- 18.12.120 Neighborhoods and maps.
- 18.12.130 ~~[DOWNTOWN]~~**Residential** neighborhood (~~[D]~~**RN**).
- 18.12.140 Rails and Roads neighborhood (RR).
- 18.12.150 Historic Main area (HM).
- 18.12.155 Downtown Promenade (DTP).**
- 18.12.160 ~~[BORLIN PARK]~~**East Downtown** neighborhood (~~[BP]~~**ED**).
- 18.12.170 Downtown neighborhood land use matrix.
- 18.12.180 Mixed-use requirements.
- 18.12.190 Special uses.
- 18.12.200 Downtown planning area bulk requirements.
- 18.12.210 ~~[GENERAL DOWNTOWN COMMERCIAL REQUIREMENTS FOR THE HISTORIC MAIN AND BORLIN PARK NEIGHBORHOODS]~~**Exception and clarifications.**
- 18.12.220 Downtown commercial parking.

18.12.110 Purpose of the downtown commercial zone.
The purpose of the downtown commercial zone is to integrate civic, commercial, entertainment, cultural and residential uses and increase economic and urban activity levels within the zone. Development standards or guidelines applicable to the downtown commercial zone enhance opportunities for significant growth of office, commercial, and residential projects in the city's core, where public transit and civic amenities are more concentrated and available.

18.12.115 Definitions.

For the purposes of MMC Chapter 18.12 only, the following definitions shall apply:

“Club, fitness” means a use featuring exercise, sports and other active physical fitness conditioning. This also includes businesses engaged in providing specific athletic related training and services for a participation fee.

“Day care services 1” use is the use of a site for the provision of daytime care for more than twenty four persons. This use includes nursery schools, preschools,

day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.

“Day care services 2” use is the use of a site for the provision of daytime care for more than twelve but not more than twenty four persons. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.

“Day care services 3” use is the use of a site for the provision of daytime care for twelve persons or less. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.

“Distillery, Craft” means an operation where specialty alcohol is produced and distributed in an amount equal to or less than 150,000 proof gallons per year. The majority of the square footage of the micro-distillery building and related structures is devoted to such uses as a tasting room, restaurant and/or gift shops.

“Mixed use (commercial and residential)” means a building that contains a combination of residential and non-residential land uses.

“Personal service shops“ means businesses which administer personal services including beauty and barber shops, nail salons, tanning salons, day spas, pet grooming, tailoring, shoe repair, and other similar personal service uses that are pedestrian-attracting or pedestrian-generating in nature.

“Residential care facility” provides custodial care to persons who, because of physical, mental, or emotional disorders, are not able to live independently.

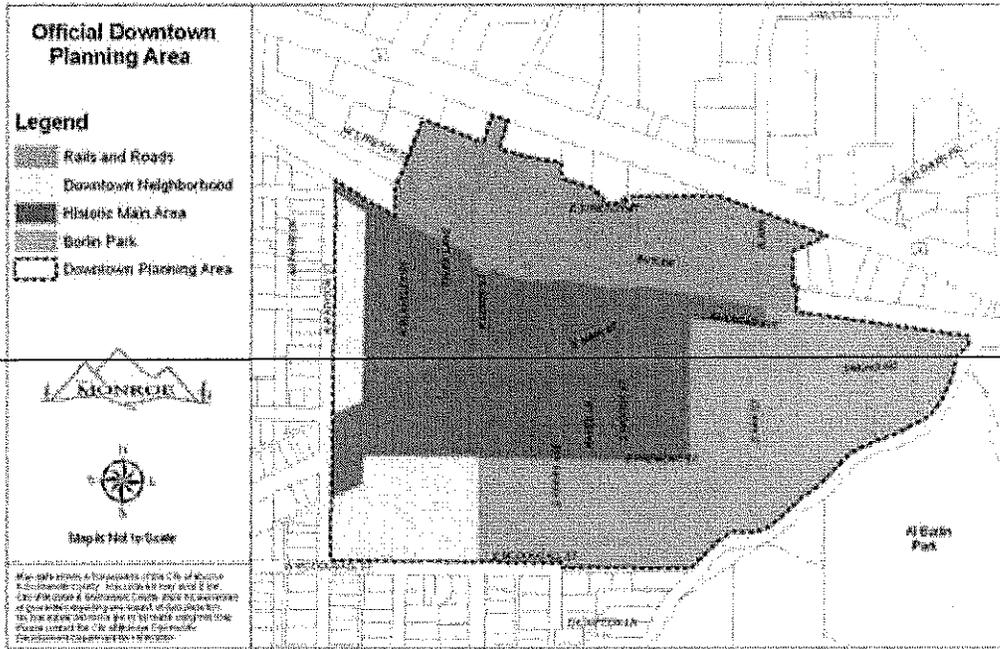
“Service establishment” means any business, professional or government office providing a substantial function of the business as on-site services, which involve personal contact with people who do not work in the office. Examples would include, but not be limited to, residential real estate sales, loan offices, medical offices and employment agencies.

18.12.120 Neighborhoods and maps.

A. Neighborhoods. The downtown commercial zone is subdivided into ~~[FOUR]~~**five** distinct neighborhoods; each neighborhood is intended to implement specific aspects of the comprehensive plan that pertain to the downtown planning area. Each neighborhood contains a unique mix of uses and zoning regulations, as described in this chapter. The ~~[FOUR]~~**five** neighborhoods are ~~[D]RN [DOWNTOWN]~~**Residential** neighborhood, RR Rails and Roads neighborhood, HM Historic Main area, ~~[AND BP BORLIN PARK]~~**ED East Downtown** neighborhood, and the Downtown Promenade DP.

B. Official Downtown Planning Area Zoning Map. The official downtown planning area zoning map shows the boundaries of the planning area and represents the ~~[FOUR]~~**five** distinct neighborhoods in the downtown commercial zone. This map shall be supplemental to the current, official city of Monroe zoning map.

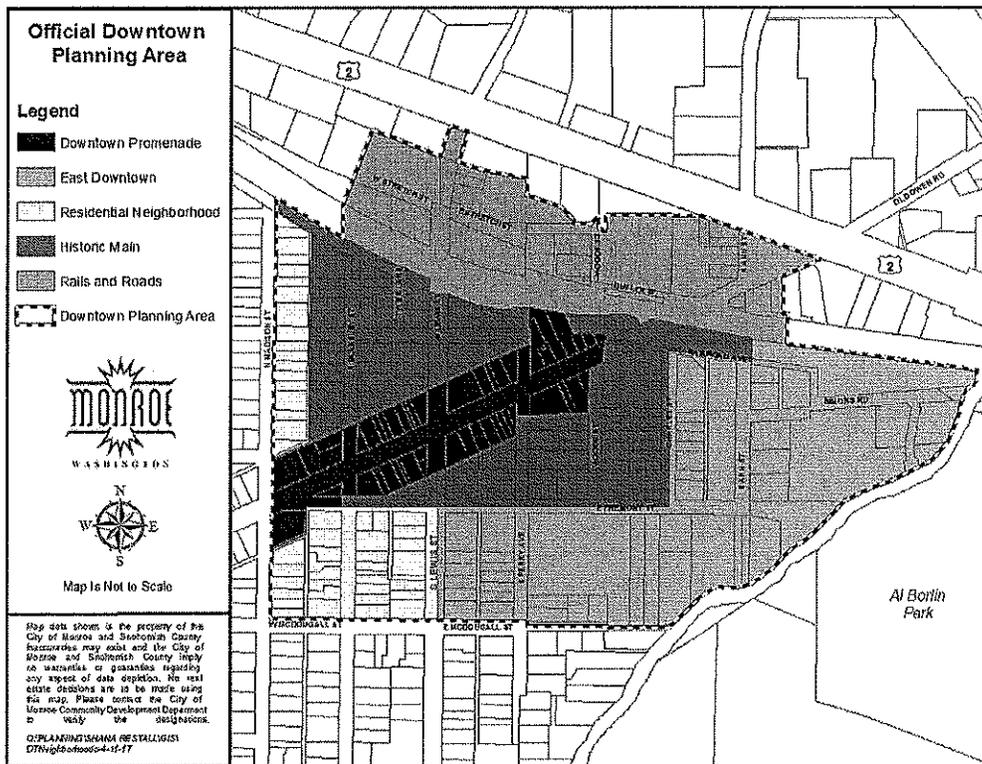
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C. Planning Area and Neighborhood Boundaries. Where uncertainty exists as to the boundaries of the downtown planning area and downtown commercial neighborhoods, as shown on the official downtown planning area zoning map, the rules defined in MMC 18.04.030 shall apply.

---- **INSERT NEW MAP** ----



18.12.130 [DOWNTOWN]Residential neighborhood ([D]RN).

A. Purpose. The **[DOWNTOWN]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, ~~[AND] duplexes,~~ **and multi-family dwellings.**

B. Residential Density. Residential density will allow up to eleven dwelling units per acre. The number of units on a specific site is calculated by multiplying the gross area by eleven units per acre.

18.12.140 Rails and Roads neighborhood (RR).

The Rails and Roads neighborhood includes the lands north of the Historic Main area, between the railroad and U.S. Highway 2. Many of the properties in this area have roads along the front and rear of the property, looking both to downtown and to the commercial strip. Various commercial activities are appropriate in this neighborhood. The long-term vision for the area should make use of the rail lines by encouraging a rail stop for potential passenger service. Residential uses in the RR neighborhood are not allowed, due to the commercial nature of the area.

18.12.150 Historic Main area (HM).

A. Purpose. The Historic Main area encompasses the blocks along Main Street between Madison Street and the railroad tracks and along Lewis Street between Fremont Street and the railroad tracks **[except those areas within the Downtown Promenade (18.12.155)].** The Historic Main area will be the core area for specialty commercial uses that serve the entire community and even the region. The goal for this area is to continue to have a high concentration of retail, dining, and entertainment functions, while accommodating professional services and some residential housing. Cultural and recreational facilities should also be a part of the area's mix of uses.~~[CERTAIN STREET SEGMENTS IN THE HISTORIC MAIN AREA LIMIT GROUND FLOOR STREET LEVEL USES TO THOSE LAND USES THAT PROMOTE PEDESTRIAN ACTIVITY AND INTERACTION (SEE MMC 18.12.150(D).)]~~

B. Residential Density. The Historic Main area allows up to twenty residential units per gross acre. To calculate the number of possible dwelling units/lots, refer to MMC 18.10.010(B) for the single-family density calculation and MMC 18.10.020(B) for the multifamily or mixed use density calculation.

C. Design Guidelines. All development within the Historic Main area shall comply with the **Downtown D[Design] G[Guidelines] Draft #1a dated December 18, 2008**~~[FOUND IN THE DOWNTOWN MASTER PLAN]~~. Design guideline review will be administrative and is subject to the requirements of MMC ~~[18.10.130]~~**18.10.132.**

18.12.155 Downtown Promenade (DTP).

A. Purpose. The Downtown Promenade area encompasses the ground or street level portion of all buildings facing Main Street between Madison Street and Woods Street shall be considered a “promenade” within the Downtown Commercial District. The goal for this area is to have those land uses that promote pedestrian activity and interaction.

B. Design Guidelines. All development within the Downtown Promenade area shall comply with the Downtown Design Guidelines Draft #1a dated December 18, 2008. Design guideline review will be administrative and is subject to the requirements of MMC 18.10.132.

18.12.160 [BORLIN-PARK]East Downtown neighborhood ([BP]ED).

A. Purpose. The goal for this neighborhood is to promote an “urban village” character that contains pedestrian scale amenities and high-quality mixed-use and high-density residential development. Land uses will provide for a concentration of commercial, residential, and civic functions. Civic functions may include recreational and arts uses as well as education-related activities. The **[BORLIN-PARK]East Downtown** neighborhood should contain significant, well-designed parks and open space. There are opportunities to make use of natural amenities along the eastern edge of the area that would make this a distinctive and appealing location for in-town housing. There are also opportunities to provide additional urban, civic green spaces within convenient walking distance of the Historic Main area. This combination of uses is necessary to promote the greater downtown Monroe area as a regional destination for specialty retail, dining, and entertainment.

Areas along Woods Creek and the **[BORLIN-PARK]East Downtown** neighborhood are encouraged to provide enhanced pedestrian and bicycle connectivity. Also proposed along Woods Creek is an area for an overlook and water access at the creek itself, which would be linked into the enhanced bike and pedestrian ways. Areas of the Al Borlin Park **East Downtown** neighborhood, which are within the Woods Creek shoreline area, will have some development constraints due to the natural sensitivities of the creek side areas.

B. Residential Density. The **[BORLIN-PARK]East Downtown** neighborhood allows **a base density of** up to twenty residential units per gross acre. **Increased density of up to 24 units per acre is allowed for four story buildings. Increased density of up to 28 units per acre is allowed for five story buildings. Upper fourth and fifth stories shall be subject to Design Guideline requirements in Draft #1a dated December 18, 2008, for stepping back. Lower stories may also be subject to requirements for stepping back.** To calculate the number of possible dwelling units/lots, refer to MMC 18.10.020(B) for the multifamily or mixed use density calculation.

C. Design Guidelines. The Borlin Park Neighborhood Design Guidelines, dated February 2009, or as amended in the future, and attached to the ordinance codified in this section, are hereby adopted and incorporated into this code by this section by this

reference as if set forth in full. All development within the **[BORLIN PARK]East Downtown** neighborhood shall comply with the design guidelines as adopted and is subject to the requirements of MMC [18.10.130]**18.10.132**.

18.12.170 Downtown neighborhood land use matrix.

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

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

Downtown Neighborhood [ZONING] Land Use Matrix	Downtown Commercial Zone				
Conforming Use	[DOWNTOWN] Residential Neighborhood	Rails and Roads Neighborhood	Historic Main Area	[BORLIN PARK] East Downtown Neighborhood	Downtown Promenade
Community oriented open-air market		P	P	P	<u>P</u>
Convenience stores		P	P	<u>P</u>	<u>P</u>
[DAY-CARE-CENTER]	[C ²]	[C ²]	[C ²]	[C ²]	
Day care services 1 (>24)		<u>P</u>	<u>P</u>		
Day care services 2 (13 – 24)		<u>P</u>	<u>P</u>	<u>P</u>	
Day care services 3 (<13)	<u>A</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Distillery, Craft		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Drive-up/through		P	[P ³]	<u>P</u> [P ³]	
Drug store		P	P	P	<u>P</u>
Dwelling, duplex	P				
Dwelling, mobile home	[P]		C		
Dwelling, multifamily	<u>P</u>		<u>P</u> [P ⁴]	P	<u>C</u> (4)
Dwelling, single-family	P		C		
Dwelling, townhouse	<u>P</u>		<u>C</u>	P	
Electrical transmission lines of higher voltage than 115 kV, in existing corridors (above or below ground)	P	P	P	P	<u>P</u>
Electrical transmission lines of higher voltage than 115 kV, in new corridors (below ground)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Electrical transmission lines of higher voltage than 115 kV, in new corridors (above ground)	C	C	C	C	<u>C</u>
[FAMILY-DAY-CARE]	[A]	[A]	[A]	[A]	
[GARDEN PRODUCE]		[P]	[P]	[P]	
[GAS-STATION]		[P]	[C]		
Government facilities	C	C	C	C	

Downtown Neighborhood [ZONING] Land Use Matrix	Downtown Commercial Zone				
Conforming Use	[DOWNTOWN] Residential Neighborhood	Rails and Roads Neighborhood	Historic Main Area	[BORLIN PARK] East Downtown Neighborhood	Downtown Promenade
Greenhouse, retail		P	P[G]	P	P
Grocery store		P	P(5)[P5]	P(5) [P5]	P(5)
[GROUP HOMES, TYPE 1]	[P]		[C]	[P]	
[GROUP HOMES, TYPE 2]	[C3]		[C3]	[C3]	
Halfway house	EPF		EPF	EPF	
Hardware store 1 <u>(6)</u>		P	P	P	P
[HARDWARE STORE 2]		[P]			
Home occupations, <u>minor only</u>	P		P	[P]	
Hotel		P	P[G]	P[G]	
Library		P	P	P	
Mixed-use (commercial and residential)	P		P	P	P
Mobile vendors <u>(7)</u>		P[P6]	P[P6]	P[P6]	P
[MOTEL]		[P]			
Motor vehicle sales facility - Motorsports only		P			
Nursing and[OR] convalescent home <u>(8)</u>			P[P8]	P[P8]	
Office, professional	P	P	P	P	
[PARKING LOTS (ACCESSORY USE)]	[P]	[P]	[P]	[P]	
Parking lots (stand-alone)	[C]	C	C	C	
[PAWN SHOP]		[P]	[P]		
Personal service shops		P	P	P	P
Preschool	[C]	P[G]	[C]	P[G]	
Print shop		P	C[P]	P[G]	
Regional transit station, including bus, train, and other high-capacity vehicle bases	EPF	EPF	EPF	EPF	

Downtown Neighborhood [ZONING] Land Use Matrix	Downtown Commercial Zone				
	[DOWNTOWN] Residential Neighborhood	Rails and Roads Neighborhood	Historic Main Area	[BORLIN PARK] East Downtown Neighborhood	Downtown Promenade
Restaurant		P	P	P	<u>P</u>
Retail stores		P	<u>P</u> [P7]	<u>P</u> [P7]	<u>P</u>
Residential care facilities <u>(8)</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Retirement housing/assisted living facility <u>(8)</u>	<u>P</u>	<u>P</u> [P8]	<u>P</u> [P8]	<u>P</u> [P8]	
Service establishment	C	P	P	P	
State and regional transportation facilities including highways of statewide significance	EPF	EPF	EPF	EPF	
Tavern/pub		P	P	<u>P</u> [A]	<u>P</u>
Tool sales and rental		P		<u>A</u>	
Utility services	<u>C</u> [P]	<u>C</u> [P]	<u>C</u> [P]	<u>C</u> [P]	
Veterinary clinic/animal hospital	C	P	C	<u>P</u>	

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 13,000 square feet in gross floor area.
- (6) Hardware stores may not exceed 20,000 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 (4) acres in size or less.

~~[P¹ ACCESSORY DWELLING UNITS MUST MEET CRITERIA OUTLINED IN CHAPTER 18.40 MMC.~~

~~P² ADULT ENTERTAINMENT FACILITIES ARE SUBJECT TO CHAPTER 5.48 MMC AND ARE NOT ALLOWED IN THE DOWNTOWN COMMERCIAL ZONE.~~

~~P³ DRIVE-UP/THROUGH WINDOWS OR AREAS ARE PROHIBITED IN ANY ESTABLISHMENT SERVING FOOD AND/OR BEVERAGES.~~

~~P⁴ MULTIFAMILY DWELLINGS ARE ONLY ALLOWED IN CONJUNCTION WITH MIXED-USE STRUCTURES.~~

~~P⁵ GROCERY STORES MAY NOT EXCEED 20,000 SQUARE FEET IN GROSS FLOOR AREA.~~

~~P⁶ MOBILE VENDORS MUST MEET THE CRITERIA OUTLINED IN MMC 18.12.190(A).~~

~~P⁷ IN THE HISTORIC MAIN AND BORLIN PARK NEIGHBORHOODS, RETAIL STORES ARE LIMITED TO LOW-INTENSITY USES NO MORE THAN TWO THOUSAND FIVE HUNDRED GROSS SQUARE FEET, WHICH ARE TYPICALLY PART OF A LARGER DEVELOPMENT. LOW-INTENSITY USES MAY~~

~~INCLUDE, BUT ARE NOT LIMITED TO, BOUTIQUES, GALLERIES, JEWELRY STORES, CLOTHING SHOPS, AND SIMILAR RETAIL USES.~~

~~P⁸ 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 (43,560 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 X 3 = 33).~~

~~C¹ CARETAKER MUST BE ON SITE.~~

~~C² LIMITATION ON NUMBER OF CHILDREN PERMITTED PER ESTABLISHMENT.~~

~~C³ GROUP HOMES THAT QUALIFY AS ESSENTIAL PUBLIC FACILITIES SHALL FOLLOW THE REGULATIONS IN CHAPTER 18.15 MMC, ESSENTIAL PUBLIC FACILITIES.]~~

18.12.180 Mixed-use requirements.

A. Residential Mixed-Use Requirements. The purpose and intent of requiring specific standards for residential mixed-use developments is to determine:

1. Compatibility of land uses by establishing specific standards and incentives for residential mixed-use developments to ensure and promote consistency in design, construction, and scale;
2. Proximity of housing to services by providing opportunities for residents to live close to areas of shops, offices and other urban amenities, in order to facilitate access to such services and places of employment, and also to promote pedestrian orientation while decreasing the need for automobile trips;
3. Consistent application of **Downtown** design standards for all new or renovated buildings [~~WITHIN THE HISTORIC MAIN STREET AND BORLIN PARK NEIGHBORHOODS~~], as applicable; and
4. Ensure that the residents of mixed-use developments are provided with the same amenities afforded other multifamily developments throughout the city.

B. Applicability. Residential mixed-use development is permitted as established in the Downtown [~~N~~]Neighborhood Land Use Matrix of this chapter.

1. A minimum of one floor must be dedicated to residential use to qualify as a mixed-use development.
2. [~~HISTORIC MAIN~~]**Downtown Promenade** ground floor must be commercial.

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.
 - b. Submit property owner's written approval to locate on property.
 - c. Provide a signed agreement with a neighboring property owner within two hundred feet of the business for use of restrooms.
 - d. All mobile vendors engaged in the sale of food shall comply with all laws, rules, and regulations regarding food handling and provide a

statement of approval from the Snohomish Health District. All vehicles or conveyances used by mobile vendors shall comply with all applicable laws, rules, and regulations as established by the Washington State Motor Vehicle Code and the Monroe Municipal Code.

e. If inside seating is provided within the vehicle or unit, compliance with the accessibility code is required including, but not limited to:

- i. Accessible ramp;
- ii. Aisle width of thirty-six inches;
- iii. Door width of thirty-six inches;
- iv. Seating to accommodate a wheelchair;
- v. An accessible restroom within the vehicle/unit.
- f. Vehicles must bear a seal that indicates it has been inspected and approved by L & I.

2. **Business License.** A business license is required for all mobile vendors prior to conducting business, in conformance with licensing requirements established in Chapter 5.02 MMC, Business Licenses.

3. **Site Restrictions.**

a. Mobile vendors shall be limited to two, per linear block on each side of the street, if the vendors are separated by a minimum distance of one hundred feet.

b. No mobile vendor shall sell or convey goods in the public right-of-way.

c. Mobile vendors cannot obstruct the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where any article is being sold or offered for sale.

d. No merchandise will be offered, displayed, or sold, and no customers served, in any vehicle travel lane.

e. Mobile vendors cannot conduct business unless the vehicle or conveyance is parked and operated in full compliance with the traffic and sidewalk ordinances of the city, in effect at the time of application or as hereafter amended.

f. This section shall not apply to vendors operating in conjunction with, and at the location of, events known as the farmers' market or as part of permitted special event, per Chapter 5.28 MMC.

g. No temporary/portable restrooms are allowed on site.

h. All mobile vendors shall clean up all litter originating from their business, each day, within a one hundred fifty-foot radius of the location where sales occur.

B. **Community-Oriented Open-Air Markets.**

1. The purpose of this chapter is to regulate community-oriented open-air markets within the downtown commercial zone, including farmers' markets, art fairs, and the like. Community-oriented open-air markets are intended to be operated by a public or private organization, which is open to the public and operates from individual booths or stands.

2. Permitted Uses.
 - a. All fruits, vegetables, berries, butter, eggs, milk, or any farm produce sold by the grower or a representative.
 - b. Edibles raised or caught by the seller, including fish and meats.
 - c. The sale of goods and products produced by artisans, crafts persons, or their representative.
 - d. Sale of food and beverages prepared on site such as concession stands.

3. Prohibited Uses.
 - a. The secondhand sale of goods and products;
 - b. The sale of any raw meat, fish or poultry product unless approved by the Snohomish Health District;
 - c. The sale of any beverage or food unless appropriately licensed from the Snohomish Health District; and
 - d. No sound amplification system shall be used in conjunction with the market, which produces noise and which is audible beyond the boundaries of the area designated in the application per MMC 18.10.270, Performance standards.

4. Required License and Permits.
 - a. A business license from the city must be obtained by the sponsoring organization in conformance with licensing requirements established in Chapter 5.02 MMC, Business Licenses.
 - b. Any permits required by the Snohomish County Health District.
 - c. Exemptions. Required license and permits shall not be applied to any farmer, gardener or other person who sells any fruits, vegetables or other farm produce or edibles produced by such person within Snohomish County, Washington, and exempt pursuant to RCW 36.71.090 from paying any fee or application. Such persons are exempt from the licensing and fee requirements of Chapter 5.02 MMC.
 - d. A special event permit will be required per Chapter 5.28 MMC, for events on public property.

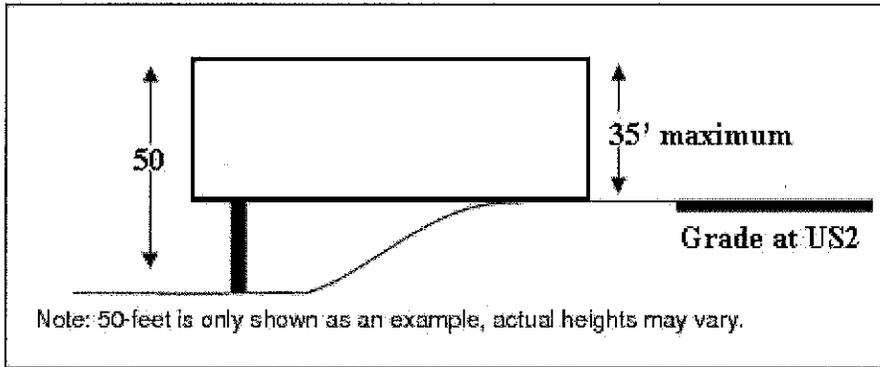
18.12.200 Downtown planning area bulk requirements.

Site Requirement	Downtown Commercial Zone Neighborhoods				
	<u>[DOWNTOWN] Residential Neighborhood</u>	Rails and Roads Neighborhood	Historic Main Area ¹	<u>[BORLIN PARK] East Downtown Neighborhood</u>	<u>Downtown Promenade</u>
District Symbol	<u>[D]RN</u>	RR	HM	<u>[BP]ED</u>	<u>DTP</u>
Minimum Building Front/Street Setbacks (In Feet)	10 ft. – Living 20 ft. – Garage 20 ft. – Office	25 ft. from arterial 20 ft. from all other streets	None	None; except that portions of the building higher than 35 feet shall be setback from	<u>None</u>

Site Requirement	Downtown Commercial Zone Neighborhoods				
	[DOWNTOWN] Residential Neighborhood	Rails and Roads Neighborhood	Historic Main Area¹	[BORLIN PARK] East Downtown Neighborhood	<u>Downtown Promenade</u>
District Symbol	[D]RN	RR	HM	[BP]ED	<u>DTP</u>
				<u>the street if the density is greater than 20 units per acre.</u>	
Minimum Building Rear Setbacks (In Feet)	Single story – 5 ft. add 2 ft. for each additional story	As per IBC and IFC ^[2]	As per IBC and IFC ^[2]	As per IBC and IFC ^[2]	<u>As per IBC and IFC</u>
Minimum Building Side Setbacks (In Feet)	Single story – 5 ft. add 2 ft. for each additional story	As per IBC and IFC ^[2]	As per IBC and IFC ^[2]	As per IBC and IFC ^[2]	<u>As per IBC and IFC</u>
Maximum Lot Coverage of Structures and Other Impervious Surfaces	75%	None	None	85% ^[2]	<u>None</u>
Minimum Landscaped Area/Landscaping Requirements	Per Chapter 18.78 MMC	Per Chapter 18.78 MMC	Per Chapter 18.78 MMC	Per Chapter 18.78 MMC	<u>Per Chapter 18.78 MMC</u>
Maximum Height (In Feet)	35 ft.	35 ft. ⁶	35 ft. ³	35 ft. ³	<u>35 ft.³</u>
Maximum Height [BONUS-](In Feet) for Mixed-Use Buildings ⁷	None	None	55 ft.	55 ft.	<u>55 ft.</u>
Ground Floor Use Requirement for Mixed-Use Buildings	None	None	[COMMERCIAL]N one	None	<u>Commercial</u>
Design Criteria	None	None	Yes – MMC 18.12.150	Yes – MMC 18.12.160	<u>Yes – MMC 18.12.155</u>
Minimum First Story Height (Mixed-Use) ⁸	None	None	15 ft.	15 ft.	<u>15 ft.</u>
Minimum Lot Area	[SFR – 4,000 SQ.-FT. DUPLEX – 8,000 SQ.-FT.] Office – 4,000 sq. ft.	None	None	None	<u>None</u>
Floor Area Ratio (FAR) ²	N/A	N/A	1.7:1	1.7:1	<u>1.7:1</u>
Bonus FAR for Residential	N/A	N/A	0.5 ⁴	0.5 ⁴	<u>0.5⁴</u>
Bonus FAR for Underground Parking	N/A	N/A	0.5 ⁵	0.5 ⁵	<u>0.5⁵</u>

1. New single-family development in the Historic Main neighborhood will follow the bulk requirements for the **[DOWNTOWN]residential** neighborhood.
2. Critical areas located on the lot count toward the FAR.
3. Mixed-use facilities may achieve twenty-foot height bonus.
4. If the structure is mixed-use, a minimum of one story must be dedicated to residential use.
5. Bonus FAR of 0.5 for buildings which provide one full level of parking below grade.

6. Maximum height of thirty-five feet is measured from the grade level at U.S. Highway 2 to the roofline for buildings fronting U.S. Highway 2 (see diagram below).



7. Portions of the building greater than 35 feet in height must be stepped back a minimum of five feet from the front façade.

8. Minimum height of ground floor shall be fifteen feet in height, from top to top of the successive finished floor surfaces on applicable buildings, as illustrated in Figure 18.12-1.

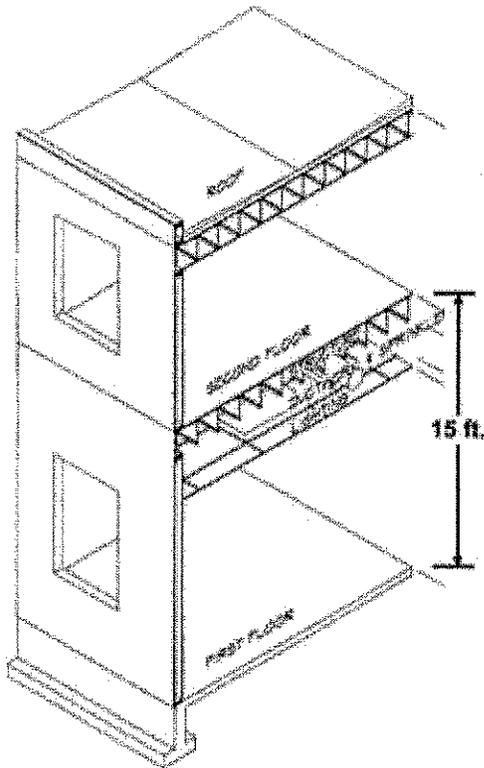


Figure 18.12-1. Measurement of ground floor height.

18.12.210 [GENERAL DOWNTOWN COMMERCIAL REQUIREMENTS FOR THE HISTORIC MAIN AND BORLIN PARK NEIGHBORHOODS.

A. DEVELOPMENT STANDARDS.

1. MINIMUM HEIGHT OF GROUND FLOOR SHALL BE FIFTEEN FEET IN HEIGHT, FROM TOP TO TOP OF THE SUCCESSIVE FINISHED FLOOR SURFACES ON APPLICABLE BUILDINGS, AS ILLUSTRATED IN FIGURE 18.12-1. FIGURE 18.12-1 SHOWS A GROUND FLOOR HEIGHT OF FIFTEEN FEET.

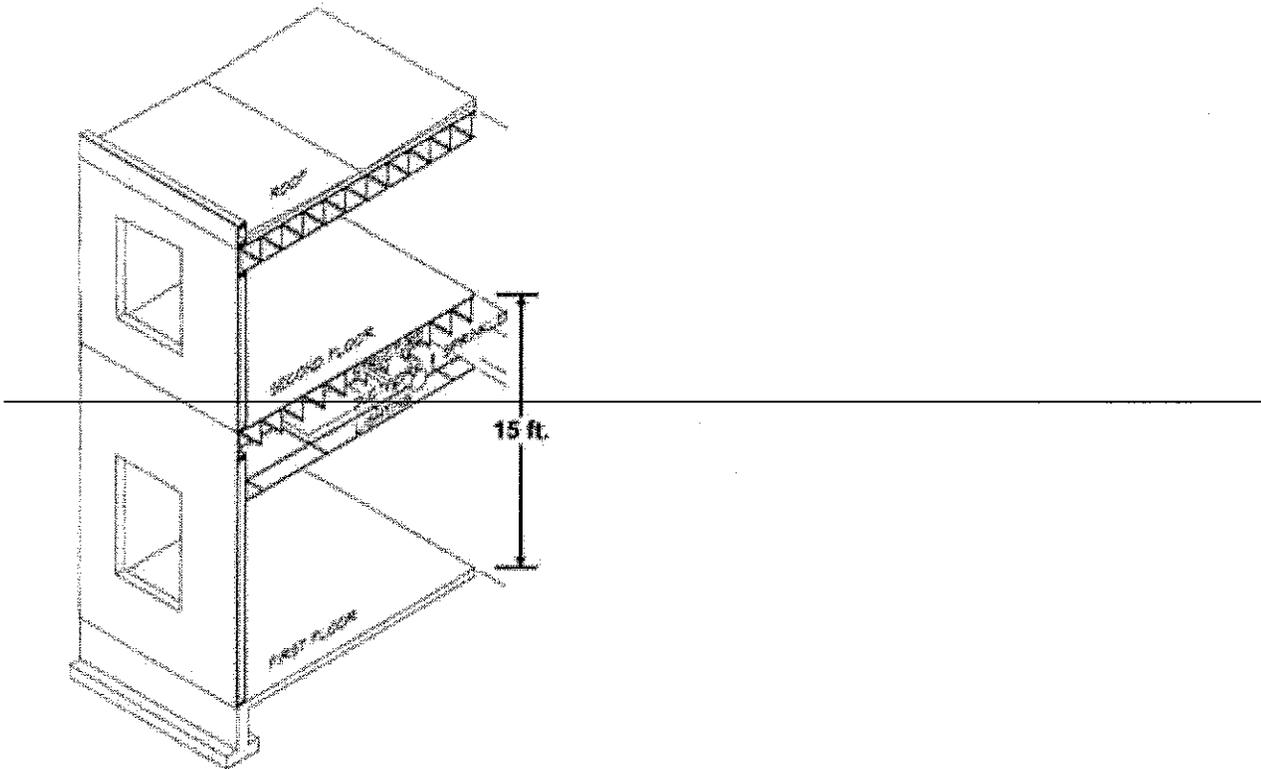


FIGURE 18.12-1: GROUND FLOOR HEIGHT MEASUREMENT

~~2. FLOOR AREA RATIO (FAR) BONUS. NEW OR RENOVATED BUILDINGS, AS APPLICABLE, MAY ATTAIN A 0.5 FAR BONUS FOR MIXED-USE BUILDINGS, IF A MINIMUM OF ONE FLOOR IS DEDICATED TO RESIDENTIAL USE.~~

~~3. GROUND FLOOR. COMMERCIAL USES SHALL BE LOCATED ON THE GROUND FLOOR, AS APPLICABLE. THE ELEVATION OF THE GROUND FLOOR AND ASSOCIATED ENTRY SHALL BE WITHIN SEVEN INCHES OF THE GRADE LEVEL OF THE ADJOINING SIDEWALK. "GRADE" SHALL BE AS MEASURED AT THE ENTRY LOCATION.~~

4.] **Exceptions and [C]larifications.**

[A]**A.** Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement. Ground floor parking is allowed under the following circumstances:

- [i]**1.** The parking lot is behind commercial suites on the ground level.
- [ii]**2.** Commercial use requirement will be satisfied on the second story.
- [iii]**3.** Additional landscape screening is provided.

[B]**B.** Commercial space located on the ground floor shall be directly accessible, by an entry, from the sidewalk.

18.12.220 Downtown commercial parking.

A. Off-street parking shall be provided per Chapter 18.86 MMC, throughout the downtown commercial zone, with the following exceptions:

1. The Historic Downtown neighborhood is exempt from off-street commercial parking requirements; however, for new construction on-site parking is encouraged when feasible.

B. The director or designee may approve a reduction of up to twenty percent of the required off-street parking spaces, per MMC 18.86.050, when the applicant provides one or more of the following:

1. The applicant submits a parking study, by a qualified professional, substantiating that the parking need can be met by the proposed reduction.

2. The applicant sets aside land equal to the reduction area, which can be converted to parking, if a change in use or tenant occurs that increases the minimum required off-street parking, per MMC 18.86.050; in such case, the land set aside must be converted to parking.

3. For every five bicycle spaces provided, per subsection (C) of this section, or for each bicycle locker (two-bicycle capacity), the minimum motor vehicle parking space requirements may be reduced by one space up to five percent of the total required off-street parking spaces.

4. On sites where at least twenty parking spaces are required and where at least one frontage abuts a designated roadway, transit supportive plazas may be substituted for up to ten percent of required vehicle parking when:

a. The plaza is adjacent to the arterial street (if there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop);

b. The plaza must be at least two hundred square feet in area and be shaped so that a ten-foot by ten-foot square will fit entirely within the plaza; and

c. The plaza must be open to the public, contain a bench or other sitting area and shall have at least ten percent and no more than twenty-five percent landscaping.

5. The applicant enters into joint parking agreement, for use of a cooperative parking facility, in accordance with MMC 18.86.070 and 18.86.080. Through a joint parking agreement, the twenty percent reduction may be increased if all cooperative parking facility criteria are met.

C. Standards for Bicycle Parking. Any bicycle parking implemented under this section must meet the following standards:

1. Bicycle parking must be provided at the ground level, and may be provided in floor or wall racks that hold bicycles securely. Bicycles may be tipped vertically for storage, but not hung above the ground. If the bicycle parking is placed in the public right-of-way, it shall not obstruct pedestrian walkways or damage required landscaping.

2. Where required bicycle parking is provided with racks, the racks must meet the following standards:

a. The rack must hold the bicycle securely by means of the frame. The frame must be able to be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels;

b. The bicycle frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock if both wheels are left on the bicycle;

- c. The rack must be securely anchored to the ground or adjacent structure with theft-resistant hardware.
- 3. Where bicycle parking is provided with lockers, such lockers must meet the following standards:
 - a. An area of at least six feet of horizontal distance shall be provided around the entrance of each locker that is free from obstructions; and
 - b. The lockers must be securely anchored to the ground or adjacent structure with theft-resistant hardware.

D. Underground parking is encouraged throughout the downtown commercial zone.

Section 3. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce.

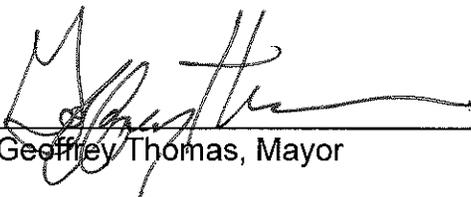
Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. 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 23rd day of May, 2017.

First Reading: May 16, 2017
 Adoption: May 23, 2017
 Published: May 26, 2017
 Effective: May 31, 2017

CITY OF MONROE, WASHINGTON:

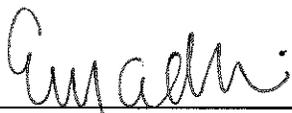


 Geoffrey Thomas, Mayor

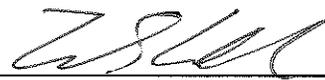
(SEAL)

ATTEST:

APPROVED AS TO FORM:



 Elizabeth M. Adkisson, MMC, City Clerk



 J. Zachary Leil, City Attorney