

CITY OF MONROE
ORDINANCE NO. 008/2025

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING MONROE MUNICIPAL CODE CHAPTER 22.20 MMC MIXED USE ZONING DISTRICTS, CHAPTER 22.22 MMC DOWNTOWN COMMERCIAL ZONING DISTRICT, CHAPTER 22.26 MMC GENERAL COMMERCIAL ZONING DISTRICTS, CHAPTER 22.42 MMC DESIGN STANDARDS, CHAPTER 22.44 MMC PARKING STANDARDS AND DESIGN, AND CHAPTER 22.78 MMC STATE ENVIRONMENTAL POLICY ACT; PROVIDING FOR THE CONVERSION OF EXISTING BUILDINGS INTO RESIDENTIAL PURPOSES IN COMPLIANCE WITH ENGROSSED SUBSTITUTE HOUSE BILL (ESHB) 1042; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2023, the Washington State Legislature passed ESHB 1042, passed as Ch. 285, Laws of 2023, and codified variously in Chapter 35A.21 RCW, Chapter 43.21C RCW, and Chapter 19.27A RCW, requiring that cities amend their codes with the intent to encourage the interior redevelopment of existing commercial or mixed-use buildings at a higher residential density; and

WHEREAS, cities must amend their development regulations to provide for the conversion of existing commercial or mixed-use buildings into residential housing in compliance with ESHB 1042 within six months of adopting periodic amendments to their comprehensive plans; and

WHEREAS, the City of Monroe must amend Monroe Municipal Code (MMC) 22.20.040, 22.22.060, 22.26.050, 22.42.020, 22.44.030, and 22.78.090 to provide for the conversion of existing commercial or mixed-use buildings into residential housing in compliance with ESHB 1042; and

WHEREAS, all proposals to convert existing commercial or mixed-use buildings into residential housing must meet generally applicable health and safety standards, including but not limited to, building code, fire, and life safety standards; and

WHEREAS, the City's proposed amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on February 11, 2025; and

WHEREAS, on February 10, 2025, the Planning Commission held a workshop to review the proposed code amendments set forth in this ordinance; and

WHEREAS, on March 5, 2025, an introduction to the proposed code amendments was presented to the Community Human Services Advisory Board; and

WHEREAS, on March 13, 2025, an introduction to the proposed code amendments was presented to the Economic Development Advisory Board; and

WHEREAS, under RCW 43.21C.450(5), the code amendments contained in this ordinance are categorically exempt from review under the State Environmental Policy Act (SEPA); and

WHEREAS, the Planning Commission held a public hearing on March 24, 2025, to consider the proposed amendments, and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard at said hearing; and

WHEREAS, the Planning Commission on April 14, 2025, adopted Findings of Fact, authorized the Chair of the Planning Commission to sign the Findings of Fact on behalf of the Commission, and recommended that the City Council approve the proposed amendments set forth herein; and

WHEREAS, the City Council held a public hearing on May 20, 2025, to consider the proposed amendments, and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard at said hearing; and

WHEREAS, the Monroe City Council, after considering all information received, has determined to adopt the amendments as provided in this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings. The above recitals, together with the Planning Commission Findings of Fact and Conclusions of Law dated April 14, 2025, and the content of Agenda Bill AB25-242, 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 March 24, 2025, 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 22 MMC.

- F. In adopting this ordinance, the City considered and was guided by the applicable GMA planning goals enumerated at RCW 36.70A.020.
- G. 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.
- H. 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 22.20.040. Section 22.20.040 of the Monroe Municipal Code is hereby amended as provided in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~striketrough~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.20 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively ~~struck through~~ in Exhibit A.

Section 3. Amendment of MMC 22.22.060. Section 22.22.060 of the Monroe Municipal Code is hereby amended as provided in Exhibit B, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~striketrough~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.22 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit B.

Section 4. Amendment of MMC 22.26.050. Section 22.26.050 of the Monroe Municipal Code is hereby amended as provided in Exhibit C, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~striketrough~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.26 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit C.

Section 5. Amendment of MMC 22.42.020. Section 22.42.020 of the Monroe Municipal Code is hereby amended as provided in Exhibit D, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~striketrough~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.42 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit D.

Section 6. Amendment of MMC 22.44.030. Section 22.44.030 of the Monroe Municipal Code is hereby amended as provided in Exhibit E, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~striketrough~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of

Chapter 22.44 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit E.

Section 7. Amendment of MMC 22.78.090. Section 22.78.090 of the Monroe Municipal Code is hereby amended as provided in Exhibit F, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~strike through~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.78 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit F.

Section 8. Copy to the Department of Commerce. Pursuant to RCW 36.70A.106, a true and correct copy of this ordinance shall be transmitted to the WA Department of Commerce, Growth Management Services Division, within ten days after adoption.

Section 9. 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 10. 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 10th day of June, 2025.

First Reading: 05/20/2025
Adoption: 06/10/2025
Published: 06/13/2025
Effective: 06/18/2025

CITY OF MONROE, WASHINGTON:


Geoffrey Thomas (Jun 11, 2025 20:09 GMT+1)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:


Jodi Wycoff (Jun 11, 2025 12:11 PDT)
Jodi Wycoff, City Clerk


Zach Lell (Jun 11, 2025 11:40 PDT)
J. Zachary Lell, City Attorney

Exhibit A

22.20.040 Bulk requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within mixed use zoning districts in the city. Bulk requirements include maximum lot coverage, maximum building height, minimum setbacks, and other similar standards. Bulk requirements, specified in MMC 22.16.040, apply to all lots within the mixed use – general (MG), mixed use – neighborhood (MN), and mixed use – medical (MM) zoning districts.

A. *Maximum Residential Density.* Table 22.20.040(A): Allowed Residential Density establishes the minimum and maximum residential densities for mixed use zoning districts. Residential density shall be calculated pursuant to MMC 22.16.040(B).

Table 22.20.040(A). Allowed Residential Density

Zoning District	Minimum Density	Maximum Density
Mixed Use – General (MG)	12 dwelling units per acre	25 dwelling units per acre ⁽¹⁾
Mixed Use – Neighborhood (MN)	8 dwelling units per acre	16 dwelling units per acre ⁽¹⁾
Mixed Use – Medical (MM)	N/A	N/A

Table Notes:

1 Pursuant to RCW 35A.21.440, up to a 50% increase of the maximum residential density is permitted when the dwelling units are constructed entirely within the building envelope of an existing building with a Certificate of Occupancy issued at least three years prior to the building permit application to add dwelling units, subject to applicable health and safety standards.

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G. *Mixed Use – General Zoning District (MG).* The following bulk requirements in Table 22.20.040(G): Mixed Use – General Zoning District (MG) Bulk Requirements specifically apply to the MG zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk requirements.

Table 22.20.040(G). Mixed Use – General Zoning District (MG) Bulk Requirements

Residential Density ⁽¹⁾	Attached Dwelling Units	Detached Dwelling Units	Nonresidential Uses
Maximum Dwelling Units per Lot	N/A ⁽²⁾	1 dwelling unit	N/A
Minimum Number of Attached Units	3 dwelling units	N/A	N/A
Minimum Allowed Density	12 units per acre	12 units per acre	N/A

Maximum Allowed Density ⁽⁵⁾	25 units per acre	25 units per acre	N/A
Street Frontage ⁽¹⁾	Attached Dwelling Units	Detached Dwelling Units	Nonresidential Uses
Minimum Street Frontage	N/A	30 feet	N/A
Minimum Street Frontage for Panhandle Lots	20 feet	20 feet	20 feet
Minimum Street Frontage for Cul-de-Sac Lots	N/A	30 feet	N/A
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet	20 feet	20 feet
Lot Dimensions ⁽¹⁾	Attached Dwelling Units	Detached Dwelling Units	Nonresidential Uses
Minimum Lot Width	N/A	30 feet	N/A
Yard Setbacks ⁽¹⁾	Attached Dwelling Units	Detached Dwelling Units	Nonresidential Uses
Minimum Front Yard Setback Width	10 feet	10 feet	10 feet
Minimum Side Yard Setback Width	5 feet	5 feet	5 feet
Minimum Side Yard Setback Width for Attached Dwelling Units on the Attached Side(s)	0 feet	N/A	N/A
Minimum Side Yard Setback Width Attached Dwelling Units on a Side Abutting a ROW, Separate Detached Unit(s), or Different Zone	10 feet	N/A	N/A
Minimum Setback Width for Corner Lot Side Yards Abutting a Street ⁽³⁾	10 feet	10 feet	10 feet
Minimum Setback Width for Corner Lot Side Yards Not Abutting a Street ⁽³⁾	5 feet	5 feet	5 feet
Minimum Rear Yard Setback Width	10 feet	10 feet	10 feet
Minimum Setback from Private Access Tracts	10 feet	10 feet	10 feet

Minimum Setback from Private Access Easements	10 feet	10 feet	10 feet
Lot Coverage ⁽¹⁾	Attached Dwelling Units	Detached Dwelling Units	Nonresidential Uses
Maximum Lot Coverage	100%	70%	100%
Building Height ⁽¹⁾	Attached Dwelling Units	Detached Dwelling Units	Nonresidential Uses
Maximum Building Height ⁽⁴⁾	45 feet	35 feet	45 feet

Table Notes:

1 See MMC 22.16.040, Bulk requirements, for more information regarding the bulk requirements in the above table.

2 The maximum number of attached dwelling units per lot is the maximum number of dwelling units permitted by the maximum allowed density for the specific zoning district in which the dwelling units are located.

3 On a corner lot, the yard adjacent to the widest dimension of the lot abutting a street is a side yard. The opposite yard is also a side yard.

4 Exceptions to height limitations are specified in MMC 22.16.040(G)(4).

5 Pursuant to RCW 35A.21.440, up to a 50% increase of the maximum residential density is permitted when the dwelling units are constructed entirely within the building envelope of an existing building with a Certificate of Occupancy issued at least three years prior to the building permit application to add dwelling units, subject to applicable health and safety standards.

H. *Mixed Use – Neighborhood Zoning District (MN)*. The following bulk requirements in Table 22.20.040(H): Mixed Use – Neighborhood Zoning District (MN) Bulk Requirements specifically apply to the MN zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk requirements.

Table 22.20.040(H). Mixed Use – Neighborhood Zoning District (MN) Bulk Requirements

Residential Density ⁽¹⁾	Attached Dwelling Units	Detached Dwelling Units	Nonresidential Uses
Maximum Dwelling Units per Lot	N/A ⁽²⁾	1 dwelling unit	N/A
Minimum Number of Attached Units	3 dwelling units	N/A	N/A
Minimum Allowed Density	8 units per acre	8 units per acre	N/A
Maximum Allowed Density ⁽⁵⁾	16 units per acre	16 units per acre	N/A
Street Frontage ⁽¹⁾	Attached Dwelling Units	Detached Dwelling Units	Nonresidential Uses

Minimum Street Frontage	N/A	30 feet	N/A
Minimum Street Frontage for Panhandle Lots	20 feet	20 feet	20 feet
Minimum Street Frontage for Cul-de-Sac Lots	N/A	30 feet	N/A
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet	20 feet	20 feet
Lot Dimensions ⁽¹⁾	Attached Dwelling Units	Detached Dwelling Units	Nonresidential Uses
Minimum Lot Width	N/A	30 feet	N/A
Yard Setbacks ⁽¹⁾	Attached Dwelling Units	Detached Dwelling Units	Nonresidential Uses
Minimum Front Yard Setback Width	10 feet	10 feet	10 feet
Minimum Side Yard Setback Width	5 feet	5 feet	5 feet
Minimum Side Yard Setback Width for Attached Dwelling Units on the Attached Side(s)	0 feet	N/A	N/A
Minimum Side Yard Setback Width Attached Dwelling Units on a Side Abutting a ROW, Separate Detached Unit(s), or Different Zone	10 feet	N/A	N/A
Minimum Setback Width for Corner Lot Side Yards Abutting a Street ⁽³⁾	10 feet	10 feet	10 feet
Minimum Setback Width for Corner Lot Side Yards Not Abutting a Street ⁽³⁾	10 feet	5 feet	10 feet
Minimum Rear Yard Setback Width	10 feet	10 feet	10 feet
Minimum Setback from Private Access Tracts	10 feet	10 feet	10 feet
Minimum Setback from Private Access Easements	10 feet	10 feet	10 feet

Lot Coverage ⁽¹⁾	Attached Dwelling Units	Detached Dwelling Units	Nonresidential Uses
Maximum Lot Coverage	80%	70%	80%
Building Height ⁽¹⁾	Attached Dwelling Units	Detached Dwelling Units	Nonresidential Uses
Maximum Building Height ⁽⁴⁾	45 feet	35 feet	45 feet

Table Notes:

1 See MMC 22.16.040, Bulk requirements, for more information regarding the bulk requirements in the above table.

2 The maximum number of attached dwelling units per lot is the maximum number of dwelling units permitted by the maximum allowed density for the specific zoning district in which the dwelling units are located.

3 On a corner lot, the yard adjacent to the widest dimension of the lot abutting a street is a side yard. The opposite yard is also a side yard.

4 Exceptions to height limitations are specified in MMC 22.16.040(G)(4).

5 Pursuant to RCW 35A.21.440, up to a 50% increase of the maximum residential density is permitted when the dwelling units are constructed entirely within the building envelope of an existing building with a Certificate of Occupancy issued at least three years prior to the building permit application to add dwelling units, subject to applicable health and safety standards.

EXHIBIT B

22.22.060 Bulk requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within the downtown commercial zoning district in the city. Bulk requirements include maximum lot coverage, maximum building height, minimum setbacks, and other similar standards. Bulk requirements, specified in MMC 22.16.040, apply to all lots within the downtown commercial zoning district.

A. *Maximum Residential Density.* Table 22.22.060(A): Allowed Residential Density establishes the maximum residential density for neighborhoods within the downtown commercial zoning district. Maximum density shall be calculated pursuant to MMC 22.16.040(B).

Table 22.22.060(A). Allowed Residential Density

Downtown Commercial Zoning District Neighborhoods	Base Maximum Residential Density		Maximum Residential Density – Four Stories	Maximum Residential Density – Five Stories
	Residential Neighborhood	11 dwelling units per acre ⁽¹⁾	N/A	N/A
Historic Main Area	20 dwelling units per acre ⁽¹⁾	N/A	N/A	
East Downtown Neighborhood	20 dwelling units per acre ⁽¹⁾	24 dwelling units per acre	28 dwelling units per acre	
Downtown Promenade	N/A	N/A	N/A	

Table Notes:

1 Pursuant to RCW 35A.21.440, up to a 50% increase of the maximum residential density is permitted when the dwelling units are constructed entirely within the building envelope of an existing building with a Certificate of Occupancy issued at least three years prior to the building permit application to add dwelling units, subject to applicable health and safety standards.

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EXHIBIT C

22.26.050 Bulk requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within general commercial zoning districts in the city. Bulk requirements include maximum lot coverage, maximum building height, minimum setbacks, and other similar standards. Bulk requirements, specified in this section, apply to all lots within the general commercial zoning districts.

A. *Maximum Residential Density.* Table 22.26.050(A): Allowed Residential Density establishes the maximum density for general commercial zoning districts. Maximum density shall be calculated pursuant to MMC 22.16.040(B).

Table 22.26.050(A). Allowed Residential Density

Zoning District	Maximum Density
North Kelsey/Tjerne Place Overlay District	26 dwelling units per acre ⁽¹⁾

Table Notes:

1 Pursuant to RCW 35A.21.440, up to a 50% increase of the maximum residential density is permitted when the dwelling units are constructed entirely within the building envelope of an existing building with a Certificate of Occupancy issued at least three years prior to the building permit application to add dwelling units, subject to applicable health and safety standards.

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G. *General Commercial Zoning District and Overlay.* The following bulk requirements in Table 22.26.050(G): General Commercial Zoning District Bulk Requirements specifically apply to the general commercial zoning district (GC) and North Kelsey/Tjerne Place overlay district (NK/TP-O). General information regarding bulk requirements is found in MMC 22.16.040, Bulk requirements.

Table 22.26.050(G). General Commercial Zoning District Bulk Requirements

Minimum Residential Density ^{(1), (2)}	General Commercial (GC)	North Kelsey/Tjerne Place Overlay (NK/TP-O)
Maximum Residential Density	N/A	26 dwelling units per acre ⁽⁴⁾
Street Frontage ^{(1), (2)}	General Commercial (GC)	North Kelsey/Tjerne Place Overlay (NK/TP-O)
Minimum Street Frontage	N/A	N/A
Minimum Street Frontage for Panhandle Lots	20 feet	20 feet

Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet	20 feet
Lot Dimensions ^{(1), (2)}	General Commercial (GC)	North Kelsey/Tjerne Place Overlay (NK/TP-O)
Minimum Lot Width	N/A	N/A
Yard Setbacks ^{(1), (2)}	General Commercial (GC)	North Kelsey/Tjerne Place Overlay (NK/TP-O)
Minimum Front Yard Setback Width	0 feet	0 feet
Minimum Side Yard Setback Width	0 feet	0 feet
Minimum Separation between Structures	10 feet	10 feet
Minimum Rear Yard Setback Width	10 feet	10 feet
Minimum Front Yard Setback – Abutting Residential Zones	20 feet	20 feet
Minimum Side Yard Setback – Abutting Residential Zones	10 feet	10 feet
Minimum Rear Yard Setback – Abutting Residential Zones	20 feet	20 feet
Minimum Setback from Private Access Tracts	10 feet	10 feet
Minimum Setback from Private Access Easements	10 feet	10 feet
Lot Coverage ^{(1), (2)}	General Commercial (GC)	North Kelsey/Tjerne Place Overlay (NK/TP-O)
Maximum Lot Coverage	100%	100%
Building Height ^{(1), (2)}	General Commercial (GC)	North Kelsey/Tjerne Place Overlay (NK/TP-O)
Maximum Building Height ⁽³⁾	45 feet	<ul style="list-style-type: none"> • 65 feet for residential uses • 45 feet for all other uses

Table Notes:

1 See MMC 22.16.040, Bulk requirements, for more information regarding the bulk requirements in the above table.

2 Development in the general commercial zoning district and North Kelsey/Tjerne Place overlay district is subject to the applicable provisions of Chapter 22.54 MMC, Airport Compatibility.

3 Exceptions to height limitations are specified in MMC 22.16.040(G)(4).

4 Pursuant to RCW 35A.21.440, up to a 50% increase of the maximum residential density is permitted when the dwelling units are constructed entirely within the building envelope of an existing building with a Certificate of Occupancy issued at least three years prior to the building permit application to add dwelling units, subject to applicable health and safety standards.

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EXHIBIT D

22.42.020 Applicability.

A. *Applicable Development.* Unless exempted below by subsection (B) of this section, the design standards in this chapter shall apply as provided in this section:

1. All new developments and/or construction, including but not limited to projects that require the following land use permits: master development plan, site plan, long or short subdivision, conditional use permit, variance, development agreement, building permit, or a grading permit unless otherwise allowed by this chapter.
2. All remodels whose value exceeds fifty percent of the value of the existing structure, as determined by the Snohomish County assessor records, shall be designated as “major exterior remodels.” All standards that do not involve repositioning the building or reconfiguring site development apply to major exterior remodels.
3. For remodels with value less than fifty percent of the building valuation (“minor exterior remodels”), the requirement is only that the proposed improvements meet the standards and do not lead to further nonconformance with these standards.
4. These standards do not apply to remodels that do not change the exterior appearance of the building.
5. Existing nonconforming structures shall not be made further nonconforming regardless of scope of work. Existing conforming structures may not be made nonconforming by way of exterior alterations.

B. *Exemptions.* The following development activities shall be exempt from the provisions of this chapter:

1. Development activities on properties owned or controlled by the city or other public agencies.
2. Construction of or alterations to wireless communications structures, including associated support structures and equipment cabinets.
3. Any remodel or restoration of a structure that is subject to the catastrophic loss provisions in Chapter 22.40 MMC, Nonconformance and Reuse Standards.
4. Exterior design or architectural requirements for development applications where the dwelling units are constructed entirely within the building envelope of an existing building with a Certificate of Occupancy issued at least three years prior to the building permit application to add the housing units.

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EXHIBIT E

22.44.030 Criteria for preexisting uses/buildings.

Nothing contained in this chapter shall be construed to require a change in any aspect of a structure or facility covered thereunder including, without limitation, parking lot layout, loading space requirements and curb cuts for any structure or facility which existed on the date of adoption of the ordinance codified in this title. If a change of use takes place or an addition is proposed the following regulations shall apply:

A. When a preexisting use is enlarged to require additional parking spaces, the requirements of this chapter shall apply only to the enlargement;

B. When additional uses are placed on the same lot with the preexisting use or an enlarged lot of which the preexisting use lot is a part, the requirements of this chapter shall apply only to the additional use;

C. When a preexisting use is terminated, the area vacated shall not be occupied by a use requiring an increase in the parking area by an increment of more than fifty percent more parking spaces than the terminated use, unless the required additional parking spaces are provided;

D. When a preexisting building, which does not have sufficient parking, is remodeled or rehabilitated but not enlarged, the existing use of the building may continue without providing additional parking.

E. For development applications where the dwelling units are constructed entirely within the building envelope of an existing building with a Certificate of Occupancy issued at least three years prior to the building permit application to add the housing units, existing parking shall be retained to meet the minimum parking requirements existing residential uses and for the nonresidential uses that remain after the new units are added.

EXHIBIT F

22.78.090 Flexible thresholds for categorical exemptions.

A. The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based upon local conditions:

1. For residential dwelling units in WAC 197-11-800(1)(b)(i) and (ii): Up to nine dwelling units;
2. For agricultural structures in WAC 197-11-800(1)(b)(iii): Up to ten thousand square feet;
3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iv): Up to twelve thousand square feet and forty parking spaces;
4. For parking lots not associated with a structure in WAC 197-11-800(1)(b)(iv): Up to forty parking spaces;
5. For landfills and excavations in WAC 197-11-800(1)(b)(v): Up to five hundred cubic yards.

B. Pursuant to RCW 35A.21.440, the redevelopment of existing buildings into residential uses where the dwelling units are constructed entirely within the building envelope of an existing building with a Certificate of Occupancy issued at least three years prior to the building permit application to add the housing units, are categorically exempt from SEPA.

B-C. Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC 197-11-800(1)(c).

Ordinance 008 2025 Conversion of Existing Buildings into Residential Uses - CA2025-02_Final

Final Audit Report

2025-06-11

Created:	2025-06-11
By:	Jodi Wycoff (jwycoff@monroewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIm4QYh8dIpt0Hzeiq6XLF16_Kik0pssv

"Ordinance 008 2025 Conversion of Existing Buildings into Residential Uses - CA2025-02_Final" History

-  Document created by Jodi Wycoff (jwycoff@monroewa.gov)
2025-06-11 - 3:57:29 PM GMT
-  Document emailed to Zach Lell (zlell@omwlaw.com) for signature
2025-06-11 - 3:57:55 PM GMT
-  Email viewed by Zach Lell (zlell@omwlaw.com)
2025-06-11 - 5:42:00 PM GMT
-  Document e-signed by Zach Lell (zlell@omwlaw.com)
Signature Date: 2025-06-11 - 6:40:41 PM GMT - Time Source: server
-  Document emailed to Geoffrey Thomas (gthomas@monroewa.gov) for signature
2025-06-11 - 6:40:42 PM GMT
-  Email viewed by Geoffrey Thomas (gthomas@monroewa.gov)
2025-06-11 - 7:09:02 PM GMT
-  Document e-signed by Geoffrey Thomas (gthomas@monroewa.gov)
Signature Date: 2025-06-11 - 7:09:14 PM GMT - Time Source: server
-  Document emailed to Jodi Wycoff (jwycoff@monroewa.gov) for signature
2025-06-11 - 7:09:16 PM GMT
-  Email viewed by Jodi Wycoff (jwycoff@monroewa.gov)
2025-06-11 - 7:11:39 PM GMT

 Document e-signed by Jodi Wycoff (jwycoff@monroewa.gov)

Signature Date: 2025-06-11 - 7:11:51 PM GMT - Time Source: server

 Agreement completed.

2025-06-11 - 7:11:51 PM GMT