

FMC 18.72.xxx

GENERAL AND SPECIAL REGULATIONS – ALL ZONES

EXEMPTIONS FOR THE USE OF EXISTING BUILDING FOR RESIDENTIAL PURPOSES

1. Existing buildings may be converted into multi-family housing in areas zoned for commercial or mixed-use, with certain conditions. In accordance with the policies set forth in RCW 35A.21.440, the City may not:
 - a. Impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.
 - b. Impose parking requirements on the addition of dwelling units or living units added within an existing building, however, cities may require the retention of existing parking that is required to satisfy existing residential parking requirements under local laws and for nonresidential uses that remain after the new units are added
 - c. With the exception of emergency housing and transitional housing uses, impose permitting requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone.
 - d. Impose design standard requirements, including setbacks, lot coverage, and floor area ratio requirements, on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone.
 - e. Impose exterior design or architectural requirements on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance.
 - f. Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor as defined by the code city, unless the addition of the units would violate applicable building codes or health and safety standards.

Commented [JA1]: Can we adopt everything below by reference?

Commented [KB2R1]: Vote yes to adopt by reference.

- g. Require unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building, however, if any portion of an existing building is converted to new dwelling units, each of those new units must meet the requirements of the current energy code.
 - h. Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.
 - i. Require a transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building.
 - j. Nothing in this section requires the city to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards.
- 2. The following nonproject actions are categorically exempt from the requirements of this chapter
 - a. Amendments to development regulations that are required to ensure consistency with an adopted comprehensive plan pursuant to RCW 36.70A.040, where the comprehensive plan was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;
 - b. Amendments to development regulations that are required to ensure consistency with a shoreline master program approved pursuant to RCW 90.58.090, where the shoreline master program was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;
 - c. Amendments to development regulations that, upon implementation of a project action, will provide increased environmental protection, limited to the following:
 - i. Increased protections for critical areas, such as enhanced buffers or setbacks;

- ii. Increased vegetation retention or decreased impervious surface areas in shoreline jurisdiction; and
 - iii. Increased vegetation retention or decreased impervious surface areas in critical areas;
 - d. Amendments to technical codes adopted by a county, city, or town to ensure consistency with minimum standards contained in state law, including the following:
 - i. Building codes required by chapter 19.27 RCW;
 - ii. Energy codes required by chapter 19.27A RCW; and
 - iii. Electrical codes required by chapter 19.28 RCW.
 - e. Adoption or amendment of ordinances, development regulations, zoning regulations, and other official controls necessary to comply with RCW 43.21C.450, 35A.21 RCW and 35.21 RCW;