



Planning & Community Development Department  
8720 184th Ave. E.  
POB 7380  
Bonney Lake, WA 98391-0944

**CODE INTERPRETATION: NONCONFORMING OFFICES ON FIRST FLOOR IN  
DOWNTOWN CORE DISTRICT**

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**Code Interpretation:  
Nonconforming Offices on First Floor in Downtown Core Zoning**

**BLMC CITATIONS:**

**18.36.020 Permitted Uses**

A. Ground Floor.

1. Commercial and cultural activities that generate high levels of foot traffic per square foot of building space, including retail sales, personal services such as shoe repair and beauty shops, eating and drinking establishments, entertainment establishments, banks, and hotels. This does not include medical and professional offices, fitness centers, and auto-service uses.

B. Upper Floors.

1. Uses permitted on the ground floor.

2. Commercial and cultural activities that generate moderate levels of foot traffic per square foot of building space, including medical and professional offices and fitness centers.

3. Dwelling units at any density.

**BLMC 18.36.030 Conditional uses**

- A. Ground Floor. Commercial and cultural activities that generate moderate levels of foot traffic per square foot of building space, including medical and professional offices and fitness centers. The size, configuration, location, and design of the use shall be consistent with the goals, policies, and vision of the downtown plan. (Ord. 1250 § 6, 2007; Ord. 1155 § 1, 2005).

**18.54.020 Minimum time permitted for nonconforming uses and noncomplying buildings to remain.**

Any building or use rendered nonconforming by this title shall be discontinued 25 years from the effective date of the ordinance codified in this title. Any nonconforming building or use under prior Ordinance No. 241 shall be discontinued by December 31, 1992 unless said building or use conforms to this new code. (Ord. 1250 § 9, 2007; Ord. 515 § 27, 1982. Formerly 18.38.020).

**18.54.030 Exceptions.**

Provisions of BLMC 18.54.020 shall not be applicable to:

A. Residences presently in a commercial district;

B. Existing nonconforming business establishments in a commercial district;

C. All nonconforming uses involving land with minor improvements shall be discontinued two years from the effective date of the ordinance codified in this title. (Ord. 1250 § 9, 2007; Ord. 515 § 27, 1982. Formerly 18.38.030).



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### **18.54.050 Discontinuance if not occupied for one year.**

If, for a continuous period of one year, the nonconforming use of land is discontinued, such land or building or other structure shall thereafter be used only for a conforming use. (Ord. 1250 § 9, 2007; Ord. 515 § 27, 1982. Formerly 18.38.050).

### **18.54.070 Structural alterations and incidental alterations.**

Repairs to both structural and nonstructural parts or incidental alterations may be made in a building or other structures occupied by a nonconforming use. (Ord. 1250 § 9, 2007; Ord. 515 § 27, 1982. Formerly 18.38.070).

### **18.54.080 Structural alterations.**

No structural alterations shall be made in a building or other structures occupied by a nonconforming use except when made:

- A. In order to comply with requirements of law; or
- B. In order to accommodate a conforming use. (Ord. 1250 § 9, 2007; Ord. 515 § 27, 1982. Formerly 18.38.080).

## **CONTEXT:**

An existing one-story office building located in the Downtown Core zone is up for sale. The interested buyers would like to put in a medical office. The question is whether the medical office use needs a conditional use permit in order to operate on the ground floor of this building as BLMC 18.36.030 seems to require.

## **INTERPRETATION AND RATIONALE:**

Since an office use requires a conditional use permit in order to be allowed in the Downtown Core Zoning and is not permitted outright, the City considers existing office uses non-conforming.

BLMC 18.54.020 requires the discontinuation of non-conforming uses 25 years from the date of the adopted code in 1982 (2007). The exceptions to this rule are listed in 18.54.030 and include “existing business establishments in a commercial district.” The City considers a “business establishment” to equate with type of use as opposed to being in the same ownership. The City also considers Downtown Core to be a commercial zoning district. Thus, a non-conforming use of “office” is exempt from the time limitations required in BLMC 18.54.020 and may be continued if



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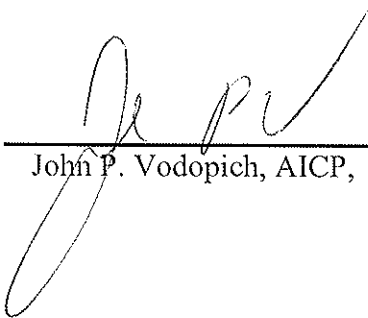
it meets the requirement of BLMC 18.54.050 in regards to the discontinuation of an existing non-conforming use.

BLMC 18.54.080 prohibits structural changes to a building with a non-conforming use. Presumably converting a professional office to a medical office would require remodeling, but not "structural" changes, and therefore would be allowed as long as the improvements are not structural and also meet the Downtown Design Standards if the improvements affect the façade of the building.

**Summary:**

A medical office would be allowed to take over a non-conforming office use on the ground floor of a building within the Downtown Core without a conditional use permit as long as the existing space has not been vacant for over one year. Should the medical office want to take over the space after a year of vacancy, it would need a conditional use permit. No structural changes can be made to the building, but alterations and repairs can be made that also meet the Downtown Design Standards.

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 John P. Vodopich, AICP, Planning & Community Development Director

 Date