

## **Title 17 ZONING<sup>1</sup>**

Chapters:

- 17.04 General Provisions
- 17.08 Definitions
- 17.12 Districts Generally
- 17.14 Table of Uses
- 17.15 *Repealed*
- 17.15A Table of Land Development Dimensional Regulations
- 17.15B Table of Building Bulk Regulations
- 17.15C Table of Landscape Regulations
- 17.20 Neighborhood Residential 1 (RSNR1) District
- 17.22 ~~Residential Moderate Density~~ Neighborhood Residential 2 (RMDNR2) District
- 17.24 ~~Residential Multifamily~~ Urban Residential Multifamily (RMURM) District
- 17.28 Business (B) District
- 17.30 Mixed Use Town Center (MX) District
- 17.32 Community Facilities (CF) District
- 17.36 Light Manufacturing (M-1) District
- 17.38 Planned Development (PD) District
- 17.41 Open Space (OS) District
- 17.42 Special Uses
- 17.43 Design Standards and Guidelines
- 17.44 General Use Regulations
- 17.48 Off-Street Parking and Loading
- 17.50 Sign Code
- 17.52 Nonconforming Buildings and Uses
- 17.56 Temporary Uses
- 17.58 Wireless Communication Facilities
- 17.60 Mobile Home Parks
- 17.61 *Repealed*

- 17.62 Site Plan Approval
- 17.64 Conditional Use Permits
- 17.65 Variances
- 17.66 *Repealed*
- 17.67 Comprehensive Plan Amendments
- 17.68 Zoning Code Amendments
- 17.69 Electric Vehicle Infrastructure
- 17.70 Application Requirements
- 17.71 Permit Decision and Appeal Processes
- 17.72 Performance Guarantees
- 17.74 Permit Revision and Modification
- 17.75 Concurrency Management
- 17.76 Administration and Enforcement
- 17.78 Notices and Orders to Correct and/or Abate
- 17.79 Suspension and Revocation of Permits
- 17.80 Newly Annexed Property

<sup>1</sup> Code reviser's note: See Chapter 3.48 MMC for connection fees and permit charges.

Prior legislation: Ords. 1277, 1289 and 1349.

## Chapter 17.04: GENERAL PROVISIONS

### Sections:

17.04.010 Short title.

17.04.020 Purpose.

#### **17.04.010 Short title.**

This title shall be known as the city zoning code. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.04.020 Purpose.**

The purpose of this zoning code is to promote and to protect the public health, safety, and general welfare of the people of Milton. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

## Chapter 17.08 DEFINITIONS

Sections:

- 17.08.010 Rules of construction.
- 17.08.020 Definitions generally.
- 17.08.021 *Repealed.*
- 17.08.030 Accessory building or use.
- 17.08.032 Addition.
- 17.08.033 Adult day care facility.
- 17.08.034 Adult entertainment business.
- 17.08.035 Adult family home.
- 17.08.036 Adult retirement community.
- 17.08.038 Adverse impact.
- 17.08.040 Alley.
- 17.08.050 Amendment, text.
- 17.08.051 Amendment, map.
- 17.08.054 Animal hospital.
- 17.08.060 Apartment.
- 17.08.062 Approved plan.
- 17.08.063 Assisted living facility.
- 17.08.064 Auction house.
- 17.08.065 Authorized use.
- 17.08.066 Automobile service station.
- 17.08.067 Automobile wash.
- 17.08.068 Automobile, repair.
- 17.08.069 Automobile, sales.
- 17.08.072 Ballfield.
- 17.08.076 Bed and breakfast.
- 17.08.084 Buffer strip.

- 17.08.088 Building.
- 17.08.090 Building height.
- 17.08.100 Building, principal.
- 17.08.110 Building site.
- 17.08.112 Building width.
- 17.08.120 Bulk.
- 17.08.130 Business and commerce.
- 17.08.135 Buy-back recycling center.
- 17.08.136 Cannabis related uses.
- 17.08.137 Cargo storage containers.
- 17.08.140 Carport.
- 17.08.141 Cemetery.
- 17.08.142 Change of use.
- 17.08.144 Child care center, family.
- 17.08.146 Child care center, commercial.
- 17.08.150 Church.
- 17.08.160 Club or lodge, private.
- 17.08.165 Commercial recreation.
- 17.08.170 Commission.
- 17.08.171 Composting.
- 17.08.171A Composting facility.
- 17.08.172 Comprehensive plan.
- 17.08.180 Conditional use.
- 17.08.190 Conditional use permit.
- 17.08.200 Conforming building or structure.
- 17.08.210 Conforming lot.
- 17.08.220 Conforming use.
- 17.08.225 Contractor yard.
- 17.08.230 Council.
- 17.08.234 Convenience store.

- 17.08.242 Density, gross.
- 17.08.244 Density, net.
- 17.08.250 Dwelling.
- 17.08.255 Dwelling, accessory.
- 17.08.260 Dwelling, multifamily.
- 17.08.270 Dwelling, single-family.
- 17.08.280 Dwelling, two-family.
- 17.08.290 Dwelling unit.
- 17.08.291 Electric transmission substation.
- 17.08.292 Emergency housing.
- 17.08.293 Emergency shelter.
- 17.08.295 Espresso stand.
- 17.08.300 Establishment, business or commercial.
- 17.08.305 Facility or facilities.
- 17.08.307 Family.
- 17.08.310 Fence.
- 17.08.315 Flea market.
- 17.08.320 Floor area.
- 17.08.330 Floor area ratio (FAR).
- 17.08.331 Freight terminal, truck.
- 17.08.332 Fuel storage tank, above ground.
- 17.08.333 Fuel storage tank, underground.
- 17.08.340 Garage, private.
- 17.08.350 Garage, public.
- 17.08.352 Garage, repair.
- 17.08.356 Golf and athletic facility.
- 17.08.360 Grade, lot.
- 17.08.362 Greenhouses, private and noncommercial.
- 17.08.364 Grocery store.
- 17.08.366 Group home.

- 17.08.370 Guest, permanent.
- 17.08.372 Hardware store.
- 17.08.374 Health club.
- 17.08.376 Heliport.
- 17.08.380 Home occupation.
- 17.08.385 Horticultural nursery, wholesale and retail.
- 17.08.390 Hospital.
- 17.08.400 Hotel.
- 17.08.404 Impervious surface.
- 17.08.406 Industry, light.
- 17.08.408 Inn.
- 17.08.425 Land use administrator.
- 17.08.427 Landfill.
- 17.08.440 Livestock.
- 17.08.450 Lot.
- 17.08.460 Lot, corner.
- 17.08.464 Lot coverage.
- 17.08.470 Lot depth.
- 17.08.480 Lot, interior.
- 17.08.488 Lot line.
- 17.08.490 Lot line, front.
- 17.08.500 Lot line, rear.
- 17.08.510 Lot line, side.
- 17.08.514 Lot, nonconforming.
- 17.08.516 Lot, panhandle.
- 17.08.520 Lot of record.
- 17.08.524 Lot, substandard.
- 17.08.530 Lot, through.
- 17.08.540 Lot width.
- 17.08.542 Lot width, corner.

- 17.08.550 Lot, zoning.
- 17.08.552 Lumber yard.
- 17.08.554 Manufactured housing.
- 17.08.556 Marijuana related uses.
- 17.08.557 State-licensed marijuana facilities.
- 17.08.560 Medical-dental clinic.
- 17.08.580 Mobile home lot.
- 17.08.590 Mobile home park.
- 17.08.600 Mobile home park thoroughfare.
- 17.08.601 Mortuary.
- 17.08.610 Motel.
- 17.08.611 Motor vehicle impound yard in enclosed building.
- 17.08.612 Native vegetation.
- 17.08.615 Nonautomotive, motor vehicle and related equipment sales, rental, repair and service.
- 17.08.620 Nonconforming building or structure.
- 17.08.622 Nonconforming use.
- 17.08.636 Open space.
- 17.08.638 Open space, common.
- 17.08.640 Outdoor advertising display.
- 17.08.644 Outdoor storage.
- 17.08.650 Parking area, private.
- 17.08.660 Parking area, public.
- 17.08.670 Pasture.
- 17.08.673 Permanent supportive housing.
- 17.08.675 Permitted uses.
- 17.08.680 Person.
- 17.08.682 Personal services.
- 17.08.690 Pet shop.
- 17.08.694 Planning commission.
- 17.08.695 Plumbing supply yard.



- 17.08.696 Post office, branch or contract station.
- 17.08.698 Post office, distribution center or terminal.
- 17.08.698A Preschool, private.
- 17.08.699 Printing establishment.
- 17.08.700 Professional offices.
- 17.08.703 Public park.
- 17.08.710 Public utility.
- 17.08.711 Public utility facility.
- 17.08.711A Public utility service yard.
- 17.08.711B Recreational use, commercial, including a tennis club and similar activities.
- 17.08.711C Recreational center privately operated.
- 17.08.711D Recreational vehicle.
- 17.08.712 Recyclable materials.
- 17.08.713 Recycling collection point.
- 17.08.714 Recycling processing center.
- 17.08.715 Religious institution.
- 17.08.720 Residence.
- 17.08.730 Rest home or nursing home.
- 17.08.734 Restaurant.
- 17.08.736 Restaurant, drive-through.
- 17.08.738 Retail sales.
- 17.08.740 Retaining wall.
- 17.08.745 Rodeo.
- 17.08.750 Roof.
- 17.08.751 Sanitarium.
- 17.08.752 School, elementary.
- 17.08.753 School, private.
- 17.08.754 School, secondary.
- 17.08.755 Seat.
- 17.08.756 Self-service storage facility.

- 17.08.760 Service station.
- 17.08.764 Setback line.
- 17.08.766 Sewage treatment plant.
- 17.08.770 Sign.
- 17.08.780 Sign, advertising.
- 17.08.785 Sign, attached.
- 17.08.790 Sign, business.
- 17.08.794 Sign, freestanding.
- 17.08.796 Similar use.
- 17.08.798 Site plan.
- 17.08.800 Solid waste.
- 17.08.801 Special use.
- 17.08.802 Sports arena.
- 17.08.805 Stable, private arena.
- 17.08.807 Stadium.
- 17.08.810 Street.
- 17.08.820 Structural alteration.
- 17.08.830 Structure.
- 17.08.831 Studio.
- 17.08.832 Substantial change in use.
- 17.08.832A Surface mining.
- 17.08.833 Swimming pool, commercial.
- 17.08.834 Tavern.
- 17.08.836 Theater, enclosed.
- 17.08.840 Trailer, vehicle.
- 17.08.842 Transfer station solid waste facility.
- 17.08.845 Transit facility, bus barn, park-and-ride lot, transit station.
- 17.08.850 Transitional housing.
- 17.08.860 Use.
- 17.08.880 Use, principal.

- 17.08.890 Variance.
- 17.08.891 Vehicle, motor.
- 17.08.892 Vehicle, off-road.
- 17.08.893 Vehicle sales.
- 17.08.895 Vehicle repair.
- 17.08.896 Vehicle wash.
- 17.08.898 Vocational school.
- 17.08.899 Warehouse.
- 17.08.900 Yard.
- 17.08.910 Yard, front.
- 17.08.920 Yard, rear.
- 17.08.930 Yard, side.
- 17.08.935 Yard waste.
- 17.08.936 Yard waste composting.
- 17.08.940 Zone.
- 17.08.942 Zone, nonresidential.
- 17.08.944 Zone, residential.
- 17.08.950 Zoning administrator.

**17.08.010 Rules of construction.**

In the construction of this zoning code the following rules shall be observed and applied, except when the context clearly indicates otherwise:

- A. The present tense includes the future, and words used in the singular include the plural, and the plural the singular.
- B. The word “shall” is mandatory and not discretionary.
- C. The word “may” is permissive.
- D. The word “lot” includes the words “piece” and “parcel”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” includes the phrases “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.” (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.020 Definitions generally.**

In the construction of this zoning code the definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.021 Accessory apartment.**

*Repealed by Ord. 2063.* (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.030 Accessory ~~building or use.~~**

~~“Accessory building or use” means one which:~~

~~A. Is subordinated to and serves a principal building or principal use; and~~

~~B. Is subordinate in area, extent or purpose to the principal building and principal use served; and~~

~~C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and~~

~~D. Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999). “Accessory use” means a use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.~~

**17.08.031 Accessory structure.**

“Accessory structure” means a structure detached from a principle building located on the same lot and customarily incidental and subordinate to the principal building or use, including garages, greenhouses, sheds, gazebos, and similar buildings.

**17.08.032 Addition.**

“Addition” means:

A. A structure added to the original structure at some time after the completion of the original;

B. An extension or increase in floor area or height of a structure. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.033 Adult day care facility.**

“Adult day care facility” means an establishment providing for regularly scheduled care and supervision of adults whose age or medical condition warrants such care, and where such care is provided for periods of less than 24 hours. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.034 Adult entertainment business.**

For the purposes of this title “adult entertainment business(es)” refers to those businesses defined at MMC 5.44.010(A) and (B). (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.035 Adult family home.**

“Adult family home” means a private home to care for up to six residents that is licensed by the Department of Social and Health Services. Licensed providers provide care to functionally disabled adults and the frail elderly. Services provided in an adult family home include room, board, laundry, any required supervision, personal care, and social services. Minimal nursing supervision may be provided in homes operated by a licensed nurse. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.036 Adult retirement community.**

“Adult retirement community” means a residential development for persons who are at least 55 years of age. Such development may include the following as accessory uses:

A. Social and recreation activities;

B. Communal meal service;

C. Limited health care facilities;

D. Transportation facilities; and

E. Personal services. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.038 Adverse impact.**

“Adverse impact” means a condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.040 Alley.**

“Alley” means a public right-of-way which affords a secondary means of access to abutting property, and not intended for general traffic circulation. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.050 Amendment, text.**

“Text amendment” means a change in the wording, context or substance of this code. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.051 Amendment, map.**

“Map amendment” means a change in the zone boundaries upon the zoning map. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

~~**17.08.054 Animal hospital.**~~

~~“Animal hospital” means a place where animals are given medical care and the boarding of animals is limited to short term care incidental to the hospital use. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

**17.08.054 Animal services.**

“Animal services” means a commercial establishment for the medical examination, treatment, boarding, training, or grooming of animals and including retail sales of associated products. This may include veterinary clinics, pet grooming salons, and indoor boarding kennels. Retail establishments that only sell animal and pet supplies shall be considered a mercantile.

**17.08.060 Apartment.**

“Apartment” means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.062 Approved plan.**

“Approved plan” means a plan that has been granted final approval by the appropriate approving authority. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.063 Assisted living facility.**

“Assisted living facility” means an institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.064 Auction house.**

“Auction house” means a place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.065 Authorized use.**

“Authorized use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.066 Automobile service station.**

“Automobile service station” means a facility primarily providing automotive repair and the dispensing of gas and oil directly into vehicles. Car washes are sometimes accessory uses. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.067 Automobile wash.**

“Automobile wash” means an establishment concerned primarily with providing facilities for cleaning vehicles, either by staff or by the customer using self-service facilities. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.068 Automobile, repair.**

“Automobile, repair” means a facility primarily engaged in automotive repair and detailing, including the sale and installation of lubricants, tires, batteries, mufflers and similar accessories. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.069 Automobile, sales.**

“Automobile, sales” means an establishment that provides for the retail selling or leasing of new or used automobiles. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.072 Ballfield.**

“Ballfield” means an open space for sports events for assemblages of less than 500 spectators. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.076 Bed and breakfast.**

“Bed and breakfast” means overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation, located in a building in which the owners reside on the premises. Bed and breakfast facilities shall contain not more than six guest rooms. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.084 Buffer strip.**

“Buffer strip” means open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.088 Building.**

“Building” means any structure having a roof supported by columns or walls, and intended for the shelter, housing or enclosure of any person, animal, process, equipment, goods, or materials of any kind. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

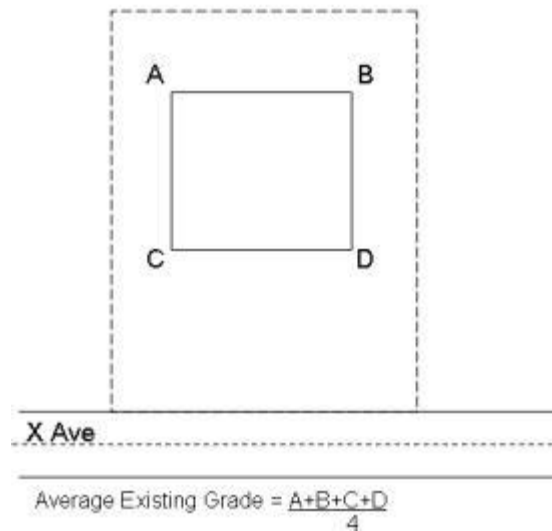
**17.08.090 Building height.**

“Building height” means the vertical distance from the smallest rectangle that fits around the footprint of the building, measured from the average existing elevation of that rectangle to (A) the midpoint elevation of the highest ridgeline of a sloped roof and the highest eave of the roof pitch that is attached to the highest ridge, (B) the highest point of a flat roof, or (C) the highest point on a deck of a mansard roof. Average existing elevation is the average of the ground elevation measured at the four corners of the rectangle, prior to any development activity taking place.

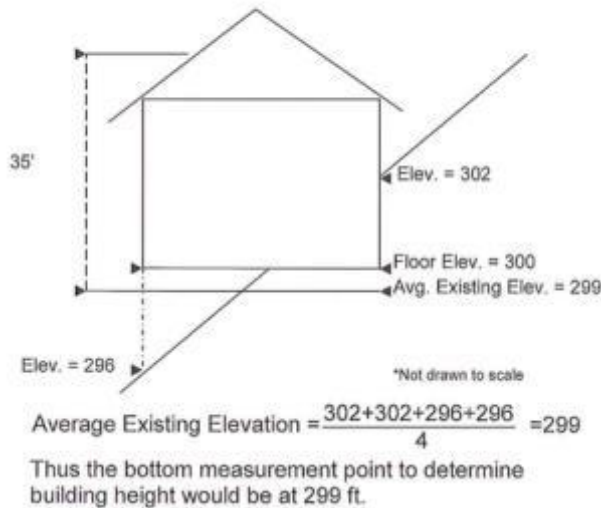
On sloping lots, residential single-family, duplex, multifamily developments or commercial or industrial developments where the ground floor elevation (A) is stepped or segmented, and (B) the building roof also reflects the change, each building segment may be computed for height independently.

Church steeples, chimneys, elevator penthouses, vents and similar enclosures or screening for rooftop mounted equipment, or parapets or pitched parapets designed for screening of equipment shall not be considered for the purpose of determining building or structure height.

### Calculating Average Existing



### Applying Average Existing Elevation to determine max height



(Ord. 1912 § 1, 2017; Ord. 1751 § 1, 2010; Ord. 1405 § 2, 1999).

#### 17.08.100 Building, principal.

“Principal building” means the building or structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one building or structure designed or used for the primary purpose, each such building or other structure shall be construed as comprising a principal building. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### 17.08.110 Building site.

“Building site” means the ground area devoted to a main building and its accessory buildings, or to a group of main buildings and their accessory buildings, together with all yards and open spaces required by this code. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.112 Building width.**

“Building width” means the shorter of the horizontal measures of the smallest rectangle that can be scribed around a building, excluding eaves, overhangs, chimneys, bays, and areas not fully enclosed. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.120 Bulk.**

“Bulk” means the term used to indicate the size and setbacks of buildings or structures and their location with respect to one another. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.130 Business and commerce.**

“Business and commerce” means the purchase, sale or other transaction involving the handling or a disposition of any article, service, substance or commodity for livelihood or profit, or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures and premises by professions and trades rendering services. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.135 Buy-back recycling center.**

“Buy-back recycling center” means any small scale business without industrial activity which collects, receives, or buys recyclable materials from household, commercial, or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.136 Cannabis related uses.**

See MMC 17.08.556, Marijuana related uses and MMC 17.08.557, State-licensed marijuana facilities. (Ord. 1912 § 1, 2017; Ord. 1819 § 3, 2013).

**17.08.137 Cargo storage containers.**

A standardized, reusable vessel which was:

- A. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
- B. Designed for or capable of being mounted or moved on a rail car; and/or
- C. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship. (Ord. 1912 § 1, 2017; Ord. 1578 § 1, 2003).

**17.08.140 Carport.**

“Carport” means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. (Ord. 1912 § 1, 2017; Ord. 1661 § 1, 2006; Ord. 1405 § 2, 1999).

**17.08.141 Cemetery.**

“Cemetery” means property used for interring the dead. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.142 Change of use.**

“Change of use” means any use which substantially differs from the previous use of a building or premises. A substantially different use is one which is not included in the group number classification of the previous use, as set forth in the most recent edition of the Standard Industrial Classification Manual. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.144 Child care center, family home.**

“Family home child care ~~center~~” means ~~an establishment program providing for regularly that regularly provides early childhood education and early learning services for periods less than 24 hours in the provider’s home and is subject to licensing by Washington State Department of Children, Youth and Families, scheduled care, supervision and protection for periods less than 24 hours in a dwelling where such care and supervision is provided by a resident of the dwelling, and where no nonresident is regularly employed. Such establishment~~



~~shall be subject to licensing and regulation requirements pursuant to Chapter 388-150 WAC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

**17.08.146 Child care center, ~~commercial~~.**

~~“Commercial child care center”~~ means a facility n establishment providing for regularly scheduled care or education services

, supervision and protection of children for periods less than 24 hours. Such establishment shall be subject to licensing and regulation requirements pursuant to Chapter 388-155 WAC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.150 Church.**

See “Religious institution.” (Ord. 2057 § 2, 2022; Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.160 Club or ~~ledge~~organization, private.**

“Private club or ~~ledge~~organization” means a nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members or their guests. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.165 Commercial recreation.**

“Commercial recreation” means a recreation facility operating as a business and open to the public for a fee. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.170 Commission.**

“Commission” means the city of Milton planning commission. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.171 Composting.**

“Composting” means controlled aerobic degradation of organic solid waste, other than sewage sludge, for uses as a soil conditioner. The presence of anaerobic zones within the composting material will not cause the process to be classified as other than composting. Natural decay of organic solid waste under uncontrolled conditions is not composting. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.171A Composting facility.**

“Composting facility” means an establishment that uses composted organic material to produce a useful, marketable product. Generally it is a solid waste facility specializing in the composting of one or more organics of a known and consistent composition, other than mixed municipal waste, to produce a marketable product for reuse or as a soil conditioner. Feedstocks may include, but are not limited to, yard waste, biosolids, or food waste. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.172 Comprehensive plan.**

“Comprehensive plan” means the comprehensive plan adopted by the city council for the city of Milton. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.180 Conditional use.**

“Conditional use” means a use permitted in one or more zones as defined by this code but which, because of characteristics peculiar to each such use, or because of size, technological processes or equipment, or because of the location with reference to surroundings, streets, and existing improvements or demands upon public facilities requires a special degree of control to make such use consistent with and compatible to other existing or permissible uses in the same zone or zones. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.190 Conditional use permit.**

“Conditional use permit” means the documented evidence of authority granted by the hearing examiner to locate a conditional use at a particular location. Unless otherwise restricted by the terms and conditions at issuance of the conditional use permit, said permit shall run with the land as a overlay zoning district. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.200 Conforming building or structure.**

“Conforming building or structure” means any building or structure that complies with all regulations of this code governing bulk for the zoning district in which it is located. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.210 Conforming lot.**

“Conforming lot” means a lot that contains the required width, depth and square footage as specified in the zoning district in which the lot is situated. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.220 Conforming use.**

“Conforming use” means a use that is listed as an authorized or conditional use in the zoning district in which the use is situated. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.225 Contractor yard.**

“Contractor yard” means an area for construction or contracting business offices and the interior or outdoor storage, repair, or maintenance of heavy equipment, vehicles, and construction supplies and materials. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.230 Council.**

“Council” means the Milton city council. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.234 Convenience store.**

“Convenience store” means a retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site consumption. The retail sale or dispensing of gasoline and related products may also be included. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.242 Density, gross.**

“Gross density” means the number of dwelling units allowed per acre of land, before land required for roadway dedication, or for access corridors or the access portion of a panhandle lot or critical area protection or related purposes as required by Chapter 18.16 MMC (Critical Areas), is subtracted from the parcel area. (Ord. 1912 § 1, 2017; Ord. 1853 § 2, 2014; Ord. 1750 § 1, 2010; Ord. 1405 § 2, 1999).

**17.08.244 Density, net.**

“Net density” means the number of dwelling units allowed per acre of land, after land required for roadway dedication, or for access corridors or the access portion of a panhandle lot, or critical area protection, as required by Chapter 18.16 MMC (Critical Areas), is subtracted from the parcel area. (Ord. 1912 § 1, 2017; Ord. 1853 § 2, 2014; Ord. 1750 § 1, 2010; Ord. 1405 § 2, 1999).

**17.08.247 Distribution center.**

“Distribution center” means an establishment engaged in receipt and redistributed of products to wholesalers, retailers, or sent directly to consumers. Distribution centers may perform product mixing, cross-docking, order fulfillment, and packaging.

**17.08.248 Drive through.**

“Drive-through” means land and associated structures designed to allow patrons to receive goods or services while remaining in a motorized vehicle.

**17.08.250 Dwelling.**

“Dwelling” means a building, or portions thereof, designed or used exclusively for residential occupancy including one-family dwellings, two-family dwellings and multifamily dwellings, but not including hotels, motels, or lodging houses. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.255 Dwelling, accessory.**

“Accessory dwelling” or “ADU” means a smaller, independent residential dwelling unit located on the same lot as a principal dwelling unit. Accessory dwellings can be attached, detached, or internal units. (Ord. 2063 § 3, 2023).

**17.08.260 Dwelling, multifamily.**

“Multifamily dwelling” means a building designed exclusively for occupancy by three or more families living separately from each other and containing three or more dwelling units. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.270 Dwelling, single-family.**

“Single-family dwelling” means a detached building designed exclusively for occupancy by one family and containing one dwelling unit. A single-family dwelling unit shall measure not less than 15 feet in width; it shall have a roof with a pitch of not less than three feet in 12; and it shall be set on a permanent perimeter foundation.

Roofs with a pitch of less than three feet in 12 may be permitted on buildings of more than one story. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.280 Dwelling, two-family.**

“Two-family dwelling” means a building designed exclusively for occupancy by two families living separately from each other and containing two dwelling units. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.290 Dwelling unit.**

“Dwelling unit” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation but not for more than one family. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.290A Educational Facilities, Vocational/College**

**“Vocational school” means secondary or higher education primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.**

**17.08.291 Electric transmission substation.**

“Electric transmission substation” means a facility that is moderate in size that serves the electrical needs of a sub-area by converting current into a usable form for household, commercial, and industrial uses. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.292 Emergency housing.**

“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement. (Ord. 2056 § 1, 2022).

**17.08.293 Emergency shelter.**

“Emergency shelter” means an indoor facility that provides a temporary shelter for individuals or families who are currently homeless. An emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations. (Ord. 2056 § 2, 2022).

**~~17.08.295 Espresso stand.~~**

**~~“Espresso stand” means an establishment that offers for sale espresso or other coffee beverages with or without drive through facilities. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~**

**17.08.300 Establishment, business or commercial.**

“Business or commercial establishment” means a place of business carrying on an operation, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot and where access is separate and distinct from access to any other establishment. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.305 Facility or facilities.**

“Facility” or “facilities” means all contiguous land, including “buffer zones” and structures, other appurtenances and improvements. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.307 Family.**

“Family” means one or more persons related by blood, marriage, adoption or a group of ~~not more than five~~ persons ~~(excluding servants)~~ not related by blood or marriage living together as a single housekeeping unit in a dwelling unit. ~~More than five unrelated persons may be construed as a family if necessary to comply with state or federal statutory or constitutional requirements, such as the federal Fair Housing Act.~~ (Ord. 1912 § 1, 2017; Ord. 1579 § 1, 2003).

**17.08.310 Fence.**

“Fence” means a wall or barrier for the purpose of enclosing space, separating property, providing security, reducing noise and/or visual impacts, and composed of materials manufactured specifically as fencing. The term “fence” does not include retaining wall or landscaping features including but not limited to trees, shrubs, hedges or other vegetation. Fence types are further defined in MMC 17.44.080(B)(4). (Ord. 2069 § 2, 2023; Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.315 Flea market.**

“Flea market” means an occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.320 Floor area.**

“Floor area,” for determining floor area ratio, means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls, or the centerline of walls separating two buildings. Included shall be basement floor area when more than one-half of the basement height is above the finished lot grade level, stairwells, elevator shafts, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. Not to be included is space devoted to off-street parking or loading.

For determining off-street parking and loading requirements, it means the sum of the gross horizontal areas of the several floors of a building, or portion thereof, devoted to such use, including basement floor area used for retailing activities, to the production or processing of goods, or to business or professional offices. Not to be included is floor area devoted to off-street parking or loading facilities such as aisles, ramps, stalls, and maneuvering space. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.330 Floor area ratio (FAR).**

“Floor area ratio (FAR)” means the floor area of the building or the buildings on a zoning lot divided by the area of the zoning lot. In the case of a planned development, it is the total floor area of the buildings divided by the total site area. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.330A Food and drink establishment.**

“Food and drink establishments” include restaurants, taverns, bars, cafeterias and similar dining facilities (including associated commercial kitchens).

**~~17.08.331 Freight terminal, truck.~~**

~~“Freight terminal, truck” means a facility that allows for the distribution and transfer of general wholesale goods between local to regional markets by means of trucks of varying sizes. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

**17.08.332 Fuel storage tank, above ground.**

“Fuel storage tank, above ground” means a facility that stores fuels in an approved container above ground. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.333 Fuel storage tank, underground.**

“Fuel storage tank, underground” means a facility that stores fuels in an approved container below ground. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.340 Garage, private.**

“Private garage” means an accessory building or an accessory portion of the main building enclosed on all sides and designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building or buildings. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.350 Garage, public.**

“Public garage” means a building or structure other than a private garage, used for the care, repair or storage of automobiles, or where vehicles are kept for remuneration, hire or sale. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.352 Garage, repair.**

“Repair garage” means any building or premises upon or within which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.356 Golf and athletic facility.**

“Golf and athletic facility” means an establishment that provides the facilities necessary for the playing of golf, including links, putting greens, and driving ranges. It may include a clubhouse and supporting facilities. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.360 Grade, lot.**

“Lot grade” means the average finished ground level at the center of all exposed walls of a building. In case walls are parallel to and within five feet of a sidewalk, the aboveground level shall be measured at the sidewalk. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.362 Greenhouses, private and noncommercial.**

“Private and noncommercial greenhouse” means a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for personal enjoyment. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.364 Grocery store.**

“Grocery store” means establishments engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, and may include a variety of disposable nonfood products. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

~~**17.08.366 Group home.**~~

~~“Group home” means living accommodations for related or unrelated individuals with special needs who share a single family detached dwelling unit. Individuals may be provided with a combination of personal care, social or counseling services, and transportation. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

**17.08.370 Guest, permanent.**

“Permanent guest” means a person who occupies, or has the right to occupy, a hotel, motel or apartment hotel accommodation for a period of 30 days or more. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.372 Hardware store.**

“Hardware store” means an establishment primarily engaged in the retail sale of basic hardware lines, such as tools, builders’ hardware, paint, and glass. Retail sales of nursery, lawn and garden supplies and lumber may be an accessory use to hardware stores. Utilization of outdoor areas for display and storage purpose may occur as an accessory use. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.374 Health club.**

“Health club” means an establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers, massage rooms and lockers. Health clubs may sell sporting goods and clothing as an accessory use. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.376 Heliport.**

“Heliport” means an area, either at ground level or elevated on a structure, licensed by the Federal Aviation Agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, fueling, maintenance, and waiting areas. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.380 Home occupation.**

“Home occupation” means any activity conducted primarily for financial gain or profit in the principal residence, which is clearly incidental and secondary to the residential use of the property. (Ord. 1912 § 1, 2017; Ord. 1762 § 2, 2010; Ord. 1579 § 2, 2003; Ord. 1405 § 2, 1999).

**17.08.385 Horticultural nursery, wholesale and retail.**

“Horticultural nursery” means land or greenhouses used to raise flowers, shrubs, and plants for sale. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.390 Hospital.**

“Hospital” means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law, but not including those specializing in treatment of nervous or mental disorders or drug or alcohol abuse. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.400 Hotel.**

“Hotel” means a facility offering transient lodging accommodations to the general public, and which may provide such additional services as restaurants, meeting rooms, entertainment and recreational facilities. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.404 Impervious surface.**

“Impervious surface” means any material that prevents the absorption of storm water into the ground. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.406 Industry, light.**

“Light industry” means industrial uses which meet the performance standards, bulk controls, use restrictions and other requirements set forth in this chapter. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.408 Inn.**

“Inn” means a facility containing six or fewer guest rooms, offering accommodations for transient lodging and feeding. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.425 Land use administrator.**

The planning and community development director of the city shall serve as “land use administrator.” The mayor may also designate an acting land use administrator who shall have all of the duties and powers of the land use administrator in the absence of or inability of the land use administrator to act. (Ord. 1912 § 1, 2017; Ord. 1663 § 16, 2006; Ord. 1484 § 3, 2001; Ord. 1405 § 2, 1999).

**17.08.427 Landfill.**

“Landfill” means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.430 Light Manufacturing.**

“Light manufacturing” means a use that is engaged in the transformation of finished products or parts into new products and where the processing, fabricating, assembly or disassembly of items takes place wholly within an enclosed building.

**17.08.440 Livestock.**

“Livestock” means horses, bovine animals, sheep, goats, swine, donkeys, or mules. In zones where allowed, the keeping of livestock shall be limited to one animal per acre of land. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.442 Live-Work Unit.**

“Live-work unit” means a mixed-use unit containing both residential and nonresidential areas to be used concurrently by the resident(s). May be part of a multi-unit development or a single unit.

**17.08.445 Lodging.**

“Lodging” means a facility offering transient sleeping accommodations to the general public, and which may provide such additional services as restaurants, meeting rooms, entertainment and recreational facilities.

**17.08.450 Lot.**

“Lot” means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.460 Lot, corner.**

“Corner lot” means a lot situated at the intersection of two streets. For purposes of calculating setback requirements, a corner lot has two front yards, two side yards, and no rear yard. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.464 Lot coverage.**

“Lot coverage” means that portion of the lot which is covered by buildings and other impervious surfaces. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.470 Lot depth.**

“Lot depth” means the average perpendicular distance between the front lot line and the rear lot line measured within the lot boundaries. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.480 Lot, interior.**

“Interior lot” means a lot other than a corner lot. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.488 Lot line.**

“Lot line” means a line of record bounding a lot that divides one lot from another lot, or from a public street or any other public space. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.490 Lot line, front.**

“Front lot line” means that lot line which is along an existing or designated public street, or, where no public street exists, along a public way. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.500 Lot line, rear.**

“Rear lot line” means the lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly-shaped lots, a line not less than 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

In no case shall the application of the above be interpreted as permitting a main building to locate closer than seven and one-half feet to any property line. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.510 Lot line, side.**

“Side lot line” means any lot line which is not a front or a rear lot line. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.514 Lot, nonconforming.**

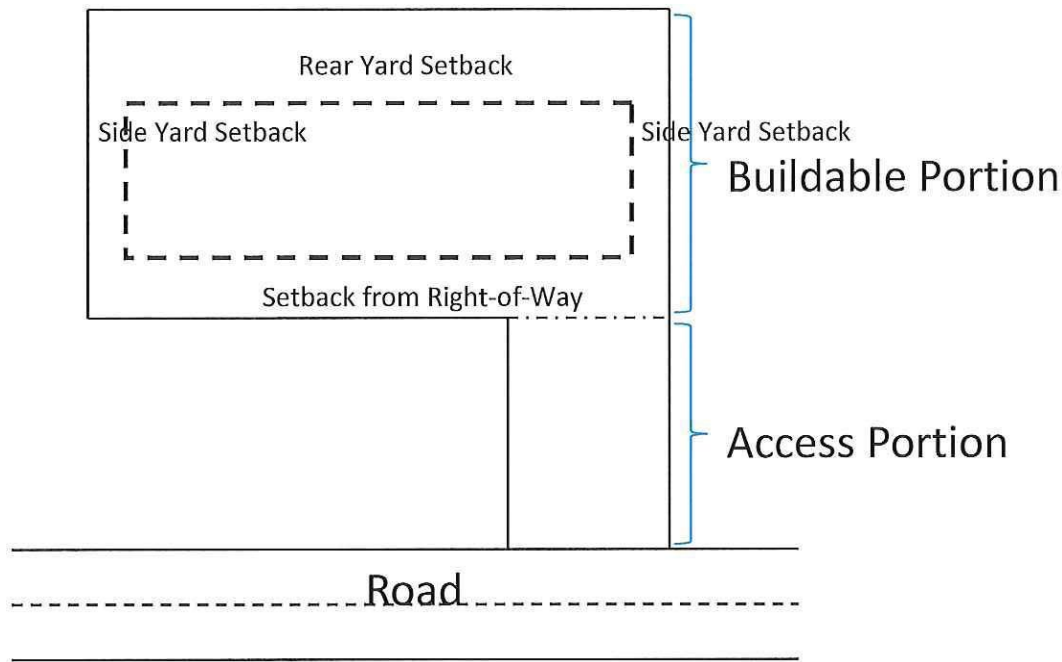
“Nonconforming lot” means a lot that has less than the minimum area or minimum dimensions required in the zone in which the lot is located, but which was in conformance with applicable zoning regulations at the time which the lot was created. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.516 Lot, panhandle.**

“Panhandle lot” means a lot which has direct access to a road, via a portion of the same lot, that is smaller than the required minimum lot width. A panhandle lot has two portions, an access portion and a buildable portion as



shown below. The buildable portion begins where the lot expands to meet the minimum lot width. The access portion (access corridor) is that portion of the lot that is smaller than the required minimum lot width and extends from the road to the buildable portion. For purposes of determining setbacks, the access portion shall be treated as right-of-way.



(Ord. 1912 § 1, 2017; Ord. 1853 § 2, 2014).

**17.08.520 Lot of record.**

“Lot of record” means an area of land designated as a lot on a plat or a subdivision recorded or registered, pursuant to statute, with the auditor of Pierce or King County. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.524 Lot, substandard.**

“Substandard lot” means a parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.530 Lot, through.**

“Through lot” means a lot having two opposite lot lines abutting public streets which are usually more or less parallel to each other, not a corner lot. Both lot lines abutting streets shall be deemed front lot lines. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.540 Lot width.**

“Lot width” means the horizontal distance between the lot side lines measured at right angles to the line comprising the depth of the lot at a point midway between the lot front line and the lot rear line. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.542 Lot width, corner.**

“Corner lot width” means the shorter of the horizontal distances measured between each lot front line and its opposing lot side line. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.550 Lot, zoning.**

“Zoning lot” means a single tract of land located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon a unit, under single



ownership or control. A zoning lot may or may not coincide with a lot of record. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.552 Lumber yard.**

“Lumber yard” means an establishment primarily engaged in selling lumber and a general line of building materials, nursery, lawn, and garden supplies to the public. General line of building materials may include rough and dressed lumber, flooring, molding, doors, frames, roofing, siding, shingles, wallboards, paint, brick, tile, and cement. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.554 Manufactured housing.**

“Manufactured housing” means factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Section 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

Manufactured housing which meets the definition of a single-family dwelling as set forth in MMC 17.08.270 is allowed in all zones where single-family homes are permitted as an authorized use. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.556 Marijuana related uses.**

“Collective garden” means the growing, production, processing, transportation, and delivery of cannabis, by qualifying patients for medical use, as set forth in Chapter 69.51A RCW, and subject to the following conditions:

- A. A collective garden may contain no more than 15 plants per patient up to a total of 45 plants;
- B. A collective garden may contain no more than 24 ounces of usable cannabis per patient up to a total of 72 ounces of usable cannabis;
- C. A copy of each qualifying patient’s valid documentation, including a copy of the patient’s proof of identity, must be available at all times on the premises of the collective garden;
- D. No usable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden;
- E. A collective garden may contain separate areas for growing, processing, and delivering to its qualified patients; provided, that these separate areas must be physically part of the same premises, and located on the same parcel or lot. A location utilized solely for the purpose of distributing cannabis shall not be considered a collective garden; and
- F. No more than one collective garden may be established on a single tax parcel. (Ord. 1912 § 1, 2017; Ord. 1819 § 4, 2013).

**17.08.557 State-licensed marijuana facilities.**

- A. Unless the context clearly indicates otherwise, all terms used in this section and in MMC 17.44.110 shall have the meanings established pursuant to RCW 69.50.101.
- B. “Marijuana” means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than zero point three percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plants, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant which are incapable of germination.
- C. “Marijuana processor” means a person licensed by the State Liquor Control Board to process marijuana into usable marijuana and marijuana infused products, package and label usable marijuana and marijuana infused

products for sale in retail outlets, and sell usable marijuana and marijuana infused products at wholesale to marijuana retailers.

D. “Marijuana producer” means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

E. “Marijuana infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana infused products” does not include usable marijuana.

F. “Marijuana retailer” means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana infused products in a retail outlet.

G. “Usable marijuana” means dried marijuana flowers. The term “usable marijuana” does not include marijuana infused products. (Ord. 1912 § 1, 2017; Ord. 1819 § 5, 2013).

**17.08.560 Medical-dental clinic.**

“Medical-dental clinic” means a building or group of buildings designed for the use of and occupied and used by physicians and dentists and others engaged professionally in such healing arts for humans as are recognized by the laws of the state, and including the installation and use of therapeutic equipment, x-ray equipment or laboratories, chemical, biochemical, and biological laboratories used as direct accessories to the medical-dental profession; dental laboratories, including facilities for the making of dentures on prescription; pharmacies, limited to the retail dispensing of pharmaceutical and sick-room supplies (but not room or orthopedic equipment); provided there shall be no exterior display windows or signs pertaining to such accessory uses, other than a directory sign. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.570 Mercantile.**

“Mercantile” means those uses included in Group M occupancy of the IBC unless specifically identified elsewhere in the Table. This includes the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and where the public has access. This includes, but not be limited to, department stores, drug stores, greenhouses for display and sale of plants that provide public access, markets, retail or wholesale stores, sales rooms

**17.08.575 Micro beverage production.**

“Microbeverage production” means an establishment that manufactures alcoholic and nonalcoholic beverages for distribution on or off site, including microbreweries, microwineries, and coffee roaster. Microbeverage production facilities shall operate in conjunction with a tasting room, retail outlet, and/or food-serving establishment.

**17.08.580 Mobile home lot.**

“Mobile home lot” means a plainly marked plot of ground within a mobile home park designed to accommodate one manufactured house. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.590 Mobile home park.**

“Mobile home park” means any platted parcel of land 15 acres or greater, containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured houses. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.600 Mobile home park thoroughfare.**

“Mobile home park thoroughfare” means a driving area for general use within the mobile home park, no less than 30 feet in width. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.601 Mortuary.**

“Mortuary” means an establishment that provides services for the preparation of deceased individuals for burial or cremation and may include rooms for remembrance services. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.610 Motel.**

“Motel” means an establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.611 Motor vehicle impound yard in enclosed building.**

“Motor vehicle impound yard in enclosed building” means a facility that provides for the temporary impoundment and storage of motor vehicles within a building. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.611Aoh Motor Vehicle Service.**

“Motor Vehicle Service” means establishments primarily engaged in renting, selling, repairing, servicing, or washing motor vehicles as defined in MMC 17.08.981.

**17.08.612 Native vegetation.**

“Native vegetation” means any vegetation that occurs naturally in a particular region, state, ecosystem, or habitat without direct or indirect human actions. (Ord. 1912 § 1, 2017).

**17.08.615 Nonautomotive, motor vehicle and related equipment sales, rental, repair and service.**

“Nonautomotive, motor vehicle and related equipment sales, rental, repair and service” means establishments or places of business engaged in the sales, leasing, or service of trucks, motorcycles, recreational vehicles, and boats; or heavy equipment and supplies related to motor vehicles; and self-moving or commercial moving services. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.620 Nonconforming building or structure.**

“Nonconforming building or structure” means any building or structure:

A. The size, location or dimensions of which was lawful prior to the adoption, revision or amendment to this zoning code, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of this code; or

B. Is designed or intended for a nonconforming use. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.622 Nonconforming use.**

“Nonconforming use” means a use or activity that was lawful prior to the adoption, revision or amendment to this zoning code, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of this code. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.636 Open space.**

“Open space” means any parcel, lot or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment; or, for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.638 Open space, common.**

“Common open space” means land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development. Such common open space may include such complementary structures and improvements as are necessary and appropriate. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.640 Outdoor advertising display.**

“Outdoor advertising display” means any card, paper, cloth, metal, glass, wooden, or other display or device of any kind or character which is placed, painted, or printed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure, fence or other object. This form of advertising is intended to be temporary in nature and differs from the definition of a sign in that respect. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.642 Outdoor assembly facility.**

“Outdoor assembly facility” means those uses in the IBC Assembly Group A-5 intended for participation in or viewing outdoor activities, including but not limited to amusement park structures, bleachers, grandstands, and stadiums.

**17.08.643 Outdoor sales.**

“Outdoor sales” means the sale of products outside of a building or structure including vehicles, garden supplies, lumberyards, construction supplies, and similar items. Does not include temporary sidewalk sales.

**17.08.644 Outdoor storage.**

“Outdoor storage” means the keeping, in an unenclosed area, of any goods, material, merchandise, vehicles, or junk in the same place for more than 24 hours. Registered motor vehicles and furnishings maintained in good repair are specifically excluded from this definition. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999). means a commercial use in which an outdoor area is used for the long-term (more than seventy-two (72) hours) retention of materials, containers and/or equipment. Outdoor storage does not include sale, repair, incineration, recycling or discarding of materials or equipment.

**17.08.650 Parking area, private.**

“Private parking area” means an open area other than a street, alley, or other public property limited to the parking of automobiles for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located, or their customers, employees, or whomever else they permit to use the parking area. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.660 Parking area, public.**

“Public parking area” means an open area other than a street, alley, or private parking area as defined in this chapter, either privately or publicly owned, which area is available to the public and used for the parking of more than five automobiles. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.670 Pasture.**

“Pasture” means an area confined within a fence or other physical barrier and used for grazing or roaming of livestock. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.673 Permanent supportive housing.**

“Permanent supportive housing” is subsidized, leased indoor housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW. (Ord. 2056 § 3, 2022).

**17.08.675 Permitted uses.**

“Permitted uses” means uses authorized or allowed outright not requiring hearing examiner or city council approval. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.680 Person.**

“Person” means an individual, firm, partnership, association or corporation; or a state, or any political subdivision of a state, or any agency or instrumentality thereof. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.682 Personal/Professional services.**

“Personal services” means establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999). “Professional services” means establishments primarily engaged in providing services to meet individuals’ periodic personal

needs. Examples include, but are not limited to, coin-operated laundries, dry cleaners, salons, barbershops, clothing alterations, tanning salons, travel agencies, upholstery cleaners, and personal improvement services

**17.08.686 Professional studio.**

“Studio” means the workshop of an artist, sculptor, photographer, or craftsman or a place for the production of radio or television programming.

**~~17.08.690 Pet shop.~~**

~~“Pet shop” means an establishment dealing in buying and selling small animals and birds; provided no boarding or veterinary services are rendered except bathing and clipping of dogs and cats. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

**17.08.694 Planning commission.**

“Planning commission” means the planning commission of the city of Milton. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.695 Plumbing supply yard.**

“Plumbing supply yard” means an establishment providing plumbing supplies for retail and wholesale customers. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.696 Post office, branch or contract station.**

“Branch or contract station post office” means postal facilities serving neighborhood markets. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.698 Post office, distribution center or terminal.**

“Distribution center or terminal post office” means postal facilities serving regional markets. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**~~17.08.698A Preschool, private.~~**

~~“Preschool, private” means early learning educational programs that emphasize readiness skills, where children of preschool age are enrolled on a regular basis for four hours per day or less, and which use does not secure the major part of its funding from any governmental agency. (Ord. 2057 § 3, 2022).~~

**17.08.699 Printing establishment.**

“Printing establishment” means a facility that provides a range of reprographic services to retail and wholesale customers. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.700 Professional offices.**

“Professional offices” means offices used as a place of business conducted by persons engaged in recognized professions, and others whose business activities consist chiefly of services to the person as distinguished from the handling of commodities; does not include offices in which the main activity is the sale, rent, lease, exchange or development of land, buildings or improvements. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.703 Public park.**

“Public park” means a public owned and maintained facility that provides for the recreational needs of local or regional residents. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.705 Public Transit Facility.**

“Public Transit Facilities” means facilities that provide for the uses that support a regional transportation system.

**17.08.710 Public utility.**

“Public utility” means a private corporation performing a public service and subject to special governmental regulations, or a governmental agency performing a similar public service, the services by either of which are paid for directly by individual recipients of such service which includes, but is not limited to, water supply,

electric power, gas, sewer service, and transportation of persons and freight recorded, filed for record with the auditor of either Pierce or King County, state of Washington. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.711 Public utility facility.**

“Public utility facility” means facilities serving a sub-area, entire city or region including power substations, water transmission lines, wireless base station, sewer collectors and pump stations, switching stations, gas transmission lines, water storage tanks and similar structures. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

~~**17.08.711A Public utility service yard.**~~

~~“Public utility service yard” means facilities that provide for the maintenance, service, and storage of materials and vehicles used by a public utility. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

**17.08.711B Recreational use, commercial, including a tennis club and similar activities.**

“Recreational use, commercial, including a tennis club and similar activities” means a recreational use maintained and operated by a nonprofit club, or an organization whose membership is for a specified group. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.711C Recreational center privately operated.**

“Recreational center privately operated” means a facility that provides recreational opportunities that is privately owned and operated. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.711D Recreational vehicle.**

For the purpose of this chapter, “recreational vehicle” means a vehicle-type portable structure without permanent foundation designed and manufactured for recreational use, which can be towed, hauled or driven. This definition includes, but is not limited to, travel trailers, truck campers, fifth wheel trailers, camping trailers, watercraft and self-propelled motor homes. (Ord. 1912 § 1, 2017; Ord. 1717 § 1, 2008).

**17.08.711E Recreational and culture center.**

“Recreation and Cultural Centers” means those uses intended for recreation or amusement in the IBC Assembly Group A-3 occupancy, unless specifically identified elsewhere in the Table, including, but not limited to amusement arcades, art galleries more than 3,000 square feet, bowling alleys, community halls, courtrooms, exhibition halls, funeral parlors, lecture halls, libraries, museums, pool and billiard parlors. It also includes gymnasiums, indoor swimming pools, and indoor tennis courts that do not have spectator seating.

**17.08.712 Recyclable materials.**

“Recyclable materials” means solid wastes that are separated for recycling or reuse, such as papers, metals and glass, that are identified as recyclable material pursuant to the applicable county comprehensive solid waste plan. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.713 Recycling collection point.**

“Recycling collection point” means an accessory use that serves as a neighborhood drop-off point for temporary storage of recyclables. No processing of recyclables takes place at a recycling collection point. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.714 Recycling processing center.**

“Recycling processing center” means a facility for transforming or remanufacturing recyclable materials into usable or marketable materials for use other than landfill disposal or incineration. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.715 Religious institution.**

“Religious institution” means an establishment of which the principal purpose is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship. Religious institutions include accessory uses such as assembly rooms, kitchens, libraries or reading rooms, recreation halls, a single one-family dwelling unit for religious staff, and religious educational classrooms which may be

located in the main building or in separate buildings or structures. Private schools, private preschools, child day care, and facilities for residence of or training for religious orders are excluded from the definition of “religious institution.” (Ord. 2057 § 4, 2022).

**17.08.717 Religious organization.**

"Religious organization means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property."

**17.08.720 Residence.**

“Residence” means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings. The term “residence” includes the term “residential” as referring to the type, or intended use, of a building. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

~~**17.08.730 Rest home or nursing home.**~~

~~“Rest home” or “nursing home” means a private home or institution operated similarly to a boardinghouse for the care of children, the aged or the infirm, or a place of rest and care for those suffering bodily disorders; such home does not contain equipment for the surgical care or for the treatment of diseases or injury. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

~~**17.08.734 Restaurant.**~~

~~“Restaurant” means an establishment where food and drink are prepared, served and consumed primarily within the principal building. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

**17.08.736 Restaurant, drive-through.**

“Drive-through restaurant” means a restaurant where all or a portion of the food and drink is prepared for consumption off the premises, and where the ordering and pickup of food may take place from an automobile. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.738 Retail sales.**

“Retail sales” means establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.740 Retaining wall.**

“Retaining wall” means any wall used to resist the lateral displacement of any material. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.745 Rodeo.**

“Rodeo” means a public competition or exhibition in which skills such as riding broncos or roping calves are displayed. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.750 Roof.**

“Roof” means a structure covering any portion of a building or structure, including the projections beyond the walls or supports. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.751 Sanitarium.**

“Sanitarium” means an establishment that provides for medium to long range health care. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

~~**17.08.752 School, elementary.**~~

~~“Elementary school” means any school licensed by the state and that meets the state requirements for elementary education. Elementary school includes preschools or early learning centers run in accordance with Chapter 28A.215 RCW. (Ord. 2057 § 5, 2022; Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~



~~17.08.753 School, private.~~

~~“Private school” means any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

~~17.08.754 School, secondary.~~

~~“Secondary school” means any school licensed by the state and that is authorized to award diplomas for secondary education. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

**17.08.755 Seat.**

“Seat,” for the purposes of determining parking ratios, means the capacity of fixed and unfixed seats as determined by the Occupancy Load Factor as set forth in the International Building Code (IBC). (Ord. 2057 § 6, 2022).

**17.08.756 Self-service storage facility.**

“Self-service storage facility” means a structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.758 Semitrailer.**

“Semitrailer” includes every vehicle without motive power designed to be drawn by a vehicle, motor vehicle, or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such other vehicle, motor vehicle, or truck tractor.

**17.08.760 Service station.**

See “vehicle repair.” (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.764 Setback line.**

“Setback line” means that line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

Setback lines abutting street frontages shall be measured after any dedication which may be required in conformance with MMC 12.24.030. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.766 Sewage treatment plant.**

“Sewage treatment plant” means facilities used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial, or industrial origin, and which by its design requires the presence of an operator for its operation, including alternative treatment works and package treatment plants. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.770 Sign.**

“Sign” means a name, identification, description, display, or illustration which is affixed to or reproduced directly or indirectly upon a building, structure, or piece of land and which is used to advertise, identify, display, attract or direct attention to an event, object, product, place, activity, person, institution, organization, or business by any means including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.780 Sign, advertising.**

“Advertising sign” means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is located. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.785 Sign, attached.**

“Attached sign” means a sign which is attached or affixed to a building. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).



**17.08.790 Sign, business.**

“Business sign” means a sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where the sign is located. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.794 Sign, freestanding.**

“Freestanding sign” means a nonmovable sign which is not fixed to a building. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.796 Similar use.**

“Similar use” means a use deemed by the land use administrator as similar in character to uses specifically cited in Chapter 17.14 MMC. In making a determination that a use is similar to one specifically cited in Chapter 17.14 MMC, the land use administrator must find that the trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele characteristics of the use differ no more than 10 percent from the characteristics of the use specifically cited in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.798 Site plan.**

“Site plan” means a development plan, pursuant to Chapter 17.62 MMC, for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings, whether principal or accessory; signs and lighting; berms, buffers and screening devices; surrounding development or land uses; and any other information which reasonably may be required in order that an informed decision can be made by the planning commission regarding the suitability or appropriateness of the proposed development. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.800 Solid waste.**

“Solid waste” means all putrescible and nonputrescible solid and semi-solid waste including, but not limited to, garbage, rubbish, ashes, industrial waste, commercial waste, swill, sewage sludge, demolition and construction waste, abandoned vehicles or parts thereof, discarded commodities and recyclable materials. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.801 Special use.**

“Special use” refers to a land use which by way of its citation, or similarity to a citation, in Chapter 17.42 MMC, requires hearing examiner approval. Unless otherwise restricted by the terms and conditions at issuance of the special use permit, said permit shall run with the land as an overlay zoning district. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.802 Sports arena.**

“Sports arena” means an enclosed building with tiered seating for the observation of sports events and other spectacles by assemblages of over 500 spectators. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.805 Stable, private arena.**

“Stable, private arena” means a detached accessory building kept for the shelter and feeding of domestic animals, especially horses and cattle, owned by the occupants of the premises, and in which no animals are kept for hire, remuneration or sale. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.807 Stadium.**

“Stadium” means an open structure for sports events with tiered seating for assemblages of over 500 spectators. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.810 Street.**

“Street” means a public right-of-way which affords a primary means of access to abutting property. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.820 Structural alteration.**

“Structural alteration” means any change in the supporting members of a building or structure such as foundation, bearing walls, columns, beams, floor or floor joists, girders or rafters, or changes in the external dimensions of the building or structure, or increase in floor space. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.830 Structure.**

“Structure” means anything constructed in the ground, or anything erected which requires location on the ground, or is attached to something having location on or in the ground, but not including fences less than six feet in height, driveways, or other paved areas. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.831 Studio.**

“Studio” means the workshop of an artist, sculptor, photographer, or craftsman or a place for the production of radio or television programming. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.832 Substantial change in use.**

“Substantial change in use” means a use deemed by the land use administrator as substantially different in character to the use previously existing on the site. In making a determination that a use is a substantial change in use, the land use administrator must find that the trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele characteristics of the use differ more than 10 percent from the characteristics of the use previously existing on the site. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.832A Surface mining.**

“Surface mining” means a facility that provides for the removal and basic processing of gravel for commercial use. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.833 Swimming pool, commercial.**

“Commercial swimming pool” means a water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used, and maintained for the swimming and bathing use of commercial patrons. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

~~**17.08.834 Tavern.**~~

~~“Tavern” means an establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

~~**17.08.836 Theater, enclosed.**~~

~~“Enclosed theater” means a building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999). “Theater” means those uses in the IBC Assembly Group A-1 occupancy intended for the production and viewing of the performing arts or motion pictures.~~

**17.08.840 Trailer, vehicle.**

“Vehicle trailer” means a vehicle without motor power designed to be drawn by motor vehicles and to be used for human habitation, or for carrying persons and property, including a trailer coach and any self-propelled vehicle having a body designed or converted to the same uses as a vehicle trailer without motor power. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.842 Transfer station solid waste facility.**

“Transfer station solid waste facility” means a facility that provides for the collection of solid waste and the transfer of such waste to its final disposal location. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

~~**17.08.845 Transit facility, bus barn, park and ride lot, transit station.**~~

~~“Transit facility, bus barn, park and ride lot, transit station” means facilities that provide for the uses that support a regional transportation system. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

**17.08.850 Transitional housing.**

“Transitional housing” means a project that provides indoor housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living. (Ord. 2056 § 4, 2022).

**17.08.855 Transit Stop, major.**

“Major transit stop” means:

(a) A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems [1]; or

(d) Stops on bus rapid transit routes

**17.08.860 Use.**

“Use” means the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained, and includes any manner of performance of such activity with respect to the performance standards of this zoning code. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.880 Use, principal.**

“Principal use” means the main use of land or buildings as distinguished from a subordinate or accessory use. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.890 Variance.**

“Variance” means an adjustment in the application of the specific bulk, dimensional, or density regulations of this code to a particular parcel of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies the disparity in privileges. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.891 Vehicle, motor.**

~~“Motor vehicle” means a self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle or an unlicensed off-road recreational vehicle. A motor vehicle may include light trucks or vans, motorcycles, trailers, or recreation vehicles. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).~~

“Motor vehicle” means a self-propelled device used for the transportation of people or goods over land surfaces and licensed as a motor vehicle or an unlicensed off-road recreational vehicle. For this chapter, a motor vehicle means vehicles with no more than two axles and/or four wheels and a declared gross weight of twelve thousand pounds or less, includes passenger vehicles, light trucks, vans, motorcycles, or recreation vehicles.

**17.08.892 Vehicle, off-road.**

“Off-road vehicle” means a vehicle designed for use on a variety of nonimproved surfaces and including dune buggies and all-terrain vehicles, snowmobiles, trail bikes, mopeds, and motor bikes. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.893 Vehicle sales.**

“Vehicle sales” means the use of any structure or premises for the display or sale of new or used motor or off-road vehicles, automobiles generally but may include light trucks or vans, motorcycles, trailers, or recreation vehicles, and including any vehicle preparation or repair work conducted as an accessory use. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.895 Vehicle repair.**

“Vehicle repair” means the use of any structure or premises for the retail dispensing or sales of vehicular fuels; servicing and repair of motor or off-road vehicles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.896 Vehicle wash.**

“Vehicle wash” means any building or premises or portions thereof used for washing automobiles, motor or off-road vehicles. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.898 Vocational school.**

“Vocational school” means secondary or higher education primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.899 Warehouse.**

“Warehouse” means an establishment ~~building~~ used primarily for the indoor storage of goods and materials to be transported to retailers, distributors or customers. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.900 Yard.**

“Yard” means an open space on a zoning lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in the permitted intrusions in required yards in this code. A yard extends along and at right angles to a lot line to a depth or width specified in the yard regulations for the zoning district in which the zoning lot is located. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.910 Yard, front.**

“Front yard” means a yard that extends along the full length of the front lot line, between the two side lot lines and to the closest residential or commercial structure on the same lot. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.920 Yard, rear.**

“Rear yard” means a yard that extends along the full length of the rear lot line, between the two side lot lines and to the closest residential or commercial structure on the same lot. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.930 Yard, side.**

“Side yard” means a yard that extends along a side lot line from the front yard to the rear yard, between the side lot line and to the closest residential or commercial structure on the same lot. (Ord. 1912 § 1, 2017; Ord. 1289 § 4, 1995).

**17.08.935 Yard waste.**

“Yard waste” means grass clippings, leaves, weeds, and prunings six inches or less in diameter. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.936 Yard waste composting.**

“Yard waste composting” means the controlled aerobic degradation of yard waste only, for uses as a soil conditioner. The presence of anaerobic zones within the composting yard waste will not cause the process to be classified as other than composting. Natural decay of yard waste under uncontrolled conditions is not yard waste composting. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.940 Zone.**

“Zone” means an area accurately defined as to boundaries and location, and classified by the zoning ordinance as available for certain types of uses, and within which other types of uses are excluded. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.08.942 Zone, nonresidential.<sup>1</sup>**

Unless indicated otherwise, “nonresidential zone” means a zoning district whose primary focus is not residential and includes the ~~business district (B), mixed-use town-center district (MX),~~ community facilities district (CF), light manufacturing district (M-1), open space district (OS) and planned development district (PD). (Ord. 2069 § 4, 2023).

**17.08.944 Zone, residential.<sup>2</sup>**

Unless indicated otherwise, “residential zone” means a zoning district whose primary focus is residential and includes the ~~residential single family district~~neighborhood residential 1 district (RSNR1), ~~residential moderate density~~Neighborhood Residential 2 district (RMDNR2), and ~~residential multifamily~~Urban Residential Multifamily district (RMURM). (Ord. 2069 § 3, 2023).

**17.08.950 Zoning administrator.**

“Zoning administrator” means the planning and community development director of the city of Milton, or his or her designee. (Ord. 1912 § 1, 2017; Ord. 1663 § 17, 2006; Ord. 1484 § 4, 2001; Ord. 1405 § 2, 1999).

<sup>1</sup> Code reviser’s note: Ord. 2069 set out this section as MMC 17.08.944. It has been editorially renumbered to maintain alphabetical order of the definition sections.

<sup>2</sup> Ord. 2069 set out this section as MMC 17.08.942. It has been editorially renumbered to maintain alphabetical order of the definition sections.

## Chapter 17.12 DISTRICTS GENERALLY

Sections:

- 17.12.010 Classifications designated.
- 17.12.020 Zoning map adopted.
- 17.12.030 Changes in boundaries.
- 17.12.040 Limitation of land use.
- 17.12.050 Uncertainty of boundaries.

### 17.12.010 Classifications designated.

For the purpose of this code, the city is divided into eight zoning classifications, as follows:

Zone	Abbreviated Chapter Classifications	Designation
17.20	Residential Single-Family District	<del>RSNR1</del>
17.22	<del>Residential Moderate-Density Neighborhood</del> Residential 2 District	<del>RMDNR2</del>
17.24	<del>Residential-Multifamily Urban</del> Residential Multifamily District	<del>RMURM</del>
17.28	Business District	B
<u>17.29</u>	<u>Neighborhood Commercial</u>	<u>NC</u>
17.30	Mixed Use Town Center District	MX
17.32	Community Facilities District	CF
17.36	Light Manufacturing District	M-1
17.38	Planned Development District	PD
17.41	Open Space District	OS

(Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.12.020 Zoning map adopted.**

The zoning map designated Milton Zoning Map 1995, ~~as~~ amended by the Milton Zoning Map 1999, as amended by the Milton Zoning Map 2024 is hereby adopted and made a part of this code as though attached to this chapter, showing the location and the boundaries of the various zoning districts in Milton shall be the official zoning map of Milton and is an integral part of this zoning code. The boundaries and location of the various zoning districts in Milton shall be as shown on the zoning map. The Milton Zoning Map 1995, as amended by the Milton Zoning Map ~~1999~~2024, is on file with the city. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.12.030 Changes in boundaries.**

A. Changes in the boundaries of the zones shall be made by adopting an amended zoning map, or part of the map, which amended map or part so adopted shall become a part of this code.

B. No changes in the boundaries of any zone shall be approved unless such change is found to be in compliance with the comprehensive plan. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.12.040 Limitation of land use.**

Except as provided in this code, no building or structure shall be erected, reconstructed, or structurally altered, nor shall any building, structure, or land be used for any purpose except as specifically provided and allowed in this title in the same zone in which the building, land, or use is located. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.12.050 Uncertainty of boundaries.**

When uncertainty exists as to the boundaries of zones as indicated on the official zoning map, the following rules shall apply:

A. Boundaries shown as approximately following the centerlines of streets, alleys or highways shall be construed as following such centerlines.

B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

C. Distances not specifically indicated on the official zoning map shall be determined by applying the scale of the map.

D. Where a zone boundary line is parallel, or approximately parallel, to a street and divides a lot or property in single ownership having street frontage in a less restrictive zone, the provisions applicable to the less restrictive zone may be extended to the entire lot, but in no case for a distance of more than 25 feet. Where the zone boundary line divides a lot having street frontage only in a more restrictive zone, the provisions of this title covering the more restrictive portion of the lot shall extend to the entire lot.

E. Where a zone boundary line divides a lot of single ownership and the line is at right angles or approximately at right angles to the street, highway or place upon which the lot fronts, the provisions of this title applicable in the less restrictively zoned portion of the lot may be extended to the entire lot or for a distance of 25 feet from the zone boundary line, whichever is the lesser distance. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

## Chapter 17.14 TABLE OF USES

Sections:

17.14.010 Table of uses.

Zoning Districts	Residential			Mixed-Use		Commercial		Industrial	Special	
	RS-NR1	NR2	RM-UR	MX	UMX	B	NC	M-1	CF	OS
<b>Residential Use Category</b>										
Adult Family Homes	A	A	A	A	A	A	A	~	~	~
Adult Retirement Community	~	A	A	A	~	~	~	~	~	~
Assisted Living Facility	~	A	A	A	~	~	~	~	~	~
Dwelling unit, 1- and 2- family	A	A	~	~	~	~	~	~	~	~
Dwelling unit, accessory <sup>2</sup>	A	A	~	~	~	~	A <sup>1</sup>	~	~	~
Dwelling unit, multi-family	~	C	A	A	A	~	C	~	~	~
Emergency Housing <sup>2</sup>	~	~	~	~	~	A	A	~	~	~
Emergency Shelter <sup>2</sup>	~	~	~	~	~	A	A	~	~	~
Group Homes (non ADA)	C	C	A	~	~	~	~	~	~	~
Live-work Units	~	~	~	A	A	~	A	~	~	~
Mobile Home park	C	C	~	~	~	~	~	~	~	~
Permanent Supportive Housing <sup>2</sup>	A	A	A	A	A	A	~	~	~	~
Transitional Housing <sup>2</sup>	A	A	A	A	A	A	~	~	~	~
<b>Non-Residential Use Category</b>										
Adult daycare facility	C	A	A	A	A	~	A	~	~	~
Adult entertainment establishment	~	~	~	~	~	C	~	~	~	~
Animal services <sup>2</sup>	~	~	~	A	A	A	A	~	~	~
Child care center	C	C	C	A	A	A	A	~	C	~
Distribution Center	~	~	~	~	~	~	~	A	~	~
Educational Facilities, up to 12th Grade	C	C	C	~	~	C	~	~	C	~
Educational Facilities, Vocational/College	~	~	~	~	C	C	~	~	~	~
Food and drink establishments	~	~	~	A	A	A	A	~	~	~
Battery Exchange Station <sup>5</sup>	~	~	~	~	A	A	~	A	~	~



Indoor Spectators Facility <sup>4</sup>	~	~	~	~	~	~	S	S	S	~
Light Manufacturing	~	~	~	~	~	~	~	A	~	~
Lodging	~	~	~	~	A	A	~	~	~	~
Medical Care Facility	~	C	C	~	C	C	~	C	~	~
Mercantile	~	~	~	A	A	A	A	~	~	~
Motor Vehicle Service	~	~	~	A	A	A	A	A	~	~
Outdoor Assembly Facility <sup>4</sup>	~	~	~	~	~	~	S	S	S	~
Private club or organization	~	~	~	C	C	A	C	~	~	~
Business Office	~	~	~	A	A	A	A	~	~	~
Professional Services	~	~	~	A	A	A	A	~	~	~
Professional Studio	~	~	~	A	A	A	A	~	~	~
Recreation and Culture Centers	~	~	~	A	A	A	A	~	~	~
Religious institution, with access to a principal or minor arterial	C	C	C	A	A	A	A	~	~	~
Religious institution, without access to a principal or minor arterial, up to and including 20,000 sf	C	C	C	A	A	A	A	~	~	~
Religious institution, without access to a principal or minor arterial, greater than 20,000 sf	~	~	~	C	A	A	A	~	~	~
Theater	~	~	~	A	A	A	A	~	~	~
Warehouse	~	~	~	~	~	~	~	A	~	~

**Public Facilities/Utilities Use Category**

Government Facilities	~	~	A	A	A	A	A	A	A	~
Public Park	A	A	A	A	A	A	A	A	A	A
Public Transit Facilities	~	~	~	~	~	~	~	A	~	~
Public Utility Facilities	C	C	C	C	C	A	C	A	A	~
Essential Public Facilities <sup>7</sup>	~	~	~	~	~	C	~	C	~	~

**Accessory Use Category <sup>3</sup>**

Accessory Structure	A	A	A	A	A	A	A	A	A	A
Accessory Structure larger than principal	A	~	~	~	~	~	~	~	~	~
agricultural uses <sup>6</sup>	A	A	~	~	~	~	~	~	~	~
Bed and Breakfast	C	C	A	A	~	~	A	~	~	~
cargo storage containers	~	~	~	~	~	?	~	A	~	~
Drive Thru <sup>2</sup>	~	~	~	~	A	A	A	A	~	~
electric vehicle infrastructure <sup>5</sup>	A	A	A	A	A	A	A	A	~	~
Heliport <sup>4</sup>	~	~	~	~	~	S	~	~	~	~
family home child care	A	A	A	A	A	A	A	A	~	~
Home Occupation <sup>3</sup>	A	A	A	A	A	~	~	~	~	~
Micro beverage production <sup>2</sup>	~	~	~	A	A	A	A	~	~	~
Outdoor sales	~	~	~	A	A	A	A	A	A	~
Outdoor storage	~	~	~	~	~	~	~	A	A	~
public parking area	~	~	~	A	A	A	A	A	A	A
recycling collection point	~	~	A	A	A	A	A	A	A	A

**Prohibited in all Zones**

composting facility	~	~	~	~	~	~	~	~	~	~
Concrete Plants	~	~	~	~	~	~	~	~	~	~
Data Center	~	~	~	~	~	~	~	~	~	~
flea market	~	~	~	~	~	~	~	~	~	~
Landfill	~	~	~	~	~	~	~	~	~	~
Marijuana producers or processors, state licensed	~	~	~	~	~	~	~	~	~	~
Marijuana retailer, state licensed	~	~	~	~	~	~	~	~	~	~
Medical marijuana or cannabis collective gardens	~	~	~	~	~	~	~	~	~	~
Motor vehicle impound yard	~	~	~	~	~	~	~	~	~	~
Recycling Processing Center	~	~	~	~	~	~	~	~	~	~
Self-storage	~	~	~	~	~	~	~	~	~	~
Semi-truck parking	~	~	~	~	~	~	~	~	~	~
Surface Mining	~	~	~	~	~	~	~	~	~	~

A - Allowed      C - Conditional Use Permit      S - Special Use Permit      ~ Not allowed

<sup>1</sup> Residential uses shall either be placed at the back of the lot, or setback at least 30' from the front of lot or located above commercial uses

<sup>2</sup> See Chapter 17.44 General Use Regulations

<sup>3</sup> Requires a primary use; See Chapter 17.08.030

<sup>4</sup> See Chapter 17.42 Special Uses

<sup>5</sup> See Chapter 17.69 Electric Vehicle Infrastructure

<sup>6</sup> See Sumner Code Chapter 6.18 for Livestock Regulations

<sup>7</sup> See Chapter 17.??

Description of Use	RS	RM	RMD	MX	B	M+	CF	OS
Residential Use Category	-	-	-	-	-	-	-	-
Accessory structure larger than principal building	eup	-	-	-	-	-	-	-
Adult day care facility	eup	au	au	au	-	-	-	-
Adult family home	au	au	au	au	-	-	-	-
Adult retirement community	-	au	au	au	-	-	-	-
Apartment	-	au	eup	au	-	-	-	-
Assisted living facility	-	eup	eup	eup	-	-	-	-
Carport	ace	ace	ace	ace	-	-	-	-

Description of Use	RS	RM	RMD	MX	B	M+	CF	OS
Dwelling, accessory <sup>†</sup>	ae	ae	ae	ae	-	-	-	-
Dwelling, multifamily	-	au	eup	au	-	-	-	-
Dwelling, single-family	au	au	au	au	-	-	-	-
Dwelling, two-family	au <sup>2</sup>	au	au	au	-	-	-	-
Emergency housing	-	-	-	-	au <sup>6</sup>	-	-	-
Emergency shelters	-	-	-	-	au <sup>6</sup>	-	-	-
Garage, private	ae	ae	ae	ae	ae	ae	-	-
Group homes	eup	au	eup	au	-	-	-	-
Mobile home park	eup	eup	eup	-	-	-	-	-
Parking area, private	ae	ae	ae	ae	ae	ae	-	-
Permanent supportive housing	au <sup>7</sup>	au <sup>7</sup>	au <sup>7</sup>	au <sup>7</sup>	au <sup>7</sup>	-	-	-
Swimming pool, private	ae	ae	ae	ae	-	-	-	-
Transitional housing	au <sup>7</sup>	au <sup>7</sup>	au <sup>7</sup>	au <sup>7</sup>	au <sup>7</sup>	-	-	-
Commercial Use Category	-	-	-	-	-	-	-	-
Adult entertainment business	-	-	-	-	eup	-	-	-
Ambulance service	-	-	-	au	au	au	-	-
Amusement parks	-	-	-	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>
Animal hospital	-	-	-	-	au	au	-	-
Auction house/barn (no vehicle or livestock)	-	-	-	-	au	au	-	-
Automobile service station	-	-	-	eup	au	au	-	-
Automobile wash	-	-	-	-	au	au	-	-

Description of Use	RS	RM	RMD	MX	B	M+	CF	OS
Automobile, repair	-	-	-	-	au	au	-	-
Automobile, sales	-	-	-	-	au	au	-	-
Banks, savings and loan-association	-	-	-	au	au	-	-	-
Beauty/barber shop	-	-	eup	au	au	-	-	-
Bed and breakfast	eup	au	eup	au	-	-	-	-
Billiard hall and pool hall	-	-	-	au	au	au	-	-
Child day care, commercial	eup	eup	eup	au	au	eup	eup	-
Child day care, family	au	au	au	au	-	-	-	-
Commercial recreation < 2-ac.	-	eup	-	eup	au	-	au	au
Commercial recreation > 2-ac.	-	-	-	-	eup	-	eup	-
Confectionery stores (see Retail sales)	-	-	-	au	au	-	-	-
Convenience store	-	-	-	au	au	-	-	-
Crematories and mausoleums	-	-	-	-	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>
Department stores (see Retail sales)	-	-	-	-	au	-	-	-
Drug stores (see Personal services)	-	-	-	au	au	-	-	-
Dry cleaners (see Personal services)	-	-	-	au	au	-	-	-
Electric vehicle infrastructure <sup>5</sup>	ace	ace	ace	au	au	au	ace	ace
Espresso stands	-	-	-	au	au	au	-	-

Description of Use	RS	RM	RMD	MX	B	M+	CF	OS
Flea market	-	-	-	-	-	eup	-	-
Food markets and grocery stores	-	-	-	au	au	-	-	-
Golf and athletic facilities	-	-	-	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>
Greenhouses, private and noncommercial	au	au	au	eup	eup	-	-	-
Hardware stores < 10,000 sf	-	-	-	au	au	au	-	-
Hardware stores > 10,000 sf	-	-	-	-	au	au	-	-
Health club	-	ace	-	au	au	ace	-	-
Home occupation	au <sup>4</sup>	au <sup>4</sup>	au <sup>4</sup>	au <sup>4</sup>	au <sup>4</sup>	au <sup>4</sup>	au <sup>4</sup>	au <sup>4</sup>
Horticultural nursery, wholesale and retail	-	-	-	-	au	au	-	-
Hotel	-	-	-	-	au	-	-	-
Inn	-	eup	-	au	au	-	-	-
Liquor stores	-	-	-	au	au	au	-	-
Locksmiths	-	-	-	au	au	au	-	-
Lumber yards	-	-	-	-	au	au	-	-
Marijuana producers or processors, state licensed	Prohibited in all zoning districts							
Marijuana retailer, state licensed	Prohibited in all zoning districts							
Medical marijuana or cannabis collective gardens	Prohibited in all zoning districts							
Mortuaries	-	-	-	-	au	-	-	-
Motel	-	-	-	-	au	-	-	-

Description of Use	RS	RM	RMD	MX	B	M+	CF	OS
Outdoor advertising display	-	-	-	eup	au	au	-	-
Pet shop	-	-	-	au	au	-	-	-
Photographer's studio	-	-	eup	au	au	-	-	-
Preschool, private	eup	eup	eup	au	au	eup	-	-
Radio and TV repair shops	-	-	-	au	au	au	-	-
Recreational areas, commercial, including tennis clubs and similar activities	-	-	-	su <sup>1</sup>	su <sup>1</sup>	su <sup>1</sup>	-	-
Recreational areas privately operated	-	-	-	su <sup>1</sup>	su <sup>1</sup>	su <sup>1</sup>	su <sup>1</sup>	su <sup>1</sup>
Recycling collection points	-	ace	-	ace	ace	ace	ace	ace
Restaurant	-	-	-	au	au	au	-	-
Restaurants, drive through	-	-	-	-	eup	au	-	-
Retail < 1,000 sf	-	-	-	au	au	au	-	-
Retail > 1,000 sf	-	-	-	-	au	au	-	-
Rodeos	-	-	-	-	su <sup>1</sup>	su <sup>1</sup>	su <sup>1</sup>	su <sup>1</sup>
Secondhand store	-	-	-	eup	au	au	-	-
Self-service storage facility	-	ace	-	ace	eup	au	-	-
Shoe stores or repair shop	-	-	-	au	au	-	-	-
Sports arenas	-	-	-	-	su <sup>1</sup>	su <sup>1</sup>	su <sup>1</sup>	su <sup>1</sup>
Stadiums	-	-	-	-	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>
Stationery store	-	-	-	au	au	-	-	-
Studios (i.e., recording, artist, dancing, etc.)	-	-	-	au	au	-	-	-

Description of Use	RS	RM	RMD	MX	B	M+	CF	OS
Swimming pool, commercial	-	-	-	eup	au	-	-	-
Taverns	-	-	-	au	au	au	-	-
Theaters, enclosed	-	-	-	eup	au	eup	-	-
Video store (rental, not-adult) < 5,000-sf	-	-	-	au	au	au	-	-
Video store (rental, not-adult) > 5,000-sf	-	-	-	-	au	au	-	-
Civic Use Category	-	-	-	-	-	-	-	-
Ballfield	-	-	-	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>
Bicycle paths, walking trails	au	au	au	au	au	au	au	au
Club or lodge, private	-	-	-	eup	eup	-	-	-
Fairgrounds	-	-	-	-	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>
Garage, public	-	-	-	-	-	au	-	-
Heliports	-	-	-	-	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>
Hospitals and sanitariums	-	-	-	-	eup	eup	-	-
Libraries	-	-	-	au	au	-	-	-
Open air theaters	-	-	-	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>
Parking area, public	-	ace	-	ace	ace	ace	ace	ace
Post office, branch or contract station	-	-	-	au	au	-	-	-
Post office, distribution-center or terminal	-	-	-	-	-	eup	-	-
Public parks	eup	eup	eup	eup	eup	eup	au	au

Description of Use	RS	RM	RMD	MX	B	M <sup>+</sup>	CF	OS
Religious institution, with access to a principal or minor arterial	eup	eup	eup	au	au	eup	-	-
Religious institution, without access to a principal or minor arterial, up to and including 20,000 sf	eup	eup	eup	au	au	eup	-	-
Religious institution, without access to a principal or minor arterial, greater than 20,000 sf	-	-	-	au	au	eup	-	-
Schools, elementary or secondary, public or private	eup	eup	eup	eup	eup	-	au	-
Swimming pool, public	eup	eup	eup	eup	eup	-	-	-
Transit facilities, bus barns, park and ride lots, transit stations	-	-	-	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>	su <sup>+</sup>
Vocational schools/colleges	-	-	-	eup	eup	eup	eup	-
Utilities Use Category	-	-	-	-	-	-	-	-
Electric transmission substation	eup	eup	eup	eup	eup	au	eup	eup
Fuel storage tanks (underground, < 500 gal.)	ace	ace	ace	au	au	au	-	-
Fuel storage tanks (underground, > 500 gal.)	-	eup	eup	eup	au	au	-	-
Fuel storage tanks, above-ground	-	-	-	au	au	au	-	-
Public utility facilities (services)	eup	eup	eup	eup	au	au	au	-
Public utility service yard	-	-	-	-	-	au	au	-
Radio, cellular phone, microwave, and/or	eup	eup	eup	eup	eup	eup	eup	eup



Description of Use	RS	RM	RMD	MX	B	M+	CF	OS
<del>television transmission facilities or towers</del>								
Sewage treatment plants	-	-	-	-	-	-	eup	-
<del>Transfer station solid waste facility</del>	-	-	-	-	-	eup	eup	-
Industrial Use Category	-	-	-	-	-	-	-	-
<del>Blueprinting and photostating</del>	-	-	-	au	au	au	-	-
Buy-back recycling center	-	-	-	-	-	eup	-	-
<del>Cabinet shops (see Industry, light)</del>	-	-	-	-	eup	au	-	-
Cargo storage containers	-	-	-	-	ace	ace	ace	-
<del>Carpenter shops (see Industry, light)</del>	-	-	-	-	eup	au	-	-
Composting facilities	-	-	-	-	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>
Contractor yards	-	-	-	-	au	au	-	-
<del>Distributing plants (see Industry, light)</del>	-	-	-	-	-	au	-	-
<del>Electric/neon sign assembly, servicing repair</del>	-	-	-	-	-	au	-	-
Freight terminal, truck	-	-	-	-	-	eup	-	-
<del>Furniture repair (see Industry, light)</del>	-	-	-	-	eup	au	-	-
Industry, light	-	-	-	-	-	au	-	-
<del>Machine shops, punch press up to five tons (see Industry, light)</del>	-	-	-	-	-	au	-	-

Description of Use	RS	RM	RMD	MX	B	M+	CF	OS
Motor vehicle impound yard in enclosed building (see Industry, light)	-	-	-	-	-	au	-	-
Nonautomotive, motor vehicle and related equipment sales, rental, repair and service	-	-	-	-	au	au	-	-
Outdoor storage	-	-	-	-	eup	au	-	-
Paint shop (see Industry, light)	-	-	-	-	-	au	-	-
Parcel service delivery (see Industry, light)	-	-	-	-	-	au	-	-
Pesticide application service (see Industry, light)	-	-	-	-	-	au	-	-
Plumbing shop (see Industry, light)	-	-	-	-	-	au	-	-
Plumbing supply yards (see Industry, light)	-	-	-	-	-	au	-	-
Printing establishments	-	-	-	-	au	au	-	-
Recycling processing centers	-	-	-	-	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>
Storage for transit and transportation equipment	-	-	-	-	-	eup	-	-
Tool sales and rental	-	-	-	eup	au	au	-	-
Trailer mix concrete plant	-	-	-	-	-	eup	-	-
Upholstering	-	-	-	-	au	au	-	-
Warehousing	-	-	-	-	-	au	-	-
Welding shops and sheet metal shops	-	-	-	-	-	eup	-	-

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
<del>Office/Business Use-Category</del>	-	-	-	-	-	-	-	-
<del>Medical-dental clinic</del>	-	-	eup	au	au	-	-	-
<del>Professional offices</del>	-	-	eup	au	au	au	-	-
<del>Resource Use-Category</del>	-	-	-	-	-	-	-	-
<del>Agricultural buildings</del>	ace	-	-	-	-	ace	ace	ace
<del>Agricultural crops; orchards</del>	au	eup	au	-	-	ace	ace	au
<del>Livestock</del>	au <sup>3</sup>	-	-	-	-	-	-	-
<del>Pasture</del>	au	-	-	-	-	-	-	-
<del>Stable, private arena</del>	au <sup>3</sup>	-	-	-	-	-	-	-
<del>Surface mining</del>	-	-	-	-	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>	su <sup>2</sup>
<del>ace: Accessory Use au: Authorized or Permitted Use eup: Conditionally Permitted Use su<sup>1</sup>: Type I Special Use su<sup>2</sup>: Type II Special Use</del>								

<sup>1</sup> Subject to requirements of MMC 17.44.160.

<sup>2</sup> Minimum lot size 12,000 square feet.

<sup>3</sup> Maximum one animal/acre.

<sup>4</sup> Subject to the limitations of MMC 17.44.090.

<sup>5</sup> Battery exchange stations and rapid charging stations are only allowed in the MX, B, and M-1 zones.

<sup>6</sup> Subject to the criteria and conditions of MMC 17.44.130 and 17.44.150.

<sup>7</sup> Subject to the criteria and conditions of MMC 17.44.140 and 17.44.150.

(Ord. 2063 § 4, 2023; Ord. 2057 § 7, 2022; Ord. 2056 § 5, 2022; Ord. 1912 § 1, 2017; Ord. 1857 § 2, 2015; Ord. 1819 § 6, 2013; Ord. 1775 § 5, 2011; Ord. 1769 § 3, 2011; Ord. 1586 § 1, 2003; Ord. 1579 § 4, 2003; Ord. 1578 § 2, 2003; Ord. 1405 § 2, 1999).

## **Chapter 17.15 TABLE OF BULK AND DIMENSIONAL REGULATIONS**

(Repealed by Ord. 1750)

## Chapter 17.15A TABLE OF LAND DEVELOPMENT DIMENSIONAL REGULATIONS

Sections:

17.15A.010 Land development dimensional regulations table.

17.15A.010 Land development dimensional regulations table.

	Residential			Mixed-Use		Commercial		Industrial	Special	
Zoning District	RSNR L	NR2	RAMU RM	MX	UMX	B	NC	M-1	CF	OS
Minimum Lot Area	8,000 Ft <sup>2</sup>	4,000 Ft <sup>2</sup>	8,000 Ft <sup>2</sup>	3,000 Ft <sup>2</sup>	8,000 Ft <sup>2</sup>	3,000 Ft <sup>2</sup>	4,000 Ft <sup>2</sup>	12,00 0 Ft <sup>2</sup>	3,000 Ft <sup>2</sup> .	0 Ft <sup>2</sup>
Standard Net Density for Multiple Units*	n/a	n/a	12 du/ac	20 du/ac	30 du/ac	18 du/ac	18 du/ac	n/a	n/a	n/a
Maximum Net Density <sup>1</sup>	3 du/ lot	3 du/ lot	18.00 du/ac <sup>2</sup>	24 du/ac	40 du/ac	24 du/ac	24 du/ac	n/a	n/a	n/a
Maximum Dwelling Units per Lot*	3	3	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Religious Organization Density Bonus Dwelling Units per Lot	5	6	9	18	30	15	15	n/a	n/a	n/a
Minimum Lot Width	60 ft.	45 ft.	60 ft.	40 ft.	80 ft.	40 ft.	40 ft.	75 ft.	20 ft.	n/a

\*allowable density will be defined as the greater of Standard Net Density and Maximum Dwelling Units per lot.

STANDARD S	RS <sup>4</sup>	RMD <sup>4</sup>	RM <sup>4</sup>	MX <sup>4</sup>	B	M-1	O-S	CF
Minimum Lot Area	<del>8,000 sq. ft.</del>	<del>4,000 sq. ft.</del>	<del>8,000 sq. ft.</del>	<del>3,000 sq. ft.</del>	<del>3,000 sq. ft.</del>	<del>12,000 sq. ft.</del>	<del>0 sq. ft.</del>	<del>3,000 sq. ft.</del>
For a Duplex Unit	<del>12,000 sq. ft.</del>	<del>10,000 sq. ft.</del>	n/a	n/a	n/a	n/a	n/a	n/a
Standard Net Density for Multiple Units	n/a	<del>12 du/ae</del>	<del>12 du/ae</del>	<del>12 du/ae</del>	n/a	n/a	n/a	n/a
Maximum Net Density <sup>1</sup>	<del>5.45 du/ae<sup>1</sup></del>	<del>18.00 du/ae<sup>2</sup></del>	<del>18.00 du/ae<sup>2</sup></del>	<del>18.00 du/ae<sup>3</sup></del>	n/a	n/a	n/a	n/a
Minimum Lot Width	<del>75 ft.</del>	<del>45 ft.</del>	<del>60 ft.</del>	<del>40 ft.</del>	<del>40 ft.</del>	<del>75 ft.</del>	<del>n/a</del>	<del>20 ft.</del>

<sup>1</sup> The net density may not be exceeded [unless the units are constructed entirely within an existing building envelope, in which case density may be increased by up to 50 percent.](#)

<sup>2</sup> These densities can only be achieved through the development of an adult retirement community, otherwise the standard net density applies.

<sup>3</sup> These densities can only be achieved through the development of mixed business and residential developments (in the MX zone) or the development of adult retirement community housing (in the RMURM or MX zones), otherwise the net standard density applies.

<sup>4</sup> In the RSNR1, RMDNR2, RMURM and MX zones the maximum density and the minimum lot size shall be met.

(Ord. 2063 § 5, 2023; Ord. 1912 § 1, 2017; Ord. 1853 § 4, 2014; Ord. 1750 § 3, 2010).

## Chapter 17.15B TABLE OF BUILDING BULK REGULATIONS

Sections:

17.15B.010 Building bulk table.

17.15B.010 Building bulk table.

	Residential			Mixed-Use		Commercial		Industrial	Special	
STANDARDS	RSNR1	RAMNR2	RAMURM	MX	UMX	B	NC	M-1	CF	OS
Maximum Height	35 ft.	35 ft.	35 ft.	45 ft.	45 ft.	45 ft.	35 ft.	40 ft.	35 ft.	35 ft.
Maximum Building Coverage <sup>1</sup>	40%	50%	n/a	90%	80%	60%	50%	60%	60%	n/a
Maximum Building Footprint	3,000 Ft <sup>2</sup>	3,000 Ft <sup>2</sup>	4,000 Ft <sup>2</sup>	7,000 Ft <sup>2</sup>	n/a	n/a	8,000 Ft <sup>2</sup>	n/a	n/a	n/a
Maximum Net or Phased Floor/Lot Ratio: Square Feet <sup>2</sup>	n/a	n/a	n/a	3 to 1	3 to 1	1 to 1	1.5 to 1	1 to 1	1 to 1	n/a
Minimum Setback from Right-of-Way <sup>3,4</sup>	20 ft.	20 ft.	20 ft.	0 ft.	0 ft.	0 ft.	10 ft.	10 ft.	10 ft.	20 ft.
Maximum Setback from Right-of-Way <del>for</del> <u>Way for</u> Principal Structure*	n/a	n/a	n/a	10 ft.	n/a	n/a	15 ft.	n/a	n/a	n/a
Minimum Side Yard Setback <sup>5</sup>	7.5 ft.	7.5 ft.	7.5 ft.	5 ft.	5 ft.	0 ft.	5 ft.	0 ft.	5 ft.	5 ft.
Minimum Rear Yard Setback <sup>6</sup>	25 ft.	10 ft.	25 ft.	0 ft.	5 ft.	0 ft.	15 ft.	0 ft.	20 ft.	20 ft.
Minimum Rear Yard Setback: Accessory Structure <sup>6</sup>	7.5 ft.	7.5 ft.	7.5 ft.	0 ft.	0 ft.	0 ft.	5 ft.	0 ft.	7.5 ft.	7.5 ft.
Minimum Rear Yard Setback: Detached Accessory Dwelling Unit	25 ft.	10 ft.	25 ft.	0 ft.	5 ft.	n/a	5 ft.	n/a	n/a	n/a

\* buildings with street-level residential uses are exempt

STANDARDS	RS	RMD	RM	MX	B	M+	OS	CF
Maximum Height	<del>35 ft.</del>	<del>35 ft.</del>	<del>35 ft.</del>	<del>45 ft.</del>	<del>45 ft.</del>	<del>40 ft.</del>	<del>35 ft.</del>	<del>35 ft.</del>
Maximum Building Coverage <sup>1</sup>	40%	50%	n/a	90%	60%	60%	n/a	60%
Maximum Net or Phased Floor/Lot Ratio: Square Feet <sup>2</sup>	n/a	n/a	n/a	<del>3 to 1</del>	<del>1 to 1</del>	<del>1 to 1</del>	n/a	<del>1 to 1</del>
Minimum Setback from Right of Way <sup>3, 4</sup>	20 ft.	20 ft.	20 ft.	0 ft.	0 ft.	10 ft.	20 ft.	10 ft.
Minimum Side Yard Setback <sup>5</sup>	<del>7.5 ft.</del>	<del>7.5 ft.</del>	<del>7.5 ft.</del>	5 ft.	0 ft.	0 ft.	5 ft.	5 ft.
Minimum Rear Yard Setback <sup>6</sup>	25 ft.	10 ft.	25 ft.	0 ft.	0 ft.	0 ft.	20 ft.	20 ft.
Minimum Rear Yard Setback: Accessory Structure <sup>6</sup>	7.5 ft.	7.5 ft.	7.5 ft.	0 ft.	0 ft.	0 ft.	7.5 ft.	7.5 ft.
Minimum Rear Yard Setback: Detached Accessory Dwelling Unit	25 ft.	10 ft.	25 ft.	0 ft.	n/a	n/a	n/a	n/a

<sup>1</sup> Maximum building coverage refers to the area in which structures occupy the site. “Structures” do not include paved parking or driveway areas.

<sup>2</sup> Net or phased floor/lot ratio means the total floor area of the building or buildings on a lot divided by the net area of the lot once land required for roadway dedication, or critical area protection, or related purposes, is subtracted from the gross lot area. Each phase must be computed on the percentage of the site that it represents.

<sup>3</sup> Any garage or other structure shall be set back the minimum necessary to allow on-site parking on any driveway without blocking a sidewalk; for proposals without garages, there shall be sufficient area on the site to allow for required on-site parking without blocking a sidewalk.

<sup>4</sup> Improvements such as but not limited to rockeries and retaining walls which are required by the city as part of street frontage improvements, and which are located on a public easement, may be constructed in the setback if no feasible alternative exists.



<sup>5</sup> In the ~~RMDNR2~~ and ~~RMURM~~ zones, the minimum distance between primary structures located on the same parcel shall be 15 feet.

<sup>6</sup> Emergency vehicle access requirements must be maintained. The minimum rear yard setback in the B and M-1 zones shall be 20 feet where such zones abut residential districts.

(Ord. 2063 § 6, 2023; Ord. 1912 § 1, 2017; Ord. 1750 § 4, 2010).

## Chapter 17.15C TABLE OF LANDSCAPE REGULATIONS

Sections:

17.15C.010 Landscape regulations table.

17.15C.010 Landscape regulations table.

	Residential			Mixed-Use		Commercial		Industrial	Special	
Zoning District	<del>RS</del> NRJ	<del>RMD</del> NR2	<del>RM</del> URM	MX	UMX	B	NC	M-I	CF	OS
Street Planting Strip	n/a	n/a	20 ft	0 ft	<u>0 ft</u>	8 ft	<u>0 ft</u>	10 ft	<u>10 ft</u>	20 ft
Side Yard Planting Strip	n/a	n/a <sup>7</sup>	7.5 ft <sup>7</sup>	0 ft	<u>0 ft</u>	8 ft	<u>0 ft</u>	8 ft	8 ft	20 ft
Rear Yard Planting Strip	n/a	n/a	25 ft	0 ft	<u>0 ft</u>	8 ft	<u>0 ft</u>	8 ft	8 ft	20 ft
Internal Parking Lot Landscaping <sup>8</sup>	n/a	n/a	7%	7%	<u>7%</u>	7%	<u>7%</u>	7%	7%	7%

STANDARDS <sup>1,2,3</sup>									
LANDSCAPE STANDARDS <sup>4,5,6</sup>	RS	RMD	RM	MX-	B	M-I	OS	CF	
Street Planting Strip	n/a	n/a	20 ft	0 ft	8 ft	10 ft	20 ft	20 ft	
Side Yard Planting Strip	n/a	n/a <sup>7</sup>	7.5 ft <sup>7</sup>	0 ft	8 ft	8 ft	20 ft	8 ft	
Rear Yard Planting Strip	n/a	n/a	25 ft	0 ft	8 ft	8 ft	20 ft	8 ft	

STANDARDS <sup>1,2,3</sup>								
LANDSCAPE STANDARDS <sup>4,5,6</sup>	RS	RMD	RM	MX	B	M-1	OS	CF
Internal-Parking-Lot-Landscaping <sup>8</sup>	n/a	n/a	7%	7%	7%	7%	7%	7%

<sup>1</sup> All development must meet the city’s most recently adopted storm water management codes (Chapter 13.26 MMC).

<sup>2</sup> Fences in required street frontage landscaping shall be in the interior half of the landscape width.

<sup>3</sup> Walls and rockeries are allowed; provided, that width of required planting is increased by the width that is used by walls or rockeries.

<sup>4</sup> All development must satisfy the provisions contained in MMC 17.44.110, Landscape requirements.

<sup>5</sup> All areas, except single-family residences, not proposed for buildings, parking, or driveways shall be landscaped.

<sup>6</sup> Perimeter landscape requirements exclusive of proposed access driveways.

<sup>7</sup> In the RMDNR2 and RMURM zones, the minimum distance between primary structures located on the same parcel shall be 15 feet. The area between buildings shall be landscaped with vegetative groundcover/turf.

<sup>8</sup> Parking lot landscaping shall be provided for new parking lots of 18 spaces or more double loaded or more than nine spaces single loaded. Landscaping must be provided for additions to parking where the result is 20 or more spaces.

(Ord. 1912 § 1, 2017; Ord. 1809 § 1, 2013; Ord. 1750 § 5, 2010).

## Chapter 17.20 NEIGHBORHOOD RESIDENTIAL 1 (~~RSNR1~~) DISTRICT

### Sections:

17.20.005 Purpose.

17.20.010 Authorized uses.

17.20.020 Uses requiring conditional use permit.

17.20.030 Accessory uses.

17.20.040 RSNR1 development and bulk regulations.

### **17.20.005 Purpose.**

The purpose of the RSNR1 zoning district is to provide a safe, attractive and stable environment for residential development, where the predominant development pattern will be single-family dwellings. Uses other than single-family dwellings shall be allowed only to the extent that they support low-density residential development. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

### **17.20.010 Authorized uses.**

Authorized uses in the RSNR1 district are set forth in Chapter 17.14 MMC, subject to the off-street parking requirements, and other general provisions and exceptions set forth in this code beginning with Chapter 17.44 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

### **17.20.020 Uses requiring conditional use permit.**

Uses permitted subject to the granting of a conditional use permit in the RSNR1 district are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

### **17.20.030 Accessory uses.**

Accessory uses in the RSNR1 district are set forth in Chapter 17.14 MMC. Notwithstanding MMC 17.08.030, the total area of all accessory structures may exceed the area of the principal structure if the applicant satisfies the criteria for a conditional use permit. In addition to complying with the conditional use criteria specified in Chapter 17.64 MMC, the hearing examiner shall also consider the following criteria in determining whether a conditional use permit should issue:

A. All accessory structures or uses in the residential zone shall support and enhance the residential nature of the property.

B. The maximum size of any single accessory structure shall not exceed 2,500 square feet.

C. All accessory structures shall not exceed ~~15~~24 feet in height.

D. All accessory structures shall be screened from surrounding properties by walls and landscaping, intended to break up the visual bulk of the structure, and reduce the visual impact of the structure.

E. No accessory structures subject to this code shall be devoted partially or totally to the pursuit of home occupations.

~~F. All principal structures and accessory structures shall not exceed 50 percent of the lot area.~~

~~GF.~~ Accessory structures must be located to the rear of the principal structure. (Ord. 1912 § 1, 2017; Ord. 1586 § 2, 2003; Ord. 1405 § 2, 1999).

**17.20.040 ~~RSNR1~~ development and bulk regulations.**

A. General dimensional, density and bulk regulations for single-family dwellings are set forth in Chapters 17.15A and 17.15B MMC.

~~B. The construction of duplex homes is authorized on all lots that are at least 12,000 square feet in area, provided the net density calculation can be met.~~

~~B.~~ Setback requirements for accessory uses shall be the same as for other uses except that the minimum rear yard setback for accessory uses shall be seven and one-half feet. (Ord. 2063 § 7, 2023; Ord. 1912 § 1, 2017; Ord. 1750 § 6, 2010; Ord. 1405 § 2, 1999).

C. If residential units are added or constructed entirely within an existing building envelope, the density limits set forth in Chapter 17.15A may be exceeded up to an increase of 50 percent.

## Chapter 17.22 ~~RESIDENTIAL MODERATE~~ ~~DENSITY~~ NEIGHBORHOOD RESIDENTIAL 2 (RMDNR2) DISTRICT

### Sections:

17.22.005 Purpose.

17.22.010 Authorized uses.

17.22.020 Uses requiring conditional use permit.

17.22.030 Accessory uses.

17.22.040 RMDNR2 development and bulk regulations.

#### **17.22.005 Purpose.**

The purpose of the RMDNR2 zoning district is to provide a safe, attractive and stable environment for residential development. ~~where the predominant development pattern will be single family dwellings.~~ Uses other than residential dwelling units shall be allowed only to the extent that they support moderate density residential development. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.22.010 Authorized uses.**

Authorized uses in the RMDNR2 district are set forth in Chapter 17.14 MMC, subject to the off-street parking requirements and other general provisions and exceptions set forth in this code beginning with Chapter 17.44 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.22.020 Uses requiring conditional use permit.**

Uses permitted subject to the granting of a conditional use permit in the RMDNR2 district are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.22.030 Accessory uses.**

Accessory uses in the RMDNR2 district are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.22.040 RMDNR2 development and bulk regulations.**

A. General dimensional, density and bulk regulations for the RMDNR2 district are set forth in Chapters 17.15A and 17.15B MMC.

B. The established minimum lot size of 4,000 square feet is intended to mesh with the historic pattern of development, and is not intended to allow for new developments at residential densities higher than those set in that pattern. In any development where there may be a conflict between the minimum lot size allowance and the maximum net density, the maximum net density shall govern.

~~C. The construction of duplex homes is authorized on lots that are at least 10,000 square feet in area, provided the maximum net density calculation can be met.~~

DC. A density increase of 50 percent is allowed for the construction of an adult retirement community, provided the resulting maximum net density will not exceed 18 du/ac for the development of an adult retirement community; otherwise the standard net density applies. (Ord. 2063 § 8, 2023; Ord. 1912 § 1, 2017; Ord. 1750 § 7, 2010; Ord. 1405 § 2, 1999).

D. If residential units are added or constructed entirely within an existing building envelope, the density limits set forth in Chapter 17.15A may be exceeded up to an increase of 50 percent.

## Chapter 17.24 ~~RESIDENTIAL MULTIFAMILY~~ URBAN RESIDENTIAL MULTIFAMILY (RMURM) DISTRICT

### Sections:

17.24.005 Purpose.

17.24.010 Authorized uses.

17.24.020 Uses requiring conditional use permit.

17.24.030 Accessory uses.

17.24.040 RMURM development and bulk regulations.

#### **17.24.005 Purpose.**

The purpose of the RMURM zoning district is to provide adequate area for the development of a range of housing types at a moderate density, consistent with the carrying capacity of the city's resources. Uses in the RMURM zone other than residential are allowed only to the extent that they promote and support moderate density residential development. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.24.010 Authorized uses.**

Authorized uses in the RMURM district are set forth in Chapter 17.14 MMC, subject to the off-street parking requirements, landscaping requirements and other general provisions and exceptions set forth in this code beginning with Chapter 17.44 MMC, and the requirements set forth in Chapter 17.62 MMC, Site Plan Approval. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.24.020 Uses requiring conditional use permit.**

Uses permitted subject to the granting of a conditional use permit in the RMURM district are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.24.030 Accessory uses.**

Accessory uses in the RMURM district are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.24.040 RMURM development and bulk regulations.**

A. General dimensional, density and bulk regulations for principal buildings are set forth in Chapters 17.15A and 17.15B MMC.

B. The minimum lot size of 8,000 square feet is required for the first dwelling unit on any lot.

C. A density increase of 50 percent is allowed for the construction of an adult retirement community, provided the resulting maximum net density will not exceed 18 du/ac for the development of an adult retirement community, otherwise the standard net density applies. (Ord. 1912 § 1, 2017; Ord. 1750 § 8, 2010; Ord. 1405 § 2, 1999).

[D. If residential units are added or constructed entirely within an existing building envelope, the density limits set forth in Chapter 17.15A may be exceeded up to an increase of 50 percent.](#)

## Chapter 17.28 BUSINESS (B) DISTRICT

### Sections:

- 17.28.005 Purpose.
- 17.28.010 Authorized uses.
- 17.28.020 Uses requiring conditional use permit.
- 17.28.030 Accessory uses.
- 17.28.040 Bulk regulations.
- 17.28.050 Adult entertainment business(es) – Distance requirements.

#### **17.28.005 Purpose.**

The purpose of the business district is to provide adequate and appropriate areas within the city where office, retail and other commercial uses can be developed. In identifying appropriate areas for business zones, factors such as visibility and access to roads with high traffic counts are considered.

Business districts are intended to provide goods and services in support of the city's residential population. Due to the relative scarcity of appropriate areas for business development, however, residential uses are not permitted. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.28.010 Authorized uses.**

Uses authorized in the B district are set forth in Chapter 17.14 MMC, subject to the off-street parking requirements and other general provisions and exceptions set forth in this code beginning with Chapter 17.44 MMC, and subject to the requirements set forth in Chapter 17.62 MMC, Site Plan Approval. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.28.020 Uses requiring conditional use permit.**

Uses permitted subject to the granting of a conditional use permit in the B district are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.28.030 Accessory uses.**

Accessory uses in the B district are any uses customarily incidental to a permitted use when used in conjunction with a permitted use, or as specifically set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.28.040 Bulk regulations.**

A. All dimensional, density and bulk regulations are set forth in Chapters 17.15A, 17.15B and 17.15C MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

B. If residential units are added or constructed entirely within an existing building envelope, the density limits set forth in Chapter 17.15A may be exceeded up to an increase of 50 percent.

#### **17.28.050 Adult entertainment business(es) – Distance requirements.**

The following distance requirements or buffers are established for any adult entertainment business. Any distance requirement shall be measured by following a direct line, without regard to intervening properties or buildings, from the nearest point of the property parcel, lot, grounds or area of any of the below-listed uses to the nearest point of the lot or parcel upon which any adult entertainment business is proposed to be located:

A. No adult entertainment business shall be located closer than 1,000 feet from any public or private school, any public playground, public library, park or recreation facility, any licensed day care center for children, or any church.



B. No adult entertainment business shall be located closer than 500 feet from any area zoned for residential use within the city.

C. No adult entertainment business shall be located closer than 500 feet from any official school bus stop serving students from pre-kindergarten through the twelfth grades.

D. No adult entertainment business shall be located closer than 200 feet from the property of another adult entertainment business within the city. (Ord. 1912 § 1, 2017; Ord. 1277 § 3, 1996).

## **Chapter 17.29 Neighborhood Commercial (NC) District**

### Sections:

#### 17.29.005 Purpose.

#### 17.29.010 Authorized uses.

#### 17.29.020 Uses requiring conditional use permit.

#### 17.29.030 Accessory uses.

#### 17.29.040 Bulk regulations.

#### **17.29.005 Purpose.**

The purpose of the neighborhood commercial district is to accommodate small scale commercial and retail businesses that serve the surrounding neighborhood. Buildings should be primarily commercial at street level, and may include some residential space within upper levels.

#### 17.29.010 Authorized uses.

Uses authorized in the NC district are set forth in Chapter 17.14 MMC, subject to the off-street parking requirements and other general provisions and exceptions set forth in this code beginning with Chapter 17.44 MMC, and subject to the requirements set forth in Chapter 17.62 MMC, Site Plan Approval. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.29.020 Uses requiring conditional use permit.**

Uses permitted subject to the granting of a conditional use permit in the NC district are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.29.030 Accessory uses.**

Accessory uses in the NC district are any uses customarily incidental to a permitted use when used in conjunction with a permitted use, or as specifically set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.29.040 Bulk regulations.**

A. All dimensional, density and bulk regulations are set forth in Chapters 17.15A, 17.15B and 17.15C MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

B. If residential units are added or constructed entirely within an existing building envelope, the density limits set forth in Chapter 17.15A may be exceeded up to an increase of 50 percent.

## Chapter 17.30 MIXED USE TOWN CENTER (MX) DISTRICT

### Sections:

17.30.010 Purpose.

17.30.020 Authorized uses.

17.30.030 Uses requiring conditional use permit.

17.30.040 Accessory uses.

17.30.050 Bulk regulations.

#### **17.30.010 Purpose.**

The purpose of the mixed use town center district is to encourage the development of a compact town center within the city of Milton, in furtherance of the goals of the comprehensive plan. It is envisioned that this town center will contain a mixture of land uses which will promote pedestrian access and small-scale shops and services within walking distance of residential areas. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.30.020 Authorized uses.**

A. Uses authorized within the mixed use town center district are set forth in Chapter 17.14 MMC.

B. All uses authorized in the mixed use town center district require site plan approval, as set forth in Chapter 17.62 MMC, ~~with the exception of single and two family dwellings~~. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.30.030 Uses requiring conditional use permit.**

Uses within the mixed use town center district which require a conditional use permit are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.30.040 Accessory uses.**

Uses allowed as accessory uses within the mixed use town center district are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.30.050 Bulk regulations.**

A. All provisions for building height, lot coverage, and minimum setbacks are set forth in Chapter 17.15B MMC.

B. A residential density increase of 50 percent is allowed on any lot for either of the following:

1. Construction of an adult retirement community; or
2. Residential development on upper floors of any building where the first floor is used primarily for retail or personal service establishments. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999); or

3. If residential units are added or constructed entirely within an existing building envelope.

## Chapter 17.31 UPTOWN MIXED USE (UMX) DISTRICT

### Sections:

17.31.010 Purpose.

17.31.020 Authorized uses.

17.31.030 Uses requiring conditional use permit.

17.31.040 Accessory uses.

17.31.050 Bulk regulations.

### 17.31.010 Purpose.

The purpose of the Uptown mixed--use district is to encourage the development of higher density residential buildings, including affordable housing, alongside mixed use and other commercial development, in furtherance of the goals of the comprehensive plan. Development in the Uptown area should promote a walkable, neighborly environment where basic needs can be met for residents of the district and surrounding area without driving.

### 17.31.020 Authorized uses.

A. Uses authorized within the Uptown mixed use district are set forth in Chapter 17.14 MMC.

B. All uses authorized in the Uptown mixed use district require site plan approval, as set forth in Chapter 17.62

### 17.31.030 Uses requiring conditional use permit.

Uses within the Uptown mixed use district which require a conditional use permit are set forth in Chapter 17.14 MMC.

### 17.31.040 Accessory uses.

Uses allowed as accessory uses within the Uptown mixed use district are set forth in Chapter 17.14 MMC.

### 17.31.050 Bulk regulations.

A. All provisions for building height, lot coverage, and minimum setbacks are set forth in Chapter 17.15B MMC.

B. A residential density increase of 50 percent is allowed on any lot for either of the following:

1. Construction of an adult retirement community; or

2. Residential development on upper floors of any building where the first floor is used primarily for retail or personal service establishments.

3. If residential units are added or constructed entirely within an existing building envelope.

## Chapter 17.32 COMMUNITY FACILITIES (CF) DISTRICT

### Sections:

17.32.010 Purpose.

17.32.020 Authorized uses.

17.32.030 Uses requiring conditional use permit.

17.32.040 Accessory uses.

17.32.050 Bulk regulations.

#### **17.32.010 Purpose.**

The purpose of the community facilities district is to preserve sufficient land in the community to provide necessary services which are usually provided by government or utilities. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.32.020 Authorized uses.**

Uses authorized within the community facilities district are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.32.030 Uses requiring conditional use permit.**

Uses within the community facilities district which require a conditional use permit are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.32.040 Accessory uses.**

Uses allowed as accessory uses within the community facilities district are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.32.050 Bulk regulations.**

All provisions for building height, lot coverage, and minimum setbacks are set forth in Chapter 17.15B MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

## Chapter 17.36 LIGHT MANUFACTURING (M-1) DISTRICT

### Sections:

17.36.010 Purpose.

17.36.020 Site plan approval required.

17.36.030 Authorized uses.

17.36.060 Bulk regulations.

17.36.070 Performance standards.

#### **17.36.010 Purpose.**

A. In furtherance of the comprehensive plan, this classification is intended to provide for the location and grouping of light manufacturing activities and uses involving the processing, handling, and creating of products and technological processes.

B. Highly flammable or explosive liquids, solids or gases shall be stored in a safe manner.

C. All outdoor storage facilities for fuels, raw material, products or equipment, supplies and other related items shall be enclosed by a fence or wall or the perimeter shall be adequately landscaped to conceal such facilities from adjacent property.

D. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.

E. All materials or wastes, which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

F. Due to the scarcity of appropriate land, and in recognition of the importance of the creation of “family wage” jobs, residential uses are prohibited in this zone. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.36.020 Site plan approval required.**

All uses proposed in the M-1 district require site plan approval, as set forth in Chapter 17.62 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.36.030 Authorized uses.**

A. Uses authorized in the M-1 district are set forth in Chapter 17.14 MMC, and are subject to the site plan approval provisions of Chapter 17.62 MMC.

B. Accessory buildings and uses customarily incidental to any of the above uses, when located on the same site with the main building. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.36.060 Bulk regulations.**

All provisions for building height, lot coverage, and minimum setbacks are set forth in Chapter 17.15B MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.36.070 Performance standards.**

A. Emission of smoke and dust shall meet all state environmental standards.

B. Performance standards, regulating fire and explosive hazards, noise, water and air pollution, vibration, and other performance standards and regulations, as established by the state, the regional government and the federal government, shall all be adhered to and followed. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

## Chapter 17.38 PLANNED DEVELOPMENT (PD) DISTRICT

### Sections:

- 17.38.010 Purpose.
- 17.38.020 Master plan defined.
- 17.38.030 Authorized uses.
- 17.38.040 Bulk regulations.
- 17.38.050 Application requirements.
- 17.38.060 Permit decision and appeal process.
- 17.38.070 Review and approval criteria.
- 17.38.080 Permit revision and modification.

#### **17.38.010 Purpose.**

The planned development (PD) district acknowledges that certain tracts of land in the northwest section of the city have development potential that may be constrained by environmental conditions. Specifically, the area's steep topography, presence of a wetland environment, and its proximity to the Hylebos Creek drainage basin present planning concerns for the site that are not adequately addressed without further environmental review. The purpose of this zoning designation is to allow for the future development of that land in a manner which is consistent with the goals of the comprehensive plan, without immediately performing costly studies that may be outdated by the time the land is proposed for development. (Ord. 1912 § 1, 2017; Ord. 1741 § 20, 2009; Ord. 1405 § 2, 1999).

#### **17.38.020 Master plan defined.**

For the purposes of this chapter, a master plan is defined as a plan showing the proposed development of a parcel or parcels of land totaling not less than two acres. (Ord. 1912 § 1, 2017; Ord. 1741 § 20, 2009; Ord. 1696 § 1, 2007; Ord. 1405 § 2, 1999. Formerly 17.38.040).

#### **17.38.030 Authorized uses.**

A. Master plan authorized uses in this zone may include any use allowed in any zoning district as an authorized use, a conditional use, or a special use.

B. Without the submittal of a master plan, authorized uses are limited to detached single-family dwellings on lots of record existing as of the date of adoption of the ordinance codified in this chapter or the following uses, pursuant to the provisions set forth in Chapter 17.42 MMC (Special Uses):

1. Surface mining;
2. Yard waste recycling;
3. Concrete crushing; and
4. Public utility facilities.

C. Without the submittal of a master plan, parking lots are allowed as a special use pursuant to the provisions of Chapter 17.42 MMC (Special Uses).

Landscaping requirements do not apply to temporary parking lots.

Parking lots shall be authorized for one three-year period with the right to a two-year extension if impacts have not increased in that three-year period. (Ord. 1912 § 1, 2017; Ord. 1741 § 20, 2009; Ord. 1626 § 1, 2004; Ord. 1578 § 3, 2003; Ord. 1553 § 2, 2002; Ord. 1405 § 2, 1999. Formerly 17.38.020).

**17.38.040 Bulk regulations.**

A. Density, height, setback and other restrictions shall be applied in a manner consistent with the regulations found in other sections of this chapter for the uses proposed.

B. Increased setbacks and buffers may be required to provide adequate protection between differing land uses. (Ord. 1912 § 1, 2017; Ord. 1741 § 20, 2009; Ord. 1405 § 2, 1999. Formerly 17.38.030).

**17.38.050 Application requirements.**

The applicant must provide application materials as required in Chapter 17.70 MMC (Application Requirements). (Ord. 1912 § 1, 2017; Ord. 1741 § 20, 2009; Ord. 1405 § 2, 1999).

**17.38.060 Permit decision and appeal process.**

Each application for a proposed planned development or an appeal of a decision regarding a planned development is subject to the procedures of a Process Type V decision pursuant to the applicable provisions of Chapter 17.71 MMC (Permit Decision and Appeal Processes). (Ord. 1912 § 1, 2017; Ord. 1741 § 20, 2009; Ord. 1405 § 2, 1999).

**17.38.070 Review and approval criteria.**

The city shall consider the following review requirements as part of the approval of a master plan application:

A. The city's comprehensive plan.

B. The policies set forth in the state's Growth Management Act.

C. The requirements of the State Environmental Policy Act (SEPA).

D. There shall be a demonstrated need for the master plan within the community at large which shall not be contrary to the public interest.

E. The master plan shall be located, planned, and developed in such a manner that all uses shall not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in it or the persons residing or working in the community.

F. The site is of adequate size to accommodate the proposed uses, including, but not limited to, parking, traffic circulation, and buffers from adjacent properties.

G. Adequate landscaping, screening, yard setbacks, open spaces, or other design elements necessary to mitigate the impact of the planned development master plan upon neighboring properties shall be provided.

H. All external illumination is designed to face inward, so that impact to adjacent properties is mitigated to the greatest extent practicable.

I. Parking areas are designed to assure that headlight glare from internal traffic does not affect motorists on adjoining streets.

J. On-site drainage is designed to assure that post-construction drainage has no greater impact on downstream properties than preconstruction drainage.

K. The proposed access to the site must be adequate considering traffic safety and existing street conditions.

L. There is adequate sight distance at each proposed point of access to the site to assure traffic safety.

M. The applicant must demonstrate and the hearing examiner must find that the noise generated by the proposed use shall not exceed the maximum permissible noise levels set forth in Chapter 173-60 WAC and shall not be an increase of more than five dBA above the ambient noise level. The ambient noise level shall be measured using the 15-hour period from 7:00 a.m. to 10:00 p.m. instead of using a 24-hour period.

N. The generation of noise, noxious or offensive emissions or odors, or other nuisances which may be injurious or detrimental to the community must be mitigated to the greatest extent practicable.

O. Availability of adequate infrastructure as required for subdivisions.

P. Parking lots associated with a master plan shall be subject to the following standards:

1. To the extent necessary to preserve public safety and prevent crime, parking lots shall be fenced to limit access and lighted to improve visibility.

2. Parking lot owners shall provide a plan to ensure adequate maintenance of parking lots. The parking lot owner shall also post security or have an ongoing owners' association or equivalent to cover the cost of implementing the plan.

Q. Standards.

1. Maximum building site coverage: 50 percent.

2. Minimum structural setback: 25 feet.

3. The operation of the planned development shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve 100 percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Native vegetation shall be emphasized for replanting in screening areas if feasible. Vegetation for screening may include preserved native vegetation that meets the aforementioned requirements. Vegetation planted within low impact development facilities may count towards site screening requirements. Fences and walls over six feet high, which may be required to screen the use from adjacent properties, shall require a building permit and shall maintain the setback required in these criteria. (Ord. 1912 § 1, 2017; Ord. 1741 § 20, 2009).

**17.38.080 Permit revision and modification.**

Revisions to an approved master plan shall follow the procedure as set forth in Chapter 17.74 MMC (Permit Revision and Modification). (Ord. 1912 § 1, 2017; Ord. 1741 § 20, 2009).



## Chapter 17.41 OPEN SPACE (OS) DISTRICT

### Sections:

17.41.010 Purpose.

17.41.020 Authorized uses.

#### **17.41.010 Purpose.**

The purpose of the open space (OS) district is to set aside and preserve for quiet public enjoyment those unique areas within the city which, due to their size, configuration or visual appeal, present special opportunities to assist in meeting the city's need for passive recreation. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.41.020 Authorized uses.**

Uses authorized in the open space district are set forth in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

## Chapter 17.42 SPECIAL USES

### Sections:

- 17.42.010 Purpose.
- 17.42.020 Application requirements.
- 17.42.030 Special use permit decision and appeal process.
- 17.42.040 Special use review and approval criteria.
- 17.42.050 Additional review criteria pertaining to parking lots.
- 17.42.060 Class II special use – Use-specific standards.
- 17.42.070 Special use notification of hearing.
- 17.42.080 Status of special uses.
- 17.42.090 Special use time limits and revocation.

### **17.42.010 Purpose.**

The purpose of this section is to allow certain specified uses through a special use permit. Special uses are those which are deemed necessary to the public convenience but are found to possess characteristics relating to their size, numbers of people involved, traffic generated, and their potential impact on the area which makes impractical their being identified exclusively with any particular zone classification as herein defined. Because of their special impact or unique characteristics, the following uses may have a substantial adverse impact upon or be incompatible with other uses of land. This impact often cannot be determined in advance of the use being proposed for a particular location.

It is the intent of this chapter to ensure that the location of these uses will not be unreasonably incompatible with uses permitted in the surrounding areas, the uses will not have a substantial adverse impact, and to permit the hearing examiner to impose stipulations and conditions as may reasonably assure that the basic intent of this chapter will be served regarding the approval, denial, or approval with conditions for the issuance of a special use permit.

Uses requiring the approval of a special use permit have been divided into Class I and Class II special uses. Review criteria for Class I special uses are found in MMC 17.42.040 and 17.42.050. Review of proposals for Class II special uses shall include the review criteria for Class I special uses and the appropriate criteria found in MMC 17.42.060 for Class II special uses.

#### A. Class I Special Uses.

1. Places of public assembly and recreation such as:
  - a. Ballfields;
  - b. Fairgrounds;
  - c. Golf and athletic facilities;
  - d. Open-air theaters;
  - e. Recreational areas, commercial, including tennis clubs and similar activities;
  - f. Recreational centers privately operated;

- g. Rodeos;
- h. Sports arenas;
- 2. Public and private transportation facilities:
  - a. Transit facilities, bus barns, park-and-ride lots, transit stations;
  - b. Parking lots.
- B. Class II Special Uses.
  - 1. ~~Yard waste composting facilities;~~
  - 2. Recycling processing centers;
  - 3. Surface mines;
  - 4. Amusement parks;
  - 5. Stadiums;
  - 6. Heliports. (Ord. 1912 § 1, 2017; Ord. 1741 § 21, 2009; Ord. 1553 § 1, 2002; Ord. 1405 § 2, 1999).

**17.42.020 Application requirements.**

An application for a special use permit shall include all of the information required in Chapter 17.70 MMC, Application Requirements. The application shall also include a list and description of all proposed activities planned or anticipated to occur on the property including the proposed hours of operation.

Copies of all reports, permits, or records required by or submitted to federal, state, regional, or county agencies pursuant to any laws or regulations shall be made available to the city upon request as relevant to the application and consistent with applicable law. Information required shall be limited to that pertaining to operations within the city of Milton. The public disclosure of such information shall be governed by applicable law. (Ord. 1912 § 1, 2017; Ord. 1741 § 21, 2009; Ord. 1405 § 2, 1999. Formerly 17.42.040).

**17.42.030 Special use permit decision and appeal process.**

When an application for a special use is filed with the city, the hearing examiner may authorize establishment of those uses that are expressly listed as special uses. No special use permit shall be issued unless the use complies with all of the applicable standards of this chapter. The city will follow Process Type V (Chapter 17.71 MMC, Permit Decision and Appeal Processes) in the consideration of special uses applications. (Ord. 1912 § 1, 2017; Ord. 1741 § 21, 2009; Ord. 1405 § 2, 1999. Formerly 17.42.020).

**17.42.040 Special use review and approval criteria.**

In the review of a special use permit application, the hearing examiner shall consider each of the following in his/her findings:

- A. The city's comprehensive plan.
- B. The policies set forth in the state's Growth Management Act.
- C. There shall be a demonstrated need for the special use within the community at large which shall not be contrary to the public interest.
- D. The special use shall be located, planned, and developed in such a manner that the special use shall not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the community.

E. Certain special uses may have characteristics that necessitate buildings or other structures associated with such uses to exceed the height limits of the zoning districts in which the special uses may be located. Therefore, the hearing examiner and city council may authorize the height of buildings or other structures associated with the following special uses to exceed the height limit set forth in the zoning district in which such uses are located, or as allowed in Chapter 17.15B MMC; provided, such height is consistent with the criteria contained in this section:

1. Ballfield;
2. Fairgrounds;
3. Open-air theaters;
4. Recreational areas, commercial, including tennis clubs and similar activities;
5. Rodeos;
6. Sports arenas; and
7. Transit facilities, bus barns, park-and-ride facilities.

F. The site is of adequate size to accommodate the proposed use, including, but not limited to, parking, traffic circulation, and buffers from adjacent properties.

G. Adequate landscaping, screening, yard setbacks, open spaces, or other design elements necessary to mitigate the impact of the special use upon neighboring properties shall be provided.

H. All external illumination is designed to face inward, so that impact to adjacent properties is minimized to the greatest extent practicable.

I. Parking areas are designed to assure that headlight glare from internal traffic does not affect motorists on adjoining streets.

J. On-site drainage is designed to assure that post-construction drainage has no greater impact on downstream properties than preconstruction drainage.

K. The proposed access to the site must be adequate considering traffic safety and existing street conditions.

L. There is adequate sight distance at each proposed point of access to the site to assure traffic safety.

M. The applicant must demonstrate and the hearing examiner must find that the noise generated by the proposed use shall not exceed the maximum permissible noise levels set forth in Chapter 173-60 WAC and shall not be an increase of more than five dBA above the ambient noise level. The ambient noise level shall be measured using the 15-hour period from 7:00 a.m. to 10:00 p.m. instead of using a 24-hour period.

N. The generation of noise, noxious or offensive emissions or odors, or other nuisances which may be injurious or detrimental to the community must be mitigated to the greatest extent practicable.

O. Availability of public infrastructure which may be necessary or desirable for the support of the special use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian and public transportation systems), and police and fire facilities.

P. Additional use-specific standards shall apply to the Class II special uses identified under MMC 17.42.060. (Ord. 1912 § 1, 2017; Ord. 1741 § 21, 2009; Ord. 1405 § 2, 1999. Formerly 17.42.060).

**17.42.050 Additional review criteria pertaining to parking lots.**

In addition to the criteria imposed by MMC 17.42.040, parking lots that are not required to satisfy the parking requirements for a special use shall be subject to the following special use review standards:

A. To the extent necessary to preserve public safety and prevent crime, parking lots shall be fenced to limit access and lighted to improve visibility.

B. Parking lot owners shall provide a plan to ensure adequate maintenance to mitigate impacts on surrounding properties, including impacts created by dust and litter. The parking lot owner shall also post a bond to cover the cost of implementing the plan.

C. Parking lots shall serve as a temporary use subject to a three-year limitation with a right of a two-year extension upon approval by the planning and community development director. A two-year extension shall be granted if the parking continues to comply with the requirements applicable to special uses, as identified in MMC 17.42.060 and this section. (Ord. 1912 § 1, 2017; Ord. 1741 § 21, 2009; Ord. 1663 § 18, 2006; Ord. 1570 § 1, 2003. Formerly 17.42.065).

**17.42.060 Class II special use – Use-specific standards.**

The following standards apply to the specific Class II special uses identified below:

A. Yard Waste Composting Facilities.

1. Purpose. To appropriately site facilities which import, process, package and distribute products derived from composting yard waste.

2. Standards.

a. Minimum lot size: two acres.

b. Maximum building site coverage: 25 percent.

c. Minimum structural setback: 50 feet.

d. The entire composting operation, including the stockpiling of materials prior to and following composting activities, must be conducted under a roof.

e. The operation shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve 100 percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Native vegetation shall be emphasized for replanting in screening areas. Vegetation for screening may include preserved native vegetation that meets the aforementioned requirements. Vegetation planted within low impact development facilities may count towards site screening requirements. Fences and walls over six feet high, which may be required to screen the use from adjacent properties, shall require a building permit and shall maintain the setback required in subsection (A)(2)(c) of this section.

f. The operation must employ current technology and comply with all federal, state, and local best management practices and regulations.

g. The operation shall obtain and maintain any required solid waste permit from applicable authorities.

B. Recycling Processing Centers.

1. Purpose. To appropriately site facilities which collect, process, store, and distribute the following recyclable materials: paper, cardboard, metal cans, and plastics.

2. Standards.

a. Minimum lot size: minimum acreage requirement for zone where use is permitted.

- b. Maximum building site coverage: 60 percent.
- c. Minimum structural setback: 20 feet from all property lines.
- d. Direct access to the operation shall be from a collector or arterial road.
- e. The collection, processing, and storage must be conducted within a building.
- f. The operation shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve 100 percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Native vegetation shall be emphasized for replanting in screening areas. Vegetation for screening may include preserved native vegetation that meets the aforementioned requirements. Vegetation planted within low impact development facilities may count towards site screening requirements. Fences and walls over six feet high, which may be required to screen the use from adjacent properties, shall require a building permit and shall maintain the setback required in subsection (B)(2)(c) of this section.
- g. The operation shall meet all federal, state, and local regulations and standards.
- h. The operation shall obtain and maintain any required solid waste permit from the applicable county permitting authorities.

#### C. Surface Mining.

- 1. Purpose. To appropriately site surface mining and accessory uses.
- 2. Standards. The surface mining operation shall adhere to all conditions found in a Department of Natural Resources approved site reclamation permit, as required by Chapter 78.44 RCW.
- 3. Application Procedures. In addition to the information required in this chapter, the application to the city for a special use permit for surface mining shall include:
  - a. A contour map, drawn to the scale of 100 feet to the inch and contour intervals of 10 feet, or at a scale and topographic interval determined to be adequate by the land use administrator or his designee, showing current field topography, including the location of watercourses of the tract intended for the proposed operation and estimated thickness of overburdened and mineral-bearing strata in the tract intended for the proposed operation.
  - b. A copy of the applicant's Department of Natural Resources reclamation permit application, as required by Chapter 78.44 RCW.
  - c. A list of all proposed activities anticipated or planned to occur on the site, including but not limited to the method of surface mining, washing, sorting, crushing, asphalt or concrete batching, equipment maintenance, or any activity that could result in a potential, significant, adverse environmental impact.
  - d. The application shall include a report demonstrating that the noise generated by the proposed use, as mitigated, shall not exceed the maximum permissible noise levels as set forth in Chapter 173-60 WAC.
- 4. Accessory Uses.
  - a. The following accessory uses are allowed only when expressly permitted in a special use permit issued by the hearing examiner: washing, sorting or crushing of rock or gravel, asphalt production (batching or drum mixing), concrete batching, storage or use of fuel, oil or other hazardous materials, and equipment maintenance.

b. Accessory uses are permitted only in conjunction with an existing surface mining operation. Recycling of asphalt or concrete is permitted as an accessory use only in conjunction with a permitted crusher and in accordance with any applicable city and county requirements.

5. Reports. Copies of any reports or records, except financial reports, required to be submitted to federal, state, regional or county officials or agencies pursuant to any laws or regulations shall be made available to the city upon request as relevant to the application and consistent with applicable law. The public disclosure of such information shall be governed by applicable law. The operator shall keep a record of the source of any asphalt, concrete or soils imported from off-site and stored on-site.

D. Amusement Parks.

1. Purpose. To appropriately site amusement parks.

2. Standards.

a. Minimum lot size: five acres.

b. Maximum building coverage: 60 percent.

c. Minimum structural setback: 60 feet.

d. The operation shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve 100 percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Native vegetation shall be emphasized for replanting in screening areas. Vegetation for screening may include preserved native vegetation that meets the aforementioned requirements. Vegetation planted within low impact development facilities may count towards site screening requirements. Fences and walls over six feet high, which may be required to screen the use from adjacent properties, shall require a building permit and shall maintain the setback required in subsection (D)(2)(c) of this section.

e. The applicant must prepare a traffic impact analysis with appropriate mitigation to mitigate all traffic impacts.

E. Stadiums.

1. Purpose. To appropriately site stadiums.

2. Standards.

a. Minimum lot size: 10 acres.

b. Maximum building coverage: 60 percent.

c. Minimum structural setback: 60 feet.

d. The operation shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve 100 percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Native vegetation shall be emphasized for replanting in screening areas. Vegetation for screening may include preserved native vegetation that meets the aforementioned requirements. Vegetation planted within low impact development facilities may count towards site screening requirements. Fences and walls over six feet high, which may be required to

screen the use from adjacent properties, shall require a building permit and shall maintain the setback required in subsection (E)(2)(c) of this section.

e. The applicant must prepare a traffic impact analysis with appropriate mitigation to mitigate all traffic impacts.

F. Heliports.

1. Purpose. To appropriately site heliports.

2. Standards for Stand-Alone Heliport Facilities.

a. Minimum lot size: one-half acre.

b. Maximum building coverage: 60 percent.

c. Minimum structural setback: 30 feet.

d. The operation shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve 100 percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Native vegetation shall be emphasized for replanting in screening areas. Vegetation for screening may include preserved native vegetation that meets the aforementioned requirements. Vegetation planted within low impact development facilities may count towards site screening requirements. Fences and walls over six feet high, which may be required to screen the use from adjacent properties, shall require a building permit and shall maintain the setback required in subsection (F)(2)(c) of this section.

e. The operation shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

f. The operation shall meet all federal, state and local regulations and standards.

g. The application shall include a report demonstrating that the noise generated by the heliport, as mitigated, shall not exceed the maximum permissible noise levels as set forth in Chapter 173-60 WAC.

3. Standards for Heliports as Accessory Uses to Hospitals.

a. Heliports included in proposals for new hospitals shall be reviewed by the hearing examiner under the conditional use permit application process (Chapter 17.71 MMC) required for the approval of hospitals.

b. Heliports proposed for existing hospital facilities shall be reviewed under applicable criteria in this subsection. (Ord. 1912 § 1, 2017; Ord. 1741 § 21, 2009; Ord. 1405 § 2, 1999. Formerly 17.42.070).

**17.42.070 Special use notification of hearing.**

Notification of the public hearing of the approval authority on the application for a Class I special use permit shall be mailed to all property owners as shown by the records of the applicable county assessor(s) within a 1,000-foot radius of the external boundaries of subject property.

Notification of the public hearing of the approval authority on the application for a Class II special use permit shall be mailed to all property owners as shown by the records of the applicable county assessor(s) within a 2,000-foot radius of the external boundaries of subject property.

All notices shall be mailed not less than 15 days prior to the hearing. (Ord. 1912 § 1, 2017; Ord. 1741 § 21, 2009; Ord. 1405 § 2, 1999. Formerly 17.42.050).



**17.42.080 Status of special uses.**

Any use for which a special use is authorized by the hearing examiner and city council and which complies with the requirements of this chapter and those of other applicable chapters shall be deemed to be a permitted use on the lot on which it is thus permitted. Once a special use has been authorized, however, the use shall not be enlarged, extended, increased in intensity, or relocated unless an application is made for a new or amended special use permit.

In order to ensure that the location and character of the following special uses will be compatible with the city of Milton comprehensive plan, a review and decision by the hearing examiner is required prior to the issuance of any special use permit. (Ord. 1912 § 1, 2017; Ord. 1741 § 21, 2009; Ord. 1405 § 2, 1999. Formerly 17.42.030)

**17.42.090 Special use time limits and revocation.**

A. Expiration of Approval. The authorization shall expire upon expiration of three years from the date of final approval of a special use permit which by then has not commenced operation, or upon abandonment for a period of one year of a special use that has been authorized.

B. Time Limit and Review. Any permit issued pursuant to this chapter shall be reviewed by the city council no less frequently than every two years from the date of the decision to approve the permit. At the time of such review, the city council may request a hearing for the hearing examiner to review, and, if necessary, impose additional conditions upon the operation if necessary to meet the standards of this chapter as amended.

The city of Milton's land use administrator or her/his designee may request a hearing before the hearing examiner if it is determined after review that the special use no longer is being performed under the conditions set by the hearing examiner at the time of the initial approval. During the hearing, the hearing examiner may terminate the use or add conditions or standards that will achieve compliance with the original approval. (Ord. 1912 § 1, 2017; Ord. 1741 § 21, 2009; Ord. 1405 § 2, 1999. Formerly 17.42.080).

## Chapter 17.43 DESIGN STANDARDS AND GUIDELINES

### Sections:

17.43.010 Purpose.

17.43.020 Review required.

17.43.030 Procedure.

17.43.040 Design guidelines and standards adopted.

17.43.050 Compliance.

#### **17.43.010 Purpose.**

The purpose of this chapter is to establish the types of developments which shall be subject to design review pursuant to the adopted standards and guidelines. Further, the chapter shall establish the standards and guidelines for the city of Milton, and the procedure to address conflicts between the standards and guidelines and the underlying zoning designation, should such a conflict arise. (Ord. 1912 § 1, 2017; Ord. 1841 § 2, 2014).

#### **17.43.020 Review required.**

A. Design Review. All development which falls within the thresholds provided in this section shall be subject to design review as provided for in Chapter 17.71 MMC, Permit Decision and Appeal Processes.

B. Applicability. The following types of development shall be required to conform to the requirements of the uptown district design standards and guidelines, applicable to the type of development activity being undertaken (i.e., new buildings shall be required to comply with the standards and guidelines applicable to new buildings, parking lot standards shall apply to parking lot reconfiguration, etc.):

1. New buildings.

2. Expansion of Building Footprint. The new square footage associated with the building expansion is required to meet the applicable criteria of the uptown design standards and guidelines, except where such expansion is greater than 50 percent of the gross square footage of the building, in which case the entire building shall be brought into compliance with the applicable criteria of the uptown design standards and guidelines.

3. Parking Lot Reconfiguration. The reconfigured portion of the parking lot shall meet the applicable criteria of the uptown design standards and guidelines, except where such expansion is greater than 50 percent of the overall parking lot, at which point the entire parking lot shall be brought into compliance with the applicable criteria of the uptown design standards and guidelines. Actions such as relocation of ADA spaces, overlays, or other minor projects which do not alter the circulation pattern or physical location of the parking stalls are exempt.

4. External facade modification resulting in modification of more than 50 percent of the building facade.

C. Conflicts. In the event of a conflict between the standards and guidelines adopted in MMC 17.43.040(A) and the underlying zoning code, the standards and guidelines shall apply. The standards and guidelines adopted in MMC 17.43.040(A) are not intended to and shall not be construed to modify, alter or supersede any provisions related to allowed or prohibited uses in the underlying zoning code.

D. In the event that a formal code interpretation is requested, the director shall follow the process in Chapter 17.76 MMC, Administration and Enforcement, and Chapter 17.71 MMC, Permit Decision and Appeal Processes.

1. In making the interpretation, the director shall refer to the intent statements in the applicable sections of the standards and guidelines, the overall intent of the standards and guidelines, the goals and policies identified in

the comprehensive plan, and the adopted 2012 Vision, in determining the appropriate standard to apply. This is not intended to create a new standard.

2. In case of inconsistency or conflict, regulations, conditions, or procedural requirements that are specific to an individual land use shall supersede regulations, conditions, or procedural requirements of general application.
3. The interpretation shall be in writing and shall include references to all provisions of the city's adopted codes and regulations referenced or relied upon in making the determination.
4. In addition to the provisions of Chapter 17.76 MMC, the director shall enter findings of facts in substantial similarity to those found in subsections (E)(1) through (E)(5) of this section.

E. Proportional Compliance. Where strict application of a standard or guideline will interfere with the use, existing building, site operations or use, circulation or access, or site ownership, the applicant may request a proportional compliance decision. A proportional compliance decision determines the extent to which a redevelopment project needs to meet the design standards and guidelines. It is intended to assure, for example, that a parking lot modification does not trigger the requirement for facade compliance with the design standards and guidelines; that a building modification that does not alter the parking or circulation patterns does not trigger parking and circulation compliance, etc. In requesting a proportional compliance decision, the applicant shall submit to the director a written request that addresses required findings (1) through (4) below. In making a decision on the request, the director shall follow the process for code interpretations in Chapter 17.76 MMC, Administration and Enforcement, and Chapter 17.71 MMC, Permit Decision and Appeal Processes, and enter findings of fact to support the proportional compliance decision. The findings shall include:

1. A description of unique site or building characteristics which prohibit strict application of the standard or guideline;
2. A description of why strict application of the standards and guidelines will interfere with the existing building or site operations and ultimately detract from the implementation of the adopted 2012 Vision;
3. A description of how the proposal meets the intent of the standards and guidelines for which proportional compliance is being sought;
4. A description of how the proposal meets the city's adopted Visioning Report, uptown district comprehensive plan policies, the uptown district standards and guidelines purpose and intent, guiding principles.
5. An affirmative decision shall be made on the following findings for any decision authorized under this section:
  - a. The proposal will further the intent of city's 2012 Vision;
  - b. The proposal is consistent with the intent of the design guidelines and standards;
  - c. The proposal is similar or demonstrably superior to the original requirement;
  - d. The request for proportional compliance is not solely based on monetary savings;
  - e. The proposal is consistent with the city's comprehensive plan;
  - f. The proposal will not be detrimental to the public health, safety and welfare.

F. Alternatives. When a development or application for development proposes an alternative that is not specifically addressed in the standards and guidelines, the applicant shall show that the proposed alternative is equivalent or demonstrably superior to the requirements of the standards and guidelines. In requesting an alternative to the design standards and guidelines, the applicant shall submit to the director a written request that addresses required findings (1) through (4). In making this decision the director shall enter findings of fact

in substantial similarity to those found above in subsections (E)(1) through (E)(5) of this section. (Ord. 1912 § 1, 2017; Ord. 1841 § 2, 2014).

**17.43.030 Procedure.**

The procedures for design review shall be as provided in Chapter 17.71 MMC, procedures for land use permits, as a process type II permit. The director shall be responsible for the implementation and enforcement of the standards and guidelines as provided for under Chapter 17.71 MMC. (Ord. 1912 § 1, 2017; Ord. 1841 § 2, 2014).

**17.43.040 Design guidelines and standards adopted.**

The following documents shall be utilized in design review as appropriate:

A. The city hereby adopts the standards and guidelines published in the uptown district design guidelines and standards dated October 30th, 2013, which shall be applied to the developments as listed in MMC 17.43.020.

B. The city's currently adopted comprehensive plan.

C. The City Vision, adopted by the city council in November 2012, is hereby adopted by reference as the guidance for the standards and guidelines. (Ord. 1912 § 1, 2017; Ord. 1841 § 2, 2014).

**17.43.050 Compliance.**

No permit for construction or a use subject to these standards and guidelines shall be issued until the plans are in compliance with the standards. All such developments shall be maintained in compliance for the life of the structure. The director may require bonds or other guarantees to ensure the completion of a project consistent with approved plans. All such developments shall be in compliance with the standards prior to occupancy, unless the project proponent can show that meeting the conditions of approval or standards is not feasible prior to occupancy, in which case the director may, at his/her discretion, authorize bonding of certain items prior to occupancy. (Ord. 1912 § 1, 2017; Ord. 1841 § 2, 2014).

## Chapter 17.44 GENERAL USE REGULATIONS

### Sections:

- 17.44.010 Compliance required.
- 17.44.012 Authorized uses, generally.
- 17.44.013 Similar use determination.
- 17.44.014 Conditional uses, generally.
- 17.44.016 Prohibited uses.
- 17.44.020 Yard and open space regulations.
- 17.44.040 Area and width exceptions for substandard lot.
- 17.44.050 Yard requirements for property abutting half streets or streets designated by an official control.
- 17.44.060 Vision clearance.
- 17.44.070 Permitted intrusions into required yards.
- 17.44.080 Fences and walls.
- 17.44.090 Home occupations.
- 17.44.100 Temporary living quarters.
- 17.44.110 Landscape requirements.
- 17.44.120 *Repealed.*
- 17.44.130 Emergency housing and emergency shelter criteria.
- 17.44.140 Permanent supportive housing and transitional housing criteria.
- 17.44.150 Memorandum of agreement for emergency housing, emergency shelter, permanent supportive housing or transitional housing.
- 17.44.160 Accessory dwelling units (ADUs).

#### **17.44.010 Compliance required.**

The regulations pertaining to the several classifications shall be subject to the general provisions, conditions, and exceptions contained in this chapter. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.44.012 Authorized uses, generally.**

Authorized uses for all zoning districts are set forth in Chapter 17.14 MMC. Authorized uses in all zones are subject to off-street parking requirements, as well as to the general provisions and exceptions contained in this section. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### **17.44.013 Similar use determination.**

The land use administrator may authorize uses for all zoning districts that have similar characteristics to uses specifically cited in Chapter 17.14 MMC. In making an affirmative determination that a use is similar to one specifically cited in Chapter 17.14 MMC, the land use administrator must find that the trip generation and type

of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele characteristics of the use differ less than 10 percent from the characteristics of the use specifically cited in Chapter 17.14 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.44.014 Conditional uses, generally.**

Uses allowed by conditional use permit for all zoning districts are set forth in Chapter 17.14 MMC. Applications for conditional use shall be acted upon in accordance with the provisions set forth in Chapter 17.64 MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.44.016 Prohibited uses.**

Any use not specifically authorized by this chapter or allowed by conditional use is prohibited, except for the following:

A. Uses set forth as special uses in Chapter 17.42 MMC; or

B. Uses determined by the zoning administrator to be similar to uses authorized by this title. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.44.020 Yard and open space regulations.**

Except as provided in this chapter, every required yard and open space shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or open space on any lot or parcel shall be considered as providing a yard or open space on an adjoining lot or parcel whereon a building is to be erected. Nothing in this section shall be construed to restrict or prohibit the placement of landscaping; provided, that such landscaping does not obstruct any vision clearance as set forth in MMC 17.44.060. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.44.040 Area and width exceptions for substandard lot.**

A single-family dwelling may be established on a lot which cannot satisfy the lot area or lot width requirements of the zoning district, where the lot at the date the applicable requirement was enacted was owned by a person or persons other than the owners of the adjoining lot; provided, however, that the yard requirements shall remain the same; and provided, that the lot is located in a zone which allows residential uses. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.44.050 Yard requirements for property abutting half streets or streets designated by an official control.**

A. A building or structure shall not be erected or maintained on a lot which abuts a street having only a portion of its required width dedicated, and where no part of the dedication would normally revert to the lot if the street were vacated, unless the yards provided and maintained in connection with the building or structure have a width or depth of that portion of the lot needed to complete the road width, plus the width or depth of the yards required on the lot by this title, if any. This section applies to all zoning districts.

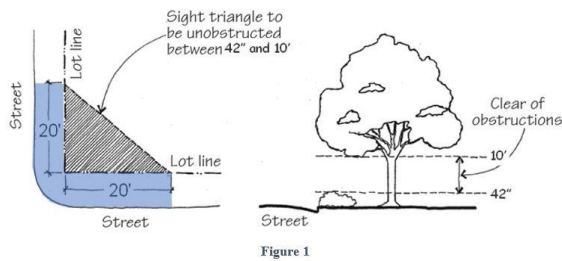
B. Where an official control adopted pursuant to law includes plans for the widening of existing streets, the connecting of existing streets or the establishment of new streets, the placement of buildings and the maintenance of yards, where required by this title, shall relate to the future street boundaries, as determined by the official control.

C. The city may require the dedication and construction of those portions of such streets identified in subsections A and B of this section, which extend across the frontage of the lot as a condition of approval of a building permit or development plan, upon a finding that such dedication or construction substantially relates to the impact of the proposed development. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

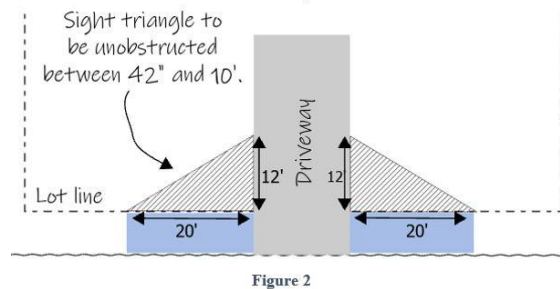
**17.44.060 Vision clearance.**

A. All corner lots shall maintain for safety vision purposes a triangular area, two sides of which shall extend 20 feet along the lot lines from the corner of the lot formed by the intersection of the two streets. Within the triangle and from the edge of the triangle to the edge of the street pavement, no structure, object, fence or

vegetation shall be allowed between a height of 42 inches and 10 feet above the established grade as shown in Figure 1.



B. On lots upon which a vehicular driveway is maintained, an area of vision clearance shall be maintained on each side of the driveway. The area shall be defined by a triangle, extending 20 feet along the lot line from the intersection of the driveway and the street and 12 feet along the edge of the driveway as shown in Figure 2.



C. If the driveways of adjacent properties' vision clearances are affected, then the fence, shrub or tree must meet the requirements of subsections A and B of this section.

D. Public poles and traffic control devices shall not be considered sight obstructions in the vision clearance triangle. Additional objects 12 inches in diameter and smaller and significant trees as defined in MMC 17.44.110(G)(1) may be allowed within sight distance areas if located so as not to substantially restrict the driver's view of approaching traffic or pedestrians.

E. The requirements listed in subsections A, B, C and D of this section shall be subject to MMC 12.20.030. (Ord. 2069 § 5, 2023; Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### 17.44.070 Permitted intrusions into required yards.

A. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, sun shades and gutters may project into a required yard a distance not to exceed one foot.

B. Uncovered porches and platforms which are not higher than the floor level of the first floor may extend 18 inches into any side or rear yard, and six feet into a front yard.

C. Planting boxes or masonry, and planters not exceeding 42 inches in height may extend into any required front yard.

D. Eaves may extend into any required yard a distance not to exceed 30 inches. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

#### 17.44.080 Fences.

A. Intent. The intent of this section is to establish minimum requirements and standards for fences in order to provide screening and security while protecting the aesthetic assets of the community.

B. All fences, as defined in MMC 17.08.310, in the city are allowed under the following conditions:

The Milton Municipal Code is current through Ordinance 2087, passed July 15, 2024.

1. Permit Requirements.

a. A fence permit is required from the planning and community development department for fences on private property that are located in a required yard along a public right-of-way of residential properties and for all fences on nonresidential properties.

b. If more than 35 percent of the fence run (a section of continuous fencing along one property line) is to be rebuilt or replaced, it shall be treated as a new fence and subject to the permitting criteria of subsection (B)(1) of this section.

c. A building permit is required for fences when required by the International Building Code or International Residential Code.

2. Location. Private fences shall be located on private property and not within a public right-of-way.

3. Measurement Criteria. The height of a fence shall be measured from the existing ground elevation directly under the fence to the top of the fence, excluding posts. On sloping properties where a fence is constructed of sections which are terraced to match the terrain, fence height shall be the average of the high and low points of each fence section. In such instances, portions of the fence may exceed the maximum allowable height; provided, that the average height of the fence section does not exceed the maximum height.

4. Fence Types. In addition to the definition of a fence found in this title, fences are further classified as follows:

a. Opaque. Fences are considered opaque if the fence provides less than 75 percent visibility through the fence. Examples of opaque fences include but are not limited to solid wood fences, concrete wall fences, picket fences, and chain link fences with slats inserted.

b. Transparent. Fences are considered transparent if the fence provides greater than or equal to 75 percent visibility through the fence. Examples of transparent fences include but are not limited to split rail fences, spaced picket fences, chain link fence without slats inserted, and wrought iron fences.

5. Security Gates. Where security gates are installed, they must be approved by East Pierce Fire and Rescue and follow the Pierce County gate standards.

6. Prohibited. Barbed wire concertina wire and the like shall not be allowed in any district except the light manufacturing (M-1) and community facilities (CF) districts nor allowed along a shared property line with a residential zoning district or established residential use, including multifamily.

7. Electrified Fences. Where allowed, electrified fences, regardless of the intensity of the electrification, shall be behind a minimum six-foot-tall opaque or transparent fence, and shall be protected from contact with pedestrians and incidental discharge of electricity to any person, animal or object utilizing the sidewalk or adjacent right-of-way if a sidewalk does not exist. Electrified fences shall meet all applicable federal, state and local electrical codes. Electrified fences are allowed in the light manufacturing (M-1), community facilities (CF), and on parcels used for livestock.

8. Materials. Fences shall be made of exterior rated materials, such as wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, chain link, wood planks, and vinyl or fiberglass composite manufactured specifically as fencing. Fence materials must also be materials approved for exterior use and are weather and decay-resistant.

9. Existing Fences. The requirements of this section shall apply only to fences built after the effective date of the ordinance codified in this section. Fences legally constructed before that date shall be considered legal nonconforming fences subject to Chapter 17.52 MMC. Existing fences removed and replaced after the adoption date of the ordinance codified in this section shall meet the requirements of this section. Maintenance of a fence does not trigger the necessity to bring a nonconforming fence into compliance with the current regulations,



unless more than 35 percent of the fence run (a section of continuous fencing along one property line) is to be rebuilt or replaced.

10. Exemptions. The provisions of this section shall not apply to fences required by state law to surround and enclose public utility installations, fences required by other parts of the code, or chain link fences enclosing school grounds or public playgrounds. This exemption does not apply to required building permits, when applicable.

11. In all zones, fences must meet the provisions of Chapter 15.05 MMC, the most recently adopted version of the International Building Code, and the city's public works development standards.

C. Residential Zones. In addition to the requirements outlined in subsection (B) of this section, fences located in any residential zone are allowed under the following conditions, provided the safety vision clearance requirements of this chapter shall be maintained:

1. Required Front Yard. An opaque fence not to exceed 48 inches in height, or a transparent fence not to exceed six feet in height, may be located in a required front yard.
2. Interior Lots. A fence, not to exceed six feet in height, may be located anywhere on the lot outside of the required front yard.
3. Corner Lots and Through Lots. When a lot has more than one required front yard, the front yard for fence purposes shall be determined by the land use administrator taking into account the design of the building, driveway location, and address.

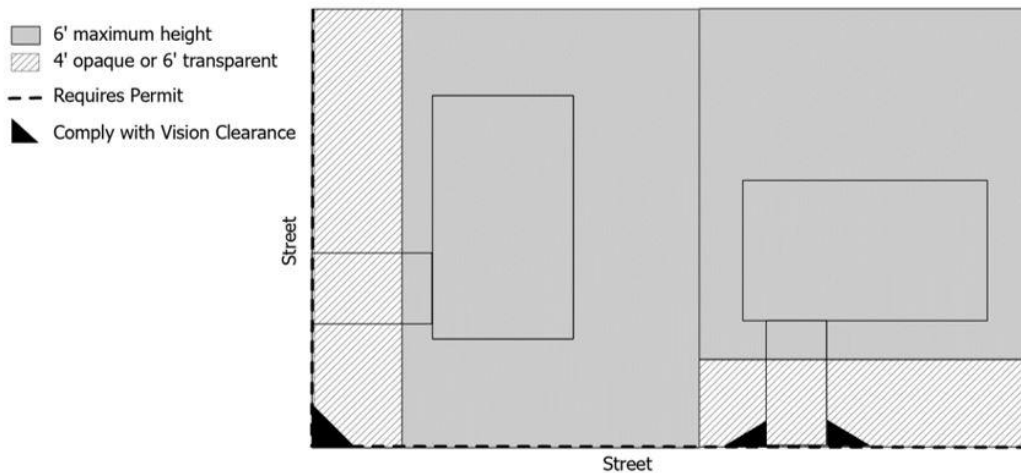


Figure 1 – Residential Fence

D. Nonresidential Zones. In addition to the requirements outlined in subsection B of this section, fences located in any nonresidential zone not regulated by the uptown district or a planned development agreement are allowed under the following conditions; provided, that safety vision clearance requirements of this chapter shall be maintained:

1. A transparent fence, not to exceed six feet in height, may be located in the front yard, provided a minimum of five feet of perimeter type landscaping is provided between the fence and the front property line.
2. A fence, not to exceed six feet in height, may be located anywhere on the property outside of the front yard.

3. A fence, not to exceed eight feet in height, is allowed anywhere on the property on the interior of the required perimeter landscaping strip outlined in MMC 17.15C.010.

4. A property with a residential use, including multifamily, in any nonresidential zone shall comply with the residential zoning standards listed in subsection C of this section.

(Ord. 2069 § 6, 2023; Ord. 1912 § 1, 2017; Ord. 1871 § 2, 2015; Ord. 1708 § 2, 2007; Ord. 1405 § 2, 1999).

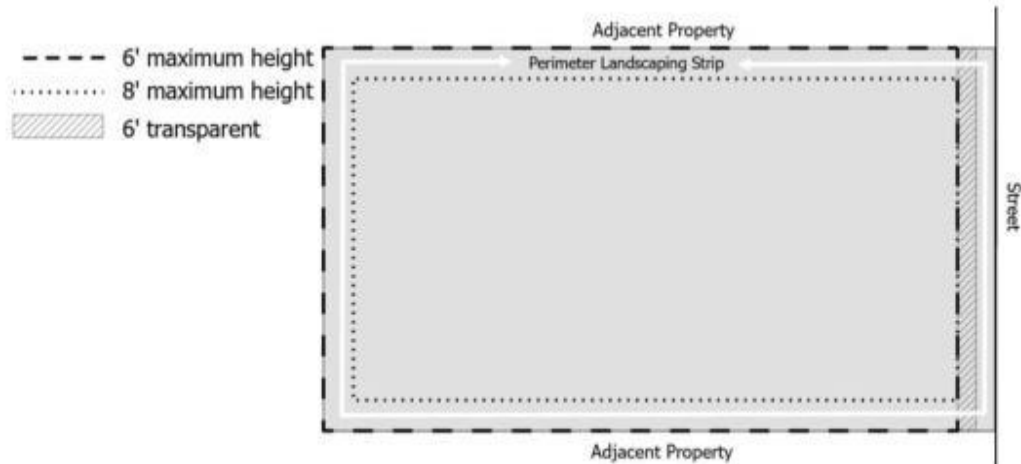


Figure 2 – Nonresidential Fence

#### 17.44.090 Home occupations.

A. Purpose. The purpose of this section is to provide standards in order to allow residents of single- or multifamily dwelling units to conduct business within their primary place of residence while still maintaining the residential appearance of the structure and the residential nature of the neighborhood, and inflicting no negative impacts on the neighboring properties or neighborhood.

#### B. Applicability.

1. Homeowners whose primary residence is at the subject residence, or renters whose primary residence is at the subject residence, who have written and notarized permission from the owners, may apply for a home occupation permit. Owners retain the enforcement requirements of the renters who apply.

2. All business activities that meet the definition of a home occupation shall require a home occupation permit from the community development department; provided, that they (a) are not otherwise exempt from business licensing requirements pursuant to MMC Title 5, and (b) do not regularly receive visits from clients or customers at their home.

3. The provisions of this section shall not apply to commercial and family child day cares, adult day care facilities, and adult family homes. Said uses shall be reviewed in accordance with this title.

C. Submittal Requirements. In addition to those submittal requirements associated with MMC Title 5, the applicant shall submit an application for home occupation to the community development department. The director may require additional submittal materials in order to determine that a proposed home occupation will be in compliance with the requirements of this section.

D. Permit Required. All home occupations require a home occupation permit from the community development department.

E. Prohibited Uses as Home Occupations. Due to the intended residential nature of home occupations there are inherently uses that cannot be located in a neighborhood without impacting the area. Those uses include, but are not limited to:

1. Commercial kennel or stable.
2. Restaurant.
3. Medical clinic.
4. Minor or major vehicle repair.
5. Vehicle detailing.
6. Storage yard.
7. Those uses defined in the industrial use category in Chapter 17.14 MMC.

F. Exempt Uses as a Home Occupation. There are certain business activities that are small enough in scale, intensity, and duration to be exempt from the requirements of this section. Those uses include, but are not limited to:

1. Garage sales, yard sales, bake sales, temporary home bazaars for hand crafted items or parties for the display of clothing, gifts, and household products, and other such uses shall not be subject to the requirements of a home occupation permit, provided:
  - a. Such use shall not exceed four occurrences not to exceed 12 days per calendar year.
  - b. Such use is not in violation of other sections of the municipal code.
  - c. Such sales are limited to the sale of household goods and were not purchased for the purpose of resale.
2. Sale of seasonal produce and other food products which are grown or produced on site.
3. Hobbies, which are not undertaken for profit or compensation.
4. Those business activities exempted by MMC 5.04.040.

G. Performance Standards. In accordance with this section all home occupations shall meet the following performance criteria:

1. General Criteria.
  - a. A home occupation permit shall be obtained prior to commencing business.
  - b. A city business license shall be obtained prior to commencing business.
  - c. The home occupation shall not be evident from the exterior of the residence, with exception of those activities allowed by this section, and shall be clearly secondary and incidental to the residential use of the property.
  - d. The home occupation shall not unreasonably undermine the residential nature of the residence and surrounding neighborhood.
  - e. The home occupation shall not create any odor, vibration or noise that extends beyond the property line.
  - f. The home occupation shall not cause the fire rating or occupancy type of the structure to change pursuant to the currently adopted building and/or fire code.

- g. No storage of business material outdoors including but not limited to merchandise, equipment, tools, supplies, waste, displays, or raw materials, with the exception of those related to the growing or storing of plants used by the home occupation.
- h. No highly explosive or combustible material shall be used or stored on the premises in violation of the currently adopted building and/or fire code.
- i. The home occupation shall not interfere with radio, television, or wireless phone or data transmission or reception in the immediate vicinity.
- j. The home occupation shall comply with all other applicable requirements of the Milton Municipal Code, applicable state and federal requirements, along with requirements of any legally recognized body holding regulations over the property or neighborhood. Requirements or permission granted or implied by this section shall not be construed as an exemption from such regulations.
- k. Home occupations are subject to inspection by city staff insofar as permitted by law. Permit holders shall execute a notarized affidavit agreeing to allow appropriate city staff the ability to conduct an inspection of the residence, after reasonable notice is given, to determine compliance with the home occupation permit; provided, that said authorization may be revoked at any time by a permit holder by relinquishing his/her home occupation permit and discontinuing all home occupation activities at the residence.
- l. Signs advertising the home occupation are not permitted.
2. Numerical and Size Criteria.
- a. Not more than one unrelated person, not permanently residing at the subject property, may be employed on site by the home occupation.
- b. The home occupation shall not occupy more than 40 percent of the principal structure on the property.
- c. There shall be no expansion of existing parking or creation of new parking, including on- and off-street parking, to accommodate the home occupation.
- d. There shall be not more than three daily additional deliveries/pick-ups, beyond regular postal service, associated with the home occupation.
- H. Enforcement. Any person conducting a home occupation without a valid permit shall be subject to the enforcement and penalty provisions of Chapter 17.78 MMC, Notice and Orders to Correct and/or Abate. Any person violating any provision of the required compliance statement or the specific conditions of the home occupation permit shall also be subject to the enforcement and penalty provisions of Chapter 17.78 MMC, Notice and Orders to Correct and/or Abate.
- I. Appeal. All decision and determinations made by the director under this section are designated as a Process Type II decision and are appealable to the hearing examiner under a Process Type II permit type.
- J. Expiration and Transferability. Home occupation permits are issued to an individual applicant and shall not be transferred or otherwise assigned to another person. The permit will automatically expire when the applicant named on the permit application moves from the site or moves the business from the site. The home occupation shall also automatically expire if the permittee fails to maintain a valid business license or the business license is suspended or revoked. The home occupation shall not be transferred to any site other than that described on the application form. (Ord. 1912 § 1, 2017; Ord. 1762 § 3, 2010; Ord. 1579 § 3, 2003).

**17.44.100 Temporary living quarters.**

A. This section prohibits the use of structures or vehicles not permitted for permanent occupancy as primary or guest living quarters in excess of 30 days in a three-month period in a calendar year without a temporary use permit. This section applies to garages, carports, accessory structures, sheds, fabric shelters or tents, watercraft and recreational vehicles. The land use administrator may grant an extension for guest usage for a maximum of

30 additional days. In the case of an emergency such as damage to the main house, the director may grant a temporary use permit for emergency use while the main house is being rehabilitated or reconstructed. Temporary or permanent connections to the public storm water or sewer systems are prohibited for all temporary living quarters. Violations of this code are enforceable under Chapter 17.76 MMC, Administration and Enforcement.

1. The temporary use permit must list an expiration date and provisions for further extension;
2. The temporary use permit must be affixed to the recreational vehicle in such a manner that it is prominently displayed and visible, to the extent possible, from a public right-of-way;
3. Recreational vehicles meeting the requirements of this subsection must be parked on private property and need not comply with accessory structure setback requirements for the effective period of the permit;
4. No more than one temporary use permit may be granted within any three-month period; and
5. Recreational vehicles shall not have connections to residential sewer systems or permanent connections to other residential utilities.

B. No more than one recreational vehicle at a time may be used as a temporary dwelling on a lot.

C. Parking or storage of recreational vehicles, watercraft or utility trailers for compensation is not permitted within a residential zone (~~RSNR1~~, ~~RMURM~~, or ~~RMDNR2~~). This subsection does not apply to storage facilities provided exclusively for tenants of multifamily dwelling complexes.

D. No recreational vehicle may be used as an accessory structure to a residence or operating business, nor to accommodate a residential accessory use. (Ord. 1912 § 1, 2017; Ord. 1717 § 2, 2008).

**17.44.110 Landscape requirements.**

A. Purpose. The purpose of this section is to enhance the environment of Milton through healthy landscape plantings, to enhance the compatibility of buildings and parking lots, and to work with the drainage characteristics of sites and landscaping.

B. Maintenance. When landscaping is, or has been, required in accordance with the provisions of this chapter or any previously or currently applicable development standard or permit condition of the city, the landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required. Maintenance of required landscaped areas is the responsibility of the landowner or applicable homeowners' association.

C. Applicability. These standards shall apply to:

1. New nonresidential development, including expansion that disturbs more than 2,500 square feet of ground area or 60 percent of assessed value.
2. Any nonresidential development exterior renovation, excluding mechanical improvements where the proposed improvements, including multi-year, are likely to exceed 40 percent of the assessed value of the structure.
3. Multifamily development, including expansion and/or remodels.
4. New parking areas or repaving of 5,000 square feet or greater.
5. New subdivisions of five or more lots.

D. Parking Lot Landscaping Provisions.

1. Applicability. Parking lot landscaping shall be provided for new parking lots of 18 spaces or more double loaded or more than nine spaces single loaded. Landscaping must be provided for additions to parking where the result is 20 or more spaces. Internal planting islands, excluding the street frontage landscape bed, shall equal a minimum of seven percent of the total area of the parking area and circulation corridors.

a. Corner Landscaping. Landscaping is required in the corners of parking areas. Unusable space in asphalt or concrete is not permitted.

b. Internal Planting Islands.

i. Aisle ends shall be landscaped.

ii. Landscape islands shall be placed to occur every nine spaces or less.

2. Dimensions. Planting islands shall have a minimum area of 160 square feet exclusive of bumper overhang (two feet on unstopped conditions), and a minimum dimension of eight feet.

3. Specifications. Each planting island shall have a minimum of one tree, shrubs planted three feet on center, and the rest shall be vegetative groundcover or unit pavers that permit water infiltration. The groundcover shall be drought tolerant.

4. Clustering of parking lot landscape beds where possible is encouraged for the health and vitality of the planting material, as compared with smaller planting beds.

E. Standards – Planting Plans. A planting plan and irrigation plan are required to be prepared for any landscape subject to the provisions of this section pursuant to subsection D of this section.

1. Persons Qualified to Prepare Plans. The landscape plan shall be prepared by a Washington State registered landscape architect, a nursery professional certified pursuant to the Washington Certified Nursery Professional program, or a Washington State certified landscape technician, except that planting plans for street tree requirements and canopy tree requirements for properties abutting vacant land may be prepared by the applicant. The irrigation plan shall be prepared by a Washington State registered landscape architect or irrigation designer certified by the Irrigation Association.

2. Planting Plan. A planting plan is required to ensure that the proposed plantings are in conformance with the standards and requirements of this chapter. A final planting plan submitted prior to a development shall closely reflect or exceed the design and plant species identified on a conceptual planting plan reviewed as part of a use permit. A planting plan drawn to the same scale as the other development plans shall include, at a minimum, the following components:

a. The location of existing vegetation to be retained and to be removed, proposed vegetation, property lines, impervious surfaces, existing or proposed buildings, natural or manmade water features or bodies, existing or proposed fences and retaining walls, critical lands and associated buffers, and designated recreational open space areas.

b. A plant schedule containing the botanical and common names of the new plant material, existing plant material proposed to be retained, typical spacing for that species, the planting size of the material, the quantity of each plant, and any special planting instructions.

F. General Landscaping Requirements.

1. All areas of exposed soil, regardless of duration, shall be subject to erosion and sedimentation best management practices as described in Chapter 13.26 MMC, Storm Drainage of Surface Water – Utility, Management and Maintenance.

2. All required landscaped areas shall be planted at the next planting season.

3. All landscaped areas shall include at a minimum three low impact elements from subsection J of this section, with no more than two guidelines from each subsection, in the design to minimize and treat runoff. Vegetation within low impact development areas shall be counted toward any landscaping requirements for the site.

4. Open Storm Retention/Detention Facilities.

a. Open area provided or required under the storm drainage of surface water code (Chapter 13.26 MMC) shall have an eight-foot planting bed external to the fence. If a fence is not necessary, then no planting is required.

b. Within the fence plantings should have habitat value. This is not a strict criterion, but where possible plants with high value to wildlife habitat, such as fall berries, or spring nesting material should be integrated into the design. Native plantings shall be emphasized. Plantings within storm water facilities shall count toward landscaping requirements.

5. The plant material character of the landscape areas shall have the following characteristics:

a. Trees. A minimum of 70 percent required parking area trees shall be deciduous, except, if existing trees are retained, the percentage of deciduous trees can be decreased accordingly. Perimeter landscape areas shall be no more than 50 percent evergreen.

b. Shrubs. Shrub and hedge material used shall cover at least 60 percent of the required area.

c. Vegetative Groundcover/Turf. Vegetative groundcovers that are sensitive to occasional foot traffic should not be used in landscape areas where foot traffic might be likely.

6. Minimum Landscape Material Specifications. The following general planting regulations shall apply to all landscaped areas that require landscape plans:

a. Trees.

i. Deciduous. Deciduous trees shall be a minimum two-inch caliper at DBH.

ii. Evergreen. Evergreen trees shall be at least eight feet high at the time of planting.

b. Shrubs.

i. The minimum shrub size of flowering planting material shall be no less than a two-gallon container, with the plant covering the dimensions of the container.

ii. Within the vehicular sight distance triangle, shrubs shall be regularly trimmed or shall not have a mature or maintained height greater than 36 inches.

c. Vegetative Groundcover.

i. Living groundcover planting material shall be provided and maintained beneath trees in all planting beds.

ii. Within the vehicular sight distance triangle, groundcover shall not have a mature or maintained height to exceed 42 inches.

d. All plant materials shall conform to American National Standards Institute for Nursery Stock, latest edition.

e. The use of Scotch broom, English ivy and other invasive type plants, including but not limited to the plants identified on the Pierce or King County noxious weed list as amended hereinafter, is prohibited.

f. The choice of parking lot trees shall not include the following species:

i. *Acer negundo*, *Acer saccharinum*, *Acer macrophyllum* (boxelder, silver maple, and big leaf maple). Break badly in storms;

- ii. *Ailanthus altissima* (tree of heaven). Roots are invasive, brittle wood, suckers freely (produces new trees off of the root system, which may create a maintenance problem in the yard);
- iii. *Alnus rubra* (red alder). Brittle wood. Favorite of tent caterpillars;
- iv. *Malus*. Fruiting apples. Fruit on walks;
- v. *Prunus*. Fruiting cherries. Fruit on walks;
- vi. *Pyrus*. Fruiting pears. Fruit on walks;
- vii. *Populus* spp. (Poplars). Tops are brittle and break up easily in storms;
- viii. *Robinia pseudoacacia* (black locust). Thorny, brittle;
- ix. *Salix* spp. (willows, including weeping). Roots can interfere with sewers.

G. Significant Tree and Tree Grove Protection.

1. Significant trees are healthy deciduous trees with a diameter at breast height (DBH) of greater than or equal to six inches, and evergreen trees in excess of 10 feet in height. Breast height is defined as four and one-half feet above grade. A grove of trees consists of a grouping of five or more significant trees with contiguous canopy cover. The health of the tree shall be determined by a Washington State licensed arborist.
2. Trees on existing single-family and two-family lots are exempt from the significant tree and tree topping provisions of this section.
3. For development subject to the provisions of this section, site design and construction shall retain as many significant trees and groves as can be reasonably retained. Significant trees and/or groves of trees located in proposed landscaping areas which do not interfere with the proposed development shall be retained. The removal of hazardous or dead trees is exempt from these requirements, upon recommendation from a licensed arborist.
4. For significant trees, which cannot be reasonably retained and are proposed for removal, replacement ratios shall be as follows:

Significant Tree Type	Replacement Ratio
Deciduous 6" – 9" DBH	(3) 2" caliper trees, minimum 6' tall
Deciduous 9" – 12" DBH	(5) 2" caliper trees, minimum 6' tall
Deciduous > 12" DBH	(7) 2" caliper trees, minimum 6' tall
Evergreen 10' – 15' tall	(1) 10' tall tree or 2 trees 6' – 9' tall
Evergreen > 15' tall	(2) 10' tall trees or 4 trees 6' – 9' tall

5. Significant trees which are not exempt from this chapter shall not be topped without prior approval of the director. Tree topping performed by a public utility to preserve essential services is allowed. The director may require a professional landscape architect's or arborist's written opinion regarding the necessity of tree topping prior to granting approval.



#### H. General Grading and Plant Spacing Provisions.

##### 1. Grading Provisions.

a. Slopes used for grass plantings or turf shall be less than 3:1 or 33 percent. Otherwise plantings should not require mechanized mowing equipment.

##### 2. Plant Spacing Provisions.

a. Trees shall be planted on a spacing approximating 30 feet on-center.

b. Shrubs shall be planted on a spacing approximating three feet on-center.

c. Groundcover. Vegetative groundcover shall be installed so that complete coverage will be achieved in three or four years.

i. The spacing of the planting material shall be appropriate to the chosen species based on an approved landscape plan.

ii. Groundcover will be spaced in a manner to achieve general coverage within two years.

iii. Where a four-inch container is used, groundcover shall be spaced at a minimum of 12 inches on-center. Where a one-gallon container is used, groundcover shall be spaced at a minimum of 24 inches on-center. Groundcover is not required beneath the drip line of shrubs.

d. Turf grass is prohibited as a groundcover in interior parking lot applications and within any perimeter landscape requirement less than 10 feet in width.

#### I. Soil Preparation and Mulching.

##### 1. Soil Preparation.

a. Planting beds should be deep tilled to a depth of at least 12 inches. Soils shall be enhanced through the addition of the following materials: bark and forestry by-products, organic matter such as composted yard waste, organics and other amendments as needed through a soils test.

b. On project sites where topsoil is limited or nonexistent, a minimum depth of six inches of sandy loam topsoil should be tilled into the soil to a depth of 12 inches through all planting areas.

c. For all newly planted areas, three cubic yards of composted organic matter per 1,000 square feet of landscape area should be added to a depth of four inches to the top of the soil.

d. Seeded areas shall be fine graded and rolled.

##### 2. Mulching of Newly Planted or Replanted Areas.

a. Mulches must be applied to the following depths: a minimum three inches over bare soil, and two inches where plant materials will cover.

b. Mulches must include organic materials, such as wood chips and shredded bark.

c. Nonporous materials, such as plastic sheeting, shall not be used in any area of the landscape because of down-slope erosion and potential soil contamination from herbicide washing.

d. Mulch should be applied regularly to and maintained in all planting areas to assist soils in retaining moisture, reducing weed growth, and minimizing erosion.

J. Water Retention, Conservation and Low Impact Design. Refer to subsection (F)(3) of this section for guidance.

1. Low Impact Planting Design and Technology. The following low impact design standards are provided to assist the applicant in the reduction of maintenance costs associated with development, to enhance the health and vitality of plant material, and to reduce watering costs, thus conserving water resources:

Guideline a. Utilize two-track surfaces with grass or vegetation in between to provide water infiltration for roads, driveways, parking lots and other types of drivable or walkable surfaces.

Guideline b. Design parking lot landscaping to function as part of the development's storm water management system utilizing vegetated islands with bioretention functions.

Guideline c. Incorporate existing natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for storm water infiltration.

Guideline d. Divert water from downspouts away from driveway surfaces and into bioretention areas or rain gardens to capture, store, and infiltrate storm water on site.

Guideline e. Encourage construction of vegetative low impact design storm water controls (bioretention, swales, filter strips, buffers) on land held in common.

Guideline f. Walkable surfaces and hardscapes should be designed with unit pavers in sand or pervious paving.

2. Water Retention and Low Impact Design. This method allows use of landscape area to also handle the runoff treatment for the project, if possible.

Guideline g. Create vegetated depressions, commonly known as bioretention areas or rain gardens, that collect runoff and allow for short-term ponding and slow infiltration. Rain gardens consist of relatively small depressed or bowl shaped planting beds that treat runoff from storms of one inch or less. Rain gardens should be used for on-site retention and treatment of runoff instead of or in addition to constructed pipe or vault storage.

Guideline h. Locate dry wells consisting of gravel or stone-filled pits to catch water from roof downspouts or paved areas.

Guideline i – Detention and Infiltration. In parking areas, landscaped islands can be used for first runoff retention, treatment and conveyance to a detention area.

Guideline j. Landscape material should be chosen for bioretention areas for their water tolerance separately from other landscaped areas which will not be inundated on a regular basis.

3. Water Conservation. To take advantage of natural rainfall in order to reduce the amount of water that is required to maintain healthy plant material during the dry season to increase deep water penetration and soil oxygenation.

Guideline k – Compatible Materials. Trees and plant species should be selected based on having similar climatic, water, soil, and maintenance requirements. Plants should be selected and grouped as determined by natural site conditions and be coordinated with the irrigation plan.

Guideline l – Native Plant Material. Preference shall be given to plants in landscape designs that are native to the Pacific Northwest or are introduced plants that are common to the Pacific Northwest in order to better reflect and complement the natural surroundings and natural pattern of rainfall and drought conditions.

Guideline m – Ornamental Species. Ornamental species shall be drought-tolerant plants and should be incorporated into designs in order to reduce irrigation requirements unless situated in a water retention or low impact landscape area.

K. Irrigation.

1. Irrigation to take advantage of natural watering in order to reduce the amount of water that is required to maintain healthy plant material during the dry season.

a. Trees and plant species should be selected based on having similar climatic, water, soil, and maintenance requirements.

b. Plants should be selected and grouped as determined by natural site conditions and be coordinated with the irrigation plan.

c. Artificial irrigation shall be provided to commercial, multifamily and industrial (M-1, MX, B, RMURM, and PD) required plantings.

L. Right-of-Way Landscaping.

1. Planting strips are dictated in the Public Works Guidelines and Development Standards. Whether such strips are required or not, trees and landscaping within the right-of-way to the edge of the right-of-way shall be required.

2. Maintenance responsibilities are the abutting property owner's unless the city of Milton has taken maintenance responsibility in ordinance or resolution form.

3. Spacing. Trees shall be planted approximately every 30 feet, with adjustments made for driveways and utilities.

4. Species and Height. Milton still has areas of overhead wiring. To recognize this fact, two lists of trees have been developed to pick from depending on the existence of the overhead wiring.

5. Species and Location. Street trees shall be planted according to the following chart. Areas not listed do not require trees to be planted.

6. Root Control. A root barrier shall be installed to prevent roots from damaging pavement. The root control barrier should be constructed of galvanized metal or plastic sheets and should be placed a minimum of two feet below the finished grade. The applicant may choose to use a method of root control besides galvanized metal or plastic sheets, provided they can prove the proposed product is similar in quality, strength, and ability to block roots as galvanized metal or plastic sheets.

7. Residential subdivisions, multifamily development, commercial, industrial or institutional developments shall require street frontage landscaping including requirements for street trees.

Table 17.44.110.M Street Trees

On Street	Between		Without O/H Wires	With O/H Wires
	W City Limits	N City Limits		
SR 99 (Pacific Hwy)			Red Maple	Amur Maple
5th Ave	Porter Way	N City Limits	Northern Red Oak	Hedge Maple

On Street	Between		Without O/H Wires	With O/H Wires
10th Ave	Milton Way	Diamond St	Eastern Redbud	Eastern Redbud 'Mexicana'
11th Ave	Milton Way	Diamond St	Katsura Tree	Japanese Maple
11th Ave	Taylor St	Milton Way	Amur Chokecherry	Amur Chokecherry
15th Ave	Yuma St	Alder St	Raywood Ash	Raywood Ash
19th Ave	Milton Way	Alder St	Red Maple (smaller variety)	Rocky Mtn. Sugar Maple
23rd Ave	Taylor St	Alder St	Village Green Zelkova	Birch Bark Cherry
27th Ave	Milton Way	Alder St	Pyramidal European Hornbeam	American Hornbeam
28th Ave	Milton Way	Alder St	Japanese Tree Lilac	Purple Leaf Plum
28th Ave	Alder St	Enchanted Parkway	Little Leaf Linden	Globe Locust
Alder St	15th Ave	28th Ave	Little Leaf Linden	Globe Locust
Diamond St	23rd Ave	27th Ave	Village Green Zelkova	Birch Bark Cherry
Enchanted Parkway	Military Road	N City Limits	Big Leaf Linden	Pacific Sunset Maple
Emerald St	19th Ave	23rd Ave	Village Green Zelkova	Birch Bark Cherry
Emerald St	10th Ave	19th Ave	Eastern Redbud	Eastern Redbud 'Mexicana'
Fife Way	Milton Way	Porter Way	Northern Red Oak	Hedge Maple

On Street	Between		Without O/H Wires	With O/H Wires
Juniper St	11th Ave	Milton Way	Japanese Zelkova	Globe Norway Maple
Meridian (SR 161)	Taylor St	Military Road	Big Leaf Linden	Pacific Sunset Maple
Military Road	Enchanted Parkway	N City Limits	Big Leaf Linden	Pacific Sunset Maple
Milton Way	Yuma St	Meridian (SR 161)	Japanese Zelkova	Globe Norway Maple
Oak St	Milton Way	15th Ave	Amur Chokeycherry	Amur Chokeycherry
Porter Way	Pacific Hwy (SR 99)	Taylor St	Northern Red Oak	Hedge Maple
Taylor St	Porter Way	Meridian (SR 161)	Northern Red Oak	Hedge Maple
Yuma St	W City Limits	E City Limits	Japanese Zelkova	Globe Norway Maple

N. Deviation from Standard.

1. A deviation from standard may be employed to vary the dimensions of the landscape buffers, materials, or standards. The director of planning and community development shall make the decision on a deviation from standard as a Process Type II decision (Chapter 17.71 MMC) or as a combined decision. No separate application is required.

2. Purposes – Visibility, Obstructions, Planting Reductions.

a. Driveways and Street Corners. It is the purpose of this section to allow unobstructed views into and out of driveways and also maintain visibility on an unobstructed triangle per MMC 17.44.060.

b. Signs. Building-mounted signs should be visible through landscaping.

c. Planting Reductions. Reductions in the number of required trees may be allowed provided there is a corresponding increase, by area, in the amount of shrubs for the above purposes.

d. Other Purposes. Reductions in the width of landscape buffers may be reduced, and other sections of this landscape section may be varied by this procedure.

3. Criteria for Approval.

a. Must be demonstrably superior in terms of plant density, size, or dimensions.

b. Complies with the purpose of this chapter.

c. Be superior in design, for example:

i. May substitute fastigiated (columnar) material for other material types, but must intensify the planting to close the screening.

ii. May substitute a vegetative hedge for screening in a narrow dimension, but not just a fence.

iii. Large nursery stock and specimen plantings may be substituted for increased density of planting when reducing dimension.

iv. Any other proposal that is demonstrated to be superior through a written comparison of the basic purpose of this code with the purpose of the proposed design.

d. If the criteria above cannot be met, the director of planning and community development may also grant a deviation to the extent necessary to ensure the reasonable use of property as required by constitutional due process and takings law. Any such deviation shall be the minimum necessary to provide for reasonable use of the property and the director is authorized to condition the project as reasonably necessary to mitigate the impacts of the deviation.

O. Installation and Maintenance Security. The planting and landscaping required by this section shall be installed prior to receiving any occupancy certificate, unless the applicant submits a performance assurance as noted in Chapter 17.72 MMC, Performance Guarantees. (Ord. 1912 § 1, 2017; Ord. 1809 § 2, 2013).

#### **17.44.120 Marijuana related uses.**

Repealed by Ord. 1857. (Ord. 1819 § 7, 2013).

#### **17.44.130 Emergency housing and emergency shelter criteria.**

Emergency housing and emergency shelter facilities shall meet the following criteria:

A. On-site services such as laundry, hygiene, meals, case management, social programs, and other services are limited to the occupants of the facility and must be contained within the building, including waiting areas.

~~B. The facility must be located within a one-half mile walking distance of a bus or rail transit stop.~~ Facilities shall provide information to occupants related to transit, pedestrian, and bicycle access from the site to services.

~~C. Facilities must be located at least one mile from any other emergency housing or emergency shelter, calculated as a radius from the property lines of the site. When applying for a major site plan, pursuant to MMC 17.62.020(C)(5), the applicant shall provide a list of the nearest emergency facilities.~~

~~D. The maximum number of occupants in a facility is limited to the general capacity of the building, not to exceed 15 occupants not including staff.~~

~~E. On-site supervision must be provided when occupied. Facility entrances must be secure and staffed, with individual units only accessible through interior corridors.~~

F. The facility must be ADA compliant if it is a permanent building.

G. The facility shall not be located within 1,000~~880~~ feet of an elementary or secondary school, calculated as a radius from the property lines of the site.

H. Providers and/or managing agencies shall have a demonstrated experience providing similar services to people experiencing homelessness, certifications or academic credentials in an applicable human service field, and/or applicable experience in a related program with people experiencing homelessness.

I. Facilities shall provide information on resources and local services to occupants, such as permanent housing agencies, employment, education, and substance abuse assistance.

J. Facilities must be registered with the local homeless management information system and notify the city prior to operation.

K. No children under the age of 18 are allowed to stay overnight, unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to this population. If a child under the age of 18 without a parent or legal guardian present attempts to stay in a facility not specifically licensed for providing housing to youth, the sponsor and/or managing agency shall immediately contact Child Protective Services and actively endeavor to find alternative housing for the child.

L. No person under court supervision or under level 2 or 3 sex offender registration requirements can receive services from a provider, unless providing such services is consistent with the laws, regulations, and/or supervisory requirements related to such persons.

M. Setbacks from property lines adjacent to a [RSNR1](#), [RMURM](#), [RMDNR2](#) or MX district shall be a minimum of 15 feet for side yards and a minimum 25 feet for rear yards.

N. Signs shall comply with Chapter 17.50 MMC.

O. If provided, exterior lighting must be directed downward and glare must be contained within the facility site.

P. Landscaping shall be provided in accordance with MMC 17.44.110.

Q. Trash receptacles must be provided in multiple locations throughout the facility and site. Facilities shall ensure that staff or residents regularly inspect the site to ensure the immediate vicinity is free from all trash and pet waste.

R. Facilities must secure and maintain all licenses and/or approvals as required by state and local law.

S. Facilities must comply with all applicable health, fire, building, and safety requirements.

T. Facilities must obtain a city and state business license prior to operation.

U. Facilities must submit a memorandum of agreement as outlined in MMC 17.44.150. (Ord. 2056 § 6, 2022).

[V. Regulatory limits on outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses on property owned or controlled by a religious organization must be consistent with RCW 35.21.915 and RCW 36.01.290.](#)

**17.44.140 Permanent supportive housing and transitional housing criteria.**

Permanent supportive housing and transitional housing facilities are allowed subject to the following criteria based on the housing type:

A. Type I. A single-family dwelling unit providing for one family, a two-family dwelling unit (as defined in MMC 17.08.280) providing for two families, or a dwelling unit leased from a multifamily building or facility not specifically designated as a permanent supportive housing or transitional housing facility shall adhere to all applicable health, fire, building and safety requirements. The unit shall be registered with the local housing management information system.

B. Type II. A single dwelling unit, housing up to eight ~~unrelated~~ residents, shall be allowed subject to the following criteria:

1. The facility shall be registered with the local housing management information system and notify the city prior to operation.

2. Direct intake of residents at the site, without prior referral, is not allowed.
3. The facility shall adhere to all applicable health, fire, building and safety requirements.
4. The facility must provide emergency contact information to the city prior to operation.
5. The facility shall provide a parking plan demonstrating the facility has adequate parking to meet the expected demand from residents, staff, service providers and visitors.
6. The facility must be ADA compliant.
7. On-site services such as laundry, hygiene, meals, case management, social programs and other services are limited to the residents of the facility and shall be contained within the building.
8. Persons under court supervision or under level 2 or 3 sex offender registration requirements are prohibited, unless consistent with the laws, regulations, and/or supervisory requirements related to such persons.

C. Type III. A single dwelling unit housing over eight ~~unrelated~~ residents and facilities containing ~~multiple dwelling units housing no more than two unrelated residents each more than two dwelling units~~ shall be allowed subject to the criteria listed in subsection B of this section and the following criteria:

~~1. Facilities containing more than a two family dwelling as defined in MMC 17.08.280 and regulated in MMC 17.15A.010 are not allowed in the residential (RSNR1) district.~~

~~21.~~ Facilities must provide on-site supervision at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed.

~~32.~~ Facilities will be subject to minor site plan approval or major site plan approval depending on size as outlined in MMC 17.62.020.

~~43.~~ Signs shall comply with Chapter 17.50 MMC.

~~54.~~ Facilities must secure and maintain all licenses and/or approvals as required by state and local law.

~~65.~~ Facilities must obtain a city and state business license prior to operation.

~~76.~~ Facilities must submit the memorandum of agreement as outlined in MMC 17.44.150 prior to operation. (Ord. 2056 § 7, 2022).

D. Evictions in permanent supportive housing and transitional housing are regulated through the Landlord-Tenant Act

**17.44.150 Memorandum of agreement for emergency housing, emergency shelter, permanent supportive housing or transitional housing.**

If required by MMC 17.44.130 or 17.44.140, the city and facility operator shall develop and execute a memorandum of agreement (“MOA”) prior to the start of operation. The MOA shall be approved by the city and provided to the city for review if substantive changes are made. The MOA shall contain the following, as applicable:

- A. A written operational plan shall include the following, as applicable:
  1. Name and contact information for key staff;
  2. Roles and responsibilities of key staff;



3. An approved parking plan that demonstrates adequate parking is provided to meet the expected demand from residents, staff, service providers, and visitors. Residents may not park off site and all vehicles must be operational;
4. Site/facility management plan, including a security and emergency plan;
5. Site/facility maintenance plan, including smoking areas, litter, pet waste cleanup, and landscaping;
6. Procedures for occupants to access human and social services;

~~7. Procedures for maintaining accurate and complete records;~~

~~87.~~ Additional information as requested by the city to ensure current best practices are implemented for emergency housing, emergency shelter, transitional housing, or permanent supportive housing.

B. Occupancy policies, consistent with Chapter 59.18 RCW, establishing a set of standards and expectations for all occupants and/or residents, which shall be made available on site and shall include, at a minimum, the following:

1. Quiet hours for the facility shall be 10:00 p.m. to 7:00 a.m. as outlined in MMC 9.37.040;
2. Threatening and unsafe behavior is prohibited;
3. On-site use and sale of illegal substances is prohibited;
4. Weapons are prohibited.

C. A coordination plan with both the police and fire departments, including protocols for response to the facility and to facility residents throughout the city and a maximum number of responses threshold for law enforcement services. If calls for law enforcement services exceed the agreed upon threshold in any given quarter, the facility operator will work with the city to reduce calls below the threshold level. The sponsor and/or managing agency shall designate points of contact and provide contact information (24-hour accessible phone contact) to the patrol operations commander for the Milton police department. The names of the on-duty points of contact must be posted on site daily.

~~D. A requirement to provide regular reports to the city's land use administrator on how facilities are meeting performance metrics such as placement of residents into permanent housing or addiction treatment programs. (Ord. 2056 § 8, 2022).~~

**17.44.160 Accessory dwelling units (ADUs).**

A. Purpose. The purpose of this section is to provide standards to:

1. Increase housing affordability and availability for both homeowners and tenants.
2. Enable homeowners to provide a separate living space for aging parents, individuals with disabilities, or family members that may need assistance.
3. Provide homeowners with a means of obtaining rental income, companionship, security, services, and the ability to age in place.
4. Protect neighborhood stability, and the residential appearance of the property and neighborhood.

B. Accessory Dwelling Unit Types Defined. The following definitions apply to the ADU types allowed through the provisions in this section:

1. "Attached" means an addition to an existing or new principal dwelling unit that has at least one shared wall. Structures connected by breezeways will be considered detached.

2. "Detached" means a stand-alone accessory structure.
3. "Internal" means a converted portion of an existing principal dwelling unit into an ADU, often one level of a multi-level structure.



C. Submittal Requirements. Any property owner seeking to construct an ADU, or convert a structure/space into an ADU, shall first submit a building permit with a notarized copy of the required affidavit and/or other agreement forms required by the community development director. In the affidavit and/or agreement, the property owner must indicate the presence of the ADU on the lot and agree to maintain the ADU and lot consistent with all standards established in this section. The building permit application and required plans must demonstrate that all applicable size thresholds and design standards will be met.

D. Approval. ADUs are a Process Type I application and are administrative decisions. Prior to issuance of the certificate of occupancy, the applicant must show proof that the required affidavit and/or other agreement forms have been recorded with the county as a deed restriction.

E. Use and Occupancy Standards. All lots containing an ADU shall comply with the following standards:

1. ~~One-Two~~ ADUs shall be allowed per legal building lot as an accessory use to a detached single-family dwelling ~~or one ADU to a duplex and is not included in the calculation of maximum net density.~~
2. ~~An ADU shall not be located on a lot which contains either a two-family dwelling or a multifamily dwelling unit.~~
3. The property owner, which shall include title holder(s) and contract purchaser(s), ~~is not required to~~ must occupy or reside in either the principal dwelling unit or the ADU, and at no time can receive rent for the owner-occupied unit.
4. If the property owner no longer occupies either the principal dwelling unit or the ADU, then such owner shall convert the accessory dwelling unit to a permitted use and follow the cancellation procedures, outlined in subsection H of this section.
5. An ADU may be developed as an accessory use to an existing or a new principal dwelling unit.
6. An ADU shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
7. A home occupation that does not regularly receive customers is allowed in either or both units; a home occupation that does receive customers may be permitted in one but not both of the units.

F. Design Standards and Criteria. An ADU shall meet the following standards and criteria:

1. An ADU shall have a minimum of 300 square feet of habitable floor area.
2. An internal ADU shall not exceed ~~37.5 percent or~~ 1,000 square feet in gross floor area of the total habitable floor area of the existing structure (excluding garage, porches, etc.), whichever is less; except for if the proposed ADU is completely located on a single floor of an existing multi-story building, the community development director may allow increased size in order to efficiently use all floor area.

3. An attached or detached ADU shall not exceed ~~60 percent or~~ 1,000 square feet in gross floor area of the total habitable floor area of the principal dwelling unit (excluding garage, porches, etc.), whichever is less.
4. An ADU shall have a maximum of two bedrooms.
5. A detached ADU shall have a maximum building height of 24 feet; except that an ADU may be created as a second story over a detached garage if the structure does not exceed the height of the principal dwelling unit.
6. ~~A detached ADU shall be located in the rear yard of the principal dwelling unit.~~ Accessory structures constructed prior to January 1, 2024, may be converted to an ADU even if they do not meet current setback and lot coverage regulations.
7. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
8. As feasible, an ADU shall be designed to maintain the architectural design, style, appearance and character of the principal dwelling unit, including the facade, roof pitch, siding, windows, and other exterior design elements and finish materials.
9. ~~Only one entrance of the principal dwelling unit may be located facing the front lot line. If a separate outside entrance is necessary for an attached or internal ADU, it must be located to face the rear lot line or the side lot line.~~
10. One additional off-street parking space is required for each ADU bedroom unit.
11. In order to encourage the development of housing units for people with disabilities, the community development director may allow reasonable deviation from the requirements of this section when necessary to install features that facilitate accessibility. These facilities shall conform to Washington State regulations for barrier-free facilities.
12. Unless required by a utility provider, utilities for the accessory dwelling unit shall be metered jointly with the principal dwelling unit.
13. Conversion of an existing detached accessory structure to an ADU shall comply with all the criteria and standards of this section.
14. An affidavit and/or agreement required by the community development director shall be filed as a deed restriction with the county auditor to indicate the presence of the ADU on the lot and agree to maintain the ADU and lot consistent with all standards established in this section.

#### G. Legalization of Nonconforming ADUs.

1. ADUs that were legally permitted prior to the enactment and become nonconforming as a result of the application of this code shall be deemed “legally nonconforming” and are subject to Chapter 17.52 MMC.
2. ADUs constructed without a valid permit prior to the enactment of these requirements may be found to be legal if the property owner applies for an ADU permit within one year of enactment of this code and brings the ADU up to minimum building code standards. No penalty fees or fines will be assessed by the city for legalization submittals made prior to this date and that file the required deed restrictions.
3. After one year from enactment of this code, an ADU, which was constructed without a valid permit prior to the enactment of this code but failed to legalize the unit pursuant to subsection (G)(2) of this section, shall be considered in violation of this code under Chapter 17.76 MMC.

H. Cancellation. Cancellation of the ADU approval may be accomplished by conversion of the ADU to a permitted use and the owner recording a document with the county removing the ADU deed restriction as described in this code. The cancellation document will confirm that the property has reverted to use as a single dwelling unit and that the former ADU shall not be used as a separate dwelling unit. The property owner shall

provide proof of the cancellation to the community development director. Cancellation may also occur as a result of enforcement action.

I. Impact Fees. For the purpose of calculating school, traffic and park impact fees, an accessory dwelling unit shall be charged at 50 percent of the single-family rate per the adopted fee schedule. Impact fees shall be paid prior to the issuance of a building permit, unless deferred as allowed by code. (Ord. 2063 § 9, 2023).

## Chapter 17.48 OFF-STREET PARKING AND LOADING

### Sections:

- 17.48.010 Parking spaces – Required.
- 17.48.020 Parking spaces – Size and access.
- 17.48.030 Parking spaces – Location.
- 17.48.040 Off-street parking requirements.
- 17.48.050 Parking spaces – Unspecified uses.
- 17.48.060 Parking spaces – Mixed occupancies.
- 17.48.070 Parking spaces – Cooperative provisions.
- 17.48.080 Parking area – Development standards.
- 17.48.090 Parking area – Motor barricades.
- 17.48.100 Parking area – Landscaping standards.
- 17.48.110 Parking area – Entrances and exits.
- 17.48.120 Parking area – Surface.
- 17.48.130 Parking area – Lighting.
- 17.48.140 Parking area – Signs.
- 17.48.150 Loading areas.

#### **17.48.010 Parking spaces – Required.**

A. Off-street parking spaces shall be provided as an accessory use, in accordance with the requirements of this chapter, at any time any building or structure is erected, enlarged, or expanded, (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999). unless the modification is in the form of adding residential units or converting non-residential space to a residential use, and the modification is entirely within the existing envelope of the building.

B. Additional parking beyond what is already provided is not required if the existing building's use is changed but no additional floor area is added.

C. Where compliance with tree retention and parking requirements would make a proposed residential development or redevelopment infeasible, parking will not be required as a condition of permitting the project.

#### **17.48.020 Parking spaces – Size and access.**

A. Aisle and driveway dimensions shall conform to the dimensions set forth in Table 17.48.020. The public works director may approve variations to these dimensions if special circumstances exist which prohibit strict compliance; provided, that such variations do not result in a traffic safety hazard, hinder vehicle access and egress and are designed in conformance with good engineering practices.

B. Tandem spaces may be used to provide required parking for residential units. Tandem units are defined as two 90 degree regular spaces laid end to end.

Table 17.48.020

Aisle and Driveway Dimensions

Stall Angle	45°	60°	90°
Stall Width			
Regular space	12'9"	10'5"	<del>9'0"</del> 8'0"
Compact space	11'3"	9'4"	8'0"
Stall Depth			
Regular space	20'7"	20'10"	20'0"
Compact space	17'6"	18'7"	17'0"
Driveway Aisle			
One-way	14'0"	18'0"	20'0"
Two-way	17'0"	18'0"	20'0"

Thirty percent of the required parking spaces, whenever 10 or more spaces are required, may be compact stalls. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.48.030 Parking spaces – Location.**

A. Off-street parking facilities shall be located as specified in this section.

B. Where a distance is specified, the distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that the facility is required to serve.

1. For a single-family dwelling or multifamily dwelling the parking facilities shall be located on the same lot or building site as the building they are required to serve. This requirement may be waived or modified for mixed-use developments which include multi-family dwellings.

2. For any other building or structure, ~~off-street~~ parking facilities shall be located not more than ~~300~~ 500 feet from the building or structure. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

[3. On-street parking may count towards parking requirements if it complies with the dimensional and distance regulations of this section.](#)

[C. Parking areas of at least 3 spaces must be located as follows:](#)

1. Off-street parking areas must be located behind the building. If there are multiple buildings on the site, parking must be located behind at least the building closest to the public Right-of-Way.
2. In the case of a predominantly residential development, parking may be located to the side of the building or in buildings.
3. In no case will parking areas be permitted between the public Right-of-Way and the building closest to the Right-of-Way, unless the parking is on-street parking.
4. Development on lots with multiple frontages are only required to conform to these standards at the primary frontage, as defined by street hierarchy, building design, or any applicable design standards.
5. Driveways no more than 20' in width serving up to 3 units ~~are~~ exempt from this requirement.

**17.48.040 ~~Off-street~~ parking requirements.**

The minimum number of ~~off-street~~ parking spaces required shall be as follows:

Accessory <del>apartment</del> <u>dwelling unit</u>	1 space per accessory dwelling unit, <u>no off street parking required for units with ½ mile of a major transit stop*</u>
Adult day care facility	1 space for each employee <u>on a maximum scheduled shift</u> , plus 1 space for every 5 clients or fraction thereof; if the clients may not own vehicles, 1 space per 600 s.f. of gross floor area
Adult entertainment business	1 space per 100 s.f. of gross floor area
Adult retirement community	<u>1.75</u> spaces <u>per unit</u>
Agricultural buildings	1 space per 2,000 s.f. of floor space
Agricultural crops; orchards	—
Ambulance service	1 space for each employee <u>on a maximum scheduled shift</u> , plus 1 space per vehicle used in coordination with the service
Amusement parks	1 space per 200 s.f. of area within enclosed buildings plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate
Animal hospital	1 space per employee plus 1 space per 600 s.f. of gross floor area
Apartment	<del>2 spaces per dwelling unit plus 1 space per 4 dwelling units for guests</del> <u>1 space per unit</u>

Assisted living facility	0.75 spaces per unit
Auction house/barn (no vehicle or livestock)	1 space per 4 seats
Automobile service station	2 spaces per service bay
Automobile wash	<del>5 spaces</del> 1 space per washing stall in addition to the stall itself
Automobile, repair	<del>1 space per 200 s.f., plus</del> 2 spaces per service bay, plus 1 space for each employee on a maximum scheduled shift
Automobile, sales	1 space per 5,000 s.f. of lot area used for vehicle display, plus 1 space per 300 s.f. of showroom area
Ballfield	50 spaces per field
Banks, savings and loan association	1 space per 400 s.f. of floor area up to 20,000 s.f., plus 1 per 500 s.f. of floor area in excess of 20,000 s.f.
Bed and breakfast	1 space per guest room
Bicycle paths, walking trails	—
Billiard hall and pool hall	2 spaces per table
<del>Blueprinting and photostating</del>	<del>1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater less</del>
Buy-back recycling center	1 space for each employee, plus 1 space per 1,000 s.f. of building area
Cabinet shops	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is <del>greater</del> less
Carpenter shops	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is <del>greater</del> less
Carport	—
Child day care, commercial	1 space per employee during the maximum shift per state license, and 1 space for every 10 students enrolled; and one pick-up/drop-off space for every 20 students



	enrolled, but in no case less than 2 loading spaces, based on the maximum students allowed per state license
Child day care, family	1 space for each employee <a href="#">on the maximum scheduled shift</a>
Club or <del>lodge</del> organization, private	1 space for every 4 persons based on the fire occupancy load
Commercial recreation < 2 ac.	3 spaces per acre, plus 1 space per 200 s.f. of building area
Commercial recreation > 2 ac.	3 spaces per acre up to 2 acres, plus 2 spaces per acre for each additional acre or fraction thereof, plus 1 space per 200 s.f. of building area
Composting facilities	1 space for each employee <a href="#">on the maximum scheduled shift</a>
<del>Confectionery stores</del>	<del>1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area</del>
Contractor yards	1 space for each employee <a href="#">on the largest shift</a>
Convenience store	1 space per 400 s.f. of gross floor area
Crematories and mausoleums	1 space per 4 fixed seats of chapel capacity, plus 1 space for every 3 employees
Department stores	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Distributing plants	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Drug stores	1 space per 400 s.f. of gross floor area
Dry cleaners	1 space per 200 s.f. of gross floor area used by the public
Dwelling, multifamily	<del>2 spaces per dwelling unit plus 1 space per 4 dwelling units for guests</del> <a href="#">1 spaces per dwelling unit</a>
Dwelling, single-family	2 spaces per dwelling unit
Dwelling, two-family	<del>2 spaces per dwelling unit plus 1 space per 4 dwelling units for guests</del> <a href="#">1 space per unit, no spaces required within ½ mile of a major transit stop.</a>

Electric transmission substation	To be determined by the land use administrator
Electric/neon sign assembly, servicing, repair	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Espresso stands	1 space per employee <a href="#">scheduled on the maximum shift</a> , plus spaces for 3 waiting cars
Fairgrounds	8 spaces per acre up to 2 acres, plus 4 spaces per acre for each additional acre or fraction thereof
Flea market	8 spaces per acre up to 2 acres, plus 4 spaces per acre for each additional acre or fraction thereof
Food markets and grocery stores	For establishments with less than 5,000 s.f. of gross floor area, 10 spaces; for establishments with over 5,000 s.f. of gross floor area, 1 space per 300 s.f. of gross floor area
Freight terminal, truck	1 space per 250 s.f. of floor area devoted to office use, plus 1 space per company vehicle
Fuel storage tanks (underground, <500 gal.)	—
Fuel storage tanks (underground, >500 gal.)	—
Fuel storage tanks, above-ground	—
Furniture repair	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is <del>greater</del> <a href="#">less</a>
Garage, private	—
Garage, public	—
Golf and athletic facilities	1 space for every 2 employees <a href="#">on the largest shift</a> , plus 3 per golf hole
Greenhouses, private and noncommercial	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is <del>greater</del> <a href="#">less</a>

Group homes	1 space for each employee <u>on the largest shift</u> , plus 1 space for every 5 clients or fraction thereof
Hardware stores < 10,000 s.f.	1 space per 400 s.f. of gross floor area
Hardware stores > 10,000 s.f.	1 space per <del>400</del> <u>600</u> s.f. of gross floor area
Health club	1 space per <del>200</del> <u>300</u> s.f. of gross floor area
Heliports	1 space for each employee, plus 1 space per vehicle used in connection with the facility
Home occupation	1 space in addition to the requirement for the dwelling
Horticultural nursery, wholesale and retail	1 space per 1,000 s.f. of floor area, plus 1 space per 2,000 s.f. of site area
Hospitals and sanitariums	1 space per 3 beds
Hotel	1 space per room, unit, or guest accommodation
Industry, light	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Inn	1 space per room, unit, or guest accommodation
Libraries	1 space per 400 s.f., plus 1 space per two employees <u>on the largest shift</u>
Liquor stores	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Livestock	—
Locksmiths	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is <del>greater</del> <u>less</u>
Lumber yards	1 space per 500 s.f. of gross floor area
Machine shops, punch press up to 5 tons	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is <del>greater</del> <u>less</u>
Medical-dental clinic	1 space per 300 s.f. of gross floor area

Mobile home park	<del>21.5-1</del> spaces per dwelling unit
Mortuaries	1 space per 1,000 s.f. of gross floor area
Motel	1 space per room, unit, or guest accommodation, plus 1 space for every 2 employees
Motor vehicle impound yard in enclosed building	1 space for every 2 employees
Nonautomotive, motor vehicle and related equipment sales, rental, repair and service	1 space per 600 s.f. of gross floor area
Open-air theaters	1 space per 6 seats
Outdoor advertising display	—
Outdoor storage	1 space for each employee on the largest shift
Paint shop	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Parcel service delivery	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Parking area, private	—
Parking area, public	—
Pasture	—
Pesticide application service	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Pet shop	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Plumbing shop	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Plumbing supply yards	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater

Post office, branch or contract station	1 space for each employee on shift of maximum employees plus 1 space per 800 s.f.
Post office, distribution center or terminal	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Printing establishments	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is <del>greater</del> <u>less</u>
Professional offices	1 space per 400 s.f. of floor space
Public parks	Parking lot area equivalent to 1 percent of the total land area
Public utility facilities	To be determined by the land use administrator
Public utility service yard	1 space for each employee on the maximum work shift
Radio and TV repair shops	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Radio, cellular phone, microwave, and/or television transmission facilities or towers	1 space
Recreational areas, commercial, including tennis clubs and similar activities	1 space per 200 s.f. of gross floor area
Recreational centers privately operated	1 space per 200 s.f. of gross floor area
Recycling collection points	—
Recycling processing centers	1 space for each employee, plus 1 space per 1,000 s.f. of building area
Religious institution	1 space per 5 seats in the principal and auxiliary places of worship, or per independent parking demand study
Restaurant	1 space per 100 s.f. of gross floor area

Restaurants, drive-through	1 space per <del>200</del> 400 s.f. of gross floor area
Retail <1,000 square feet	1 space per 300 s.f. of gross floor area
<u>Retail &lt;3,000 square feet in the MX District</u>	<u>None required</u>
Retail >1,000 square feet	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Rodeos	1 space per 5 fixed seats
Schools, elementary	1 space for each teacher and staff member, plus 1 space for each 2 classrooms
Schools, secondary	1 space for every teacher and staff member, plus 1 space for every 5 students
Secondhand store	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Self-service storage facility	3 spaces plus 1 space per 100 units
Sewage treatment plants	1 space for each employee on the maximum work shift
Shoe stores or repair shop	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Sports arenas	1 space per 5 fixed seats
Stable, private arena	1 space per 4 pens or stables
Stadiums	1 space per 5 fixed seats
Stationery store	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Storage for transit and transportation equipment	1 space for each employee on the largest shift
Studios (i.e., recording, artist, dancing, etc.)	1 space per 800 s.f. of gross floor area

Surface mining	1 space for each employee of the largest shift
Swimming pool, commercial	1 space per 200 s.f. of pool surface area plus 1 space per 200 s.f. of building area for accessory structures in excess of 1,000 s.f.
Swimming pool, private	—
Swimming pool, public	1 space per 200 s.f. of pool surface area plus 1 space per 200 s.f. of building area in accessory structures in excess of 1,000 s.f.
Taverns	1 space per 100 s.f. of gross floor area
Theaters, enclosed	1 space per 5 fixed seats
Tool sales and rental	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Trailer-mix concrete plant	1 space for each employee, plus 1 space per 1,000 s.f. of building area
Transfer station solid waste facility	To be determined by the land use administrator
Transit facilities, bus barns, park-and-ride lots, transit stations	1 space per 600 s.f. of gross floor area
Upholstering	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Video store (rental, not adult) < 5,000 s.f.	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Video store (rental, not adult) > 5,000 s.f.	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Vocational schools/colleges	1 space for each 200 s.f. of gross floor area in classrooms
Warehousing	1 space per 2,000 s.f. of floor space
Welding shops and sheet metal shops	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater

\* Major transit stop is defined in 17.08.855. For accessory dwelling units, off-street parking is additionally not required within ½ mile of stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

(Ord. 2057 § 8, 2022; Ord. 2056 § 9, 2022; Ord. 1912 § 1, 2017; Ord. 1515 § 1, 2002; Ord. 1451 § 1, 2000; Ord. 1405 § 2, 1999).

**17.48.050 Parking spaces – Unspecified uses.**

In the case of a use not specifically mentioned in this chapter, the requirement for ~~off-street~~ parking facilities shall be determined by the land use administrator. Such determination shall be based upon the requirements for the use which in the opinion of the land use administrator shall be the most comparable use. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.48.060 Parking spaces – Mixed occupancies.**

In the case of mixed uses, the total requirements for ~~off-street~~ parking facilities shall be the sum of the requirements for the various uses computed separately. ~~Off-street p~~Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as specified in this chapter for cooperative use. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.48.070 Parking spaces – Cooperative provisions.**

Nothing in this chapter shall be construed to prevent cooperative provision of ~~off-street~~ parking facilities for two or more buildings or uses. None of the above provisions shall prevent the overlapping cooperative use of parking facilities when the time during which such facilities are used is not conflicting.; ~~provided, that t~~The total of such ~~off-street~~ parking spaces supplied cooperatively ~~shall not may~~ be less than the sum of the requirements for the various uses computed separately. provided the time during which such facilities are used is not conflicting. The total number of parking spaces may not be less than half of the sum of the requirements for the various uses computed separately under any condition.- ~~None of the above provisions shall prevent the overlapping cooperative use of parking facilities when the time during which such facilities are used is not conflicting.~~ (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.48.080 Parking area – Development standards.**

In any district a parking area for five or more vehicles shall be developed in accordance with the requirements set forth in MMC 17.48.090 through 17.48.150. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.48.090 Parking area – Motor barricades.**

A rail, ~~fence~~, wall, hedge, landscaped berm or other continuous barricade of height sufficient to retain all cars completely within the property shall be provided, except at exit or access driveways. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999). The barrier must either be low enough for pedestrians to cross, or have openings at intervals spaced no more than 100 ft. apart along the property line.

**17.48.100 Parking area – Landscaping standards.**

Internal parking lot landscaping shall be provided as required under Chapter 17.15C MMC. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.48.110 Parking area – Entrances and exits.**

The location and design of all entrances and exits shall be subject to the approval of the building inspector; provided, that no entrance or exit shall be closer than 15 feet to any adjoining lot located in any R district. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.48.120 Parking area – Surface.**

Off-street parking areas shall be surfaced and maintained with a durable ~~and dustless~~ surface consisting of asphalt ~~or~~, concrete, grass block pavers, or permeable paving, and shall be so graded and drained as to dispose of all surface water. Surfacing and drainage shall be subject to approval by the city. Permeable asphalt may be used for parking area surfacing at the discretion of the public works director. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999). Existing gravel-surfaced spaces may be used to meet parking requirements, up to six spaces.



**17.48.130 Parking area – Lighting.**

Any lighting used to illuminate any required off-street parking areas shall be so arranged as to reflect the light away from adjoining premises in any R district, [and must be Dark-Sky compliant](#). (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.48.140 Parking area – Signs.**

No sign of any kind, other than one designating entrances, exits, or conditions of use, shall be maintained on a parking area on that side which abuts upon or faces any premises situated in any R district. Such signs shall not exceed eight square feet in area, nor shall there be more than one such sign for each entrance or exit. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

**17.48.150 Loading areas.**

Every building constructed, altered, or enlarged, which is designed for, or used for, merchandising, manufacturing, warehousing or processing purposes, shall provide off-street loading space as follows:

A minimum of one space 30 feet by 12 feet for each 12,000 square feet of floor space, or fraction thereof, within the building which floor space is designed or used for the above purposes. (Ord. 1912 § 1, 2017; Ord. 1405 § 2, 1999).

## Chapter 17.62 SITE PLAN APPROVAL

### Sections.

- 17.62.010 Purpose.
- 17.62.020 Site plan approval required.
- 17.62.030 Application requirements.
- 17.62.040 Permit decision and appeal processes.
- 17.62.050 Site plan review and approval criteria.
- 17.62.060 Permit revisions and modifications.
- 17.62.070 Time limits.

#### **17.62.010 Purpose.**

The purpose of site plan approval is to ensure compatibility between new developments, existing uses and future development in a manner consistent with the goals and policies of the comprehensive plan, in order to create safe and healthful conditions, and to protect critical areas. Site plan approval is required in order to promote developments which are harmonious with their surroundings; to maintain a high quality of life for area residents; to ensure that new developments are planned and designed to protect privacy; to determine appropriate lighting and noise mitigation measures; and to ensure adequate and safe access. A site plan may be approved for a single parcel of land or in conjunction with a subdivision or binding site plan. (Ord. 1741 § 32, 2009).

#### **17.62.020 Site plan approval required.**

A. No site plan approval is required for:

1. Any form of subdivision approval or amendment;
2. Any single-family home or duplex;
3. Any mobile or manufactured home.

B. Minor site plan approval is required for the following:

1. Multifamily residential developments creating up to five dwelling units on a single parcel of land;
2. New nonresidential construction of up to 2,000 square feet;
3. Additions of up to 5,000 square feet in impervious surface.

C. Major site plan approval is required for the following:

1. Multifamily residential developments creating more than five dwelling units;
2. New nonresidential construction of over 2,000 square feet;
3. Additions of over 5,000 square feet in impervious surface;
4. Emergency housing and emergency shelters;
5. Mixed use developments;

6. Any type of development that is not classified as a “minor” site plan;
7. Any project for which the city’s SEPA responsible official determines that site plan approval is appropriate or necessary.

8. residential units added or constructed entirely within an existing building envelope.

D. Applicants seeking exemption to subdivision review by subjecting projects to Chapters 64.32 and 64.34 RCW as authorized by MMC 16.04.015(G) shall acquire binding site plan review by meeting the requirements of this chapter. Single-family residential developments with five units or less shall be classified as a minor site plan and those with more than five dwelling units shall be classified as major site plans. The approved site plan shall contain the statements required by MMC 16.04.015(G). The site plan shall be recorded.

No person shall commence any use or erect any structure without first obtaining the approval of a site plan as set forth in this chapter, and no use shall be established, no structure erected or enlarged, and no other grading, improvement or construction undertaken except as shown on an approved site plan which is in compliance with the requirements set forth in this chapter. (Ord. 2056 § 10, 2022; Ord. 1741 § 32, 2009).

**17.62.030 Application requirements.**

An application for a site plan approval permit shall include all of the information required in Chapter 17.70 MMC (Application Requirements). (Ord. 1741 § 32, 2009).

**17.62.040 Permit decision and appeal processes.**

A. The director of planning and community development shall decide on minor site plan reviews. The review shall be in accordance with Process Type III (Chapter 17.71 MMC, Permit Decision and Appeal Processes).

B. The hearing examiner shall decide on applications for major site plan review. The review shall be in accordance with Process Type IV of Chapter 17.71 MMC (Permit Decision and Appeal Processes). (Ord. 1741 § 32, 2009).

**17.62.050 Site plan review and approval criteria.**

A. The hearing examiner or the director shall review and approve, approve with conditions, or disapprove the site plans for all proposed new developments or structures where site plan approval is required.

B. The hearing examiner or the director shall make the following findings:

1. The site is of adequate size to accommodate the proposed use, including, but not limited to, parking, traffic circulation, and buffers from adjacent properties, if needed; and
2. All external illumination is designed to face inward, so that impact to adjacent properties is minimized to the greatest extent practicable; and
3. Parking areas are designed to assure that headlight glare from internal traffic does not affect motorists on adjoining streets; and
4. On-site drainage is designed to assure that post-construction drainage has no greater impact on downstream properties than preconstruction drainage; and
5. There is adequate sight distance at each proposed point of access to the site to assure traffic safety; and
6. If the site abuts an existing residential use, a solid visual and noise barrier composed of fencing and landscaping will be in place prior to occupancy; and
7. The site plan is consistent with the policies set forth in the state’s Growth Management Act; and
8. The site plan is consistent with the city’s comprehensive plan; and

9. The site plan complies with all applicable city development regulations including, but not limited to, all regulations found in MMC Titles 13, 16, 17 and 18. (Ord. 1741 § 32, 2009).

**17.62.060 Permit revisions and modifications.**

Revisions to an approved site plan shall follow the procedure as set forth in Chapter 17.74 MMC (Permit Revision and Modification). (Ord. 1741 § 32, 2009).

**17.62.070 Time limits.**

A. The site plan approval process is intended to run concurrently with any other required city approval, such as a conditional use permit or a building permit.

B. Site plan approval expires in one year from the date of approval, unless a building permit has been issued for one of the principal structures, in which case the expiration shall be tolled commencing from the issuance date of all building permits issued for principal structures; provided, that permits for all principal structures shall be issued within five years of site plan approval. Upon written request and payment of a new application fee, the planning and community development director may grant one-year extensions to an approved site plan for good cause. An extension shall not be granted if an amendment to the official zoning map or to any other section of this chapter renders the proposed use of the site to be nonconforming.

C. Site plan approval is intended to run with the land. The change in use from one permitted use to another, or any change in ownership or tenancy, shall not require the issuance of a new site plan approval provided there are no changes in the impervious surface or traffic pattern from the existing to the new use and the change in use does not exceed the parking required for the site plan at the time of vesting. (Ord. 1741 § 32, 2009).

