



Non-Conforming Buildings and Uses Letter

Issue Date: _____

Issued By (Name and Title): _____

To Whom It May Concern:

The single-family residence located at _____ is a legally non-conforming use or structure. The underlying zoning at that location is _____. The Milton Municipal Code allows legally non-conforming uses to remain indefinitely subject to certain conditions (MMC 17.52.020). With the exception of residential single family detached dwellings, legally non-conforming uses must conform to the following conditions (MMC 17.52.030 – 17.52.060):

- Nonconforming buildings may not be enlarged or structurally altered, unless the enlargement or structural alteration makes the building more conforming or is required by law. Where a building or buildings and customary accessory buildings are nonconforming only by reason of substandard yards or open spaces those structures may be enlarged or structurally altered so long as the enlargements and new structures observe the existing setback requirements.
- Structural alterations or enlargements may be permitted if necessary to adapt a nonconforming building or buildings to new technologies, or equipment pertaining to the uses housed in the building or buildings, or to improve the appearance, functionality, or safety of the building or buildings, in a manner which will bring them into greater conformity with the surrounding area. The alterations or enlargements shall be authorized only by a variance through the Hearing Examiner.
- Normal upkeep, repair, and maintenance of nonconforming buildings is permitted; provided such activities shall not increase the nonconformity of the building or buildings.
- No nonconforming use may be extended to occupy a greater area of land or be moved to any other portion of the lot or parcel of land occupied by the nonconforming use.
- Any nonconforming building or structure which has been damaged by fire, earthquake, flood, wind, or other disaster to not more than 75 percent of its

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value at the time of its destruction may be rebuilt for the same nonconforming use only, but the restoring of any such nonconforming building shall not serve to extend or increase the nonconformance of the original building or use. Any building or structure damaged to beyond 75% of its value may not be re-erected for the same use, but must conform to the existing zoning.

- If any nonconforming use of land and/or building or structure is abandoned and/or ceases for any reason whatsoever, including destruction of the building, for a period of one year or more, any future use of such land and/or building or structure shall be in conformity to the regulations of the zoning district in which it is located.
- Any nonconforming use of land and/or buildings or structures shall not be changed to any other use, unless the proposed use is one that is permitted in the zoning district in which the nonconforming use is located. If a new use is desired, which is no less conforming than the existing use, a variance may be obtained before the requested use can commence.

The Milton Municipal Code treats legally non-conforming single family detached residential dwellings differently than other non-conforming uses. This use is allowed to continue indefinitely. It may also remodel, rebuild in the event of partial damage or total destruction, enlarge the principle residence and enlarge or add accessory structures. Legally non-conforming single family detached residential uses must adhere to the bulk and dimensional requirements of the Residential Single family zone (RS) (MMC 17.52.025).

17.52.025 Single Family Residential Dwellings

The bulk and dimensional requirements of the Residential Singe Family (RS) zoning district shall apply to any alterations to legally nonconforming single family detached residences that are nonconforming due to residential use. Accessory uses and structures and alterations thereto are also allowed to the extent consistent with the RS zone. Provided, that if any alterations involve a change in use or increase in density the alterations shall be subject to the underlying zoning. Alterations to lot lines are permitted so long as the alterations do not increase nonconformity with the requirements of the RS district.