

ORDINANCE 2057-22

**AN ORDINANCE OF THE CITY OF MILTON,
WASHINGTON, AMENDING CHAPTERS 17.08, 17.14, 17.48
AND 17.52 OF THE MILTON MUNICIPAL CODE;
ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE.**

WHEREAS, earlier this year, the City Council directed the Planning Commission to review Title 17 Zoning as it relates to regulating religious institutions; and

WHEREAS, the Planning Commission developed the proposed amendments, which incorporates public testimony, following extensive public outreach, including direct engagement with the City's religious institutions and two public hearings; and

WHEREAS, the City Council also held two public hearings, incorporating public testimony, to develop these amendments; and

WHEREAS, the Milton Comprehensive Plan, Land Use Policy 1.2(a) directs the City of Milton (City) to "concentrating non-residential development primarily in the Town Center Special Planning Area, Uptown Special Planning Area, West Milton Commercial District Special Planning Area, and other appropriate locations"; and

WHEREAS, the Milton Comprehensive Plan, Housing Goal 2 directs the City to "maintain the City's small-town character and protect existing single-family neighborhoods"; and

WHEREAS, based on the aforementioned policy and goal, the City wishes to concentrate larger non-residential uses to properties that have access to principal and minor arterials and to properties within the Business, Mixed Use Town Center and Light Manufacturing areas; and

WHEREAS, the City recognizes that the Religious Land Uses and Institutionalized Persons Act of 2000 (RLUIPA) prohibits land use regulations that: treat churches or other religious assemblies or institutions on less than equal terms with nonreligious assemblies or institutions, discriminate against any assemblies or institutions on the basis of religion or religious denomination, totally exclude religious assemblies from a jurisdiction, or unreasonably limit religious assemblies, institutions, or structures within a jurisdiction; and

WHEREAS, the City Council finds that these amendments do not treat religious institutions on less than equal terms with nonreligious institutions, in-part, because the amendments permit religious assemblies at the same level or less restrictive than other Type III assemblies, including nonreligious assemblies (e.g., private club or lodge), as defined by the International Code Council; and

WHEREAS, the City Council finds that these amendments do not discriminate against any religious institution on the basis of religion or religious denomination as the amendments treat all religions and religious denominations equally; and

WHEREAS, the City Council finds that these amendments do not totally exclude religious assemblies from the City because religious institutions are allowed in in the Residential Single Family, Residential Multi-Family, Mixed Use Town Center, Business, and Light Manufacturing Districts; and

WHEREAS, the City Council finds these amendments do not unreasonably limit religious institutions or structures within the City in-part because the amendments' permitting requirements do not place an unreasonable burden on future applicants/developers, religious institutions are still allowed in over 95% of the City, and, although the amendments restrict religious institutions based on their size and access to a principal or minor arterial, the restrictions are necessary to minimize the negative impacts of traffic and protect the City's small-town character and existing single-family neighborhoods; and

WHEREAS, the City submitted the 60-Day notice to the Department of Commerce on July 21, 2022 and no comments were received; and

WHEREAS, the City issued a Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) on July 22, 2022; and

WHEREAS, the Planning Commission held the required public hearing on the proposed amendments on August 10, 2022, which was preceded by public notice in accordance with the Milton Municipal Code; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments at their September 14 ,2022 meeting; and

WHEREAS, the City Council held a public hearing on October 3, 2022,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals set forth above constitute the Milton City Council's findings in support of this ordinance to amend sections of Title 17 pertaining to zoning regulations of religious institutions.

Section 2. MMC Section 17.08.150 Church, amended. Section 17.08.150 of the Milton Municipal Code is hereby amended to read as follows:

17.08.150 Church.

See "Religious institution".

Section 3 MMC Section 17.08.698A Preschool, private, added. Section 17.08.698A of the Milton Municipal Code is hereby added to read as follows:

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.

Section 4 MMC Section 17.08.715 Religious institution, added. Section 17.08.715 of the Milton Municipal Code is hereby added to read as follows:

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”.

Section 5. MMC Section 17.08.752 School, elementary, amended. Section 17.08.752 of the Milton Municipal Code is hereby amended to read as follows:

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.

Section 6 MMC Section 17.08.755 Seat, added. Section 17.08.755 of the Milton Municipal Code is hereby added to read as follows:

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).

Section 7. MMC Section 17.14.010 Table of uses, amended. Section 17.14.010 of the Milton Municipal Code is hereby amended to read as follows:

17.14.010 Table of uses.

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
Residential Use Category								
Accessory apartment	acc ¹	acc	acc	acc				
Accessory structure larger than principal building	cup							

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
Adult day care facility	cup	au	au	au				
Adult family home	au	au	au	au				
Adult retirement community		au	au	au				
Apartment		au	cup	au				
Assisted living facility		cup	cup	cup				
Carport	acc	acc	acc	acc				
Dwelling, multifamily		au	cup	au				
Dwelling, single-family	au	au	au	au				
Dwelling, two-family	au ²	au	au	au				
Emergency housing					au ⁶			
Emergency shelters					au ⁶			
Garage, private	acc	acc	acc	acc	acc	acc		
Group homes	cup	au	cup	au				
Mobile home park	cup	cup	cup					
Parking area, private	acc	acc	acc	acc	acc	acc		
Permanent supportive housing	au ⁷	au ⁷	au ⁷	au ⁷	au ⁷			
Swimming pool, private	acc	acc	acc	acc				
Transitional housing	au ⁷	au ⁷	au ⁷	au ⁷	au ⁷			
Commercial Use Category								
Adult entertainment business					cup			
Ambulance service				au	au	au		
Amusement parks				su2	su2	su2	su2	su2
Animal hospital					au	au		
Auction house/barn (no vehicle or livestock)					au	au		
Automobile service station				cup	au	au		
Automobile wash					au	au		
Automobile, repair					au	au		
Automobile, sales					au	au		
Banks, savings and loan association				au	au			
Beauty/barber shop			cup	au	au			
Bed and breakfast	cup	au	cup	au				
Billiard hall and pool hall				au	au	au		
Child day care, commercial	cup	cup	cup	au	au	cup	cup	
Child day care, family	au	au	au	au				

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
Commercial recreation < 2 ac.		cup		cup	au		au	au
Commercial recreation > 2 ac.					cup		cup	
Confectionery stores (see Retail sales)				au	au			
Convenience store				au	au			
Crematories and mausoleums					su 1	su 1	su 1	su 1
Department stores (see Retail sales)					au			
Drug stores (see Personal services)				au	au			
Dry cleaners (see Personal services)				au	au			
Electric vehicle infrastructure ⁵	acc	acc	acc	au	au	au	acc	acc
Espresso stands				au	au	au		
Flea market						cup		
Food markets and grocery stores				au	au			
Golf and athletic facilities				su 1	su 1	su 1	su 1	su 1
Greenhouses, private and noncommercial	au	au	au	cup	cup			
Hardware stores < 10,000 sf				au	au	au		
Hardware stores > 10,000 sf					au	au		
Health club		acc		au	au	acc		
Home occupation	au ⁴	au ⁴	au ⁴	au ⁴	au ⁴	au ⁴	au ⁴	au ⁴
Horticultural nursery, wholesale and retail					au	au		
Hotel					au			
Inn		cup		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			
Outdoor advertising display				cup	au	au		
Pet shop				au	au			
Photographer's studio			cup	au	au			
Preschool, private	cup	cup	cup	au	au	cup		
Radio and TV repair shops				au	au	au		

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
Recreational areas, commercial, including tennis clubs and similar activities				su1	su1	su1		
Recreational areas privately operated				su1	su1	su1	su1	su1
Recycling collection points		acc		acc	acc	acc	acc	acc
Restaurant				au	au	au		
Restaurants, drive-through					cup	au		
Retail < 1,000 sf				au	au	au		
Retail > 1,000 sf					au	au		
Rodeos					su1	su1	su1	su1
Secondhand store				cup	au	au		
Self-service storage facility		acc		acc	cup	au		
Shoe stores or repair shop				au	au			
Sports arenas					su1	su1	su1	su1
Stadiums					su2	su2	su2	su2
Stationery store				au	au			
Studios (i.e., recording, artist, dancing, etc.)				au	au			
Swimming pool, commercial				cup	au			
Taverns				au	au	au		
Theaters, enclosed				cup	au	cup		
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				su1	su1	su1	su1	su1
Bicycle paths, walking trails	au	au	au	au	au	au	au	au
Club or lodge, private				cup	cup			
Fairgrounds					su1	su1	su1	su1
Garage, public						au		
Heliports					su2	su2	su2	su2
Hospitals and sanitariums					cup	cup		
Libraries				au	au			
Open-air theaters				su1	su1	su1	su1	su1
Parking area, public		acc		acc	acc	acc	acc	acc
Post office, branch or contract station				au	au			
Post office, distribution center or terminal						cup		

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
Public parks	cup	cup	cup	cup	cup	cup	au	au
Religious institution, with access to a principal or minor arterial	cup	cup	cup	au	au	cup		
Religious institution, without access to a principal or minor arterial, up to and including 20,000 sf	cup	cup	cup	au	au	cup		
Religious institution, without access to a principal or minor arterial, greater than 20,000 sf				au	au	cup		
Schools, elementary or secondary, public or private	cup	cup	cup	cup	cup		au	
Swimming pool, public	cup	cup	cup	cup	cup			
Transit facilities, bus barns, park-and-ride lots, transit stations				su1	su1	su1	su1	su1
Vocational schools/colleges				cup	cup	cup	cup	
Utilities Use Category								
Electric transmission substation	cup	cup	cup	cup	cup	au	cup	cup
Fuel storage tanks (underground, < 500 gal.)	acc	acc	acc	au	au	au		
Fuel storage tanks (underground, > 500 gal.)		cup	cup	cup	au	au		
Fuel storage tanks, above ground				au	au	au		
Public utility facilities (services)	cup	cup	cup	cup	au	au	au	
Public utility service yard						au	au	
Radio, cellular phone, microwave, and/or television transmission facilities or towers	cup	cup	cup	cup	cup	cup	cup	cup
Sewage treatment plants							cup	
Transfer station solid waste facility						cup	cup	
Industrial Use Category								
Blueprinting and photostating				au	au	au		
Buy-back recycling center						cup		
Cabinet shops (see Industry, light)					cup	au		
Cargo storage containers					acc	acc	acc	
Carpenter shops (see Industry, light)					cup	au		
Composting facilities					su2	su2	su2	su2
Contractor yards					au	au		
Distributing plants (see Industry, light)						au		
Electric/neon sign assembly, servicing repair						au		
Freight terminal, truck						cup		
Furniture repair (see Industry, light)					cup	au		
Industry, light						au		

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
Machine shops, punch press up to five tons (see Industry, light)						au		
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					cup	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					su2	su2	su2	su2
Storage for transit and transportation equipment						cup		
Tool sales and rental				cup	au	au		
Trailer-mix concrete plant						cup		
Upholstering					au	au		
Warehousing						au		
Welding shops and sheet metal shops						cup		
Office/Business Use Category								
Medical-dental clinic			cup	au	au			
Professional offices			cup	au	au	au		
Resource Use Category								
Agricultural buildings	acc					acc	acc	acc
Agricultural crops; orchards	au	cup	au			acc	acc	au
Livestock	au ³							
Pasture	au							
Stable, private arena	au ³							
Surface mining					su2	su2	su2	su2
acc: Accessory Use au: Authorized or Permitted Use cup: Conditionally Permitted Use su1: Type I Special Use su2: Type II Special Use								

¹ Minimum lot size 9,600 square feet.

² Minimum lot size 12,000 square feet.

³ Maximum one animal/acre.

⁴ Subject to the limitations of MMC 17.44.090.

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

⁶ Subject to the criteria and conditions of MMC 17.44.130 and 17.44.150.

⁷ Subject to the criteria and conditions of MMC 17.44.140 and 17.44.150.

Section 8. MMC Section 17.48.040 Off-street parking requirements, amended. Section 17.48.040 of the Milton Municipal Code is hereby amended to read as follows:

Chapter 17.48.040 Off-street parking requirements.

The minimum number of off-street parking spaces required shall be as follows:

Accessory apartment	1 space per accessory dwelling unit
Adult day care facility	1 space for each employee, 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	1 space per unit
Agricultural buildings	1 space per 2,000 s.f. of floor space
Agricultural crops; orchards	—
Ambulance service	1 space for each employee, 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	2 spaces per dwelling unit plus 1 space per 4 dwelling units for guests
Assisted living facility	.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	5 spaces per washing stall in addition to the stall itself

Automobile, repair	1 space per 200 s.f., plus 2 spaces per service bay, plus 1 space for each employee
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
Blueprinting and photostating	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
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 greater
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 greater
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
Club or lodge, 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
Confectionery 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
Contractor yards	1 space for each employee
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	2 spaces per dwelling unit plus 1 space per 4 dwelling units for guests

Dwelling, single-family	2 spaces per dwelling unit
Dwelling, two-family	2 spaces per dwelling unit plus 1 space per 4 dwelling units for guests
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, 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, aboveground	—
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 greater
Garage, private	—

Garage, public	—
Golf and athletic facilities	1 space for every 2 employees, 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 greater
Group homes	1 space for each employee, 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 400 s.f. of gross floor area
Health club	1 space per 200 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
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 greater
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 greater
Medical-dental clinic	1 space per 300 s.f. of gross floor area
Mobile home park	2 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 greater
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 200 s.f. of gross floor area
Retail <1,000 square feet	1 space per 300 s.f. of gross floor area
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

Section 9. MMC Section 17.52.040 Reconstruction, amended. Section 17.52.040 of the Milton Municipal Code is hereby amended to read as follows:

17.52.040 Reconstruction.

A. Unless otherwise specifically provided in this code, 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 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.

B. A religious institution existing or approved for development prior to the enactment of these requirements, which has been damaged by fire, earthquake, flood, wind, or other disaster, may be rebuilt for the same nonconforming use, provided that the restoration of any such nonconforming building shall not serve to extend or increase the nonconformance of the original building or use.

Section 10. Publication: This ordinance shall be published by an approved summary consisting of the title.

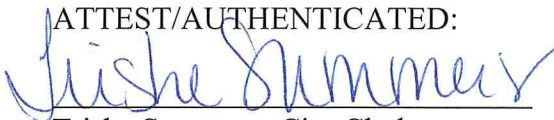
Section 11. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, would be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or Federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances. This ordinance shall be construed and enforced in a manner consistent with applicable state and federal law.

Section 12. Effective Date. This ordinance shall be in full force and effect five (5) days after a publication of a summary thereof.

PASSED AND APPROVED by the City Council of the City of Milton, Washington, this 17th day of October, 2022.

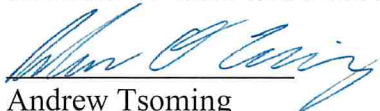
CITY OF MILTON


Mayor Shanna Styron Sherrell

ATTEST/AUTHENTICATED:


Trisha Summers, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Andrew Tsoming
Ogden Murphy Wallace, PLLC

Published: 10-19-22
Effective Date: 10-24-22