



Planning Commission Special Meeting Agenda

Wednesday, April 22, 2026 at 6:00 PM

9103 E Frederick Ave.

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1. CALL TO ORDER & ROLL CALL

2. APPROVAL OF MEETING AGENDA

3. ACTION ITEMS

- a. [Periodic Update - Review Requested Modifications and Research \(from 3/31/26 meeting\)](#)
- b. [Periodic Update - Review Existing vs Proposed Review Processes Presentation](#)
- c. [Periodic Update - Review Ch. 17.06, Table of Permitted Users \(3/23/26\)](#)
- d. [Periodic Update - Review Ch. 17.08 to 17.18, Residential Zones \(3/23/26\)](#)
- e. [Periodic Update - Review Ch. 17.20 to 17.36, Commercial Industrial Public Zones \(3/23/26\)](#)
- f. [Periodic Update - Review Ch. 17.38, General Provisions \(2/19/26\)](#)
- g. [Periodic Update - Review Title 17 Appendix A, Definitions \(2/19/26\)](#)
- h. [Periodic Update - Review Ch. 17.42, Wireless Communication Facilities \(3/23/26\)](#)
[\(added due to Table of Permitted Uses update for C-2 antennas\)](#)

4. PUBLIC REMARKS

Public Remarks are an opportunity for citizens to address the Planning Commission either in-person or by submitting their remarks to remarks@millwoodwa.us. We ask that in-person speakers limit themselves to two minutes and follow the Citizen Participation Guidelines Policy as posted on the City of Millwood website www.millwoodwa.us/government#CityCouncil or available at City Hall prior to this meeting.

5. SET NEXT MEETING - April 29, 2026 at 6:00pm

- a. Periodic Update - Review Draft Development Regulations Updates

6. ADJOURNMENT

2026 PERIODIC UPDATE - DEVELOPMENT REGULATIONS REVIEW TRACKER

Periodic Update requirements and modifications for consistency / clarity have been incorporated into drafts prior to presentation to the Planning Commission:

- Chapter_18.08__CRITICAL_AREAS (10-20-25 & 12-31-25)
 - Chapter_17.04__TITLE__USE_ZONES__BOUNDARIES_AND_ZONES (2-19-26)
 - Chapter_17.06__TABLE_OF_PERMITTED_USES (2-19-26 & 3-23-26)
 - Chapter_17.08-Chapter_17.18_RESIDENTIAL (2-19-26 & 3-23-26)
 - Chapter_17.20-Chapter 17.36_COMMERCIAL-INDUSTRIAL-PUBLIC (2-19-26 & 3-23-26)
 - Chapter_17.38__GENERAL_PROVISIONS (2-19-26)
 - Chapter_17.42__WIRELESS_TELECOMMUNICATION_FACILITIES (3-23-26)
 - Chapter_17.48__ESSENTIAL_PUBLIC_FACILITIES (2-19-26)
 - Title 17 APPENDIX_A__DEFINITIONS (2-19-26)
 - 2026 Periodic Update - Existing vs. Proposed Review Processes 3-31-26
- 2/25/26 Planning Commission Meeting
 - Table of Permitted of Permitted Uses - PR-1 changed to P-1

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	<u>PR P-1</u>	<u>USE REGULATIONS</u>
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- Title 17 Appendix A Definitions - check definition of family daycare provider to include adult daycare (Definition from RCW, Adult Family Home includes adult daycare)
- Allow short roof mounted wireless antennas in C-2 (add to Table of Permitted Uses and Type 1 in MMC Ch. 17.42)

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	<u>PR P-1</u>	<u>USE REGULATIONS</u>
<u>Wireless Telecommunication Towers, Antennas, and Facilities</u>	<u>X / A</u>	<u>X / A</u>	<u>X / A</u>	<u>S</u>	<u>X S</u>	<u>S</u>	<u>S</u>	<u>Refer to Chapter 17.42 for specific requirements and location limitations</u>

17.42.050 Development standards for Type I facilities on existing buildings or other existing support structures.

- A. Type I facilities are not permitted in residential districts/zones. Type I facilities are permitted on existing buildings or other existing support structures in areas zoned C-1 commercial district/zone, C-2 low-intensity commercial/mixed use zone, I-1 light industrial district-zone, and PR-1 public reserve district-zone subject to the conditions listed in this section.

- G. Type I facilities located in C-1 and C-2 commercial / mixed use districts-zones shall be stealth facilities or concealed antennas. Within the C-2 zone, Type I facilities shall only be located on roofs.
 - Adjust wording of ADUs #8 (17.16.010A) for clarity
 - 8. ADUs must comply with MMC 17.08.010 Residential Development Standards and standards shall not be more restrictive than those for principal units. The parcel must meet all code requirements including site coverage with the exception of the rear yard and side yard setbacks which can be reduced to five feet.
 - Animals / urban agriculture section corrections in UR-2, UR-3, C-1, and C-2, allow fowl / rabbits in UR-3, and bees in additional zones. Review continued at 3/31/26 meeting.
 - Review of MMC Ch. 17.04 (2/19/26), Ch. 17.48 (2/19/26), & Ch. 18.08 (12/31/25) complete
 - Request by citizen to review Millwood Historic District language under UR-2, UR-3, and C-2 (changed shall to should consider for consistency with historic register) - only designated registry properties are required to comply, other properties it is optional and at owner's discretion, provided as a resource for homeowners
- Millwood Historic District.
- In addition to the design standards above, parcels within the Millwood Historic District should consider the Historic Millwood Resource Guide, v1-0 dated September 5, 2025 or as amended and adopted by the Millwood Historic Preservation Commission and Millwood City Council, for improvements, repairs, and modifications of Millwood's historic homes and structures.
- 3/31/26 Planning Commission Meeting & 4/10/26 Meeting w/ Planning Commissioner Beese
 - Remove Neighborhood Commercial from Table of Permitted Uses, Residential Zones, and Title 17 Appendix Definitions (keep in file for possible future inclusion)
 - Bring back review process for discussion of Hearing Examiner system use
 - Keep Development Regulations amendments as multiple times per year instead of once per year w/ Comp Plan option
 - Raise short plats up to 9 lots and subdivisions to 10+ lots
 - Added definition in Title 17 Appendix for "Public Utility Local Distribution Facility", corrected "Public Utility Transmission Facility" definition, removed "Utility Services Systems" from Table of Permitted Uses (duplicative and not commonly used in area), and added Public Utility Local Distribution Facility with Public Utilities / corrected Public Utility Transmission Facility with EPF reference added

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	<u>PR</u> <u>P-1</u>	<u>USE</u> <u>REGULATIONS</u>

Public Utilities / <u>Public Utility Local Distribution Facility</u>	P	P	P	P	P	P	P	
Public Utility Local Distribution <u>Transmission Facility</u>	X	X	X	X	X	P	CUP	CUP 17.44.070 - 130 & Refer to 17.48.050 Location of EPFs
Utility Services Systems	X	X	X	X	X	P	X	

"Public Utility" means a regulated public or private enterprise with an exclusive franchise for providing public service paid for directly by the recipient of that service.

"Public Utility Local Distribution Facility" means any building, structure, or device which transfers directly to the public the service or supply provided by a public utility, including telephone, electric, gas, cable television, water and sewer, and all other facilities, equipment and structures necessary for conducting a local distribution service by a government or public utility.

"Public Utility Transmission Facility" means any building, structure, or device which does not directly transfer to the public the service or supply provided by a public utility, including telephone, electric (greater than 55,000 volts or 55 KV), gas, cable television, water and sewer, and all other facilities, equipment, and structures, including substations, switching stations, and reservoirs.

~~"Public Utility Transmission Facility" means any building, structure, or device which transfers directly to the public the service or supply provided by a public utility, including telephone, electric, gas, cable television, water and sewer, and all other facilities, equipment and structures necessary for conducting a local distribution service by a government or public entity.~~

- Added Duplex & Stacked Flat to C-1/C-2 in Table of Permitted Uses (C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B))

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	PR <u>P-1</u>	<u>USE REGULATIONS</u>
<u>Stacked Flat</u>	<u>P</u>	<u>P</u>	<u>P</u>	X <u>S</u>	X <u>S</u>	<u>X</u>	<u>X</u>	C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)
Duplex	P	P	P	C <u>S</u>	X <u>S</u>	X	X	C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)

- Added "Must be" to UR-1, UR-2, and UR-3 under subsection B

17.10.040 Libraries, churches, art galleries, schools.

B. Must be on property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.

17.12.030 Libraries, churches, art galleries, schools.

B. Must be on property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.

17.14.030 Libraries, churches, art galleries, schools.

B. Must be on property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.

- Concern with Accessory Buildings being taller (to accommodate Detached ADUs) when they are a pole building style. Detached ADUs must be allowed to be at least 24 feet in height and ADU requirements cannot be more restrictive than those for a principal unit. Pole buildings / metal is not currently a prohibited building type / material for Millwood residential zones. Revised 17.08.010, Table 17-2 to adjust heights and setbacks for accessory buildings and added a note about sq. footage under lot coverage to comply with RCW as well as 5' separation exemption.

17.08.010 Residential-UR-1, UR-2, and UR-3 development standards.

Residential Development in the UR-1, UR-2, and UR-3 zones shall meet the standards shown in Table 17-2.

Table 17-2

		UR-1	UR-2	UR-3
Building Setbacks	Front	25 ft.	25 ft.	25 ft.
	Rear	25 ft.	25 ft.	25 ft.
	Side			
	1 Story / Height up to 20 ft.	5 ft.	5 ft.	5 ft.
	1.5 Story / Height up to 28 ft.	10 ft.	10 ft.	10 ft.
	2 Story / Height up to 35 ft.	15 ft.	15 ft.	15 ft.
	Flanking Street	15 ft.	15 ft.	15 ft.
Accessory Building Setbacks (2)	Side	5 ft.	5 ft.	5 ft.
	Rear	5 ft.	5 ft.	5 ft.
Maximum Building Coverage (3)		40%	40%	40%
Maximum Total Lot Coverage (14)		60%	60%	60%
Building Height (5) (6) (7)		35 ft.	35 ft.	35 ft.
	Accessory Buildings	25 ft.	20 ft.	20 ft.
Building Height (2) (4)	Single Family & Duplex	35 ft.	35 ft.	35 ft.
	Accessory Bldg. (3) (5)	25 ft.	20 ft.	20 ft.

(2) Accessory Buildings shall not be located closer than 25 feet to the front of the lot, consistent with front setbacks for principal units. Accessory Buildings taller than twenty (20) feet shall be set back 10 feet from side and rear property lines. Detached ADUs can be sited at a lot line if the lot line abuts a public alley, unless the City of Millwood routinely plows snow on the public alley. Also refer to Accessory Building regulations within each zone with Detached ADUs being exempt from the prescribed size limitations applicable to Accessory Buildings. When multiple buildings that require site plan and/or building permit review are located on a parcel, each building must be separated by at least 5 feet.

(3) For infill development, when existing homes are preserved and middle housing is added elsewhere on the lot, the existing home is exempted from the maximum building coverage. Lot coverage limitations cannot require an ADU to be less than 1,000 sq. feet; however, an applicant may choose to build a smaller size.

(4) Includes all other impervious surfaces

(25) Building height shall be measured from average grade level to the highest point of the structure

(36) In compliance with RCW 36.70A.681, Accessory Buildings taller than 24 feet (at highest point of structure) shall comply with Building Setbacks based on height for side setback (10 ft. for 25 ft. to 28 ft. and 15 ft. for 29 ft. to 35 ft.). Rear setback shall match required side setback from property line for accessory buildings taller than 24 feet when an accessory building contains a Detached ADU, it is permitted to be up to 25 feet in height. Maximum wall height not to exceed 16 feet

(7) A building can exceed maximum roof height limit by 48 inches to accommodate a roof-mounted solar energy panel.

Additional exceptions to roof height and setbacks apply to retrofits of existing buildings for residential housing in accordance with RCW 36.70A.810. Refer to MMC 17.18.050 for more information.

(4) No structure shall exceed 2 stories in height

(5) Accessory buildings taller than sixteen (16) feet shall be set back an additional one foot for each one foot of building height in excess of sixteen (16) feet to a maximum setback of ten feet from any property line.

- Research on beekeeping, fowl, and rabbits in urban environments / review other jurisdictions (City of Spokane Valley). Added definitions for beehive and beekeeping in Title 17 Appendix, prepared City of Spokane Valley and Spokane County zoning comparison exhibit, and included draft language based on zoning comparison. Also added rabbits to UR-1 consistent with fowl (apparent oversight on previous non-inclusion).

"Beehive" means a structure designed to contain one colony of honey bees (*apis mellifera*) and registered with the Washington State Department of Agriculture per Chapter 15.60 RCW or as hereafter amended.

"Beekeeping" means the keeping of beehives on a lot. See Agriculture (Urban) / Animal Keeping, use category.

17.10.010 Animals (Animal Keeping - Large and Small) and Agriculture (Urban).

In the UR-1 zone animal requirements are as follows:

- A. An occupant or resident may keep or maintain for his/her own personal use animals and fowl on the premises of his/her dwelling (provided that any building housing animals or fowl, or yards, or runways shall be not less than fifteen (15) feet from any property line, and further provided that no fowl, animal or animals may be slaughtered on such premises) as follows:
- A1. Household pets as defined in the animal control ordinance are permitted provided, they are maintained in compliance with the animal control ordinance;
 - 2B. Up to twenty-five (25) female fowl or rabbits for the personal use of occupants on the premises are permitted;
 - 3C. Livestock units are defined as: one horse, mule, donkey, burro or bovine or two goats, llamas, alpacas, or sheep. No other animals including pigs or swine shall be allowed;
 - 4D. One livestock unit shall be allowed per gross half-acre. No livestock shall be permitted on less than one-half acre;
 - 5E. Private and commercial kennels are prohibited;
 - 6F. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.
- B. An occupant or resident may utilize open space for agriculture as follows:
- 1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
 - 2. Sales will only be permitted through an approved Home Business;
 - 3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
 - 4. Hobby beekeeping is allowed when the following requirements are met:
 - a. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
 - b. Beehives shall be set back a minimum of five feet from a side or rear property line and 25 feet from the front property line;
 - c. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 - d. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 - e. The beekeeper shall be certified by the Washington State Beekeeper's Association.

17.12.010 Animals (Animal Keeping - Small) and Agriculture (Urban).

- A. In the UR-2 zone animal requirements are as follows:
- A1. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
 - 2B. The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited.

- ~~3C.~~ The ~~keeping, maintaining or~~ slaughtering of any animals, livestock or poultry is prohibited.
- ~~4D.~~ The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.
- B. An occupant or resident may utilize open space for agriculture as follows:
1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
 2. Sales will only be permitted through an approved Home Business;
 3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
 4. Hobby beekeeping is allowed when the following requirements are met:
 - a. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
 - b. Beehives shall be set back a minimum of five feet from a side or rear property line and 25 feet from the front property line;
 - c. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 - d. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 - e. The beekeeper shall be certified by the Washington State Beekeeper's Association.

17.14.010 Animals (Animal Keeping - Small) and Agriculture (Urban).

- A. In the UR-3 zone, animal requirements are as follows:
- A1. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
 2. The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited.
 - ~~3B.~~ The ~~keeping, maintaining or~~ slaughtering of any animals, livestock or poultry is prohibited.
 - ~~4G.~~ The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.
- B. An occupant or resident may utilize open space for agriculture as follows:
1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
 2. Sales will only be permitted through an approved Home Business;
 3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
 4. Hobby beekeeping is allowed when the following requirements are met:
 - a. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
 - b. Beehives shall be set back a minimum of five feet from a side or rear property line and 25 feet from the front property line;
 - c. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 - d. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 - e. The beekeeper shall be certified by the Washington State Beekeeper's Association.

Chapter 17.26 SUPPLEMENTARY USE REGULATIONS IN COMMERCIAL ZONES

SUPPLEMENTAL DEVELOPMENT REGULATIONS

17.26.010 ~~[Supplemental-Supplementary development use regulations.]~~

Where permitted pursuant to Table 17-1, the following conditions shall apply

D. Animals (Animal Keeping - Small) and Agriculture (Urban).

1. Animal requirements are as follows:

- a. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance.
- b. The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited.
- c. ~~The keeping, maintaining or~~ slaughtering of any animals, livestock or poultry is prohibited.
- d. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

2. An occupant or resident may utilize open space for agriculture as follows:

- a. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use.
- b. Sales will be permitted through an approved business or Home Business.
- c. Community gardens are permitted.
- d. Hobby beekeeping is allowed when the following requirements are met:
 1. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area.
 2. Beehives shall be set back a minimum of five feet from a side or rear property line and 25 feet from the front property line.
 3. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 4. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 5. The beekeeper shall be certified by the Washington State Beekeeper's Association.

- Adjusted Commercial lot coverage and setbacks based on review of C-1 and C-2 parcel locations.

17.20.010 Commercial-C-1 and C-2 development standards.

Commercial development in the C-1 and C-2 zones shall meet the standards shown in Table 17-3.

Table 17-3

		C-1 <u>(1)</u>		C-2	
Front Yard Building Setbacks					
Structure Front Setback	Minimum	25 ft. min.		N/A	
	Maximum	N/A		25 ft. max.	
Parking		15 ft. min.		See 17.24.020 & 030	
Rear Yard Setback		15 ft. min.		20 ft. min. 15 ft.	
Side Yard Setback		5 ft. min.		N/A 0 ft.	
Flanking Street		15 ft. min.		N/A	
Abutting Residential Zone (up to 2 Story Height)		15 ft. min. (2)		5 ft.	
Adjacent Abutting to Residential Zone (3 Story Height)		15-20 ft. min. (2)		10 ft.	
Abutting Residential Zone (4 Story Height)		25 ft. min. (2)		15 ft.	
Maximum Total Lot Coverage (3)		Mixed use (4)	Commercial Only	Mixed use (4) Total Lot Coverage	Commercial Only Total Lot Coverage (1)
Site Coverage including impervious surfaces		85%	75 70%	85%	70%
Building Height (5)(7)		up to 3 stories / 35 ft. max (36)		up to 3 stories / 35 ft. max (26)	
Building Height - Trent Frontage (5)(7)		45-up to 4 stories / 48 ft. max (4)(5)			
Adjacent to Residential—no intervening street or alley		Residential zone standards apply			

- Adjusted administrative exceptions under 17.35.005(H)(5) was modified to reduce lot coverage exception from a proposed 25% to 10% since RCW/WAC exception was included.

H. Administrative Exceptions. An administrative exception may be approved for the following when:

- Where the required setback is greater than five feet, a deviation of five feet or less
 - Minimum lot area where the deviation is for ten percent or less of the required lot area.
 - Maximum impervious coverage where the deviation is for ten percent or less of the maximum impervious coverage.
- Any dimensional requirement which does not exceed one foot.
 - A setback deviation of up to four feet, when the required setback is five feet or greater and the deviation will not result in a building or fire code violation.
 - Minimum lot area requirements where the deviation is for 10% or less of the required lot area.
 - Minimum lot width requirements where the deviation is for 10% or less of the required lot width.
 - Maximum building coverage or lot coverage requirements where the deviation is for 10% or less of the maximum building / lot coverage.
 - Any improved property rendered nonconforming through voluntary dedication of right-of-way, the exercise of eminent domain proceedings or purchase of right-of-way by the city, county, state, or federal agency.
 - Exceptions required to meet current RCW/WAC requirements.

Urban Agriculture - Millwood 3/23/26 Draft compared to City of Spokane Valley

Section 3, Item a.

Millwood 3/23/26 Draft

Table 17-1

USE	UR-1	UR-2	UR-3	C-1	C-2	I-1	PR P-1	USE REGULATIONS
Agriculture (Urban)	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	17.10.010 (UR-1), 17.12.010 (UR-2), 17.14.010 (UR-3), 17.26.010(D) for C-1 & C-2
Animal Keeping (Large)	<u>ES</u>	X	X	X	X	X	X	17.10.010
Animal Keeping (Small)	<u>ES</u>	<u>ES</u>	<u>ES</u>	<u>ES</u>	<u>ES</u>	X	X	17.10.010 (UR-1), 17.12.010 (UR-2), 17.14.010 (UR-3), 17.26.010(D) for C-1 & C-2

UR-1 (rabbits not listed) -

17.10.010 Animals (Animal Keeping - Large and Small) and Agriculture (Urban).

In the UR-1 zone animal requirements are as follows:

A.

An occupant or resident may keep or maintain for his/her own personal use animals and fowl on the premises of his/her dwelling (provided that any building housing animals or fowl, or yards, or runways shall be not less than fifteen (15) feet from any property line, and further provided that no fowl, animal or animals may be slaughtered on such premises) as follows:

A1.

Household pets as defined in the animal control ordinance are permitted provided, they are maintained in compliance with the animal control ordinance;

2B.

Up to twenty-five (25) female fowl for the personal use of occupants on the premises are permitted;

3C.

Livestock units are defined as: one horse, mule, donkey, burro or bovine or two goats, llamas, alpacas, or sheep. No other animals including pigs or swine shall be allowed;

4D.

One livestock unit shall be allowed per gross half-acre. No livestock shall be permitted on less than one-half acre;

5E.

Private and commercial kennels are prohibited;

6F.

The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

City of Spokane Valley

	Residential					Mixed Use		Commercial		Industrial		Parks and Open Space
	R-1	R-2	R-3	R-4	MFR	MU	CMU	NC	RC	IMU	I	POS
Agriculture and Animal												
Animal processing/handling											P	
Animal raising and/or keeping	S	S	S	S	S					S	S	
Animal shelter							S			P	P	
Beekeeping, commercial											P	
Beekeeping, hobby	S	S	S	S								
Community garden	S	S	S	S	S	S	S					S
Greenhouse/nursery, commercial									P	P	P	
Kennel						S	S	S	S	P	P	
Orchard, tree farming, commercial										P	P	
Riding stable										P	P	C

19.65.020 Agriculture and animal.

A. Animal Raising and/or Keeping. Where permitted, the keeping of poultry and livestock, excluding swine and chickens, is subject to the following conditions:

1. Minimum Lot Requirements.

a. In residential zones, the lot shall equal or exceed one gross acre in area, except as set forth in SVMC 19.65.020(A)(7) and (9).

b. In mixed-use zones with legally established residential uses, the lot shall equal or exceed one gross acre in area.

2. The keeping of swine is prohibited.

3. Any permanent or temporary structure housing poultry or livestock including, but not limited to, any stable, paddock, yard, runway, pen, coop, hutch, or enclosure, or any manure pile, shall not be located within 75 feet from any dwelling.

4. Permanent or temporary structure housing poultry or livestock including, but not limited to, any stable, paddock, yard, runway, pen, coop, hutch, or enclosure, or any manure pile, shall not be located within the front yard setback or be closer than 10 feet from any side property line.

B. An occupant or resident may utilize open space for agriculture as follows:

1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
2. Sales will only be permitted through an approved Home Business;
3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
4. Beekeeping or other urban agricultural uses (as defined in Appendix A) that may be considered a nuisance to surrounding properties will not be permitted on less than one-half acre. If a use is classified as a nuisance then it shall be discontinued.

UR-2 -

17.12.010 Animals (Animal Keeping - Small) and Agriculture (Urban).A. In the UR-2 zone animal requirements are as follows:

- A1. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
- 2B. The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited.
- 3C. The keeping, maintaining or slaughtering of any animals, livestock or poultry is prohibited.
- 4D. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

B. An occupant or resident may utilize open space for agriculture as follows:

1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
2. Sales will only be permitted through an approved Home Business;
3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
4. Beekeeping or other urban agricultural uses (as defined in Appendix A) that may be considered a nuisance to surrounding properties will not be permitted on less than one-half acre. If a use is classified as a nuisance then it shall be discontinued.

UR-3 -

17.14.010 Animals (Animal Keeping - Small) and Agriculture (Urban).A. In the UR-3 zone, animal requirements are as follows:

- A1. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
2. The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited.
- 3B. The keeping, maintaining or slaughtering of any animals, livestock or poultry is prohibited.
- 4C. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

B. An occupant or resident may utilize open space for agriculture as follows:

1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
2. Sales will only be permitted through an approved Home Business;
3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
4. Beekeeping or other urban agricultural uses (as defined in Appendix A) that may be considered a nuisance to surrounding properties will not be permitted on less than one-half acre. If a use is classified as a nuisance then it shall be discontinued.

5. The keeping of animals and livestock is limited as follows:

- a. Not more than three horses, mules, donkeys, bovines, llamas, or alpacas shall be permitted per gross acre; or
- b. Not more than six sheep or goats shall be permitted per gross acre; or
- c. Any equivalent combination of SVMC 19.65.020(A)(5)(a) or (b).

6. Small Animals/Fowl. A maximum of one small animal or fowl (excluding chickens), including duck, turkey, goose, or similar domesticated fowl, or rabbit, mink, chinchilla, or similar animal, may be raised or kept per 3,000 square feet of gross lot area. In addition, a pen, shed, coop, hutch, or similar containment structure shall be constructed prior to the acquisition of any small animal/fowl and shall be kept a minimum of 20 feet from the front property line and five feet from side and rear property lines.

7. In residential areas, the keeping of chickens is subject to the following conditions:

- a. A maximum of one chicken may be raised or kept per 2,000 gross square feet of lot area, with a maximum of 25 birds allowed;
- b. The keeping of roosters is prohibited;
- c. Pens, coops, hutches, or similar containment structures shall be kept a minimum of 20 feet from the front property line and five feet from side and rear property lines;
- d. Pens, coops, hutches, or similar containment structures shall be kept a minimum of 25 feet from dwellings on neighboring properties; and
- e. All chickens shall be contained within the subject property.

8. Stables, paddocks, yards, runways, pens, coops, hutches, enclosures, structures, pastures, and grazing areas shall be kept in a clean and sanitary condition.

9. In residential areas, hobby beekeeping is subject to the following conditions:

- a. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
- b. Beehives shall be set back a minimum of five feet from a side or rear property line and 20 feet from the front property line;
- c. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are

C-1 & C-2

17.26.010 [Supplemental-Supplementary development-use regulations.]

Where permitted pursuant to Table 17-1, the following conditions shall apply

D. Animals (Animal Keeping - Small) and Agriculture (Urban).**1. Animal requirements are as follows:**

- a. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
- b. The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited.
- c. The ~~keeping, maintaining or~~ slaughtering of any animals, livestock or poultry is prohibited.
- d. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

2. An occupant or resident may utilize open space for agriculture as follows:

- a. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
- b. Sales will be permitted through an approved business or Home Business;
- c. Community gardens are permitted;
- d. Beekeeping or other urban agricultural uses (as defined in Appendix A) that may be considered a nuisance to surrounding properties will not be permitted on less than one-half acre. If a use is classified as a nuisance then it shall be discontinued.

forced to fly at an elevation of at least six feet above ground

the property lines in the vicinity of the beehives;

d. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and

e. The beekeeper shall be certified by the Washington State Beekeeper's Association.

Spokane County**14.606.220 Residential Lands Matrix****Table 606-1, Residential Zones Matrix**

<i>Residential Uses</i>	<i>LDR</i>	<i>LDR-P</i>	<i>MDR</i>	<i>HDR</i>
Animal raising and/or keeping	N	L	N	N
Beekeeping	L	L	L	L
Chicken Keeping and Raising	L	L	N	N

Animal, Small: Animals or fowl other than a household pet, large animal, inherently dangerous mammals or inherently dangerous reptiles, including but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, emu, ostriches (struthious), kangaroos, rabbits, mink, chinchilla, nutria, gnawing animals in general and other animals or fowl of similar size and type. Small animals or fowl under 3 months in age shall not be included when computing intensity of small animals or fowl. Young or miniature large animals are not included in this definition and are considered large animals.

Chapter 14.606

Urban Residential Zones

14.606.100 Purpose and Intent

The purpose of the Urban Residential Chapter is to implement Comprehensive Plan goals and policies related to urban residential use. Residential zone classifications provide for a range of residential uses within the Urban Growth Area.

The **Low Density Residential (LDR)** zone is primarily for single-family, duplex and row housing residential development that allows a density of 1 to and including 8 dwelling units per acre and up to 10 units per acre for qualifying infill projects. Small scale, multifamily development may be permitted, consistent with standards to provide compatibility with adjacent single-family residences. Zero lot-line housing, bonus density and other incentives are permitted to promote infill, preservation of open space, and a variety of housing types and densities.

The **Low Density Residential Plus (LDR-P)** zone is primarily for single-family residential development that allows a maximum density of 1 unit per acre for single-family dwellings. This zoning classification shall be applied only to areas established prior to the effective date of this provision with an existing development density of approximately 1 unit per acre.

The **Medium Density Residential (MDR)** zone is primarily for a combination of single-family through multi-family uses at a density range of greater than 6 to and including 15 dwelling units per acre. Cluster development, zero lot-line housing and other incentives are permitted to promote infill and preservation of open space. Business and professional offices are permitted in this zone.

The **High Density Residential (HDR)** zone is primarily for multi-family development at densities of greater than 15 dwelling units per acre. High-density residential zones are usually located near transit services, shopping and major transportation routes. Cluster development, zero lot-line housing and other incentives are permitted to promote infill and preservation of open space. Offices are permitted in the HDR zone in order to provide some of the service needs generated by high-intensity land uses.

14.606.230 Limited Uses with Specific Standards

Uses that are categorized with an "L" in table 606-1, Residential Zones Matrix, are subject to the corresponding standards of this section. In the case of inconsistencies between section 14.606.220 (Residential Zones Matrix) and section 14.606.230, section 14.606.230 shall govern.

3. *Animal raising and keeping (LDR-P)*

- a. Any building and/or structure housing large and/or small animals and any yard, runway, pen or manure pile shall be no closer than 50 feet from any occupied structure other than the dwelling unit of the occupant of the premises. Manure piles shall not be located within 100 feet of a water well.
- b. Structures, pens, yards, and grazing areas of large and small animals shall be kept in a clean and sanitary condition as determined and enforced by the Spokane Regional Health District.
- c. Equivalency Units:
A livestock unit equals one horse, mule, donkey, burro, llama or bovine. A goat or sheep equals ½ of a livestock unit.
- d. Density Requirements:
 - i. Large animals: Three livestock units per gross acre.
 - ii. Small animals: One small animal or fowl per 2,000 square feet.
 Note: Swine raising or keeping is not permitted.

6. *Chicken Keeping and Raising (LDR-P)*

- a) See "Animal raising and/or keeping" standards in Table 606-1.

4. *Beekeeping LDR, LDR-P, MDR, HDR zones)*

- a. Beekeeping is allowed as an accessory use on any lot or parcel occupied by a single-family residence.
- b. The keeping of bees shall meet the requirements of the Washington State Department of Agriculture RCW 15.60 or as hereafter amended.
- c. The number of colonies allowed is limited to two (2) for the first 4,356 square feet of lot area, and one (1) for every 4,356 square feet of lot area thereafter. There is no limit on the number of Nucs/Nuclei.
- d. Beehives shall be setback a minimum of twenty-five (25) feet from any abutting side or rear property line or public right-of-way, except that beehives may be setback up to five (5) feet from any abutting side or rear property line when the beekeeper establishes and maintains a flyway barrier as provided in section (e) below.
- e. A flyway barrier shall be at least six (6) feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to such side and/or rear property line(s) and extends beyond the beehive(s) in each direction so that bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the colony.

5. *Chicken Keeping and Raising (LDR)*

- a) Allowed as an accessory use on lots containing dwellings.
- b) One chicken per 1,000 square feet of lot area.
- c) Roosters keeping is prohibited.
- d) Pens, hutches, and enclosures shall be setback a minimum of 25 feet from dwellings on adjacent properties.
- e) Pens, yards and, grazing areas shall be kept in a clean and sanitary condition, as determined and enforced by the Spokane County Regional Health District.

Periodic Update – Existing vs. Proposed Review Processes 3/31/26



*Presentation assembled for City of Millwood with
materials provided by WA State Department of
Commerce & MRSC*

Checklist Navigation		
Section I: Comprehensive Plan	Section II: Development Regulations	Appendices
LAND USE	CRITICAL AREAS	APPENDIX A: HOUSING UNIT MINIMUMS PER POPULATION ✓
HOUSING	ZONING CODE	APPENDIX B: ELEMENT UPDATES UNDER HB 1181 ✓
CAPITAL FACILITIES	SHORELINE MASTER PROGRAM	Need to review all applicable sections of the MMC for consistency, clarity, and cross-reference corrections, and update as needed
UTILITIES	RESOURCE LANDS	
TRANSPORTATION	ESSENTIAL PUBLIC FACILITIES	
SHORELINE	SUBDIVISION CODE	
ESSENTIAL PUBLIC FACILITIES	STORMWATER	
TRIBAL PARTICIPATION	ORGANIC MATERIALS MANAGEMENT	
CLIMATE CHANGE & RESILIENCY	IMPACT FEES	
ECONOMIC DEVELOPMENT	CONCURRENCY & TDM	
PARKS & RECREATION	TRIBAL PARTICIPATION	
OPTIONAL ELEMENTS	REGULATIONS FOR OPTIONAL ELEMENTS	
CONSISTENCY	PROJECT REVIEW PROCEDURES	
PUBLIC PARTICIPATION	PLAN & REGULATION AMENDMENTS	
2025 - 2026 Development Regulations		2024 - 2025 Comprehensive Plan 2026 Development Regulations

Project Review Procedures



Governed by state legal requirements dictating:

Procedure and timelines

Types of permits an applicant is applying for

Who is designated to approve the permit



In general, per RCW 36.70B.050, all cities and counties are required to develop an integrated and consolidated project permit review process that:

Combines both procedural and substantive environmental review with project permit review.

Allows no more than one open record hearing and not more than one closed record appeal hearing on both the permit and environmental review, except for appeals of a SEPA determination of significance.



GMA planning jurisdictions must use all of the permit procedures outlined in RCW 36.70B (Local Project Review Act) to administer permit application processes

Local Project Review Act was amended in 2023 by [SB 5290](#)

Permit Approval Authority and Appeals



Local governments establish permit approval authority for each type of permit, including designating if the permit application will go through an **Administrative** approval process or a **Quasi-Judicial** process (*typically led by a hearing examiner*).



Once a notice of decision is made regarding the permit application, applicants or the public can appeal the decision within 14 days of its issuance (*local governments are not required to provide for administrative appeals*).



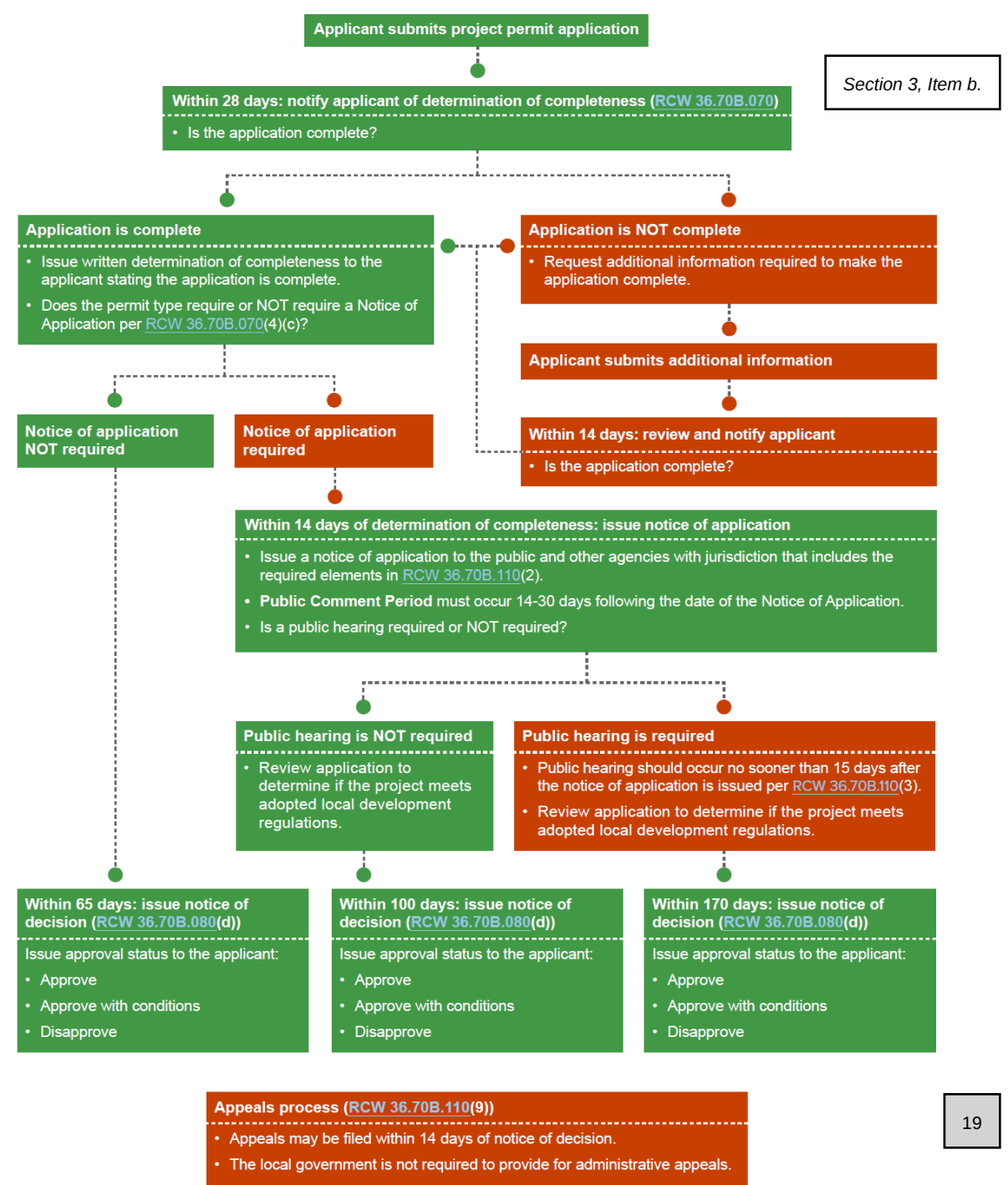
A land use permit approval is often conditional. The specified conditions must be carried out through the subsequent building and civil engineering permits and the actual construction.

Land Use Permit Review Process & Timeline Requirements - RCW 36.70B

(effective January 1, 2025)

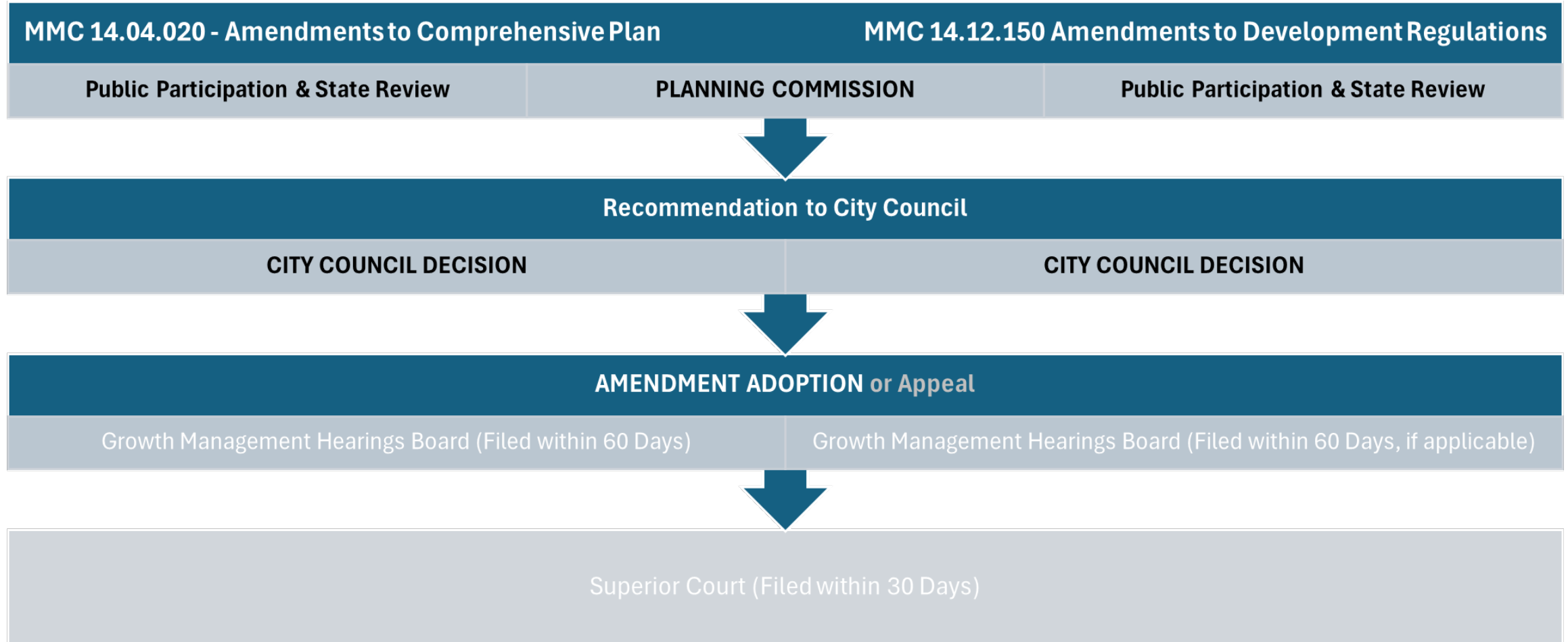
State Legislature has been considering mandatory use of a Hearing Examiner –

- *Make objective decisions based on the record*
- *Reduce a city's liability*
- *Allow city council and planning commission to focus on legislative matters*



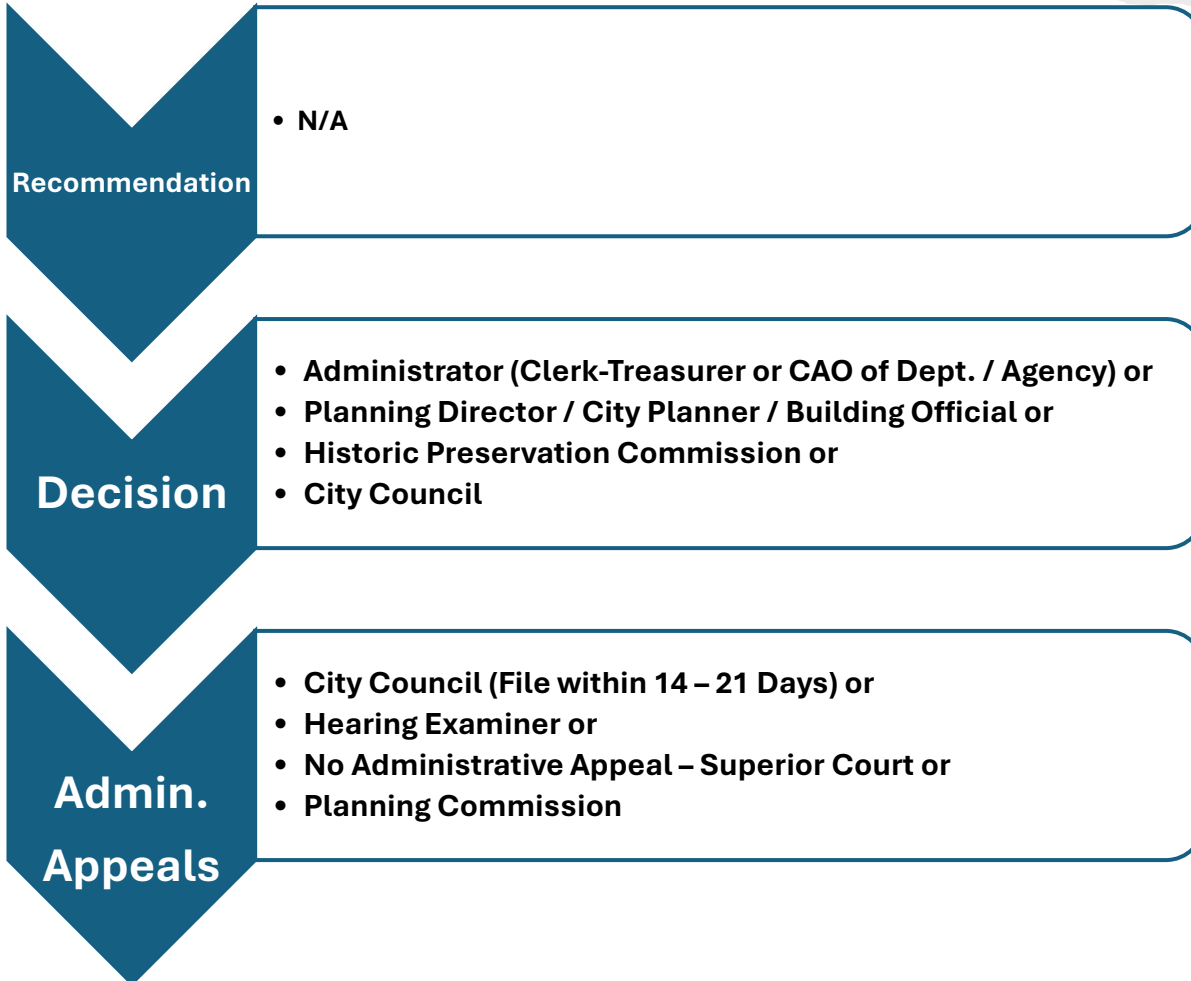
Millwood's Legislative Review Process

Section 3, Item b.

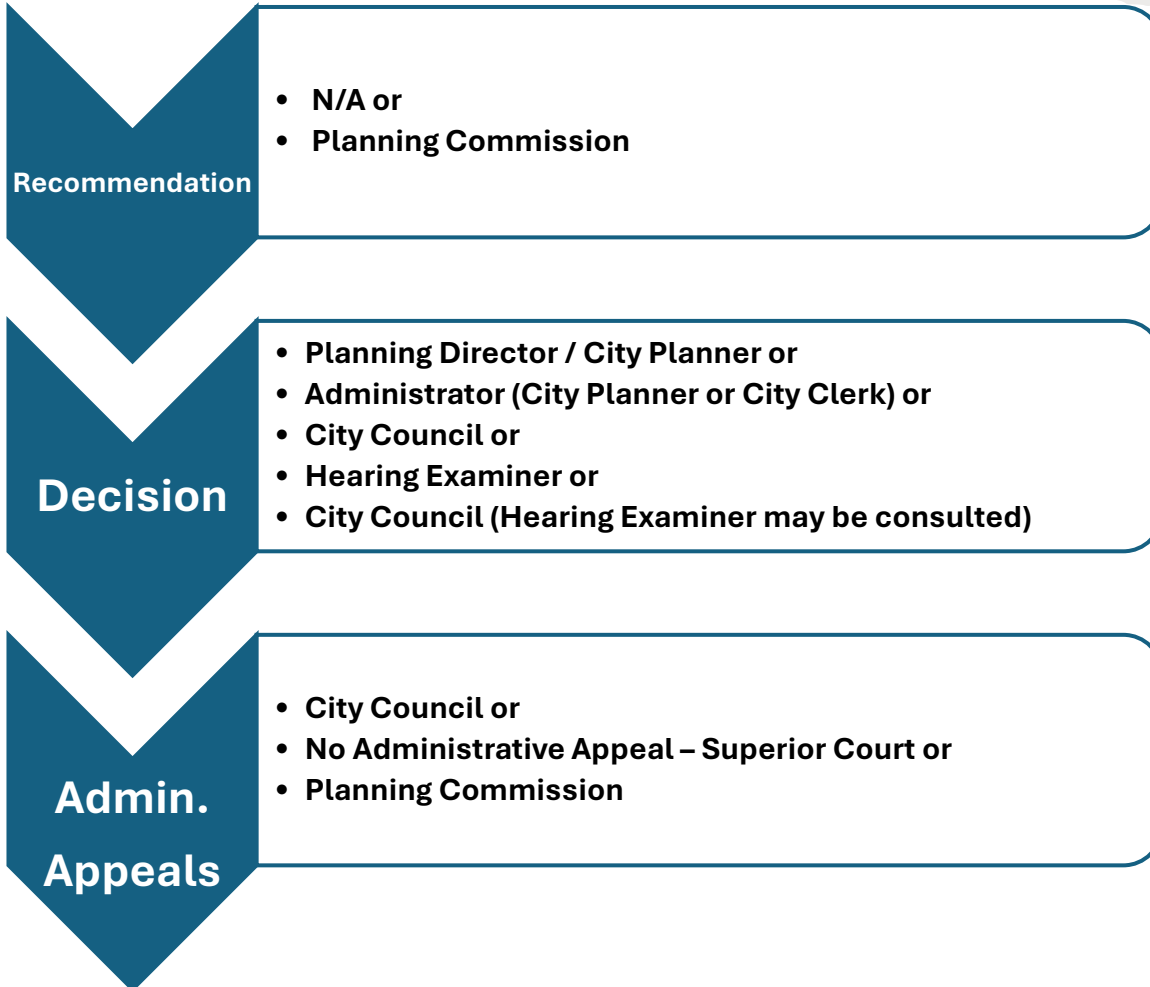


Amendments to Comprehensive Plan is limited to one time per year - can limit Development Regulations Amendments to one time per year as well (consolidated amendments – maintains consistency)

Millwood's Administrative Permit Review Processes



Millwood's Quasi-Judicial Review Processes



Proposed Review Process by Permit Type

Section 3, Item b.

	Type I (Administrative)	Type II (Administrative)	Type III (Quasi-Judicial)	Type IV (Quasi-Judicial)	Type V (Quasi-Judicial)
Recommendation	N/A	N/A	City Planner	Planning Commission	
Decision	City Planner or Building Official, as applicable (HPC for Alterations of Historic Structures)	City Planner or Building Official, as applicable (HPC for Alterations of Historic Structures)	Hearing Examiner	City Council	City Council
Administrative Appeal	Hearing Examiner	Hearing Examiner	N/A or City Council	Growth Management Hearings Board (GMHB)	N/A
Shoreline Appeal	Shoreline Hearings Board				
Judicial Appeal	Superior Court	Superior Court	Superior Court	Superior Court	Superior Court

Proposed Permit Types				
Section 3, Item b.				
Type I (Administrative)	Type II (Administrative)	Type III (Quasi-Judicial)	Type IV (Quasi-Judicial)	Type V (Quasi-Judicial)
Accessory Dwelling Unit (ADU)	Commercial, Grading, Residential, & other building permits (SEPA Required)	Conditional Use Permit	Zone Change / Property Rezone (individual properties)	Subdivision / Binding Site Plan Alteration
Administrative Interpretation / Exception	Preliminary Binding Site Plan (BSP)	Preliminary Subdivision / Unit Lot Subdivision (10 or more lots)		Subdivision / Binding Site Plan Vacation
Administrative Lot Split (ULS)	Shoreline Substantial Development Permit (SDP)	Shoreline Conditional Use Permit		
Approach / Right-of-Way Permit	Preliminary Short Subdivision / Unit Lot Subdivision (up to 9 lots)	Shoreline Variance		
Boundary Line Adjustments (BLA)		Variance		
Commercial, Grading, Residential, & other building permits (SEPA N/A)				
Fence Permit				
Final Binding Site Plan / Record of Survey (ROS) Lot Finalization				
Final Short Subdivision (Short Plat) / Unit Lot Subdivision (up to 9 lots)				
Final Subdivision (Final Plat) / Unit Lot Subdivision (10 or more lots)				
Home Business / Occupation				
Public Assembly Permit				
Sign Permit				
Shoreline Substantial Development Permit Exemption (SDPE)				
Site Plan Review				24
Temporary Use Permit				

Periodic Update 2026 - Existing vs. Proposed Review Processes Questions?



Title 17 - ZONING
Chapter 17.06 TABLE OF PERMITTED USES *(DRAFT 3/23/26)*

Chapter 17.06 TABLE OF PERMITTED USES

17.06.010 Permitted uses.

Table 17-1 indicates permitted, conditionally permitted and prohibited uses in the various ~~zone districts~~zones. Permitted uses are allowed as a matter of right. Because of considerations of traffic, noise, lighting hazards, health and environmental issues, certain uses may be permitted subject to conditions. For the purposes of this section the following apply:

P = Permitted Use

~~C-S~~ = ~~Conditions Apply~~ Specific Use Regulations Apply

TUP = Temporary Use Permit

CUP = Conditional Use Permit

A = Accessory Use

X = Prohibited Use

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	PW P-1	<u>USE REGULATIONS</u>
Accessory Dwelling Units	C	C	C	C	X	X	X	17.16(A)
<u>Agriculture (Urban)</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>17.10.010 (UR-1), 17.12.010 (UR-2), 17.14.010 (UR-3), 17.26.010(D) for C-1 & C-2</u>
Ambulance Service	X	X	X	P	X	P	X	
Animal Keeping (Large)	C-S	X	X	X	X	X	X	17.10.010
Animal Keeping (Small)	C-S	C-S	C-S	C-S	C-S	X	X	<u>17.10.010 (UR-1), 17.12.010 (UR-2), 17.14.010 (UR-3), 17.26.010(D) for C-1 & C-2</u>
Art Gallery	CUP	CUP	CUP	P	P	X	P	<u>17.10.040 (UR-1), 17.12.030 (UR-2), 17.14.030 (UR-3), & CUP 17.44.070 - 130</u>

<u>USE</u>	<u>UR-1</u>	<u>UR-2</u>	<u>UR-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>PR P-1</u>	<u>USE REGULATIONS</u>
Studio , Art, Music, and Dance <u>Studios</u>	C-S	C-S	C-S	P	P	CUP <u>P</u>	X	Must comply with 17.16.010(D) Home Business
Automobile, boat & RV storage-excluding auto wrecking yard, auto salvage or fuel yards.	X	X	X	P	X	P	X	Including small engine and equipment
Auto or Taxi Rental	X	X	X	P	X	P	X	
Auto, Machinery, Trailer, & RV Sales	X	X	X	P	X	P	X	Only those properties with frontage on Trent Avenue
Automobiles service & repair	X	X	X	P	X	P	X	
Bakery/Confectionary	X	X	X	P	P	P	X	
Bank or Credit Union	X	X	X	P	C-S	P	X	<u>C-2</u> - No drive-thru
Bar, Lounge or Tavern	X	X	X	C-S	C-S	C-S	X	17.26. <u>010</u> (A)
Barber Shop, Hair Salon, Nail or Tanning Salon	C-S	C-S	C-S	P	P	P	X	Must comply with 17.16.010(D) Home Business
Bed & Breakfast/Short term rental	C-S	C-S	C-S	C-X	P	X	X	17.16. <u>010</u> (B)
Biotechnology Lab or Manufacturing	X	X	X	X	X	P	X	
Bird Store/Pet Shop/Taxidermy	X	X	X	P	X	X	X	
Bottling Plant	X	X	X	X	X	P	X	
Brewery, Winery, Distillery	X	X	X	C-S	C-S	C-S	X	17.26. <u>010</u> (A)
Business Colleges or Private Schools operating as a Commercial Enterprise	X	X	X	P	X	P	X	
Business & Professional Offices	C-S	C-S	C-S	P	P	P	X	Must comply with 17.16.010(D) Home Business
Churches/Places of Worship	CUP	CUP	CUP	P <u>CUP</u>	CUP	X	X	<u>17.10.040 (UR-1), 17.12.030 (UR-2), 17.14.030 (UR-3), 17.26.010(E) for C-1 & C-2, & CUP 17.44.070 - 130</u>

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	PR P-1	<u>USE REGULATIONS</u>
Commercial Welding/Machine Shop	X	X	X	P	X	P	X	
Community Center	X	X	X	P	P	X	X	
Community Transit Center	X	X	X	X	X	P	X	
<u>Contractor Yard</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>C-1 - Only on properties with frontage on Trent Avenue</u>
Craft, Farmers Market, Christmas Tree Sales	X	X	X	TUP	TUP	X	TUP	<u>TUP 17.44.135</u>
Daycare Facility / <u>Child Care Center</u>	X	X	X	P	P	C <u>CUP</u>	X	Located in or on a church or a public or private school site <u>CUP 17.44.070 - 130</u>
Daycare (In-home) / <u>Family Day Care Provider</u>	P	P	P	P	P	X	X	
Drive-Thru Windows	X	X	X	C-S	X	P	X	<u>C-1 - Only on properties with frontage on Trent Avenue</u>
Electric Vehicle Infrastructure	X	X	X	P	A	P	P	<u>Refer to Chapter 17.50</u>
Electric Vehicle Charging Station	A	A	A	A	A	P	P	<u>Refer to Chapter 17.50</u>
Electronic Systems Development or Operations	X	X	X	X	X	P	X	
Employment Agencies	X	X	X	P	X	P	X	
<u>Entertainment Facilities (Adult)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Refer to Chapter 17.46 for specific requirements and location limitation</u>
<u>Essential Public Facilities (EPF)</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>Refer to Chapter 17.48 for specific requirements and location limitations & CUP 17.44.070 - 130</u>
Fitness Facility / <u>Exercise Studio</u>	X	X	X	P	P	X	X	

<u>USE</u>	<u>UR-1</u>	<u>UR-2</u>	<u>UR-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>PR P-1</u>	<u>USE REGULATIONS</u>
Fraternal Organization	X	X	X	X	P	X	X	
Fuel Dispensing Station	X	X	X	P	X	P	X	
Funeral Home	X	X	X	P	X	P	X	
Gambling Establishment as licensed by the State of WA. Class A, B, C, D, and E-1-E-5	X	X	X	C-S	X	X	X	<u>C-1</u> - Only those properties with frontage on Trent Avenue
Government Facilities	X	X	X	P	X	P	P	
<u>Group Home & Supportive, Transitional, Emergency, and Permanent Housing (STEP)</u>								
Group Home (I-A) / <u>Adult Family Home (AFH)</u>	P	P	P	CUP <u>P</u>	CUP <u>P</u>	X	X	
Group Home (I-B)	P	CUP	X	P <u>CUP</u>	CUP	X	X	<u>CUP 17.44.070 - 130</u>
Group Home (I-C)	X	X	X	X	CUP	X	X	<u>CUP 17.44.070 - 130</u>
Group Home Class II	X	X	X	CUP	X	CUP	X	<u>CUP 17.44.070 - 130</u>
<u>Permanent Supportive Housing (PSH)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	
<u>Transitional Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	
<u>Emergency Housing (Indoor)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	
<u>Emergency Shelter (Indoor)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	
Home Business	C-S	C-S	C-S	C-S	C-S	X	X	17.16.010(D) Home Business
Hotel or Motel	X	X	X	P	X	P	X	
Indoor Amusement Facility	X	X	X	P	X	P	X	
Laboratories, Research, Medical, Dental	X	X	X	P	X	P	X	
<u>Laundromat</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	
<u>Manufactured Home</u>	C	C	C	C	X	X	X	<u>17.16(C)</u>
Manufactured Home Park	C-S	X	X	C-S	X	X	X	Existing approved manufactured home parks only. Must comply with RCW 35A.21.312 & 35A.63, as amended
Manufacturing	X	X	X	CUP	X	P	X	<u>CUP 17.44.070 - 130</u>

Created: 2025-07-02 12:00:12 [EST]

(Supp. No. 21, Update 2)

<u>USE</u>	<u>UR-1</u>	<u>UR-2</u>	<u>UR-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>PR P-1</u>	<u>USE REGULATIONS</u>
Marijuana Processing	X	X	X	X	X	P	X	
Marijuana Producing	X	X	X	X	X	P	X	
Marijuana Retailer	X	X	X	P	X	P	X	
Medical & Dental Clinic	X	X	X	P	P	P	X	
Mini-Storage/General storage	X	X	X	X	X	P	X	
Museums, Libraries & other public buildings	CUP	CUP	CUP	P	P	X	P	<u>17.10.040 (UR-1), 17.12.030 (UR-2), 17.14.030 (UR-3), & CUP 17.44.070 - 130</u>
<u>Neighborhood Commercial</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>17.10.050 (UR-1), 17.12.040 (UR-2), 17.14.040 (UR-3), & CUP 17.44.070 - 130</u>
Outdoor Amusement Facility	X	X	X	P	P	P	X	
Outdoor Business Activities	X	X	X	<u>€S</u>	<u>€S</u>	<u>€S</u>	X	17.26. <u>010</u> (C)
Park	CUP	CUP	CUP	CUP	CUP	P	P	<u>CUP 17.44.070 - 130</u>
Park and Ride Facility	X	X	X	X	X	P	X	
Police or Fire Stations	P	P	P	P	P	P	P	
Post Office	X	X	X	P	P	P	X	
Professional Schools including vocational & trade	X	X	X	P	X	P	X	
Public Pay Parking Garage or Lot	X	X	X	X	X	P	X	
Public Utilities	P	P	P	P	P	P	P	
Public Utility Local Distribution Facility	X	X	X	X	X	P	CUP	<u>CUP 17.44.070 - 130</u>
Recycle Collection Center	X	X	X	X	X	P	X	
Residential								
<u>Accessory Dwelling Units (ADU)</u>	<u>€S</u>	<u>€S</u>	<u>€S</u>	<u>€X</u>	X	X	X	17.16. <u>010</u> (A)
<u>Manufactured Home</u>	<u>€S</u>	<u>€S</u>	<u>€S</u>	<u>€X</u>	X	X	X	17.16. <u>010</u> (C)
Single Family	P	P	P	<u>€X</u>	X	X	X	<u>Only on lots without a commercial use</u>

<u>USE</u>	<u>UR-1</u>	<u>UR-2</u>	<u>UR-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>PR P-1</u>	<u>USE REGULATIONS</u>
<u>Cottage Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C-1 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Stacked Flat</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Courtyard Apartments</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
Duplex	<u>P</u>	<u>P</u>	<u>P</u>	<u>CS</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C-1 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Triplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Fourplex</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Fiveplex</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Townhouses</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C-1 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
Multi-Family	<u>CUP</u>	<u>X</u>	<u>P</u>	<u>CS</u>	<u>XS</u>	<u>X</u>	<u>X</u>	<u>17.10.030 (UR-1), C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Co-Living Housing</u>	<u>CUP</u>	<u>X</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>17.10.030 (UR-1), C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Senior Independent Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>

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(Supp. No. 21, Update 2)

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	PR P-1	<u>USE REGULATIONS</u>
Residence attached to commercial use <u>Residential / Commercial Mixed Use</u>	X	X	X	C-S	C-S	X	X	C-1 - 17.22.010 C-2 - 17.26(B) 17.26.010(B)
Restaurants/Cafes	X	X	X	P	C-S	P	X	<u>C-2</u> - No drive thru window
Retail Sales & Services	C-S	C-S	C-S	P	P	P	X	Must comply with 17.16.010(D) Home Business
School, Preschools, K-12	CUP	CUP	CUP	P	P	P	P	<u>17.10.040 (UR-1),</u> <u>17.12.030 (UR-2),</u> <u>17.14.030 (UR-3),</u> & <u>CUP 17.44.070 - 130</u>
Secure Community Transition Facilities (<u>SCTF</u>)	CUP	CUP	CUP	CUP	CUP	CUP	X	<u>Refer to Chapter 17.48 for Essential Public Facilities and specific requirements in 17.48.070 & CUP 17.44.070 - 130</u>
Shared Parking Lots	X	X	X	P	P	X	X	
Theaters & Auditoriums	X	X	X	P	P	P	X	
Truck Stop	X	X	X	X	X	P	X	
Utility Services Systems	X	X	X	X	X	P	X	
Veterinary Hospital/Boarding/Kennel	X	X	X	P-S	X	X	X	<u>C-1</u> - Only those properties with frontage on Trent Avenue
Veterinary (Large animal)	X	X	X	P	X	P	X	
Veterinary (Small animal)	X	X	X	P	CUP	P	X	<u>CUP 17.44.070 - 130</u>
<u>Wireless Telecommunication Towers, Antennas, and Facilities</u>	<u>X / A</u>	<u>X / A</u>	<u>X / A</u>	<u>S</u>	C-S	<u>S</u>	<u>S</u>	<u>Refer to Chapter 17.42 for specific requirements and location limitations</u>
Wholesale office & Warehouse	X	X	X	P-S	X	P-S	X	Only those properties with frontage on Trent Avenue

<u>USE</u>	<u>UR-1</u>	<u>UR-2</u>	<u>UR-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>PR P-1</u>	<u>USE REGULATIONS</u>
Wholesale Sales & Services	C-S	C-S	C-S	P	X	P	X	Must comply with 17.16.010(D) Home Business
Woodworking & Cabinet Building	X	X	X	X	X	P	X	

- A. Uses not listed above are prohibited with the city of Millwood, unless a similar use determination is made by the Planning Director.
- B. The following specific manufacturing uses are prohibited within the city of Millwood: Auto wrecking, production of corrosive and noxious chemicals; production and processing of coal and coal tar, production, processing, above ground storage or refining of petroleum and petroleum products; mining and processing of mineral products; smelting and reduction of metallic ores; manufacturing and storage of explosives including fireworks; battery rebuilding and manufacturing.
- C. Refer to Chapter 17.34 for the I-2 (Paper Mill Alternative Zone).
- D. For the Residential Use Category, refer to Millwood's adopted bulk density standards in the City Comprehensive Plan for all residential units in UR-1, UR-2, and UR-3 zones, with a minimum of two (2) middle housing units per lot unless exempted.

(Ord. No. 527, § 1, 6-14-2022; Ord. No. 540, § 1(Exh. A), 2-13-2024; Ord. No. 541, § 1(Exh. A), 3-12-2024)

Chapter 17.08 URBAN RESIDENTIAL (UR-1, UR-2, AND UR-3)

17.08.005 [Purpose.]

There is established the UR-1, UR-2 and UR-3 residential zones, standards and regulations by which certain land uses may be permitted therein.

(Ord. No. 527, § 1, 6-14-2022)

17.08.010 Residential UR-1, UR-2, and UR-3 development standards.

Residential Development in the UR-1, UR-2, and UR-3 zones shall meet the standards shown in Table 17-2.

Table 17-2

		UR-1	UR-2	UR-3
Minimum Lot Area <u>(1)</u>		10,000 <u>N/A</u>	5,000 <u>N/A</u>	5,000 <u>N/A</u>
Maximum Lot Area		1 acre	1 acre	1 acre
Duplex Minimum Lot Size		10,000	7,200	7,200
Multi-Family Lot Size (per dwelling unit)				2,500
Front Lot Line Width		<u>50 ft.</u>	<u>40 ft.</u>	<u>30 ft.</u>
Lot Frontage (Width)	Single-Family	80 ft.	50 ft.	50 ft.
	Duplex	80 ft.	70 ft.	70 ft.
	Multi-Family	—	—	85 ft.
Minimum Lot Depth		Minimum Lot Depth same as Minimum Lot Width		
Building Setbacks	Front	25 ft.	25 ft.	25 ft.
	Rear	25 ft.	25 ft.	25 ft.
	Side			
	1 Story / Height up to 20 ft.	5 ft.	5 ft.	5 ft.
	1.5 Story / Height up to 28 ft.	10 ft.	10 ft.	10 ft.
	2 Story / Height up to 35 ft.	15 ft.	15 ft.	15 ft.
	Flanking Street	15 ft.	15 ft.	15 ft.
Accessory Building Setbacks <u>(2)</u>	Side	5 ft.	5 ft.	5 ft.
	Rear	5 ft.	5 ft.	5 ft.
Maximum Building Coverage <u>(3)</u>		40%	40%	40%
Maximum Total Lot Coverage <u>(4)</u>		60%	60%	60%
Building Height <u>(5) (6) (7)</u>		<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>
Building Height <u>(2) (4)</u>	Single-Family & Duplex	35 ft.	35 ft.	35 ft.
	Accessory Bldg. <u>(3) (5)</u>	25 ft.	20 ft.	20 ft.
<u>(1) Lot area is N/A due to adopted Bulk Density Standards in Millwood Comprehensive Plan (a minimum of two middle housing units per lot are permitted) and utilization of lot width/depth, setbacks, and maximum building/lot coverage to define lot sizes. Per RCW 36.70A.535(7) the city may not treat a sleeping unit in co-living housing as more than one quarter of a dwelling unit for the purposes of calculating dwelling unit density, as long as all other development regulations are met.</u> <u>(2) Accessory Buildings shall not be located closer than 25 feet to the front of the lot, consistent with front setbacks for principal units. Detached ADUs can be sited at a lot line if the lot line abuts a public alley, unless the</u>				

City of Millwood routinely plows snow on the public alley. Also refer to Accessory Building regulations within each zone with Detached ADUs being exempt from the prescribed size limitations applicable to Accessory Buildings. When multiple buildings are located on a parcel, each building must be separated by at least 5 feet.

(3) For infill development, when existing homes are preserved and middle housing is added elsewhere on the lot, the existing home is exempted from the maximum building coverage

(4) Includes all other impervious surfaces

(25) Building height shall be measured from average grade level to the highest point of the structure

(36) In compliance with RCW 36.70A.681, Accessory Buildings taller than 24 feet (at highest point of structure) shall comply with Building Setbacks based on height for side setback (10 ft. for 25 ft. to 28 ft. and 15 ft. for 29 ft. to 35 ft.). Rear setback shall match required side setback from property line for accessory buildings taller than 24 feet. Maximum wall height not to exceed 16 feet

(7) A building can exceed maximum roof height limit by 48 inches to accommodate a roof-mounted solar energy panel.

Additional exceptions to roof height and setbacks apply to retrofits of existing buildings for residential housing in accordance with RCW 36.70A.810. Refer to MMC 17.18.050 for more information.

(4) No structure shall exceed 2 stories in height

(5) Accessory buildings taller than sixteen (16) feet shall be set back an additional one foot for each one foot of building height in excess of sixteen (16) feet to a maximum setback of ten feet from any property line.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.10 UR-1 URBAN RESIDENTIAL ZONE LOW DENSITY RESIDENTIAL

17.10.005 [Purpose.]

The UR-1 Low Density Residential ~~district zone~~ is intended to provide for primarily single-family homes on large lots, ~~preserving the existing semi-rural nature of the area with space for urban agriculture, while allowing opportunities for infill development through small-scale housing forms that are compatible in scale and form with single-family houses.~~ Retention of open space is encouraged. Higher density residential uses ~~including~~ (multi-family developments) may be allowed with a Conditional Use permit.

For uses permitted in the UR-1 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.10.010 Animals (Animal Keeping - Large and Small) and Agriculture (Urban).

In the UR-1 zone animal requirements are as follows:

- A. An occupant or resident may keep or maintain for his/her own personal use animals and fowl on the premises of his/her dwelling (provided that any building housing animals or fowl, or yards, or runways shall be not less than fifteen (15) feet from any property line, and further provided that no fowl, animal or animals may be slaughtered on such premises) as follows:

- ~~A1.~~ Household pets as defined in the animal control ordinance are permitted provided, they are maintained in compliance with the animal control ordinance;
- ~~2B.~~ Up to twenty-five (25) female fowl for the personal use of occupants on the premises are permitted;
- ~~3C.~~ Livestock units are defined as: one horse, mule, donkey, burro or bovine or two goats, llamas, alpacas, or sheep. No other animals including pigs or swine shall be allowed;
- ~~4D.~~ One livestock unit shall be allowed per gross half-acre. No livestock shall be permitted on less than one-half acre;
- ~~5E.~~ Private and commercial kennels are prohibited;
- ~~6F.~~ The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

B. An occupant or resident may utilize open space for agriculture as follows:

- 1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
- 2. Sales will only be permitted through an approved Home Business;
- 3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
- 4. Beekeeping or other urban agricultural uses (as defined in Appendix A) that may be considered a nuisance to surrounding properties will not be permitted on less than one-half acre. If a use is classified as a nuisance then it shall be discontinued.

(Ord. No. 527, § 1, 6-14-2022)

17.10.020 Design Standards.

- A. ~~Entries in the UR-1 zone, structures~~ Buildings must have primary entrances facing the improved public street used as street frontage or the front lot line, as applicable.
- B. At least forty (40) percent of the overall main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable, shall be devoted to interest creating features such as entrances, windows or decorative detail. Blank walls are not permitted for the main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable. Buildings separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard. ~~Each individual condominium unit shall have a width of at least twenty-five (25) feet of overall main or first floor wall area facing the improved public street used as street frontage.~~
- C. Buildings shall maintain the architectural design, style, and appearance of a single-family residence using matching or complementary materials, colors, window styles, and roof design, as applicable. Refer to Millwood Comprehensive Plan Table 5-1: Zoning Categories for scale and form examples within Millwood zones and Figure 5-3: Example Middle Housing Images for scale and form examples specific to middle housing.

D. Pedestrian access. A hard surfaced or compacted gravel pedestrian connection at least three feet wide is required between each building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.

E. Cottage housing.

1. Open space. Open space shall be provided equal to a minimum 20 percent of the lot size (individual unit lots). This may include common open space, private open space, setbacks, critical areas, and other open space. The parent lot must comply with MMC Chapter 17.08 and includes the individual unit lot open space in the percentage.
2. Common open space.
 - a. At least one outdoor common open space is required.
 - b. Common open space shall be provided equal to a minimum of 300 square feet per cottage. Each common open space shall have a minimum dimension of 15 feet on any side.
 - c. Orientation. Common open space shall be bordered by cottages on at least two sides. At least half of cottage units in the development shall abut a common open space and have the primary entrance facing the common open space.
 - d. Parking areas and vehicular areas shall not qualify as common open space.
 - e. Critical areas and their buffers, including steep slopes, shall not qualify as common open space.
3. Entries. All cottages shall feature a roofed porch at least 60 square feet in size with a minimum dimension of five feet on any side facing the street and/or common open space.
4. Community building.
 - a. A cottage housing development shall contain no more than one community building.
 - b. A community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.
 - c. A community building shall have no minimum off-street parking requirement.

F. Courtyard apartments.

1. Yard or court.
 - a. At least one yard or court is required.
 - b. The yard or court shall be bordered by attached dwelling units on two or three sides.
 - c. The yard or court shall be a minimum dimension of 15 feet on any side.
 - d. Parking areas and vehicular areas do not qualify as a yard or court.
2. Entries. Ground-related courtyard apartments shall feature a covered pedestrian entry, such as a covered porch or recessed entry, with minimum weather protection of three feet by three feet, facing the street or yard or court.

(Ord. No. 527, § 1, 6-14-2022)

17.10.030 Multi-Family Development and Co-Living Housing~~Apartment and condominiums.~~

- A. Multi-Family Development and Co-Living Housing~~Apartment and condominiums~~ may be allowed by conditional use permit ~~issued by the city council after public hearing before the planning commission~~

and in accordance with standards regulating the issuance of conditional use permits as specified in this Code provided, they are developed in accordance with the requirements of the UR-3 zone.

B. New housing in existing buildings (RCW 35A.21.440)

1. The City shall not impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.
2. There is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.
3. The City cannot deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.
4. A transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW cannot be required based on the addition of residential units within an existing building.
5. Also see MMC 17.18.050 for specific setback and height exceptions.

(Ord. No. 527, § 1, 6-14-2022)

17.10.040 Libraries, churches, art galleries, schools.

- A. ~~On property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage, L~~ibraries, churches (provided they are tax-exempt), art galleries, and schools for grades preschool through 12th grade, other than trade or industrial schools, may be allowed by conditional use permit ~~issued by the city council after public hearing before the city planning commission and~~ in accordance with standards regulating the issuance of conditional use permits as specified in this Code.
- B. On property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.
- C. Requests by religious organizations to use property owned or controlled by the religious organization for housing, shelter, outdoor encampment or vehicle resident safe parking in accordance with RCW 35A.21.915, shall also be reviewed as part of a new or amended Conditional Use Permit.

(Ord. No. 527, § 1, 6-14-2022)

17.10.050 Neighborhood Commercial

- A. Low-impact, small scale, neighborhood serving businesses that serve the daily needs of nearby residents and integrate into the residential neighborhood with street frontage and a pedestrian oriented design, may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code;

- B. Business size is limited to a footprint of up to 4,000 square feet;
- C. Hours of operation are limited to between the hours of eight a.m. and nine p.m.;
- D. There are no minimum parking requirements; however, if parking is provided, it must be located to the side or rear of the lot, and is not permitted between the building and the street in order to encourage a pedestrian orientation;
- E. Streetscapes shall have street trees and sidewalks;
- F. One unlighted sign up to six (6) square feet may be permitted with approval of a sign permit;
- G. Trash/recycling areas must be fully screened or located inside the building;
- H. All storage of materials or equipment to be used in conjunction with the business shall be enclosed within the building or within an accessory structure located to the side or rear of the lot;
- I. Residential may be permitted above the ground floor;
- J. Drive-thru facilities are not permitted; and
- K. Seasonal outdoor seating is encouraged.

17.10.050-060 Accessory buildings. REVIEW FOR ISSUE WITH MULTIPLE ACCESSORY BUILDINGS DUE TO SIZE LIMITATIONS - 5' SEPARATION BETWEEN BUILDINGS HAS BEEN ADDED TO SETBACK

- A. The maximum size of any accessory building in the UR-1 zone shall be:
 1. For lots with less than ten thousand (10,000) square feet in area, one thousand two hundred (1,200) square feet;
 2. For lots with ten thousand (10,000) square feet or more but less than ½ acre in area, one thousand five hundred (1,500 square feet);
 3. For lots ½ acre or more in area, one thousand eight hundred (1,800) square feet.
 4. Accessory buildings in the UR-1 larger than the maximum areas defined in this subsection may be allowed by conditional use permit ~~issued by the city council after public hearing before the city planning commission and~~ in accordance with standards regulating the issuance of conditional use permits as specified in this Code, provided that in no case shall any accessory building be larger than two thousand four hundred (2,400) square feet. ~~In granting such a permit, the city council shall make the findings set forth in 17.44.110.~~
- B. Maximum size restrictions do not apply to detached ADUs.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.12 UR-2 URBAN RESIDENTIAL ZONE MEDIUM DENSITY RESIDENTIAL

17.12.005 [General.]

The UR-2 Medium Density Residential ~~district zone~~ is intended to provide for primarily single-family homes while allowing opportunities for infill development through other small-scale housing forms that are compatible in scale and form with single-family houses, ~~provides for typical suburban neighborhood development limited to~~

~~primarily single-family and duplex dwellings~~ in neighborhoods characterized by low traffic volumes, abundant trees and other landscaping features, ~~and with~~ easy access to parks and other recreational opportunities.

For uses permitted in the UR-2 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.12.010 Animals (Animal Keeping - Small) and Agriculture (Urban).

A. In the UR-2 zone animal requirements are as follows:

- A1. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
- 2B. The keeping of up to four female fowl or four rabbits is allowed. **Other livestock is prohibited**
- 3C. The **keeping, maintaining or** slaughtering of any animals, livestock or poultry is prohibited.
- 4D. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

B. An occupant or resident may utilize open space for agriculture as follows:

- 1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
- 2. Sales will only be permitted through an approved Home Business;
- 3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
- 4. **Beekkeeping or other urban agricultural uses (as defined in Appendix A) that may be considered a nuisance to surrounding properties will not be permitted on less than one-half acre. If a use is classified as a nuisance then it shall be discontinued.**

(Ord. No. 527, § 1, 6-14-2022)

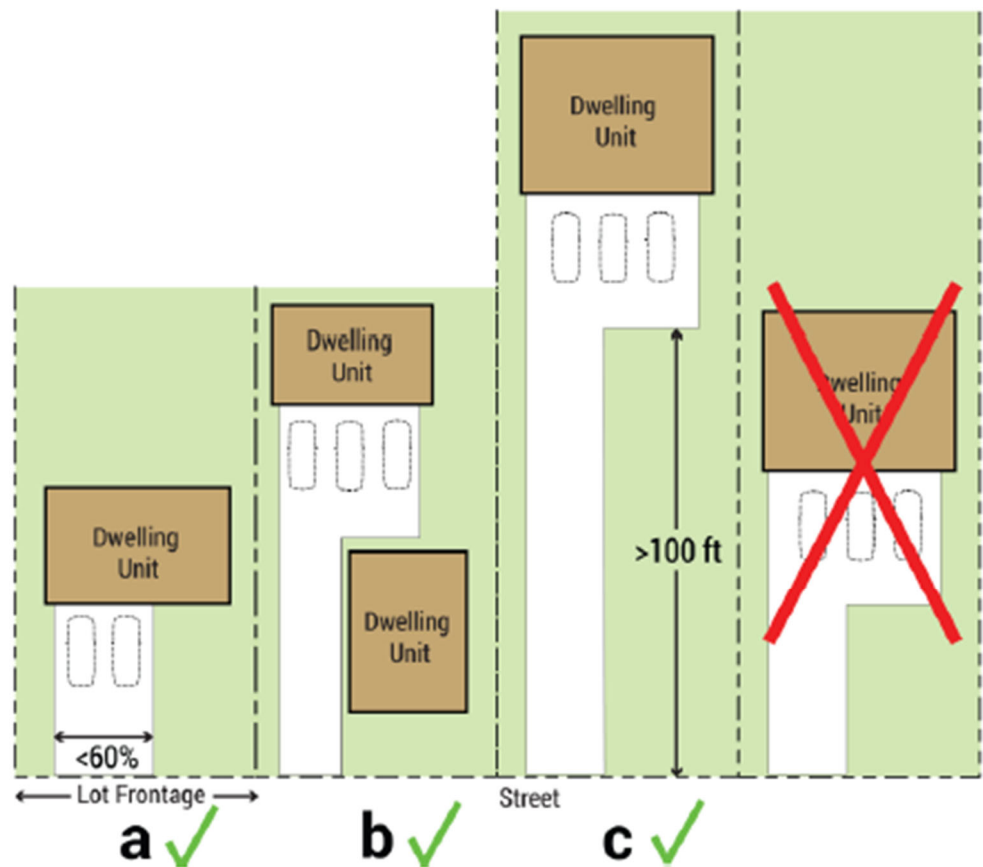
17.12.020 Design.

- A. ~~Entries. In the UR-2 zone, structures~~ Buildings must have primary entrances facing the improved public street used as street frontage or the front lot line, as applicable.
- B. At ~~least~~ forty (40) percent of the overall main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable, shall be devoted to interest creating features such as entrances, windows or decorative detail. Blank walls are not permitted for the main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable. Buildings separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.
- C. Buildings shall maintain the architectural design, style, and appearance of a single-family residence using matching or complementary materials, colors, window styles, and roof design, as applicable. Refer to Millwood Comprehensive Plan Table 5-1: Zoning Categories for scale and form examples within Millwood zones and Figure 5-3: Example Middle Housing Images for scale and form examples specific to middle housing.

D. Pedestrian access. A hard surfaced or compacted gravel pedestrian connection at least three feet wide is required between each building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.

E. Vehicle access, carports, garages, and driveways.

1. Garages, carports, driveways, and off-street parking areas shall not be located between a building and a public street, except when any of the following conditions are met:
 - a. The combined width of all garages, driveways, and off-street parking areas does not exceed a total of 60 percent of the length of the street frontage property line. This standard applies to buildings and not individual units; or
 - b. The garage, driveway, or off-street parking area is separated from the street property line by a dwelling; or
 - c. The garage, driveway, or off-street parking is located more than 100 feet from a street.



2. All detached garages and carports shall not protrude beyond the front building façade.
3. Refer to Millwood Public Works requirements for driveway separation and limited access from collector streets and arterial streets, as applicable.
4. For lots abutting an improved alley that meets the city's standard for width, vehicular access may be taken from the alley.

F. Cottage housing.

1. Open space. Open space shall be provided equal to a minimum 20 percent of the lot size (individual unit lots). This may include common open space, private open space, setbacks, critical areas, and other open space. The parent lot must comply with MMC Chapter 17.08 and includes the individual unit lot open space in the percentage.
2. Common open space.
 - a. At least one outdoor common open space is required.
 - b. Common open space shall be provided equal to a minimum of 300 square feet per cottage. Each common open space shall have a minimum dimension of 15 feet on any side.
 - c. Orientation. Common open space shall be bordered by cottages on at least two sides. At least half of cottage units in the development shall abut a common open space and have the primary entrance facing the common open space.
 - d. Parking areas and vehicular areas shall not qualify as common open space.
 - e. Critical areas and their buffers, including steep slopes, shall not qualify as common open space.
3. Entries. All cottages shall feature a roofed porch at least 60 square feet in size with a minimum dimension of five feet on any side facing the street and/or common open space.
4. Community building.
 - a. A cottage housing development shall contain no more than one community building.
 - b. A community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.
 - c. A community building shall have no minimum off-street parking requirement.

G. Courtyard apartments.

1. Yard or court.
 - a. At least one yard or court is required.
 - b. The yard or court shall be bordered by attached dwelling units on two or three sides.
 - c. The yard or court shall be a minimum dimension of 15 feet on any side.
 - d. Parking areas and vehicular areas do not qualify as a yard or court.
2. Entries. Ground-related courtyard apartments shall feature a covered pedestrian entry, such as a covered porch or recessed entry, with minimum weather protection of three feet by three feet, facing the street or yard or court.

H. Millwood Historic District.

In addition to the design standards above, parcels within the Millwood Historic District should consider the Historic Millwood Resource Guide, v1-0 dated September 5, 2025 or as amended and adopted by the Millwood Historic Preservation Commission and Millwood City Council, for improvements, repairs, and modifications of Millwood's historic homes and structures.

(Ord. No. 527, § 1, 6-14-2022)

17.12.030 Libraries, churches, art galleries, schools.

- A. Libraries, churches (provided they are tax-exempt), art galleries, and schools for grades preschool through 12th grade, other than trade or industrial schools, may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code.
- B. On property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.
- C. Requests by religious organizations to use property owned or controlled by the religious organization for housing, shelter, outdoor encampment or vehicle resident safe parking in accordance with RCW 35A.21.915, shall also be reviewed as part of a new or amended Conditional Use Permit.

17.12.040 Neighborhood Commercial

- A. Low-impact, small scale, neighborhood serving businesses that serve the daily needs of nearby residents and integrate into the residential neighborhood with street frontage and a pedestrian oriented design, may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code;
- B. Business size is limited to a footprint of up to 4,000 square feet;
- C. Hours of operation are limited to between the hours of eight a.m. and nine p.m.;
- D. There are no minimum parking requirements; however, if parking is provided, it must be located to the side or rear of the lot, and is not permitted between the building and the street in order to encourage a pedestrian orientation;
- E. Streetscapes shall have street trees and sidewalks;
- F. One unlighted sign up to six (6) square feet may be permitted with approval of a sign permit;
- G. Trash/recycling areas must be fully screened or located inside the building;
- H. All storage of materials or equipment to be used in conjunction with the business shall be enclosed within the building or within an accessory structure located to the side or rear of the lot;
- I. Residential may be permitted above the ground floor;
- J. Drive-thru facilities are not permitted; and
- K. Seasonal outdoor seating is encouraged.

17.12.030-050 Accessory buildings. REVIEW FOR ISSUE WITH MULTIPLE ACCESSORY BUILDINGS DUE TO SIZE LIMITATIONS - 5' SEPARATION BETWEEN BUILDINGS HAS BEEN ADDED TO SETBACK

- A. The maximum size of any accessory building in the UR-2 zone shall be one thousand two hundred (1,200) square feet.
- B. Maximum size restrictions do not apply to detached ADUs. The total of all accessory buildings shall cover not more than forty (40) percent of the area of the rear yard.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.14 UR-3 URBAN RESIDENTIAL ZONE HIGH DENSITY RESIDENTIAL

17.14.005. [Purpose.]

The UR-3 High Density Residential ~~district zone~~ is intended as a buffer between the areas of the city zoned for low density residential and the busiest commercial areas throughout the city. Areas zoned UR-3 offer the highest density residential uses on the smallest lots located on or close to major arterials and providing easy access to public services and transit.

For uses permitted in the UR-3 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.14.010 Animals (Animal Keeping - Small) and Agriculture (Urban).

A. In the UR-3 zone, animal requirements are as follows:

- A1.

Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
2.

~~The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited~~
- B.

The ~~keeping, maintaining or~~ slaughtering of any animals, livestock or poultry is prohibited.
- C.

The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

B. An occupant or resident may utilize open space for agriculture as follows:

1.

Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
2.

Sales will only be permitted through an approved Home Business;
3.

Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
4.

~~Beeskeeping or other urban agricultural uses (as defined in Appendix A) that may be considered a nuisance to surrounding properties will not be permitted on less than one-half acre. If a use is classified as a nuisance then it shall be discontinued~~

(Ord. No. 527, § 1, 6-14-2022)

17.14.020 Design.

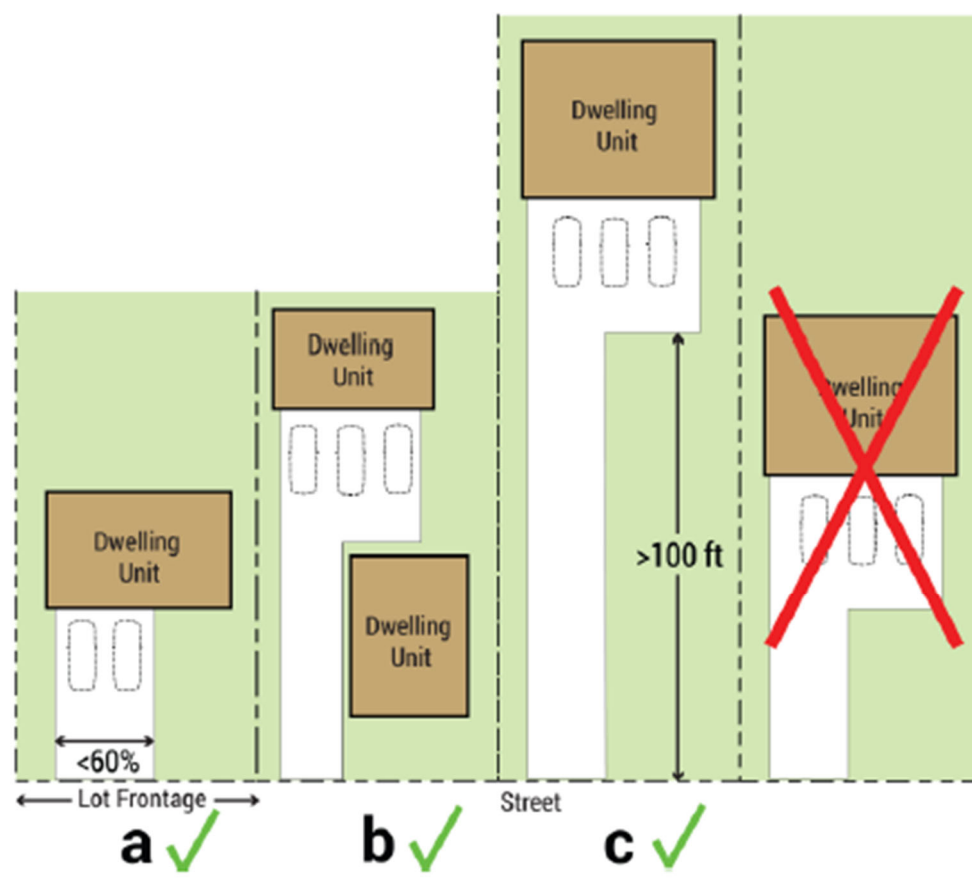
- A.

~~Entries. In the UR-3 zone, structures~~ Buildings must have primary entrances facing the improved public street used as street frontage or the front lot line, as applicable.
- B.

At least forty (40) percent of the overall main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable, shall be devoted to interest creating features such as entrances, windows or decorative detail. Blank walls are not permitted for the main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as

applicable. Buildings separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.

- C. Buildings shall maintain the architectural design, style, and appearance of a single-family residence using matching or complementary materials, colors, window styles, and roof design, as applicable. Refer to Millwood Comprehensive Plan Table 5-1: Zoning Categories for scale and form examples within Millwood zones and Figure 5-3: Example Middle Housing Images for scale and form examples specific to middle housing.
- D. Pedestrian access. A hard surfaced or compacted gravel pedestrian connection at least three feet wide is required between each building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.
- E. Vehicle access, carports, garages, and driveways.
1. Garages, carports, driveways, and off-street parking areas shall not be located between a building and a public street, except when any of the following conditions are met:
- a. The combined width of all garages, driveways, and off-street parking areas does not exceed a total of 60 percent of the length of the street frontage property line. This standard applies to buildings and not individual units; or
 - b. The garage, driveway, or off-street parking area is separated from the street property line by a dwelling; or
 - c. The garage, driveway, or off-street parking is located more than 100 feet from a street.



2. All detached garages and carports shall not protrude beyond the front building façade.
3. Refer to Millwood Public Works requirements for driveway separation and limited access from collector streets and arterial streets.
4. For lots abutting an improved alley that meets the city's standard for width, vehicular access may be taken from the alley.

F. Cottage housing.

1. Open space. Open space shall be provided equal to a minimum 20 percent of the lot size (individual unit lots). This may include common open space, private open space, setbacks, critical areas, and other open space. The parent lot must comply with MMC Chapter 17.08 and includes the individual unit lot open space in the percentage.
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 - a. At least one outdoor common open space is required.
 - b. Common open space shall be provided equal to a minimum of 300 square feet per cottage. Each common open space shall have a minimum dimension of 15 feet on any side.
 - c. Orientation. Common open space shall be bordered by cottages on at least two sides. At least half of cottage units in the development shall abut a common open space and have the primary entrance facing the common open space.
 - d. Parking areas and vehicular areas shall not qualify as common open space.
 - e. Critical areas and their buffers, including steep slopes, shall not qualify as common open space.
3. Entries. All cottages shall feature a roofed porch at least 60 square feet in size with a minimum dimension of five feet on any side facing the street and/or common open space.
4. Community building.
 - a. A cottage housing development shall contain no more than one community building.
 - b. A community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.
 - c. A community building shall have no minimum off-street parking requirement.

G. Courtyard apartments.

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 - a. At least one yard or court is required.
 - b. The yard or court shall be bordered by attached dwelling units on two or three sides.
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H. Millwood Historic District.

In addition to the design standards above, parcels within the Millwood Historic District should consider the Historic Millwood Resource Guide, v1-0 dated September 5, 2025 or as amended and adopted by

the Millwood Historic Preservation Commission and Millwood City Council, for improvements, repairs, and modifications of Millwood's historic homes and structures.

(Ord. No. 527, § 1, 6-14-2022)

17.14.030 Libraries, churches, art galleries, schools.

- A. Libraries, churches (provided they are tax-exempt), art galleries, and schools for grades preschool through 12th grade, other than trade or industrial schools, may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code.
- B. On property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.
- C. Requests by religious organizations to use property owned or controlled by the religious organization for housing, shelter, outdoor encampment or vehicle resident safe parking in accordance with RCW 35A.21.915, shall also be reviewed as part of a new or amended Conditional Use Permit.

17.14.040 Neighborhood Commercial

- A. Low-impact, small scale, neighborhood serving businesses that serve the daily needs of nearby residents and integrate into the residential neighborhood with street frontage and a pedestrian oriented design, may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code;
- B. Business size is limited to a footprint of up to 4,000 square feet;
- C. Hours of operation are limited to between the hours of eight a.m. and nine p.m.;
- D. There are no minimum parking requirements; however, if parking is provided, it must be located to the side or rear of the lot, and is not permitted between the building and the street in order to encourage a pedestrian orientation;
- E. Streetscapes shall have street trees and sidewalks;
- F. One unlighted sign up to six (6) square feet may be permitted with approval of a sign permit;
- G. Trash/recycling areas must be fully screened or located inside the building;
- H. All storage of materials or equipment to be used in conjunction with the business shall be enclosed within the building or within an accessory structure located to the side or rear of the lot;
- I. Residential may be permitted above the ground floor;
- J. Drive-thru facilities are not permitted; and
- K. Seasonal outdoor seating is encouraged.

17.14.030-050 Accessory buildings. REVIEW FOR ISSUE WITH MULTIPLE ACCESSORY BUILDINGS DUE TO SIZE LIMITATIONS - 5' SEPARATION BETWEEN BUILDINGS HAS BEEN ADDED TO SETBACK

- A. The maximum size of any accessory building in the UR-3 zone shall be one thousand two hundred (1,200) square feet.

- B. ~~Maximum size restrictions do not apply to detached ADUs. The total of all accessory buildings shall cover not more than forty (40) percent of the area of the rear yard.~~

17.14.060 New housing in existing buildings (RCW 35A.21.440)

- A. ~~The City shall not impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.~~
- B. ~~There is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.~~
- C. ~~The City cannot deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.~~
- D. ~~A transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW cannot be required based on the addition of residential units within an existing building.~~
- E. ~~Also see MMC 17.18.050 for specific setback and height exceptions.~~

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.16 SUPPLEMENTARY USE REGULATIONS IN RESIDENTIAL ZONES

17.16.010 Supplementary use regulations.

Where permitted pursuant to Table 17-1, the following conditions shall apply:

- A. Accessory dwelling units (ADU's), ~~consistent with RCW 36.70A.681~~
1. ~~Owner occupancy is not required for the principal unit or an ADU, unless the ADU is used for short term rentals consistent with RCW 36.70A.680(5)(a). Per RCW 36.70A.696(9), an owner is any person who has at least 50% ownership in a property on which an ADU is located.~~
~~The legal owner of the parcel must reside in the ADU, or the principal structure as evidenced by the property being the legal residence of the owner. The owner must reside in the ADU or the principal structure for more than six months each year.~~
 2. ~~ADUs shall be permitted in the following configurations and conditions:~~
 - a. ~~Two attached ADUs such as unit in a basement, attic, or garage; or~~
 - b. ~~One attached ADU and one detached ADU; or~~
 - c. ~~Two detached ADUs, which may be comprised of either one or two detached structures.~~
~~ADU may be added to, included or attached to the principal structure or be a detached structure but shall only be allowed on parcels with single family residential units,~~
 3. A bed and breakfast establishment and an ADU shall not be permitted on the same parcel,

4. An existing structure, such as a detached garage shall be allowed to be converted into an ADU, A home business and an ADU shall not be permitted on the same parcel;
 5. ADUs shall be addressed according to MMC Section 17.44.055, Millwood Addressing Standards. The ADU address shall be the primary structure address with the addition of one-half.
 6. Up to two (2) ADUs are permitted on all lots that meet the minimum lot size in zones that allow for single-family homes; Only one ADU shall be permitted per parcel;
 7. There is no minimum or maximum gross floor area requirements; however, building and lot coverage maximums must be maintained for the zone. Maximum size of the ADU is eight hundred (800) square feet but not greater than forty (40) percent of the square footage of the primary residential structure and the minimum size of the ADU shall not be less than three hundred (300) square feet.
 8. ADUs must comply with MMC 17.08.010 Residential Development Standards and **standards shall not be more restrictive than those for principal units**. The parcel must meet all code requirements including site coverage with the exception of the rear yard and side yard setbacks which can be reduced to five feet;
 9. The design standards for the applicable zone shall also apply to ADUs, as applicable, single family appearance and character of the residence shall be maintained when viewed from the surrounding neighborhood. The design of the ADU shall be incorporated into the design of the principal dwelling unit and shall be designed to maintain the architectural design, style, appearance and character of the main building as a single family residence using matching materials, colors, window style and roof design. The primary entrance of the ADU shall be located in such a manner as to be unobtrusive when viewed from the street;
 10. ADUs may have separate ownership via Unit Lot Subdivision (ULS) and/or by condominium. The ADU, or the land on which the ADU is located, shall not be subdivided or otherwise segregated in ownership from the principal structure, or the land on which the principal structure is located.
 11. On lots equal to or smaller than 6,000 square feet, before any zero lot line subdivisions or lot splits, one (1) off-street parking space per ADU is required and two (2) off-street parking spaces per ADU are required on lots greater than 6,000 square feet, before any zero lot line subdivisions or lot splits. Off street parking for ADUs is not required within one-half mile of a major transit stop. Maximum height of a detached ADU is fifteen (15) feet;
 12. Impact fees on the construction of accessory dwelling units, as applicable, must be less than or equal to 50 percent of the impact fees that would be imposed on the principal unit.
 13. ADUs are not allowed in locations where development is restricted under other laws, rules, or ordinances due to physical proximity to on-site sewage system infrastructure, critical areas or other unsuitable physical characteristics of a property per RCW 36.70A.680(4&5) and RCW 36.70A.681.
- B. Bed and breakfast establishments / Short term rentals (i.e. VRBO, Air BnB):
1. The legal owner of the property must reside on the property,
 2. A hotelier's license is required, and the licensee must be the property owner and reside on the property₂
 3. A bed and breakfast establishment and accessory dwelling unit shall not be permitted on the parcel₂
 4. The maximum number of rooms for customer stay is three,

5. Each room requires an off-street parking space which is improved with asphalt or concrete.
- C. Manufactured homes. All manufactured homes shall meet the requirements of a Millwood-approved manufactured home as defined in Appendix A and shall meet structure size, yard, site coverage, height limit, storage, and parking requirements of this chapter. In addition, such manufactured homes shall:
1. Be a new manufactured home as defined in Appendix A.
 2. Be placed on a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground be enclosed by an approved concrete product which can be either load bearing or decorative.
 3. Comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located, and
 4. Be thermally equivalent to the state energy code.
- D. Home Business. Home business engaged in by an individual or family within their residential dwellings:
1. The activity shall be incidental to the primary use of the residence as a dwelling and does not change the residential character of the dwelling or neighborhood, and is conducted in such a manner as not to give any outward appearance of a business in the ordinary meaning of the term;
 2. No window display or product display outside the dwelling is made;
 3. One unlighted sign attached flush against the exterior wall of the principal structure not exceeding one square foot in area may be permitted;
 4. The subject property must be the business owner's primary place of residence and the property owner must sign the home business license application;
 5. Employment in a home business shall be limited to persons residing in the dwelling unit where the home occupation is conducted, with the exception of one non-resident employee;
 6. No more than twenty-five (25) percent of the total floor area of all structures on the lot including accessory buildings, garages and basements is used for home business;
 7. All storage of materials or equipment to be used in conjunction with the home business shall be enclosed within the residence or accessory structure;
 8. Traffic generated shall be limited to the following:
 - a. The parking of not more than two customer vehicles at any one time;
 - b. Not more than eight clients, customers, deliveries, or combination thereof, coming to the site each day;
 9. There are no more than two parking spaces for customers; these parking spaces shall not be located in the front or flanking yard;
 10. Hours of operation are limited to between the hours of eight a.m. and seven p.m.
 11. No commercially licensed vehicles are parked or stored at the site;
 12. The following are prohibited to be home businesses: ~~are prohibited in all residential zones~~;
 - a. Animal hospitals
 - b. ~~Dancing studios~~, Exercise studios
 - c. Mortuaries

- d. Private clubs
 - e. Restaurants
 - f. Stables or kennels
 - g. Automobile body shops or repair shops
 - h. Occupants involving explosives or other hazardous materials in accordance with the International Fire Code per 15.04.015(A)(4).
 - i. Taverns
 - j. Adult entertainment establishments
 - k. Adult bookstores
 - l. Massage parlors, except licensed massage therapists
 - m. Marijuana processors, marijuana producers, or marijuana retailers
13. No use is made of equipment or material which produces vibration, noise, dust, smoke, odor, electrical interference, or any other condition at levels perceptible at the property line which would be detrimental to surrounding residences.
14. A Millwood home business license is required;
15. Activities exempt from home business regulations in this chapter include:
- a. Temporary sales stands with nominal sales such as children's lemonade stands;
 - b. Garage sales, not more than one in any three-month period;
 - c. Hostess parties, not more than three in any twelve (12) month period.
16. Any home business which lawfully exists on the effective date of the ordinance codified in this chapter shall be allowed to continue operation as a nonconforming use in accordance with Section 17.16.010(D), so long as the business is not changed, modified, enlarged or otherwise changed in any way.

(Ord. No. 527, § 1, 6-14-2022; Ord. No. 541, § 1(Exh. A), 3-12-2024)

Chapter 17.18 REGULATIONS APPLICABLE TO ALL RESIDENTIAL ~~DISTRICTS~~ZONES

17.18.010 Off-street parking, lot access, and utility easements.

Off street parking and access for vehicles in residential zones is required as follows:

- A. Single-family ~~and two-family residences~~ - Two off-street parking spaces for each ~~family dwelling unit (refer to MMC 17.16.010A for ADU parking requirements).~~ unit and one additional off-street parking space for an accessory dwelling unit;
- B. Middle housing - No off-street parking shall be required within one-half mile walking distance of a major transit stop per RCW 36.70A.635(6)(d); otherwise:
 - 1. One off-street parking space per unit shall be required on lots no greater than 6,000 square feet, before any zero lot line subdivisions or lot splits per RCW 36.70A.635(6)(e).

2. Two off-street parking spaces per unit shall be required on lots greater than 6,000 square feet, before any zero lot line subdivisions or lot splits per RCW 36.70A.635(6)(f).
- C. Libraries, schools, churches and art galleries - One improved off-street parking space for each six seats in all places, halls and rooms of assembly generally occupied at the same time and one improved off-street parking space for each staff member or employee. Improved parking shall be paved.
- ED. Police stations, fire stations and public utility facilities - One improved off-street parking space for each employee and for each public official. Improved parking shall be paved;
- DE. Where permitted, ~~apartments and condominiums~~ multi-family and co-living housing:—
1. One improved off-street parking space for each ~~living dwelling~~ unit and one for each staff member or employee ~~with adequate parking for guests~~.
 - a. Exception, for market rate multifamily housing units that are located within 0.25 miles of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirement is 0.75 spaces per unit.
 - b. If housing is located in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit, then exception cannot be utilized.
 2. For co-living housing, a maximum of 0.25 off-street parking spaces per sleeping unit may be required and no off-street parking may be required within one-half mile walking distance of a major transit stop. Improved parking shall be paved.
- F. Senior Independent Housing and housing for disabled - 0.75 spaces per dwelling unit unless housing is located within 0.25 miles of a transit stop receiving transit service at least four times per hour for twelve or more hours a day, then no off-street parking is required.
- G. Other housing shall have parking determined by WA State Law or based on closest Millwood use classification. Per RCW 35A.21.440, there is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.
- H. Per RCW 36.70A.817, the following types of residential projects are exempt from the minimum off-street parking requirements:
1. Affordable housing;
 2. New construction or the retrofit of existing buildings meeting passive house requirements;
 3. Modular construction; or
 4. Mass timber construction.
- I. All parking spaces shall be at least eight (8) foot wide x eighteen (18) feet long (8'x18') per vehicle with tandem parking permitted (per RCW 36.70A.622). Parked vehicles shall not block sidewalks or shared driveways.
- J. For residential uses:
1. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed (garages or carports are not required per RCW 36.70A.622).
 2. Off-street parking spaces and driveways shall be a durable, dust free surface that are utilized in compliance with stormwater management standards and aquifer protection measures.

- a. Non-porous materials include: concrete, asphalt, pavers, and other similar types of materials.
 - b. Porous materials include: grass block pavers, permeable pavers, compacted angular gravel, brick with sand joints, porous concrete and asphalt, and other similar types of materials.
- 3. The existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in a parking area to meet parking requirements, up to a maximum of six (6) parking spaces.
- 4. Existing parking spaces that do not conform to the requirements of this Chapter are not required to be modified or resized, except for changes needed to comply with the Americans with Disabilities Act, as now or hereafter amended,
- 5. Existing paved parking lots shall not be required to change the size of existing parking spaces during re-surfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.
- K. Lot / Unit Access
 - 1. Individual lot or unit access can be provided by access easements / driveways or private streets that connect to public streets for infill development. Access easements / driveways or private streets shall also contain utility easements as required by the city.
 - 2. Private driveway access shall be permitted with any number of units when a fire apparatus access road is within 150 feet of all structures on the lot and all portions of the exterior walls of the first story of the buildings, as measured by an approved route around the exterior of the buildings.
 - 2. When a fire apparatus road is not within 150 feet of all structures on the lot, subsection (K)(1) does not apply and one of the following conditions must be met:
 - a. The building is equipped throughout with an approved automatic sprinkler system meeting International Fire Code requirements.
 - b. No more than two units are accessed via the same private driveway.
 - c. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
 - 3. Private driveways shall not be required to be wider than 12 feet and shall not be required to have unobstructed vertical clearance more than 13 feet six inches except when it is determined to be in violation of the International Fire Code or other fire, life, and safety standards, such as sight distance requirements.
 - 4. Private driveway access, separate from access to an existing home, shall be permitted unless it is determined to be in violation of the International Fire Code or other fire, life, safety standards, such as site distance requirements.
 - 5. This subsection is not intended to limit the applicability of the adopted International Fire Code, except as otherwise presented in this subsection.
- L. The use of joint use or shared driveways shall be encouraged.
- M. The provision of bicycle parking is required for uses with five (5) or more vehicle parking spaces. Bicycle parking may be provided via shared bike racks or within private garages at a ratio of one (1) bicycle stall

per every five (5) vehicle stalls or 1 bicycle stall per dwelling or sleeping unit, whichever is greater.
Single family and middle housing are exempt from bicycle parking requirements.

(Ord. No. 527, § 1, 6-14-2022)

17.18.020 Storage.

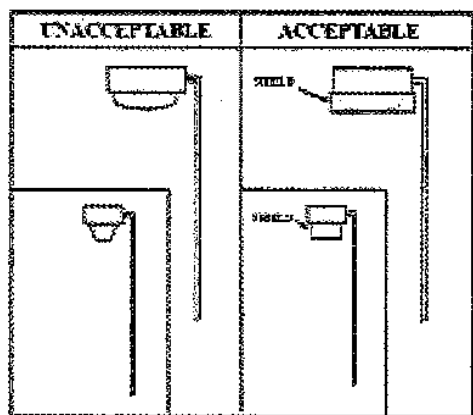
No premises in any residential zone shall be used as a storage area for any purpose other than storage of materials used in connection with the operation of a household and activities associated with the normal operation of a household except that property may be used for the storage of materials used in the construction of the individual building permitted on the parcel.

(Ord. No. 527, § 1, 6-14-2022)

17.18.030 Residential outdoor lighting.

Any lights, whether freestanding or attached to a building or structure which illuminate any outdoor area of a lot, shall be positioned, placed, constructed, shielded or used so as not to illuminate directly any building or structure or portion thereof on an adjacent lot containing a building or structure used as a residence.

Figure 17-1



(Ord. No. 527, § 1, 6-14-2022)

17.18.040 Increased density bonus for affordable housing located on property owned by a religious organization.

Per RCW 36.70A.545, the City must allow an increased density bonus for affordable housing located on property owned by a religious organization (refer to the Bulk Density Standards in Millwood Comprehensive Plan).

- A. Millwood must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that:
1. The affordable housing development is set aside for or occupied exclusively by low-income households;

2. The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least fifty years, even if the religious organization no longer owns the property; and
 3. The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).
- B. The religious organization developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.
 - C. If applicable, the religious organization developing the affordable housing development should work with the local transit agency to ensure appropriate transit services are provided to the affordable housing development.
 - D. This section applies to any religious organization rehabilitating an existing affordable housing development.
 - E. Upon request from a religious organization for an increased density bonus for an affordable housing development, the City may develop implementation policies.

17.18.050 Retrofits of existing buildings for residential housing and accommodation for passive house requirements (RCW 36.70A.810 & 812)

- A. For retrofits of existing buildings to be used for residential housing or new construction or the retrofit of existing buildings meeting passive house requirements:
 1. Any required setback must be measured to the outside face of the foundation, and the portion of exterior wall assemblies that include insulation must be allowed to project up to eight inches into setbacks on all sides;
 2. The building must be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and
 3. Gross floor area must be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.
- B. For existing nonconforming buildings already projecting into setbacks, the portion of exterior wall assemblies that include insulation must be allowed to project up to an additional eight inches into the setbacks on all sides if the building is to be used for residential housing.
- C. Nothing in this section prohibits application of the requirements of the state building code or requires allowing a setback of less than 36 inches between residential dwelling units.

17.18.060 Conversion of single-family homes to middle housing

Single family homes may be converted to any middle housing permitted in the applicable zone (i.e. duplex or triplex), consistent with current building code requirements, middle housing development requirements (i.e. parking), and adopted bulk density standards, as applicable.

Chapter 17.20 [COMMERCIAL (C-1 AND C-2) ZONES]

17.20.005 Commercial (C-1 and C-2) zones.

There is established the C-1 and C-2 commercial zones, standards and regulations by which certain land uses may be permitted therein.

(Ord. No. 527, § 1, 6-14-2022)

17.20.010 ~~Commercial~~ C-1 and C-2 development standards.

~~Commercial~~ Development in the C-1 and C-2 zones shall meet the standards shown in Table 17-3.

Table 17-3

		C-1 <u>(1)</u>		C-2	
<u>Front Yard Building Setbacks</u>					
<u>Structure Front Setback</u>	Minimum	25 ft. min.		N/A	
	Maximum	N/A		25 ft. max.	
Parking		15 ft. min		See 17.24.020 & <u>030</u>	
Rear Yard Setback		15 ft. min.		<u>20 ft. min. N/A</u>	
Side Yard Setback		5 ft. min.		N/A	
Flanking Street		15 ft. min.		<u>N/A</u>	
<u>Abutting Residential Zone (up to 2 Story Height)</u>		<u>15 ft. min. (2)</u>		<u>N/A</u>	
Adjacent <u>Abutting to Residential Zone (3 Story Height)</u>		<u>15-20 ft. min. (2)</u>		<u>N/A</u>	
<u>Abutting Residential Zone (4 Story Height)</u>		<u>25 ft. min. (2)</u>		<u>N/A</u>	
<u>Maximum Total Lot Coverage (3)</u>		<u>Mixed use (4)</u>	<u>Commercial Only</u>	<u>Mixed use (4) Total Lot Coverage</u>	<u>Commercial Only Total Lot Coverage (1)</u>
Site Coverage including impervious surfaces		<u>85%</u>	75 <u>70</u> %	<u>85</u> <u>90</u> %	70 <u>75</u> %
<u>Building Height (5)(7)</u>		<u>up to 3 stories / 35 ft. max (36)</u>		<u>up to 3 stories / 35 ft. max (26)</u>	
<u>Building Height - Trent Frontage (5)(7)</u>		<u>45 up to 4 stories / 48 ft. max (4)(5)</u>			
Adjacent to Residential—no intervening street or alley		<u>Residential zone standards apply</u>			
(1) <u>Residential / commercial mixed use buildings (as defined in Appendix A and permitted under 17.26.010, subsection B) in C-1 shall be permitted to utilize C-2 setbacks, as long as a street or alley separates the parcel from an abutting residential zone, as well as C-2 lot coverage.</u> (2) <u>N/A when a street or alley separates the parcels.</u> (3) <u>All impervious surfaces including B buildings/structures limited to 50% of site area</u>					

(4) Residential / commercial mixed use as defined in Appendix A

(5) Building height shall be measured from average grade level to the highest point of the structure.

(26) Where at least 25% of the structure is residential, the maximum building height can include ~~3-4~~ stories, but be no higher than ~~45-48~~ ft.

(7) A building can exceed maximum roof height limit by 48 inches to accommodate roof-mounted solar energy panel(s).

Additional exceptions to roof height and setbacks apply to retrofits of existing buildings for residential housing in accordance with RCW 36.70A.810. Refer to MMC 17.22.010 and 17.24.060 for more information.

~~(3) Shall not exceed 3 stories~~

~~(4) Shall not exceed 4 stories~~

~~(5) When not adjacent to a residential zone~~

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.22 C-1 **GENERAL COMMERCIAL ZONE ~~REGIONAL COMMERCIAL~~**

17.22.005 [Purpose and intent.]

Properties zoned C-1 are intended for large scale, auto oriented commercial uses located primarily along major arterials. Businesses located in this zone provide goods and services to customers throughout the region. A variety of existing residential development is located in this zone, however new residential will focus on higher density and mixed use with commercial. ~~A wide variety of residential development is allowed in this zone.~~

For uses permitted in the C-1 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.22.010 ~~Residential uses.~~ **New housing in existing buildings (RCW 35A.21.440)**

- A. The City shall not impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.
- B. There is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.
- C. The City cannot deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.
- D. A transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW cannot be required based on the addition of residential units within an existing building.
- E. The portion of exterior wall assemblies that includes insulation must be allowed to project up to an additional eight inches into the setbacks on all sides;

1. For existing nonconforming buildings already projecting into setbacks, the portion of exterior wall assemblies that include insulation must be allowed to project up to an additional eight inches into the setbacks on all sides if the building is to be used for residential housing.

2. Nothing in this section prohibits a city or county from applying the requirements of the state building code or requires a city or county to allow a setback of less than 36 inches between residential dwelling units.

F. The building must be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and

G. Gross floor area must be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans, as applicable.

~~Residential uses are allowed in the C-1 zone provided that when located on the same parcel as a commercial use, residence shall be located above the commercial use.~~

(Ord. No. 527, § 1, 6-14-2022)

17.22.020 Storage.

Storage requirements are as follows:

- A. No premises shall be used as a storage area for anything other than storage of materials required in connection with the identified permitted uses in Table 17-1.
- B. The storage of substances, including chemicals and fertilizers which may affect the aquifer must be reviewed and approved by the Spokane Valley Fire Department.
- C. Storage areas must conform to the minimum setback regulations of the district.
- D. Where permitted, automobiles and other machinery normally displayed for sales purposes on any open lot may be displayed as specified in Appendix A of this title and shall not be considered storage.
- E. Storage areas shall be paved.

(Ord. No. 527, § 1, 6-14-2022)

17.22.030 Fencing and screening.

Fencing is required as follows:

- A. Those parcels abutting residential zones shall have a six-foot high side and rear yard sight-obscuring fences constructed inside the property line.
- B. Fencing shall be required when the site is developed.
- C. Fencing shall be replaced as necessary to maintain the integrity of the screen.
- D. No fence shall be constructed within fifteen (15) feet of a street.

(Ord. No. 527, § 1, 6-14-2022)

17.22.040 Parking regulations.

- A. Where calculation amounts to one or fewer parking stalls, two stalls, including one ADA stall shall be required.

- B. Where fractional spaces result, the parking spaces required shall be rounded up to the nearest whole number. The accessible parking space(s) required by the building code shall be included in the total number of required parking spaces.
- C. Off street parking in the C-1 and I-1 zones is subject to landscaping requirements found in Chapter 17.22.050(F)
- D. Parking standards applicable to C-2 zone found in Chapter 17.24.~~020030~~.
- E. Businesses using shared parking spaces are liable for the care, maintenance, snow removal and stormwater discharge. A joint parking agreement must be executed in a form acceptable to the City, stating that the parcel or portion of a parcel is devoted in whole or in part for the required parking. The agreement shall be binding on both properties and shall be recorded with the Spokane County auditor.

Table 17-4

Use	Required Parking Stall
Auto or Taxi Rental	1 per 750 gross square feet
Auto service and repair	1 per 500 gross square feet
Auto, machinery, trailer, RV sales	1 per 3,000 gross square feet
Bed & Breakfast	1 plus 1 per guest room
Church	1 per 150 gross square feet
Community Center	1 per 350 gross square feet
Daycare Facility	1 per 500 gross square feet
Fraternal Organization	1 per 350 gross square feet
Funeral Homes	1 per 500 gross square feet
Gambling Establishment	1 per 250 gross square feet
Group living quarters	1 per 4 residents
Hotel/Motel	3 plus 1 per guest room
Indoor amusement facility	1 per 350 gross square feet
Industrial/Manufacturing—Light	1 per 750 gross square feet
Museums, Libraries & Public buildings	1 per 750 gross square feet
Outdoor amusement facility	1 per 700 gross square feet
Personal or Professional Services	1 per 350 gross square feet
Police or Fire Station, public utility facility	1 per employee and 1 for each public official
<u>Residential uses (including within mixed use projects)</u>	<u>Refer to MMC 17.18.010 for off-street parking stall requirements by specific residential use & parking requirements for new housing in existing buildings is included in MMC 17.22.010.</u>
Restaurant/Café/Bar, Lounge or Tavern	1 per 250 gross square feet
Retail Sales, indoor	1 per 350 gross square feet
Retail Sales, outdoor	1 per 3,000 gross square feet
Schools, 9 thru 12	7 per classroom
Schools, pre-school or K thru 8	1 per classroom
Schools, vocational, trade or business	1 per 350 gross square feet
Storage	1 per 2,000 gross square feet
Theaters & Auditoriums	1 per 4 fixed seats
Wholesale/Warehouse	1 per 3,500 gross square feet

F. The provision of bicycle parking is required for uses with five (5) or more vehicle parking spaces. Bicycle parking may be provided via shared bike racks or within private garages at a ratio of one (1) bicycle stall per every five (5) vehicle stalls or 1 bicycle stall per dwelling or sleeping unit, whichever is greater.

(Ord. No. 527, § 1, 6-14-2022)

17.22.050 Landscaping.

All parcels zoned C-1 require landscaping

- A. Landscaping shall be required when the site is developed.
- B. Landscaping shall be maintained in living condition at all times and shall require the installation of an automatic water system.
- C. Landscaping shall be replaced as necessary to maintain the integrity of the screen
- D. Those parcels abutting residential zones require that the perimeter of the parcel shall be developed with a Type 1 landscape screen as described below:

Type 1 landscape screen consists of a six foot sight obscuring fence (vinyl, wood, chain link with privacy slats) and a mix of predominately evergreen plantings, including living trees, shrubs and ground covers. Evergreen trees shall be a minimum height of four feet at the time of planting and be at least six feet in height at maturity. Plant materials shall be chosen and spaced so as to grow together within three years in a manner that is sufficient to totally obscure sight through the barrier. The entire planting strip shall be landscaped. Existing vegetation may be incorporated into the landscape design, provided it contributes to achieving the intent of the section.

- E. Landscape buffers are required whether or not property lines abut streets.
- F. Parking landscape islands are required at a rate of one per every ten parking spaces and shall be a minimum of one hundred forty-four (144) square foot each. Island shall be landscaped and contain at least one tree which shall be planted a minimum of six feet from the island curb edge.
- G. Street trees are required along the property line abutting Trent Avenue. Streets trees can be incorporated into landscape buffers. Street trees shall be chosen from the current list of acceptable trees kept and maintained by the Millwood Beautification and Tree Board.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.24 C-2 LOW-INTENSITY COMMERCIAL / MIXED USE ZONE ~~CENTRAL BUSINESS DISTRICT~~

17.24.005 [Purpose and intent.]

The purpose of the C-2 low-intensity commercial/mixed use zone is to provide housing opportunities and retail and professional services to a limited trade area. The zone should be developed on pedestrian scale to accommodate neighborhood and local community shopping needs, to provide variety in housing and to create recreation opportunities without negatively impacting adjoining neighborhoods. C-2 zones shall be grouped along arterials and within one-fourth mile of a public transit route and should be designed to accommodate pedestrians. The zone should create an urban neighborhood and, in addition, serve several neighborhoods within walking

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(Supp. No. 21, Update 3)

distance or within a few miles allowing for short driving distances from home to the zone. The zone should serve as a buffer between residential zones and arterial roads thereby providing an appropriate land use transition.

In 1928, Millwood became the first incorporated Town in the Spokane Valley. The mill, the historic homes west of the mill and the downtown area that was to become the C-2 zone, were already in existence. The city has developed a unique character and ambience based on the community's residential and commercial structures, combined with the natural setting along the Spokane River. Millwood has an overall character and environment which is cherished by its residents and instantly recognized by visitors.

These guidelines contain a clear statement of community expectations to assist property and business owners. These guidelines are intended to establish a balance that preserves and enhances the city's livability and sense of place while supporting the economic vitality that provides the resources for community services and makes Millwood a complete community.

For uses permitted in the C-2 zone, see Table 17-1.
(Ord. No. 527, § 1, 6-14-2022)

17.24.010 Development and design standards.

The following development standards apply when:

- A. Original floor area is increased by more than thirty (30) percent; or
- B. More than fifty (50) percent of the building interior is changed to support a new purpose; or
- C. More than fifty (50) percent of any façade visible from the street is changed.

Main Entrance. Structures may use the front, the side or the rear for a main entrance. Garages shall not have entrances or exists onto side or front yards.

~~Rear Access. There shall be a twenty-foot setback from the rear property line maintained for rear access.~~

Access. Access to structures by way of a paved alley is permitted

Building Design. The design of the development and structures should be on a neighborhood/pedestrian scale and take into consideration the design details of the surrounding neighborhood. Exterior construction materials should be brick, brick facade, siding, tile or other appropriate materials. Metal siding and metal pole buildings shall not be placed in the C-2 zone. At least seventy-five (75) percent of the width and fifty (50) percent of the overall ground level wall area facing a public street or walkway of any new or altered building shall be devoted to interest-creating features such as pedestrian entrances, transparent display windows, or windows affording a view into retail or lobby spaces. Blank walls are not permitted on street frontage.

- 1. Building Facades:
 - a. Facades longer than fifty (50) feet shall be broken down into smaller units through the use of interest generating architectural details. Simply changing materials or color is not sufficient to accomplish this.
 - b. Architectural detail shall be provided along facades visible from the street, as well as from neighboring residential areas.



- 2. Prominent Entrance Implementation.
 - a. Principal entryways to the store/building shall be marked by at least one interest generating architectural element.
 - b. Main entrances shall be architecturally different from secondary entrances.
 - c. Weather protection. Some form of weather protection shall be provided over the entry.



- 3. Roof Expression Implementation. Buildings with flat roofs shall have portions with pitched roofs or projecting cornices to create a prominent edge when viewed against the sky, especially to highlight major entrances.



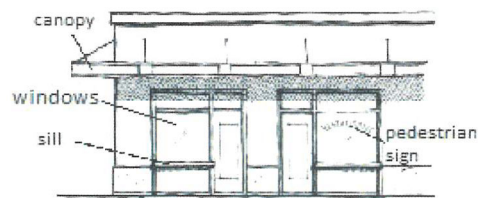
- 4. Ground floor windows: These provisions apply to nonresidential building facades between two feet and eight feet above the level of the adjacent sidewalk, walkway or ground level.
 - a. A minimum of thirty (30) percent of any ground floor nonresidential building facade fronting on a street shall be comprised of windows allowing views into the interior. Display windows may be used to meet half of this requirement.
 - b. For portions of facades that do not have windows, see guidelines for treating blank walls.



5. Treating Blank Walls. Where windows are not provided on walls facing streets or visible from right-of-way, one or more of the following elements shall be incorporated:
 - a. Masonry (but not flat concrete block)
 - b. Concrete or masonry plinth at wall base
 - c. Belt courses of a different texture and color
 - d. Projecting cornice
 - e. Decorative tile work
 - f. Medallions
 - g. Artwork such as sculptures, murals, inlays, mosaics or elements integrated with the project
 - h. Lighting fixtures
 - i. Recesses
 - j. An architectural element not listed above, as approved by the director, that meets the intent of this section.



6. Ground Level Details Implementation.
 - a. Ground level of building shall be pedestrian-friendly in scale, expression and use of materials,
 - b. The ground floor shall contain details such as large windows, projecting sills, pedestrian scale signs, awnings and/or canopies.



Elements to be incorporated at ground level

- E. Signage. Pole signs and freestanding reader boards shall not be placed in the C-2 zone. Building-mounted or monument style signs shall only be allowed to a maximum of thirty-two (32) square feet. All other requirements of Chapter 17.40 of this title shall apply.
- F. Procedure for Exception. Design standards that may be unsuitable for a given project may be waived by the planning commission if an applicant can demonstrate that there is a good reason why the standard is inappropriate. The planning commission may approve an alternative that achieves the intent of this chapter after finding that:
1. For a specific project the underlying design principles will not be furthered by the application of the standard;
 2. Another design principle is enhanced by not applying the standard; or
 3. Explaining the unique site factors that make the standard unworkable, such as lot size and shape, slope, natural vegetation, drainage, or characteristics of adjacent development.

Increases in the cost of development will not be an acceptable reason to waive a standard or determine that a standard is inappropriate.

Appeal of an administrative decision shall follow the process in MMC 14.12.140. Appeals of staff decisions may be made to the planning commission.

G. Per RCW 36.70A.815, façade modulation and upper-level setbacks shall not be required on the following residential projects, unless the project is located within the Millwood Historic District:

1. Affordable housing;
2. New construction meeting passive house requirements;
3. The retrofit of existing buildings meeting passive house requirements;
4. The conversion of existing buildings to housing or mixed-use development that includes housing;
5. Modular construction; or
6. Mass timber construction.

H. Millwood Historic District.

In addition to the design standards above, parcels within the Millwood Historic District should consider the Historic Millwood Resource Guide, v1-0 dated September 5, 2025 or as amended and adopted by the Millwood Historic Preservation Commission and Millwood City Council, for improvements, repairs, and modifications of Millwood’s historic homes and structures.

(Ord. No. 527, § 1, 6-14-2022)

17.24.020 Landscaping.

Where setbacks exist, landscaping shall be required along arterials and shall include appropriate street trees as determined by the city. Street trees shall be chosen from the current list of acceptable trees kept and maintained by the Millwood Beautification and Tree Board. Landscaping shall be required along streets other than arterials within the prescribed setback and shall consist of shrubs and approved street trees. Street trees shall be planted within fifteen (15) feet of the property line. All landscaping shall be maintained in a living condition and shall be replaced as necessary.

(Ord. No. 527, § 1, 6-14-2022)

17.24.030 Off-street parking.

- A. No parking shall be allowed between the sidewalk and any building façade.
- B. All onsite parking must be improved, including paving and stormwater control.
- C. Parking whether onsite or offsite, shall be required at one space per each one thousand (1,000) square feet of retail, office, and commercial space plus one space per residential unit, unless an exception applies for specific residential uses such as co-housing and affordable housing (refer to MMC 17.18.010). Parking requirements for new housing in existing buildings is included in MMC 17.24.060.
- D. Accessibility requirements shall be met. The accessible parking space(s) required by the building code shall be included in the total number of required parking spaces.
- E. In addition to parking areas, all stopping, and roadway or driving areas shall also be improved with pavement.
- F. Sharing parking lots shall be allowed in the C-2 zone. Businesses using shared spaces are liable for the care, maintenance, snow removal and stormwater discharge. A joint parking agreement must be executed in a form acceptable to the City, stating that the parcel or portion of a parcel is devoted in whole or in part for the required parking. The agreement shall be binding on both properties and shall be recorded with the Spokane County auditor.
- G. A parking analysis may be provided to reduce the total number of parking stalls required when proposed uses will be conducted at different times of the day, to provide flexibility in meeting minimum parking requirements.
- H. The provision of bicycle parking is required for uses with five (5) or more vehicle parking spaces. Bicycle parking may be provided via shared bike racks or within private garages at a ratio of one (1) bicycle stall per every five (5) vehicle stalls or 1 bicycle stall per dwelling or sleeping unit, whichever is greater.

(Ord. No. 527, § 1, 6-14-2022)

17.24.040 Fencing and screening.

A sight-obscuring screen must be provided and maintained where a C-2 zoned parcel directly abuts a residentially zoned property if the residential property is not located along an arterial street. The screen must be a minimum of ~~five-six~~ feet tall and may either be a sight-obscuring fence ~~of or solid~~ landscaping.

(Ord. No. 527, § 1, 6-14-2022)

17.24.050 Storage.

No premises in the C-2 zone shall be used as a storage area for any purpose other than storage of materials required in connection with permitted uses identified in Table 17-1. The storage of substances, including chemicals and fertilizers which may affect the aquifer must be reviewed and approved by the Spokane Valley Fire Department. Storage areas must conform to the minimum setback regulations of the zone. Storage areas shall be paved.

(Ord. No. 527, § 1, 6-14-2022)

17.24.060 New housing in existing buildings (RCW 35A.21.440)

- A. The City shall not impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.
- B. There is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.
- C. The City cannot deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.
- D. A transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW cannot be required based on the addition of residential units within an existing building.
- E. The portion of exterior wall assemblies that includes insulation must be allowed to project up to an additional eight inches into the setbacks on all sides;
 - 1. For existing nonconforming buildings already projecting into setbacks, the portion of exterior wall assemblies that include insulation must be allowed to project up to an additional eight inches into the setbacks on all sides if the building is to be used for residential housing.
 - 2. Nothing in this section prohibits a city or county from applying the requirements of the state building code or requires a city or county to allow a setback of less than 36 inches between residential dwelling units.
- F. The building must be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and
- G. Gross floor area must be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans, as applicable.

Chapter 17.26 **SUPPLEMENTARY USE REGULATIONS IN COMMERCIAL ZONES**
SUPPLEMENTAL DEVELOPMENT REGULATIONS

17.26.010 ~~[Supplemental Supplementary development use regulations.]~~

Where permitted pursuant to Table 17-1, the following conditions shall apply

- A. Establishments licensed to serve alcohol:

1. If the proposed establishment is located within five hundred (500) feet from any church, school, public park or playground, then the following conditions shall apply:
 - a. Public entrances to such establishment, outside seating areas where alcohol may be served, and any area of such establishment where alcohol may be consumed shall not be visible from any church, school, public park or playground; and
 - b. The service or consumption of alcohol at such establishment may not result in noise, vehicular traffic, litter, public consumption of alcohol, public inebriation, or other conditions that are incompatible with the peaceful uses of any such church, school, public park or playground.
 - c. Notice of the proposed establishment shall be given to the legal owner of any church, school, public park, or playground within five hundred (500) feet of the proposed establishment. Such legal owner shall provide comment regarding the proposed establishment to the director within ten days of receiving such notice. The director shall not approve or deny the proposed establishment until fourteen (14) days following date of such notice. The director may impose conditions on the proposed establishment or may deny the proposed establishment based on submitted comments.
 - d. If the establishment is licensed to allow beer, wine and spirits tasting, then tasting shall occur within an enclosed area in the licensed establishment and shall not be located closer than one hundred (100) feet from any church, school, public park, or playground.
 - e. Distance shall be calculated by extending a straight line from the nearest physical point of the structure housing the establishment licensed to serve alcohol to the property line of the protected use.
 - f. Appeal of an administrative decision shall follow the process in MMC 14.12.140
- B. Residential / Commercial Mixed Use~~Residential uses:~~
 - a. ~~Required minimum percentage of uses are identified within the definition in Appendix A; if they are combined in the same development and structure with any of the permitted uses;~~
 - b. For buildings that front Argonne Rd., Euclid Ave., or Trent Ave., non-residential uses must front the public right-of-way; however, residential uses are permitted on upper floors and on the ground floor, provided that it represents less than fifty (50) percent of the ground floor area.
 - c. Horizontal mixed use is not allowed within the Millwood Historic District, only vertical mixed use and live-work buildings are permitted.~~Residential floor area is permitted on the ground floor, provided that it represents less than fifty (50) percent of the ground floor area, and non-residential uses front on the public right-of-way.~~
- C. Outdoor Business Activities. Outdoor business activities on the public right-of-way, may be permitted with a right-of-way permit.
- ~~D. Conversion of Residential Structures. An existing single-family residential structure may be converted to a commercial or office use if;~~
 - ~~a. The structure is brought into conformance with the building code for such use; and~~
 - ~~b. The development standards required in Section 17.24.010 through 17.24.040 can be met with the exception of setbacks of existing buildings.~~
- D. Animals (Animal Keeping - Small) and Agriculture (Urban).
 1. Animal requirements are as follows:

- a. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
 - b. The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited
 - c. The ~~keeping, maintaining or~~ slaughtering of any animals, livestock or poultry is prohibited.
 - d. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.
2. An occupant or resident may utilize open space for agriculture as follows:
- a. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
 - b. Sales will be permitted through an approved ~~business or~~ Home Business;
 - c. Community gardens are permitted;
 - d. Beekeeping or other urban agricultural uses (as defined in Appendix A) that may be considered a nuisance to surrounding properties will not be permitted on less than one-half acre. If a use is classified as a nuisance then it shall be discontinued

E Churches / Places of Worship.

- 1. Churches (provided they are tax-exempt) may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code.
- 2. Requests by religious organizations to use property owned or controlled by the religious organization for housing, shelter, outdoor encampment or vehicle resident safe parking in accordance with RCW 35A.21.915, shall also be reviewed as part of a new or amended Conditional Use Permit.

(Ord. No. 527, § 1, 6-14-2022)

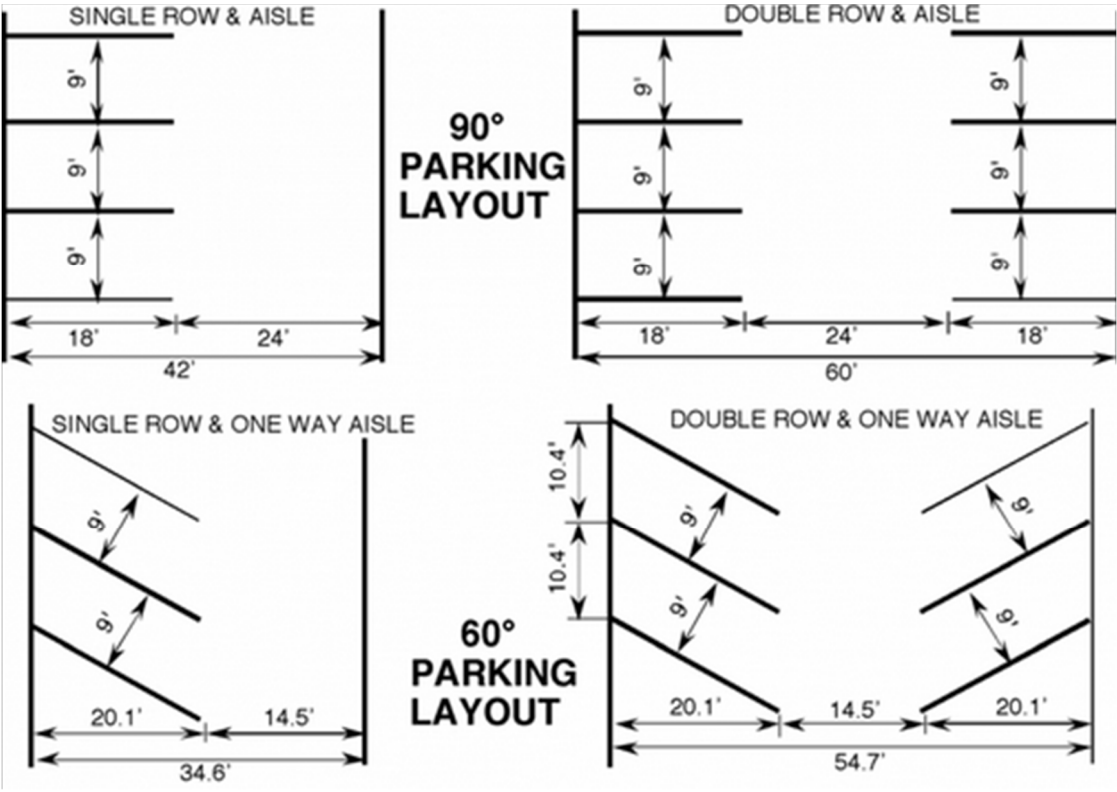
Chapter 17.28 REGULATIONS APPLICABLE TO ALL COMMERCIAL DISTRICTS

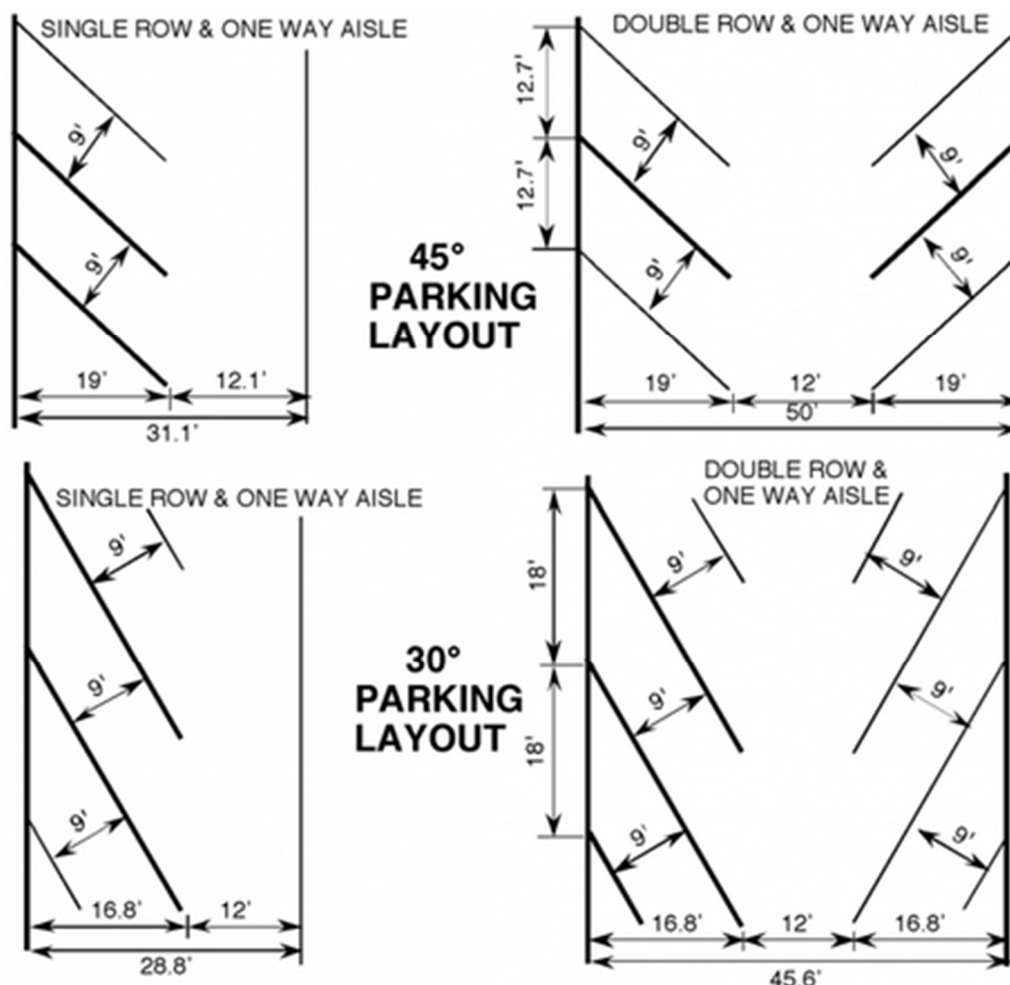
17.28.010 Site improvements.

- A. All parcels zoned commercial shall require site improvements. Site improvements include:
 - 1. Site must be developed in accordance with Spokane County standards for stormwater control / Spokane Regional Stormwater Manual, as may be amended; and
 - 2. Paving of all parking areas, whether required parking or not, stopping, storage and roadway (driving) areas.
- B. Site improvements shall be required when the site is developed.
- C. All stormwater control plans for treatment and control shall, when required, be submitted for review and developed in accordance with Spokane County standards and the Spokane Regional Stormwater Manual, as amended. The following shall apply to stormwater control:

1. No private stormwater control device, swale or ponds shall be placed within fifty (50) feet of the ordinary high water mark of the Spokane River.
 2. All stormwater control devices, swales and ponds shall be located on the same parcel containing the use/development it is mitigating.
 3. All development requires a stormwater control plan, unless all of the following are true:
 - a. There will be no increase in trip generation (using the most recent edition of the Trip Generation Manual, Institute of Transportation Engineers' or specific local data collected by a registered professional engineer) when the use of the site or structure is changed from the current use. For structures currently vacant, the most recent use, as evidenced by a certificate of occupancy, would be considered as the current use;
 - b. There is no increase in structure size, impervious area or type of groundcover;
 - c. There is no change to the exterior HVAC system or roofing material which would produce contaminated stormwater runoff;
 - d. There is no storage of chemicals or fertilizers on the site or in the structure.
 4. Commercial structures, containing a commercial use, built and used for commercial purposes prior to the date stormwater control plans were required are exempted from the stormwater plan requirements for minor interior remodels provided the conditions in subsections (C)(3)(a) through (d) of this section are met.
 5. All stormwater runoff shall be maintained on site. Development exempted in this section shall require a stormwater control plan if runoff is determined to be leaving the site.
 6. Partial use of a parcel requires the entire unused portion of the parcel be paved and developed with stormwater improvements or be developed in a low growing or mowed groundcover which is automatically irrigated and kept in living condition and made physically unavailable for parking and storage.
 7. Refer to 17.38.030 for green infrastructure and low-impact development (LID) options that may be utilized in the Central Business District (CBD).
- D. All paving, when required, shall be submitted for review. The following requirements apply to paving:
1. No pavement shall be placed within fifty (50) feet of the ordinary high water mark of the Spokane River.
 2. All pavement shall be located on the same parcel containing the use/development it is mitigating.
 3. All development requires paved travel areas, storage areas and parking.
- E. Off-street parking design shall be in accordance with the following requirements, with the exception of ADA parking which shall meet building code requirements.
1. Parking shall be so designed that vehicles will not back out into public rights-of-way, with exceptions permitted in the C-2 zone.
 2. Paint or markers shall be used to delineate parking stalls and directional arrows on paved or hard-surfaced areas.
 3. The standard commercial / industrial parking stall dimension shall be at least nine (9) foot wide x eighteen (18) feet long (9'x18') per vehicle. Residential / commercial mixed use may be reduced to be at least eight (8) foot wide x eighteen (18) feet long (8'x18') per vehicle.

4. Parking stalls and aisles shall be designed as illustrated below. Parking spaces at any angle other than those shown are permitted, provided the width of stalls and aisles are proportionately adjusted based upon the angle proposed.
5. Aisle width may be reduced or eliminated when single row parking access is from an alley and the alley functions as an aisle.





- F. Off-street parking shall comply with WA state law requirements regarding electric vehicle infrastructure including, but not limited to RCW 19.27, RCW 19.28, and WAC 51-50-0429 (State Building Code), and RCW 46.08.185 (Electric vehicle charging stations—Signage), as now adopted or hereafter amended. Refer to MMC Chapter 17.50 for Electric Vehicle Infrastructure.
- G. Every building or part thereof occupied for retail business, service, wholesale, manufacturing, storage, warehousing, hotel/motel, industrial, or any other similar use that receives or distributes materials or merchandise via large commercial trucks, shall provide a loading space on site in accordance with the following requirements:
1. Loading spaces must be designed so that vehicles do not need to back out into a public street.
 2. Loading spaces shall be located a minimum of 25 feet from any front property line and 50 feet from any residential zone or 25 feet from any residential zone when a six-foot sight-obscuring fence and landscaping are installed.
 3. The minimum dimensions of off-street loading spaces shall be 12 feet wide by 30 feet long.
 4. Required off-street parking spaces shall not be allowed within the loading space and truck maneuvering area.
 5. The Planning Director or designee may allow exceptions to the standards above when the applicant makes a written request demonstrating conditions that prohibit compliance with the

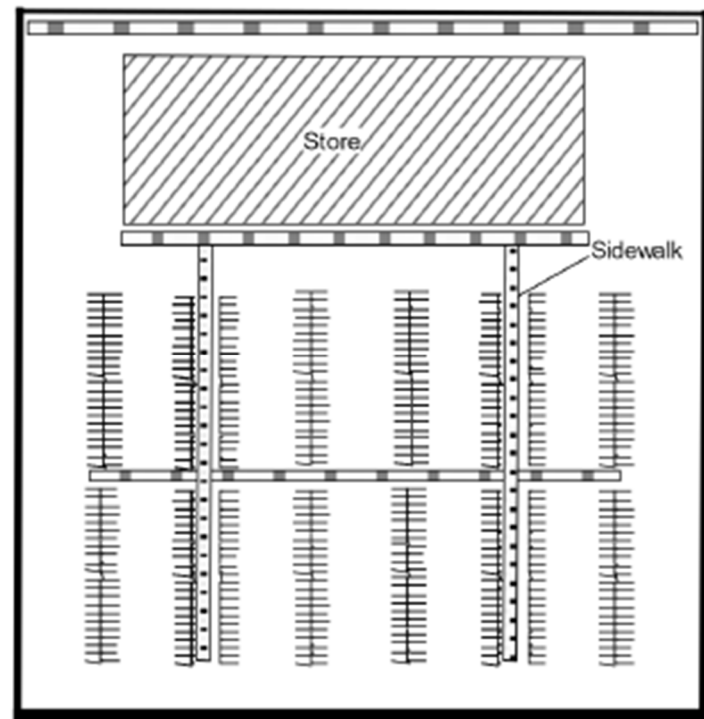
requirement(s). Exceptions include but are not limited to use of a marked commercial loading zone for multiple businesses or utilization of an alley as a temporary loading space within the Millwood Historic District.

H. Refer to Millwood Public Works requirements for approach separation and limited access from collector and arterial streets, as applicable.

I. Pedestrian access

Parking lot circulation shall be designed to minimize conflicts between vehicles and pedestrians around and within parking lots and at vehicle ingress/egress points.

1. Internal pedestrian walkways shall be installed through any parking lot of 50 or more spaces and shall be located and constructed as an integrated part of existing sidewalks and/or pedestrian trails.
2. For development with less than 50 spaces, painted crosswalks and striped areas may be utilized for safe pedestrian circulation in lieu of requirements in 2a-2c below.
3. Walkways shall be accessible and a minimum of five (5) feet wide. Internal walkways shall be separated from traffic lanes as well as vehicle overhangs, and shall be located as follows:
 - a. Walkways running parallel to the parking rows shall be provided for every 4 rows. A row is considered either a single or double line of parking stalls which are separated from other rows by internal driveways / drive aisles.
 - b. Walkways running perpendicular to the parking rows shall be no further than 20 parking spaces apart.
 - c. Walkways that cross vehicle lanes shall be marked with striping or constructed with a contrasting paving material to indicate a pedestrian crossing area.



Example of a walkway system within a parking lot

(Ord. No. 527, § 1, 6-14-2022)

17.28.020 Outdoor lighting.

Lighting for those parcels zoned commercial or public reserve is required as follows:

- A. Lighting shall be required when the site is developed.
- B. Lighting shall be replaced as necessary to maintain safety.
- C. Parking areas and structure entries shall be illuminated, at a minimum, from dusk to one hour past the hour of closing with a lighting system so as to provide for well-lit areas.
- D. All exterior lighting shall be constructed, shielded, and used so as not to directly illuminate or create a glare visible from adjacent properties or public right-of-way.
- E. Lighting resembling or conflicting with traffic signals or emergency vehicles or otherwise creating safety hazards for pedestrians or vehicular traffic is prohibited.

(Ord. No. 527, § 1, 6-14-2022)

17.28.030 Conversion of Residential Structures.

An existing single-family residential structure may be converted to a commercial or office use if;

- A. The structure is brought into conformance with the building code for such use; and
- B. For the C-2 Zone, the development standards required in Section 17.24.010 can be met with the exception of setbacks of existing buildings. All other development standards in C-1 / C-2 for landscaping, parking, lighting, etc. must be met.

Chapter 17.30 INDUSTRIAL (I-1 AND I-2) ZONES

17.30.005 [Purpose and intent.]

There is established the I-1 and I-2 industrial zones, standards and regulations by which certain land uses may be permitted therein.

(Ord. No. 527, § 1, 6-14-2022)

17.30.010 ~~Industrial~~I-1 and I-2 development standards.

~~Industrial~~ddevelopment in the I-1 and I-2 zones shall meet the standards shown in Table 17-5.

Table 17-5

		I-1	I-2
Building Setbacks	Front	25 ft. and 15 ft. for all parking areas, signage, and storage areas.	No minimum setbacks required 25 ft. and 15 ft. for all parking areas, signage, and storage area (Empire Ave. is front)
	Rear	25 ft.	25 ft.

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(Supp. No. 21, Update 3)

	Side	5 ft. (1)	5 ft.
	<u>Abutting Residential Zone (up to 2 Story Height)</u>	<u>15 ft. min. (1)</u>	<u>15 ft. min. (1)</u>
	<u>Abutting Residential Zone (3 Story Height)</u>	<u>20 ft. min. (1)</u>	<u>20 ft. min. (1)</u>
	<u>Abutting Residential Zone (4 Story Height)</u>	<u>25 ft. min. (1)</u>	<u>25 ft. min. (1)</u>
	Flanking Street	15 ft.	<u>25 ft. + 10 ft. for each story above 2 stories to reduce noise and visual impacts to adjacent Millwood Historic District (Argonne Rd. is flanking)</u>
Maximum Building Coverage & Open Space		75% 25% of the site shall be left as open space free from structures and other impervious surfaces.	<u>N/A75%</u> <u>25% of the site shall be left as open space free from structures and other impervious surfaces with the majority located at Argonne & Empire</u>
Building Height <u>(2) (3)</u>		<u>45-48</u> ft., shall not exceed four stories in height (1)	<u>45-48</u> ft., shall not exceed four stories in height (1)
<u>(1) N/A when a street or alley separates the parcels.</u> <u>(2) Building height shall be measured from average grade level to the highest point of the structure.</u> <u>(3) A building can exceed maximum roof height limit by 48 inches to accommodate roof-mounted solar energy panel(s).</u> (1) When a lot in the I-1 and I-2 zone is located within one hundred (100) feet to a residential zone, with no intervening street or alley, the permissible number of stories and the maximum height of buildings shall not exceed that allowed in the adjacent residential zone. (2) Building height 85' with CUP			

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.32 I-1 LIGHT INDUSTRIAL ZONE ~~LIGHT INDUSTRIAL~~

17.32.005 [Purpose and intent.]

The I-1 Light Industrial ~~district-zone~~ is intended for small to medium intensity industrial uses that produce little to no noise or environmental emissions.

For uses permitted in the I-1 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.32.010 Storage.

- A. No premises in the I-1 zone shall be used as a storage area for any purpose other than storage of materials required in connection with permitted uses identified in Table 17-1.
- B. The storage of substances, including chemicals and fertilizers which may affect the aquifer must be reviewed and approved by the Spokane Valley Fire Department.
- C. All storage must be indoors or within a six-foot sight-obscuring fence.
- D. Storage areas must conform to the minimum setback regulations of the zone.
- E. Storage areas shall be paved.

(Ord. No. 527, § 1, 6-14-2022)

17.32.020 Site improvements.

Site Improvements shall comply with the regulations of Chapter 17.28.010.

(Ord. No. 527, § 1, 6-14-2022)

17.32.030 Landscaping.

All parcels zoned I-1 require landscaping.

- A. Landscaping shall be required when the site is developed.
- B. Landscaping shall be maintained in living condition at all times and shall require the installation of an automatic watering system.
- C. Landscaping shall be replaced as necessary to maintain the integrity of the screen.
- D. Those parcels abutting residential zones require that the perimeter of the parcel, outside of any required fencing, shall be developed with the highest degree of screening required by Spokane County standards in effect at the time the complete development application is received with a minimum width of twenty (20) feet.
- E. Landscape buffers are required whether or not property lines abut streets.
- F. Parking landscape islands are required at a rate of one per every ten parking spaces and shall be a minimum of one hundred forty four (144) square feet each. Island shall be landscaped and contain at least one tree which shall be planted a minimum of six feet from island curb edge.
- G. Street trees are required along the property line abutting Trent Avenue. Street trees can be incorporated into landscape buffers. Street trees shall be chosen from the current list of acceptable trees kept and maintained by the Millwood Beautification and Tree Board.

(Ord. No. 527, § 1, 6-14-2022)

17.32.040 Off-street parking.

In the I-1 zone, off-street parking regulations pursuant to 17.22.040.

(Ord. No. 527, § 1, 6-14-2022)

17.32.050 Fencing and screening.

In the I-1 zone, Fencing and Screening regulations pursuant to 17.22.030.
(Ord. No. 527, § 1, 6-14-2022)

17.32.060 Outdoor lighting.

In the I-1 zone, outdoor lighting regulations pursuant to 17.28.020.
(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.34 I-2 **MANUFACTURING / INDUSTRIAL ZONE -
PAPER MILL ALTERNATIVE ZONE**

17.34.010 I-2 [Paper mill alternative zone.]

In the I-2 paper mill alternative zone, no building or premises shall be used, nor shall any building or structure be hereafter erected or altered unless, otherwise provided in this title, except for one or more of the following uses.

- A. All uses in place at the time of adoption of this Code and continuously maintained shall be permitted to remain. Expansion of such use shall be in compliance with the development regulations of the I-1 zone.
- ~~B. Uses permitted in the UR-1, UR-2 and UR-3 residential zones, and Class I and Class II group-care homes as permitted by conditional use permit. Prior to application for redevelopment of a parcel from paper mill to residential use an application for subdivision and zone change for the required zone shall be made and if approved by the city the application for redevelopment shall proceed. The development regulations for the approved zone contained the corresponding chapter of this Code shall be applicable to such uses in the I-2 zone.~~
- ~~C.~~ Uses Permitted in the C-2 Low-Intensity Commercial/Mixed Use Zone. Prior to application for redevelopment of a parcel from paper mill to C-2 use, an application for subdivision and zone change for the required zone shall be made and if approved by the city, the application for redevelopment shall proceed. The development regulations for the approved zone contained in the corresponding chapter of this Code shall be applicable to such uses in the I-2 zone.
- ~~D.~~ Uses Permitted in the I-1 Light Industrial Zone. Prior to application for redevelopment of a parcel from paper mill to I-1 use, an application for subdivision and zone change for the required zone shall be made and if approved by the city, the application for redevelopment shall proceed. The development regulations for the approved zone contained in the corresponding chapter of this Code shall be applicable to such uses in the I-2 zone.
- ~~E.~~ Secure community transition facilities (SCTF) for three residents may be permitted in the I-2 zone by conditional use permit provided all of the UR-2 zone and general uses development standards are met. In no case shall a SCTF be sited adjacent to, immediately across the street or parking lot from, or within the line of sight of, risk potential land uses in existence at the time a site is listed for consideration. Distance shall be measured from the nearest property line of the risk potential land use to the nearest property line of the SCTF. Refer to MMC Chapter 17.48 and Section 17.48.070 for specific siting requirements. "Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. After an open-record public hearing by the planning commission, the city council

~~may impose conditions upon the siting of SCTFs. For the purposes of granting a conditional use permit for siting a SCTF, the city council shall consider an unobstructed visual distance of six hundred (600) feet to be "within line of sight." Reasonable conditions of approval may be required, however, conditions imposed must not be more restrictive than state law allows. Through the conditional use permit process, "line of sight" may be considered to be less than six hundred (600) feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the sight to less than six hundred (600) feet.~~

~~F.E.~~ Residential uses shall not be permitted on the same parcel as commercial uses, unless ~~provided for above, they are part of a Residential / Commercial Mixed Use development which complies with 17.26.010(B).~~

~~G.F.~~ Residential uses shall not be permitted on the same parcel as industrial uses.

~~G.~~ The Public Reserve (P-1) zoning designation could also be utilized in this area to establish a public park and fish and wildlife habitat area buffer along the river. Restoring this area to its original, natural condition over time would increase pollution and nutrient filtration, decrease erosion potential into the Spokane River, allow for habitat and bike transit connectivity while enhancing the aesthetic of Millwood, and fulfilling several of the city's policies and action items.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.36 ~~PR~~-1 PUBLIC RESERVE ZONE

17.36.005 [Purpose.]

In the ~~PR~~-1 public reserve zone, no building or premises shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this title.

For uses permitted in the ~~PR~~-1 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.36.010 Public reserve development standards.

Development in the ~~PR~~-1 shall meet the standards shown in Table 17-6

Table 17-6

Building Setbacks	Front	25 ft.
	Rear	15 ft.
	Side	5 ft (1)
	Flanking Street	15 ft
Parking, Signage, Storage setback	Front	15 ft.
Maximum Building Coverage		35%
Building Height (3) (4)		45-48 ft or 4 stories (2)
(1) Where a lot is adjacent to a residential zone with no intervening street or alley, a side yard of not less than fifteen (15) feet shall be required on the side adjacent to such residential zone.		
(2) When a lot in the PR -1 zone is located adjacent to residential zone, with no intervening street or alley, the permissible number of stories and the maximum height of buildings shall not exceed that allowed in the adjacent residential zone.		

(3) Building height shall be measured from average grade level to the highest point of the structure.

(4) A building can exceed maximum roof height limit by 48 inches to accommodate roof-mounted solar energy panel(s).

(Ord. No. 527, § 1, 6-14-2022)

17.36.020 Storage.

Storage regulations in the ~~PR~~-1 zone pursuant to Chapter 17.32.010.

(Ord. No. 527, § 1, 6-14-2022)

17.36.030 Off-street parking.

In the ~~PR~~-1 zone, off-street parking spaces for vehicles is required to be developed as follows:

- A. Governmental buildings and uses—one off-street parking space for each employee and for each public official;
- B. Hospitals—one off-street parking space for each four beds and one off-street parking space for each staff member or employee on the shift with the greatest number of employees;
- C. Institutions for education, philanthropic or eleemosynary uses, and schools, excluding elementary schools serving students below grade nine—one off-street parking space for each four seats in all places, halls, classrooms and rooms of assembly generally occupied at the same time and one off-street parking space for each staff member or employee;
- D. Elementary schools serving students below grade nine—one off-street parking space for each eight seats in all places, halls, classrooms and rooms of assembly generally occupied at the same time and one off-street parking space for each staff member or employee;
- E. Libraries, art galleries and museums—one off-street space per two hundred fifty (250) gross square feet and one off-street parking space for each staff member or employee and for each public official;
- F. Parks, playgrounds, tennis courts and like recreational uses—no specific requirements.
- G. All employees shall park on the parcel with the commercial or public use.
- H. All parking shall be improved with asphalt or concrete.
- I. If the public development meets all required parking standards on the parcel and would like additional parking off-site, a directly adjacent parcel may be developed as additional parking, provided both parcels meet all development requirements, including coverage, paving, stormwater, fencing, lighting and landscaping.

J. Refer to MMC 17.28.010(E) for parking design requirements.

(Ord. No. 527, § 1, 6-14-2022)

17.36.040 Landscaping.

All parcels zoned ~~PR~~-1 require landscaping.

- A. Landscaping shall be required when the site is developed.

- B. Landscaping shall be maintained in living condition at all times and shall require the installation of an automatic watering system.
- C. Landscaping shall be replaced as necessary to maintain the integrity of the screen.
- D. Those parcels abutting residential zones require that the perimeter of the parcel, outside of any required fencing, shall be developed with the highest degree of screening required by Spokane County standards in effect at the time the complete development application is received with a minimum width of twenty (20) feet.
- E. Landscape buffers are required whether or not property lines abut streets.
- F. Parking landscape islands are required at a rate of one per every ten parking spaces and shall be a minimum of one hundred forty-four (144) square feet each. Island shall be landscaped and contain at least one tree which shall be planted a minimum of six feet from the island curb edge.
- G. Street trees are required along the property line abutting Trent Avenue. Street trees can be incorporated into landscape buffers. Street trees shall be chosen from the current list of acceptable trees kept and maintained by the Millwood Beautification and Tree Board.

(Ord. No. 527, § 1, 6-14-2022)

17.36.050 Fencing and screening.

In the ~~PR~~-1 zone, Fencing and Screening regulations pursuant to 17.22.030.

(Ord. No. 527, § 1, 6-14-2022)

17.36.060 Outdoor lighting.

In the ~~PR~~-1 zone, outdoor lighting regulations pursuant to 17.28.020.

17.36.070 Site improvements.

In the P-1 zone, site improvement regulations pursuant to 17.28.010.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.38 GENERAL PROVISIONS

17.38.005 General provisions.

- A. Storage. Wherever storage is authorized and allowed in this title on whatever classification of property, such storage layout and arrangement shall be orderly and maintained as to avoid the creation of a fire hazard and as to prevent an unsightly appearance.
- B. Front Yard. Where any front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer the front ~~property lot~~ line than the distance indicated by the depth of the required front yard / front setback.

Exceptions:

1. eEaves, cornices and fireplaces may be built within the front yard provided they do not extend more than two feet from the building.
2. Steps, terraces, platforms, ramps, and porches having no roof covering, and being not over forty-two (42) inches in height, may be built within a front yard, provided they do not extend more than five feet from the building and are not greater than ~~twentyseventy~~-five (2575) square feet total.

- C. Side Yard. Where any specified side yard is required, no building shall hereafter be erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard / side setback.

Exceptions:

1. eEaves, cornices and fireplaces may be built within the side yard, provided they do not extend more than two feet from the building.

- D. Rear Yard: Where any specified rear yard is required, no building shall hereafter be erected or altered so that any portion of thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required rear yard / rear setback.

Exceptions:

1. eEaves, cornices and fireplaces may be built within the rear yard, provided they do not extend more than two feet from the building.
2. Steps, platforms, ramps, and rear porches, whether enclosed or not, but not exceeding in width one-half that of the building nor being more than one story in height, may be built within a rear yard, provided they do not extend more than ten feet from the building.

~~E. Fences, Rear and Rear-Side Yard.~~

- ~~1. Rear and rear-side fences shall not exceed six feet in height.~~
- ~~2. Side-yard fences between residences or main buildings may not exceed six feet in height.~~
- ~~3. Front and front-side fences may not exceed forty-two (42) inches in height.~~
- ~~4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence.~~

~~5. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed.~~

~~6. Permits are required for the construction or rebuilding of any fence.~~

E. Fences

1. Permits are required for the construction or rebuilding of any fence.

2. Front and front-side (the distance of the required front yard setback) fences may not exceed forty two (42) inches in height.

3. Rear and rear-side fences, and any side yard fence between residences or main buildings, shall not exceed six feet in height.

4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet serving the same function as a fence, shall be considered a fence.

5. Barbwire and similar materials are prohibited for use as fencing material.

6. Electrified fences are prohibited.

7. Fences, materials used in lieu of a fence, and landscaping shall meet clear view triangle requirements, as determined by the Planning Director and/or City Engineer.

F. Sidewalks, trails, shared roadways, and complete streets.

The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:

1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.

2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the ~~Public Works Director or designee~~ public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.

3. All development as defined in ~~Section 17.16.065~~ Appendix A of this title and all changes of use requiring a permit which are located along principal and collector arterials shall require the construction of sidewalks as set forth above. Sidewalks shall also be required on access streets when sidewalks are already constructed along the street or when needed for pedestrian safety, as determined by the City. The provisions of this section shall not apply to the repair, remodel, alteration, addition or replacement of ~~an existing single-family residences~~ or accessory buildings or construction of new accessory buildings provided the principal and primary use ~~is and~~ remains ~~single-family a~~ residence.

4. All sidewalk construction requires submittal of engineered plans to the city of Millwood. The city of Millwood shall review and approve plans prior to commencement of construction of sidewalks. Plans shall be developed in accordance with Spokane County standards and all Americans with Disabilities Act requirements at the time of submittal.

5. Sidewalks, even if they are not required by the city of Millwood, shall be constructed according to approved plans as required above.

Refer to the adopted Millwood Comprehensive Plan for specific sidewalk, trail, shared roadway, and/or complete street improvement location priorities.

G. Clear view triangle.

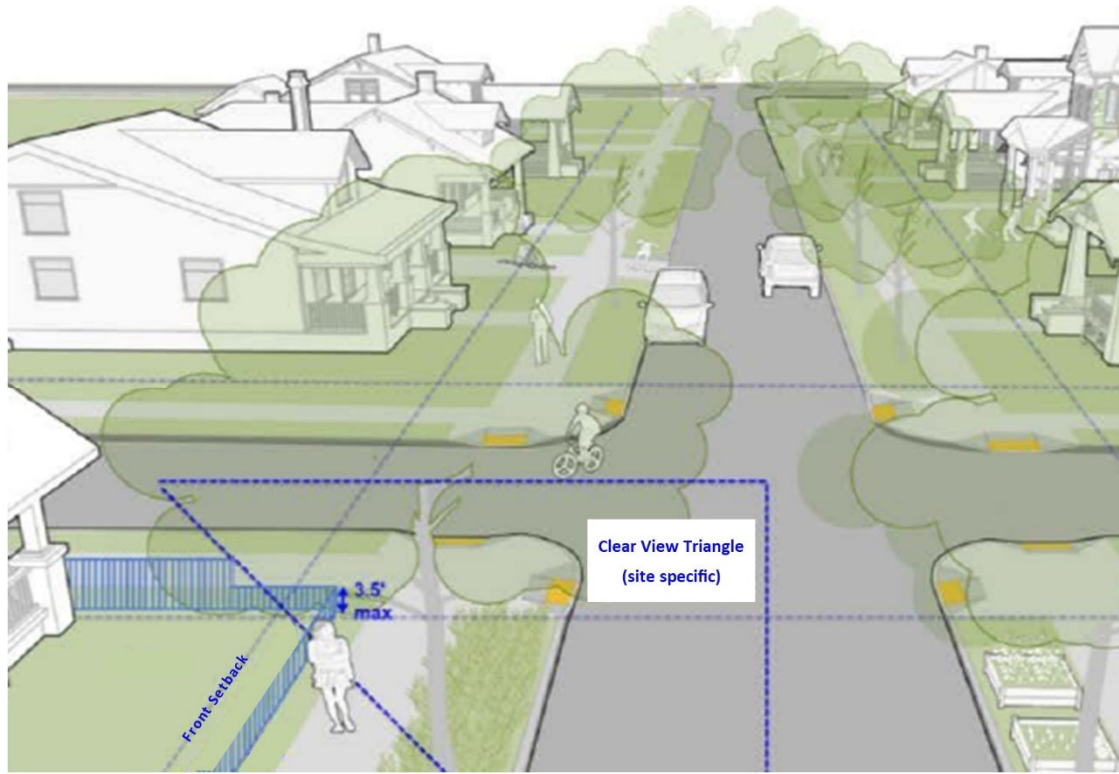
Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district zone within the area designated as the "clear view triangle" as set forth below:

1. A clear view triangle is a measurement applied at the intersection of two streets or the intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and ~~seven~~ eight feet above the street must be unobstructed. The clear view triangle is calculated as follows:
 - a. Uncontrolled Intersection. The right triangle having sides of thirty (30) feet measured along the property line of each intersecting street / alley / driveway;
 - b. Two-Way Stop Controlled Intersection. The right triangle having a ten-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:

~~(1)~~ **Two-Way Stop Controlled**

Posted Speed (in MPH)	Distance (in Feet)
25	40

- c. Yield-Controlled Intersection. For intersections of local streets with twenty-five (25) miles per hour speed limits, the right triangle having a twenty-foot side measured along the property line of the yield-controlled street, and a sixty-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds higher than twenty-five (25) miles per hour, will be determined by the Public Works Director or designee; or
 - d. The Public Works Director or designee ~~public works supervisor~~ will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of twenty-five (25) miles per hour, one-way streets, steep grades and sharp curves.



2. Exemptions. Clear view triangle regulations of this chapter shall not apply to:

- a. Public utility poles;
- b. Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least ~~seven-eight~~ feet above the street surface;
- c. Properties where the natural ground contour penetrates the clear view triangle; and
- d. Traffic control devices installed by the city.

H. Administrative Exceptions. An administrative exception may be approved for the following ~~when~~:

- ~~a. Where the required setback is greater than five feet, a deviation of five feet or less~~
- ~~b. Minimum lot area where the deviation is for ten percent or less of the required lot area.~~
- ~~c. Maximum impervious coverage where the deviation is for ten percent or less of the maximum impervious coverage.~~
1. Any dimensional requirement which does not exceed one foot.
2. A setback deviation of up to four feet, when the required setback is five feet or greater and the deviation will not result in a building or fire code violation.
3. Minimum lot area requirements where the deviation is for 10% or less of the required lot area.
4. Minimum lot width requirements where the deviation is for 10% or less of the required lot width.
5. Maximum building coverage or lot coverage requirements where the deviation is for 25% or less of the maximum building / lot coverage.

~~6d.~~ Any improved property rendered nonconforming through voluntary dedication of right-of-way, the exercise of eminent domain proceedings or purchase of right-of-way by the city, county, state, or federal agency.

7. Exceptions required to meet current RCW/WAC requirements.

Decision Criteria. The city planner shall approve, approve with conditions, or deny administrative exceptions based on the following criteria, as applicable:

- a. The administrative exception does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning districtzone it occupies;
- b. The exception may not increase density beyond what is currently allowed within the zoning districtzone;
- c. The exception shall not be contrary to conditions imposed by any other associated land use action, for example, a hearing examiner decision, or conditions associated with applicable plat approvals;
- d. The exemption is in harmony with the purpose and intent of the general plan for the physical development of the vicinity and zone in which the exemption will apply.
- e. The exception shall not conflict with other local, state, or federal laws; and
- f. The exception does not adversely impact the public health, safety, and welfare within the city.

I. Alternative methods of compliance

The Planning Director or designee, in consultation with the Public Works Director, Building Official and/or City Engineer, as applicable, may accept alternative methods of complying with the development standards of this Code, provided it could be demonstrated that the alternative method is at least equivalent to such standards in terms of implementing the general purpose of the Code and/or applying Blue Zone principles (as defined in Appendix A). The Planning Director or designee shall not accept alternative methods of compliance that are inconsistent with the City Comprehensive Plan or with conditions of approval imposed through a land use action. Decisions on Alternative Methods of Compliance need to be documented in the project file and can be appealable in the same manner as administrative appeals under MMC 14.12.140. The Planning Director or designee shall periodically forward decisions on Alternative Methods of Compliance to the Planning Commission for its information.

~~I. Sidewalks. The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:~~

- ~~1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.~~
- ~~2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.~~

3. All development as defined in Appendix A of this title and all changes of use requiring a permit which are located along principal and collector arterials shall require the construction of sidewalks as set forth above. The provisions of this section shall not apply to the repair, remodel, alteration, addition or replacement of existing single-family residences or accessory buildings or construction of new accessory buildings provided the principal and primary use is and remains single-family residence.

4. All sidewalk construction requires submittal of engineered plans to the city of Millwood. The city of Millwood shall review and approve plans prior to commencement of construction of sidewalks. Plans shall be developed in accordance with Spokane County standards and all Americans with Disabilities Act requirements at the time of submittal.

5. Sidewalks, even if they are not required by the city of Millwood, shall be constructed according to approved plans as required above.
- J. Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district within the area designated as the "clear view triangle" as set forth below:
1. A clear view triangle is a measurement applied at the intersection of two streets or the intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and seven feet above the street must be unobstructed. The clear view triangle is calculated as follows:

a. Uncontrolled Intersection. The right triangle having sides of thirty (30) feet measured along the property line of each intersecting street;

b. Two-Way Stop-Controlled Intersection. The right triangle having a ten-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:

Two-way stop-controlled

Table 17-7

Posted Speed (in MPH)	Distance (in feet)
25	40

c. Yield-Controlled Intersection. For intersections of local streets with twenty-five (25) miles per hour speed limits, the right triangle having a twenty-foot side measured along the property line of the yield-controlled street, and a sixty-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds higher than twenty-five (25) miles per hour, will be determined by the city traffic engineer; or

d. The public works supervisor will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of twenty-five (25) miles per hour, one-way streets, steep grades and sharp curves.

2. Exemptions. Clear view triangle regulations of this chapter shall not apply to:

a. Public utility poles;

b. Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least seven feet above the street surface;
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~~c. Properties where the natural ground contour penetrates the clear view triangle; and~~

~~d. Traffic control devices installed by the city.~~

J. Level of service (LOS)

Development must be reviewed for compliance with adopted city level of service standards (water, sewer, transportation including multimodal, and parks and recreation). Refer to Millwood Comprehensive Plan Section 8.6 Level of Service Standards, Section 11.4 City of Millwood Capital Facility Level of Service Standards, and Section 11.6 Capital Facilities, Utilities, and Services Summary, as amended.

K. Airport Compatibility.

1. The airport compatibility zone (ACZ) is designated on the official zoning map.
2. Prior to the issuance of a commercial building permit or any land use permit within the airport compatibility zone, a copy of the proposal shall be routed to the appropriate official(s) at Felts Field Airport for review and comment.
3. The calculated density in the ACZ shall be no greater than one hundred eighty (180) persons per acre after subtracting public rights-of-way. However, higher density may be allowed by the city council if it is deemed to be compatible with Felts Field Airport and Washington State Department of Transportation - Aviation guidelines, as a conditional use following the procedures contained in Sections 17.44.070 through 17.44.130.

(Ord. No. 527, § 1, 6-14-2022)

17.38.010 Ownership divided by a zoning district boundary line.

If a zoning boundary line cuts a property having a single ownership as of record at the time of passage of the ordinance codified in this title, all such property may take the least restrictive classification, provided that at least forty (40) percent ~~by of the~~ area of the entire property is located in the district zone having the least restrictive classification. This provision applies to single parcels only.

(Ord. No. 527, § 1, 6-14-2022)

17.38.020 Nonconforming uses.

Determination of legal nonconforming status of a lot, use or structure is an administrative function of the planning department. Property owners asserting legal nonconforming status of a lot, use or structure shall submit such information as the planning department deems necessary to substantiate or document the claim of legal nonconforming status.

- A. Legal nonconforming lots are lots of record established prior to the adoption of this Code or an amendment thereto and shall be considered a buildable lot even though such lots fail to meet the requirements for frontage / front lot width or lot area that are generally applicable in the zone, provided that yard setbacks and requirements other than frontage / front lot width or lot area shall conform to the regulations for the zone in which such lot is located.
- B. When a political subdivision of the state of Washington acquires a portion of a lot, tract, or parcel of land and as a result thereof, reduces such lot, tract, or parcel of land in area and/or frontage by not more than ten percent of the minimum requirements of the underlying use within the zone classification, such lot, tract, or parcel of land shall be deemed to be a legal nonconforming lot with respect to area and/or frontage. A legal nonconforming lot status resulting from an acquisition under this subsection shall run with the land and the status of the legal nonconforming lot shall be perpetual

- and continuous absent a subsequent amendment of the zoning code, regardless of whether the legal nonconforming lot is actually being used or not.
- C. A use which was lawfully established and in existence and which became or becomes nonconforming by amendment to the zoning code is a legal nonconforming use. The term legal nonconforming use refers only to a single existing use and does not include all uses to which the property could have been put under a prior zoning ordinance or classification.
1. A legal nonconforming use which remains unoccupied or unused for a continuous period of one year is considered abandoned and shall not thereafter be occupied or used except by a use which conforms to the regulations of the district-zone in which the use is located.
 2. A legal nonconforming use which remains unoccupied or unused for a continuous period of less than one year may be reoccupied only by the same nonconforming use or by a conforming use.
 3. A legal nonconforming use shall not be expanded or extended. The extension of a legal nonconforming use to any other portion of the building or structure which was originally arranged or designed for such nonconforming use shall not be deemed the extension of a legal nonconforming use. A structure containing a legal nonconforming use may be maintained in conformance with the standards of the adopted building codes.
- D. A legal nonconforming structure is one that was established prior to the adoption of this Code or an amendment thereto.
1. Restoration of a legal nonconforming structure which is damaged by fire, flood or act of nature shall be initiated, as evidenced by the issuance of a valid building permit, within one year of the date of such damage or destruction, and the restoration shall be completed within one and one-half years from the permit issue date.
 2. Repair and maintenance of legal nonconforming structures is allowed.
 3. Reconstruction of a legal nonconforming structure shall be permitted in compliance with the building and fire codes.
 34. A nonconforming structure which contains a conforming use shall be allowed to expand, provided that the structure ~~is not out of compliance with the code by greater than a total of ten percent and~~ is not a danger to health or life safety, and further provided that the alteration or extension does not result in further violation of this Code.
 4. ~~When a lot contains a legal nonconforming structure, other structures may be placed on the lot provided none of the existing legal nonconforming structures are out of compliance with any one section of the current code by greater than ten percent.~~
 5. Per RCW 35A.21.440, the city shall not deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the Planning Director or designee makes written findings that the nonconformity is causing a significant detriment to the surrounding area; however, the city is not required to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards. Refer to Appendix A for the definition of an existing building.
- E. If a lot is out of compliance with site development standards (stormwater control, landscaping, paving, etc.), any modifications to the site would need to reduce the non-conformity, as reviewed by the Planning Director.

17.38.030 Green Infrastructure & Low-Impact Development (LID).

Properties located in the Millwood Central Business District (CBD), as identified in the Millwood Comprehensive Plan, Appendix A, may utilize green infrastructure and LID practices, as approved by the Millwood City Engineer and in compliance with the Spokane Regional Stormwater Manual, as amended, to capture, filter, and infiltrate stormwater. Options may include permeable pavement, green roofs, rain gardens and bioretention areas, bioswales, rainwater harvesting, and downspout routing, in addition to the required urban tree canopy preservation, maintenance, and replacement requirements included in Millwood's Urban Forestry Management Plan.

(Ord. No. 527, § 1, 6-14-2022)

APPENDIX A DEFINITIONS

For the purpose of this title, certain words and terms are defined as set out in this section. Words used in the present tense include the future; words in the singular include the plural and words in the plural number include the singular. Words not defined in this section shall be construed as defined in Title 1 or Title 15 of this Code, if defined therein, per WA State Law, per Appendix A of the City Comprehensive Plan, or per Merriam Webster Dictionary.

In the event of a conflict between the ~~two-MMC~~ titles. Title 17 of this Code shall prevail.

"Accessory Dwelling Unit (ADU)" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome or other housing unit. (per RCW 36.70A.696(6)).

"Accessory use or building" means a subordinate use or building customarily incident to and located upon the same lot occupied by the main use or building, such as a private garage.

"Active transportation" means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation. (per RCW 36.70A.030).

"Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way. (per RCW 36.70A.030).

"Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards. (per RCW 36.70A.030).

"Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan. (per RCW 36.70A.030).

"Adult arcade" means a commercial establishment containing individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors or other similar image producing machines are used to show films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Adult retail store" means a commercial establishment such as a bookstore, video store, clothing store, or novelty shop which as one of its principal business purposes offers for sale or rent for any form of consideration, any one or more of the following:

- A1.** Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activity or any specified anatomical areas; or

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- B2.** Instruments, devices, clothing, or paraphernalia designed for use in connection with any specified sexual activities.

"Adult cabaret" means a nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.

"Adult entertainment" means and includes any of the following:

- A1.** Any exhibition, performance or dance conducted in an adult entertainment facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing or simulating any specified sexual activities or any specified anatomical areas; or
- B2.** Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in an adult entertainment facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

"Adult entertainment facilities" means a commercial establishment defined as an adult arcade, adult cabaret, adult motel, adult motion picture theater, adult retail store, or other adult entertainment facility.

"Adult family home (AFH)" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under RCW 70.128.066.

"Adult motel" means a hotel, motel, or similar commercial establishment which:

- A1.** Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, videos cassettes, slides or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas and that has a sign visible from the public right-of-way that advertises the availability of this type of sexually oriented materials; or
- B2.** Offers a sleeping room for rent for a rental fee period of time that is less than ten hours; or
- C3.** Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

"Adult motion picture theater" means a commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual representations are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing or simulating any specified sexual activities or any specified anatomical areas.

"Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed 30 percent of the monthly income of a household whose income is:

- A.** For rental housing, 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

- B. For owner-occupied housing, 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit (RCW 36.70A.545).

"Agriculture (Urban)" means utilizing open space for garden cultivation, orchards, beekeeping, aquaculture (e.g., fish farming), aquaponics (e.g., integrating fish farming and agriculture), and non-food products such as producing seeds, cultivating seedlings, and growing flowers, consistent with Blue Zone principles. Marijuana and similar production are excluded from agriculture (urban).

"Alley" means a vehicular right-of-way not over twenty (20) feet in width.

"All lots zoned predominantly for residential use" means all zones in which residential dwellings are the predominant use. This excludes lands zoned primarily for commercial, industrial, and/or public uses, even if those zones allow for the development of detached single-family residences. This also excludes lands zoned primarily for mixed uses, even if those zones allow for the development of detached single-family residences, if the zones permit by-right multifamily use and a variety of commercial uses, including but not limited to retail, services, eating and drinking establishments, entertainment, recreation, and office uses.

"Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radiofrequency signals.

- A. Omni-directional antenna is an antenna that sends or receives signals equally in all directions
- B. Directional antenna (also known as a "panel" antenna) transmits and receives radiofrequency signals in a specific directional pattern of less than three hundred sixty degrees.
- C. Parabolic antenna (also known as a dish antenna) is a bowl-shaped device for the reception and/or transmission of radiofrequency communications signals in a specific directional pattern.

~~**"Apartment house"** means any building or portion thereof that contains three or more dwelling units and may also include residential condominiums.~~

"Auto camp" means any plot of ground where accommodation is provided for two or more families of motorists or travelers to establish temporary or semipermanent residences in tents, automobile trailers, house cars, recreational vehicles or other portable or temporary habitations.

"Auto court" means any multiple-family dwelling or groups of dwellings which are designed or intended for the temporary or semipermanent residence of motorists or travelers.

"Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by RCW Ch. 19.28, as amended, and consistent with rules adopted under RCW § 19.27.540, as amended.

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully

automated process, which meets or exceeds any standards, codes, and regulations set forth by RCW Ch. 19.28, as amended, and consistent with rules adopted under RCW § 19.27.540, as amended.

"Billboard" means a permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

"Blue Zone principles" means general guiding concepts, principles and patterns for designing and building model healthy communities to influence both individual and community health (<https://www.bluezones.com>). The twelve (12) Blue Zone principles are:

- A. People First Design - People, human-scale and quality-of-life trump speed and efficiency of autos. Designs and features of well-planned districts accommodate cars, but give greatest support and incentive to people on foot. Pedestrians receive highest support, followed by transit, bikes, freight, and then cars.
- B. Active Transportation is the Natural Choice - Walking and active movement are not only the natural choice, but the unavoidable choice. People walk and are active a minimum of one-hour per day, by design.
- C. High Bump-into-it-iveness - Mentally, emotionally and socially healthy people require full lives of rich and dynamic engagement. A diversity of people live at this location (diverse in lifestyle, economic and social levels). Bumping into others happens naturally, through design of streets, open buildings and beautiful public spaces. Each building, block, park, other element or system creates natural engagement.
- D. Social Engagement is Easy - Layout and design of buildings and open spaces maximizes easy and natural mixing of people. No individual living in the community needs to walk more than 1,000 feet to engage others in a public setting.
- E. Green Design Enhances Everyday Life - The built environment is in harmony with the natural environment by featuring biophillic designs. To the maximum extent possible, all people are surrounded by green environments, where they live, shop, work and play; and people do not have to walk more than 1,000 feet to find a public gathering place. Trees and other natural elements are dominant features of all landscapes, helping address multiple needs of local aesthetics, environmental health, air quality and climatic (summer/winter) variations.
- F. Auto-Dependency is Reduced - Auto-Dependency is low to non-existent for many. Incentives for driving are no longer dictating the architecture and placement of buildings. Parking is un-bundled, metered and managed. Ideally, parking is placed at the edges, and most people enjoy walking to their vehicles as part of their more active lifestyles.
- G. Transit is Easy, Convenient and Comfortable - A variety of transit options and desirable walking routes to transit are featured. Options might include trolleys, trams, buses and water taxis. Intermodal stations are convenient, welcoming, comfortable and well connected. Transit is not just competitive to other modes, it makes possible, efficient, comfortable and enjoyable movement.
- H. Pavement is Minimized - Use of non-porous materials in streets, parking lots and other features is minimized. Potential water and pollution runoff, solar heat traps and auto-centric designs are minimized. Sustainable cities attracting the greatest number of new jobs, such as Seattle, now have an active "pavement to parks" program.

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- I. Paths and Walkways - Paths (and low-volume streets) lead to activity centers, transit stops and other places of reward. Alignment of streets celebrates landmark places (natural and man-made). Individuals find it comfortable, easy, rewarding and memorable to walk, bike and travel to featured landmarks.
- J. Open Space - To the maximum extent feasible use nature to define districts. "Cities should not contain parks; parks should contain cities." – Frederick Law Olmsted
- K. Recreational Experiences can Happen Naturally - Places for play and social exchange are convenient, but natural play, rich in discovery, is also featured in streetscapes, parks, along trails or in plazas. Organized sports are accessible by trails and placed on perimeters, so these organized play fields do not overly-consume precious land and resources. Parking is on-street, not in the park.
- L. Community Streets - Use transportation to build the community, not divide it. Build streets to add value and livability to adjacent properties. The first priority of commercial streets is to maximize retail and social exchange.

"Bus rapid transit" means a fixed route bus system that features assets indicating permanent, high capacity service including, but not limited to, elevated platforms or enhanced stations, off-board fare collection, dedicated lanes, busways, or transit signal priority (RCW 36.70A.200).

"Bus station area" means all lots that are:

- A. Fully within an urban growth area; and
- B. Fully or partially within one-quarter mile walking distance of a stop on a fixed route bus system that is designated as a bus rapid transit stop in the transit development plan as required in RCW 35.58.2795, for which an environmental determination has been issued as required under chapter 43.21C RCW, and that features fixed transit assets that indicate permanent, high capacity service including, but not limited to, elevated platforms or enhanced stations, off-board fare collection, dedicated lanes, busways, or transit signal priority. (per RCW 36.70A.030).

"Camouflage/conceal" means to disguise by using vegetation or other surface textures and colors; to place out of the public view.

"Changeable sign" means a sign with the capability of content change by means of manual or electrical activation, including signs which are:

- A. "Electrically activated." Changeable sign whose message copy or content can be changed electrically by means of switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display.
- B. "Manually activated." Changeable sign whose message copy or content can be changed manually.

"Charging level" means the electrical force, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications:

- A. Level 1 is considered slow charging requiring a fifteen or twenty amp breaker on a 120-volt AC circuit and standard outlet.
- B. Level 2 is considered medium charging requiring a forty amp to one hundred amp breaker on a 208- or 240-volt AC circuit.

- C. Level 3 is considered rapid charging requiring a sixty amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Level 3 charging uses an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

"Co-living housing" means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites. (per RCW 36.70A.535). Co-living housing is allowed on lots that allow at least six multifamily residential units, including on a lot zoned for mixed-use development.

"Co-location" exists when more than one wireless communications provider mounts equipment on a single support structure.

"Comprehensive land use plan / comprehensive plan or plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to RCW Chapter 36.70a.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and survey map and plans have been recorded pursuant to chapter 64.34 RCW.

"Contractor yard" means a lot or portion of a lot or parcel used for outdoor storage and maintenance of construction equipment and other materials and facilities customarily required in the building trade by a construction contractor, including plumbing, mechanical, and electrical or similar contractors.

"Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. (per RCW 36.70A.030).

"Courtyard apartments" means attached dwelling units arranged on two or three sides of a yard or court. (per RCW 36.70A.030).

"Daycare / child day care center / child care center" mean an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours (per RCW 43.216.010).

"Daycare (in home) / family day care provider / family home provider" means a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters except as provided in RCW 43.216.692 and RCW 43.216.010(2)(m), (per RCW 43.216.010).

"Development" means an improvement of a site or structure excluding normal maintenance and repair when the original floor area is increased more than thirty percent; when more than fifty percent of the original building area is replaced; or when over fifty percent of the facade is changed.

"Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city. (per RCW 36.70A.030).

"Development standards" means controls placed by the city on building or site design and development including parking requirements, floor area allowances, density allowances, minimum lot coverage, and other dimensional standards.

"Duplex" means a residential building with two attached dwelling units.

"Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking and sanitation. (per RCW 36.70A.696(1)).

"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes:

- A. Battery electric vehicle (BEV). Any vehicle that operates exclusively on electrical energy from an off-board source, that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating;
- B. Plug-in hybrid electric vehicle (PHEV). An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.
- C. Neighborhood electric vehicle. A self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500; and
- D. Medium-speed electric vehicle. A self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than twenty-five miles per hour but not more than thirty-five miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.
- E. Provisions may also be made for facilities to support "Electric scooters and motorcycles"—Any two- or three-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero emissions or pollution when stationary or operating.

"Electric vehicle charging station" means a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

"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. (RCW 36.70A.030).

"Emergency Shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. 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. (RCW 36.70A.030).

"Enclosure" means a room, cabinet or building used to house equipment for utility or service providers.

"Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities and the equitable distribution of resources and benefits. (per RCW 36.70A.030).

"Essential public facility" means the essential public facilities (EPFs) of a state and regional nature, and has the meaning as defined in the Millwood comprehensive plan and these facilities shall be conditional uses in the zones in which they are allowed. The planning commission shall designate the most appropriate zones for each facility determined to be an EPF that is not listed in this title. Before issuance of a conditional use permit for an EPF, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the Spokane County regional siting process for essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020. (also see Local essential public facilities).

"Existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units (per RCW 35A.21.440 - New housing in existing buildings).

"Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of art, theme, story or ideas, but excluding any dance such as, but not limited to, common barroom type dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for the other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interest, depict sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

"Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 30 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Façade modulation" means a change in building plane, either a recess or a projection, that changes the shape of the exterior massing of the building.

"Family" means any group of people living together as a single housekeeping unit, regardless of blood or marriage (aligns with fair housing standards and state law including RCW 36.70A.030). any number of individuals related by blood or marriage or not more than five unrelated individuals living together in a single dwelling unit.

"Farmers market" means a market in which farmers and growers sell produce directly to consumers on a seasonal basis. Secondly, the farmers market may also include prepared food, crafts and other goods handmade by the vendor.

"Fiveplex" means a residential building with five attached dwelling units.

"Flanking street" means a yard extending from the front yard to the rear yard except in the case of a corner lot when the side yard on the flanking street shall extend to the rear property line.

"Floor area ratio" means a measure of development intensity equal to building square footage divided by the developable property square footage. Developable property excludes public facilities and portions of lots with critical areas and critical area buffers as designated in RCW 36.70A.060, except for critical aquifer recharge areas

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where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met. (per RCW 36.70A.030).

"Fourplex" means a residential building with four attached dwelling units.

"Front lot line" means the line separating any lot or parcel of land from a street right of way. On a through or interior lot, the line abutting the street or driveway providing primary access to the lot is the front lot line. On corner lots, the property line that is not considered to be the front lot line shall be the flanking lot line.

"Front property line" means the front line as shown upon the official plats of the property.

"Front yard" means an open unoccupied space on the same lot with a building, between the front line of the building and the front property line.

"Garage" means a building or portion of a building in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired or kept.

"Government facility" means any property that is owned or significantly controlled by the government.

"Green infrastructure" means a wide array of natural assets and built structures within an urban growth area boundary, including parks and other areas with protected tree canopy, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater. (per RCW 36.70A.030).

"Green space" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

- A. Is accessible to the public;
- B. Promotes physical and mental health of residents;
- C. Provides relief from the urban heat island effects;
- D. Promotes recreational and aesthetic values;
- E. Protects streams or water supply; or
- F. Preserves visual quality along highway, road, or street corridors. (per RCW 36.70A.030).

"Group homes, group-care homes":

"Group-care homes, Class I" means state-licensed foster homes for children, (not including nursing homes), homes for handicapped and the mentally ill, and homes for those with developmental disabilities, including adult family homes (AFH) regulated under RCW 70.128. Group-care homes, Class I are sub-classified as follows:

- A1. Group-care homes, Class I-A. A maximum of six residents or up to eight for AFH and two resident staff;
- B2. Group-care homes, Class I-B. A maximum of twelve residents and resident staff;
- C3. Group-care homes, Class I-C. A maximum of twenty residents and four resident staff.

"Group-care homes, Class II" means state-licensed group-care homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional institutionalization, and residential rehabilitation centers for current abusers of alcohol and drugs. Group-care homes, Class II, are sub-classified as follows:

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- A1. Group-care homes, Class II-A. A maximum of six residents and two resident staff;
- B2. Group-care homes, Class II-B. A maximum of ten residents and two resident staff;
- C3. Group-care homes, Class II-C. A maximum of twenty residents and four resident staff.

"Harm reduction programs" means programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services (RCW 36.70A.200).

"Height / Building height," for the purpose of this chapter, is measured from average grade level to the highest point of a structure except that television antennas, chimneys and similar appurtenances shall not be used in calculating height.

"Illuminated sign" means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated), including neon signs; or reflecting off its surface(s) (externally illuminated).

"Impervious" means ground surfaces and coverings composed of water-impenetrable materials such as asphalt concrete, brick, stone or rooftops.

"Improved street" means a public street, highway or avenue in the city which has been dedicated and open to public use and which has been improved with asphalt or concrete.

"Laundromat" means a self-service facility providing machines for washing and drying of clothes and personal items.

"Local essential public facilities (LEPFs)" mean those facilities providing a needed public service affecting or potentially affecting only residents and/or property within the jurisdiction in which they are located such as elementary schools, fire stations, and municipal parks. LEPFs shall be permitted through the conditional use process, if it is determined that they will have a negative impact on the health, safety, and public welfare inside of or outside of the municipal boundaries. The impact determination shall be based upon the review of an environmental checklist as required by the State Environmental Policy Act.

"Lot" means land legally subdivided under the laws of the state of Washington and the city of Millwood.

"Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located (per RCW 36.70A.545).

"Low-intensity commercial" means the provision of those goods and services needed by residents. Those commercial and service establishments which because of their character contribute to, rather than detract from, the quality of residential use.

"Major transit stop" means (per RCW 36.70A.030):

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, except for any stop that solely serves express bus service or serves express bus service and other bus services not otherwise meeting the definition of major transit stop;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems; or

(d) Stops on bus rapid transit routes, including those stops that are under construction.

"Major transit stop" means (as referenced for ADUs and Co-living housing only per RCW 36.70A.535(11)(b)):

(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, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.

(Also refer to definition for "Walking distance").

"Manufactured home" means a single-family residence constructed after June 15, 1976 and in accordance with state and federal requirements for manufactured homes.

"Manufactured/mobile home" means either a manufactured home or a mobile home.

"Manufactured/mobile home park" means a parcel under single ownership developed in such a way as to meet the requirements under this Code allowing for the placement of two or more individual manufactured homes, mobile homes or recreational vehicles on a lease or rental basis.

"Marijuana" means marijuana as defined in RCW § 69.50.101, as may be amended.

"Marijuana processor" means marijuana processor as defined in RCW § 69.50.101, as may be amended. A marijuana processor shall be licensed in accordance with and at all times be in compliance with all applicable laws, including but not limited to RCW Ch. 69.50 and chapter 314-55 WAC.

"Marijuana producer" means marijuana producer as defined in RCW § 69.50.101, as may be amended. A marijuana producer shall be licensed in accordance with and at all times be in compliance with all applicable laws, including but not limited to RCW Ch. 69.50 and chapter 314-55 WAC.

"Marijuana-infused products" means marijuana-infused [products] as defined in RCW § 69.50.101, as may be amended.

"Marijuana retailer" means marijuana retailer as defined in RCW § 69.50.101, as may be amended. A marijuana retailer shall be licensed in accordance with and at all times be in compliance with all applicable laws, including but not limited to RCW Ch. 69.50 and chapter 314-55 WAC.

"Mass timber construction" means a building with structural components primarily made of mass timber products as defined in RCW 19.27.570.

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. (per RCW 36.70A.030).

"Millwood approved manufactured home" means a manufactured home as defined in this section which:

- A1. Is comprised of at least two fully enclosed parallel sections each of which is not less than fourteen feet wide by forty feet long;
- B2. Was originally constructed with and now has a composition of wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
- C3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.

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"Mixed-use development" means a group of densely configured structures planned and developed as a single entity and containing within and/or among them a variety of complementary, integrated, and/or supporting uses. The group as a whole must achieve physical and functional integration.

"Mixed-use structure" means a single structure containing at least two complementary, integrated, and/or mutually supporting uses. The structure must achieve physical and functional integration within itself.

"Mobile home" means a single-family residence transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.

"Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Modular construction" means a multistory residential building constructed of standardized components produced off-site, which are transported and assembled at a final location.

~~**"Modular home"** means a structure constructed in a factory in accordance with the uniform building code and bearing the appropriate insignia indicating such compliance. This definition includes "prefabricated," "panelized" and "factory built" units.~~

~~**"Multifamily dwelling" or "apartment house"** means a building arranged to be occupied by more than two families and having separate baths and kitchens.~~

"Multi-Family or Multifamily Housing" means a building with six (6) or more attached dwelling units (also see Sixplex).

"Neighborhood commercial" means small-scale businesses and services (like coffee shops and local markets) that serve the daily needs of nearby residents, integrating into residential areas to promote walkability and reduce car trips for necessities, consistent with Blue Zone principles.

"New manufactured home" means any manufactured home required to be titled under RCW Title 46. which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

"Nursing Home" means any building where persons are housed or lodged and furnished with meals and nursing care and which premises are licensed by the state of Washington. (also referred to as convalescent home).

"Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies (per RCW 70A.205.015).

"Other adult entertainment facilities" means any commercial establishment not defined herein where adult entertainment or sexually oriented materials is regularly conducted, displayed, or available in any form, for any type of consideration, including places of business which employ, contract with, lease or let space to those massage operators who are not licensed by the state of Washington. Provided however, that the following public institutions shall not be considered adult entertainment facilities; library, school, university, or other public educational or scientific establishment. In addition, a commercial establishment that offers access to telecommunications networks as a principal business purpose shall not be considered an adult entertainment facility unless the access it provides is for the primary purpose of displaying or presenting visual images that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020. (per RCW 36.70A.030).

"Parcel" means land legally subdivided under the laws of the state of Washington and the city of Millwood.

"Passive house requirements" means the criteria for certification as a passive house by Phius or the international passive house institute (RCW 36.70A.812/815). These standards focus on creating an airtight, well-insulated building envelope with balanced ventilation to achieve up to 90% less heating/cooling energy usage than conventional construction.

"Permanent sign" means any sign which is not a temporary sign and which is not exempted as defined in this chapter.

"Permanent Supportive Housing" means subsidized, leased 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. (RCW 36.70A.030).

"Person" means any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, and governmental entity.

"Political sign" means a temporary sign intended to advance a political statement cause or candidate for office. A legally permitted billboard shall not be considered to be a political sign.

"Portable sign" means any sign not permanently attached to the ground or to a building or building surface.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools. (per RCW 36.70A.030).

"Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services. (per RCW 36.70A.030).

"Public Utility" means a regulated public or private enterprise with an exclusive franchise for providing public service paid for directly by the recipient of that service.

"Public Utility Transmission Facility" means any building, structure, or device which transfers directly to the public the service or supply provided by a public utility, including telephone, electric, gas, cable television, water and sewer, and all other facilities, equipment and structures necessary for conducting a local distribution service by a government or public entity.

"Public way" means any public or private street, alleys, pathways, or similar feature which the public has a right of use.

"Real estate sign" means a temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

"Rear property line" means the property line of a lot most nearly parallel to the front property line of the same lot.

"Rear yard" means an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

"Related wireless communications equipment" means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.

"Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property (RCW 36.01.290 / RCW 36.70A.545). Also referred to as Church.

"Residential / Commercial Mixed Use" means a type of building or development that blends residential units with commercial spaces (retail, offices, restaurants, etc.) where at least 25% of the project is residential and at least 25% of the project is commercial. There are three (3) forms of residential/commercial mixed use:

"Vertical Mixed-use Developments" have different uses stacked vertically in a single building. The ground floor typically hosts retail or restaurants, with residential or office spaces above.

"Live-Work Buildings" are mixed-use structures that integrate residential living space with a dedicated, non residential workspace (such as an office, studio, or retail shop) within a single unit or building.

"Horizontal Mixed-use Developments" have different uses spread horizontally across different buildings and spaces within a single parcel or multiple parcels within a project.

"Risk potential land uses" mean those risk potential activities or facilities in existence at the time a site is listed for consideration. Risk potential activity or facility means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from a special commitment center. The following are risk potential land uses:

- ~~A1.~~ Public libraries;
- ~~B2.~~ Public parks;
- ~~C3.~~ Publicly dedicated trails;
- ~~D4.~~ Sports fields;
- ~~E5.~~ Playgrounds;
- ~~F6.~~ Recreational and community centers;
- ~~G7.~~ Public or private schools;
- ~~H8.~~ School bus stops;
- ~~I9.~~ Licensed day care and licensed preschool facilities;
- ~~J10.~~ Places of worship such as churches, mosques, synagogues and temples; and
- ~~K11.~~ Any other risk potential land use identified in siting criteria by the department of health and social services with respect to siting a SCTF.

"Secure community transition facilities (SCTFs)" mean those residential facilities as defined in RCW § 71.09.020. A SCTF shall be sited, maintained and operated in accordance with local regulations and in accordance with RCW Ch. 71.09.

"Senior independent housing" means any residential housing that is advertised, maintained, designed, or constructed for the express or implied purpose of providing housing for persons 55 years of age or older who are independent and do not require assistance with activities of daily living. Senior independent housing is typically designed to enable seniors to live on their own, but with the security and convenience of community living, that

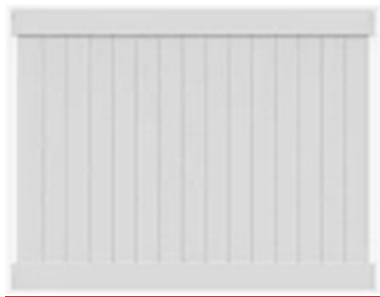
may include recreational, educational, and social activities. Does not include facilities that provide medical care or assistance with activities of daily living, such as assisted living facilities, nursing homes, long-term care facilities, or other similar living arrangements.

"Sexually oriented materials" means any books, magazines, periodicals or other printed materials, or any photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Shared parking" means parking spaces where two or more uses on the same or separate sites are able to share the same parking spaces. Parking spaces must be located on the site of the use or in parking areas whose closest point is within four hundred feet of the site.

"Side yard" means an open unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the same lot.

"Sight-obscuring fence" means a fence, at least six (6) ft. tall, which provides complete visual separation and is used where complete screening is needed.



Sight-obscuring fence

vs.



Partially sight-obscuring fence

"Sign" means any structure, graphic, symbol, words, letters or object used to convey a message or attract the attention of the general public, wherever located and however constructed or affixed if visible from a public street or right-of-way.

"Single-family dwelling" means a structure arranged or designed to be occupied by not more than one family. Single-family dwelling does not include tents, trailers, recreational vehicles, campers or other temporary structures.

"Single-family zones" means those zones where single-family detached residences are the predominant land use. (per RCW 36.70A.030).

"Sixplex" means a residential building with six attached dwelling units.

"Sleeping unit" means a single unit within co-living housing that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units (per 2021 International Building Code, Section 202 Definitions). A sleeping unit is a standalone bedroom and does not have the full features of a dwelling unit. Sleeping units are not required to have closets, bathrooms or kitchens; however, private bathrooms and kitchenettes may be provided. There must be at least one shared kitchen facility for sleeping units to be considered co-living housing, per RCW 36.70A.535(11)(a).

"Social service facilities" means an essential public facilities category which includes inpatient substance abuse/mental health facilities, opioid treatment programs, and similar facilities.

"Special or periodic event" means an event which occurs once (special, for example a music performance event) or on a regular schedule (periodic, for example a weekly farmers market) not more frequently than once each week.

"Specified anatomical areas" means and includes any of the following:

- A1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- B2. Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

"Specified sexual activity" means and includes any of the following:

- A1. The caressing, fondling, or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- B2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- C3. Masturbation, actual or simulated; or
- D4. Excretory function as part of, or in connection with, any of the sexual activities specified in this definition.

"Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned. (per RCW 36.70A.030).

"Stealth facility/concealed antennas" means any communication facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

"Story" has the meaning as defined in the adopted building code of the city. Refer to zoning for setbacks related to story / height.

"Temporary sign" means a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature, including real estate signs, special event signs and portable signs.

"Tier 3 city" means a city with a population of less than 25,000, that is within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on 2020 Office of Financial Management population estimates (City of Millwood is a Tier 3 city).

"Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides. (per RCW 36.70A.030).

"Trailer park" means any plot of ground where accommodation is provided for two or more families to establish temporary or semipermanent residences in automobile trailers, house cars, recreational vehicles or other portable or temporary habitations, whether the wheels have been removed from such portable habitation or not.

"Transitional Housing" means a project that provides 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. (RCW 84.36.043(3)(c)).

"Transportation system" means all infrastructure and services for all forms of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider. (per RCW 36.70A.030).

"Trent Frontage" means that the minimum parcel width is equal to the parcel frontage on Trent Avenue and that Trent Avenue is the primary access to the parcel.

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"Triplex" means a residential building with three attached dwelling units.

"Two family dwelling" or "duplex" means a building arranged to be occupied by two families and having separate baths and kitchens.

"Unit density" means the number of dwelling units allowed on a lot, regardless of lot size. Also referred to as unit per lot and unit per lot density. (Refer to Millwood Comprehensive Plan Bulk Density Standards).

"Upper-level setback" means a required distance between the lot line and the building façade applied only to portions of the building above a specified height.

"Urban governmental services / urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas. (per RCW 36.70A.030).

"Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth. (per RCW 36.70A.030).

"Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110. (per RCW 36.70A.030).

"Usable marijuana" means usable marijuana as defined in RCW § 69.50.101, as may be amended.

"Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 50 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Vulnerable populations" means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization. "Vulnerable populations" includes, but is not limited to:

- A. Racial or ethnic minorities;
- B. Low-income populations; and
- C. Populations disproportionately impacted by environmental harms. (per RCW 36.70A.030).

"Walking distance" means utilizing a path finding method or walking route from a location (i.e. major transit stop) to a location (such as a residence) based on the local street network and other pedestrian routes such as off-street trails. All lots which touch the path / route are considered walking distance.

"Warehouse" means a structure in which more than fifty percent of the ground floor area is utilized for the storage of products, which is not the office or showroom area of the building.

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"Wildland urban interface" means the geographical area where structures and other human development meets or intermingles with wildland vegetative fuels. (per RCW 36.70A.030).

"Window sign" means a sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

"Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.

"Wireless communication facility" means an unstaffed facility for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas, and related equipment. Two types of wireless communication facilities include:

- A. **"Type I facility"** means an attached wireless communication facility which consists of antennas equal to or less than four feet in height and with an area of not more than four hundred eighty square inches in the aggregate (e.g., one foot diameter parabola or two foot by one and one-half foot panel) as viewed from any one point. The permitted antenna height includes the wireless communication facility support structure.
- B. **"Type II facility"** means an attached wireless communication facility which consists of antennas equal to or less than fifteen feet in height or a parabolic antenna up to one meter (39.37 inches) in diameter and with an area not more than one hundred square feet in the aggregate as viewed from any one point.

"Wireless communication support structure" means the structure erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers.

"Wireless telecommunication tower" means a structure such as a self-supporting tower, a guyed tower, or a monopole, which supports antennas and may include accessory facilities necessary for equipment storage and unmanned operations.

"Yard" means any type of open space on the lot adjacent to a building and does not refer to regulated setbacks. ~~that portion of a lot regulated by setbacks and designed as open space as regulated in this title.~~

(Ord. No. 536, § 1, 1-10-2023)

Chapter 17.42 WIRELESS TELECOMMUNICATION TOWERS, ANTENNAS AND FACILITIES

17.42.005 [In general.]

The regulations of this chapter are intended to provide for the growing need for telecommunications towers, antennas and facilities while minimizing any adverse environmental, aesthetic and visual impacts through careful design, siting and landscape screening; to promote and encourage shared use (co-location) of existing and new towers and sites; to avoid potential damage to adjacent properties; to protect the health, safety and welfare of the general public; and to preserve the character of residential ~~districts~~-zones through judicious permitting of towers.

(Ord. No. 527, § 1, 6-14-2022)

17.42.010 Permit required—Application.

- A. No person, company, corporation or business entity of any kind shall erect any telecommunication facility, tower or accessory building of any kind or alter any such use without first obtaining a permit, in writing, from the city. Any permit shall expire at the end of one year after issuance unless the permittee has completed the structure or commenced the use authorized by the permit. Each permit is valid for five years from the date of issue and shall thereafter be subject to renewal by the city. Each application for a permit shall contain the following information unless specifically exempted:
1. A site plan drawn to scale and identifying the boundaries of the lot where the tower, accessory structure or facility is to be located and all required yard setbacks; location, type and height of tower or facility; guy anchors; location, use and dimensions of existing and proposed structures and fences; vehicular parking and access; existing vegetation to be retained; topography of the site; adjacent land uses and current zoning;
 2. A copy of the subdivision plat, deed or lease agreement for the site;
 3. A plan drawn to scale showing proposed landscaping, including species type, size and spacing;
 4. Report from a registered professional engineer indicating tower height and design, structure, installation, and total number and types of antennas that could be accommodated;
 5. A notarized verification of compliance signed by both the owner and a registered professional engineer stating that the tower complies with all EIA/TIA 222-E Standards, as amended;
 6. A signed affidavit from the applicant verifying the lack of space on suitable existing towers or other structures to locate the proposed antenna accompanied by supporting documentation as specified in Section 17.42.090 of this chapter;
 7. A letter of intent stating whether the applicant intends to lease excess space on the tower to other potential users at reasonable rates and on reasonable terms. The letter shall commit the tower owner and successors in interest to:
 - a. Negotiate in good faith for shared use by third parties,
 - b. Allow shared use if an applicant agrees in writing to pay reasonable rental charges or other consideration and to pay costs of adapting the tower or existing users' equipment to accommodate a shared user if required by the terms of the agreement,

- c. Make no more than a reasonable charge for shared use based on generally accepted industry standards;
- 8. Documentation demonstrating that the proposed site is required to serve the company's planned network in the city;
- 9. A notarized statement signed by the applicant and owner that the tower and facility will conform with applicable FCC regulations concerning the environmental effects of radiofrequency emissions;
- 10. A current inventory of the company's existing towers and facilities in the city and within two miles of the city's incorporation boundaries, including information on the height, location, antenna capacity, existing antennas and structural design of each tower;
- 11. If federal regulations require an environmental assessment (EA), then a copy of the EA shall be submitted as part of the application;
- 12. If state regulations require a State Environmental Policy Act (SEPA) review, then a copy of the completed SEPA checklist shall be submitted as part of the application.
- B. The City Clerk shall act upon any application for authorization to place, construct or modify telecommunications tower, antenna, or other facilities pursuant to this Code after the application and all required supporting documentation is duly filed, taking into account the nature and scope of such application.
- C. A decision by the City Clerk to grant or deny an application to place, construct, or modify a telecommunications tower, antenna, or other facility shall be in writing and supported by substantial evidence contained in the record.
- D. The City Clerk shall issue permits only for those facilities, antennas and towers that meet the requirements of this chapter and are expressly allowed by this chapter. For any permit application that does not meet the requirements of this chapter the applicant must follow the special permit/variance process.
- E. As a condition of permit approval, the applicant shall submit to the city within eight weeks of project completion, an engineer's report stating the tower and facility meet all FCC conditions and requirements. Failure to submit this required report shall be grounds for revoking the permit.

(Ord. No. 527, § 1, 6-14-2022)

17.42.020 Reserved.

17.42.030 Reserved.

17.42.040 Fees.

Fees for construction and inspection of telecommunication facilities shall be those adopted by the city of Millwood or its designee.

(Ord. No. 527, § 1, 6-14-2022)

17.42.050 Development standards for Type I facilities on existing buildings or other existing support structures.

- A. Type I facilities are not permitted in residential ~~districts~~zones. Type I facilities are permitted on existing buildings or other existing support structures in areas zoned C-1 commercial ~~district~~zone, C-2 low-intensity commercial/mixed use zone, I-1 light industrial ~~district~~-zone, and PR-1 public reserve ~~district~~-zone subject to the conditions listed in this section.
- B. The Type I facility shall be located on existing buildings or other existing support structures. They shall not be allowed in buildings which are used solely for residential use. The Type I facility may locate on buildings and structures which contain uses mixed with residential uses provided that the interior wall or ceiling immediately adjacent to the facility is not used as residential space.
- C. Antennas equal to or less than four feet in height and with an area of not more than four hundred eighty (480) square inches in the aggregate (e.g., one foot diameter parabola or two foot by one and one-half foot panel as viewed from any one point) are exempt from the height limitation of the zone in which they are located. Existing structures which are nonconforming with respect to height, may be used for omni-directional antennas providing the antenna does not extend more than four feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
- D. The Type I facility shall not be artificially illuminated except as required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).
- E. Radio electronic equipment shall be enclosed, and the enclosure shall be located underground, or contained wholly within an existing building or structure, or be surrounded by a chain link fence or a wall and be concealed or camouflaged.
- F. Enclosures and security fences or walls for Type I facilities shall be constructed so as to be compatible with the surrounding structures in their design, materials, textures and colors.
- G. Type I facilities located in C-1 and C-2 commercial / mixed use ~~districts~~-zones shall be stealth facilities or concealed antennas. Within the C-2 zone, Type I facilities shall only be located on roofs.
- H. Type I facilities shall comply with all applicable FCC and FAA regulations.
- I. The support structure for the Type I facility shall comply with all applicable building codes and have received appropriate permits.
- J. Type I facilities in the PR-1 public reserve ~~district~~-zone shall not include offices, vehicle storage, indoor or outdoor storage, or broadcast studios.
- K. Type I facilities shall not be permitted within the boundaries of any historic district listed in the National Register of Historic Places.

(Ord. No. 527, § 1, 6-14-2022)

17.42.060 Development standards for Type II facilities on existing buildings and other support structures.

- A. Type II facilities are not permitted in residential ~~districts~~zones. Type II facilities are permitted in areas zoned C-1 commercial ~~district~~zone, ~~MI-1 manufacturing district~~light industrial zone, and PR-1 public reserve ~~district~~zone subject to the conditions listed in this section.

- B. Type II facilities shall not be allowed on buildings which are used solely for residential use. Type II facilities may be situated on buildings and structures which contain uses mixed with residential uses provided that the interior wall or ceiling immediately adjacent to the facility is not used as residential space.
- C. Type II facilities shall comply with the height limitation specified in the zone in which it is located except as follows: omni-directional antennas may exceed the height limitation by eighteen (18) feet, panel antennas may exceed the height limitation by six feet if affixed to the side of an existing building and if they architecturally blend in with the building. Existing structures which are nonconforming with respect to height, may be used for omni-directional antennas providing the antenna does not exceed eighteen (18) feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
- D. Type II facilities shall not be artificially illuminated except as required by the FAA or the FCC.
- E. Radio electronic equipment shall be enclosed, and the enclosure shall be located underground, or contained wholly within an existing building or structure, or be surrounded by a chain link fence or a wall and be concealed or camouflaged.
- F. Enclosures and security fences or walls of Type II facilities shall be constructed so as to be compatible with the surrounding structures in their design, materials, textures and colors.
- G. Type II facilities located in C-1 commercial ~~districts-zones~~ shall be stealth facilities or concealed antennas.
- H. Type II facilities shall comply with all applicable FCC and FAA regulations.
- I. The support structure for the Type II facilities shall comply with all applicable building codes and have received appropriate permits.
- J. Type II facilities in the P-I public reserve ~~district-zone~~ shall not include offices, vehicle storage, outdoor storage or broadcast studios.
- K. Type II facilities shall not be permitted within the boundaries of any historic district listed in the National Register of Historic Places.

(Ord. No. 527, § 1, 6-14-2022)

17.42.070 Development standards for telecommunication towers.

- A. Wireless telecommunication towers are permitted in areas zoned I-1 light industrial ~~district~~ only.
- B. Wireless telecommunication towers shall be designed and built to accommodate the location of two or more wireless communications facilities (co-location). An exception may be made to this requirement if the applicant can provide written documentation that, given the applicable zoning regulations, federal law, engineering requirements, and other relevant codes and requirements placed on the site or structures, installation of a single carrier tower would better serve the goals of the zoning ordinance than would a tower designed to accommodate multiple users.
- C. Any tower that exceeds one hundred twenty (120) feet in height shall require a special permit. Co-location on an existing permitted support structure shall be permitted without an additional special permit, provided there is not substantial change to the existing support structure and the facility otherwise complies with this chapter.
- D. Type II facilities are the largest permitted wireless communication facilities allowed on a tower. Antennas which extend above the wireless communications support structure shall not be calculated as part of the height of a wireless communications support structure. For example, the maximum height for a tower (without a special permit) shall be one hundred twenty (120) feet, making the maximum permitted height of the support structure and antennas one hundred thirty-eight (138) feet (one hundred twenty (120) feet plus

eighteen (18) feet). Measurement of tower height shall include base pad and other appurtenances and shall be measured from the natural grade of the site.

- E. Towers shall be separated from each other by a distance equal to or greater than one thousand two hundred (1,200) linear feet.
- F. Yard setback requirements for wireless telecommunications towers are as follows:
 - 1. The minimum yard setback for a tower shall be twenty-five (25) percent of the tower height unless a greater yard setback is required by the regulations of the ~~district~~zone in which the tower is located; however, no tower shall be located closer than two hundred (200) feet to any residential ~~district~~zone nor closer than a distance equal to the height of the tower to any structure containing a residential use.
 - 2. Towers located on a portion of a larger lot shall not be constructed in any yard which is required by a setback of the larger lot.
 - 3. Tower yard setbacks from the property lines of the lot on which the tower is located shall be measured from the perimeter of the tower base for monopoles and self-supporting towers and from the guy anchors for guyed towers.
 - 4. Guyed towers shall have their guy anchors located on the tower site, and guy wires shall not cross any adjoining property, public rights-of-way or public easements.
 - 5. Yard setbacks shall be sufficient to contain all ice-fall on site, unless adequate provisions have been incorporated to prevent the buildup of ice.
- G. Wireless telecommunication towers shall not be artificially illuminated except as required by the FAA or the FCC. All security lighting must be contained within the fenced area and must not illuminate higher than ten feet.
- H. Towers shall have a galvanized finish or be painted a nonreflective silver, pale blue or gray provided however, any regulation of the FAA or FCC that contradicts this requirement shall govern.
- I. The tower and accessory structures shall be fully secured. A chain link fence or a wall not less than eight feet in height from finished grade shall be provided around each tower and all accessory structures. Access to the tower shall be through a locked gate. Towers without accessory structures may utilize anti-climb devices in place of a fence.
- J. Towers shall meet or exceed the structural requirements as set out in EIA/TIA 222-E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," as amended, published by the Electronic Industries Association and all applicable city building codes. Any improvements and/or additions (antennas, dishes, etc.) to existing towers shall require that a notarized verification of compliance with the EIA/TIA 222-E Standards, in effect at the time of the improvement or addition, be signed by the owner and a registered professional engineer and be submitted to the City Clerk.
- K. Towers may not be located within two hundred (200) feet of the Spokane River's ordinary high water mark.
- L. No signs shall be allowed on any tower or antenna unless required for safety purposes.
- M. Where the lot on which a tower is to be erected does not meet the minimum lot size requirement of the ~~zoning-district~~zone or does not have frontage on the public street from which it derives access, then building permits shall not be issued for any structures other than telecommunications towers and the unmanned accessory facilities required for that tower's operation. This use restriction must be made a part of any plat or deed describing this lot until such time as the lot comes into compliance with the zoning regulations.
- N. Whenever a tower site does not have frontage on the public street from which it derives access, a permanent, twenty (20) foot wide access easement shall be required.

- O. A landscape buffer shall be required in all ~~districts-zones~~ and shall effectively screen the view of the fence and accessory structures from public ways and adjacent properties.
1. The buffer shall be installed outside the security fence.
 2. The buffer shall consist of a minimum ten-foot-wide landscaped strip planted with an attractive combination of trees, shrubs, vines and/or groundcovers.
 3. Minimum required plantings include:
 - a. A row of evergreen trees a minimum of eight feet tall when planted placed a maximum of ten feet apart;
 - b. A continuous hedge of evergreen shrubs at least thirty (30) inches high when planted placed in front of the tree line;
 - c. All plant materials shall be xeriscape tolerant.
 4. The owner of the tower shall be responsible for providing and maintaining all landscaping in a healthy and growing condition and replacing unhealthy or dead plants by the beginning of the next growing season with plants that conform to the original intent of these regulations for as long as the tower stands.

(Ord. No. 527, § 1, 6-14-2022)

17.42.080 Amateur radio towers and antennas.

Amateur radio towers and antennas are permitted in any residential ~~district-zones~~ subject to the following conditions:

- A. One tower may be installed in the rear yard only as an accessory structure to a licensed operator's legal residence, and all guy wires and anchors must be contained on the lot and may not extend closer than ten feet to any boundary line of the lot.
- B. The tower and antenna shall not exceed the height limitation of the zone. The applicant shall show that the impact area (that area in all directions from the tower base equal to the tower's/antenna's height above grade) is completely on the operator's property.
- C. Amateur radio towers in residential ~~districts-zones~~ shall be used exclusively for amateur radio antennas.
- D. A building permit must be issued prior to installation of an amateur radio tower.
- E. Amateur radio towers to be located in nonresidential ~~districts-zones~~ must comply with Sections 17.42.010, 17.42.050, 17.42.070 and 17.42.100 of this chapter, as applicable.

(Ord. No. 527, § 1, 6-14-2022)

17.42.090 Co-location.

To minimize the adverse visual, aesthetic and environmental impacts associated with the proliferation of towers, co-location of antennas or facilities by more than one provider on existing or permitted towers shall take precedence over the construction of new towers. Towers shall be designed to maximize shared use to the extent possible for the type of tower proposed without creating structural instability or electromagnetic interference with other antennas on the tower.

- A. Subject to subsection B of this section, no new tower shall be permitted unless the applicant demonstrates by sufficient documentary evidence that at least one of the following conditions is applicable:
1. No existing towers or suitable structures are located or available within the geographic area required to meet applicant's engineering requirements, and no such towers are under consideration for building permits.
 2. Existing towers or structures are not of sufficient height and cannot be reasonably altered to meet applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength and cannot be reasonably altered to support applicant's proposed antenna and related equipment.
 4. The proposed antenna would cause electromagnetic interference with existing antenna(s) on the tower or structure, or the existing antenna(s) would cause interference with the proposed antenna and the interference cannot be prevented at a reasonable cost.
 5. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 6. Co-location would have a more detrimental environmental, aesthetic or visual impact on the surrounding area than would construction of a new tower.
- B. Even if an applicant is able to demonstrate the existence of one of the foregoing conditions, a new tower may not be permitted if it is determined by substantial evidence that the proposed location of the tower is not essential to the applicant to provide service in a given geographical area, and the tower would:
1. Interfere with or endanger the use of other telecommunication facilities; or
 2. Endanger persons or property; or
 3. Not be compatible with existing or proposed adjacent development; or
 4. Have a significant environmental, visual or aesthetic impact on the surrounding area.

(Ord. No. 527, § 1, 6-14-2022)

17.42.100 Abandonment.

- A. Any telecommunications tower, antenna or facility that has not been in use for its original telecommunications purpose for a period of one hundred eighty (180) days shall be deemed to be abandoned. The tower owner shall remove the abandoned tower and shall have ninety (90) days to remove an abandoned tower and any accessory structures or to reactivate the tower or to transfer the tower to another owner who shall submit a plan to reactivate it. Removal of abandoned towers and accessory structures shall be at the tower owner's expense. In the event that the tower owner fails to remove the abandoned facility and support structure, the property owner shall be responsible for removal and disposal within ninety (90) days at the property owner's sole expense.
- B. Every tower owner shall provide the City Clerk with a list of all towers owned by them, indicating the date of cessation of operation for any inactive towers, the date of dismantling for removed towers, the date of transfer of towers to other owners or subleases, and a certification that each standing tower is in compliance with Section 17.42.070(J) of this chapter. In addition, every tower owner shall within thirty (30) days of the transfer assignment or sublease of a tower's ownership provide the City Clerk with the date of such transfer.

(Ord. No. 527, § 1, 6-14-2022)

