### Table 17.16.040

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**Notes:**
1. Accessory Dwelling Unit
2. Family day care home
3. Group care facility
4. Home occupation
5. Horse paddocks
6. Housing for people with functional disabilities
7. Kennel, hobby
8. Manufactured home
9. Model house/sales office

### RESIDENTIAL USES

- **RD12.5**
- **RD12.5(S)**
- **RD9.6**
- **RD9.6(S)**
- **RD8.4**
- **RD7.5**
- **RD7.2**
- **WFB**
- **MRD**
- **MR**
- **CB(S)**
- **CB(S)-2**
- **PCB(S)**
- **DB**
- **CB**
- **PCB**
- **WMU**
- **BP**
- **IP**
- **PI**
- **LI**
- **HI**
- **PSP**
- **OS**
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<td>Trailers and mobile homes for living purposes</td>
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</table>

**Commercial Uses**

<p>| Adult entertainment business                                      | P           | P          | P          | P      | P      |       |       |     |     |     |       | C      |       |     |     |     |     |     |     |     |     |     |     |     |
| Animal services, animal services facility                        | P           | P          | P          | P      | P      | P      | P      | P    | P    | P   |       |       |       |     |     |     |     |     |     |     |     |     |     |     |
| Amusement facility                                               | P           | P          | P          | P      | P      | P      | P      | P    | P    | P   |       |       |       |     |     |     |     |     |     |     |     |     |     |     |
| Art gallery                                                      | P           | P          | P          | P      | P      | P      | P      | P    | P    | P   |       |       |       |     |     |     |     |     |     |     |     |     |     |     |
| Art studio in conjunction with retail                            | P           | P          | P          | P      | P      | P      | P      | P    | P    | P   |       |       |       |     |     |     |     |     |     |     |     |     |     |     |
| Auto repair, minor                                               | C           | C          | C          | C      | C      | C      | C      | C    | C    | C   |       |       |       |     |     |     |     |     |     |     |     |     |     |     |
| Bed and breakfast                                                | C           | C          | C          | C      | C      | C      | C      | C    | C    | C   |       |       |       |     |     |     |     |     |     |     |     |     |     |     |
| Boat launch facility, motorized                                  | P           | P          | P          | P      | P      | P      | P      | P    | P    | P   |       |       |       |     |     |     |     |     |     |     |     |     |     |     |
| Brewery, micro; and winery                                       | P           | P          | P          | P      | P      | P      | P      | P    | P    | P   |       |       |       |     |     |     |     |     |     |     |     |     |     |     |
| Cleaning establishments                                          | P           | P          | P          | P      | P      | P      | P      | P    | P    | P   |       |       |       |     |     |     |     |     |     |     |     |     |     |     |</p>
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<td>Government garage, shops, fire stations, police stations and storage buildings</td>
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<td>Motor vehicle and equipment sales</td>
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<td>Nursing home</td>
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<td>Office, general</td>
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<td>Personal services shop</td>
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<td>Retail allied to or supportive of the principal use</td>
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<td>Bakery, wholesale for distribution</td>
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Notes:
- **RD** indicates road distance.
- **WFB** indicates width.
- **MRD** indicates maximum height.
- **CB** indicates building code.
- **PCB** indicates parking code.
- **WMU** indicates water management unit.
- **BP** indicates building permit.
- **IP** indicates impact permit.
- **PI** indicates parking impact.
- **LI** indicates landscaping impact.
- **HI** indicates highway impact.
- **PSP** indicates public services.
- **OS** indicates other services.

*The table continues with additional categories and criteria.*
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**Community Uses**

<p>| Community center buildings and grounds | C | C | C | C | C | C | C | C | C | P | P | P | C | C | C | C | P | P | P | P | P | C |
| Golf course and driving range       | C | C | C | C | C | C | C | C | C | P | P | P | C | C | C | C | P | P | P | P | P | C |
| Recreational facility not otherwise listed | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | P | P | P | P | P | C |
| Swimming pool, public               | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | P | P | P | P | P | P |</p>
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<td>Temporary buildings (&lt; 1 year)</td>
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<td>Temporary emergency use39</td>
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P = Permitted Use  C = Conditional Use  T = Temporary Use  Blank = Not Allowed
B. Reference Notes for Permitted Use Matrix.

1. Waterfront Mixed-Use District. All development in the waterfront mixed-use district shall comply with Mukilteo Municipal Code, Chapter 17.25, Design Standards and Guidelines for Mixed-Use Development, and shall be approved through administrative design review.

2. Public/Semipublic Conditional Use Permit Criteria. In considering any conditional use permit for uses within the public/semipublic district, the permit authority shall consider all factors relevant to the public interest including, but not limited to:
   a. Consistency of the proposal with the comprehensive plan and with the purpose of the PSP district;
   b. Impact of the proposal on the visual and aesthetic character of the neighborhood;
   c. Impact of the proposal on the distribution, density or growth rate of the population in the surrounding neighborhoods;
   d. Orientation of facilities to developed or undeveloped residential areas;
   e. Preservation of natural vegetation and other natural features;
   f. Hours of operation;
   g. Ability to provide adequate on-site parking;
   h. Traffic impacts of the proposal on the neighborhood;
   i. Conformance with other city ordinances; and
   j. An overall general benefit shall be provided to the community.

3. Footnote deleted with Ordinance 1088 – This footnote is left blank on purpose.

4. Uses in the OS District. Uses only allowed at Mukilteo Lighthouse Park.

5. Uses in the OS District. Uses only allowed at Mukilteo Lighthouse sites.

6. Accessory Uses in the OS District. Only allowed if accessory, incidental, and subordinate to, and in support of, a principal public recreational use. Accessory structures shall be in keeping with the existing design and scale of the site and surrounding neighborhood.

7. Single-Family Residences in the MRD District. Single-family residences in the MRD district shall meet the bulk requirements of the RD 12.5 District (Section 17.20.020).

8. Single-Family and Multifamily Residences in the DB and WMU District. Single-family and multifamily residences are subject to the following stipulations:
   a. No single-family residence may be located north, or northwest of the Burlington Northern railroad tracts;
   b. Multifamily residences may be located in the DB and WMU districts as an accessory use, provided they are combined with either retail, service, professional offices or other permitted commercial uses;
   c. For each one thousand square feet of commercial space in the DB district, one living unit for computation of density will be allowed as an accessory use. Fractional units of more than one half shall be rounded to the next higher whole density unity;
d. The dwelling units shall be located either below, behind, or above permitted commercial uses in the DB, and only above commercial, office or parking uses in the WMU zone. Living quarters located on the street level shall be located behind the commercial use of the structure; and
e. Single-family and multifamily residences that existed prior to the effective date of the ordinance codified in this chapter may be altered; provided, that no additional dwellings units are created unless combined with commercial uses in accordance with the provisions of this section.

9. Development Agreements. Single-family residential, duplex, and townhouse uses are only allowed in the planned community business—south (PCB(S)) district if combined with a development agreement approved by the Mukilteo city council.

10. Townhouse. Shall be subject to all conditions of the PRD standards of the Mukilteo Municipal Code.

11. Accessory Dwelling Units. All accessory dwelling units shall comply with Chapter 17.30, Accessory Dwelling Units, and require issuance of an ADU permit pursuant to Chapter 17.30 that must be renewed annually.

12. Family Day Care. A family day care shall be permitted out-right in all zoning districts permitting residences and shall be subject to the following requirements:
   a. Meet Washington State child day care licensing requirements;
   b. Comply with all building, fire safety, health code, and business licensing requirements;
   c. Lot size, building size, setbacks and lot coverage conform to the standards of the zoning district except if the structure is a legal nonconforming structure;
   d. Parking requirements shall conform to Chapter 17.56;
   e. Signage, if any, will conform to Chapter 17.80;
   f. Filing of a business license application form with the city as provided for in Section 5.04.050 of this code;
   g. No structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences is permitted;
   h. The licensee shall provide a securely fenced play area which meets the height requirements for front, side and rear yards according to Section 17.20.080;
   i. The site must be landscaped in a manner compatible with adjacent residences;
   j. All immediately adjoining property owners of the family day care shall be notified of the proposed use and a ten-day comment period shall be established before any final action is taken on the proposal;
   k. The planning director or his/her designee may impose reasonable conditions on the approval of the family day care permit in order to ensure that the criteria of this chapter are met and that the facility is in harmony with the surrounding neighborhood; and
   l. Any person may appeal a condition that is imposed by the city upon a family day care by appealing the condition to the city council. Any appeals shall be made in writing within twenty-one calendar days of the imposition of the condition by the
city. Appeals of the planning director may be made to the city council, in writing, within twenty-one calendar days of the planning director’s written decision.

13. Group Care Facilities. Approval of group care facilities shall be subject to the following requirements:
   a. Comply with the definition of group care facility and type of populations to be served and not served;
   b. That the facility must be licensed by the appropriate state authority certifying the adequacy of the proposed structure for the type of use and the maximum number of persons and the required level of supervision and treatment/training required; and
   c. Coordination of restrictions:
      i. Group care facilities shall not be adjacent to another group care facility, and there shall be a minimum separation of five hundred feet between facilities,
      ii. Not more than two facilities containing a combined total of not more than thirty people shall be allowed in any designated planning area,
      iii. Parking. One stall per employee for the largest shift and one stall per person or household where the use of an automobile is allowed,
      iv. Signing. Compliance with the city’s current sign code,
      v. A landscaping plan shall be presented which shall provide an aesthetic buffer adjacent to residential uses, landscaping on a minimum of fifteen percent of the site. If the facility is to serve children, playground equipment shall be supplied and be considered part of said fifteen percent requirement,
      vi. Revocation of Permit. If the operation of the group care facility creates a nuisance or safety problem for the surrounding neighborhood, the permit authority may review the permit. Additional conditions may be imposed by the city or, if the problem cannot be satisfactorily resolved by such additions, the permit may be revoked after a hearing.

14. Home Occupations. Home occupations; provided, that the following conditions are met:
   a. Occupation is clearly subordinate to the use of the dwelling as a residence;
   b. Occupations must be of such a nature that they are customarily carried on by the occupants, within the confines of a residence to the exclusion of accessory buildings and that there is not more than one person other than members of the immediate family employed;
   c. That there is no stock in trade other than that produced by the inhabitants which are displayed or sold on the premises;
   d. That there is no exterior evidence that the structure is being used for any nonresidential purpose, with the exception of a nonluminous sign bearing the name and occupation of the occupant, three square feet maximum placed flat against the building; and
   e. That there is nothing about the occupation which would disturb the surrounding neighbors, such as vibrations, smoke, dust, increased traffic, loud noises, and/or bright lights.
15. Housing for People with Functional Disabilities. Housing for people with functional disabilities, as defined in this code, and which meets the applicable state licensing requirements, shall be considered a residential use of a property for zoning purposes. It shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. In addition, the conversion of an existing residential structure to housing for people with functional disabilities shall not be deemed a change of use or an abandonment or discontinuity of the prior use the structure, if such structure constituted a prior legal nonconforming use.

16. Retirement Apartments and/or Housing. Every proposed retirement apartment and/or housing project shall meet the following development standards:
   a. The number of dwelling units allowed shall be calculated at twenty-two units per acre.
   b. Twenty percent of the net buildable area shall be established as open space and shall be developed to provide for the specific recreational needs of the retirement residents. The open space areas shall include, but not be limited to, a mix of courtyard or plaza features with seating areas, water features, and/or walking paths.
   c. All buildings and structures shall maintain a minimum interior side yard setback of fifteen feet and minimum rear yard setback of twenty-five feet. Side yards adjacent to a street shall be the same as the front setback. If the bulk requirements of the zone is more restrictive, the more restrictive code requirement shall apply.
   d. A public transit stop shall be located within one-quarter mile of the site and shall be accessible from the site by a direct sidewalk or American Disabilities Act (ADA) accessible walkway route.
   e. A special transportation program, such as a public or private van pool, shall be available to the residents of the site for transportation to activities including, but not limited to, places of worship, cultural events, libraries, medical facilities, parks, post offices, personal services, retail shopping and senior centers.
   f. Requests for a reduction in the off-street parking requirements may be considered pursuant to Section 17.56.055. Parking stall width shall be increased to a minimum of nine feet. The parking lot area shall have a maximum grade of five percent.
   g. Comply with all of the laws, rules, regulations and standards for boarding homes pursuant to Chapter 18.20 RCW. A city business license and a copy of the approved state license for the facility shall be submitted to the city prior to occupancy of the building.
   h. All buildings and structures shall be designed to project a residential, rather than an institutional appearance through the use of architecture, landscaping, and building materials. All buildings shall incorporate a pitched roof design; no flat roofed buildings will be allowed. Urban design guidelines contained in the Development Design Review Guide (Ordinance 916, Exhibit B) shall be used for addressing architectural and site design issues (including, but not limited to, building materials, form, and articulations).
   i. The on-site circulation system shall not account for more than twenty percent of the gross development area.
   j. Retirement facilities may not be converted to multifamily structures unless allowed by the underlying zoning district and without the consent of the city. If the use of the property should change to a use other than senior housing, the property shall revert
to its underlying zoning and density restrictions, parking requirements and any existing structure shall be brought into conformance with the underlying zoning. An acceptable covenant or land use agreement between the developer and the city shall be recorded acknowledging the land use restriction on the property.

k. The planning commission may allow a density up to thirty units per acre and/or an increase in the building height up to thirty-five feet after holding a public hearing on the proposal. In making a decision on the application, the planning commission shall have the authority to approve the application as presented, deny the application, or approve the application with such conditions, regulations, or safeguards as the commission deems necessary: (1) ensure the application meets the criteria listed below, and (2) that the purpose and intent of retirement housing regulations are not violated. The commission shall also have the power to reconsider any such decision at a public hearing.

i. All retirement apartments and/or housing applications which propose a unit density greater than twenty-two units per acre must have accompanying them a mass and height study showing the relationship between the building and all adjoining properties. The study shall include a comparison of the building heights and the amount of horizontal space separating the retirement housing facility and all adjoining properties at twenty-two units per acre and at thirty units per acre. The density increase may be allowed by the planning commission if the increased density is designed in a way that visually separates the additional units from any adjoining single-family residential neighborhood. Creative site design, building articulation, and/or increased landscaping can be used to meet this requirement.

ii. An increase of five percent open space, for a total of twenty-five percent of the net developable area, shall be included in the design of the project.

iii. The building design shall include common gathering, fitness, and entertainment areas.

iv. Building proposals in the planned community business district (PCB) may exceed the thirty-foot height limit, up to a maximum of thirty-five feet, as measured from the prior undisturbed average ground elevation, where it can be demonstrated to the planning commission’s satisfaction that the surrounding properties are impacted less by a taller building with less mass than a shorter building with greater mass.

17. Rooming and Boarding. In single-family residential zones, rooming and boarding of not more than two persons shall be a permitted use, and in the multifamily zones, rooming and boarding shall be limited to not more than four persons.

18. Swimming Pools. Private swimming pools are allowed; provided, that the following conditions are met:
   a. It is for the sole use of the occupants and their guests;
   b. No swimming pool will occupy a front yard;
   c. The swimming pool will not be located closer than seven feet from any rear or side property line; and
   d. That the swimming pool will be screened from adjacent properties by a solid wall or fence six feet in height.

19. Adult Entertainment Uses.
a. Scope of Restrictions. All adult entertainment facilities shall comply with the requirements of this section. The purpose and intent of requiring standards for adult entertainment facilities is to mitigate the adverse secondary effects caused by such facilities and to maintain compatibility with other land uses and services permitted within the city. The standards established in this section shall not be construed to restrict or prohibit the following activities or products: (i) plays, operas, musicals, or other dramatic works that are not obscene; (ii) classes, seminars, or lectures which are held for a serious scientific or educational purpose that are not obscene; and (iii) exhibitions, performances, expressions, or dances that are not obscene.

b. Separation Requirements. Adult entertainment facilities shall be permitted as indicated in “Permitted Use Matrix” set forth in subsection A of this section only if the following separation requirements are met:

i. No adult entertainment facility shall be located closer than eight hundred feet to any residential zoning district including, but not limited to, the RD 7.2, RD 7.5, RD 8.4, RD 9.6, RD 9.6(S), RD 12.5, RD 12.5(S), RD 20.0, MR, and MRD zoning districts.

ii. No adult entertainment facility shall be located closer than eight hundred feet to any of the following uses whether or not such use is located within or outside the city limits:
   (A) Any public park;
   (B) Any public library;
   (C) Any public or private nursery school or preschool;
   (D) Any public or private primary or secondary school;
   (E) Any day care;
   (F) Any community youth center;
   (G) Any place of worship;
   (H) Any multifamily residential use located in the PCB(S) or CB(S) zoning districts.

iii. No adult entertainment facility shall be located closer than five hundred feet to any other adult entertainment facility whether such other facility is located within the city limits or another jurisdiction.

c. Measurement. The five-hundred-foot and eight-hundred-foot buffers required by this section shall be measured by extending a straight line from the nearest point on the property line of the lot containing the proposed adult entertainment facility to:

i. The nearest point on the boundary line of a residential zoning district; or

ii. The nearest point on the property line of a public park; or

iii. The nearest point on the property line of the lot containing a public library, public or private nursery school or preschool, public or private primary or secondary school, day care, community youth center, or place of worship, or multifamily residential use located in the PCB(S) or CB(S) zoning districts; or

iv. The nearest point on the property of the lot containing an adult entertainment facility.

d. Variances. Whenever the applicant for an adult entertainment facility believes that the separation requirements set forth in this section are not necessary to
achieve an effective degree of physical separation between the proposed adult entertainment facility and the zoning district and uses identified in subsection (B)(19)(b) of this section, the applicant shall have the right to apply for a variance from the separation requirements subject to the procedures set forth in Chapter 17.64, Conditional Uses and Variances, and upon payment of the applicable fee for a variance application. In determining whether a variance should be granted, the following criteria in addition to the variance criteria set forth in Chapter 17.64, Conditional Uses and Variances, shall be considered:

i. The extent to which physical features would result in an effective separation between the proposed adult entertainment facility and any zoning district or uses identified in subsection (B)(19)(b) of this section in terms of visibility and access;
ii. The extent to which the proposed adult entertainment facility complies with the goals and policies of this code;
iii. The extent to which the proposed adult entertainment facility is compatible with adjacent and surrounding land uses;
iv. The availability or lack of alternative locations for the proposed adult entertainment facility;
v. The extent to which the proposed adult entertainment facility can be avoided by alternative vehicular and pedestrian routes; and
vi. The extent to which the applicant can minimize the adverse secondary effects associated with the proposed adult entertainment facility.

If, after considering these criteria and the variance criteria set forth in Chapter 17.64, Conditional Uses and Variances, the city finds that an effective degree of physical separation between the proposed adult entertainment facility and the zoning districts and uses identified in subsection (B)(19)(b) of this section can be achieved without requiring the full distance of separation provided by this section, the city shall determine the degree of variance to be allowed and shall grant the variance. Otherwise, the variance application shall be denied.

e. Nonconforming Adult Entertainment Facilities. An adult entertainment facility shall be deemed a nonconforming use and shall be subject to the requirements of Chapter 17.68, Nonconforming Uses, Buildings, and Lots, if the property on which the adult entertainment facility is located is rezoned to a zoning designation which does not allow such uses after the date that such adult entertainment facility has located with the city in accordance with the requirements of this section.

20. Bed and Breakfast. Minimum performance standards:
   a. Parking requirements shall be in accordance with the parking code. No on-street parking shall be allowed;
   b. Meal service shall be limited to overnight guests of the establishment. Kitchens shall not be allowed in individual guest rooms;
   c. The owner shall operate the facility and reside on the premises;
   d. One sign for business identification and advertising shall be permitted in conjunction with the bed and breakfast establishment in accordance with the city’s sign ordinance;
   e. The bed and breakfast establishment shall be conducted in such a manner as to give no outward appearance nor manifest any characteristics of a
business, except as to the sign as allowed above, that would be incompatible with the ability of the neighboring residents to enjoy peaceful occupancy of their properties;

f. Guests shall be permitted to stay at the establishment for not more than ten consecutive days at a time;

g. The applicant shall submit a letter from the applicable water purveyor and sewer district, if applicable, stating that each of them has the respective capacity to serve the bed and breakfast;

h. The applicant shall comply with all applicable city codes for fire, health, and building requirements and any applicable food service regulations and on-site sewage disposal requirements of the Snohomish Health District. The applicant shall comply with the applicable requirements of Chapter 258-54 WAC, “public water system rules and regulations,” as now written or hereafter amended, if a water system is to be developed or connected to an existing public water system;

i. If three or more guest rooms are proposed, the applicant shall also meet state requirements for a “transient accommodation license,” as required by Chapter 212-52 WAC, as now written or hereafter amended; and

j. The owner/operator shall provide screening with shrubs, trees, fencing, and other suitable materials as necessary to minimize the impacts upon the residential character of the surrounding neighborhood.


a. The reviewer may regulate, among other factors, required launching depth, lengths of existing docks and piers, or floats at motorized launch facilities;

b. Off-street parking shall be provided in an amount suitable to the expected usage of the facility. When used by the general public, the guideline should be forty spaces capable of accommodating both car and boat trailer for each ramp lane of boat access to the water;

c. A level vehicle maneuvering space separate from parking stalls measuring at least fifty feet square shall be provided;

d. Pedestrian access to the water separate from the boat launching land or lanes, and across launch lanes is required where it is deemed necessary in the interest of public safety;

e. Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required from public safety, welfare and health; and

f. All site improvements for boat launch facilities shall comply with all other requirements of the zone in which it is located.

22. Brewery, Micro; and Winery. Shall be permitted only in combination with a restaurant or tavern, and shall not exceed the square footage of the principal use.

23. Dry Cleaning Shops in the DB and WMU District. Service shops of a dry cleaning or laundry nature are limited as follows:

a. Not more than one thousand five hundred square feet of floor space shall be devoted to processing of clothes; and

b. For safety reasons, any flammable or explosive cleaning agents used in processing must be stored and used in such a manner that they comply with rules and regulations of the city fire marshal and other applicable state and federal laws.
24. Concession Stands. Concession stands are allowed as permitted uses by the Mukilteo city council, after holding a public hearing, and only in association with publicly owned parklands, playgrounds, and recreational facilities.

25. Day Care Center. Commercial day cares may be allowed in the designated zoning districts as follows:
   a. Zoning districts: Single-family residential RD 7.5, RD 9.6, RD 12.5, RD 20.0, RD 12.5(S), RD 9.6(S), RD 8.4, RD 7.2 and public/semipublic. A commercial day care may be allowed in the single-family residential zoning districts only upon issuance of a conditional use permit and when accessory to an existing school or church pursuant to Chapter 17.64. Commercial day cares located within the public/semipublic zoning district will be subject to a conditional use permit. In addition to the requirements of Chapter 17.64, commercial day cares in single-family residential zoning districts and public/semi-public zoning districts shall meet the following requirements:
      i. Meet Washington State child day care licensing requirements;
      ii. Comply with all building, fire safety, health code, and business licensing requirements;
      iii. Lot size, building size, setbacks and lot coverage conform to the standards of the zoning district except if the structure is legal conforming structure;
      iv. Parking requirements shall conform to Chapter 17.56;
      v. Signage, if any, will conform to Chapter 17.80;
      vi. Filing of a business license application with the city;
      vii. The licensee shall provide a securely fenced play area which meets the height requirements for front, side and rear yards according to Chapter 17.20;
      viii. The site must be landscaped in a manner compatible with adjacent residences; and
      ix. No structural or decorative alteration which will alter the character of the existing structure used for a commercial day care center is permitted. Any new or remodeled structure must be designed to be compatible with the character of the surrounding neighborhood.
   b. All Other Zoning Districts. A commercial day care center is permitted by outright in all commercial and industrial zoned districts subject to the following requirements:
      i. Meet Washington State child day care licensing requirements;
      ii. Comply with all building, fire safety, traffic safety, health code, and business licensing requirements;
      iii. Setbacks, screening, lot size, building size, and lot coverage shall conform to the pertinent portions of the zoning code;
      iv. Parking requirements shall conform to Chapter 17.56 of this title;
      v. Filing a business license application with the city; and
      vi. The licensee shall provide a securely fenced play area which meets the height requirements for front, side and rear yards according to Chapter 17.20 of this title.

   a. The height of any covered overwater structure shall not exceed twelve feet as measured from the line of ordinary high water, or fifteen feet in the WMU district on piers;
b. The total roof area of covered, overwater structures shall not exceed one thousand square feet, or three thousand square feet in the WMU district.

c. Structures shall be setback fifteen feet on either side of the pier.

d. No private overwater structure shall extend beyond a distance greater than the average length of all pre-existing overwater structures along the same shoreline and within three hundred feet of the parcel on which it is proposed. When no such preexisting structures exist within three hundred feet, the private dock or pier length shall not exceed fifty feet.

e. In the WMU district, public piers will not exceed fourteen hundred feet in length, and extend out from the shore more than eight hundred feet unless needed for public transportation or rail purposes; and

f. Boathouses and structures, docks and piers shall not be used as a dwelling, nor shall any boat moored at any wharf or pier be used as a dwelling while so moored.

27. Fix-It Shops. Service shops of a fix-it nature are limited as follows:

a. No more than five persons shall be involved in the fabricating or processing of materials; and

b. No more than two-thirds of the total square footage of the shop shall be devoted to repair or processing.

c. Outside storage is prohibited.

28. Governmental Offices. Storage yards associated with a governmental office or facility shall be kept in an enclosed structure.

29. Hospital, Medical Clinics, Nursing Homes, and Hotel/Motels. Hospital, Medical Clinics, and Hotel/Motels are a permitted use.

a. When the abutting property is designated for residential use, a Type I or Type II buffer, as defined in the landscaping section of this code is required;

b. A prescription pharmacy may be permitted when located within the main building containing medical clinics;

c. Hotel/Motels uses shall be subject to the following design review standards, with examples depicted in Ordinance 916, Exhibit B—Development Design Review Guide:

i. Height Limits. No building or portion of a building shall exceed three stories in height and shall not exceed the maximum building height permitted in the LI zone;

ii. Prohibited Signs. On-premise pole and pylon signs and off-premise directional signs are prohibited;

iii. Signs. A monument sign up to four feet in height, measuring no more than eighty square feet double-faced are allowed on major arterial frontages where entrances and exits are located. Signs shall not be internally lit, but instead may be back or front lit.

iv. Landscaped Street Frontages. Street frontages should have at least twenty feet of landscaped area and the building placed near the street so that parking is set back from the street frontage. No more than forty percent of the parking shall be located in front of the building adjacent to the street. Whenever possible parking shall be located behind or to the side of the building;
v. Joint Access. Joint access on the site is required for all proposed site uses and is encouraged for adjoining properties.

vi. Interior Side Setbacks. Interior side setbacks for hotel/motel uses shall be as follows:
   (A) One and two stories, five feet (except that the sum of the two side yards must not be less than fifteen feet) with not less than fifteen feet between structures on adjoining properties; and
   (B) Three stories, fifteen feet (except that the sum of the two side yards must not be less than twenty-four feet).

vii. Setbacks and Screening. The side and rear setback area shall be a minimum ten-foot landscaped area to buffer the use from adjoining industrial and/or commercially zoned property.

eviii. Landscape Screening. When the abutting property is designated for residential use, a Type I or Type II buffer, as defined in the landscaping section of this code is required.

ix. Building. The structure(s), shall have varied building materials, design, texture, color, roof heights or facade and roof modulations to the building.
   (A) Building Form. The roof line of buildings should be modulated with pitches, slopes, dormers, stepped roofs, or gables and should include interesting architectural features and provide some variation in height. Encourage varieties of shapes, angles, and relief in the upper stories of structures over two stories.

   Large buildings should avoid continuous, flat facades. Building facades should be divided into increments through the use of architectural features such as bay windows, offsets, recesses, balconies and other devices which step back or extend forward portions of the facade.

   Provide repetitive articulation reinforcing the scale of typical single-family, historic resort and waterfront buildings, mariner/marine or northwest timbered structures.
   (B) Blank Walls. Avoid using false fronts and large blank walls along arterial streets and pedestrian areas.
   (C) Tripartite Articulation. Tripartite building articulation (building base, middle and top) is encouraged to provide pedestrian scale and architectural interest. Stone and masonry is encouraged as a lower base material. Concrete block must be architecturally treated in one or more of the following ways:
     (1) Use of textured blocks with surfaces such as split face or grooved;
     (2) Use of color mortar;
     (3) Use of other masonry types such as brick, glass block, or tile in conjunction with concrete blocks;
     (4) Other similar methods approved by the city.
   (D) Building Entry. A porch, patio and/or covered entry should be used to provide a recognizable entryway. Provide landscaped walkway from building to parking. Ground mounted or similar lighting is encouraged in landscaped area next to pedestrian ways.
   (E) Building Colors. Care should be taken to avoid clashing colors on individual buildings and with other buildings in the area. Colors used on building
exteriors should integrate a building’s various design elements or features. Accent colors should use color combinations which complement each other. Northwest color and value ranges to emphasize muted primary colors and complementary secondary colors are encouraged.

(F) Building Common Areas. A supervised entryway should be provided limiting access from the outside to the interior by this primary entrance. A lobby area should be provided as a common area. An outdoor patio(s), deck or seating area with southern and western exposure is encouraged. A swimming pool, lap pool, Jacuzzi or water slide and exercise room should be provided with restroom access.

x. Site Landscape Treatment. Building entries, primary vehicular entries off arterials and building perimeters should be enhanced with landscaping which could include ornamental, drought resistant or native varieties of vines, groundcovers, scrubs and trees selected for their screening, canopy, spatial enclosure, and seasonal variations. Annual and perennial flowers and potted plants are encouraged to provide seasonal interest and variety to landscaping. Landscaping (Type II or III) areas or buffers should be used to break up large parking areas, parking and other open areas which are seen from the street.

xi. Perimeter Landscaping. Landscaping on the perimeter of the site shall create a transition between the project and the surrounding area.

xii. Pedestrian Connections. Efforts should be made to provide pedestrian connections to restaurants and other related services using sidewalks along streets and pathways between adjacent properties.

xiii. Limits on Design. Avoid the use of building features or design elements which overemphasize standardized corporate themes, logos, or colors. No part of the building, signage or design elements shall stand above the typical height of surrounding buildings and mature vegetation, when they do not add functional or aesthetic value to the building context.

30. Restaurants and Personal Service Shops in the IP Zone. Located to service principally the constructed industrial park uses.

31. Retail Store. Retail business operated entirely within the community center structure and subject to the criteria listed in Section 17.16.040(B)(34).

32. Retail Use. Not more than twenty percent of the constructed BP or IP zone floor area in any such development may be devoted to those accessory retail commercial uses primarily intended to serve the principal BP or IP zone uses.

33. Auto Towing. Towing yards shall be designed with a maximum capacity of up to ten cars, and shall be completely surrounded with Type I screening.

34. Community Center Buildings and Grounds. The following uses are permitted subject to the standards and provisions of this chapter: Community center buildings and grounds which offer activities and services for residents of Mukilteo including, but not limited to recreational programs and activities, commercial day care as defined in this title, social and public health care agencies, service clubs, libraries, municipal offices, senior citizens organizations, art galleries and classes, public parks, playgrounds, public schools, performing arts facilities, museums, fundraising activities, community fairs and markets, educational seminars or classes, special events,
conventions, conferences, and fraternal organizations and clubs. Consumption of alcoholic beverages may be permitted with the forgoing uses provided a Washington State Banquet or Special Occasion Liquor License and the approval of the Rosehill community center director is obtained.

35. Open Space.
   a. No bleachers are permitted if the site is less than five acres in size;
   b. All lighting shall be shielded so as not to produce glare which would be unduly annoying to adjoining uses;
   c. No amusement devices for hire are permitted;
   d. Group gatherings of more than twenty-five people require a special use permit; and
   e. Camping is allowed on publicly owned land only with a special event permit and if co-sponsored by the city. Camping is prohibited on privately owned land.

36. Utility Installations. Utility installations exempt from the requirements of a conditional use permit shall include, but not be limited to:
   a. Storm drainage detention basins approved as part of a plat or binding site plan.
   b. Installation, relocation, replacement, repair and maintenance of the following utilities within public right-of-way subject to city approval, or within an easement granted for such purpose, provided that such equipment does not occupy more than twenty-five square feet of land area:
      i. Natural gas mains, service lines, and appurtenances;
      ii. Water, stormwater and sewer lines, equipment, hookups or appurtenances;
      iii. Telephone, television and communication cables, vaults, pedestals and similar equipment; and
      iv. Electric lines, poles, transformers and other equipment to existing poles, including undergrounding of existing facilities.

37. Wireless Communication Facilities (WCF) (Attached and Detached). Wireless communications facilities shall meet the following performance standards:
   a. Light industrial zoning: Detached WCFs located within four hundred feet of the Mukilteo Speedway in the light industrial district shall require a conditional use permit.
   b. Separation distance: In all single-family residential and commercial districts, detached WCFs shall be separated by a distance equal to or greater than one thousand three hundred twenty linear feet. WCFs that are colocated upon a single support structure shall count as a single WCF for the purposes of this subsection.
   c. Setbacks: Attached and detached WCFs reviewed under this section shall not be located within any required setback areas; provided, however, the setback requirement for underground facilities shall be a minimum of five feet from any property line, except where:
      i. Structures which exceed forty-five feet in height shall be set back from any lot line five feet more than that specified in the individual zone for every ten feet, or fraction thereof, over forty-five feet of height.
ii. The required setback, as listed above, may be reduced by the planning director, if the applicant can demonstrate to the planning director's satisfaction that the reduced setback would result in a greater natural vegetative screening of the WCF than would have been provided by meeting the WCF development regulations.

iii. All equipment shelters, cabinets, or other on-the-ground ancillary equipment shall meet the setback requirements of the zone in which located, except that the rear setback requirement may be reduced to five feet if the structure meets all other standards.

d. Height: In single-family, multifamily residential, and public zones, the maximum combined height limit shall be sixty feet. In commercial and industrial zones the combined height of the WCF and any support structure shall not exceed eighty-five feet, except when colocation is specifically provided for, the combined height shall not exceed one hundred feet. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs, which might result in lower heights. Utility poles, streetlights and traffic signals may be exempted from the height limitation at the discretion of the planning director. If additional height over that allowed in the zone is justified, it may be allowed through the conditional use permit process. Due to the proximity of Paine Field Airport to the city, all WCFs shall be approved by the Federal Aviation Administration (FAA) and the Snohomish County Airport at Paine Field to ensure that the facilities are not located within the airport’s restricted airspace.

e. Landscaping: Equipment shelters and cabinets and other on-the-ground ancillary equipment shall be screened using Type I and ten feet of Type III landscaping around the enclosure in accordance with the requirements contained in Chapter 17.58, Landscaping, of the Mukilteo Municipal Code. Support structures shall be landscaped using Type I screening around the compound’s perimeter. Trees with significant height and fullness upon maturity shall also be used to visually screen the tower from adjacent properties.

f. Lighting: Except as specifically requested by the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC), and/or the Snohomish County Airport at Paine Field, transmission structures shall not be illuminated, except transmitter equipment shelters may use lighting for security reasons as long as the light is shielded downward to remain within the boundaries of the site.

g. Concealment technology: All WCFs shall employ concealment technology in their design, construction, and maintenance and reduce the WCFs’ aesthetic impacts to the maximum extent possible. Such concealment technology shall include, at a minimum, the following:

   i. All antenna support structures and antennas shall be painted a nonreflective color, approved by the planning director, which blends into the nearby surroundings of the WCF so as to minimize the visual impact of the support structure or antennas.

   ii. New antenna support structures shall be located in such a manner that existing trees on the site are used to screen the WCF from view from roadways, residences, and other properties; provided, however, that all WCFs shall be designed in a manner which minimizes the need for removal or topping of existing trees.
iii. To the maximum extent possible, WCFs shall be designed to resemble an object other than a WCF, which is already present in the local environment, such as a tree, a street light or a traffic signal. It may include the use of colors or materials to blend into the building materials from which a structure is constructed. Examples of concealment technology include, but are not limited to, the use of innovative site design techniques, existing or new vegetation and landscaping, paint and other surface treatments, alternative antenna configuration and/or selection, utilization of antenna support structures designed to resemble trees, and any other practice which screens the WCF from observation from roadways, residences, and other properties or otherwise has the effect of reducing the aesthetic impacts associated with the WCF.

h. Noise: No equipment shall be operated at a WCF (attached or detached) so as to produce noise in excess of the applicable noise standards under Chapter 8.18 of this code, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis. Air conditioning and ventilation equipment associated with the ancillary equipment of the WCF shall be designed and configured in a manner so that noise impacts on adjacent properties with residential uses are minimized to the maximum extent practicable through the use of baffling and/or other noise attenuation techniques and that the noise levels generated by the ancillary equipment otherwise comply with applicable noise regulations adopted by the city. In descending order, preference shall be given to the following configurations of air conditioning and ventilation equipment: (1) orientation toward properties with nonresidential uses; (2) orientation toward streets; and (3) orientation toward the furthest residential use.

i. Colocation: It is the policy of the city to minimize the number of detached WCFs and to encourage the colocation of more than one WCF on a single support tower. No new detached WCFs may be constructed unless it can be demonstrated to the satisfaction of the permit authority that existing support towers are not available for colocation of an additional WCF, or that their specific locations do not satisfy the operational requirements of the applicant. In addition, all detached WCFs shall be designed to promote facility and site sharing. All facilities shall make available unused space for colocation of other telecommunication facilities, including space for those entities providing similar, competing services. Colocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go off-line for a period of time. Nothing in this section shall prohibit the owner of an existing facility from charging a reasonable fee for colocation of other telecommunications facilities.

j. Abandonment and obsolescence: A WCF shall be removed by the facility owner within six months of the date it ceases to be operational or if the facility falls into disrepair.

k. Maintenance: All WCFs shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

l. Electromagnetic emissions: All applicants shall demonstrate compliance with all applicable FCC regulations regarding the radio-frequency emissions of WCFs. If at any time radio frequency emissions exceed any of the standards established by the FCC, the applicant shall immediately discontinue use of the WCF and notify the city.
Use of the WCF may not resume until the applicant demonstrates that corrections have been completed which reduce the radio-frequency emissions to levels permitted by the FCC.

m. Special exceptions: When adherence to the development standards listed in this section result in a physical barrier which would block signal reception or transmission, or prevent service coverage in the targeted area, a special exception may be granted by the approval authority. When considering a special exception request, the permit authority shall consider:
   i. The height of the proposed WCF shall be no greater than necessary to transmit and receive signals of an acceptable quality.
   ii. The applicant has demonstrated that aesthetic impacts associated with the proposed WCF have been minimized to the maximum extent possible using concealment technology, site design, and/or architecturally compatible improvements to existing structures.
   iii. The levels, types, and availability of the telecommunications services proposed by the applicant are designed to serve areas primarily within the city.
   iv. Alternative locations are not available for the proposed WCF.

n. Use of city right-of-way: Any telecommunications carrier who desires to construct, install, operate, maintain, or otherwise locate telecommunication facilities in, under, over, or across any public right-of-way of the city for the purpose of providing telecommunications services shall obtain permission from the city, authorizing use of the city right-of-way. WCFs attached to utility poles, streetlights and traffic signals may be exempted from the setback requirements at the discretion of the planning director.

o. Conditional use permit criteria: In addition to the performance standards listed in Section 17.64.020, a conditional use permit for a detached WCF shall only be approved if the wireless provider can demonstrate that no other attached WCF alternative(s) are available that can provide the same level of service coverage to the targeted area.

38. Change of Existing Nonconforming Uses. Expansion of an existing nonconforming use, or intensification of an existing nonconforming use within the confines of an existing structure or lot shall be subject to the following requirements:
   a. Any expansion or intensification must relate to an existing nonconforming use, which has not been idle, unoccupied or vacant for a period of more than one year;
   b. Any structure, after an expansion, must result in a ninety percent conformance with the following site and dimensional regulations when existing for the zoning district in which the nonconforming use is located:
      i. Minimum lot area;
      ii. Maximum lot coverage;
      iii. Minimum average lot depth;
      iv. Minimum lot width;
      v. Maximum building height;
      vi. Minimum setback dimensions;
      vii. Buffering and screening;
      viii. Parking;
   c. The expanded or intensified use must not increase, and shall attempt to reduce or mitigate, impacts in all of the following areas:
i. Traffic;
ii. Nuisances, including but not limited to noise, heat, dust, smoke, vibration, solid or liquid waste, glare, odor and fumes;
iii. Storage, including but not limited to equipment, vehicles, materials and supplies;
iv. Streets and utilities;
v. Grading and filling;
vi. Hazard to life or property;

vii. Visual blight, including but not limited to poor architectural design, incompatible building materials, inadequate maintenance of buildings and elimination of vistas;

d. The expanded or intensified use must not encroach beyond the site, lot or parcel where the existing nonconforming use is located;
e. A site and building plan must be submitted to the city. The plan must address the site and dimension regulations of the zoning code set out in this title and mitigate any impacts addressed in subsection (B)(38)(c) of this section;
f. The expanded or intensified use must comply with the sign code requirements of the Mukilteo Municipal Code; and
g. Revocation of Permit. The conditional use permit shall be subject to reevaluation upon notice of a problem, if the expanded or intensified use creates a nuisance or safety problem for the surrounding neighborhood. As a part of the reevaluation, the city may impose additional conditions, or revoke the permit if the problem cannot be satisfactorily resolved.

39. Temporary Emergency Use or Structures.
   a. Such approvals shall apply only to uses or structures normally requiring a conditional or special use permit; and
   b. The request shall be approved only where action must be taken immediately, or within a time too short to allow processing of a permit, to avoid imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

40. Optional Park Master Plan Process. All conditional uses shall be considered and processed as permitted uses if a park master plan has been approved by the city council for the subject park or site. The city council approval of a park master plan shall include findings that address the following:
   a. That all commercial uses allowed as part of the development are accessory to, or in support of, a principal public recreational use;
   b. That the project is consistent with the zoning ordinance, and other city plans and regulations;
   c. That the impact of the activities and associated parking can be accommodated at the park and they do not create adverse impacts related to noise, lighting, water quality, or traffic.

41. Commercial Parking Lot or Garage. Must be combined with an office or retail use to apply the accessory dwelling unit credit of one unit per one thousand square feet of commercial space in the downtown business district.
42. Garages, Carports and Accessory Buildings. All single-family residential garages, carports and accessory buildings shall meet the following standards:
   a. Detached garages, carports and accessory buildings in single-family residential zones shall meet the height and setback standards as stated in Section 17.20.020(B)(18).
   b. Building Design.
      i. All detached garages and carports shall be designed as a one-story building with a pitched roof.
      ii. Temporary structures which use plastic, canvas, tarps, or other similar materials to cover storage areas, and/or to be used as garages or carports are prohibited in single-family residential zones.

43. Industrial Uses in the CB(S) District. Approval of applications for permitted and conditional industrial uses in the Community Business—South district shall be based upon data submitted by the applicant presenting evidence of their ability to meet the following performance standards:
   a. Outside Storage. All storage of materials shall occur within enclosed structures, except that waste receptacles may be located outdoors within an area screened by a sight-obscuring fence.
   b. Environmental Compatibility. Uses shall not produce odors, noises, dust, smoke, light, glare or electronic interference beyond property boundaries.
   c. Traffic and Access. Access driveways and roads entering and exiting the project site shall be consolidated so as to minimize intersections with city streets. Wherever possible, there shall be one entry/exit driveway for every street frontage. Ingress and egress to the site shall be located so as to cause the least disruption to adjacent areas while providing safe, convenient traffic flow. Roads serving the site shall be improved to city street standards for the entire property frontage.
   d. Noise. Noise levels generated within the development shall not exceed those established in Chapter 8.18. Noise of machines and operations shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.
   e. Site Design. Buildings shall be designed with varied roof lines and facades; and mature landscaping consisting of a mix of ornamental trees, shrubs, and ground cover. Plant sizes for all landscaping shall be as follows:
      i. Ground-covers: four-inch pot with twelve-inch spacing or one gallon pot with eighteen-inch spacing;
      ii. Interior shrubs: eighteen-inch height or spread;
      iii. Buffer shrubs: twenty-four-inch height or spread;
      iv. Deciduous trees: two-inch caliper;
      v. Evergreen trees: six foot height; and
      vi. Street trees: two and one-half-inch caliper.
   f. Lighting. Lighting from or on buildings and parking lots shall not create glare and shall not emit/spill light beyond the property lines.

44. Commercial and Industrial Uses Allowed with a Development Agreement. A mix of commercial and industrial uses is allowed in the Planned Community Business – South (PCB(S)) district if combined with a development agreement approved by the Mukilteo city council.
45. SFR Cottage Housing Development Standards. Cottage housing developments shall comply with the Cottage Housing standards contained in Chapter 17.51, Planned Residential Development.

46. Mixed-Use Development Standards. Mixed-use developments shall comply with Chapter 17.25, Design Standards for Mixed-Use Development.

47. Horse Shelter Buildings. Horse shelter buildings shall be subject to the following requirements:
   a. A horse shelter building is required whenever a horse or pony is harbored on a lot over night per the requirements of Section 6.20.010.
   b. All horse shelter buildings shall be set back at least thirty-five feet from all property lines. If the lot is less than one acre in area and a farm management plan approved by the Snohomish Conservation District is obtained, then the setback may be reduced to ten feet.
   c. Minimum lot size:
      i. The minimum lot size on which a horse shelter building may be located is one acre. If two horses/ponies are harbored on a single lot then the minimum lot size is two acres. If three horses/ponies are harbored on a single lot then the minimum lot size is three acres.
      ii. If a farm management plan approved by the Snohomish Conservation District is obtained and submitted as part of the conditional use permit application, the minimum lot size on which a horse shelter building may be located is twenty thousand square feet with a maximum of three horses/ponies. Adjacent lots with common ownership are considered to be one lot.
   d. The maximum number of horses/ponies that may be harbored on one lot is three.
   e. In no case may a horse shelter building be located within a steep slope, wetland or stream, or within an associated buffer, as regulated by Mukilteo Municipal Code Chapters 17.52A, 17.52B or 17.52C.

48. Horse Paddocks. Horse paddocks shall be subject to the following requirements:
   a. All horse paddocks shall be set back at least ten feet from all property lines.
   b. Minimum lot size:
      i. The minimum lot size on which a horse paddock may be located is one acre. If two horses/ponies are harbored on a single lot then the minimum lot size is two acres. If three horses/ponies are harbored on a single lot then the minimum lot size is three acres.
      ii. If a farm management plan approved by the Snohomish Conservation District is obtained and submitted as part of the conditional use permit application, the minimum lot size on which a horse paddock may be located is twenty thousand square feet with a maximum of three horses/ponies. Adjacent lots with common ownership are considered to be one lot.
   c. The maximum number of horses/ponies that may be harbored on one lot is three.
d. In no case may a horse paddock be located within a steep slope, wetland or stream, or within an associated buffer, as regulated by Mukilteo Municipal Code Chapters 17.52A, 17.52B or 17.52C.

49. Hobby kennels are subject to the same requirements for home occupations and the following:
   a. Hobby kennel activity does not have to customarily be carried on within the confines of the residence to the exclusion of accessory buildings.
   b. If an accessory building is used then that building is an animal shelter building requiring a conditional use permit and must be set back at least thirty-five feet from all property lines, dwellings and other structures.
   c. All open run areas shall be enclosed on all sides by a six-foot high fence and setback at least ten feet from all property lines. If no open run area is provided then the entire yard where the dogs and cats have access to shall be fenced on all sides by a six-foot high fence.
   d. No hobby kennel shall harbor any inherently dangerous mammal or reptile as defined in Title 6.

50. Kennels are a permitted use in the CB, CB(S), PCB and BP zoning districts only if the kennels are completely contained within a fully enclosed building. If any of the kennel activity is to take place outside of a building, including exercising of animals, then a conditional use permit is required. No kennel shall harbor any inherently dangerous mammal or reptile as defined in Title 6.

51. Manufactured Home Requirements. Only manufactured homes as defined in Section 17.08.020 are permitted. All manufactured homes shall also comply with the manufactured home requirements contained in Chapter 17.76, Manufactured Homes.

52. The temporary use of trailers or mobile homes for living purposes in residential zoning districts is allowed subject to the following:
   a. May not exceed a cumulative total of two weeks each calendar year;
   b. Must be in conjunction with, and as an accessory to, an established residence.
   These provisions shall not apply to the use of a trailer or mobile home as a caretaker’s dwelling, which may be a permitted use in nonresidential zoning districts, when such use has been approved in accordance with Chapter 17.16.

53. Mobile Fueling Application Requirements and Locations Allowed.
   a. Mobile fuel distribution/dispensing is allowed at the following locations within the city of Mukilteo:
      i. Rosehill Community Center Commons grounds;
      ii. Service stations (including Pacific Pride).
   b. The requirements and criteria for mobile fuel distribution approval are:
      i. The only product that can be sold by mobile fuel dispensing is biodiesel-99 or B-100.
      ii. The mobile fuel dispensing provider must be licensed by the state of Washington and be insured and bonded against spills. This information will be provided as part of the land use and permit application and must be approved by the fire chief and public works director.
iii. The mobile fuel dispensing device must have a thirty-gallon shut-off to protect from major spills or be staffed during mobile dispensing operations at all times.

iv. A spill response plan must be submitted with the permit application and approved by the fire chief after a site inspection to validate the appropriateness of the plan related to the site to minimize damage from any spill. A spill protection plan must also be submitted to the public works director for his approval to ensure that the storm drainage system can be protected from any spills (e.g., absorbent blanket or logs and/or impervious storm drainage cover) and there must be separate stormwater and sewer connections. The public works director may approve the specific location for mobile dispensing when all other requirements are also met. The city's acceptance of such spill response plan and a spill protection plan shall not be construed to create the basis for any liability on the part of the city, its elected and appointed officials, officers and employees for any damages resulting in any way from any spill on the site or in transit or the inadequacy of any spill response or spill protection.

v. A spill prevention kit is required on the distribution vehicle at all times (including absorbent log(s)).

vi. The locations for mobile fuel dispensing must have containment for fuel spills or the site must be able to limit spills from entering storm drains (also refer to the criteria in subsection (B)(53)(d) of this section for approvals).

vii. A certificate of licensing by the state of Washington for the distribution vehicle and operator, from WSDOT for equipment, and from the Department of Agriculture—Weights and Measures or an automatic shut-off nozzle for smaller vehicles with less than three hundred gallons, and a material safety data sheet (MSDS) are required for the fire chief to sign off. A “one-tank tanker” truck is preferred due to state licensing requirements and as it contains less fuel, but the distribution nozzle must be sized similar to nozzles at gas stations so that the volume and flow is commensurate with automobiles and small trucks.

viii. A business license is also required after meeting all the above requirements and at the time a mobile distribution permit is issued.

54. Homeless encampments must comply with Chapter 17.78, Homeless Temporary Encampments.