

Chapter 19.15

DEFINITIONS

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19.15.010 General.

A. The purpose of this chapter is to provide definitions for terms that may be used in this title and in titles 15, 16, and 17, except that if any of said titles or chapters within them contain a different definition for the same term, that is contained in this chapter, the definition in the aforesaid title or chapter shall apply for the specific purpose being addressed in the title or chapter.

B. All words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not discretionary. The word "used" shall be deemed also to include "designed, intended, or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally.

19.15.020 "A".

"Abutting" means bordering upon, to touch upon, in physical contact with. Properties are considered abutting even though the area of contact may be only a point.

"Access" means an entry point to property.

"Access easement or way" means any driveway or easement used to gain entry to property across or through other property.

"Accessory structure" means a structure intended to be or is customarily incidental and subordinate to a principal structure on a lot.

"Accessory use" means a use customarily intended to be or is incidental and subordinate to the principal use of the lot.

"Accessory use, conditional" means an accessory use that requires an approved conditional use permit to be established in conjunction with a permitted use.

"ADA requirements" means accessibility requirements for structures, facilities, and uses as stipulated by the Americans with Disabilities Act (ADA) and implementing federal or state statutes.

"Adult family home" means the same as "adult care household".

"Adjacent" means nearby and not necessarily abutting.

"Administrative decision" means a decision, ruling, or interpretation related to this title by an administrative officer of the Planning Department.

"Adult care household" means the home of a person or persons who are providing personal care to less than seven adults who are not related by blood or marriage to the person or persons providing the personal care and who may be functionally disabled as defined by this title, see other related definitions "household", "housing for people with functional disabilities" and "person with functional disabilities".

"Alley" means a passageway open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

"Amusement device" means any mechanical, electronic, or other device used solely for entertainment purposes and is typically coin- or token-operated, such as a video game or pinball machine.

"Animals, adult dog or cat" means any dog or cat over six months of age.

"Animals, household" means common animals or pets that generally reside within the household residence such as dogs, cats, hamsters, fish, gerbils, reptiles, ferrets, guinea pigs, domesticated birds and other similar animals.

"Animals, large domestic" means animals such as horses, cattle, sheep, goats, ponies, oxen, hogs, buffalo, and other similar animals.

"Animals, small domestic" means domesticated animals kept as pets that generally reside on a permanent basis outside the residence and weigh less than 20 pounds such as rabbits, ducks, chickens, miniature varieties of goats, pigs and horses, and other similar animals.

"Antique vehicle" means a vehicle that is at least 40 years old.

"Apartment" means a dwelling unit within a building designed for the purpose of human habitation, containing two or more dwelling units; see "dwelling unit, multi-household".

"Applicant" means a person seeking development approval from the City.

"Application process, consolidated". The consolidated development application and review process integrates all the development approvals and environmental review. For example, if a larger scale site plan approval is requested and a variance is needed for approval and an environmental review is necessary, all of these processes will be consolidated. When comments

are requested from other departments and agencies, comments will be requested for environmental review purposes as well as for the site plan and the variance request. The staff report will address both site plan and variance. If there is an appeal of the environmental review, it will be heard with the site plan and variance hearing.

The "application process, incremental" is most similar to the process experienced in the past. For example, for a site plan requiring a variance, the variance would be discussed first by the Planning Commission which will file a report with recommendation to the Board of Adjustment which would then decide the variance. Following the variance decision, the Planning Commission would address the site plan. For practical purposes, the Planning Commission has been making a recommendation on the variance and, at the same hearing, been deciding on the site plan subject to Board of Adjustment approval of the variance.

"Assisted living" means a supportive facility designed for those who need extra help in their day-to-day lives but do not require the skilled nursing care found in traditional nursing homes.

"Assessed value" means the most recent value determined by the Snohomish County Assessor.

"Auto services" means a commercial establishment which performs washing/detailing, sale of fuel, oils, and lubricants, mechanical and body repair, and painting but not including stripping vehicles for parts or "junking out" vehicles, for all relatively small vehicles such as autos, motorcycles, pickup trucks, and mini-vans. See also "vehicle (large) services".

19.15.030 "B".

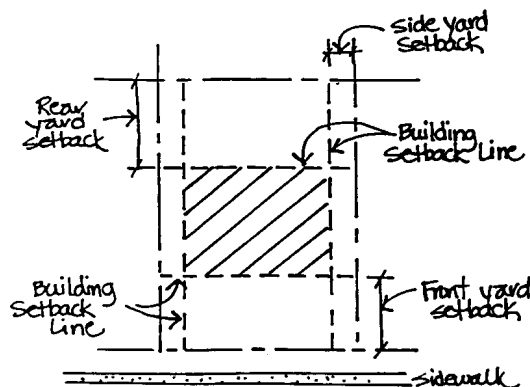
"Basement" means that portion of a building below the first story and having at least one-half of its height more than five feet below the adjoining finish grade.

"Bed and breakfast inn/rooming and boarding house" means an owner-occupied dwelling with common kitchen and eating area which provides five or fewer rooms for overnight guests with or without meals and where the principal function is providing lodging for compensation.

"Building" means any structure used or intended for the support, shelter, or enclosure of persons, animals, or movable property of any kind.

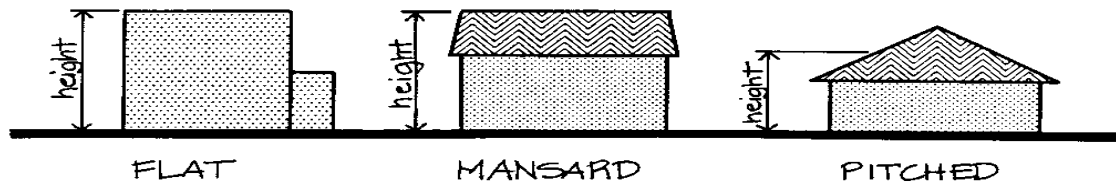
"Building, detached" means a building which is not attached to any other building or structure.

"Building height" means the vertical distance measured from the average elevation of the finished grade around the building to the highest point of a flat roof; to the deck line of a mansard roof; and to the midpoint of a pitched roof (i.e., gable, hip, or gambrel roofs).



Specifically excluded from this definition, and from the regulations of maximum building height, are structural elements not intended for habitation and not exceeding 15 feet above the maximum height such as poles, housing/screens for mechanical and elevation equipment, smoke and public ventilation stacks/fans, skylights, tanks, and public utility and transmission line towers.

"Building setback line" means the line established at the minimum front, side, and rear yard setbacks beyond which a building shall not extend into a required yard.



"Building site" means the ground area devoted to a main building and its accessory structures, or to a group of buildings and their accessory structures, together with all yards and open spaces required by this title.

"Bus stop/shelter station" means a semi-enclosed waiting area of approximately 60 square feet located along a bus route and intended for use by public transportation customers for protection from the elements.

"Business support services" means establishments primarily engaged in rendering services to business establishments on a fee or contract basis. Such services may include but are not limited to advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental, commercial research, development and testing, copying, graphic production, and similar services.

19.15.040 "C".

"Carport" means a private garage which is open to the weather on at least two sides.

"City (as in "the City")" means the City of Mountlake Terrace in Snohomish County in the state of Washington.

"Clubs and lodges, private." See "Private clubs and lodges."

"Commercial" means, for purposes of imposing or calculating park impact fees, all non-residential uses.

"Commercial facilities" means a category of land use that includes commercial services, offices, retail, eating/drinking establishments, studios, and similar facilities, excluding unless otherwise specified the following categories of use: home occupations, medical/healthcare, recreation/entertainment/cultural facilities, lodging, schools/daycare centers, membership organizations, public service facilities, and industry.

"Commercial frontage" means the portion of a lot fronting on a street segment that is within a zoning district where commercial uses are permitted.

"Commercial retail." See "Retail."

"Commercial services" means activities or uses involving the sale or exchange of services for profit, as opposed to the sale of goods and supplies for profit and that are not

otherwise excluded from the definition of commercial facilities. Commercial services generally include but are not limited to business support services and personal services.

"Commercial use" means an activity with goods, merchandise, or services for sale or involving a rental fee.

"Commercial vehicle" means a vehicle, other than a family car, used for purposes related to a business activity such as a taxi, delivery, or service vehicle.

"Commission" means the Planning Commission of the City, unless indicated otherwise.

"Complete application" means an application on forms provided by the Planning Department, containing all required items of data or information and the proper number of copies as required, together with the appropriate fee or fees, if any.

"Comprehensive Plan" means the City of Mountlake Terrace Comprehensive Plan.

"Comprehensive Plan amendment" means an amendment or change to the text or maps of the Comprehensive Plan.

"Conditional use" means a use permitted in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes, or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone or zones.

"Conditional accessory use." See "Accessory use, conditional."

"Conditional use permit" means the documental evidence granted by the designated authority to locate a conditional use at a particular location.

"Convenience store" means a small-scale grocery establishment that may or may not sell gasoline.

"Council" means the City Council of the City of Mountlake Terrace.

"Cultural facilities" means uses that provide cultural enrichment services to the public, including but not limited to museums, performing arts centers, aquariums and libraries operated by public non-profit organizations.

19.15.050 "D".

"Date of decision" means the date on which final action occurs and from which the appeal period is calculated. Specific ordinances may define effective dates of orders. If the effective date of a decision is in question, the pertinent ordinance shall prevail.

"Day care" means the provision of supplemental parental care and supervision for a nonrelated child, on a regular basis for less than 24 hours a day, under license by the Washington State Department of Social and Health Services (DSHS). For the purposes of this title, the term is not intended to include baby-sitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term does not include cooperative, reciprocal child care by a group of parents in their respective homes.

"Day care, adult" means the provision of care for the elderly for a time period of less than 24 hours a day that typically includes meals and social activities and may involve incidental medical assistance from qualified support staff.

"Day care center" means a facility other than a "day care home," as defined by this title, which provides day care for children.

"Day care home" means a facility that provides day care for up to 12 children, including the children of the provider, and is located in the residence of the provider.

"Dedication" means the donation of land to the City for any public purpose.

"Density" means a measure of the intensity of residential development which may be expressed in terms of dwelling units per acre or minimum land area per unit.

"Department" means the Community Development Department of the City or its assigns.

"Detached buildings." See "Buildings, detached."

"Developer" means the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other person having enforceable proprietary interests in such land.

"Development" means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of a structure; the division of a parcel of land into two or more parcels; any mining, excavation, landfill, or land disturbance; or use, conversion, or extension of the use of land.

"Director" means the City's Planning and Development Director or designee.

"Duplex" means a residential building containing exactly two separate single-household dwellings.

"Dwelling" means a structure or portion thereof that is used exclusively for human habitation.

"Dwelling unit, multi-household" means a building designed to house two or more households living independently of each other and includes duplexes, triplexes, fourplexes, and apartment buildings.

"Dwelling unit, single-household" means one or more rooms designed for or occupied by one household for living or sleeping purposes and containing kitchen facilities for use solely by one household. Modular and manufactured homes, as defined by this title, are considered to be single-household dwelling units.

19.15.060 "E".

"Effective date" means the date a final decision becomes effective.

"Engineer, City" means the City's Engineering Services Director or designee.

"Entertainment facilities" means facilities for people to view performances or otherwise be entertained.

19.15.070 "F".

"Factory built/modular housing" means any structure that meets UBC standards and is designed for human occupancy other than a manufactured home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

"Final decision" means the final action by the Principal Planner, City Engineer, Public Works Director, City Manager, Planning Commission, Board of Adjustment, or City Council.

"Floor area, gross" means the total square footage of floor space in a building measured from the exterior faces of the exterior walls, including but not limited to elevator shafts, basements, stairwells, and hallways and all other floor space in a building. For commercial uses which customarily are not confined to a building and which in significant part occur in the open air, the gross floor area shall be calculated as the total of the square feet of floor space in the building and the portion of the site where the commercial use occurs outdoors.

"Floor area ratio (or FAR)" means the number resulting when floor area is divided by lot area.

"Foundation, permanent" means a structure affixed to the land in such a manner that it may not be readily removed, and including adequate provisions for support of a building or mobile home, and constructed in accordance with regulations enforced and administered by the Building Official.

"Fraternal organization" means a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

"Functional disabilities, person (with)". See "person with functional disabilities".

19.15.080 "G".

"Garage sale" means retail sale of any household goods, furnishings, or other tangible items of personal property at the residence, garage, yard, building, or structure occupied by or the possession of which is under the control of the party selling or conducting the sale.

"Group home institution" means a facility, licensed by the state, that cares for more than 15 people with functional disabilities.

19.15.090 "H".

"Halfway house" means a state-licensed facility used as a home or work release center providing care and rehabilitation for individuals addicted to alcohol or drug/narcotics as defined in Chapter 69.50 RCW.

"Hazardous waste" means the most commonly used terms relating to hazardous waste, treatment, and storage as defined in subsections A through J below. The definitions were extracted from the definition sections of RCW 70.105.010 and Chapter 173-303 WAC, and are hereby included in this title as required by state law:

A. "Dangerous wastes" means those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous or extremely hazardous waste. As used in this chapter, the words "dangerous waste" will refer to the full universe of wastes regulated by this chapter (including dangerous and extremely hazardous waste), while the abbreviation "DW" will refer to that part of the regulated universe which is dangerous only, and not extremely hazardous. (See also "extremely hazardous waste" and "hazardous waste" definitions.)

B. "Designated zone facility" means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a pre-empted facility as defined in this section.

C. "Extremely hazardous waste" means those dangerous wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous. The abbreviation "EHW" will be used in this chapter to refer to those dangerous wastes which are extremely hazardous. (See also "dangerous waste" and "hazardous waste" definitions.)

D. "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of dangerous waste. Unless otherwise specified in this chapter, the terms "facility", "treatment storage", "disposal facility", "TSD facility", "dangerous waste facility" or "waste management facility" shall be used interchangeably.

E. "Hazardous household substances" means those substances identified by the department as hazardous household substances in the guidelines developed under RCW 70.105.220.

F. "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090, 173-303-101, 173-303-102, or 173-303-103.

G. "Hazardous wastes" means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous waste by the United States EPA. This term will never be abbreviated to avoid confusion with the abbreviations "DW" and "EHW". (See also "dangerous waste" and "extremely hazardous waste" definitions.)

H. "Permit" means an authorization which allows a person to perform dangerous waste transfer, storage, treatment, or disposal operations, and which typically will include specific conditions for such facility operations. Permits must be issued by one of the following:

1. The Department of Ecology, pursuant to state law;
2. United States EPA, pursuant to 40 CFR Part 270; or
3. Another state authorized by EPA, pursuant to 40 CFR Part 271.

I. "Storage" means the holding of dangerous waste for a temporary period. "Accumulation" of dangerous waste, by the generator on the site of generation, is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

J. "Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

"Health care office" means a commercial establishment that provides one or more medical services including but not limited to physical, dental, chiropractic and massage therapy.

"Hedge" means a continuous barrier or screen formed of shrubs, trees or a combination thereof.

"Higher education facilities" means facilities designed to serve the educational needs of people beyond the high school level such as a junior college, college or university supported by private or public funding sources and including support facilities such as administration offices, dormitories, and athletic centers.

"Home occupation" means the conduct of business from the home or accessory structure that does not compromise the residential character of the surrounding neighborhood.

"Hospital" means a building designed and used for medical care, surgery, diagnosis, treatment, and housing of persons under the care of doctors and nurses over a continuous period of 24 hours or more. Nursing homes, clinics, and group residences are not included in this definition.

"Hotel" means a building in which there are six or more guest rooms for lodging, with or without meals, provided for compensation.

"Household" means an individual; or two or more persons related by blood, marriage, or adoption; or a group of not more than six unrelated persons living and cooking together as a single housekeeping unit provided the limitation on the number of unrelated residents shall not be applied so as to prevent the City from making a reasonable accommodation as may be necessary to afford persons with functional disabilities equal opportunity to use and enjoy a dwelling as required by applicable federal, state, and local fair housing law.

"Housing for people with functional disabilities" means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to: juvenile foster home; adult care household; group home, institution; residential care facility; and any supported living arrangement, as herein defined.

19.15.100 "I".

"Indoor shooting ranges" means indoor ranges for testing and practice firing of rifles, pistols, or archery equipment.

"Impervious surface" means an impervious surface as defined in the Department of Ecology's 2005 Western Washington Stormwater Manual.

"Incidental" means subordinate and minor in significance and bearing a reasonable relationship with the primary use.

"Interurban trail" means land dedicated to the unique blend of passive and active travel along a scenic greenway and multipurpose public commuter trail by methods of transportation such as bicycles, skating, running, jogging, and walking or passive enjoyment of the park-like setting and rest stops along the route, which may be in combination with the safety and convenience of various current and future modes of public transit systems to fit the public's needs.

"Industry" means those fields of economic industry that include natural resource extraction, construction, manufacturing, processing, trucking, freight distribution, communication, production or distribution of power, sanitary services, warehouse storage, large-scale cleaning facilities, large-scale vehicle service stations, research and development laboratories, machine shops, wholesale sales/trade and distribution, solid waste facilities, and operations that may involve noise, vibration, or odor not appropriate to commercial or residential areas.

"Industrial, light." See "Light industrial".

19.15.110 "J".

"Junkyard" means an area of more than 300 square feet of any lot where junk, discarded or salvaged material is bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to the storage of inoperable automobiles, building, or structural steel materials and equipment. A junkyard does not include the following uses when conducted entirely within an enclosed building, pawn shops, or establishments for the sale, purchase, or storage of used furniture or household equipment, or used cars in operable condition or the processing of used, discarded, or salvaged materials as part of a manufacturing operation.

"Juvenile foster home" means a home of a person or persons who are providing personal care to children under the age of 18 years of age who may be functionally disabled, as defined by this title.

19.15.120 "K".

"Kennel, commercial" means any premises wherein four or more adult animals are kept for the business of boarding, breeding, letting for hire, training for a fee, or selling.

"Kennel, hobby" means any residential dwelling unit where three or more adult animals are kept for hunting, breeding, exhibition at organized shows, field working, or obedience training.

"Kitchen" means any room or rooms, or portion of a room or rooms, used or intended, or designed to be used for cooking or the preparation of food and features a stove or range.

19.15.130 "L".

"Land area per unit, minimum" means the minimum amount of land area required for each multi-household dwelling unit to be constructed on any single lot. For the purposes of this title, any portion of a lot, tract, or parcel of land in any access easement, private road (excluding a driveway exclusively serving the site), or public right-of-way shall be excluded from calculating the minimum land area per unit.

"Laundromat/dry cleaning" means a commercial facility featuring self-operated laundry machines which may include a dry cleaning operation.

"Light industrial" means industry or industrial uses that employ less than 500 people on a subject site and are limited in scale and intensity related to noise, emissions, glare, and other impacts.

"Live/work unit" means a building with an office or studio for business use on the ground floor and a private home above.

"Loading space" means an area required to be maintained on certain business and commercial lots, in addition to regular yard requirements, used for the loading and unloading of trucks or other vehicles or passengers of vehicles.

"Lodging" means a facility in which rental sleeping accommodations are provided, typically for transient use.

"Long-term care facility" means an institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four or more consecutive hours.

"Lot" means a legal lot of record to be used, developed, or built upon in accordance with the provisions of this title and having frontage on or access to a public street.

"Lot area" means the land area contained within the various lines forming the perimeter boundary of any described lot, tract, or parcel of land. For the purpose of this title, any portion of a lot, tract, or parcel of land in any access easement, private road, or public right-of-way dedication shall be excluded from calculating the lot area, unless otherwise specified by this title.

"Lot, corner" means a lot fronting on two or more intersecting streets. A corner lot is considered to have a front yard along each street frontage.

"Lot coverage" means the portion of the lot that is covered by buildings; or, if specifically so indicated, the portion of the lot that is covered by buildings and parking surfaces.

"Lot, depth" means the average horizontal distance between the front lot line and the rear lot line.

"Lot, interior" means a lot other than a corner lot.

"Lot line, front" means that boundary of a lot which is along an existing or dedicated public street, or where no public street generally exists along a private road, easement, or access way.

"Lot line, rear" means the lot line(s) which are most nearly opposite or most distant from the front lot line(s).

"Lot line, side" means any boundary of a lot which is not defined as a front lot line or a rear lot line.

"Lot of record" means a lot as shown on an officially recorded plat or short plat or a parcel of land officially recorded and lawfully established on the date of recording of the instrument first referencing the lot.

"Lot, flag/panhandle" means an interior lot which gains public road access by means of a lot extension, an access easement, or private road that borders the adjacent lot.

"Lot, through" means a lot fronting on more than one street and which is not a corner lot. On a "through lot", the front yard will be considered the side from which the property is addressed, and the rear yard is considered that portion of the lot most directly opposite the front yard.

"Lot width at street" means the horizontal distance between the side lot lines measured along the street right-of-way or access easement.

"Lot width at building setback line" means the horizontal distance between side property lines measured at the front yard building setback line.

19.15.140 "M".

"Mail service" means a small-scale business establishment offering primarily packaging and shipping services and may include mail receiving or other business services (fax, copying, etc.). For the purposes of this title, "mail service" does not include major distribution centers for shipping and receiving.

"Manufactured home" means a residence constructed on one or more chassis for transportation, and which bears an insignia issued by a state or federal regulatory agency indicating compliance with all applicable construction standards of the U.S. Department of Housing and Urban Development and that meets the following criteria:

- A. Constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes;
- B. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
- C. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than three to 12 pitch;
- D. Is mounted and affixed to a permanent foundation according to UBC standards.
- E. Meets the minimum Washington State Energy Code Standards.
- F. The manufactured home exterior siding shall extend to the top of the foundation as in the case of conventional construction.

"Manufacturing" means the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials to be used in products.

"Mean lot depth" means the depth of such lot measured on a line approximately perpendicular to the front property line and midway between the side property lines of such lot.

"Medical/healthcare facilities" means medical clinics, counseling services, dental clinics, hospitals, veterinary facilities, medical laboratories, and all other facilities that provide healthcare and medical services.

"Membership organization" means an organization, with pre-established formal membership requirements, that has the objective of promoting the interests or beliefs of its members. Membership organizations include but are not limited to trade associations, private clubs, fraternal organizations, and religious organizations.

"Minimum land area per unit". See "land area per unit, minimum".

"Mini-warehouse" means a facility consisting of separate storage units which are rented to customers having exclusive and independent access to their respective units for storage of residential or commercial oriented goods.

“Mixed-use development” means the development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form.

"Modular/factory-built housing". See "factory-built/modular housing".

"Motel" means a building or buildings, detached or in connected units or designed as a single structure, with six or more units which are used as individual sleeping units having their own private toilet facilities and may or may not have their own kitchen facilities, and are designed and used for the accommodation of transient automobile travelers. Accommodations for trailers are not included. This term includes tourist court, motor lodge, auto court, cabin court, motor inn, and similar names.

“MTMC” means the Municipal Code of the City of Mountlake Terrace

“Municipal code” means the adopted ordinances of the City.

"Multi-household dwelling". See "dwelling unit, multi-household".

19.15.150 "N".

"Nonconformance" means any use, structure, condition, activity or any other feature or element of private property that does not fully conform to any of the provisions of this title.

“Nursery supplies” means bulk materials and other goods and services for gardening, landscaping, yard care, greenhouses, and similar horticultural activities.

19.15.160 "O".

"Off-street parking" means any area located entirely on private property which is designed and developed for the parking or storage of vehicles.

"Open record public hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information.

"Open space" means land area unoccupied by buildings, roads, or parking areas which is used for recreation or resource protection.

19.15.170 "P".

"Park" means an area which is permanently dedicated to passive or active forms of recreation.

A. "Active park" means land dedicated to the enjoyment of physical activities and active recreational opportunities including but not limited to organized play, scheduled spectator sports requiring large land use areas for playfields, multipurpose playgrounds, golf courses, tennis and basketball courts, swimming and exercise facilities, spectator seating and parking and accommodating related sound and lighting intensities.

B. "Passive park" means land dedicated to the environmental preservation of the serenity and beauty of nature, its vegetation, woods and wetlands, bird and wildlife habitat, and scenic landscapes for enjoyment and educational opportunities to include: nature trails; moderate picnic and playground areas for non-organized play; and group activities compatible with quiet neighborhoods, churches, retirement and medical facilities, libraries, theaters of the arts, museums, and public buildings.

"Parking area" means an area accessible to motor vehicles, which is provided, improved, maintained, and used for the sole purpose of accommodating a motor vehicle.

"Parking, off-street". See "off-street parking".

“Parking, shared” means parking facilities that are shared among two or more uses, activities or property owners to meet the total number of parking spaces required pursuant to Chapter 19.125.

“Parking study” means an analysis of parking demand prepared by an applicant or qualified professional following the procedures of the Urban Land Institute Shared Parking Report, Institute of Transportation Engineers Shared Parking Guidelines, or other sources accepted by the department.

"Pedestrian friendly and visual access" means an area that is pedestrian friendly has safe walking areas on sidewalks and crosswalks. It has businesses convenient for pedestrians which provide visual access to the business activities. Although some of the business activities may fully be in view of the pedestrian as an espresso cart may be, an office use within a building will need visual access in a pedestrian friendly area as well. Pedestrian friendly areas may have any or all of the following: ease of access to transit, as well as parking, benches, landscaping, lighting at pedestrian scales, refuse containers, and items for sale such as newspapers, beverages, food in the pedestrian friendly area.

"Permitted use" means any use authorized alone or in conjunction with another use in a specific district and subject to the limitations of the regulations of such use in that district.

"Person" means any person, firm, business, corporation, partnership or other associations or organization, marital community, municipal corporation, or governmental agency.

"Person with functional disabilities" means:

A. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:

1. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or
2. Needing support to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible, or
3. Having a physical or mental impairment which substantially limits one or more of such person's major life activities, or
4. Having a record of having such an impairment, or

B. Excluded from the definition of "person with functional disabilities" is any individual engaged in the current, illegal use of or addiction to a controlled substance and any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. The operator of any facility providing housing for people with functional disabilities, as defined by this title, shall obtain documentation from a qualified health official, prior to occupancy, certifying that residents of the facility shall not constitute such a direct threat.

“Personal services” means establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

"Personal service establishment" means a business that provides services involving the care of a person or their apparel such as laundry and dry cleaning, beauty and barber shops, shoe repair, and garment alteration.

"Plan" means the City of Mountlake Terrace Comprehensive Policy Plan.

"Planned action" means a significant development proposal as defined in RCW 43.21C.031 as amended.

"Planned unit development (PUD)" means a development which incorporates innovations or special features in the development of a site and meets the requirements of Chapter 19.115 MTMC (Planned Unit Development).

"Planning Commission" means the Planning Commission of the City of Mountlake Terrace.

"Planning Department" means the Planning Department staff of the City of Mountlake Terrace Planning Department or their designee.

"Preschool" means an approved facility which provides educational instruction for prekindergarten age children.

"Primary use" means the principal or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory; see "permitted use".

"Private clubs and lodges" means meeting and administrative facilities for a group of persons organized for a social, fraternal, athletic, educational, literary, professional, political, or charitable purpose.

"Project" means a proposal for development.

"Public assembly area" means any area where large numbers of people collect to participate in or to observe activities, events, or to view or handle items. Such facilities include but are not limited to auditoriums, stadia, gymnasiums, theaters, churches, schools, gaming facilities, dance halls, museums, and conference rooms.

"Public hearing" means an open record hearing at which evidence is presented and testimony is taken.

"Public service" means services and facilities provided at all levels of government. Public service responsibilities include, but are not limited to, upholding the public health, safety, and welfare by providing and maintaining certain public utilities, i.e., public water and sewer systems, public road systems, and government departments for police, fire, animal control, engineering, public works, planning, building, accounting, and business office duties.

"Public service facilities" include, but are not limited to, government office buildings, fire and aid car stations, police precinct stations, public works facilities, disaster emergency shelters, and public utility facilities.

"Public utility" means a private corporation performing a public service and subject to special governmental regulations, or a governmental agency performing a similar public service, the services by either of which are paid for directly by individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas, and transportation of persons and freight. Wireless communications are not included with this definition

"Public utility facilities" include, but are not limited to, water and sewer pump stations, telephone exchanges, and gas and electrical distribution substations, and do not include minor utility system components such as poles, cables, underground conduits, and telephone booths, rapid transit stations, or bus terminals.

19.15.180 "Q".

Reserved.

19.15.190 "R".

"Rapid transit station" means a designated location where users access a transit system that is characterized by relatively high speed rail cars or buses traveling along a specific route that serves a large urban area.

"Recreation" means any enjoyable leisure experience in which the participant voluntarily engages and from which he or she receives satisfaction.

"Recreation facilities" means a place designed and equipped for the conduct of sports or leisure-time activities.

"Recreational vehicle" means a vehicle, which is designed and intended for shelter purposes during travel. Recreational vehicles shall include, but not necessarily be limited to, campers, motor homes, and travel trailers.

"Recycling collection station" means an approved location with appropriate containers, each clearly labeled for the purpose of collecting one specific recyclable material such as newspaper, magazines, cardboard, glass, aluminum, waste oil, batteries, or other specified items. Also known as drop boxes.

"Recycling processing center" means an approved location at which the management, collection, sorting, storage, loading, and transporting of recyclable materials is conducted. This type of center is not a resource recovery facility for purposes of garbage separation.

"Religious facility" means an establishment with the principal purpose of religious worship such as a church, synagogue, mosque or temple. Support services in the main building or in separate buildings may include assembly rooms, kitchen, library or reading rooms, office, recreation hall, instructional rooms, one single-household dwelling unit for a caretaker or staff person and a nursery facility for members during religious services.

"Research and development" means specialized, nonpolluting activities with emphasis on investigation, experimentation, testing, engineering, inventing and conceptually designing prototypes and new technologies, or associated light manufacturing. These technologies may include electronics, computer and data systems, medical and precision instruments, machine components, communication systems, and other technological instruments, equipment and systems.

"Residential care facility" means a facility, licensed by the state, that cares for at least seven but not more than 15 people with functional disabilities.

"Retail" means establishments engaged in selling good or merchandise to the general public for personal or household consumption and which may include the rendering of services incidental to the sale of such goods.

"Rezone" means an amendment to the Official Zoning Map resulting in a change in zoning designation for a particular parcel or parcels.

"Right-of-way" means the land dedicated for public purposes, such as roads, sidewalks, and utility easements.

"RM district" means those areas, as designated on the City's official Zoning Map, that are zoned primarily for multiple-household residential use.

"Rooming and boarding house/bed and breakfast". See "bed and breakfast inn/rooming and boarding house".

"RS district" means those areas, as designated on the City's official Zoning Map, that are zoned primarily for single-household residential use.

19.15.200 "S".

"School" means any building or part thereof used for instruction or education in any branch of knowledge.

"School, commercial" means a building where instruction is given to pupils in arts, crafts, or business and industrial trades, and operated as a commercial enterprise as distinguished from

schools endowed and/or supported by taxation.

"School: elementary, junior, or senior high, including public, private, and parochial" means an accredited institution of learning which offers instruction in the branches of learning and study required to be taught in the public schools by the Washington State Board of Education.

"Secondary use". See "accessory use".

"Senior housing" means age-restricted housing for older adults.

"Setback". See "yard".

"Sexually oriented adult businesses/adult entertainment establishments" means any establishment or premises having as substantial or significant portion of its trade, the display, barter, rental or sale of printed matter, pictures, graphics, or other materials or paraphernalia distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" as defined hereinafter, or any "sexually oriented adult entertainment premises", as defined hereafter, including but not limited to adult bookstores, adult entertainment shows, adult motion picture theaters, and adult arcades.

A. "Adult bookstore" is defined as any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas is conducted as a principal use of the premises; or as an adjunct to some other business activity, but which constitutes the primary or a major attraction to the premises.

B. "Adult entertainment shows" means any premises from which minors are excluded and in which live entertainment is provided, or any device is provided in which the subject matter is distinguished or characterized by the emphasis on matter depicting, describing, or relating to specified sexual activities or displaying specified anatomical areas as the principal use of the premises or is shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged.

C. "Adult motion picture theater" means any establishment from which minors are excluded in which motion pictures, slides, or similar photographic reproductions are shown depicting adult entertainment as the principal use of the premises, or are shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged; and wherein such movies are shown on a regular basis; and not to include a theater showing adult movies less than five percent of the total showing time of the theater.

D. "Entertainer" means any person who provides sexually oriented adult entertainment within a public place of amusement as defined in this section whether or not a fee is charged or accepted for such entertainment.

E. "Entertainment" means any exhibition or dance of any type, pantomime, modeling, or any other performance.

F. "Member of the public" means any customer, patron or person, other than an employee, who is invited or admitted to a sexually oriented adult entertainment premises.

G. "Nudity" means the showing of the human male or female genitals or pubic area, the showing of the female breast, with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

H. "Overlay zone district" means a zone district which is used in conjunction with, and which cannot be established without another zone development to occur which would not otherwise be possible or which modifies standards in the underlying zone district. An overlay zone as herein described is a zone, having boundaries conterminous with or circumscribed by an existing district, which imposes additional limitations or authorizes additional use otherwise not required or permitted in the district.

I. "Public place of amusement", "public amusement/entertainment", and "public entertainment" mean an amusement, diversion, entertainment, show, performance, exhibition, display or like activity, for the use or benefit of a member or members of the public, or advertised for the use or benefit of a member of the public, held, conducted, operated or maintained for a profit, either direct or indirect.

J. "Sexually oriented adult arcade" and "sexually oriented adult arcade premises" shall mean any premises on which any sexually oriented adult arcade device is located and to which patrons, customers and/or members of the public are admitted.

K. "Sexually oriented adult arcade device", sometimes also known as "panoram", "preview", "picture arcade", or "peep show" means any device which, for payment of a fee, membership fee, or other charge, is used to exhibit or display a picture, view, film, videotape, or videodisc, live show or other graphic display of "specified anatomical areas". All such devices are denominated under this title by the term "sexually oriented adult arcade device".

L. "Sexually oriented adult businesses/adult entertainment establishments overlay zone district" means the area identified on the Official Zoning Map of the City wherein sexually oriented adult businesses/adult entertainment establishments are permitted to located, subject to certain regulations.

M. "Sexually oriented adult entertainment" means any entertainment conducted in a public place of amusement where such entertainment involves a person appearing or performing in a state of nudity, as defined herein.

N. "Sexually oriented adult entertainment premises" means any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides sexually oriented adult entertainment on a regular basis and as a substantial part of the business operation.

O. "Specified anatomical areas" means:

1. Less than completely and opaquely covered human genitals, pubic area, anus, or female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state even if completely or opaquely covered.

P. "Specified sexual activities" means:

1. Acts of human masturbation, sexual intercourse or sodomy; or
2. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or
3. Human genitals in a state of sexual stimulation or arousal.

"Signs". See MTMC 19.135.020.

"Sight area triangle" means a triangular-shaped area at the intersection of any street or driveway with any other public or private street that must be kept free of sight obstructions affecting passing motorists within prescribed limits and distances.

"Site plan, larger scale" means those that involve new land use development projects of 5,000 structural square feet or more.

"Site plan, smaller scale" means those that involve new land use development projects that total less than 5,000 structural square feet, alterations or redevelopment of less than 30 percent of the total structural value and less than 5,000 square feet.

"Story" means "story" as defined in the building code adopted in chapter 15.05.

"Street" means a public thoroughfare or private access easement which provides the principal means of access to abutting property.

A. "Arterial street" means a major route of circulation through the City that connects neighborhoods and Mountlake Terrace to surrounding cities and provides direct access to abutting properties.

B. "Collector street" means a secondary road that serves as a traffic channel between arterials and local streets and provides direct access to abutting property.

C. "Controlled street" means a street that features either a yield sign, stop sign, or traffic control signal located at an intersection with another street.

D. "Local street" provides local service and access to abutting property. It is not intended to carry large volumes of traffic through neighborhoods.

"Structure" means that which is built or constructed or any piece of work composed of parts joined together in some definite manner including, but not limited to, buildings, carports, decks, and fences.

"Structure, accessory". See "accessory structure".

"Structural alteration" means any change in the supporting members of a building or structure, such as foundations, bearing walls, columns, beams, floor or floor joists, girders or rafters, or changes in the exterior dimensions of the building or structure, or increase in floor space.

"Structural coverage" means the amount or percent of the ground area of a lot occupied by either fully or partially enclosed structures, not to include fences, decks, swimming pools, hot tubs, or other similar structures.

"Supported living arrangement" means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, instrumental activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance.

19.15.210 "T".

"Townhome" means a single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and has open space on at least two sides.

"Townhouse" means the same as "townhome".

"Transportation facilities" means facilities that specifically provide for transportation needs including but not limited to the street network, bus facilities, taxi stands, rapid-transit facilities, bicycle racks, and walkways.

"TV satellite dish antenna" means antennas for reception of video programming that exceed one meter in diameter.

19.15.220 "U".

"Use" of property means the purpose or activity for which the land, or building thereon,

is occupied, maintained, designed, arranged or intended.

"Use, primary". See "primary use".

"Use, accessory or secondary". See "accessory Use".

19.15.230 "V".

"Variance" means an adjustment in the application of the specific provisions of this title to a particular piece of property which, because of its unique physical character, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone district.

"Vehicle" means a licensed motorized or non-motorized conveyance that includes, but is not limited to, an automobile, car, truck, trailer, van, camper, motorcycle, watercraft, antique vehicles (i.e., cars, trucks, vans, motorcycles, carriages, or motorized buggies), in operable condition.

"Vehicle, antique". See "antique vehicle".

"Vehicle, commercial". See "commercial vehicle".

"Vehicle storage, off-street". See "off-street parking".

"Vehicle (large) services" means a commercial establishment which performs washing/detailing, sale of fuel, oils, and lubricants, mechanical and body repair, and painting but not including stripping vehicles for parts or "junking out" vehicles, for large vehicles such as buses, recreational vehicles, and commercial trucks; see also "auto services".

"Veterinarian office/hospital" means a place where a veterinarian receives animals for medical treatment that may involve in- or outpatient care.

"Video arcade" means an establishment providing access to minor-aged persons that features five or more amusement devices.

19.15.240 "W".

"Warehouse" structure that is used for the storage of goods to be transported, distributed, or sold or to be used in the manufacture, assembly, or processing of other goods.

"Wholesale" the sale or provision of commodities in quantity, usually for the purpose of resale or distribution to other consumers.

19.15.250 "X".

Reserved.

19.15.260 "Y".

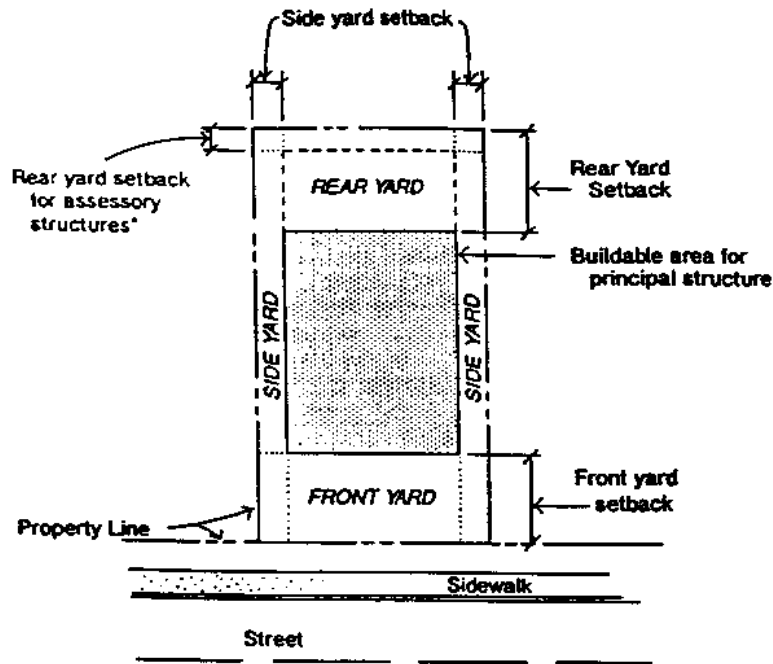
"Yard" means the required open space area on a lot lying between the property lines and the front, side, and rear building setback lines. Yards, types, and measurements:

A. "Front yard" means an area extending across the full width of the lot and lying between the front property line and a line drawn parallel thereto, at a distance equal to the required front yard setback as prescribed in each zoning district.

B. "Side yard" means an area extending from the front property line to the rear property line at a depth measured from the side lot line to a line drawn parallel thereto at a distance equal to the required side yard setback as prescribed in each zoning district.

C. "Rear yard" means an area extending across the full width of the lot and lying between the rear property line and a line drawn parallel thereto, at a distance equal to the required rear yard setback as prescribed in each zoning district.

YARDS AND SETBACKS



** Applies to accessory uses in single family residential zones only*

"Youth shelter" means:

A. Class I residential facility allowing up to six youth residents, ages 10 to 13, with no less than two resident staff, and which shall comply with the licensing requirements of the Washington State Department of Social and Health Services. To establish a Class I youth shelter, the proponent shall register the facility with the City Building Department and be inspected for health and safety purposes. For construction of Class I youth shelter, the review shall include building permit review, construction plan (engineering) review, and meet the requirements of the Zoning Code. Class II and III youth shelters shall be separated from senior housing by 500 feet.

B. Class II residential facility allowing up to 12 residents, ages 13 to 17, with no less than two resident staff, and which shall comply with the licensing requirements of the Washington State Department of Social and Health Services. To establish a Class II youth shelter, the proponent shall apply for a conditional use permit for review by staff, public meeting discussion by Planning Commission, and public hearing by the Board of Adjustment before consideration of conditions and approval. Environmental review may be required if grading and parking or other environmental thresholds are exceeded.

C. Class III residential facility allowing up to 12 residents, ages 16 to 20, with no less two resident staff, and which shall comply with the licensing requirements of the Washington State Department of Social and Health Services. To establish a Class III youth shelter, the proponent shall apply for a conditional use permit for review by staff, public meeting discussion by Planning Commission, and public hearing by the Board of Adjustment before consideration of conditions and approval. Environmental review may be required if grading and parking or other environmental thresholds are exceeded.

19.15.270 "Z".

"Zero lot line" means the configuration of a building on a lot such that one of the building's sides is located on or along a lot line.

"Zone district" means both a geographical area depicted on the Official Zoning Map and a land use classification with associated regulations defined in Chapters 19.20 through 19.105 MTMC.

"Zoning Ordinance" means an ordinance regulating land use for the purpose of promoting the health, safety and welfare of the general public and including: definitions; purpose, permitted land uses, and dimensional requirements in each zone district; permit review procedures; planned unit development regulations; parking and landscaping requirements; general provisions; sign regulations; and enforcement provisions.