

**Instructions to reader:** [EMC 19.04](#), regarding Definitions, will be repealed and replaced with this chapter on Definitions for the Unified Development Code. For a summary of the effect of the changes to definitions from current definitions, please visit the Rethink Zoning Library at <https://everettwa.gov/2453/Rethink-Zoning-Library>.

## Chapter 19.04 Definitions

### Table of Contents

<b>CHAPTER 19.04 DEFINITIONS .....</b>	<b>1</b>
19.04.010 OVERVIEW. ....	1
19.04.020 GENERAL DEFINITIONS. ....	1
19.04.030 LOT, BUILDING, AND STRUCTURE DEFINITIONS. ....	7
19.04.040 MEASUREMENT DEFINITIONS. ....	10
19.04.050 USE DEFINITIONS, RESIDENTIAL. ....	11
19.04.060 USE DEFINITIONS, COMMERCIAL. ....	14
19.04.070 USE DEFINITIONS, INDUSTRIAL. ....	16
19.04.080 USE DEFINITIONS, PUBLIC-INSTITUTIONAL-QUASI-PUBLIC. ....	17
19.04.090 USE DEFINITIONS, MISCELLANEOUS. ....	19
19.04.100 USE DEFINITIONS, OTHER. ....	21
19.04.110 CRITICAL AREAS DEFINITIONS. ....	22
19.04.120 SIGN DEFINITIONS. ....	29
19.04.130 HISTORIC RESOURCE DEFINITIONS. ....	32

#### 19.04.010 Overview.

Except where specifically defined in this chapter or other sections of this title, all words used in this title shall have the meaning commonly or logically associated therewith. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural, and words in the plural include the singular. The word “person” may be taken for persons, association, firm, partnership or corporation as well as the individual. The masculine includes the feminine. The word “occupied” includes premises designed or intended to be occupied; the word “used” includes designed or intended to be used. The word “shall” is always mandatory; the word “may” denotes a use of discretion in making a decision.

#### 19.04.020 General Definitions.

**“Accessory building”** means a building which is subordinate and incidental to the permitted principal building, located on the same lot with such principal building, and erected or established only after or in conjunction with the establishment of the principal building. An accessory building includes, but is not limited to, garages, carports, storage buildings, and other similar buildings.

**“Accessory use, activity or structure”** means a use, activity, structure or part of a structure which is customarily subordinate and incidental to the permitted principal use or building, located on the same lot with such principal use or building, and erected or established only after or in conjunction with the establishment of the principal use or building. A caretaker’s or watchman’s quarters are considered to be an accessory use in industrial zoning districts.

**“Airport approach area”** is the area of land under an imaginary approach surface of an airport as described in 14 CFR Part 77.19(d).

**“Airport compatibility area”** or **“ACA”** means an area adjacent to a public use airport where land uses that are incompatible with airport operations are discouraged. The airport compatibility area is the area within a specified

distance of each runway, to be measured as a distance extending outward from the portion of the runway centerline between runway thresholds.

**“Airport hazard”** means any structure or tree or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

**“Airport influence area”** or **“AIA”** means an area within a specified distance of a public use airport that may experience impacts from airport operations. The airport influence area is the area within a specified distance of each runway, to be measured as a distance extending outward from the portion of the runway centerline between runway thresholds.

**“Airport runway protection zone”** means a trapezoidal area at ground level off the end of an airport runway, the dimensions of which are defined by the Federal Aviation Administration to enhance the safety and protection of people and property on the ground.

**“Airport transitional area”** is the area of land under an imaginary transitional surface of an airport as described in 14 CFR Part 77.19(e).

**“Alley”** means a public or private way permanently reserved as a means of access to abutting property.

**“Antique”** means a product that is sold or exchanged because of the value derived by the age of the product being greater than fifty years.

**“Applicant”** means a person who applies for any permit or approval to do anything governed by this chapter and who has legal standing to apply for a permit or approval on the specific property.

**“Architectural barrier”** means a fence, berm, wall or combination of earth, plant and structural materials designed and constructed to reduce visual or noise impacts between properties or uses.

**“Assurance device”** means a financial mechanism by which the city assures compliance with the requirements of this chapter or other development or use entitlement.

**“Brownfield”** is real property, the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

**“Building official”** means the building official for the city or his/her designee.

**“Business license”** means a license issued by the city for the purpose of collecting business tax revenues.

**“Cease(d)”** means, for purposes of Chapter 19.38 of this title, to come to an end; to not use; to vacate. For purposes of Chapter 19.38, no showing of intent to cease is required.

**“Certificate of occupancy”** means a permit to occupy a building.

**“City attorney”** means the city attorney for the city or his/her designee.

**“City council”** means the city council of the city.

**“City engineer”** means the public works director for the city or his/her designee.

**“Clearing”** means the act of removing or destroying vegetation or other organic plant materials by physical, mechanical, or chemical means.

**“Code compliance officer”** means the code compliance officer for the city.

**“Comprehensive plan”** means the city of Everett comprehensive plan, including any subarea plans, adopted pursuant to Chapter 36.70A RCW.

**“Conditional use”** means a use, which because of its unusual size, infrequent occurrence, special requirements, possible safety hazards, or other possible detrimental effects on surrounding properties, may be approved only after a public hearing.

**“Day, working”** means any day on which the city administrative offices are open for normal business.

**“Development”** means all structures, uses or other alterations or modifications of the natural landscape occurring above or below ground or water on a particular lot. Within the riparian habitat zone or the special flood hazard area, the definition of “development” shall also include removal of substantial native vegetation, or alteration of natural site characteristics.

**“Development permit”** means any permit issued by the city to use or develop property that must be issued before initiating the use or development.

**“Disabled person”** means a person who is defined as handicapped under the provisions of the federal Fair Housing Act Amendments of 1988.

**“Drainage facility”** means the system of collecting, conveying and storing surface and stormwater runoff. Drainage facilities shall include but not be limited to all surface and stormwater runoff conveyance and containment facilities, including streams, pipelines, channels, ditches, wetlands, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and manmade.

**“Drive-in window or station”** means a window or station used for providing service to customers who remain seated in their vehicles to conduct a business transaction, such as are commonly found at restaurants, financial institutions, or other similar businesses.

**“Drive-through, drive-up or drive-in service”** means a type of service provided by a business that allows customers to purchase products, food, beverages or services without leaving their cars.

**“Electric vehicle”** means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

**“Electric vehicle charging station”** means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**“Electric vehicle charging station—restricted”** means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

**“Erosion”** means the process whereby the landform is worn away by the action of water, wind, rain, or ice activity.

**“Family”** means any number of persons related by blood, marriage or legal adoption and including foster children and exchange students living together as a single housekeeping unit. “Family” also means the following when living together as a single, not-for-profit housekeeping unit:

1. A group of not more than four related and unrelated adults and their related minor children, but not to exceed a total of eight related and unrelated persons; or
2. Not more than eight disabled persons, whether adults or minors, living together in a consensual residential living arrangement, but not to exceed a total of eight persons; or
3. State licensed adult family homes as defined by RCW 70.128.010; or
4. State licensed foster family homes and group care facilities as defined in RCW 74.15.020.

For the purposes of this definition, an adult is a person eighteen years of age or older, and a minor child is a person under the age of eighteen years old.

**“Geologist”** means a person who is licensed in the state of Washington under the provisions of Chapter 18.220 RCW and Chapter 308-15 WAC, and who has at least one year of practical experience in the Pacific Northwest.

**“Grading”** means any excavating, filling, or clearing of land or any combination thereof.

**“Hearing examiner”** means the land use hearing examiner for the city.

**“Historical commission”** means the historical commission for the city.

**“Homeless”** means a person who lacks a fixed, regular, and adequate nighttime residence, and who has a primary nighttime residence that is:

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
2. An institution that provides a temporary residence for mentally ill individuals intended to be institutionalized; or
3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

**“Landscaping”** means the planting, removal and maintenance of vegetation along with the movement and displacement of earth, topsoil, rock, bark and similar substances done in conjunction with the planting, removal and maintenance of vegetation.

**“Low impact development (LID)”** means a stormwater management strategy that emphasizes conservation and the use of existing natural site features integrated with distributed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in developed settings.

**“Metro Everett”** means the regionally designated growth center for Snohomish County identified in Chapter 2 of the Everett Comprehensive Plan.

**“Minor exterior alteration”** means development that alters the exterior envelope to a building whose value over a three-year period does not exceed fifty percent of the building’s valuation based on the city of Everett’s valuation methods.

**“Municipal Code”** means the various laws of the city contained within the Everett Municipal Code.

**“Native vegetation”** means vegetation on a site or plant species which are indigenous to the area in question; or if the site has been cleared, species of a size and type that were on the site on the effective date of this title or reasonably could have been expected to have been found on the site at the time it was cleared.

**“Natural topography”** means the elevation of a parcel of land prior to any human modification of the topography.

**“Nonconforming building”** means a legally established structure or building, the size, dimensions, or setbacks of which met the applicable Unified Development Code requirements in effect at the time the building was constructed, but which fails by reason of adoption, revision or amendment of the Unified Development Code to conform to the present requirements of the zone in which it is located.

**“Nonconforming landscaping”** means on-site landscaping, the dimensions, area or location of which met the applicable Unified Development Code requirements in effect at the time the use or building was established, but which fails by reason of adoption, revision or amendment of the Unified Development Code to conform to the present requirements of the zone in which it is located.

**“Nonconforming lot”** means a legally established lot, the area, dimensions or location of which met the applicable Unified Development Code requirements in effect at the time the lot was created, but which fails by reason of such

adoption, revision or amendment of the Unified Development Code, to conform to the present requirements of the zone in which it is located.

**“Nonconforming parking”** means legally established off-street parking for a particular use, the quantity, design, location or construction of which met the applicable Unified Development Code requirements in effect at the time the use was established, but which fails by reason of adoption, revision or amendment of the Unified Development Code to conform to the present requirements of the zone in which it is located.

**“Nonconforming use”** means a legally established use which met the applicable Unified Development Code requirements at the time it was established but which fails by reason of adoption, revision or amendment of the Unified Development Code to conform to the present requirements of the zone in which it is located.

**“Off-street parking area”** means an area designed and/or used for parking vehicles which is not located in a street or alley right-of-way.

**“Outdoor storage of bulk materials”** means the holding or stockpiling on land of material and/or products in a bulk form or in bulk containers, including but not limited to aggregate, topsoil, powder, grain, stone, bricks, wood chips, metal, building materials, parts, pallets, utility piping, used materials, and metal. Bulk materials may include products for sale, materials used in manufacturing activities, inoperable equipment or vehicles, and recycled materials.

**“Owner”** means the holder of fee title, a mortgagee, or contract purchaser.

**“Park”** means any property designated, dedicated, or developed by or on behalf of a government entity for park or open space use, including passive and active forms of recreation.

**“Parking space”** means a portion of an off-street parking area, meeting the city’s design and construction standards, having access to a public street or alley.

**“Planning commission”** means the planning commission for the city.

**“Planning department”** means the planning department for the city.

**“Planning director”** means the planning director for the city or his/her authorized representative.

**“Practicable”** means possible or capable of being done.

**“Principal building”** means the primary or predominant building on a lot.

**“Principal use”** means the primary or predominant use of any lot or building.

**“Public agency”** means any agency, political subdivision, or unit of local government of this state including but not limited to municipal corporations, special purpose districts, and local service districts; any agency of the state, the United States, or any Indian tribe recognized as such by the federal government.

**“Public works director”** means the public works department director for the city or his/her authorized representative.

**“Reasonable alternative”** means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to regulated critical areas. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

**“Recreational vehicle”** means a vehicle which is a) built on a single chassis; b) four hundred (400) square feet or less when measured at the largest horizontal projection; c) designed to be self-propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**“Redevelopment”** means the process to rebuild, restore or develop an area or property that has previously been developed for a specific use or purpose.

**“Repair or maintenance”** means an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and alter a regulated critical area are not included in this definition.

**“Retention/detention facility”** means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and storm water management system.

**“Review authority”** means the individual or the board, council or commission with authority to review, make recommendations concerning, or approve development permits.

**“Review process”** means the procedure listed in Title 15, Local Project Review Procedures, by which a specific use shall be evaluated before a determination is made concerning the issuance of an approval, a license or permit.

**“Right-of-way”** means the actual property which is publicly dedicated or reserved for street and alley access and for other public purposes such as public utilities, bicycle paths, and pedestrian walkways.

**“Sensitive land uses”** means those land uses which are particularly sensitive to the secondary effects of adult use businesses. Sensitive land uses include the following:

4. Single-family and multiple-family residential zones;
5. Churches, or other religious facilities or institutions;
6. Public and private schools, training facilities and technical schools which have twenty-five percent or more of their students under the age of eighteen;
7. Public parks and playgrounds;
8. Community development block grant designated neighborhoods.

**“SEPA”** means the current edition of the State Environmental Policy Act and the city ordinance implementing the State Act.

**“Street”** means a public or private thoroughfare which provides the principal means of access to abutting properties.

**“Traffic engineer”** means the traffic engineer for the city.

**“Transfer of development rights”** means, in general, the process for transferring development rights from a sending site to a receiving site.

**“Use”** means the activity or function carried out on an area of land, or in a building located thereon.

**“Vacate”** means to move out; to make vacant or empty; to leave.

**“Water-dependent”** has the same meaning as set forth in Chapter 8 of the Everett Shoreline Master Program.

**“Water-dependent use”** has the same meaning as set forth in Chapter 8 of the Everett Shoreline Master Program.

**“Water-related uses”** has the same meaning as set forth in Chapter 8 of the Everett Shoreline Master Program.

**“Zone”** means a specifically delineated area within the city, which is indicated on the zoning map, within which regulations and requirements uniformly govern the use, location and size of buildings and land.

**“Zoning map”** means the map adopted by the city showing the geographic location of zones within the municipal boundaries.

#### **19.04.030 Lot, Building, and Structure Definitions.**

**“Antenna”** means any exterior apparatus or apparatuses designed for telephonic, radio, data, internet, or other communications through the sending and/or receiving of electromagnetic waves or radio frequency signals, including without limitation equipment attached to a tower or building for the purpose of providing personal wireless services.

**“Awning—canopy”** means a fixed-roofed structure, with open sides, which provides shade or protection and is in whole or in part self-supporting.

**“Binding site plan”** means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

**“Blank wall”** means exterior ground floor walls of buildings visible from a street or publicly accessible open space that are over four feet in height with a horizontal length greater than fifteen feet, and do not include a window, door, building modulation or other architectural detailing. Building walls adjacent to an alley and exterior fire walls built along interior property lines are not considered blank walls.

**“Building”** means any structure built for the support, shelter or enclosure of persons, animals, vehicles, mechanical devices or property of any kind. When separated by common walls located on property lines, each portion of such structure shall be deemed a separate building. A building is constructed to include exterior walls of the structure, usually solid from the ground to the roof line except for window and door openings.

**“Building appurtenance”** means chimneys, steeples, television and radio antennas, ham radio antennas, television dish antennas, flagpoles, and vent pipes in any zone, and mechanical systems in zones other than single-family zones, and other similar features, excluding signs, which are customarily located on or above the roof of a building.

**“Carport”** means a covered shelter for an automobile, open on two or more sides.

**“Courtyard”** means any portion of the interior of a lot which is fully or partially enclosed by the walls of a building or buildings on the same development site, which is not within a required setback area and is unobstructed from the ground upward.

**“Dish antenna”** means a parabolic-shaped antenna which is designed to receive television broadcasts or other electronic communication signals. The antenna is considered as an accessory structure unless it is attached to the principal building, in which case it is considered a building appurtenance.

**“Driveway”** means an area of property designed to provide access between a street and a building or parking area.

**“Dwelling”** means one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating, and sanitation, which meets the minimum requirements of the Everett Housing Code, and in which all habitable rooms are internally accessible from within the dwelling.

**“Duplex”** contains two dwelling units (see EMC 19.05 “Dwelling, 2-unit”), but unlike a townhouse, a duplex could be two units on separate floors (upper unit and lower unit) or two units joined at the side.

**“Facade”** means the entire building exterior wall face, including grade to the top of the parapet or eaves, and the entire width of the building elevation. For buildings with more than one occupant, the facade for each occupant shall be that portion of the exterior wall face between the points where interior walls between tenants intersect with the exterior wall.

**“Fence”** means a manmade barrier erected to enclose, screen or separate areas of land.

**“Frontage”** means the area between (and/or on) a building facade and the public right-of-way or the pavement of a public sidewalk.

**“Garage”** means an accessory building constructed of at least three walls, designed or used for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

**“Garage, private attached”** means a portion of the principal building which is attached by a common wall or substantial roof structure to the principal dwelling designed or used for the storage or shelter of vehicles owned or operated by the occupants of the principal building.

**“Green roof”** means an engineered roofing system that allows for the propagation of rooftop vegetation while maintaining the integrity of the underlying roof structure and membrane.

**“Lot”** means an area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon in accordance with the provisions of the Unified Development Code.

**“Lot, corner”** means a lot located at the junction of and fronting on two or more intersecting streets.

**“Lot, interior”** means any lot which is not a corner lot.

**“Lot line”** means a line of record that divides one lot from another lot or from a public or private street or alley.

**“Lot line, front”** means the lot line dividing a lot from the street. On a corner lot, only the shorter lot frontage shall be considered as the front lot line. On a panhandle lot, the front lot line and setbacks shall be determined during the subdivision approval process, or, if not determined during subdivision review, shall be determined by the planning director.

**“Lot line, rear”** means the lot line opposite and most distant from the front lot line. In the case of triangular or other irregularly shaped lots, an imaginary line ten feet in length located entirely within the lot, parallel to and at a maximum distance from the front lot line.

**“Lot line, side”** means any lot line which is not a front or rear lot line.

**“Lot, panhandle”** means a lot with access provided to the bulk of the lot by means of a narrow strip of land which does not meet the full frontage or width requirements of this title.

**“Lot, substandard”** means a lot that does not meet minimum lot area and/or dimensional (lot width, lot depth and/or lot frontage) requirements of this title.

**“Manufactured home”, “mobile home”, “mobile home park subdivision”, “manufactured housing subdivision”, “mobile home park”, “manufactured housing community” or “manufactured/mobile home community”** has the same meaning as set forth in [RCW 59.20.030](#). **“Designated manufactured home”** or **“new manufactured home”** has the same meaning as set forth in [RCW 35.63.160](#).

**“Marquee”** means a permanent roof-like structure or canopy of rigid material supported by and extending from the facade of a building.

**“Open space”** means land area not covered by buildings, roads, driveway and parking areas, or outdoor storage areas, including, but not limited to, landscape areas, gardens, woodlands, walkways, courtyards or lawns, and outdoor recreation areas. Except as otherwise provided by this title, open space includes setback areas that meet the requirements defined in this title.

**“Open space, common”** means private open space provided within a development which is provided for, and which is permanently accessible to, all residents/tenants of the development.

**“Open space, private”** means a small parcel of land or outside area (deck, lanai, patio) immediately adjacent to an individual dwelling unit maintained by and for its residents and reserved exclusively for their use.

**"Open space, public"** means an area that is visible and accessible to the public, but may be designed for the use and enjoyment of the development.

**"Plat"** is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

**"Plat, final"** is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter.

**"Plat, preliminary"** is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

**"Porch"** means a roofed shelter, usually open at the sides, projecting from the face of a building and used to protect the entrance to a building; a carport is not considered a porch.

**"Short plat"** is the map or representation of a short subdivision.

**"Short subdivision"** means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

**"Stoop"** means a small stair, landing or ramp connecting a building entrance to a walkway or sidewalk.

**"Street-facing dwelling unit façade"**, means a ground or first floor of a dwelling unit façade facing, and within thirty (30) feet, of a front or side-street lot line on a public street.

**"Structure"** means a combination of materials constructed or erected on or under the ground, or attached to something having a permanent location on or under the ground.

**"Structured Parking"** means a structure in which vehicle parking is accommodated on multiple stories or floors.

**"Subdivision"** means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

**"Swale"** means a shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.

**"Tiny home"**, **"tiny house"** or **"tiny house with wheels"** has the same meaning as set forth in [RCW 35.21.686](#), which is a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with the state building code.

**"Tiny house communities"** has the same meaning as set forth in [RCW 35.21.686](#), which is real property rented or held out for rent to others for the placement of tiny houses with wheels or tiny houses utilizing the binding site plan process in [RCW 58.17.035](#).

**"Tower"** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term encompasses personal wireless service facilities towers, microwave towers, common-carrier towers, cellular telephone towers, personal communications services tower, alternative tower structures, and other similar structures, and its attendant base station.

**"Townhouses"**, also called "single-family, attached", are buildings joined at the side by a common wall. Each dwelling has up to two or three stories and no dwellings are placed over another. Each dwelling has individual and direct pedestrian access to the street and typically contains some private open space in the front and back. A

development of townhouses could include two units attached (see EMC 19.05 “Dwelling, 2-unit”) or multiple units attached.

#### **19.04.040 Measurement Definitions.**

**“Base elevation”** means the average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle which will enclose the proposed structure, excluding all eaves and decks. The approved topography of a parcel is the natural topography of a parcel or the topographic conditions approved by the city prior to January 1, 1988, or as approved by a subdivision, short subdivision, binding site plan, shoreline substantial development permit, or SEPA environmental review issued after January 1, 1988. On any lot exhibiting evidence of an unapproved fill, a soils analysis may be required to determine the approved topography. An approved bench mark will establish the relative elevation of the four points used to establish the base elevation.

**“Benchmark”** means a fixed reference point or object, more or less permanent in character, the elevation of which is known, or to which a nominal elevation can be assigned.

**“Buildable area”** means the lot area minus undevelopable areas.

**“Building footprint”** means the perimeter of a building at the outer edge of the outside walls of the building, including cantilevered portions of a building.

**“Caliper”** means diameter of a tree trunk measured six inches above the ground.

**“Density”** means a ratio of dwelling units to lot area, usually expressed in terms of dwellings per acre or square feet of land area per dwelling unit.

**“Finished ground floor levels”** is measured as the elevation from ground level to the floor level of the first story of the building at the main entrance.

**“Floor”** is the habitable level within a building that is above grade. Exposed basements less than four feet from grade or attics not exceeding four feet at the knee-wall shall not constitute a floor.

**“Floor area ratio”** means a measure of development intensity which is the gross building area (square footage of the total floor area except parking areas) divided by the lot area.

**“Floor height”** is measured from the surface of any floor to the surface of the floor above it or, if there is no floor above, from the surface of the floor to the top of the wall plate.

**“Floorplate”** is the total gross floor area of any given floor of a building, measured to the exterior of the wall or balcony.

**“Grade”** means the elevation of a lot prior to development.

**“Grade, finished”** means the elevation of a lot after completion of development.

**“Gross floor area”** means the sum of the gross horizontal areas of the floors of a building or buildings, measured from exterior faces of exterior walls, and from the centerline of common walls.

1. Gross floor area includes: basement space, elevator shafts and stairwell at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet, six inches or more, penthouse floors, interior balconies and mezzanines, and enclosed porches.
2. Gross floor area shall not include: accessory water tanks and cooling towers, mechanical equipment rooms or attic spaces with headroom of less than seven feet, six inches, exterior steps or stairs, terraces, breezeways, and open spaces.

**“Ground floor”** means the floor of a building closest to the height of the adjacent front street sidewalk or, where no sidewalk exists, closest to the height of the grade at the front lot line.

**“Height, building”**. See EMC 19.22 for how heights are measured.

**“Line of sight”** with respect to the siting of secure community transition facilities means the maximum unobstructed distance at which it is possible to reasonably visually distinguish and recognize individuals. For the siting of secure community transition facilities, this distance is six hundred feet. However, a distance less than six hundred feet may be considered if the applicant demonstrates that visual barriers exist or can be created that would reduce the line of sight to a distance less than six hundred feet.

**“Lot area”** means the total area within the lot lines of a lot, excluding any primary access easements or panhandles, and excluding any area dedicated for public right-of-way purposes.

**“Lot coverage by building”** means the amount or percent of the ground area of a lot on which buildings are located. This amount/percent includes all areas which are partially or totally enclosed and covered by a weather tight roof, including any garages, carports, and cantilevered portions of a building which are not above the ground floor of a building, and storage areas covered by a watertight roof even if not fully enclosed. Building coverage does not include eaves, decks, and uncovered porches. Minor portions of panhandle lots and primary access easements shall not be included in the lot area for purposes of calculating building coverage.

**“Lot depth”** means the mean distance between the front lot line and rear lot line.

**“Lot frontage”** means the length of the front lot line measured at the street right-of-way.

**“Lot width”** means the horizontal distance between side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**“Setback”** means the required minimum distance between any lot line and any structure, building or use.

**“Setback, average”** means calculating the average front setback of two adjacent properties. If the property is on the corner, the average setback is the front setback of the adjacent properties. If there are no adjacent properties, then there is no average setback unless otherwise allowed in this code.

Setback, Front. **“Front setback”** means the required minimum distance between the front lot line and any structure, building or use.

Setback, Rear. **“Rear setback”** means the required minimum distance between the rear lot line and any structure, building or use.

Setback, Side (Interior). **“Side (interior) setback”** means the required minimum distance between the side lot line which does not abut a street and any structure, building or use.

Setback, Side (Street). **“Side (street) setback”** means the required minimum distance between the side lot line abutting the street on a corner lot and any structure, building or use.

#### **19.04.050 Use Definitions, Residential.**

This section defines Uses set forth in Table 5-1 in EMC 19.05.080.

**“Adult family home”** has the same meaning as RCW 70.128.010, which means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under [RCW 70.128.066](#).

**“Assisted living facility”** means a residential facility for elderly persons (age fifty-five or older) who require moderate to extensive assistance with daily tasks such as cooking, eating, bathing, housekeeping, dispensing of medicines, shopping, appointments and other tasks.

**“Bed and breakfast house”** means an owner-occupied dwelling which is used to provide overnight guest lodging in not more than five guest rooms and which usually provides a morning meal as part of the room rate structure.

**“Congregate care facility”** means a residential facility for the elderly. The minimum age limit for the elderly is fifty-five years for the residents, with younger spouses permitted. The facility typically has a central lobby, common dining area, hobby and/or recreational rooms. The fee structure shall include at least one meal per day in the common dining area. Accessory support uses for the tenants, such as pharmacies, banking service, etc., may be included.

**“Day care, family home”** means day care provided in the home as an incidental use to the principal residential use of the property, for up to twelve children full time, or six adults full time, or as otherwise provided by the state of Washington.

**“Dormitory”** means a building with sleeping accommodations, without in-room cooking facilities, for residents affiliated with an educational, religious, or other institution.

**“Dwelling unit, accessory,”** or **“ADU,”** means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, or townhome.

1. A **“detached”** accessory dwelling unit (DADU) means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex or townhome.
2. An **“attached”** accessory dwelling unit means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex or townhome.

**“Dwelling unit, micro-housing”** or **“small efficiency dwelling unit”** means a single, independent, residential dwelling unit within a multifamily building of no less than 24 units and consisting of one habitable room (excluding kitchen, bath, closets, storage areas, and built-ins). These units have a living room floor area two hundred twenty square feet or less, or a total gross unit size three hundred twenty square feet or less.

**“Dwelling unit”** means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, cooking, eating, and sanitation, which meets the minimum requirements of the Everett Housing Code, and in which all habitable rooms are internally accessible from within the dwelling.

**“Dwelling, 1-unit”** means a detached building designed for and occupied by only one household, sharing no common walls with other dwelling units, except an accessory dwelling unit (“ADU”).

**“Dwelling, 2-units”** means a building designed for and occupied by two households, living independently of each other in separate dwelling units. A 2-unit dwelling may be attached by a common wall or walls or stacked in a manner that individual dwelling units are located above or below other dwelling units. A 2-unit dwelling does not include an accessory dwelling unit (“ADU”) which may be permitted on a lot with a 1-unit dwelling.

**“Dwelling, 3- to 4-units”** means a building designed for and occupied by three or four households, living independently of each other in separate dwelling units. A 3- to 4-unit dwelling may be attached by a common wall or walls or stacked in a manner that individual dwelling units are located above or below other dwelling units.

**“Dwelling, cottage housing”** means small, detached dwelling units clustered around a central common open space.

**“Dwelling, multiple-family”** means a buildings) or portion of a building arranged or designed to be occupied by five or more families living independently of each other..

**“Family Home (Day Care and Adult)”**. Please see definition of **“adult family home”** and **“day care, family home.”**

**“Group housing, Category 1”** means a state-licensed residential care facility designed to serve as the primary residence for up to six (6) individuals and two resident staff, which has shared living quarters without separate bathroom and/or kitchen facilities for each unit.

**“Group housing, Category 2”** means a state-licensed residential care facility designed to serve as the primary residence for seven (7) to sixteen (16) individuals and resident staff, which has shared living quarters without separate bathroom and/or kitchen facilities for each unit.

**“Group housing, Category 3”** means a state-licensed extended care facility, including an assisted living facility, congregate care facility, nursing or convalescent home, and any other group housing serving more than sixteen (16) individuals.

**“Group housing, Temporary Shelter”** means a shelter providing temporary housing accommodations (90 days or less) that includes a sponsor and managing agency, the primary purpose of which is to provide temporary shelter for people experiencing homelessness in general or for specific populations of the homeless, or temporary shelter for people experiencing domestic violence. In addition to shelters which provide shelter for up to 90 days, temporary shelters may also include temporary building encampments, temporary safe parking areas, temporary outdoor encampments or vehicle resident safe parking for the homeless, and temporary tiny house encampments.

**“Live/work”** units mean built spaces that function predominantly as work spaces and secondarily as residences.

**“Managing agency”** means an organization that has the capacity to organize and manage a homeless encampment. A “managing agency” may be the same entity as the sponsor.

**“Mobile home park,” “manufactured housing community,” or “manufactured/mobile home community”** has the same meaning as in RCW 59.20.030: any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

**“Nursing or convalescent home”** means a facility or institution for the care of the aged or infirm, or a place of rest for those suffering bodily disorders. This term does not include hospitals or facilities for the primary treatment of sickness or injuries, or for surgical care, or congregate care facilities.

**“Permanent supportive housing”** has the same meaning as RCW 36.70A.030(16). **“Permanent supportive housing”** is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.”

**“Recreational vehicle (RV) park”** means real property rented or held out for rent to others for the placement of recreational vehicles.

**“Rooming house”** means a structure used for the purpose of providing lodging or lodging and meals, for persons other than those under the “family” definition, for a period longer than thirty days. This term includes cooperative housing and similar establishments but does not include hotels, motels, medical care facilities or bed and breakfast inns.

**“Secure community transition facility”** means a facility, as defined in RCW 71.09.020, for the housing of sexually violent predators.

**“Short-term rental”** means the use of an entire dwelling unit by any person or group of persons to occupy for rent for a period of less than thirty consecutive days. Short-term rentals do not include bed and breakfast inns, hotels and motels.

**“Sponsor”** means a local faith-based or other local community-based organization that has an agreement with the managing agency to provide basic services and support for the residents of a homeless encampment, such as shelter, food and sanitation, and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A “sponsor” may be the same entity as the managing agency.

**“Supportive housing”** means a combination of housing, including low barrier housing, and services intended as a cost-effective way to help people live more stable and productive lives. The housing type is a multiple-family dwelling owned or sponsored by a qualified nonprofit provider or government entity, designed for occupancy by persons that are either (1) experiencing or at risk of experiencing homelessness; (2) are experiencing a disability that presents barriers to employment and housing stability; or (3) generally require structured supportive services such as case management and twenty-four-hour on-site facility management to be successful living in the community and is intended to provide long-term, rather than transitional, housing.

**“Tiny house”** and **“tiny house with wheels”** means a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with the state building code.

**“Tiny house communities”** means real property rented or held out for rent to others for the placement of tiny houses with wheels or tiny houses utilizing the binding site plan process in RCW 58.17.035.

#### **19.04.060 Use Definitions, Commercial.**

This section defines Uses set forth in Table 5-2 in EMC 19.05.090.

**“Animal day care”** means short-term daytime (not overnight) care for dogs, cats and other small animals.

**“Auto fuel sales:”** means a business selling gasoline, diesel and other fuel products such as propane. This includes convenience stores selling food and related items.

**“Automobile and truck service, heavy”** means a business where vehicle repair and maintenance of heavy trucks over 18,000 pounds and other large equipment is performed.

**“Automobile and truck service, light”** means a business where vehicle repair and maintenance, cleaning and alterations are performed. Cleaning includes automatic and self-service washing, vacuuming and detailing.

**“Automobile dismantling/recycling”** means the disassembly of vehicles, together with sorting, cleaning and storage of spare parts and recyclable materials, such as scrap metals.

**“Automobile drive-through facility”** means all equipment and improvements used to allow customers to be served from within their vehicles. This includes order placing stations, speakers, service windows, signs, driveways and holding lanes.

**“Automobile, light truck or RV sales or rental”** means a business where new or used cars, light trucks and recreational vehicles are displayed for sale, rent or lease, typically outdoors on a paved parking lot. This use may include a showroom and/or service facility.

**“Body repair and painting”** means a business that includes repair of damaged vehicles and painting or repainting.

**“Casino, mini”** means a business which provides gambling and gaming as a primary source of its revenue, which may include food and beverage sales for consumption on the premises as a secondary part of its business activity.

**“Clinic”** means a building or portion of a building designed and used for the medical, dental or surgical diagnosis or treatment of patients under the care of doctors.

**“Commercial parking”** means a parking lot or parking garage that is designed, used or intended to be used for the parking of motor vehicles outside the street right-of-way. Commercial parking areas are used, rented or leased to the general public, customers or residents of development, or are provided as public parking for persons commuting to another location, such as a park-and-ride lot. This use does not include parking lots or garages which are constructed as required for, or accessory to, another permitted use.

**“Community services”** means a use operated by a public agency, nonprofit, or other organizations of a charitable nature generally providing a service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Examples include drug and alcohol centers, social service facilities, soup kitchens, food banks, and surplus food distribution centers.

**“Convention center”** means a large civic building or group of buildings designed for conventions, industrial shows, and the like, having large exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

**“Day care center, commercial”** means a day care facility for more than twelve children or adults.

**“Entertainment and recreation, enclosed”** means an entertainment or recreation facility under private ownership and operated by a for-profit or nonprofit organization, and providing one or more of the following types of entertainment activities: cinemas, billiard parlors, nightclubs, coin-operated arcades, bowling alleys, ice skating and roller skating; one or more of the following types of recreation facilities: fitness center, indoor gymnasium, spa or health club including, tennis, handball, golf, squash, volleyball, racquetball, badminton, skate park and swimming. The use does not include adult use business, adult retail or adult entertainment as defined in this title.

**“Entertainment and recreation, not enclosed”** means an entertainment or recreation facility under private ownership and operated by a for-profit or nonprofit organization and providing one or more of the following types of entertainment activities: ice skating; skate park and swimming; or commercial outdoor recreation, including golf courses, archery range, or similar use.

**“Equipment sales and rental”** means service industry providing machinery, equipment and tools of all kinds and sizes (from earthmoving to powered access, from power generation to hand-held tools, etc.) for a limited period of time to final users, mainly to construction contractors but also to industry and individual consumers.

**“Food or beverage establishment”** means restaurants, cafes, and similar types of land uses that prepare and serve edible goods for consumption by the customer including beverage service.

**“Heavy truck and equipment sales”** means a business where new or used trucks over 18,000 pounds are displayed for sale, typically outdoors on a paved parking lot. This use may include a showroom and/or service facility.

**“Hotel”** or **“Motel”** means a transient accommodation offering three or more lodging units to guests for periods of less than thirty days, and may also provide incidental services such as restaurants, meeting rooms or recreational facilities. Also, see “Bed and Breakfast Inns”.

**“Impound, storage, tow yard”** means a lot used for the temporary storage of vehicles which have been towed by a towing company or for impounded vehicles, but which does not include permanent vehicle storage or dismantling of vehicles.

**“Kennel, commercial”** means an establishment that houses, cares for, breeds, or raises dogs, cats or other small domestic animals for profit.

**“Microbrewery, microdistillery, or microwinery”** means a small-scale business located in a building where the primary use is for restaurant, retail, or tasting room, and which specializes in producing limited quantities of wine, beer, or other alcoholic beverage.

**“Office”** means a building or portion thereof which is used for general business, and nonprofit administrative purposes not involving manufacturing, sale of inventory or provision of services involving manual skills or mechanical processes. Not included in the category of office are those businesses and occupations defined by this title as clinics, government administrative offices or uses such as private clubs.

**“Retail sales and service”** means a business providing products for retail sale or service to the general public or to group members, excluding marijuana retail.

**“Social service facility”** means a facility housing a public or nonprofit agency that provides counseling, therapy or other social or human services to persons needing such services. This definition does not include schools, hospitals, clinics, day care, or residential uses.

**“Storage, commercial”** means a building or buildings containing separate storage spaces of a limited size leased or rented on an individual basis, which do not include warehouses or loading docks. Where allowed, commercial storage may also include separate storage space located outside of buildings, or under a roof only, such as boat or RV storage, and is of a limited size leased or rented on an individual basis.

**“Veterinary clinic”** means a facility rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery. For the purpose of these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence.

#### **19.04.070 Use Definitions, Industrial.**

This section defines Uses set forth in Table 5-3 in EMC 19.05.100.

**“Aggregates extraction and related manufacturing”** means the mining and processing of sand and gravel resources and closely related manufacturing such as concrete or asphalt batch plants, manufacturing of products using concrete or aggregate materials, storage and transport of mined or excavated materials, and other closely related uses accessory to aggregate extraction activities.

**“Aircraft assembly”** means the assembly of aircraft components into finished aircraft or the repair, service or maintenance of aircraft, including engine testing, test flights, and major overhaul or rebuilding.

**“Distribution center”** means a building designed to store products for retailers and wholesalers, to be redistributed to another location or to customers.

**“Freight terminal”** means a transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples of these facilities include: freight forwarding services; freight terminal facilities; joint terminal and service facilities; overnight mail processing facilities; packing, crating, inspection and weighing services; postal service bulk mailing distribution centers; transportation arrangement services; trucking facilities, including transfer and storage.

**“Heavy industrial, manufacturing, processing, fabrication or assembly”** means uses that generate potentially noxious or objectionable impacts such as noise, smoke, dust, vibration, odor, or concussion, the use or outdoor storage of heavy equipment, or outdoor storage of large quantities of bulk materials.

**“Heliport”** means an area of land, water, or structural surface designed, used, or intended to be used for landing or takeoff of passengers or cargo from or by helicopters, plus accessory buildings and uses.

**“Light industrial, manufacturing, or assembly”** means uses which are capable of being constructed, maintained and operated in a manner designed to be compatible with adjoining residential, commercial or other less intensive land uses. These uses do not generate noxious or objectionable impacts such as noise, smoke, dust, vibration, odor, or concussion; do not require the use of heavy equipment; and do not involve outdoor storage of large quantities of bulk materials or heavy equipment.

***“Marine terminal”*** means a water-dependent transportation facility furnishing services incidental to barge, marine shipping and other marine vessels.

***“Railyard”*** means a complex series of railroad tracks for the assembly, storing, sorting, maintenance, or loading and unloading, of railroad cars and locomotives. Railyards have many tracks in parallel for keeping rolling stock stored off the mainline, so that they do not obstruct the flow of traffic.

***“Storage yard”*** means the use of land to store material, equipment, or vehicles, and any structures associated with the outdoor storage. This use includes bulk fuel, vehicle impound lot, bulk materials, large equipment and cargo shipping containers.

***“Warehouse”*** means a building used to store merchandise, materials or commodities.

#### **19.04.080 Use Definitions, Public-Institutional-Quasi-Public.**

This section defines Uses set forth in Table 5-4 in EMC 19.05.110.

***“Above ground utility and communications facility, major”*** means a structure or improvement built or installed above ground for the purpose of providing utility services or communications services to more than one lot. Included in this definition for purposes of this title are electrical substations; water storage reservoirs or tanks or pumping stations; telephone exchanges; manmade regional drainage detention or retention facilities; natural gas regulating facilities greater than four feet in height; sewer lift stations; wireless communications facilities including personal wireless service facilities; television or radio transmission or reception towers, antennas; and other ancillary or similar facilities or structures housing utility or communications equipment or improvements as determined by the planning director. This term shall not apply to equipment and vehicle storage yards, offices and buildings used to support the operations of utility or communication service providers.

***“Above ground utility and communications facility, minor”*** means fire hydrants; amateur radio antennas or towers and television reception dishes or antennas for private residential use regulated by Section 19.39.040 of this title; utility poles carrying electrical transmission lines with fifty-five thousand volts or less of electrical power; pad-mounted switches and transformers; telephone or television cables; utility structures less than four feet in height above grade, minor above ground equipment associated with underground utility facilities, or other such similar facilities as determined by the planning director. This term shall not apply to equipment and vehicle storage yards, offices and buildings used to support the operations of utility or communication service providers.

***“Bicycle facilities”*** means improvements and provisions made to accommodate or encourage bicycling, including parking facilities (bike racks) and bikeways.

***“Cemetery”*** means land or structures dedicated for the interment of human or animal remains.

***“Community garden”*** means a site where food, ornamental crops, or trees are grown for small-scale cultivation, generally to residents of apartments and other dwelling types without private gardens.

***“Correctional facilities”*** means public or private facilities providing for the confinement of juvenile offenders, for the incarceration, confinement or detention of individuals arrested for or convicted of a crime, or for the punishment, correction and/or rehabilitation of individuals convicted of crimes whose freedom is restricted. The term “jails and correctional facilities” includes those group-care homes, Class II (as defined in this section, including subclassifications II-A II-B, and II-C) which are exempt from the provisions of the Federal Fair Housing Act Amendments of 1988 and the Washington Housing Policy Act (RCW 35.63.220).

***“Food bank”*** is a place where stocks of food, typically basic provisions, are supplied free of charge to people in need, by a nonprofit or charitable organization.

***“Government administrative offices”*** means offices for federal, state, county, city or other governmental, public utility, school district, or quasi-public agencies where staff of such agencies are employed in the administration of

government or public services. This term does not include correctional facilities, utility facilities, equipment storage or parking, schools, fire stations, community centers, parks, or other public or quasi-public service uses specifically listed in this title.

**“Government”** use means offices or facilities for federal, state, county, city or other governmental, public utility, school district, or quasi-public agencies where staff of such agencies are employed in the administration of government or public services. This term does not include correctional facilities, utility facilities, schools, parks, or other public or quasi-public service uses specifically listed in this title.

**“Hazardous waste”** means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), except for moderate risk waste as set forth in RCW 70.105.010(17).

**“Hazardous waste storage”** means the holding of hazardous waste for a temporary period, as regulated by the state dangerous waste regulations, Chapter 173-303 WAC.

**“Hazardous waste treatment”** means the physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes for material resource recovery, amenable for storage, or reduced in volume, as regulated by the state dangerous waste regulations, Chapter 173-303 WAC.

**“Hazardous waste treatment and storage facility, off-site”** means treatment and storage facilities which treat and store hazardous wastes generated on properties other than those on which the off-site facilities are located.

**“Hazardous waste treatment and storage facility, on-site”** means treatment and storage facilities which treat and store hazardous wastes generated on the same property.

**“Hospital”** means an institution that provides twenty-four-hour-per-day care for the diagnosis, treatment, care and curing of individuals suffering from illness, injury or any condition requiring medical, obstetric, surgical, or psychiatric care; and other related uses customarily incidental thereto.

**“Institution of higher education”** means public or private vocational and trade schools, academies, colleges, and universities, including classrooms, administrative offices, cafeteria, athletic facilities, dormitories, and off-street parking areas.

**“Light rail station”** means a dedicated public facility providing access to light rail trains and consisting of an elevated platform with waiting areas, ticket vending machines and pedestrian facilities providing connections to bus transit and the local community.

**“Park”** means any property designated, dedicated, or developed by or on behalf of a government entity for park or open space use, including passive and active forms of recreation.

**“Place of worship”** or **“religious facility”** means a place for people to gather for religious practice. Examples include churches, synagogues and mosques and accessory uses including bible study schools and day care.

**“School”** means a public or private facility that provides teaching or learning. Typical uses include elementary, junior and senior high schools and related uses, except as otherwise specifically defined in this code. “School” does not include a childcare facility, preschool, day care, or an institution of higher education as defined in this chapter.

**“Solid waste transfer station”** means a solid waste handling facility where nonhazardous solid waste is delivered by public agencies, businesses or individuals and transferred and/or sorted into other containers to be transported to another location for ultimate disposal. A solid waste transfer station may include provisions for extraction of recyclable or reusable materials, as well as collection facilities for recyclable materials.

**“Transit facilities”** means public or private improvements at selected points along existing or future transit routes for passenger pick-up, drop off and waiting. Improvements may include pullouts, shelters, waiting areas, benches, information and directional signs or structures, and lighting.

**“Transit station”** means a dedicated transit facility where several transit routes converge, designed to accommodate several buses at once to permit transfer between transit routes. A transit center may provide transit passenger shelters and waiting areas but does not include off-street parking for transit passenger vehicles.

**“Transportation facilities of statewide significance”** means the interstate highway system; interregional state principal arterials including ferry connections that serve statewide travel; regional transit systems as defined in RCW 81.104.015; high capacity transportation systems serving regions as defined in RCW 81.104.015; intercity passenger rail services; intercity high-speed ground transportation; rail fixed guideway system, as defined in RCW 81.104.015, excluding yards and service and maintenance facilities; the freight and passenger railroad system as regulated by the Federal Railroad Administration, excluding yards and service and maintenance facilities; and in shoreline zones, and in adjacent zones where all or any portion of a development is within a shoreline designated area or zone, marine port and barge facilities and services that are related to marine activities affecting international and interstate trade, excluding centralized, high density concentrations of port, deep water port, and marine shipping facilities and services.

#### **19.04.090 Use Definitions, Miscellaneous.**

This section defines Uses set forth in Table 5-5 in EMC 19.05.120.

**“Adaptive reuse”** means the process of reusing a building for a purpose or use other than for which it was built or designed.

**“Adult retail”** means an enclosed building or any portion thereof which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade to the sale, exchange, rental, loan, trade, transfer or viewing of “adult-oriented merchandise.” For purposes of this definition, a retail establishment devotes a significant or substantial portion of its stock in trade to adult-oriented merchandise if the sale, exchange, rental, loan, trade, transfer or viewing of such adult-oriented merchandise is clearly material to the economic viability of the business. It is presumed that such adult-oriented merchandise accounts for any one or more of the following:

1. Thirty percent or more of the retail dollar value of gross sales over any quarterly period;
2. Thirty percent or more of the floor area of the store open to the public;
3. Thirty percent or more of the retail dollar value of all merchandise displayed in the store;
4. Thirty percent or more of the store’s inventory (whether measured by retail dollar value or number of items); or
5. Thirty percent or more of the store’s stock in trade.
6. In no event shall a retailer whose transactions only incidentally or marginally relate to adult-oriented merchandise be considered an adult retail use establishment.

**“Adult use business”** means any live adult entertainment establishment, adult panoram establishment, adult motion picture and adult mini theater, or any establishment which provides one or more of the activities listed herein even if only a portion of the establishment is dedicated to one or more of the activities listed herein.

**“Adult cabaret”** means any commercial premises, including any cabaret premises, to which the public, patrons, or members are invited or admitted, and where an entertainer provides adult-oriented entertainment, not constituting “adult entertainment, live,” as defined in this section, to any member of the public, patrons, or a member.

**“Adult entertainment establishment, live”** means any building or portion of a building which contains any exhibition or dance wherein any employee or entertainer is unclothed or in such attire, costume or clothing so as to expose to view any portion of the female breast below the areola, or male or female genitals, vulva, anus and/or buttocks, or any portion of the pubic hair and which exhibition or dance is for the benefit of a member or members

of the adult public, or advertised for the use or benefit of a member of the adult public, held, conducted, operated or maintained for profit, direct or indirect.

**“Adult mini theater”** means an enclosed building with a capacity of less than fifty persons, a portion of an enclosed building with a capacity of less than fifty persons, or outdoor theater with a capacity of less than fifty persons used for presenting motion picture films, video cassettes, cable television or any other such visual media, distinguished or characterized by emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

**“Adult motion picture theater”** means an enclosed building with a capacity of fifty or more persons, a portion of an enclosed building with a capacity of fifty or more persons, or outdoor theater with a capacity of fifty or more persons used for presenting motion picture films, video cassettes, cable television or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

**“Adult-oriented entertainment”** means:

1. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following sexual activities:
  - a) Human genitals in a state of sexual stimulation or arousal;
  - b) Acts of human masturbation, sexual intercourse or sodomy; or
  - c) Fondling or other erotic touching of human genitals, public region, buttocks or female breast; or
2. Any exhibition, performance or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the premises’ activity. This includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with or engaged in with fewer than all members of the public on the premises at the time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

**“Adult-oriented merchandise”** means any goods, products, commodities, or other ware, including, but not limited to, videos, CD ROMs, DVDs, computer disks or other storage devices, magazines, books, pamphlets, posters, cards, periodicals or non-clothing novelties which depict, describe or simulate specified anatomical areas, or specified sexual activities, as defined in this chapter.

**“Adult panoram establishment”** means any building or portion of a building which contains device(s) which for payment of a fee, membership fee or other charge, is used to exhibit or display a picture, view or other graphic display distinguished or characterized by emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

**“Agricultural activities”** means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops or livestock, for example, the operation and maintenance of farm and stock ponds or drainage ditches, operation and maintenance of ditches, irrigation drainage ditches, changes between agricultural activities and normal maintenance, repair or operation of existing serviceable structures, facilities or improved areas. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals or drainage ditches related to an existing and ongoing agricultural activity. Forest practices are not included in this definition.

**“Agricultural industries”** means industrial processing of agricultural products, excluding breweries or wineries.

**“Community center”** means a building or other enclosed structure open to the general public that is owned and operated by a public agency or nonprofit corporation, organization or association registered by Washington State,

and that is used primarily for cultural, educational, recreational, or social purposes, and may include other minor supporting uses or activities. Not included in the category of community center as a primary use are those businesses and occupations defined by this title as clinics, government administrative offices or uses such as churches, schools, private clubs or fraternal organizations.

**“Greenhouse”** or **“nursery”** means a site where trees, shrubs and other plant materials are grown, propagated and/or stored for the purpose of retail or wholesale sales.

**“Marijuana”**, **“marijuana processor,”** **“marijuana producer,”** and **“marijuana retailer”** shall have the meaning set forth in RCW 69.50.101:

1. **“Marijuana”** or **“marijuana”** means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:
  - a) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination; or
  - b) Hemp or industrial hemp as defined in RCW **15.140.020**, seeds used for licensed hemp production under chapter **15.140** RCW.
2. **“Marijuana processor”** means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.
3. **“Marijuana producer”** means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
4. **“Marijuana retailer”** means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

**“Marina”** is a facility that provides wet and/or dry moorage for at least 5 boats, boat launching, storage, supplies and services for small pleasure craft. A marina may also include facilities for commercial and industrial vessels, and rescue and law enforcement vessels. The Shoreline Master Program further describes this use.

**“Private club or lodge”** means an association of persons organized for some common purpose, including fraternal organizations but not including groups organized primarily to render a service which is customarily carried on as a business.

#### **19.04.100 Use Definitions, Other.**

**“Aircraft landing facilities”** means airports, landing fields, helipads, or seaplane landing facilities and terminals for the accommodation of passengers and/or cargo carried by means of air transport.

**“Home occupation”** means an occupation which is incidental and subordinate to a residential use, which is carried on by a member of the family residing in the dwelling.

**“Junk store”** means a retail store that sells previously used merchandise or goods the majority of which:

1. Have not been maintained, repaired, restored or reconditioned to a functional condition; or
2. Consist of salvaged or disassembled parts of merchandise, equipment or objects no longer in their original assembled configuration.

This definition excludes secondhand stores, pawnshops, thrift stores and artwork made from recycled or previously used materials incorporated into artwork. The planning director is authorized to maintain a list of stores that qualify as junk stores.

**“Pawnshop”** means an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

**“Secondhand store”** means retail sales of previously used merchandise, the majority of which is not donated, such as clothing, furniture, appliances, household goods, sporting goods, recreational equipment or other merchandise not considered to be antique, that is in good repair or has been restored or reconditioned to a clean and usable condition. This definition excludes “pawn shop,” “thrift store,” and “junk store.” The planning director is authorized to maintain a list of stores that qualify as secondhand stores.

**“Specified anatomical areas”** means:

1. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**“Specified sexual activities”** means:

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

**“Thrift store”** means a store that derives the majority of its sales from donated previously used merchandise such as clothing, furniture, appliances, household goods, sporting goods, recreational equipment or other merchandise not considered to be antique. The planning director is authorized to maintain a list of stores that qualify as thrift stores.

#### **19.04.110 Critical areas definitions.**

This section defines specific terms to be applied where used in Chapter 19.37.

**“Alteration”** means any human-induced action which impacts the existing condition of a critical area. Alterations include but are not limited to grading; filling; dredging; draining; channelizing; cutting, pruning, limbing or topping, clearing, relocating or removing vegetation; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants; grazing domestic animals; paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that impacts the existing vegetation, hydrology, wildlife or wildlife habitat. Alteration does not include walking, passive recreation, fishing or other similar activities.

**“Best available science”** means current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

**“Biological assessment”** is an evaluation of the potential effects of a proposed action on listed and proposed species and designated and proposed critical habitat and determination whether any such species or habitat is likely to be adversely affected by the action.

**“Biologist”** means a person who has earned a degree in biological sciences from a college or university, with practical experience that includes at least two years’ expertise in matters involving wetlands biology or stream ecology in the Pacific Northwest.

**“Bog”** means wetlands with extensive living sphagnum moss or sphagnum peat and a distinctive flora that results from the acidic substrate.

**“Buffer”** means an area which provides the margin of safety through protection of slope stability, attenuation of surface water flows and erosion controls necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters, or an area which is an integral part of the natural system and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland boundaries, habitat for wildlife and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of important aquatic resources are degraded.

**“Buffer management”** means an activity proposed by a public agency, public utility, or private entity, and approved by the planning director, within a buffer required by this title, that is proposed to:

1. Reduce or eliminate a verified public safety hazard;
2. Maintain or enhance wildlife habitat diversity; or
3. Maintain or enhance the fishery or other functions of stream, wetland, or terrestrial ecosystems.

**“Buildable area”** means the lot area minus undevelopable areas.

**“Channel gradient”** refers to a measurement over a representative section of at least five hundred linear feet, where available, with at least ten evenly spaced measurement points along the normal stream channel, but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds, and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States Geological Survey topographic maps (see Washington Forest Practices Board Manual, Section 23) or a more detailed survey specific to the project site and/or area.

**“Compensation”** means the replacement, enhancement, or creation of an undevelopable critical area equivalent in functions, values and size to those being altered or lost to development.

**“Compensation, in-kind”** means the replacement of wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity.

**“Compensation, off-site”** means the replacement of wetlands away from the lot on which a regulated wetland has been impacted.

**“Compensation, on-site”** means the replacement of wetlands on or adjacent to the lot on which a wetland has been impacted by a regulated activity.

**“Compensation, out-of-kind”** means the replacement of wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

**“Critical area”** means geologically hazardous areas, wetlands, lakes, ponds, streams, frequently flooded (flood hazard) areas, and fish and wildlife habitat conservation areas, as defined in Chapter 36.70A RCW and this chapter.

**“Critical area protective covenant”** means a covenant granted for the protection of a critical area and its buffer through the maintenance of the natural environment. The covenant prohibits alteration of the area and must be duly recorded on appropriate documents of title and filed with the Snohomish County auditor.

**“Critical area tract”** means a legally created, nonbuilding lot containing a critical area which is subject to a critical area protective covenant and which shall be duly recorded on the appropriate documents of title and filed with the Snohomish County auditor.

**“Culvert”** means a short section of pipe placed in a stream and filled over in order to provide a stream crossing.

**“Development”** means all structures, uses or other alterations or modifications of the natural landscape occurring above or below ground or water on a particular lot. Within the riparian habitat zone or the special flood hazard area, the definition of “development” shall also include removal of substantial native vegetation, or alteration of natural site characteristics.

**“Enhancement”** means an action which increases the functions and values of a stream or wetland or terrestrial ecosystem.

**“Erosion hazard areas”** means those areas of the city with slopes of twenty-five percent and greater in Qva and Qal geologic units; exposed slopes of greater than twenty-five percent in other geologic units; and drainage areas which receive stormwater discharge.

**“Exotic”** means any species of plant or animal that is nonnative to the subject lot or area.

**“Fish and wildlife habitat conservation areas”** means an area of habitat that is necessary and suitable for maintaining individual species, species diversity, or biological diversity. Fish and wildlife habitat conservation areas include:

1. Habitats of primary association;
2. Streams/riparian corridors;
3. Continuous vegetative corridors linking watersheds;
4. Significant biological areas listed by the city; and
5. Lakes.

**“Functions and values”** or **“functional values”** means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, protection from hazards, recreation, educational opportunities, aesthetics, and slope and soil stabilization.

**“Geologically hazardous areas”** means areas susceptible to erosion, landslide, seismically induced soil failure, or other geological events.

**“Geologist”** means a person who is licensed in the state of Washington under the provisions of Chapter 18.220 RCW and Chapter 308-15 WAC, and who has at least one year of practical experience in the Pacific Northwest.

**“Habitat assessment”** means a written report based on a site investigation process to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat potentially affected by a development proposal, and containing an assessment of the potential impacts of the proposal on any regulated species or habitat subject to these regulations.

**“Habitat management plan”** means an activity proposed by a public agency or private entity, and approved by the planning director, within an area which may impact a fish and wildlife habitat conservation area to preserve, protect or enhance the fish and wildlife habitat conservation area.

**“Habitats of primary association”** means a critical component(s) of the habitats of federally or state-listed endangered, threatened, candidate, sensitive, and priority wildlife or plant species which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Habitats of primary association include, but are not limited to, winter ranges, migration ranges, breeding sites, nesting sites, regular large concentrations, communal roosts, roosting sites, staging areas, and “priority habitats” listed by the Washington State Department of Fish and Wildlife.

**“Habitats, priority”** include:

1. Wetlands;
2. Riparian zones;
3. Marine/estuarine shorelines;
4. Urban natural open space. This includes areas that are not critical areas, but may include parks and other deeded open space areas that are actively managed to protect native plants and animals.

**“Hazard tree”** means any tree that poses a threat to public safety, or poses an imminent risk of damage to private property. “Hazard tree” includes any tree that, under normal environmental conditions or in windstorms common

to the Pacific Northwest, is likely to cause damage to a structure with frequent human use, including residential structures, a place of employment or public assembly, and other similar places, or damage to an approved public road or utility facility.

**“Hillsides”** means geological features on the landscape having slopes of fifteen percent or greater.

**“Hydric soil”** means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

**“In-lieu fee (ILF) mitigation”** means a program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a program sponsor to satisfy compensatory mitigation requirements for unavoidable impacts to wetlands and other aquatic resources. Per federal rule, sponsorship of ILF programs is limited to governmental, tribal, or nonprofit natural resource management entities. Similar to a wetland mitigation bank, an ILF program sells credits to permittees whose unavoidable impacts occur within a specified geographic area (service area). When credits are purchased from the ILF program, the permittee’s obligation to provide compensatory mitigation is then transferred to the ILF program sponsor. The sponsor is then required to implement mitigation within a specified time frame, working with regulatory agencies to make sure impacts are fully mitigated. ILF programs are approved by the U.S. Army Corps of Engineers and the Washington State Department of Ecology.

**“Lake”** means a natural or artificially created permanent body of water with an average depth of six feet or greater and an area larger than twenty acres, as measured at the ordinary high water mark.

**“Land use impacts, high”** means commercial, industrial, institutional, retail sales, high-intensity recreation (golf courses, ball fields), and residential uses with a density of more than one dwelling unit per acre and other similar uses.

**“Land use impacts, low”** means low-intensity open space (such as passive recreation and natural resources preservation) and unpaved trails and other similar uses.

**“Land use impacts, moderate”** means residential uses with a density of one unit per acre or less, moderate-intensity open space (parks), and paved trails and other similar uses.

**“Landslide”** means episodic downslope movement of a mass of soil or rock that includes but is not limited to rock falls, slumps, mudflows, earth flows, and avalanches.

**“Landslide hazard areas”** means those areas of the city subject to a risk of landslide based on a combination of geologic, topographic, and hydrologic factors.

**“Low impact development (LID)”** means a stormwater management strategy that emphasizes conservation and the use of existing natural site features integrated with distributed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in developed settings.

**“Marsh”** means an area permanently inundated by water less than six feet deep and occupied predominantly by an emergent wetland vegetation community.

**“Mitigation”** means avoiding, minimizing, or compensating for adverse impacts and includes the use of any or all of the following actions:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected critical area;
4. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;

5. Compensating for the impact by replacing or enhancing substitute critical areas;
6. Monitoring the required mitigation area and taking remedial action when necessary.

**“Monitoring”** means the collection and analysis of data by various methods for the purposes of understanding and documenting changes in natural systems and features, and including gathering baseline data, evaluating the impacts of development proposals on the biological, hydrologic and geologic elements of such systems, and assessing the performance of required mitigation measures.

**“Native vegetation”** means vegetation on a site or plant species which are indigenous to the area in question; or if the site has been cleared, species of a size and type that were on the site on the effective date of this title or reasonably could have been expected to have been found on the site at the time it was cleared.

**“Normal rainfall”** means that rainfall that is at or above the mean of the accumulated rainfall record, based upon the water year, for the city as recorded at the Seattle Tacoma International Airport, or other local rainfall recording station recognized by the city.

**“Open water component”** means water in dispersed patches covering forty to sixty percent of the wetland which have not less than six inches and not more than six feet of standing water for at least ten months of the year.

**“Ordinary high water mark”** means the mark that will be found by examining the channel bed and banks of a stream, lake or pond and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all years of normal rainfall, as to mark upon the soil a character distinct from that of the abutting upland in respect to vegetation. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In braided channels and alluvial fans, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

**“Plant associations of infrequent occurrence”** means one or more plant species on a landform type which, because of the rarity of the habitat or the species involved or both, or for other botanical or environmental reasons, do not occur frequently in Everett or Snohomish County.

**“Pond”** means an area permanently inundated by water in excess of six feet deep and less than twenty acres and larger than two thousand five hundred square feet in area as measured at the ordinary high water mark.

**“Protected area”** means lands that lie within the boundaries of the floodway and riparian corridor.

**“Reasonable use”** or **“reasonable economic use”** means a legal concept that has been articulated by federal and state courts in regulatory takings cases.

**“Restoration”** means the return of a stream or wetland, or terrestrial ecosystem, to a state in which its functions and values significantly approach its unaltered state.

**“Riparian corridor”** means a perennial, intermittent, ephemeral stream or swale including its channel bottom, lower and upper banks, and area beyond the top of the upper bank which influences the stream through shading and organic matter input, and is influenced by the presence of water, particularly in regard to plant composition. The riparian corridor is the transitional area between aquatic and upland ecosystems and does not necessarily include the entire floodplain of a stream.

**“Salmonid”** means a member of the fish family Salmonidae. In the city these include chinook, coho, chum, sockeye and pink salmon; cutthroat, brook, brown, rainbow and steelhead trout; and Dolly Varden, kokanee and char.

**“Seismic hazard areas”** means those areas of the city subject to severe risk of earthquake damage as a result of seismically induced ground shaking, settlement, or soil liquefaction. These conditions occur in areas underlain by cohesionless soils of low density sometimes in association with a shallow ground water table.

**“Significant biological areas”** means the following areas of the city:

1. Plant associations of infrequent occurrence;

2. Commercial and recreational shellfish areas;
3. Kelp and eelgrass beds;
4. Herring, sand lance, and smelt spawning areas;
5. State natural area preserves and natural resource conservation areas; and
6. Those areas listed in the 1981 SEPA Resource Inventory as significant biological areas, which are:
  - a) Maulsby Swamp;
  - b) Kasch Park (Bomarc) Bog;
  - c) Simpson Lee site category I wetlands;
  - d) Narbeck Swamp;
  - e) Jetty Island.

**“Significant surface water connection”** means a surface water flow that is continuous for thirty days or more during years of normal rainfall.

**“Steep slopes”** means any ground that rises ten feet or more for every twenty-five feet of horizontal distance, thus having a grade of forty percent or steeper. A slope is delineated by establishing its toe and top:

1. **“Toe”** of a steep slope is the lowermost limit of the area where the ground surface rises ten feet or more vertically within a horizontal distance of twenty-five feet.
2. **“Top”** of a steep slope is a distinct, sharp break in slope which separates slopes inclined at less than forty percent from slopes equal to or greater than forty percent. Where no distinct break in slope exists, the top of the steep slope shall be the uppermost limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet.

**“Stream”** means those areas where naturally occurring surface waters flow sufficiently to produce a defined channel or bed which demonstrates evidence of the passage of water including, but not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. A “defined channel or bed” means a watercourse that is scoured by water or contains deposits of mineral alluvium. The channel or bed need not contain water during the entire year. Streams do not include watercourses which were created entirely by artificial means, such as irrigation ditches, canals, roadside ditches or storm or surface water run-off features, unless the artificially created watercourse contains salmonids or conveys a stream that was naturally occurring prior to the construction of the artificially created watercourse.

**“Stream channel bottom”** means the submerged portion of the stream cross-section which is totally an aquatic environment. The channel bottom may be seasonally dry.

**“Stream, Type F”** means those streams defined in WAC 122-16-030, Water Typing System, as Type F water.

**“Stream, Type Np”** means those streams defined in WAC 122-16-030, Water Typing System, as Type Np water.

**“Stream, Type Ns”** means those streams defined in WAC 122-16-030, Water Typing System, as Type Ns water.

**“Stream, Type S”** means those streams defined in WAC 122-16-030, Water Typing System, as Type S water.

**“Swamp”** means an area permanently saturated or inundated by water, and occupied predominantly by either a scrub-shrub or forested wetland vegetation community.

**“Unavoidable and necessary impacts”** means impacts to regulated critical areas after the applicant proposing to alter a regulated critical area has demonstrated that no reasonable alternative exists for the proposed project.

**“Undevelopable area”** means:

1. Regulated wetlands;
2. Geologically hazardous areas which are determined by supporting studies to be unsuitable for development;
3. Streams;

4. Habitats of primary association;
5. Plant associations of infrequent occurrence.

**“Undisturbed, relatively”** is defined in question H2.0 of the 2014 Washington State Wetland Rating System for Western Washington.

**“Unstable soils”** means soils which by their physical nature are not suitable to support buildings, roads, utilities or other manmade development related improvements, or which have the potential for slope failure, erosion, or subsidence. Unstable soils include, but are not limited to, those areas defined as landslide hazard areas, erosion hazard areas, and seismic hazard areas, or other soils which have been determined by the public works director or the building official to be unsuitable for building foundations or structural support.

**“Upper bank”** means that portion of the topographic cross-section of a stream which extends from the break in the general slope of the surrounding land to the ordinary high water mark.

**“Wetland boundary”** means, for the purposes of the calculation of the area of the wetland, the total extent of the wetland, both on site and off site.

**“Wetland class”** means a description of vegetation habitat based on the predominant life forms that occupy a particular layer of vegetation and possess an aerial coverage of thirty percent or greater of the entire wetland. The basis for these descriptive classes is derived from the Wetlands Taxonomic Classification System of the United States Fish and Wildlife Service (Cowardin et al., 1979).

**“Wetland, contiguous”** means wetland systems connected by hydric soils or a significant surface water connection. For purposes of this title, wetlands will not be considered contiguous if the only hydrologic connection is a category I, II or III stream, or if the wetlands had historically been connected but are now separated by a legal fill or culvert which is one hundred feet or more in length.

**“Wetland edge”** means the line delineating the outer edge of a wetland established by using the Washington State Wetlands Identification and Delineation Manual (Ecology Publication No. 96-94, 1997).

**“Wetland, estuarine”** means a tidal fringe wetland found along the mouth of a river and influenced by tidal activity. Water flows and depths are controlled by tidal cycles in the adjacent ocean. Estuarine wetlands have a salinity higher than 0.5 parts per thousand.

**“Wetland mitigation bank”** means a site where wetlands are restored, created, enhanced, or, in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources. Banks typically involve the consolidation of many small wetland mitigation projects into a larger, potentially more ecologically valuable site. Such consolidation encourages greater diversity of habitat and wetland functions. It also helps create more sustainable systems. Banks provide a greater likelihood of success over permittee-responsible mitigation projects, since the banks are up and running before unavoidable damage occurs to a wetland(s) at another site.

**“Wetlands”** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Regulated wetlands generally include swamps, marshes, ponds, bogs and similar areas. Regulated wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands created as mitigation and wetlands modified for approved land use activities shall be considered as regulated wetlands. For identifying and delineating regulated wetlands, the city shall use the Washington State Wetland Identification and Delineation Manual.

**“Wetlands,”** for the purpose of inventory mapping, means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have one or more of the following three attributes:

1. At least periodically, the soil supports predominantly hydrophytes;
2. The substrate is predominantly undrained hydric soil;
3. The substrate is nonsoil and saturated with water at some time during the growing season of each year.

Wetlands include all areas waterward from the wetland edge. Where the vegetation has been removed, or substantially altered, a wetland shall be determined by the presence or evidence of hydric or organic soils.

**“Wetlands, emergent”** means a regulated wetland that does not qualify as a forested wetland or a scrub-shrub wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

**“Wetlands, forested”** means a regulated wetland with at least thirty percent of the surface area covered by woody vegetation greater than twenty feet in height.

**“Wetlands, isolated”** means those wetlands which:

1. Are outside of and not contiguous to any one-hundred-year floodplain or riparian corridor of a lake, river, or stream; and
2. Have no contiguous hydric soil or surface water connection between the wetland and another surface water body.

**“Wetlands, riparian”** means those wetlands that generally occur within a riparian corridor that is contiguous to or have a surface hydrologic connection with a stream. Wetlands formed by hillside seeps that are not hydrologically affected by water in a nearby stream are not riparian wetlands. However, wetlands on a hillside may be riparian wetlands if adjacent to a stream that flows down the hillside.

**“Wetlands, scrub-shrub”** means a regulated wetland that does not qualify as a forested wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height as the uppermost strata.

#### **19.04.120 Sign Definitions.**

This section defines specific terms to be applied where used in Chapter 19.36.

**“Abandoned sign”** means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, or for which no legal owner can be found.

**“Awning sign”** means the use of an awning attached to a building for advertisement, identification or promotional purposes. Only that portion of the awning which bears graphics, symbols and/or written copy shall be construed as being a sign.

**“Billboard”** means an exterior sign which contains a message that is unrelated to the use or activity of the property or facilities on which the sign is located, and which is supported by a substantial permanent sign structure. Billboards are typically owned or leased separately from the principal buildings or uses on the property upon which they are located and are larger and/or taller than would otherwise be permitted by this title.

**“Cabinet sign”** means an internally illuminated sign in which a removable sign face (usually with translucent sign graphics) is enclosed on all edges by a metal cabinet.

**“Canopy”** means an overhead structure attached to a building that provides weather protection for pedestrians.

**“Clearance of a sign”** means the smallest vertical distance between grade and lowest point of any sign, including framework and embellishments, extending over that grade.

**“Commercial sign”** means a sign erected for a business transaction or advertising the exchange of goods and services.

**“Construction sign”** means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building, or to announce the character or type of building.

**“Directional sign”** means a single- or double-faced sign designed to guide or direct pedestrian or vehicular traffic from the public right-of-way to a location, activity or service on the site.

**“Electrical sign”** means a sign or sign structure in which electrical wiring, connections or fixtures are used.

**“Electronic changing message sign”** means an electrically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming. These signs shall include those displaying time, temperature, and messages of a public or commercial nature.

**“Feather or sail sign”** means a vertical portable sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand.

**“Flag”** means a flat piece of cloth, with distinctive colors, patterns or symbols used to represent a country or group, having one end of the cloth attached to a vertical staff (directly or by rope and pulley mechanism) and all other ends free-flowing under natural movement of wind.

**“Flashing sign”** means a sign or a portion thereof which changes light intensity or switches on and off in a constant pattern, or contains motion or the optical illusion of motion by use of electrical energy.

**“Freestanding sign”** means a permanent pole, ground or monument sign attached to the ground and supported by uprights or braces attached to a foundation in the ground and not attached to any building.

**“Halo lighting”** means a method of sign illumination that consists of opaque sign elements with light projected behind them illuminating the mounting surface.

**“Incidental sign”** means a small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign or a sign indicating hours of business, which does not exceed two square feet in size.

**“Indirect lighting”** means lighting displayed or reflected on the surface or face of a sign which is not inside the sign and not a part of the sign proper.

**“Interior-oriented sign”** means a sign that is used to direct persons on a site to a particular location, activity, or service on the same site, or to provide persons a list of products or services offered on the site such as a menu board. Text, pictures and logos must be of a size that is intended to be read by persons on the site.

**“Monument sign”** means a freestanding sign attached to a permanent foundation or decorative base and not attached to or dependent on support from any building, pole, posts or similar uprights.

**“Noncommercial sign”** means any sign that is not a commercial sign. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit entities or groups.

**“Off-premises sign”** means a sign advertising, informational, directional or identification sign other than a billboard, which relates to products, businesses, services or premises not located on or otherwise directly associated with the site on which the sign is erected.

**“Permanent sign”** means a sign constructed of weather resistant material and intended for permanent use and that does not otherwise meet the definition of “temporary sign.” Wall-mounted sign holders designed for insertion of signs and posters shall be considered permanent signage and subject to all standards of Chapter 19.36.

**“Pole sign”** means any freestanding sign more than five feet in height that does not meet the definition of monument, ground or portable sign. These signs are composed of the sign cabinet or base and the sign pole or pylon by which it connects to the ground.

**“Portable sign”** means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels, A-frame signs, menu and sandwich board signs, and advertising flags.

**“Projecting sign”** means any sign, other than a flat wall sign, which is attached to and projects more than twelve inches from a building wall or other structure not specifically designed to support the sign.

**“Readerboard”** means a sign or a part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will.

**“Roof sign”** means any sign erected over or on the roof of a building, or attached to the wall of a building and extending above the roofline.

**“Sign”** means any device, structure, fixture, placard, painted surface, awning, banner or balloon using graphics, lights, symbols and/or written copy designed, used or displayed for the purpose of advertising, informing, identifying, attracting attention to, or promoting the interest of any person, institution, business, event, product, goods or services; provided, that the same is visible from a street, way, sidewalk, or parking area open to the public.

**“Sign area”** means the entire area of a sign on which copy is to be placed. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the perimeter enclosing the extreme limits of the module or background containing the advertising or identifying message; provided, that individual letters using a wall as the background, without added decoration or change in wall color, shall have a sign area calculated by measuring the smallest rectangle enclosing each letter and totaling the square footage thereof. For double-faced signs, total sign area shall be calculated by measuring only one face.

**“Sign height”** means the vertical distance from grade to the highest point of a freestanding sign or any vertical projection thereof, including its supporting columns. Grade shall be determined by taking the average elevation at finished grade for the midpoints of the four sides of the smallest rectangle that will enclose all area which is within a five-foot horizontal radius of the sign and its supporting structure.

**“Temporary sign”** means any sign that is intended and designed to be displayed for a limited period of time, including, without limitation, a sign that is not permanently mounted, painted or otherwise affixed, excluding portable signs as defined by this chapter, including any poster, banner, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention. Temporary signs may only be made of nondurable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than twenty-ounce fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of Chapter 19.36. Blade and feather signs are not considered temporary signs.

**“Under-canopy sign”** means a sign suspended from a horizontal building projection (i.e., weather protection) over a public or private sidewalk.

**“Video board”** means an electronically activated sign that creates the effect of motion or animation, except as allowed by Chapter 19.36 for changing electronic message signs which are in compliance with the 2-1-2 provision.

**“Wall sign”** means a sign attached, painted onto or erected parallel to and extended not more than one foot from the facade or face of any building to which it is attached and supported throughout its entire length, with the exposed face of the sign parallel to the plane of said wall or facade.

***“Wall sign, upper story”*** means a wall sign located above the floor plate of the second floor for buildings containing more than one story.

***“Window sign”*** means a sign affixed to windows of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. The term does not include merchandise located within a building.

#### **19.04.130 Historic Resource Definitions.**

This section defines specific terms to be applied where used in Chapter 19.28.

***“Certificate of appropriateness”*** means the commission has reviewed the proposed changes to a register property and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.

***“Certified local government”*** or “CLG” means the local government has been certified by the State Historic Preservation Officer as having established its own historic preservation commission and a program meeting federal and state standards.

***“Class of properties eligible for special valuation”*** means properties listed on the Everett register of historic places or certified as contributing to an Everett register historic district.

***“Contributing structure”*** means a building that was constructed more than fifty years ago which retains the original style and architectural qualities that contribute to the historic character of the neighborhood.

***“Emergency repair”*** means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.

***“Everett register of historic places”*** or “register” means the local listing of properties provided for in EMC 19.28.

***“Historic district”*** is a geographically definable area—urban or rural, small or large—possessing a significant concentration, linkage or continuity of sites, buildings, structures and/or objects united by past events or aesthetically by plan or physical development.

***“Integrity”***, as used in Chapter 19.28, means wholeness, completeness and unimpaired condition of a structure, building and district.

***“National Register of Historic Places”*** means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering or cultural heritage.

***“Ordinary repair and maintenance”***, as used in Chapter 19.28, means work for which a permit issued by the city is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage including painting.

***“Significance”*** or “significant” used in the context of historic significance means the following: a property with local, state or national significance is one which helps in the understanding of the history of the local area, state or nation (whichever is applicable) by illuminating the local, statewide or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include the city, county, or western Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

***“Site”***, as used in Chapter 19.28, means a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be

the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of ruined or now nonexistent building or structure if the location itself possesses historic cultural or archaeological significance.

***“Special valuation for historic properties”*** or ***“special valuation”*** means the local option program which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation (Chapter 84.26 RCW and Chapter 221, Laws of 1986).

***“State Register of Historic Places”*** means the state listing of properties significant to the community, state or nation but which do not meet the criteria of the National Register.