

Chapter 4

ZONING CODE DEFINITIONS

Sections:

- 4.010 Zoning Code definitions, general.
- 4.020 Zoning Code definitions, specific.
- 4.030 Floodplain overlay zone definitions.

4.010 Zoning Code definitions, general.

Except where specifically defined in this section 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. (Ord. 1847-92 § 2, 1992.)

4.020 Zoning Code definitions, specific.

This section defines specific terms used within this title in a context which may have a different meaning or connotation than ordinarily associated with such terms.

"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, and which has no historical significance.

"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 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.

"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 dwelling unit," see "dwelling unit, accessory."

"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.

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

"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. An adult cabaret is a "nightclub" in Table 5.2 of this title.

"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 family home" means a home in which twenty-four-hours-per-day residential care is provided for up to four adults by an owner or tenant of the home in which care is provided plus the family of the provider. Under certain circumstances, up to six adults may be accommodated, in accordance with the regulations of the

Washington State Department of Social and Health Services.

“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.

“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.

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.

“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.

“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,

