

ORDINANCE NO. 199

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING CHAPTER 19.15 DEFINITIONS, TO AMEND DEFINITIONS DEALING WITH ADULT ENTERTAINMENT AND ADULT ENTERTAINMENT BUSINESSES, AND REFORMATTING THE CHAPTER IN ORDER TO REMOVE SECTION NUMBERS FROM EACH DEFINITION.

Whereas, the City of University Place Planning Commission held a duly noticed public hearing on the Adult Entertainment provisions to the Zoning Code on April 15, 1998, followed by deliberation and a recommendation; and

WHEREAS, the Planning Commission recommendation included revised or new definitions pertaining to the regulation of adult entertainment establishments; and,

WHEREAS, the City Council of the City of University Place held a duly noticed public hearing on zoning code amendments, which included adult entertainment amendments, on June 15, 1998, followed by deliberation on June 22, 23, and 29, 1998; and,

WHEREAS, a Determination of Non-Significance (DNS) was issued on the zoning code amendments on May 15, 1998 with an appeal period ending June 12, 1998 with no comments received or appeal having been filed; and

WHEREAS, reformatting of the Definitions Chapter of the Zoning Code will streamline the process to make future amendments to the Definitions Chapter as well as enhance the readability of the section; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 19.15, Definitions, is amended in its entirety as follows:

19.15.10 Interpretation

Unless the context in which a word is used clearly implies to the contrary, the following definitions shall apply to each Title of this Code:

19.15.20 Definitions

"Accessory dwelling unit" means a second dwelling unit, not exceeding 600 square feet, added to or created within a single-family detached dwelling for use as a completely independent unit.

"Accessory structure" means a structure, either attached or detached from a principal or main building and located on the same lot and which is customarily incidental and subordinate to the principal building or use.

"Accessory use" means a use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

"Adjacent" shall mean directly next to, touching, as in a common property line, or directly across a street.

“Administrative permit” or “administrative use permit” means a written decision, granted by the director, to authorize the development or operation of a proposed land use activity subject to special degrees of control. Administrative use permits include, but are not limited to administrative variance, administrative nonconforming use, short plats, large lot divisions, lot combinations, boundary line adjustments, binding site plans, minor amendments, and home occupation permits.

“Administrative review” means a process involving the judgment and discretion of the director in applying specific decision criteria and requirements.

“Adult arcade” means an establishment from which minors are excluded and to which the public is permitted or invited, where, for any form of consideration, one or more motion picture projectors, slide projectors or other similar image producing machines situated for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis on the depiction, description, simulation or relation to “specified sexual activities” or “specified anatomical areas.”

“Adult bookstore” means an establishment from which minors are excluded and which offers for sale, for any form of consideration, any books, magazines, newspapers, publications, movie films, devices, slides, video cassettes or other photographic or periodical reproductions that are characterized by an emphasis on the depiction, description, simulation or relation to “specified sexual activities” or “specified anatomical areas.”

“Adult businesses” means establishments from which minors are excluded and which are predominantly distinguished or characterized by an emphasis on entertainment, devices or services which are sexually explicit in nature. These businesses are recognized as having objectionable characteristics and need to be distanced from other uses such as residential, schools, parks, and community centers. Adult businesses include adult arcades, adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, escort services, massage parlors, and public bathhouses.

“Adult cabaret” means a nightclub, bar, restaurant, theater, hall, studio or similar establishment, whether or not alcoholic beverages are served and from which minors are excluded, where, for any form of consideration, are featured live performances or any device is provided in which the subject matter is distinguished or characterized by the exposure of “specified anatomical areas” or by an emphasis on the depiction, description, simulation or relation to “specified sexual activities”.

“Adult entertainment” shall mean:

1. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who is unclothed or in such costume, attire or clothing as to expose any portion of the nipple, the areola, or the lower half of the female breast or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the nipple, the areola, or the lower half of the female breast or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

2. 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 specified 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, pubic region, buttocks or female breast;
- or

3. Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance or dance is performed for, arranged with or engaged

in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

“Adult entertainment establishment” shall mean any commercial premises which is one of the following: adult motion picture theaters, adult drive-in theaters, adult bookstores, adult cabarets, adult video stores, adult retail stores, adult massage parlors, adult sauna parlors or adult bathhouses, which are defined as follows:

“Adult Bathhouse” means a commercial bathhouse which excludes any person by virtue of age from all or any portion of the premises.

“Adult Bookstore” means a retail establishment in which

- a) periodicals, or other printed materials distinguished by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”; and/or, 30% or more of the stock-in-trade consists of books, magazines, posters, pictures,
- b) Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such material is displayed or sold.
- c) 30% or more of the stock-in-trade consists of books, magazines, posters, pictures, periodicals, or other printed materials distinguished by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”; and/or,
- d) Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such material is displayed or sold.

“Adult Cabaret” means a commercial establishment which presents go-go dancers, strippers, male or female impersonators, or similar types of entertainment and which excludes any person by virtue of age from all or any portion of the premises.

“Adult Massage Parlor” means a commercial establishment in which massage or other touching of the human body is provided for a fee and which excludes any person by virtue of age from all or any portion of the premises.

“Adult Motion Picture Theater” means a building, enclosure, or portion thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by the patrons therein.

“Adult Retail Store” means a retail establishment in which:

- (a) 30% or more of the stock-in-trade consists of items, products, or equipment distinguished or characterized by an emphasis on or a simulation of “specified sexual activities” or “specified anatomical areas”; and/or,
- (b) Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such items, products, or equipment are sold.

“Adult Sauna Parlor” means a commercial sauna establishment which excludes any person by virtue of age from all or any portion of the premises.

“Adult Video Store” means a retail establishment in which:

- a) 30% or more of the stock-in-trade consists of prerecorded video tapes, discs, or similar material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or specified anatomical areas”; and/ or,

b) Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such prerecorded video tapes, disks, or similar material are displayed or sold.

~~“Adult live entertainment establishment” — see “Adult cabaret”~~

“Adult live entertainment establishment” shall mean a commercial premises to which a member of the public is invited or admitted and where an entertainer provides live adult entertainment to a member of the public on a regular basis or as a substantial part of the premises activity.

~~“Adult motion picture theater” means an establishment from which minors are excluded and which does not fall within the definition of adult arcade, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown in which the subject matter is distinguished or characterized by emphasis on the depiction, description, simulation or relation to “specified sexual activities” or “specified anatomical areas.”~~

~~“Adult novelty store” means an establishment from which minors are excluded, where, for any form of consideration, are offered for sale or rental books, magazines, periodicals, films, photographs, motion pictures, slides, video cassettes or other visual representations that are characterized by emphasis on the depiction, description, simulation or relation to “specified sexual activities” or “specified anatomical areas”; or instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities”, excluding condoms and other birth control and disease prevention devices.~~

“Amendment” means a change in the wording, context, or substance of this code or the comprehensive plan; a change in the zoning map or comprehensive plan map; a change to the official controls of city code; or any change to a condition of approval or modification of a permit or plans reviewed or approved by the director or hearings examiner.

“Amendment - major” means any change of a discretionary land use permit that is beyond the scope of a minor amendment and requires the same procedure as the initial permit.

“Amendment - minor” means a limited change of a discretionary land use permit that is reviewed and approved by the director without public notice or public participation. Examples of minor amendments include, but are not limited to: adjustments to the parking area layout, restriping of parking, or site access location; additions of fences, retaining walls, and mechanical equipment; adjustments to building height; adjustments to the landscaping plans such as changes to plant materials; adjustments to the location of structures provided the adjustment is generally consistent with the original approval; and the elimination of a portion of an approved project.

“Barn” means any building used for agricultural purposes that contains items generally associated with farming including but not limited to farm equipment such as tractors or farm animals such as livestock.

“Bed and breakfast house” means any single-family dwelling, in which travelers are lodged for two weeks or less and a morning meal provided, and for which compensation of any kind is paid. (For the purposes of this definition, a bed and breakfast house is not a hotel, inn, motel, or lodging or rooming house.)

“Biosolids” means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, and septage that can be beneficially recycled and meets all applicable health regulations.

“Boat house - private” means an accessory building, or portion of a building, which provides shelter and enclosure for a boat or boats owned and operated only by the occupants of the premises, and which boat house is erected on a pier or wharf and/or over a dock or docking ship.

“Building” means any structure having a roof supported by columns, posts, or walls for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

"Building, detached" means a building surrounded by open space on the same lot.

"Building division" means the building division of the planning and community development department.

"Building, principal or main" means a building devoted to the principal use of the lot on which it is situated.

"Business activity" means any activity carried out for the purpose of financial gain for an individual or organization, whether profit or nonprofit.

"Business or commerce" means the purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures, and premises by professions and trades rendering services.

"Buy-back recycling center" means any small business without industrial activity which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing.

"Central office switching unit" means a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks.

"Character" means the distinctive features or attributes of buildings, uses, and site design on adjacent properties and in the vicinity as required in the comprehensive plan, including but not limited to building facade, building length, building modulation, building height, building location, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks, amount of parking, location of parking, fencing type, fencing height, location of fencing and intensity of uses.

"Check for adequacy" means the annual comparison of the impacts of development to the available capacity of Category C and D public facilities and services.

"Cogeneration" means the simultaneous production of electricity and heat energy. The heat is normally used on-site for industrial processes, space or water heating, or production steam. The electric power may be used on-site or distributed through the utility grid, or both. Cogeneration units are normally fired with natural gas, but also may be fueled by oil, biomass or other fuels.

"Commercial vehicle" means any motorized vehicle including, but not limited to, a car, truck, truck trailer, tractor, grading machine, bulldozer, scraper, boat, motorized crane, etc., that is used in the operation of a business to store, transfer, or deliver commodities or in construction, road grading, or logging activities.

"Composting facility" means a solid waste facility specializing in the composting of one or more organics of a known and consistent composition, other than mixed municipal waste, to produce a marketable produce for reuse or as a soil conditioner. Feedstocks may include, but are not limited to, yard waste, biosolids or food waste.

"Composting facility - municipal solid waste" means a solid waste facility specializing in the composting of mixed waste from municipal sources to reduce the waste for final disposal or to produce a marketable product.

"Conditional use" means a use conditionally permitted in one or more zones as defined by this code but which, because of characteristics particular to each such use, size, technological processes, equipment, or because of the exact location with respect to surroundings, streets, existing improvements, or demands upon public facilities, requires a special degree of control to determine if uses can be made

compatible with the comprehensive plan, adjacent uses, and the character of the vicinity.

“Conditional use permit” means the documented evidence of authority granted by the examiner to locate a conditional use at a specific location.

“Constructed wetlands” means wetlands that are intentionally created on sites that are not wetlands for the primary purpose of wastewater or storm water treatment. Constructed wetlands are normally considered as part of the storm water/ wastewater collection and treatment system and must be maintained. (These wetlands are not the same as wetlands created for mitigation purposes, which are typically viewed in the same manner as natural, regulated wetlands.)

“Contiguous” means bordering upon, to touch upon, or in physical contact with.

“Curb level” for any building means the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

“Day care center - adult” means centers which provide supervision and care for a group of elderly or disabled adults who cannot safely be left alone for a period of less than 24 hours per day.

“Day care center - child” means a facility, licensed by the state, which regularly provides care for a group of children for periods less than 24 hours per day. The term shall include, but is not limited to, facilities commonly known as “day care facilities,” “day care centers,” and “preschools.”

“Department” means city planning department.

“Development” means any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, placement of manufactured homes/mobile homes, mining, dredging, clearing, filling, grading, paving, excavation, drilling or the subdivision of property.

“Development permit” means any document granting, or granting with conditions, an application for a land use designation or redesignation, zoning or rezoning, subdivision plat, site plan, building permit, special exception, variance, or any other official action of the city having the effect of authorizing the development of land.

“Director” means the director of the planning and community development.

“Discretionary land use permit” means a document granted by official action of the city which authorizes the development or use of land pursuant to the final development plan approval of a special use permit or administrative permit.

“Duplex” - See **“Two-family.”**

“Dwelling” means a building or portion thereof designed exclusively for human habitation, including single-family, two-family and multiple-family dwellings, accessory dwelling units, modular homes, manufactured homes and mobile homes, but not including hotels or motel units having no kitchens.

“Dwelling unit” means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping and sanitary facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

“Escort service” means an establishment where, for any form of consideration, companions are provided for which a fee of any kind is charged.

“Establishment, Business or commercial” means a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot, and where direct access to each “business or commercial establishment”

is separate and distinct from direct access to any other business or commercial establishment.

"Examiner" means the city hearings examiner.

"Family" means an individual; or two or more persons related by blood or marriage, or adoption; or a group of not more than five persons who are not related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit. For the purposes of this definition, any number of persons of only one group (i.e., family) who are related by blood, marriage, or adoption shall be counted as one person and all other individuals shall be counted as single individuals. Six or more unrelated persons living together constitutes a "group home." A dwelling unit where guest rooms are provided for compensation constitutes a "lodging and rooming house" or a "bed and breakfast house."

"Farm" means a parcel of land used for agricultural activities.

"Final development plan" means a plan or set of plans that comply with the conditions set forth in a preliminary approval and, once approved, authorizes the granting of a discretionary land use permit.

"Floor area" when prescribed as the basis for off-street parking spaces and loading berths for any use means the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for purposes of measurement for off-street parking spaces shall not include floor area devoted primarily to storage purposes, except as otherwise noted herein, floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

"Floor area ratio (FAR)" of the building or buildings on any lot means the floor area of the building or buildings on that lot divided by the area of such lot, or, in the case of planned developments, by the net site area.

"Freestanding sign" shall mean a self supporting sign.

"Freeway" means any section of a highway which has been declared to be a freeway by act or resolution of the competent establishing authority.

"Garage - private" means an accessory building or an accessory portion of the main building, enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings.

"Grade - finished" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within an area between the structure and property line or where the property line is more than five feet from the structure, between the structure and a line five feet from the structure. See Figure 3, UPMC

"Hazardous substance" means any liquid, solid, gas, or sludge, including any materials, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste, and including waste oil and petroleum products.

"Hazardous substance processing or handling" means the use, storage, manufacture, or other land use activity involving hazardous substances but does not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container. Hazardous substances shall not be disposed on-site unless in compliance with Dangerous Waste Regulations, Chapter 173-303 WAC, and any pertinent local ordinances, such as sewer discharge standards.

"Hazardous waste" means and includes all dangerous waste and extremely hazardous waste as

designated pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.

A. **"Dangerous waste"** shall mean any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

1. Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
2. Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

B. **"Extremely hazardous waste"** shall mean any waste which:

1. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife; and
2. Is disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

"Hearings examiner review" means a process involving the judgment and discretion of the examiner in applying specific decision criteria and other requirements unique to a particular use in the approval of an activity permitted, or permitted conditionally, within a zone.

"Height, building" means the vertical distance from the average elevation of the finished grade on each wall of a building to the top of a flat or shed roof, the deck level on a mansard roof, and the average distance between the bottom of the eaves to the highest point of a pitched, hipped, gambrel, or gable roof. See Figure 3, UPMC 19.35.020.*

"Height - structure" means the vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. See Figure 3, UPMC 19.35.020.*

"Hobby farm" means noncommercial agricultural activities, including the raising of farm animals and placement of associated farm structures, established on a lot without a principal dwelling unit.

"Home-based day care - adult" means a facility, located in a dwelling unit, that regularly provides care for a period of less than 24 hours per day for no more than 12 elderly or disabled adults who cannot safely be left alone.

"Home-based day care - child" means a facility, licensed by the state, that regularly provides care for a period of less than 24 hours per day for no more than 12 children and is located in an owner-occupied dwelling unit.

"Home occupation" means any activity conducted primarily for financial gain or profit in the principal residence or a permitted accessory structure, which is clearly incidental and secondary to the residential use of the property. An activity inconsistent with the performance standards of this chapter shall be subject to the provisions of this code, even if such activity is conducted without monetary compensation or on a not-for-profit basis.

"Hotel" means a building in which there are five or more guest rooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite.

"Industrial pretreatment facility" means treatment devices and structures used for the treatment of industrial wastewater prior to being released into a wastewater collection or conveyance system.

An **"inoperable vehicle"** is any type of vehicle which is apparently inoperable or which requires repairs in order to be operated legally on public roads. Repairs include, but are not limited to, replacement of a window, windshield, wheel, tire, motor, or transmission.

"Interim propane storage system" means propane storage facilities serving one or more customers on an interim basis unit extension of natural gas service is feasible.

"Kennel" means a house, enclosure, or other structure in which any combination of six or more dogs or cats that individually exceed seven months of age are kept for breeding, sale, training, boarding, or sporting purposes, or are kept or cared for as pets or for any other purpose.

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

"Landfill" means a solid waste facility for the permanent disposal of solid wastes in or on the land and which needs a solid waste permit under Chapter 70.95 RCW.

"Landfill - demolition" means a solid waste facility for the permanent disposal of demolition wastes resulting from the demolition or razing of buildings, roads and other manmade structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel and minor amounts of other materials. Plaster or other materials likely to produce leachate is not demolition waste.

"Landfill - inert" means a solid waste facility for the permanent disposal of inert materials which are noncombustible and nondangerous wastes likely to retain their physical and chemical structure including resistance to biological and chemical attack from acidic rainwater.

"Landfill - municipal solid waste" means a solid waste facility for the permanent disposal of mixed household, commercial or industrial waste from municipal sources delivered by hauling companies or self-hauled by residents or businesses.

"Landfill - special waste" means a solid waste facility for the permanent disposal of one specific type of waste of limited, known and consistent composition such as an ash monofill, a landspreading disposal facility for biosolids, problem waste landfill or any facility which is not previously defined but is permitted with a solid waste permit as a "limited purpose landfill."

"Landfill - woodwaste" means a solid waste facility with 2,000 cubic yards or more of capacity for the permanent disposal of woodwaste which does not contain chemical preservatives. This does not include woodwaste landfills on forest lands regulated under the Forest Practices Act but does include facilities which use woodwaste as a component of fill.

"Livestock" means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, or animals of the equidae family; all pigs, swine, or animals of the suidae family; and ostriches, rhea, and emu.

"Lodging and rooming house" means a building with not more than four guest rooms where meals (with or without lodging) are provided for compensation for not more than 10 persons. Guest rooms numbering five or more shall constitute a hotel.

"Lot" means a designated parcel, tract, or area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit.

"Lot area" means the total area within the lot lines of a lot, excluding any right-of-way. For the purposes of this regulation, any portion of a lot lying within a right-of-way or below the ordinary high water mark or lawfully constructed bulkhead may not be included in a lot area or density calculation.

"Lot - corner" means a lot situated at the intersection of two or more street rights-of-way having an interior angle of less than 135 degrees. On a corner lot, all yards abutting street rights-of-way shall be considered front yards. See Figure 1.*

"Lot - interior" means a lot other than a corner lot. See Figure 1.*

"Lot - pipestem" means a lot which gains street right-of-way access by way of a driveway easement or lot extension which is too narrow to be built upon. When a pipestem-shaped lot abuts two or more street rights-of-way it shall not meet this definition of a pipestem lot. Lot dimension, lot area, and setback requirements shall be exclusive of the access stem. See Figure 1.*

"Lot - through" means a lot that fronts upon two parallel street rights-of-way or that fronts upon two street rights-of-way that do not intersect at the boundaries of the lot. See Figure 1.*

"Lot line" means a line of record bounding a lot that divides one lot from another lot or from a public or private street right-of-way or any other public space. See Figure 1.*

"Lot line - front" means the portion of a lot line abutting a street right-of-way. See Figure 1.*

"Lot line - rear" means the lot line opposite and most distant from the front lot line. See Figure 1.*

"Lot line - side" means any lot line other than a front or rear lot line. See Figure 1.*

"Lot of record" means an area of land designated as a lot on the plat or subdivision recorded or registered, pursuant to statute, with the auditor of Pierce County.

"Major tenant improvement" shall mean improvements to the interior and/or exterior of a structure which within a 12-month period exceeds a cumulative value of 25 percent of the assessed value as assessed by the county assessor's office of the structure.

"Manufactured home" means a factory-assembled structure intended solely for human habitation, which has sleeping, eating and plumbing facilities, that is being used for residential purposes, that was constructed in accordance with the HUD Federal Manufactured Housing Construction and Safety Standards Act in effect at the time of construction, and that is constructed in a way suitable for movement along public highways.

"Massage parlor" means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered; this would include sensitivity studios, body painting studios, exercise studios, conversation studios, companionship studios, exotic dance studios, dating services or any other business title in which massage is a principal activity or principal purpose of the building. The title or name of the business cannot be used as a ruse to circumvent this definition. This definition shall not be construed to include a hospital, nursing home, medical clinic, medical practitioner or the office of a physician, surgeon, chiropractor, osteopath, physical therapist, or by a massage practitioner, licensed by the state pursuant to Chapter 18.108 RCW and whose principal activity is to treat the sick, injured, or infirm, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational and athletic facilities.

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

"Mobile home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for

residential purposes, that was constructed prior to June 15, 1976.

"Mobile home/manufactured home park" means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. A mobile home or manufactured home park shall not include mobile home or manufactured home subdivisions or recreational vehicle parks.

"Moderate risk waste fixed facility" means a solid waste transfer facility needing a solid waste permit which specializes in the collection of household hazardous waste for packaging for transport to a disposal facility for recycling. It may collect limited amounts of hazardous waste from small quantity generators (SQGs) who are businesses which generate hazardous waste in quantities below the threshold for regulation under Washington dangerous waste regulations (Chapter 70.105 RCW).

"Modular home" shall mean a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site and meets all of the requirements of Chapter 296- 150A WAC. Modular homes are also commonly referred to as factory built housing, and for purposes of this title a modular home is considered single-and two-family housing.

"Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients, and such words shall include tourist courts, motor courts, automobile court, automobile camp, and motor lodges. A unit in a motel having kitchen facilities shall constitute a dwelling unit and shall be subject to all of the provisions and requirements of this code governing dwelling units for the zone in which the establishment is located, but never less than the requirements of the heaviest multiple-dwelling zone.

"Mount" means the structure or surface upon which personal wireless telecommunication facilities are mounted. There are three types of mounts:

- A. Building Mounted. A personal wireless service facility mount fixed to the roof or side of a building.
- B. Ground Mounted. A personal wireless service facility mount fixed to the ground, such as a tower.
- C. Structure Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

"Multifamily" means a structure containing three or more dwelling units, with the units joined to one another. Multifamily includes three or more dwelling units on a single lot or parcel, except as specifically provided in mobile home parks and planned development districts.

"Multifamily - ground level" means a multifamily structure containing more than two dwelling units each of which have ground floor access and are joined to one another only by party walls. Examples of ground level multifamily include townhouses, single-story triplexes and fourplexes.

"Multifamily - multiple level" means a multifamily structure containing three or more dwelling units and where such units are joined to one another by party walls and ceilings/floors and do not all have ground floor access. Examples of multiple level multifamily include garden apartments, midrise apartments and two-story triplexes and fourplexes.

"Nonconforming development" means a contiguous area developed, operated and maintained as a single entity accommodating commercial, industrial or multifamily uses, or a combination of such uses, with common areas and accessory uses which were legal when established but does not conform to the current parking, loading, access, landscaping, screening, open space or design requirements of the zone classification in which it is located.

"Nonconforming lot" means a lot which does not conform to the design or density requirements of the zone classification in which it is located. A nonconforming lot is a lot that was legal when brought into

existence or was made nonconforming by an acquisition of land in the public interest.

"Nonconforming structure" means a building or structure which was legal when established but does not conform to current development standards including, but not limited to, design, height, setback or coverage requirements of the zone classification in which it is located.

"Nonconforming use of a structure" means a use which is conducted at least partially within a structure and which was allowed when established but does not conform to the uses allowed in the current zone classification in which it is located.

"Nonconforming use of land" means a use which does not involve a structure and which was allowed when established but does not conform to the uses allowed in the current zone classification in which it is located.

"Nonconforming use permit" means a written decision by the examiner to allow limited exceptions to provisions of nonconforming standards while exercising a special degree of control to ensure mitigation of any use which is incompatible with adjacent uses, the character of the surrounding area and any applicable neighborhood or specific area plans as required by the comprehensive plan.

"Noxious matter" means material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

"Nude or Semi-Nude" shall mean a state of complete or partial undress in such costume, attire, clothing so as to expose any portion of the nipple, the areola, or the lower half of the female breast or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Odor control structure" means equipment or structures appurtenant to wastewater conveyance facilities used to lessen the odors of the liquids being transported.

"Off-premises sign" shall mean any sign identifying a use, facility, or service which is not located on the premises, any sign identifying a product which is not produced, sold, or manufactured on the premises, and any sign which advertises or otherwise directs attention to a product, service, or activity, event, person, institution, or business which may or may not be identified by a brand name and which occurs or is generally conducted or offered elsewhere than on the premises where such sign is located.

"Official controls" means legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of the county, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan.

"Off-site treatment and storage facility" shall mean a facility that treats or stores hazardous wastes generated on property other than those on which the off-site facility is located.

"On-site treatment and storage facility" shall mean an accessory facility that treats or stores hazardous waste generated or handled on the same geographically contiguous property.

"Outdoor advertising display" means any card, paper, cloth, metal, glass, wooden, or other display or device of any kind or character which is placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure, or other object.

"Outdoor advertising structure" means a structure of any kind of character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising display is, or can be, placed.

"Owner occupant" means a property owner, as reflected in title records, that makes his or her legal residence at the site, and actually resides at the site more than six months out of any given year.

"Package wastewater treatment plant" means a pre-assembled factory built treatment plant. They can be the size of a motor home or larger.

"Panorama or Peepshow" shall mean any device which, upon insertion of a coin or by any other means of payment, including membership fee or other charge, exhibits or displays a picture or view by film, video or by any other means, including observation of live performances.

"Panoram premises" means any premises or portion of a premises on which a panorama is located and which is open to the public, including through membership.

"Park - community" means a park designed for organized activities and sports, although individual and family activities are also encouraged. Community parks usually exceed 10 acres in size, serve an area of at least two to three miles in radius and often have sport fields, water bodies, gardens, nature trails or similar facilities as the central focus of the park. Most often restroom and parking facilities are found at a community park.

"Park - linear trail" means a recreation area that has as a primary use hiking, biking, walking, and jogging. In some cases linear trail parks may be used by equestrian groups. The trails within the park may vary in scale and surfacing and may also be used as a means of nonmotorized transportation connecting one destination point to another. Streets, roads and highways with widened shoulders or bike lanes are not included in this category.

"Park - neighborhood" means a combination playground and park designed primarily for nonsupervised, nonorganized recreation activities. Neighborhood parks are small in size (about three to 10 acres) and serve an area of approximately one-half mile in radius. In general, facilities recommended for a neighborhood park may include a children's playground, picnic facilities, trails, nature areas, tennis courts, an outdoor basketball court and a multi-use field for soccer, youth league baseball, etc. Most often there are no restroom and parking facilities.

"Park - regional" means a large recreation area that serves an entire region. They are usually large in size and often include areas of natural quality suitable for outdoor recreation activities such as golfing, picnicking, boating, fishing, swimming, camping and hiking. If located within an urban area, regional parks may offer a wider range of facilities and activities which serve the entire region. Regional parks usually exceed 40 acres in area. Restroom and parking facilities are most often found at the site.

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

"Parking area - private" means an open area other than a street alley, or other public property limited to the parking of automobiles of occupants of a dwelling, hotel, motel, apartment hotel, apartment house, boarding house, or lodging house to which these facilities are appurtenant.

"Parking area - public" means an open area other than a street, alley, or private parking area as defined herein, whether privately or publicly owned, which area is used for the parking of vehicles.

"Passive recreation" means an outdoor leisure time activity which usually occurs in a setting that has been preserved, as nearly as possible, in the original or natural condition. Passive recreation may occur in common open lawn areas and, where determined appropriate, critical area buffers, aquifer recharge and flood water storage areas. Activities may include picnicking, sight-seeing, walking, hiking, biking, horseback riding, and nature walks. Accessory structures associated with passive recreation include playground equipment, picnic shelters and tables, barbecue pits, exercise stations, restroom facilities, benches, directory signs, garbage containers, and landscaped areas.

"Pasture land" means property on which grass or other plants grow and are used as food for grazing

animals.

"Personal wireless telecommunication facilities" shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

"Planned development district (PDD)" means a flexible zoning concept which provides an opportunity to mold a district so that it creates a more desirable environment and results in a better use of the land than that which could have been provided through the limiting standards provided in the regular zoning classifications.

"Post office - branch" means a government operated subdivision of a main post office station serving as a base for one or more carrier routes and providing customary customer postal service.

"Post office - contract station" means a privately operated, limited-service postal facility carried on as adjunct to a principal business or use.

"Post office - terminal" means the government operated principal mail handling facility for a postal geographic service area.

"Preliminary approval" means an approval, based upon an application and conceptual plan for a discretionary land use permit, granted by the director or examiner which sets forth certain conditions that must be reflected on final development plans.

"Problem waste" means soils removed during the cleanup of a remedial action site, dangerous waste site, or other sites with harmful substances, but not designated dangerous wastes, and contaminated dredge spoils.

"Public bathhouse" means an establishment where, for any form of consideration, baths or facilities for baths of any kind whatever are given or furnished for or in expectation of a fee, compensation or monetary consideration including, but not limited to Finnish baths, Russian baths, sauna baths, Swedish baths, Turkish baths, baths by hot air, steam vapor, water or electric cabinet; provided, that "public bathhouse" for this definition does not include such baths or facilities for baths where no attendant or other person administers or holds themselves out as administering massage treatment as defined in this section, either by physical manipulation of the body or by the use of equipment.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, storm waste facilities, parks and recreational facilities and schools.

"Public facility permit" means documented evidence of authority granted by the examiner to locate a public facility at a specific location. Public facilities that are subject to a public facility permit must be identified as needed for meeting planned capacities within a comprehensive utility or facility plan or a land use plan adopted by the city council or other municipal jurisdiction or included within a capital facility plan or capital improvement program adopted by the city council or other municipal jurisdiction.

"Pump/lift station" means the part of a water collection or distribution system which raises water from a lower to a higher elevation.

"Recorded" means, unless otherwise stated, filed for record with the auditor of the county of Pierce, state of Washington.

"Recreational vehicle" means a structure or vehicle, other than a mobile home, which is permanently designed and intended for use for temporary housing purposes. Recreational vehicles shall include, but not necessarily be limited to, campers, motor homes, and travel trailers.

"Recreational vehicle park" means a tract of land under single ownership or unified control developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar short stay purposes.

"Recycling collection site" means a site with collection boxes or other containerized storage where citizens can leave materials for recycling.

"Recycling processor" means any large scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. It may be a facility where commingled recyclables are sorted, baled or otherwise processed for transport off-site which is referred to as a "clean" materials resource recovery facility (MRF).

"Religious assembly - place of" means an establishment the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including religious educational class rooms, assembly rooms, kitchen, library room or reading room, recreation hall, and a one-family dwelling unit, but excluding facilities for residence or for training of religious orders.

"Remote switching unit" means a device or group of devices in a telephone system having the necessary equipment for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interfacilities trunks, normally dependent on one or more central office switching units for full operability.

"Right-of-way" means a strip of land held in an easement or separate tract which is occupied or dedicated to be occupied by a public street or railroad, together with property reserved for utilities, transmission lines and extensions, walkways, sidewalks, bikeways, equestrian trails, and other similar uses.

"Sensitive receptor" shall mean any establishment which provides caretaking, education, or recreation for persons under 18 years of the age.

"Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

"Service provider" means the department, district or agency responsible for providing the specific public facility or service.

"Setback" means the minimum required distance between any structure and a specified line such as a lot, public right-of-way, private road, easement or buffer line that is required to remain free of structures unless otherwise provided herein.

"Sewage system - on-site" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under control of the user where the system is not connected to a public or approved private sewer system.

"Sewage conveyance system" means pipelines, culverts, and appurtenances which transport wastewater and sewage from points of origin to wastewater treatment plants, or which convey treated wastewater to points of discharge. Also called wastewater conveyance systems.

"Sign" means any device, structure, fixture or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols or written copy for the purpose of advertising or identifying any establishment, product, goods, or service.

"Single-family - detached" means a dwelling unit that is not attached to another dwelling unit by any means.

"Small animals" means all animals and birds except for livestock and exotics.

"Soil" means the surface layer of earth supporting plant life.

"Soil treatment facility" means a solid waste facility which utilizes bioremediation, a thermal desorption process, or similar processes to treat petroleum contaminated soil or vector waste for reuse or final disposal.

"Solid waste" means all wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants, septage from septic tanks, woodwastes, dangerous wastes, and problem wastes.

"Special use permit" means an approval by the examiner for those types of development proposals which, due to the nature of the project, involve judgment or discretion in determining compliance with the approval requirements. Development proposals subject to special use permits include, but are not limited to, conditional use, public facilities, preliminary and final plats, nonconforming use, planned development district, site plan review, shoreline substantial development, shoreline conditional use, shoreline nonconforming use, shoreline variance, and variance.

"Specified anatomical areas" means

~~As used herein, "specified anatomical areas" means and includes any of the following: 1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.~~

- (a) Less than completely and/or opaquely covered human genitals, pubic region, buttock, or any portion of the nipple, the areola, or the lower half of the female breast;
- (b) Human male genitals in a discernibly turgid state even if completely or opaquely covered."

~~"Specified Sexual Activities" As used herein, "specified sexual activities" means and includes any of the following: 1) the fondling or other erotic or intentional touching of human genitals, pubic region, buttocks, anus, or female breast; 2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.~~

"Specified sexual activities" shall mean an act of:

- (a) Sexual intercourse within its ordinary meaning, occurring upon a penetration, however slight; or,
- (b) A penetration of the vagina or anus, however slight, by an object; or,
- (c) A contact between persons involving the sex organs of one person and the mouth or anus of another; or,
- (d) Masturbation, manual or instrumental, of oneself or one person by another; or,
- (e) Touching of the sex organs, anus, or female breasts, whether clothed or unclothed, of oneself or of one person by another.

"Stable, Private" means an accessory building for the keeping of more than three horses, cows, or other similar domestic animals owned by the occupants of the premises and not kept for remuneration, hire, or sale.

"Stock-in-Trade" means

- a) The dollar value of all products, equipment, books, magazines, posters, pictures, periodicals, other printed materials, prerecorded video tapes, discs, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or,
- b) The number of titles of all products, equipment, books, magazines, posters, pictures, periodicals, other printed materials, prerecorded video tapes, discs, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

"Storm water conveyance facilities" means features such as gutters, pipelines, culverts, manholes, weirs, manmade and natural channels, water quality filtration systems and drywells.

"Storm water multiple use facilities" means storm water pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities.

"Structure" means anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together. For the purposes of this regulation, structure does not include paved areas, fill, or any vehicle.

"Surface mine" shall mean any area or areas within one-half mile to each other, where extraction of minerals from the surface results in removal of 5,000 cubic yards of material, or more than three acres of disturbed area, or mined slopes greater than 30 feet high and steeper than one-foot horizontal to one-foot vertical, or more than one acre of disturbed area within an eight or greater acre area when the disturbed area results from mineral prospecting or exploration activities. Surface mines include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the quantity, size, or height threshold listed above. "Surface mining" shall not include excavations and grading for the purpose of public safety or restoring the land following a natural disaster.

"Telecommunications radio relay station" means a facility containing structure and equipment for the transmission of telecommunications messages between telephone system facilities, by microwave radio or similar technologies.

"Temporary housing unit - construction" means a mobile or manufactured home or recreational vehicle which is placed on a lot or tract of land for the purpose of providing temporary housing for an individual or a representative who is in the process of constructing a permanent use or structure on the same lot or tract in accordance with a valid building permit.

"Temporary housing unit - family" means a mobile or manufactured home which is proposed to be located temporarily on a lot, parcel or tract of land. The lot's, parcel's, or tract's principal use shall be a single-family detached dwelling. The temporary housing unit shall be occupied by the parent or parents of the occupants of the dwelling, or not more than one individual who is a close relative of the occupants of the principal dwelling. An occupant of the temporary housing unit because of age, disability, prolonged infirmity, or other similar incapacitation is unable to independently maintain a separate type of residence without human assistance.

"Temporary housing unit - public facility" means a single-wide mobile home or manufactured home to be used at public schools, fire stations, and parks for the purpose of providing on-site security, surveillance, and improved service at public facilities.

"Toxic materials" means those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

"Tract" means any parcel of land, lot, building site, or contiguous combination thereof devoted to or intended to be devoted to a principal use and any other uses customarily accessory thereto.

"Trailer - automobile commercial" means a vehicle without motor power designed to be drawn by a motor vehicle and which trailer is used or is to be used for carrying goods and property.

"Transfer station" means a solid waste facility needing a solid waste permit which is a permanent, fixed supplemental collection and transportation facility, used by person and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a disposal facility. It may include baling or compaction activities or recycling facilities.

"Transfer station - drop box" means a solid waste facility needing a solid waste permit which is used for placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. The facility normally serves the general public with loose loads and receives waste from off-site.

"Two-family" means two dwelling units within the same building. Two-family housing types are also known as duplexes.

"Unlisted words and phrases" means the definition of any word or phrase not listed in this chapter which is in question when administering this regulation shall be defined from one of the following sources which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on. The sources are as follows:

- A. City development regulations;
- B. Any city resolution, ordinance, code or regulations;
- C. Any statute or regulation of the state of Washington (i.e., the most applicable);
- D. Legal definitions from case law or a law dictionary;
- E. The common dictionary.

"Urban open space" means an area in an urban zone classification which is permanently dedicated to remain unimproved in public or private ownership. Urban open space serves as a visual relief in the built environment and may be characterized by undisturbed natural vegetation or areas intended for passive recreation uses.

"Use" means the purpose or activity for which land or buildings are arranged, or intended, or for which land or buildings are occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this zoning code.

"Use category" means a group of similar use types that are associated with each other to such an extent that they perform a specific land use function. Use categories are: civic, commercial, essential public facilities, office/business, industrial, residential, resource, and utilities.

"Use - permitted" means any use allowed in a zoning classification and subject to the restrictions applicable to the specific use.

"Use - principal" means the primary or predominant use of any lot or parcel.

"Use type" means a group of similar uses that are fundamentally related to each other, contain equivalent characteristics, and which fall within the same use category.

"Utility or public maintenance facility" means facilities for open and enclosed storage, and maintenance of vehicles, equipment, or related materials used in a utility or public facility.

"Variance" means an adjustment to the development standards of the zoning regulation, that does not apply to use, that is reviewed and approved, modified, or denied by the examiner after at least one public hearing or the director after obtaining an administrative use permit.

"Waste separation and recovery facility" means a solid waste facility needing a solid waste permit where mixed solid waste is collected and processed to segregate recyclable components from that portion of the waste stream which is to be permanently disposed. It may be referred to as a materials resource recovery facility (MRF) or as a "dirty MRF."

"Waste to energy (WTE) facility" means any solid waste facility designed as a combustion plant to dispose of solid waste or to recover energy in a usable form from mass burning, refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste and which requires a solid waste permit under Chapter 70.95 RCW.

"Waste to energy facility - municipal solid" means a combustion plant specializing in disposal of or energy recovery from mixed waste from municipal sources.

"Waste to energy facility - special" means a combustion plant designed to burn more than 12 tons per day and specializing in disposal of or energy recovery from a single type of waste of known and consistent composition, other than municipal waste, such as tires or infectious waste.

"Wastewater" means water carrying waste from domestic, commercial or industrial facilities together with other waters which may inadvertently enter the sewer system through infiltration and inflow.

"Wastewater transfer facility" means equipment, structures, driving and parking surfaces, and appurtenances used for loading wastewater for transport to wastewater treatment facilities.

"Water purification facility" means treatment plants or facilities for disinfecting water.

"Yard" means a space defined by the required setback on any lot, unoccupied by a structure and unobstructed from the ground upward except as otherwise provided herein.

"Yard - front" means a yard lying between the minimum setback line for a structure and the front lot line and extending across the full width of the lot. See Figure 5, UPMC 19.35.020.*

"Yard - rear" means a yard lying between the minimum setback line for a structure and the rear lot line and extending across the full width of the lot. See Figure 5, UPMC 19.35.020.*

"Yard - side" means all yards except front yards and rear yards. See Figure 5, UPMC 19.35.020.*

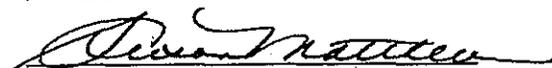
"Zone classification" means an area accurately defined as to boundaries and location, and classified by the zoning code as available for certain types of uses and within which other types of uses are excluded

Section 2. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective five days after such publication.

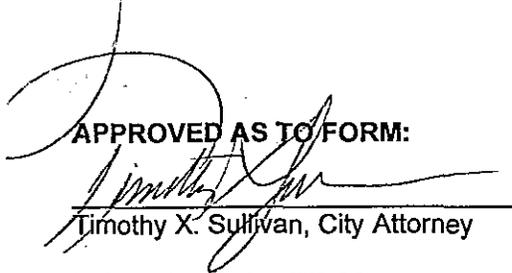
PASSED BY THE CITY COUNCIL ON JULY 6, 1998


Debbie Klosowski, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Publication Date: 7/8/98
Effective Date: 7/13/98

UNOFFICIAL DOCUMENT