

Chapter 20.08 - BASIC DEFINITIONS AND INTERPRETATIONS

20.08.010 - Definitions of basic terms.

Unless otherwise specifically provided, as when a particular chapter contains its own definition section, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this title.

"Abandonment" means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

"Abutting" means having a common border with, or being separated from such common border by an alley or easement.

"Access" means a means of vehicular, pedestrian, or other ingress and egress to a lot or parcel.

"Access easement" means an easement dedicated primarily for ingress/egress to one or more lots, although utility lines may also be placed within the easement, and within which the parking of vehicles is prohibited.

"Access tract" means a privately owned tract of land whose sole function is to provide access to abutting properties and over which an access easement has been dedicated.

A single-family residential access tract or easement serves or is designed to serve not more than four dwelling units and is expected to or does handle up to 40 average trips per day.

A non-single-family residential access tract or easement is a private road internal to a single non-single-family residential development intended to provide access to the public or rear-lot property owners. Such "private roads" can only be used where, in the opinion of the public works director, there is no potential or need for connection of public streets from one side of a property to another. The permit-issuing authority must approve their use.

"Accessory antenna device" means antennae that are less than twelve inches in height or width, excluding the support structure. Examples include, but are not limited to, test mobile antennae or global positioning system (GPS) antennae.

"Accessory building." See Building, accessory.

"Accessory use." (See Section 20.40.050, Accessory Uses)

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter walls is considered to be new construction.

"Adjacent" means that which lies near or close to, not widely separated nor necessarily touching.

"Adjacent property owner" means any property owner of record, according to the records of the

county assessor, whose property adjoins or abuts property proposed for division or any portion thereof, or whose property is within three hundred feet of the property proposed for division.

"Adjoining" means that which is joined or united and actually touching.

"Adult entertainment."

(a)"Adult entertainment establishments" means 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:(1)"Adult bath house" means a commercial bathhouse, which excludes any person by virtue of age from all or any portion of the premises;(2)"Adult bookstore" means a retail establishment in which:(A)Ten percent or more of the "stock-in-trade" consists of books, magazines, posters, pictures, periodicals or other printed materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and(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.(3)"Adult cabaret" means a commercial establishment that 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.(4)"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 in which such services is provided.(5)"Adult motion picture theater" means an establishment, place (indoor or outdoor), 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 patrons therein.(6)"Adult retail store" means retail establishment in which:(A)Ten percent of more of the "stock-in-trade" consists of books, magazines, posters, pictures, periodicals or other printed materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and(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.(7)"Adult sauna parlor" means a commercial sauna establishment that excludes any person by virtue of age from all or any portion of the premises.(8)"Adult video store" means a retail establishment in which:(A)Ten percent of more of the "stock-in-trade" consists of books, magazines, posters, pictures, periodicals or other printed materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and(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.(b)"Specified anatomical areas" means:(1)Less than completely and/or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola;(2)Human male genitals in a discernibly turgid state even if completely or opaquely covered.(c)"Specified sexual activities" means:(1)Acts of human masturbation, sexual intercourse, or sodomy; or(2)Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or(3)Human genitals in a state of sexual stimulation or arousal.(d)"Stock-in-trade" means:(1)The retail dollar value of all products, equipment, books, magazines posters, pictures, periodicals, 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(2)The number of titles of all products, equipment, books, magazines, porters, 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.

"Adult family home" means a regular family abode in which a person or persons provides 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.

"Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

"Agriculture land" means land used for commercial production (as shown by financial record) of horticultural, viticultural, floricultural, dairy, apiary, or animal products, or of vegetables, Christmas trees, berries, grain, hay, straw, turf, seed, or livestock, and that has long-term (six years or longer) commercial significance for agricultural production.

"Agriculture" means the tilling of soil, the raising of crops, horticulture, viticulture, small livestock farming, pasturing, grazing, poultry, dairying and/or animal husbandry, including all uses customarily incidental thereto except small animal husbandry.

"Agency with jurisdiction" means an agency with authority to approve, veto, or finance all or part of a SEPA-nonexempt proposal (or part of a proposal). The term does not include an agency authorized to adopt rules or standards of general applicability that could apply to a proposal, when no license or approval is required from the agency for the specific proposal. The term also does not include a local, state, or federal agency involved in approving a grant or loan, that serves only as a conduit between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are those from which a license or funding is sought or required.

"Airport" means any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

"Alterations" means a change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the site or increasing the height or depth, or moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.

"Alley" means a public or private way permanently reserved as a secondary means of access to abutting property.

"AMC" means the Arlington Municipal Code.

"Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals.

(1)Omni-directional antenna (also known as a "whip" antenna) transmits and receives radio frequency signals in a three hundred sixty degree radial pattern. For the purpose of this document, an omni-directional antenna is up to fifteen feet in height and up to four inches in diameter.(2)Directional antenna (also known as a "panel" antenna) transmits and receives radio frequency signals in a specific directional pattern of less than three hundred sixty degrees.(3)Parabolic antenna (also known as a dish antenna) is a bowl-shaped device for the reception and/or transmission radio frequency communications signals in a specific directional pattern.

"Applicant" means a person, partnership, corporation, or other legal entity who applies for any approval under this Title and who is an owner of the subject property or the authorized agent of the owner. The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

"Appropriate" means that which is compatible with a facility's natural, cultural, or recreational resources, recognizing the purpose of the established area.

"Aquaculture" means the cultivation of aquatic plants and/or animals for human use or consumption. Aquaculture may include hatcheries, marine crop production, and other similar uses that occur in either fresh or salt water.

"Aquifer" means a groundwater bearing geologic formation or formations that contains sufficient amounts of saturated material to yield water.

"Aquifer recharge area" means a body of permeable materials that collects precipitation or surface water and transmits it to the aquifer.

"Arterial street." See Street, arterial.

"Awning" means any movable roof-like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily detached, moved, or rolled or folded back to a position flat against the building or a cantilevered projection thereof.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also known as the one hundred-year flood.

"Best management practice (BMP)."

(1)When associated with stormwater management means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water.(2)When associated with groundwater protection means a written plan outlining accepted practices, such as liquid containment, transfer practices, and emergency procedures whose purpose is to prevent contamination from contaminated land uses; for instance, monitoring and secondary containment for underground storage tanks.(3)When associated with environmentally critical areas, BMPs are the best available conservation practices or systems of practices and management measures that:(A)Control soil loss and protect water quality from degradation caused by nutrients, animal waste, toxins, and sediment; and(B)Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.

"Battery charging station" means an electrical component assembly or cluster of component

assemblies designed specifically to charge batteries within electric vehicles, which meets or exceed any standards, codes, and regulations set forth in Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

"Battery electric vehicle (BEV)" means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero emissions or pollution when stationary or operating.

"Battery exchange stations" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

"Billboard" means an off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

"Binding site plan" means a drawing to a scale specified in this title which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified herein; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established in this title; and (c) contains provisions making any development be in conformity with the site plan.

"Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

"Boarding house" means a residential use consisting of at least one dwelling unit together with more than two rooms, but not more than four, that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units, primarily evidenced by not having separate kitchen facilities. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

"Bog" means a wetland with limited drainage and generally characterized by extensive peat deposits and acidic waters. Vegetation can include, but is not limited to, sedges, sphagnum moss, eriogonums, shrubs, and trees.

"Bond" means a written certificate guaranteeing to pay up to a specified amount of money if specified work is not performed; or any similar mechanism whereby the city has recourse to an identified fund from which to secure performance of specified work.

"Boundary line adjustment" means a division made for the purpose of alteration by adjusting boundary lines between platted or un-platted lots or both, which does not create any additional lot, tract, parcel, site, or division.

"Buffer (to an environmentally critical area)" means land that surrounds and protects a critical area from adverse impacts to its functions and values or which provide a margin of safety through protection of slope stability, attenuation of surface water flows, and landslide hazards reasonably 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 a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or

wetland edge, habitat for wildlife and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.

"Buffer (to reduce impacts between uses)" means an area, often landscaped, intended to separate and partially obstruct the view of two adjacent land uses or properties from one another, or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.

"Building" means a structure designed to be used as a place of occupancy, storage, or shelter.

"Building, accessory" means a minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

"Building, principal" means the primary building on a lot or a building that houses a principal use.

"Building permit" means an official document or certification that is issued by the building official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

"Bulk" means the term used to describe the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.

"Cannabis" means all parts of the plant Cannabis, whether growing or not; 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. For the purposes of this definition, "cannabis" does not include 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 there from, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

"Canopy" means a roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk or walkway.

"Capital facility plan" means the most recently adopted capital facilities plan, as now in existence or as hereinafter amended.

"Carrying capacity" means the maximum number of units that can be accommodated by a facility without reducing the efficiency of that facility. Carrying capacity is used to measure the ability of a facility to accommodate more units. For example, the carrying capacity of a roadway is the maximum number of vehicles that can pass over a given section of a lane in one direction during a given time period. For recreation areas, the carrying capacity is the number of persons that can use the elements (play equipment, basketball courts, benches, etc.) at any given point in time.

"Certify" means whenever this title requires that some agency certify the existence of some fact or circumstance to the city, the city may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the city may accept certification by telephone from some agency when the circumstances warrant it, or the city may require that the certification be in the form of a letter or other document.

"Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

(1)Level 1 is considered slow charging. (2)Level 2 is considered medium charging. (3)Level 3 is considered fast or rapid charging.

Level 1 is present in homes and businesses and typically operates on a fifteen- or twenty-amp breaker on a one hundred twenty-volt alternating current (AC) circuit and standard outlet.

Level 2 is expected to become the standard for home and public charging and typically operates on a forty-amp to one hundred-amp breaker on a two hundred eight or two hundred forty-volt AC circuit.

Level 3 is primarily for commercial and public applications (e.g., taxi fleets and charging along freeways) and typically operates on a sixty-amp or higher dedicated breaker on a four hundred eighty-volt or higher three-phase circuit with special grounding equipment. Note that the term "Level 3" is recommended to identify the increased power need in a numerical fashion (i.e., "3"), but the Level 3 charging level is also sometimes referred to as "Fast" charging and "Rapid" charging (see definition of rapid charging station below).

"Child care home, special needs" means a home for orphaned, abandoned, dependent, abused, or neglected children, who as a group meet the definition for a family.

"Child care institution" means an institutional facility housing more than nine orphaned, abandoned, dependent, abused, or neglected children.

"Circulation area" means that portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

"City" means the city of Arlington.

"Clearing" means the destruction and removal of vegetation by manual, mechanical, or chemical methods.

"Collector arterial street." See Street, collector arterial.

"Combination use" means a use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses, Section 20.40.010 (Table of Permissible Uses). (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. See Section 20.40.050 (Accessory Uses). In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

"Communication facility, wireless, attached" means a wireless communication facility that is affixed to an existing structure and is not considered a component of the structure to which it is attached.

"Community development director" means the director of the department of community development.

"Compatible" means for the purposes of this title, a project may be found to be compatible with the area in which it is located in terms of design and use when it meets the following criteria:

(1)Compatibility of design—Where a project is subject to the city's development design guidelines or design regulations within this title it is presumed to be compatible with the neighborhood in terms of design when it is found to be in conformance with those guidelines or regulations, even if it does not resemble existing development, as it is the intent of the city council that neighborhoods should eventually develop or redevelop according to those design specifications. Where a project is not subject to those design guidelines or regulations, it may be found to be compatible with the neighborhood in terms of design when it generally conforms to the architectural aspects (i.e., those aspects addressed in the Development Design Guidelines) of the existing development.(2)Compatibility of use—A project may be found to be compatible with the existing uses of a neighborhood if it causes no significant impacts on surrounding uses or, if it could cause significant impacts, that those impacts have been mitigated through project design or by conditioning the permit to restrict or limit certain aspects of the use so as to minimize those impacts.

"Comprehensive plan" means the city's adopted Growth Management Act Comprehensive Plan, including the land use plan, as now in existence or as hereinafter amended.

"Conditional use permit" means a permit issued by the hearing examiner that authorizes the recipient to make use of property in accordance with the requirements of this title as well as any additional requirements imposed by the council.

"Condominium" means a form of ownership of property where the purchaser acquires title to a part of a building, space, and/or a portion of land, and an undivided interest in the common areas and facilities. This is distinguished from a cooperative, where the purchaser usually acquires stock that represents his interest in the property. Where the building so acquired consists of bedrooms with individual baths or combined bedrooms and living rooms with individual baths and/or has separate entrances for each unit, each unit shall be considered a separate dwelling unit for the purposes of this Code.

"Consistency" means for the purpose of reviewing a project per ESHB 1724, the term 'consistency' shall include all terms used in Chapter IV of that bill and chapter 36.70A RCW to refer to performance in accordance with Chapter IV of that bill and chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.

"Contiguous" means lands are contiguous if they actually adjoin each other and share a common boundary.

"Convenience store" means a one-story, retail store containing less than three thousand square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "Arco AM/PM" and "7/11" chains.

"Council" means the city council of the city of Arlington.

"County auditor" means as defined in Chapter 36.22 RCW or the office or person assigned such duties under a county charter.

"County road." See Street, county road.

"County treasurer" means as defined in Chapter 36.29 RCW or the office or person assigned such duties under a county charter.

"Critical Area Protection Easement (CAPE)." See Native Growth Protection Easement (NGPE).

"Critical areas" means aquifer recharging areas, fish and wildlife habitats, frequently flooded areas, geologically hazardous areas, wetlands, and streams, as defined in this chapter.

"Critical habitat" means habitat necessary for the survival of endangered, threatened, sensitive, candidate, or monitor species as listed by the federal government or the state of Washington.

"Cul-de-sac." See Street, cul-de-sac.

"Day care center, commercial" means any child care arrangement that provides day care on a regular basis for more than twelve children of whom at least one is unrelated to the provider.

"Day care, in-home" means any child care arrangement that provides day care on a regular basis for less than twelve children of whom at least one is unrelated to the provider.

"Decision" means written notification to an applicant that his or her permit application has been approved or denied.

"Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a quitclaim, deed, or a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by council action or the approval of such plat for filing by the appropriate governmental unit.

"Design storm" means a prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.)

"Developable (e.g., land, acres)" means land on which development can occur per the regulations of this and other titles of the Arlington Municipal Code. Specifically, lands that are considered environmentally critical areas per Chapter 20.88 (Environmentally Critical Areas) are not considered developable.

"Developer" means a person who is responsible for any undertaking that requires a permit.

"Development" means any construction, development, earth movement, clearing, or other site disturbance, which requires a permit, approval or authorization from the city.

"Diameter at breast height (dbh)" means the diameter of a tree at four and one-half feet above the ground.

"Dimensional nonconformity" means a nonconforming situation that occurs when the height, size, floor space, lot coverage, or other dimensional requirements of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

"Distribution center" means a warehouse or other specialized building, often with refrigeration or air condition, which is stocked with products (goods) to be redistributed to retailers, to wholesalers, or directly to consumers. The distribution center is used to receive, store temporarily, and redistribute goods, based on received customer orders.

"Dormitory" means a residence hall providing sleeping rooms for students enrolled in a secondary boarding or post-secondary educational institution to which it is an accessory use.

"Driveway" means that portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

"Duplex." See Residence, duplex.

" 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 congregate residences, nursing homes, dormitories, hotels, or motels, or public facilities such as fire stations.

~~" Dwelling unit " means an enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one or more people.~~ " Dwelling unit " means a room, or rooms within a dwelling, configured as described herein and occupied or intended to be occupied by one family only as living accommodations independent from any other family on a monthly or longer basis.

A dwelling unit shall be a separate area that includes: 1) a complete food preparation area containing a sink, a stove or range, a refrigerator, and a countertop; 2) a bathroom containing a toilet, and a shower or bathtub; and 3) one or more sleeping rooms. For the purposes of this definition, a separate area is an area having direct access to the exterior of the building or access to the exterior via hallways, stairways, and elevators that are primarily ingress/egress routes to the exterior rather than leading to common kitchens and living areas.

"Easement" means land that has specific air, surface, or subsurface rights conveyed for use by someone other than the owner of the subject property or to benefit some property other than ~~the~~ subject property.

"Effective date of this chapter" means whenever this title refers to the effective date of this chapter, the reference shall be deemed to include the effective date of the chapter as originally adopted, or the effective date of an amendment to it if the amendment creates a nonconforming situation.

"Effective date of this title" means whenever this title refers to the effective date of this title, the reference shall be deemed to include the effective date of any amendments to this title if the amendment, rather than this title as originally adopted, creates a nonconforming situation.

"Electric scooters and motorcycles" means any two or three-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero emissions or pollution when stationary or operating.

"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 [BEV]; (2) a plug-in hybrid electric vehicle [PHEV]; (3) a neighborhood electric vehicle; and (4) 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. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

"Electric vehicle charging station—Public" means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park and Ride parking, public library parking lot) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

"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).

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

"Electric vehicle parking space" means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

"Electric vehicle waiting space" means an off-street parking space where an electric vehicle, plug-in hybrid electric vehicle, electric scooters, and motorcycles wait to use a public electric vehicle charging station.

"Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

"Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

"Environmentally critical areas (ECAs)" includes critical areas or natural resource lands.

"Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

"Expenditure" means a sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

"Façade" means the front of a building, particularly that part of a building facing a street or courtyard.

"Family."

(1) Individuals consisting of two or more persons related by genetics, adoption, or marriage, or a group of five or fewer persons who are not related by genetics, adoption, or marriage and none of whom are wards of the court unless such wards are related by genetics, adoption, or marriage to all of the members of such group living in a dwelling unit. (2) The term "family" shall include: (A) State licensed adult family homes required to be recognized as residential use pursuant to RCW 70.128.175; (B) State licensed foster family homes and group care facilities as defined in RCW 74.15.180, subject to Subsection (3) below; (C) Group homes for the disabled required to be accommodated as residential uses pursuant to the Fair Housing Act amendments as the same exists or is hereafter amended. (3) The term "family" shall exclude individuals residing in halfway houses, crisis residential centers as defined in RCW 74.15.020(3)(g), group homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to a court order under the supervision of paid staff and personnel.

"Feasible" in the context of low impact development (LID) shall be determined by evaluation against:

(1) Design criteria, limitations, and infeasibility criteria identified for each LID facility in the Washington Department of Ecology Stormwater Management Manual for Western Washington (SWMMWW); and (2) Competing needs criteria listed in Chapter 5 of Volume V of the SWMMWW.

"Fen" means wetlands that have the following characteristics: Peat soils sixteen inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Final plat" means 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 RCW 58.17 and in this title.

"Floodplain" means any land area susceptible to be inundated by water from the base flood. As used in this title, the term generally refers to that area designated as subject to flooding from the base flood (one hundred-year flood) on the most recently adopted "Flood Insurance Rate Map" prepared by the Federal Emergency Management Agency, a copy of which is on file in the planning department.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface

elevation more than one foot. As used in this title, the term refers to that area designated as a floodway on the most recently adopted "Flood Insurance Rate Map" prepared by the U.S. Federal Emergency Management Agency, a copy of which is on file in the planning department.

"Floor area, gross" means the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

"Floor area, ground" means the square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage.

"Floor area, net" means the area considered habitable space, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet rooms, mechanical areas, or other similar features.

"Floor area ratio (F.A.R.)" means the horizontal area of all of the floors of any building or buildings on a lot, divided by the area of such lot, or in the case of planned unit developments, by the net lot area. Where off-street parking is provided in the principal building or in a building on a lot across a street or alley from the principal building, the area of the lot upon which such building providing off-street parking is provided may be included in determining the permitted floor area of the principal building. Space provided within a building for off-street parking shall not be counted in determining the floor area of such building.

"Floor area, usable" means any floor area within the outside wall of a building exclusive of areas in cellars, basements, unfinished attics, garages, open porches, and accessory buildings.

"Freestanding sign." See Sign, freestanding.

"Frontage street." See Street, frontage.

"Gambling establishments" means any establishment that operates or conducts any games played with cards, roulette wheels, dice, craps, slot machines, mechanical, electro-mechanical or electronic amusement devices or machines for money, property, checks, credit, or any representative of value including, without limiting the generality of the foregoing, baccarat, faro, Monte, poker, keno, black jack, bingo, fan-tan, twenty-one, seven-and-a-half, big injun, Klondike, chuck-a-luck, wheel of fortune, chenin de fer, pai gow, beat the banker, and panguingui and similar games of chance for the return of money, cash, or prizes, or anything that could be redeemed for money, cash, or prizes. This definition does not apply to games of chance operated by charitable organizations licensed under state law nor to state licensed video lottery terminals, or to those activities permitted under AMC 3.32, Gambling Tax.

"G.I.S." means geographic information system.

"GMA" means the Growth Management Act, Chapter 17, Laws of the State of Washington of 1990, 1st Ex. Sess., as now in existence or as hereafter amended.

"G.P.S" means global positioning system.

"Grade" means the established grade of the street or sidewalk as prescribed by the department of public works. Where no such grade has been established, the grade shall be the average computed by a licensed land surveyor at the sidewalk at the property line. Where no sidewalk exists, the grade shall be established in the same manner on the street adjacent to the property line.

"Gradient terrace" means an earth embankment or a ridge-and-channel constructed with suitable spacing and an acceptable grade to reduce erosion damage by intercepting surface runoff and conducting it to a stable outlet at a stable non-erosive velocity.

"Gross floor area." See Floor area, gross.

"Gross leasable area (GLA)." See Leasable area, gross.

"Ground floor area." See Floor area, ground.

"Groundwater" means the portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

"Halfway house" means a home for a group of people meeting the definition for a family who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, and all of whom are living together as a single family unit.

"Handicapped or infirm home" means a residence within a single dwelling unit for a group of people meeting the definition for a family who are physically or mentally handicapped or infirm, all of who are living together as a single family unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

"Hazardous tree" means any tree that poses an imminent danger to persons or property. Existence of the hazardous condition must be provided in writing by a state certified arborist.

"Hearing examiner" means a person appointed by the city on a case-by-case basis to conduct public hearings, make decisions, and to prepare a record and findings of fact and conclusions on those permit applications outlined in this Title.

"Hearing officer" means the person, or chair of the board, before which a hearing is being held. This can be the community development director, the chair of the planning commission, the hearing examiner, or city council.

"High-volume traffic generation." See Traffic generation, high volume.

"Home occupation" means a commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use (see Section 20.40.050 (Accessory Uses), but that can be conducted without any significantly adverse impact on

the surrounding neighborhood.

Without limiting the generality of the foregoing, a use may not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if: (i) goods, stock in trade, or other commodities are displayed, (ii) any on-premises retail sales occur, (iii) more than one person not a resident on the premises is employed in connection with the purported home occupation, (iv) it creates objectionable noise, fumes, odor, dust or electrical interference, (v) the use would typically generate significantly more traffic than is typically associated with a residential neighborhood, or (vi) more than twenty-five percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than five hundred square feet of gross floor area (whichever is less), is used for home occupation purposes.

The following is a non-exhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria: (i) the office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional, (ii) workshops, greenhouses, or kilns, (iii) dressmaking or hairdressing studios.

The following is a non-exhaustive list of examples of enterprises that may not be home occupations: (i) veterinarians, (ii) clinics, (iii) auto repair, (iv) auto sales, or (v) real estate offices, or (vi) any use that would cause similar impacts.

"Homeowners' association" means a private, nonprofit corporation of homeowners of a fixed area constituted for the purpose of owning, operating, and maintaining various common properties.

"Immediate vicinity" means with regard to the built or manmade environment, this refers to all development that is within five hundred linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development.

"Impact fee" means a payment of money imposed by the city upon development activity as a condition of issuance of a permit to pay for public facilities needed to serve new growth and development, and to mitigate the impacts of the development activity on the capital facilities of the city, but does not include any permit or application fee.

"Impact fee fund" means the growth management fund of the city created pursuant to AMC Section 3.64.010 (Growth Management Fund Created).

"Impervious surface" means as defined in AMC 13.28, Stormwater Management.

"Improvement" means any change in a property or structure's physical attributes, or any part of such change.

"Incompatible use" means a use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity (see Harmony).

"Intermediate care home" means a facility maintained for the purpose of providing accommodations for a group of people meeting the definition for a family needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

"Intermediate care institution" means an institutional facility maintained for the purpose of providing accommodations for more than nine persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

"Internally illuminated signs" means signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electric current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

"Junk" means any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

"Junkyard" means any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

"Kennel" means a commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (ii) engages in the breeding of animals for sale.

"Land clearing" means the cutting, logging, or removal of enough vegetation so that the overall nature of a site's vegetation is altered, except for what would otherwise be considered gardening, landscaping, or yard maintenance on a developed lot or portion of a lot where not all of the lot is developed. For example, selectively logging a few mature trees from many trees would not be considered clearing, while logging all mature trees (even if immature ones are left) so that habitat value or shading is altered, shall be considered clearing. Another example of clearing would be to grub or remove all groundcover (blackberries, etc.) over the area limits specified in Section 20.44.100 (Permits for Grading and Filling), Section 20.44.110 (Permits for Land Clearing), and Section 20.44.120 (Restrictions and Requirements), while partial grubbing of this area may not be.

"Lattice tower." See Wireless communications facility, lattice tower.

"Leasable area, gross (GLA)" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces. GLA is that area on which the tenants pay rent; it is the area producing income to the landlord. GLA includes all areas less common areas. (See Common Area.)

"LID facilities" or "low impact development facilities" are distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable materials, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

"Loading and unloading area" means that portion of the vehicle accommodation area used to satisfy

the requirements of Section 20.72.100 (Loading and Unloading Areas).

"Local access street." See Street, local access.

"Local collector street." See Street, local collector.

"Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

Subject to Section 20.32.020 Nonconforming Lots), the permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this code.

"Lot area" means the total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street.

"Lot coverage" means that percentage of a lot which would be covered by a structure or structures, excluding allowed projecting eaves. Paved areas, such as driveways, patios, and walkways at or below grade level shall not be calculated. Decks exempted by the building code are also not calculated. Lot coverage shall not exceed maximum allowance per Chapter 20.48, Table 20-48.1 Density and Dimensional Standards. If lot coverage exceeds maximum allowance, development may need additional drainage improvements as required by city engineer.

"Low impact development (LID)" is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"Low-volume traffic generation." See Traffic generation, low volume.

"Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

"Macro facility." See Wireless communications facility, macro facility.

"Major trail." See Trail, major.

"Marijuana" means all parts of the plant Cannabis, whether growing or not; 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;

(1)The mature stalks of the plant;(2) Fiber produced from the mature stalks of the plant;(3) Oil or cake made from the seeds of the plant;(4) Any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake; or (5) The sterilized seed of the plant which is incapable of germination.

"Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

"Marijuana, useable" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

"Marijuana production" means a facility licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

"Marijuana processing" means a facility licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesales to marijuana retailers".

"Marijuana retail" means a facility licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

"Medium-speed electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than twenty-five miles per hour but not more than thirty-five miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.

"Micro facility." See Wireless communications facility, micro facility.

"Mini facility." See Wireless communications facility, mini facility.

"Mining" means the development or extraction of a mineral from its natural occurrences on affected land.

"Minor trail." See Trail, minor.

"Mitigation" means an action or combination of actions that avoids, minimizes, or compensates for adverse impacts to critical areas or sensitive resources. Mitigation is considered in the following order of preference:

(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 impacts by repairing, rehabilitating, or restoring the affected environment;(4)Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;(5)Compensating for the impact by replacing, enhancing, or providing substitute resources or

environments;(6)Monitoring the impact and the compensation project and taking appropriate corrective measures.

"Mobile or manufactured home" means a dwelling unit that: (i) is not constructed in accordance with the standards set forth in the Uniform Building Code applicable to site-built homes, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty feet in length and eight feet in width.

"Mobile home, Class A" means a mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

(1)The home has a length not exceeding four times its width;(2)The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;(3)The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;(4)A continuous, permanent masonry foundation, un-pierced except for required ventilation and access, is installed under the home; and(5)The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

"Mobile home, Class B" means a mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A mobile home.

"Mobile home, class C" means any mobile home that does not meet the definitional criteria of a Class A or Class B mobile home.

"Mobile home park" means a residential use in which more than one mobile or manufactured home is located on a single lot.

"Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

"Modular home" means a dwelling unit constructed in accordance with the standards set forth in the Uniform Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets requirements of the Uniform Building Code applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

"Mobile sales and delivery" means sales and delivery of goods or services from a mobile structure, either motorized or not. Mobile sales and delivery are not intended for uses set up in one location on a

semi-permanent basis, but rather for uses that frequently move from one place to another.

"Monopole I." See Wireless communications facility, monopole I.

"Monopole II." See Wireless communications facility, monopole II.

"Native Growth Protection Easement (NGPE)" means an easement granted to the city for the protection of native vegetation within a critical area or its associated buffer.

"Net floor area." See Floor area, net.

"Neighborhood electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.

"Nonconforming lot" means a lot existing at the effective date of this title (and not created for the purposes of evading the restrictions of this title) that does not meet the minimum area requirement of the district in which the lot is located.

"Nonconforming project" means any structure, development, or undertaking that is incomplete at the effective date of this title and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

"Nonconforming sign." See Sign, nonconforming.

"Nonconforming situation" means a situation that occurs when, on the effective date of this title, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this title, or because land or buildings are used for purposes made unlawful by this title. Nonconforming signs shall not be regarded as nonconforming situations for purposes of Chapter 20.32 (Nonconforming Situations) but shall be governed by the provisions of Section 20.68.150 (Nonconforming Signs) and Section 20.68.160 (Amortization of Nonconforming Signs).

"Nonconforming use" means a nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail-clothing store in a residentially zoned area constitutes a nonconforming use.)

"Non-electric vehicle" means any vehicle not defined as an electric vehicle as defined above under 'electric vehicle'.

"Nuisance" means the use of property or course of conduct that interferes with the legal rights of others which causes damage, annoyance, inconvenience, or tends to injure the health, safety, or morals of the city's residents.

"Nursing care home" means a facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.

"Nursing care institution" means an institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

"Occupied" means containing any person or persons for any period exceeding two hours in any twenty-four hour period.

"Occupied space" means an area enclosed or covered providing a ceiling height of seven feet six inches or more, intended for normal use by people on an occasional or more frequent basis. Occupied space may include basements, cellars, penthouses, and interior balconies or mezzanines if the space is intended for use or habitation.

"Off-premises sign." See Sign, off-premises.

"On-premises sign." See Sign, on-premises.

"Open drainage facility" means an above ground facility, such as a pond or bioretention cell, that temporarily stores stormwater runoff.

"Ordinary high water mark" means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the city or the department of ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean high water.

"Owner" means all persons, partnerships, corporations, and other legal entities that have an ownership interest (including purchasers and sellers under a real estate contract if the contract is recorded) in the subject property.

"Parking area aisles" means a portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

"Parking space" means a portion of the vehicle accommodation area set aside for the parking of one vehicle.

"Pedestrian-way" means a tract or easement whose function is to provide public, pedestrian access traversing property outside of a street right-of-way. In some instances, such tracts or easements may be combined with utility tracts or easements.

"Permanent supportive housing" is one or more subsidized, leased dwelling units 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 the Residential Landlord Tenant Act, chapter 59.18 RCW.

"Permit-issuing authority" means wherever this code refers to the "permit-issuing authority" it refers to that person, board, office, or institution having jurisdiction over the permit in question, as specified in Chapters 20.12 (Administrative Mechanisms), 20.16 (Permits and Final Plat Approval), 20.20 (Appeals, Variances, Interpretations), and 20.24 (Hearing and Pre-Hearing Procedures For Appeals and Applications).

"Person" means an individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

"Planning jurisdiction" means the area within the city limits as well as any area beyond the city limits within which the city is authorized to plan for and regulate development, as set forth in Section 20.04.030 (Jurisdiction).

"Planning official" means the director of the department of community development or his/her designee.

"Plat" means 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" means the final drawing of the major subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title.

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

"Plug-in hybrid electric vehicle (PHEV)" means an electric vehicle that (1) contains an internal combustion engine, and also allows power to be delivered to the drive wheels by an electric motor; (2) is able to recharge its battery by connecting to the grid or other off-board electrical source; and (3) has the ability to travel short distances (typically ten miles or more) powered all, or substantially all, by electricity.

"Porch, front" means for the purposes of Section 20.48.040(f) (Building Setback Requirements) a front porch is a covered platform at an entrance to a dwelling, having a separate roof, that is not heated or cooled, and that is attached to the outside of a building.

"Private alley" means a private access or street, at least sixteen feet of pavement, that provides access to residential parcels or units, and that provides principal access to garages or code-required parking

areas. Alleys provide parking and service access, but are not intended for general traffic circulation.

"Public alley" means a public way permanently reserved as a secondary means of access to abutting property.

"Public place of adult entertainment" means any exhibition or dance constituting "adult entertainment," as defined in this section, which is for the use or benefit of a member or members of the adult public, or advertised for the use or benefit of a member or members of the adult public, held conducted, operated or maintained for a profit, direct or indirect.

"Public water supply system" means any water supply system furnishing potable water to two or more dwelling units or businesses or any combination thereof.

"Quarrying." See Mining.

"Rapid charging station" means an industrial grade electrical outlet that allow for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

"Receive-only earth station" means an antenna and attendant processing equipment for reception of electronic signals from satellites.

"Repair or maintenance activities" means an action to restore the character, size, or scope of a project only to the previously authorized condition.

"Residence, duplex" means a two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

"Residence, multi-family" means a residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

"Residence, multi-family apartments" means a multi-family residential use other than a multi-family conversion or multi-family townhouse.

"Residence, multi-family conversion" means a multi-family residence containing not more than four dwelling units and results from the conversion of a single building containing at least two thousand square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

"Residence, multi-family townhouses" means a multi-family resident use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

"Residence, primary with accessory dwelling unit" means a residential use having the external

appearance of a single-family residence but in which there is located a second dwelling unit that is under the same ownership as, and subordinate to the single-family dwelling unit, and that is intended for use as a complete and independent living facility, and that comprises not more than twenty-five percent of the gross floor area of the building nor more than a total of eight hundred square feet.

"Residence, single-family attached, one dwelling unit per lot" means a residential use consisting of a single building containing two dwelling units which share a common wall (including without limitation the wall of an attached garage or porch), but located on two separate lots containing no other dwelling units in such a manner that a lot line bisects the building along the common wall and that each dwelling unit is completely on a separate lot.

"Residence, single-family detached, more than one dwelling per lot" means a residential use consisting of two or more single-family detached dwelling units on a single lot.

"Residence, single-family detached, one dwelling unit per lot" means a residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

"Residence, two-family" means a residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

"Residence, two-family apartment" means a two-family residential use other than a duplex, two-family conversion, or primary residence with accessory dwelling unit.

"Residence, two-family conversion" means a two-family residence resulting from the conversion of a single building containing at least two thousand square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

"Restoration" means action performed to re-establish historic or pre-existing critical area functions and values in areas impacted by human activity. Restoration may include improving some functions and values beyond the historic conditions with commensurate declines in others.

"Right-of-way" means land dedicated primarily to the movement of vehicles and/or pedestrians and providing for primary access to adjacent parcels. Secondly, the land provides space for utility lines and appurtenances and similar components.

"Rooming house." (See Boarding house.)

"School district" means either the Arlington School District or the Lakewood School District, or both.

"Servient lot" means any lot which has the burden of providing an access easement for use by other lots.

"Shoreline master program" means the city's land supplemental use plan and regulations for shorelines adopted pursuant to RCW 90.58.

"Short subdivision." See Subdivision, short.

"Short plat." See Plat, preliminary.

"Sign" means any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (ii) of this definition; and (ii) is designed to attract the attention of such persons or to communicate information to them.

"Signs, blade" means small signs oriented perpendicular to the façade, typically located above or adjacent to the entrance and visible to pedestrian circulation on adjacent sidewalks. Blade signs project directly from the building's façade.

"Signs, canopy" means small signs oriented perpendicular or parallel to the façade, typically located above or adjacent to the entrance and visible to pedestrian circulation on adjacent sidewalks. Canopy signs are suspended from a fixed overhead shelter attached to the building's façade.

"Sign, changeable text" means permanent sign fixtures on or within which text may be periodically changed (e.g., for short-term sales or specials). While the fixture must be permitted, the text may change without a permit as long as it fits within the dimensional parameters of the fixture.

"Sign, freestanding" means a sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich board sign," is also a freestanding sign.

"Signs, marquee" means signs painted on or attached to a marquee.

"Sign, nonconforming" means a sign that, on the effective date of this title, does not conform to one or more of the regulations set forth in this title, particularly Chapter 20.68, Signs.

"Sign, off-premises" means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious, or other noncommercial message shall also be an off-premise sign unless such sign is excluded from regulation under Section 20.68.120 (Miscellaneous Restrictions and Prohibitions).

"Sign, on-premises" means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

"Sign permit" means a permit issued by the building official or community development director that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

"Sign, temporary" means a sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than fifteen days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

"Significant tree(s)." See Tree(s), significant.

"Special events" means circuses, fairs, carnivals, festivals, or other types of special events that (i) run for longer than one day but not longer than two weeks, (ii) are intended to or likely to attract substantial crowds, and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

"Special needs child care home." See Child care home, special needs.

"Special use permit" means a permit issued by the community development director or the hearing examiner that authorizes the recipient to make use of property in accordance with the requirements of this title as well as any additional requirements imposed by the decision-making authority.

"Standard record of survey" means a record of survey form approved by the city of Arlington and in accordance with RCW. 58.09.

"State Highway." See Street, State Highway.

"Storage, shipping, or moving container" means a reusable container that was originally constructed or was originally manufactured to be used for transport, moving and storage. These units are typically constructed or assembled of, but not limited to canvas, corrugated and weathered steel, or aluminum, and come in varying lengths and heights. They are transported by container ships, trucks, or trains. This definition is not intended to include garbage and/or recycling containers.

"Street" means a public street or a street with respect to which an offer of dedication has been made.

"Street, arterial" means a major street in the city's street system that serves as an avenue for the circulation of traffic into, out of, or around the city and carries high volumes of traffic.

"Street, arterial (four-lane)" means a four-lane (two driving lanes in both directions) configuration of an arterial.

"Street, arterial (five-lane)" means a five-lane (two driving lanes in both directions, plus a center turn lane/median) configuration of an arterial.

"Street, collector arterial" means a street whose principal function is to carry traffic between minor, local, and sub collector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred dwelling units and is designed to be used or is used to carry more than one thousand average trips per day.

"Street, county road" means a street under the jurisdiction of Snohomish County.

"Street, cul-de-sac" means a street that terminates in a vehicular turnaround.

"Street, frontage" means a street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties. Such a street may be classified as a local access, local collector, or collector arterial.

"Street, local access" means a street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than twenty-five dwelling units and is expected to or does handle between forty and two hundred fifty average trips per day.

"Street, local collector" means a street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six but not more than one hundred dwelling units and is expected to or does handle between two hundred fifty and one thousand trips per day.

"Street, state highway" means a street under the jurisdiction of Washington State Department of Transportation.

"Structure" means anything constructed or erected.

"Subdivision" means the division or re-division of land into lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership; but the following shall not be included within this definition nor be subject to the regulations of this title applicable strictly to subdivisions: (i) the public acquisition by purchase or dedication of strips of land for widening or opening streets.

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

"Subdivision, short" means the division or re-division of land into nine or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

"Surface water" means water on the earth's surface exposed to the atmosphere.

"Temporary emergency, construction, or repair residence" means a residence (which may be a mobile home) that is: (i) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, or (iii) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

"Temporary sign." See Sign, temporary.

"Tourist home" means a single-family structure in which rooms are rented by the day or week.

"Tower" means any structure whose principal function is to support an antenna.

"Tract. A lot." The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."

"Traffic generation, high volume" means all uses in the 2.000 classification (as listed in 20.40.010, Table of Permissible Uses) other than low-volume traffic generation uses.

"Traffic generation, low volume" means uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

"Trail, major" means a paved multi-use access traversing property outside of a street right-of-way (e.g., Centennial Trail).

"Trail, minor" means a non-paved pedestrian access traversing property outside of a street right-of-way.

"Transitional housing" means one or more dwelling units owned, operated, or managed by a nonprofit organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than twenty-four months, or longer if the program is limited to tenants within a specified age range or the program is intended for tenants in need of time to complete and transition from educational or training or service programs.

"Transportation plan" means the transportation plan element of the city's comprehensive plan, including the city's current six-year transportation improvement plan.

"Travel trailer" means a structure that (i) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and (ii) is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a mobile home.

"Tree(s), significant" means any deciduous tree eight inches or greater in diameter (twenty-five inches in circumference or greater), and any evergreen tree twelve inches or greater in diameter (thirty-seven inches in circumference or greater), measured one foot above the root crown.

"Trees(s), significant stands of" means any stand of healthy trees, not particularly of a large size, that has a high likelihood of withstanding wind-throw even after adjacent trees are removed, and serves or could serve as biological habitat, a recreational or aesthetic amenity, or screening as required by this title.

"Urban growth area" means that portion of the city's planning jurisdiction that lies outside the corporate limits of the city and within the urban growth boundary.

"Use" means the activity or function that actually takes place or is intended to take place on a lot.

"Use, principal" means a use listed in the table of permissible uses.

"Utility easement" means an easement dedicated to utility providers for the purpose of allowing utility facilities and access to them.

"Utility facilities" means any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility

for any purpose by RCW 80.04.015 and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures listed in Subsection 20.60.450(e) Underground Utilities).

"Utility facilities, community or regional" means all utility facilities other than neighborhood facilities.

"Utility facilities, neighborhood" means utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

"Variance" means a grant of permission by the appropriate authority that authorizes the recipient to do that which, according to the strict letter of this title, he could not otherwise legally do.

"Vegetated LID facilities" include bioretention, rain gardens, dispersion, vegetated roofs, and natural treatment areas.

"Vehicular access easement or tract." See Street, private access tract.

"Vehicle accommodation area" means that portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

"Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

"Warehouse storage" means a development of one or more enclosed structures providing individual accessible or generally accessible areas for temporary storage of bulk merchandise or inventory of commercial goods to be utilized in a separate location. This use shall not be used for residential occupancy, commercial or business operations, or operation of machinery within the leased space (except for equipment used in the operation of the facility, i.e. fork lifts, cranes, or similar equipment). The term "warehouse" does not refer to "self-storage facilities."

"Wholesale sales" means on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

"Wireless communications facility, micro facility" means an wireless communication facility which consists of antennas equal to or less than four feet in height (except omni directional antennas which may be up to six feet in height) and with an area of not more than five hundred eighty (580) square inches in the aggregate (e.g. one foot diameter parabola or 2' x 1.5' panel) as viewed from any one point.

"Wireless communications facility, mini facility" means an wireless communication facility which consists of antennas equal to or less than ten feet in height or a parabolic antenna up to one meter (39.37 inches) in diameter and with an area not more than fifty square feet in the aggregate as viewed from any one point.

"Wireless communications facility, macro facility" means a wireless communication facility which consists of antennas equal to or less than 15 feet in height or a parabolic antenna up to one meter (39.37 inches) in diameter and with an area not more than one hundred square feet in the aggregate as viewed from any one point.

"Wireless communications facility, monopole I" means a wireless communication facility that consists of a support structure, the height of which shall not exceed sixty feet.

"Wireless communications facility, monopole II" means a wireless communication facility that consists of a wireless communications support structure, up to a maximum of one hundred fifty feet in height erected to support wireless communication antennas and connecting appurtenances.

"Wireless communications facility, lattice tower" means a wireless communication support structure that consists of metal crossed strips or bars to support antennas and related equipment.

"Wooded area" means an area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per three hundred twenty-five square feet of land and where the branches and leaves form a contiguous canopy.

"Zoning permit" means a permit issued by the city that authorizes the recipient to make use of property in accordance with the requirements of this title.

"Zoning verification" means an administrative approval granted by the city that authorizes the recipient to make use of property in accordance with the requirements of this title.

(Ord. 1454 §§ 1, 2, 2008; Ord. 1438 § 1, 2007; Ord. 1411 § 13, 2007; Ord. 1365 §§ 1, 13, 14, 2005; Ord. 1351 § 2, 2004; Ord. 1312 § 1, 2003; Ord. 1309 § 5(part), 2003)

(Ord. No. 2011-002, 2-7-2011; Ord. No. 2011-026, §§ 1, 2, 10-3-2011; Ord. No. 2013-010, § 2, 8-5-2013; Ord. No. 2014-002, § 2, 2-3-2014; Ord. No. 2014-015, § 2, 10-6-2014; Ord. No. 2015-021, § 1, 10-5-2015; Ord. No. 2015-025, § 1, 10-19-2015; Ord. No. 2016-003, § 1, 2-2-2016; Ord. No. 2016-015, § 1, 8-1-2016; Ord. No. 2017-015, § 2, 11-6-2017)

Chapter 20.40
PERMISSIBLE USES

Sections:

20.40.010 Table of Permissible Uses.

20.40.020 Use of Designations Z, S, C in table of Permissible Uses.

20.40.030 Community Development Director Jurisdiction over uses otherwise Permissible with a Zoning Permit.

20.40.040 Permissible Uses and Specific Exclusions.

20.40.050 Accessory Uses.

20.40.060 Permissible Uses not Requiring Land Use Permits.

20.40.070 Change in Use.

20.40.080 Combination Uses.

20.40.090 More Specific Use Controls.

20.40.010 - Table of permissible uses.

Table 20.40-1, the Table of Permissible Uses sets forth the permissible uses within the respective zoning classifications in the city, subject to other applicable provisions in this title. It should be read in close conjunction with the definitions of terms set forth in Section 20.08.010 (definitions of basic terms) and the other interpretative provisions set forth in this article.

(Ord. 1388 § 3, 2006; Ord. 1363 § 3, 2005; Ord. 1309 § 5(part), 2003)

(Ord. No. 2013-010, § 3, 8-5-2013; Ord. No. 2014-002, § 3, 2-3-2014; Ord. No. 2015-021, § 2, 10-5-2015)

20.40.020 - Use of the designations Z, S, C in table of permissible uses.

(a) Subject to Section 20.40.030 (community development director jurisdiction over uses otherwise permissible with a zoning permit), when used in connection with a particular use in the table of permissible uses (Section 20.40.010), the letter "P" means that the use is permissible with a valid city business license. The letters "ZV" mean that the use is permissible with a zoning verification approval. The letters ACUP mean that the use is permissible with an administrative conditional use permit. The letter "Z" means that the use is permissible in the indicated zone with a zoning permit issued by the community development director. The letter "S" means a special use permit must be obtained from the community development director or hearing examiner, and the letter "C" means a conditional use permit must be obtained from the hearing examiner.

(b) When used in connection with residential uses (use classification 1.000), the designation "ZSC" means that such developments of less than twenty dwelling units must be pursuant to a zoning permit, developments of twenty or more but less than fifty dwelling units need a special use permit, and developments of fifty or more dwelling units require a conditional use permit.

(c) When used in connection with nonresidential uses, the designation "ZS" or "ZC" means that such developments require a zoning permit if the total area to be developed is less than four acres in size, and a special or conditional use permit, respectively, if the total area is four acres or larger in area. The area to be developed shall be measured using a rectangular perimeter enclosing the full extent of the on-site development, including any development that may be necessary to meet the requirements of this title. If development occurs in succession over time, then a special or conditional use permit shall be required at the point when the entire developed or developing area surpasses four acres.

(d) Use of the designation ZSC for combination uses is explained in Section 20.40.080 (Combination Uses).

(Ord. 1309 § 5(part), 2003)

(Ord. No. 2015-021, § 3, 10-5-2015)

20.40.030 - Community development director jurisdiction over uses otherwise permissible with a zoning permit.

Notwithstanding any other provisions of this chapter, whenever the Table of Permissible Uses (interpreted in the light of Section 20.40.020 (Use of the Designations Z, S, C in Table of Permissible Uses) and the other provisions of this chapter) provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special use permit shall nevertheless be required if the community development director finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the community development director shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

(Ord. 1309 § 5(part), 2003)

20.40.040 - Permissible uses and specific exclusions.

(a) The presumption established by this title is that all legitimate uses of land are addressed within the Table of Permissible Uses, and are either allowed or not allowed thereby. But because the list of permissible uses set forth in Section 20.40.010 (Table of Permissible Uses) cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(b) Notwithstanding Subsection (a), all distinct uses that are not listed in Section 20.40.010 (Table of Permissible Uses), even given the liberal interpretation mandated by Subsection (a), are prohibited. Nor shall Section 20.40.010 (Table of Permissible Uses) be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts. Similarly, all uses listed but left blank under the zone compatibility columns are prohibited.

(c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

(1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the city's fire prevention code.

(2) Stockyards, slaughterhouses, rendering plants.

(3) Use of a travel trailer, motor home, or other recreational vehicle as a permanent residence. (Temporary residence is permitted under certain conditions pursuant to Section 20.44.044, Recreational Vehicles as Temporary Dwelling Units).

(4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. This prohibition does not apply to temporary public services, such as bookmobiles, blood donation centers, public service information, etc. (Situations that do not comply with this subsection on the effective date of this title are required to conform within thirty days.)

(5) The following activities, including any similar activities, are prohibited as home occupations in all zones: marijuana production, marijuana processing, and marijuana retail.

(6) The number of permanent supportive housing units and transitional housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the zoning of the property, PROVIDED THAT in no case shall the number of permanent

supportive housing units and transitional housing units allowed on any given property exceed ten. No permanent supportive housing unit or transitional housing unit may be located within one mile of another property than contains permanent supportive housing or transitional housing. Each unit of permanent supportive housing or transitional housing shall be limited to occupancy by one family as that term is defined in the AMC. All permanent support housing units and transitional housing units shall be within a quarter mile walking distance to a Community Transit bus stop. Permanent supportive housing or transitional housing shall not be located within a mile of emergency housing and emergency shelters.

(7) The occupancy of an emergency shelter or emergency housing facility shall be limited to no more than five families or twenty people, whichever is fewer. There shall be no more than one continuously operating emergency shelter in the city and no more than one continuously operating emergency housing facility within the city. As used herein, the phrase "continuously operating" is intended to exclude emergency shelters and emergency housing facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency that has caused unexpected homelessness within the city. No continuously operating emergency shelter may be located within a mile of a continuously operating emergency housing facility. No continuously operating emergency housing facility may be located within a mile of a continuously operating emergency shelter. Emergency housing and emergency shelters shall not be located within a mile of permanent supportive housing or transitional housing units.

(Ord. 1309 § 5(part), 2003)

(Ord. No. 2014-002, § 4, 2-3-2014)

20.40.050 - Accessory uses.

(a) The table of permissible uses (Section 20.40.010) classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.

(b) For purposes of interpreting Subsection (a):

(1) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use,

(2) To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

(c) Without limiting the generality of Subsections (a) and (b), the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:

(1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot (or lots where the principal use occupies more than one lot) as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.

(2) Hobbies or recreational activities of a noncommercial nature.

(3) The renting out of one or two rooms within a single-family residence (which one or two rooms do not themselves constitute a separate dwelling unit) other than on a daily or weekly basis to not

more than two persons who are not part of the family that resides in the single-family dwelling.

(4) Yard sales or garage sales, so long as such sales are not conducted on the same lot (or lots where the principal use occupies more than one lot) for more than three days (whether consecutive or not) during any ninety-day period.

(d) Without limiting the generality of Subsections (a) and (b), the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.

(1) Abandoned vehicles as regulated by AMC Chapter 9.92 (Abandoned Vehicles).

(Ord. 1309 § 5(part), 2003)

(Ord. No. 2015-021, § 4, 10-5-2015)

20.40.060 - Permissible uses not requiring land use permits.

Notwithstanding any other provisions of this title, no zoning, special use, or conditional use permit is necessary for the following uses:

(1) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.

(2) Neighborhood, but not regional, utility facilities located within a public right-of-way with the permission of the owner (state or city) of the right-of-way.

(Ord. 1309 § 5(part), 2003)

(Ord. No. 2015-021, § 5, 10-5-2015)

20.40.070 - Change in use.

(a) A substantial change in use of property occurs whenever a new use or activity conducted on a lot creates a more intensive impact to the site in question or to the infrastructure of the city than the previous use, as determined by the community development director and/or his or her designee.

(b) A mere change in the status of property from occupied to unoccupied or vice versa does not constitute a substantial change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than one hundred eighty consecutive days or has been abandoned.

(c) A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a substantial change in use.

(Ord. 1411 § 32, 2007; Ord. 1309 § 5(part), 2003)

20.40.080 - Combination uses.

(a) When a combination use comprises two or more principal uses that require different types of permits (zoning, special use, or conditional use), then the permit authorizing the combination use shall be:

(1) A conditional use permit if any of the principal uses combined requires a conditional use permit.

(2) A special use permit if any of the principal uses combined requires a special use permit but none requires a conditional use permit.

(3) A zoning permit in all other cases. This is indicated in the Table of Permissible Uses by the designation ZSC in each of the columns adjacent to the 29.000 classification.

(Ord. No. 1312, 11-17-2003; Ord. 1309 § 5(part), 2003)

20.40.090 - More specific use controls.

Exhibit A

Whenever a development could fall within more than one use classification in the table of permissible uses (Section 20.40.010), the classification that most closely and most specifically describes the development controls.

(Ord. No. 2015-021, § 6, 10-5-2015)

Exhibit A

| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | |
|--|-------------|------------|-------------|------------|------------|-------------------------|----|-------|-------|----------|----|------------------------|----|----|----|----|----|----|------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP |
| 1.122 Cottage Housing | | ZSC | ZSC | ZSC | ZSC | | | | | | | | | | | | | | |
| 1.123 Single-Family apartment above permitted non-residential use (one only) ¹⁷ | | | | | | | ZV | ZV | ZV | ZV | ZV | | ZV | | | | | | |
| 1.200 Two-Family Residences | | | | | | | | | | | | | | | | | | | |
| 1.210 Two-family conversion ² | | ZV | ZV | ZV | ZV | ZV | | | | | | | | | | | | | |
| 1.220 Accessory dwelling unit ^{2,12} | ZV | ZV | ZV | ZV | ZV | ZV | | | | | | | | | | | | | |
| 1.230 Duplex ² | | ZV | ZV | ZV | ZV | ZV | | | | | | | | | | | | | |
| 1.250 Any 1.200 use above a permitted non-residential use (one only) ¹⁷ | | | | | | | ZV | ZV | ZV | ZV | ZV | | | | | | | | |
| 1.300 Multi-Family Residences | | | | | | | | | | | | | | | | | | | |
| 1.310 Multi-family conversions | | | <u>ZSC</u> | ZSC | ZSC | | | | | Z | | | | | | | | | |
| 1.320 Multi-family townhouses | | | <u>ZSC</u> | ZSC | ZSC | | | | | Z | | | | | | | | | |
| <u>1.321 Multi-family rowhouses³¹</u> | | | <u>ZSC</u> | <u>ZSC</u> | <u>ZSC</u> | <u>ZSC</u> | | | | <u>Z</u> | | <u>ZSC</u> | | | | | | | |

Exhibit A

| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | |
|---|-------------|------------|-------------|------------|------------|-------------------------|----------|----------|----------|----------|----------------------|------------------------|----------|-----|----|----|----|----|------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP |
| 1.424 Halfway houses ⁷ | | | | C | C | | | | | C | | | | | | | | | |
| 1.425 Adult Family Homes (6 or fewer adults) | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | | Z | | | | | Z | |
| <u>1.426 Permanent Supportive Housing³²</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | | | | | | |
| <u>1.427 Transitional Housing³²</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | | | | | | |
| 1.500 Miscellaneous, rooms for rent situations | | | | | | | | | | | | | | | | | | | |
| 1.510 Rooming houses, boarding houses | Z | Z | Z | Z | Z | Z | | | Z | Z | | | | | | | | | |
| 1.520 Tourist homes and other temporary residences renting by the day or week | Z | Z | Z | Z | Z | Z | | Z | Z | Z | | | | | | | | | |
| 1.530 Hotels, motels, and similar businesses or institutions providing overnight accommodations | | | | | | | | ZSC | ZSC | ZSC | ZSC 48 | | ZSC | ZSC | | | | | |
| <u>1.540 Emergency Housing³³</u> | | | | | | | | | | | | | <u>C</u> | | | | | | |

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| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | |
|--|-------------|------------|-------------|------------|------------|-------------------------|----|-------|-------|-------|------------------------------|------------------------|----------|----|----|----|-----------------|----|------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP |
| <u>1.550 Emergency Shelter³³</u> | | | | | | | | | | | | | <u>C</u> | | | | | | |
| 1.600 In-Home Child Day Care | P | P | P | P | P | P | | P | P | P | | | | | | | | | |
| 2.000 SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT | | | | | | | | | | | | | | | | | | | |
| 2.100 No storage of goods outside fully enclosed building | | | | | | | | | | | | | | | | | | | |
| 2.110 General Mercantile | | | | | | | ZC | ZC | ZC | ZC | ZS ₈ ¹ | <u>ZS</u> | ZS | | | | | | |
| 2.111 Convenience stores | | | | | | | Z | Z | Z | Z | Z | <u>ZS</u> | Z | | | | | | |
| 2.112 Distribution Center | | | | | | | | | | | | | | | ZS | ZS | | | |
| 2.113 Wholesale sales | | | | | | | | | | | ZS ₈ ¹ | | ZS | ZS | ZS | ZS | Z ₁₁ | | |
| 2.120 Sales/Rentals incidental to a non-retail principle use | | | | | | | ZC | ZC | ZC | ZC | ZS | | ZS | ZS | ZS | ZS | Z ₁₁ | | |

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| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | | |
|---|-------------|------------|-------------|------------|------------|-------------------------|----|-------|-------|-------|----|------------------------|----|----|----|----|----|----|------|--|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP | |
| 2.200 Storage and display of goods outside fully enclosed building allowed | | | | | | | | | | | | | | | | | | | | |
| 2.210 General Mercantile ¹⁷ | | | | | | | | | ZC | ZC | ZS | <u>ZS</u> | ZS | | | ZS | | | | |
| 2.220 Sales/Rentals incidental to a non-retail principle use | | | | | | | | | ZC | ZC | ZS | | ZS | | ZS | ZS | | | | |
| 2.230 Wholesale sales | | | | | | | | | | | | ZS | | ZS | | | ZS | | | |
| 2.240 Distribution Center | | | | | | | | | | | | | | | | ZS | ZS | | | |
| 2.300 Transient Merchant Sales (vending carts, food trucks, ice cream trucks, mobile delivery, peddlers, and similar uses) ³ | P | P | P | P | P | P | P | P | P | P | P | <u>ZS</u> | P | P | P | P | P | P | P | |
| 3.000 OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE | | | | | | | | | | | | | | | | | | | | |
| 3.100 All operations conducted entirely within fully enclosed building | | | | | | | | | | | | | | | | | | | | |

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| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | |
|--|-------------|------------|-------------|------------|------------|-------------------------|----|-------|-------|-------|------------------|------------------------|----|----|----|------------------|----|------------------|------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP |
| 3.110 Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stockbrokers, travel agencies, government office buildings, etc. | | | | | | | ZS | ZS | ZS | ZS | ZS ₁₈ | <u>ZS</u> | ZS | ZS | ZS | ZS ₁₅ | | ZS ₁₂ | ZS |
| 3.120 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use | | | | | | | | | | | | | | | | | | | |
| 3.121 Such operations conducted on any floor level | | | | | | | | | ZS | ZS | ZS | | ZS | ZS | ZS | ZS | | Z ₁₁ | ZS |
| 3.122 Such operations conducted on second or higher floors, but not on the ground floor | | | | | | | | ZS | ZS | ZS | ZS | | ZS | ZS | ZS | ZS | | Z ₁₁ | |
| 3.130 Office or clinics of physicians or dentists | | | | | | | ZS | ZS | ZS | ZS | ZS | <u>SC</u> | ZS | ZS | | | | ZS | |

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| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | |
|--|------------------|------------------|------------------|------------|------------|-------------------------|----|-------|-------|-------|------------------|------------------------|----|----|------------------|------------------|----|----|-------------------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP |
| 6.121 Seating capacity of not more than 300 ¹⁷ | | | | | | | ZS | ZS | ZS | ZS | ZS | | ZS | | | | | | |
| 6.122 Unlimited seating capacity ¹⁷ | | | | | | | | | ZS | ZS | ZS | | ZS | | | | | | |
| 6.130 Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people ^{17, 18} | | | | | | | | | | | ZS | | ZS | ZS | ZS | ZS | | | |
| 6.200 Activities conducted primarily outside enclosed buildings or structures | | | | | | | | | | | | | | | | | | | |
| 6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc | C | C | C | C | C | C | | | | | ZS | | ZS | ZS | ZS | ZS | | | |
| 6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, | ZS ¹⁸ | ZS ₁₈ | ZS ¹⁸ | ZS | ZS | ZS | ZS | ZS | ZS | ZS | ZS ₁₈ | | ZS | ZS | ZS ₁₈ | ZS ₁₈ | | | ZSC ₁₀ |

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| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | | |
|---|-----------------|-----------------|-----------------|------------|------------|-------------------------|----|-------|-------|-------|------------------|------------------------|----|----|------------------|------------------|----|-----|------|-------------------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP | |
| <i>golf courses, tennis courts, swimming pools, parks, etc.,</i> | | | | | | | | | | | | | | | | | | | | |
| <i>6.230 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses¹⁷</i> | C ¹⁸ | C ¹⁸ | C ¹⁸ | ZS | ZS | | | | ZS | ZS | ZS ₁₈ | | ZS | ZS | ZS ₁₈ | ZS ₁₈ | | | | ZSC ₁₀ |
| <i>6.250 Indoor Automobile and motorcycle racing tracks</i> | | | | | | | | | | | | | | | ZC | ZC | | | | |
| <i>6.260 Drive-in movie theaters^{17, 18}</i> | | | | | | | | | | | ZS | | ZS | | ZS | ZS | | | | |
| 7.000 INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES | | | | | | | | | | | | | | | | | | | | |
| <i>7.100 Hospitals, clinics, other medical (including mental health)^{17, 18}</i> | | | | ZS | ZS | C | | | ZS | ZS | ZS | | ZS | ZS | ZS | | | ZSC | | C ¹⁰ |
| <i>7.200 Nursing care institutions, intermediate care institutions, handicapped or infirm</i> | C | C | C | ZS | ZS | C | ZS | | ZS | ZS | ZS | | ZS | ZS | ZS | | | ZSC | | |

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| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | |
|--|-------------|------------|-------------|------------|------------|-------------------------|----|-------|-------|-------|------------------|------------------------|----|----|------------------|----|-----------------|----|-----------------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP |
| <i>institutions, child care institutions^{17, 18}</i> | | | | | | | | | | | | | | | | | | | |
| <i>7.300 Institutions (other than halfway houses) where mentally ill persons are confined^{17, 18}</i> | C | C | C | ZS | ZS | C | C | | | ZS | ZS | | ZS | ZS | ZS | | | C | |
| <i>7.400 Penal and correctional facilities^{13, 18}</i> | | | | | | | | | | | | | | | | | | | C ¹⁰ |
| 8.000 RESTAURANTS, BARS, NIGHT CLUBS | | | | | | | | | | | | | | | | | | | |
| <i>8.100 No substantial carry-out or delivery service; no drive-thru service; service or consumption inside or outside fully enclosed building</i> | | | | | | | ZS | ZS | ZS | ZS | ZS ₁₈ | <u>ZS</u> | ZS | ZS | ZS ₁₈ | | Z ₁₁ | | |
| <i>8.300 Carry-out and delivery service; no drive-thru service; consumption outside fully enclosed building allowed</i> | | | | | | | ZS | ZS | ZS | ZS | ZS | <u>ZS</u> | ZS | ZS | ZS | ZS | Z | | |
| <i>8.400 Carry-out and delivery service; drive-thru service;</i> | | | | | | | ZS | | ZS | ZS | ZS | | ZS | | ZS | | | | |

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| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | | |
|---|-------------|------------|-------------|------------|------------|-------------------------|----|-------|-------|-------|----|------------------------|----|----|----|----|----|-----------------|------|-------------------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP | |
| 9.210 Aircraft sales or rental | | | | | | | | | | | | | | | | | | Z ₁₁ | | |
| 9.220 Aircraft sales with installation of aircraft parts or accessories (e.g., propellers, tires, mufflers, etc.) | | | | | | | | | | | | | | | | | | Z ₁₁ | | |
| 9.230 Aircraft repair and maintenance, not including substantial body work | | | | | | | | | | | | | | | | | | Z ₁₁ | | |
| 9.240 Aircraft painting and body work | | | | | | | | | | | | | | | | | | Z ₁₁ | | |
| 9.250 Aviation fuel sales | | | | | | | | | | | | | | | | | | Z ₁₁ | | |
| 9.260 Aircraft wash | | | | | | | | | | | | | | | | | | Z ₁₁ | | |
| 10.000 STORAGE AND PARKING | | | | | | | | | | | | | | | | | | | | |
| 10.100 Off-site automobile parking garages or parking lots | | | | | | | | | ZS | ZS | ZS | | ZS | ZS | ZS | ZS | | | | ZSC ₁₀ |

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| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | | |
|---|-------------|------------|-------------|------------|------------|-------------------------|----|-------|-------|-------|----|------------------------|----|----|------------------|----|----|-----------------|------|-------------------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP | |
| 10.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored | | | | | | | | | | | | | | | | | | | | |
| 10.210 Storage, Shipping, or Moving Container (accessory use only) | | | | | | | | | | | | | | | ZS | ZS | | | | |
| 10.220 Warehouse Storage Facility | | | | | | | | | | | | | | | ZS ₂₈ | ZS | | | | |
| 10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (I) vehicles or equipment are owned and used by the person making use of lot, and (II) parking or storage is more than a minor and incidental part of the overall use made of the lot | | | | | | | | | | | | | | | | ZS | | | | ZSC ₁₀ |
| 10.400 Parking or storage of aircraft, either inside or outside completely enclosed structures | | | | | | | | | | | | | | | | | | Z ₁₁ | | |

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| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | |
|--|-------------|------------|-------------|------------|------------|-------------------------|----|-------|-------|-------|----|------------------------|----|----|----|------------------|-----------------|----|-------------------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP |
| 11.000 SCRAP MATERIALS SALVAGE YARDS, JUNKYARDS, AUTOMOBILE GRAVEYARDS AND AUTOMOBILE RECYCLING FACILITIES | | | | | | | | | | | | | | | | ZS ₁₉ | | | |
| 12.000 SERVICES AND ENTERPRISES RELATED TO ANIMALS | | | | | | | | | | | | | | | | | | | |
| 12.100 Veterinarian | | | | | | | ZS | | ZS | | ZS | <u>ZS</u> | ZS | ZS | ZS | ZS | | | |
| 12.200 Kennel | | | | | | | | | | | ZS | | ZS | | ZS | ZS | | | |
| 12.300 Pet Grooming/Pet Store | | | | | | | ZS | ZS | ZS | | ZS | <u>ZS</u> | ZS | | | | | | |
| 13.000 EMERGENCY SERVICES | | | | | | | | | | | | | | | | | | | |
| 13.100 Police Stations ¹⁸ | C | C | C | C | C | C | S | ZS | ZS | ZS | ZS | | ZS | ZS | ZS | ZS | Z ₁₁ | | ZSC ₁₀ |
| 13.200 Fire Stations ¹⁸ | C | C | C | C | C | C | S | ZS | ZS | ZS | ZS | | ZS | ZS | ZS | ZS | Z ₁₁ | | ZSC ₁₀ |
| 13.300 Rescue squad, ambulance service ¹⁸ | C | C | C | C | C | C | S | ZS | ZS | ZS | ZS | | ZS | ZS | ZS | ZS | Z ₁₁ | | ZSC ₁₀ |

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|--|-------------|------------|-------------|------------|------------|-------------------------|----|-------|-------|-------|----|------------------------|----|----|----|-----------------|-----------------|-----------------|-------------------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP |
| 15.100 Post Office | | | | | | | ZS | ZS | ZS | ZS | ZS | | ZS | ZS | ZS | ZS | | | ZSC ₁₀ |
| 15.200 Airport | | | | | | | | | | | | | | | | | | C ₁₁ | C ¹⁰ |
| 15.300 Solid Waste Facilities (Publicly or Privately owned) | | | | | | | | | | | | | | | | | | | |
| 15.310 Solid Waste Transfer Station | | | | | | | | | | | | | | | | ZS ⁶ | | | ZSC ₁₀ |
| 15.320 Solid Waste Recycling Center | | | | | | | | | | | | | | | | ZS ⁶ | | | ZSC ₁₀ |
| 15.330 Sanitary Landfill | | | | | | | | | | | | | | | | ZS ⁶ | | | ZSC ₁₀ |
| 15.340 Biosolid Recycling | | | | | | | | | | | | | | | | ZS ⁶ | Z ₁₁ | | ZSC ₁₀ |
| 15.400 Military Reserve, National Guard Centers | | | | | | | | | | | ZS | | ZS | ZS | ZS | ZS | Z ₁₁ | | ZSC ₁₀ |
| 15.500 Temporary mobile or modular structures used for public services (e.g., mobile | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | | Z | Z | Z | Z | Z ₁₀ | | Z ¹⁰ |

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|---|-------------|------------|-------------|------------|------------|-------------------------|----|-------|-------|-------|----|------------------------|----|----|----|----|------------------|----|------------------|--|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP | |
| <i>classrooms, civic services, public health centers, emergency response centers, etc.)</i> | | | | | | | | | | | | | | | | | | | | |
| <i>16.000 DRY CLEANER, LAUNDROMAT</i> | | | | | | | ZS | | ZS | ZS | ZS | | ZS | ZS | ZS | | | | | |
| <i>17.000 UTILITY FACILITY</i> | | | | | | | | | | | | | | | | | | | | |
| <i>17.100 Neighborhood</i> | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | | Z | Z | Z | Z | Z ₁₁ | | ZS ¹⁰ | |
| <i>17.200 Community or Regional</i> | C | C | C | C | C | C | C | | | C | C | | C | C | ZS | ZS | Z ₁₁ | | ZS ¹⁰ | |
| <i>18.000 TOWERS AND RELATED STRUCTURES^{18, 28}</i> | | | | | | | | | | | | | | | | | | | | |
| <i>18.100 Non-Commercial Towers</i> | | | | | | | | | | | | | | | | | | | | |
| <i>18.110 Towers and antennas 50 feet tall or less</i> | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | <u>ZS</u> | Z | Z | Z | Z | Z ₁₁ | | Z ¹⁰ | |
| <i>18.120 Towers and antennas more than 50 feet tall and receive-only earth stations</i> | S | S | S | S | S | S | Z | | | S | ZS | <u>ZS</u> | ZS | ZS | ZS | ZS | ZS ₁₁ | | ZS ¹⁰ | |

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| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | | |
|---|-------------------------|------------|-------------|------------|------------|-------------------------|----|-------|-------|-------|------------------|------------------------|----|----|------------------|------------------|----|----|------------------|--|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP | |
| 19.100 Temporary (Seasonal) Farmer's market ¹⁷ | | | | | | | ZS | ZS | ZS | ZS | ZS | | ZS | | | | | | | |
| 19.200 Horticultural sales with outdoor display | | | | | | | ZS | | | | ZS | | ZS | | | ZS | | | | |
| 19.300 Cannabis collective gardens | Prohibited in All Zones | | | | | | | | | | | | | | | | | | | |
| 19.400 Cannabis dispensaries | Prohibited in All Zones | | | | | | | | | | | | | | | | | | | |
| 20.000 FUNERAL HOME | | | | | | | ZS | ZS | ZS | ZS | ZS | | ZS | ZS | ZS | ZS | | | | |
| 21.000 CEMETERY AND CREMATORIUM | | | | | | | | | | | | | | | | | | | | |
| 21.100 Cemetery ¹⁷ | ZS | ZS | ZS | ZS | ZS | ZS | | | | | | | | ZS | ZS | ZS | | | ZS ¹⁰ | |
| 21.200 Crematorium | | | | | | | ZS | ZS | ZS | ZS | ZS | | ZS | ZS | ZS | ZS | | | ZS ¹⁰ | |
| 22.000 COMMERCIAL NURSERY SCHOOLS; DAY CARE CENTERS ¹⁷ | S | S | S | S | S | S | ZS | | ZS | ZS | ZS ₁₈ | <u>ZS</u> | ZS | ZS | ZS ₁₈ | ZS ₁₈ | | | ZS ¹⁸ | |
| 23.000 NEW OR IMPROVED STREETS | ZV | ZV | ZV | ZV | ZV | ZV | ZV | ZV | ZV | ZV | ZV | | ZV | ZV | ZV | ZV | ZV | ZV | ZV | |

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| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | |
|--|--|------------|-------------|------------|------------|-------------------------|----|-------|-------|-------|----|------------------------|----|----|----|----|----|----|-----------------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP |
| 24.000 BUS STATION, TRAIN STATION ¹⁷ | | | | | | | ZS | ZS | ZS | ZS | ZS | <u>ZSC</u> | ZS | ZS | ZS | ZS | | | ZS |
| 25.000 COMMERCIAL GREENHOUSE OPERATIONS | | | | | | | | | | | | | | | | | | | |
| 25.100 No on-premises sales | | | | | | | | | | | | | | | | ZS | | | |
| 25.200 On-premise sales permitted | | | | | | | | | | | ZS | | ZS | ZS | | ZS | | | |
| 26.000 SPECIAL EVENTS | P | P | P | P | P | P | P | P | P | P | P | | P | P | P | P | P | P | P |
| 27.000 OFF-PREMISE SIGNS | <i>Prohibited in all zones except for those exempt pursuant to Section 20.68.120 (Miscellaneous Restrictions and Prohibitions)</i> | | | | | | | | | | | | | | | | | | |
| 28.000 SUBDIVISIONS, <u>BINDING STIE PLAN</u> & BOUNDARY ADJUSTMENTS | | | | | | | | | | | | | | | | | | | |
| 28.100 Major | C | C | C | C | C | C | C | C | C | C | C | | C | C | C | C | C | | C ¹⁰ |
| 28.200 Short | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | | Z | Z | Z | Z | Z | | Z ¹⁰ |
| 28.300 Boundary Line Adjustments | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | | Z | Z | Z | Z | Z | | Z ¹⁰ |

Exhibit A

| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | |
|--|--|------------|-------------|------------|------------|-------------------------|-----|-------|-------|-------|-----|------------------------|-----|-----|-----|-----|-----|-----|-------------------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP |
| 28.400 Unit Lot | | | ZSC | ZSC | ZSC | ZSC ³⁰ | | | | | | <u>ZSC</u> | | | | | | | |
| 29.000 COMBINATION USES | ZSC | ZSC | ZSC | ZSC | ZSC | ZSC | ZSC | ZSC | ZSC | ZSC | ZSC | <u>ZSC</u> | ZSC | ZSC | ZSC | ZSC | ZSC | ZSC | ZSC ¹⁰ |
| 30.000 PLANNED DEVELOPMENTS | | | | | | | | | | | | | | | | | | | |
| 30.200 Master Planned Neighborhood Developments ²⁰ | <i>Permissible only in Master Planned Neighborhood districts with legislative approval</i> | | | | | | | | | | | | | | | | | | |
| 32.000 LAND CLEARING, LOGGING IN CONFORMANCE WITH CHAPTER 20.88 (ENVIRONMENTALLY CRITICAL AREAS) BUT OF MORE THAN 10,000 ft. ² OF PROPERTY WITHIN ONE YEAR ⁹ | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | | Z | Z | Z | Z | Z | | Z ¹⁰ |
| 33.000 USES PERMISSIBLE IN CRITICAL AREAS (SEE CHAPTER 20.93) | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | | Z | Z | Z | Z | Z | | Z ¹⁰ |
| 34.000 MARIJUANA PRODUCTION, PROCESSING, AND RETAIL | | | | | | | | | | | | | | | | | | | |

Exhibit A

| USE DESCRIPTION | ZONES | | | | | | | | | | | | | | | | | | |
|-----------------------------|-------------|------------|-------------|------------|------------|-------------------------|----|-------|-------|-------|----|------------------------|----|----|----|-----------------|-----------------|----|------|
| | <u>RULC</u> | <u>RLC</u> | <u>RMod</u> | <u>RMC</u> | <u>RHC</u> | <u>OTR²⁹</u> | NC | OTBD1 | OTBD2 | OTBD3 | GC | <u>CC³⁰</u> | HC | BP | LI | GI | AF | MS | P/SP |
| 34.100 Marijuana production | | | | | | | | | | | | | | | | Z ²⁷ | Z ²⁷ | | |
| 34.200 Marijuana processing | | | | | | | | | | | | | | | | Z ²⁷ | Z ²⁷ | | |
| 34.300 Marijuana retail | | | | | | | | | | | Z | | Z | | | | | | |

Footnotes to the Table of Permissible Uses

These footnotes are intended to be a helpful reminder that specific uses may be subject to supplemental regulations. The lack of a footnote does not mean that a particular use is not subject to applicable supplemental use regulations. If a particular use does not have a footnote, there still may be applicable supplemental use regulations. If a proposed use is clearly intended to comply with specific supplemental use regulations, then it is subject to them. The community development director will make the determination of whether specific supplemental use regulations are applicable to a particular project. Please see Chapter 20.44 for a complete list of the supplemental use regulations.

- ¹ Subject to Section 20.44.060 (Minimum Parcel Sizes for Class "A," "B," or "C" Mobile Homes).
- ² Subject to Section 20.48.010 (Minimum Lot Size Requirements).
- ³ Subject to Section 20.44.080 (Mobile Sales and Delivery).
- ⁶ Subject to Section 20.44.010 (Solid Waste, Quarrying, Mining, and Similar Uses).
- ⁷ Subject to Section 20.44.070 (Homes Emphasizing Special Services, Treatment, or Supervision).
- ⁸ Subject to Section 20.44.034 (Wireless Communications Facilities)
- ⁹ Subject to Section 20.44.110 (Permits for Land Clearing)
- ¹⁰ Use allowed in the Public/Semi-Public district when it is conducted by a public/semi-public agency for the benefit of the general public.

Exhibit A

- ¹¹ Such uses allowed only if in compliance with the intent of the zone as established in Section 20.36.034 (Aviation Flightline District Established).
- ¹² Such uses allowed only if in compliance with the intent of the zone as established in Section 20.36.036 (Medical Services District Established).
- ¹³ Subject to Section 20.44.096 (Penal and Correctional Facilities).
- ¹⁴ Subject to Section 20.44.016 (Mixed Use Developments).
- ¹⁵ Subject to Section 20.44.084 (Stand Alone Office Uses in the General Industrial Zone).
- ¹⁶ Subject to Section 20.44.062 (Trade or Vocational Schools in the OTB-1).
- ¹⁷ Subject to Section 20.38.070 (Restrictions on Certain Use Classifications on Arlington Airport Property).
- ¹⁸ Subject to Section 20.38.080 (Performance Standards and Miscellaneous Restrictions).
- ¹⁹ Subject to Section 20.44.066 (Storage Surfaces for Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards and Automobile Recycling Facilities).
- ²⁰ Subject to Section 20.44.032 (Master Planned Neighborhood Developments).
- ²² Only sales of beverages and sales of foods prepared off site and not principally in a kitchen on the premises.
- ²³ Battery charging stations only, limited in use only to the tenants or customers of the development located on-site.
- ²⁴ Level 1 and Level 2 restricted electric charging stations only. Level 3 public electric charging stations allowed in public parks.
- ²⁵ Level 1 and Level 2 restricted electric charging stations only.
- ²⁶ Accessory to primary use only, not to exceed twenty percent of primary use.
- ²⁷ Reserved.

Exhibit A

²⁸ No outside storage.

²⁹ Subject to the Old Town Residential Design Standards.

³⁰ The Commercial Corridor zone permissible uses are subject to the Mixed-Use Development Regulations.

³¹ Subject to Section 20.36 Zoning Districts and Zoning Map.

³² Subject to Section 20.40.040 Permissible Uses and Specific Exclusions (c) (6).

³³ Subject to Section 20.40.040 Permissible Uses and Specific Exclusions (c) (7).

(Ord. 1454 § 10, 2008; Ord. 1450 § 1, 2008; Ord. 1449 § 1, 2008; Ord. 1441 § 2, 2007; Ord. 1438 § 9, 2007; Ord. 1411 § 33, 2007; Ord. 1393 § 5, 2006; Ord. 1392 § 7, 2006; Ord. 1309 § 5(part), 2003).

(Ord. No. 2010-001, § 4(Exh. A), 1-8-2010; Ord. No. 2011-002, 2-7-2011; Ord. No. 2011-026, § 3, 10-3-2011; Ord. No. 2012-012, § 1, 7-2-2012; Ord. No. 2013-010, § 3, 8-5-2013; Ord. No. 2014-002, § 3, 2-3-2014; Ord. No. 2014-015, § 3, 10-6-2014; Ord. No. 2015-021, § 7, 10-5-2015; Ord. No. 2016-003, § 2, 2-2-2016; Ord. No. 2016-015, § 2, 8-1-2016; Ord. No. 2017-015, § 1, 11-6-2017)