

Chapter 19.15

DEFINITIONS

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19.15.010 General.

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

B. All words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word “shall” or “must” is mandatory and not discretionary. The word “used” shall be deemed also to include “designed, intended, or arranged to be used.” Unless otherwise specified, all distances shall be measured horizontally. (Ord. 2755 § 5, 2019; Ord. 2476 § 6, 2008).

19.15.020 “A”.

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

“Access” means an entry point to property.

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

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

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

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

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

“Adjacent” means nearby and not necessarily abutting.

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

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

“Adult family home” means the same as “adult care household.”

“Alley” means a public or private right-of-way used primarily as a secondary means of vehicular access to residences and business establishments for provision of services (e.g., deliveries, trash collection, utility service) and for access to private driveways. Alleys are not the sole means of access to property.

“Alley lot” means a parcel that has a property line bordered by an alley.

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

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

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

“Applicant” means a person seeking development approval from the City.

Application Process, Consolidated. The consolidated development application and review process integrates all the development approvals and environmental review. For example, if a larger-scale site plan approval is requested and a variance is needed for approval and an environmental review is necessary, all of these processes will be consolidated. When comments are requested from other departments and agencies, comments will be requested for environmental review purposes as well as for the site plan and the variance request. The staff report will address both site plan and variance. If there is an appeal of the environmental review, it will be heard with the site plan and variance hearing.

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

“Articulation” means the giving of emphasis to the architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. See MTMC 19.123.240 for articulation provisions.

“Articulation interval” means the measure of articulation, the distance before architectural elements repeat. See MTMC 19.123.240 for articulation provisions.

“Artisan manufacturing” means the production of goods by the use of hand tools or small-scale, light mechanical equipment occurring within a fully enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 5,000 square feet of net floor area. Typical uses have negligible negative impact on surrounding properties and include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

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

“Assessed value of a single-family dwelling” means the most recent value determined by the Snohomish County Assessor, as it pertains to a single-family dwelling unit and its accessory structures on a single lot (“market improvement”), without consideration of the “market land” value.

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

“Auto services” means a commercial establishment which performs washing/detailing, sale of fuel, oils, and lubricants, mechanical and body repair, and painting, but not including stripping vehicles for parts or junking out vehicles, for all relatively small vehicles such as autos, motorcycles, pickup trucks, and minivans. See also “Vehicle (large) services.” (Ord. 2823 § 5, 2023; Ord. 2755 § 6, 2019; Ord. 2660 § 2, 2015; Ord. 2547 § 3, 2010; Ord. 2476 § 6, 2008).

“Auxiliary parking” or “auxiliary driveway” means any area excluding the required minimum improved surfaces for parking or driveways that provides for the parking or driving of vehicles.

19.15.030 “B”.

“Basement” means that enclosed portion of a building below the ground floor, either finished or unfinished, typically with stair or walk-in access and with a cement slab or finished floor.

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

“Blank wall” means a ground floor wall or portion of a ground floor wall as described in MTMC 19.123.270 that does not include transparent window or door.

“Block frontage” refers to the area between a street and building facades and other portions of a lot close to the street property line. See Article II of Chapter 19.123 MTMC for applicable block frontage standards.

“Board of Adjustment” means, for the purpose of this title, a hearing body or Hearing Examiner appointed pursuant to MTMC 2.120.030 and given authority, including but not limited to the review of appeals from orders, recommendations, permits, decisions or determinations made by a City Official, and the authority to hold open record hearings on applications for variances and applications for conditional use permits and any other class of applications for or pertaining to development of land or land use.

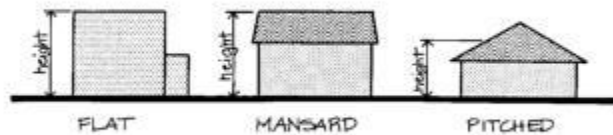
“Build-to line” means a line parallel to the property line or other designated line, such as the edge of a public right-of-way, where the facade of the building is required to be located.

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

“Building Depth” means the length of the building façade perpendicular to the abutting street. For corner lots, one street shall be designated as the primary frontage for the purposes of calculating building depth and width. Stoops, porches, and garages between units that do not abut a street are exempt from this measurement.

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

“Building height” means the vertical distance measured from the grade point around the building to the highest point of a flat roof; to the deck line of a mansard roof; and to the midpoint of a pitched roof (i.e., gable, hip, or gambrel roofs). Specifically excluded from this definition, and from the regulations of maximum building height, are structural elements not intended for habitation and not exceeding 15 feet above the maximum height such as poles, housing/screens for mechanical and elevator equipment, smoke and public ventilation stacks/fans, skylights, solar panels, tanks, and public utility and transmission line towers.



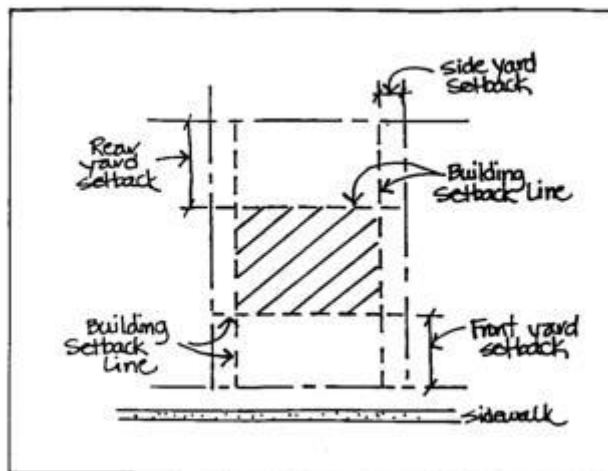
“Building height at front of lot” means the front 75 percent of the lot’s mean lot depth.

“Building height a rear of lot” means the rear 25 percent of the lot’s mean lot depth.

“Building separation” means the distance between buildings on the same lot. Projections may extend into the required separation for the following:

- a. Eaves: up to 24 inches if maintaining fire separation distance from neighboring buildings.
- b. Minor appurtenances such as pipes, gas and electrical meters, alarm systems, air vents, downspouts, and heat pumps
- c. Architectural projections: up to 12 inches and a total area up to eight square feet.

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



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

“Building width” means the length of the building façade parallel to the abutting street. For corner lots, one street shall be designated as the primary frontage for the purposes of calculating building depth and width. Stoops, porches, and garages between units that do not abut a street are exempt from this measurement.

“Bus stop/shelter station” means a semi-enclosed waiting area of approximately 60 square feet located along a bus route and intended for use by public transportation customers for protection from the elements. (Ord. 2755 § 7, 2019; Ord. 2666 § 2, 2015; Ord. 2551 § 3, 2010; Ord. 2481 § 49, 2008; Ord. 2476 § 6, 2008).

19.15.040 “C”.

“Camping” means: (a) any overnight stay by one or more persons whether outdoors or in a recreational vehicle, tent, temporary shelter, or any structure not authorized for residential use; or (b) the installation of a tent or other temporary shelter to accommodate sleeping by one or more persons.

“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 the ordinance codified in this section, “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 therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term “cannabis” includes cannabis products and usable cannabis.

“Cannabis products” means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term “cannabis products” does not include usable cannabis. The definition of “cannabis products” as a measurement of THC concentration only applies to the provisions of the ordinance codified in this section and shall not be considered applicable to any criminal laws related to marijuana or cannabis.

“Carport” means a structure that is used for or designed to accommodate the parking or storage of a motor vehicle and that is open to the weather on at least two sides.

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

Clubs and Lodges, Private. See “Private clubs and lodges.”

“Commercial” means, for purposes of imposing or calculating park impact fees, all nonresidential uses.

“Commercial facilities” means a category of land use that includes commercial services, offices, retail, eating/drinking establishments, studios, and similar facilities, excluding unless otherwise specified uses within the following categories, as each is defined in this title: home occupations, medical/health care, recreation/entertainment/cultural facilities, lodging, schools/day care centers, membership organizations, public service facilities, and industry.

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

Commercial Retail. See “Retail.”

“Commercial services” means activities or uses involving the sale or exchange of services for profit, as opposed to the sale of goods and supplies for profit, and that are not otherwise excluded from the definition of commercial facilities. Commercial services generally include but are not limited to business support services and personal services. Commercial services exclude commercial kennels except as otherwise specified by code.

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

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

“Commission” means the Planning Commission of the City, unless indicated otherwise.

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

“Comprehensive Plan” means the City of Mountlake Terrace Comprehensive Plan.

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

Conditional Accessory Use. See “Accessory use, conditional.”

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

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

“Conservation easement” means a nonpossessory interest in real property, which the City has imposed as a condition of development, that limits or affirmatively obligates the use of the property to include but not be limited to retaining or protecting natural, scenic, or open space values.

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

“Cornice” means a horizontal molding projecting along the top of a wall, building, etc. See MTMC 19.123.250(D) for related standards.

“Corner lot” means a lot or parcel of land abutting two or more streets at their intersection or abutting two parts of the same street forming an interior angle of less than 135 degrees, as measured from interior curb or edge of pavement.

“Council” means the City Council of the City of Mountlake Terrace.

“Cottage housing” means a residential building on a lot with a common open space that either: (a) is owned in common; (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size is open space. Cottage housing is regulated under the Housing Form Types based on the physical configuration of their units. See “middle housing” definition.

“Courts” are a Housing Form Type allowed in Residential zones or other zones where residential uses are allowed. They are defined in Chapter 19.32.060.

“Courtyard apartments” means a residential building with attached dwelling units arranged on two or three sides of a yard or court. Courtyard apartments are regulated under the Housing Form Types based on the physical configuration of their units. See “middle housing” definition.

“Cultural facilities” means uses that provide cultural enrichment services to the public, including but not limited to museums, performing arts centers, aquariums and libraries operated by a government agency or public nonprofit organization. (Ord. 2755 § 8, 2019; Ord. 2627 § 3, 2013; Ord. 2617 § 3, 2013; Ord. 2606 § 2, 2012; Ord. 2551 § 4, 2010; Ord. 2547 § 4, 2010; Ord. 2476 § 6, 2008).

19.15.050 “D”.

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

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

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

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

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

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

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

“Department” means the Community and Economic Development Department of the City or its assigns.

“Departure” means a provision allowing for applicants to propose alternative means of compliance with a specific standard on a voluntary basis, provided they meet the purpose of the standard. See MTMC 19.110.260 for information on departures.

Detached Buildings. See “Building, detached.”

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

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

“Director” means the City’s Community and Economic Development Director or designee.

“Disaster emergency facilities, permanent” means buildings to plan for or provide emergency services or disaster recovery assistance for a period of more than two years, along with any related equipment and accessory facilities.

“Disaster emergency facilities, temporary” means buildings, equipment, or shelters to temporarily house people or provide services and supplies as part of a disaster response conducted or authorized by the City or other governmental agencies.

“Duplex” means a residential building containing exactly two attached dwellings. Duplexes are regulated under the Housing Form Types based on the physical configuration of their units. See “middle housing” definition.

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

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

“Dwelling unit, single-household” means one or more rooms designed for or occupied by one household for living or sleeping purposes and containing kitchen facilities for use solely by one household. Modular and manufactured homes, as defined by this title, are considered to be single-household dwelling units. (Ord. 2755 § 9, 2019; Ord. 2625 § 3, 2013).

19.15.060 “E”.

“Effective date” means the date a final decision becomes effective.

“Engineer, City” means the City’s Engineering Services Director or designee.

“Entertainment, commercial indoor” refers to predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters and concert music halls.

“Entertainment facilities” means facilities primarily designed or used for people to view performances of movies or televised events or to engage in games or activities other than those typically included in recreation facilities or cultural facilities. (Ord. 2755 § 10, 2019; Ord. 2551 § 5, 2010; Ord. 2476 § 6, 2008).

19.15.070 “F”.

“Facade” means the entire street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

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

“Final decision” means the final action by the Principal Planner, City Engineer, Public Works Director, City Manager, Planning Commission, Hearing Examiner, or City Council.

“Financial institution” means a bank, savings and loan, credit union, mortgage office, or similar establishment allowing for walk-in services.

~~“Fiveplex” means a residential building containing exactly five attached dwellings. Fiveplexes are regulated under the Housing Form Types based on the physical configuration of their units. See “middle housing” definition.~~

“Flex-space townhouse” or “flex-space unit” means a townhouse with all essential rooms for a dwelling contained on the second floor, and includes on the ground floor a generally square or rectangular flex room of at least 150 square feet that is directly accessible to the outdoors and which may be used for either residential purposes or for home occupation purposes.

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

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

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

“Fourplex” means a residential building containing exactly four attached dwellings. Fourplexes are regulated under the Housing Form Types based on the physical configuration of their units. See “middle housing” definition.

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

“Front yard” means the area between a parcel’s front property line and the required building setback line, except that corner lots shall be considered to have only one front yard, which shall be measured from the front property line as defined in this section.

“Functional Disabilities, Person (With).” See “Person with functional disabilities.” (Ord. 2755 § 11, 2019; Ord. 2683 § 3, 2016; Ord. 2476 § 6, 2008).

19.15.080 “G”.

“Garage” means the portion of a building dedicated to storage of a vehicle. For the purposes of calculating habitable space requirements, garages include the garage door and all portions of the façade that are dedicated to vehicle storage, including additional volumes and garage door frames.

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

“General service” means a category of uses whose primary activity is the provision of service, rental, and/or repair to appliances, electronic equipment, machinery, tools, vehicles, and other similar products for personal, commercial, or civic use.

“Grade point” means an elevation point representing the average elevation of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the grade point is the average of the lowest elevation points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and the lowest elevation points within six feet of the building. (Note: For U-shaped buildings and for buildings with enclosed or “donut hole” inner courtyards, the grade points within the “U” or within the inner courtyard are not included in the grade point calculation.)

“Ground floor” means any floor surface within six feet of grade point, whether above or below grade point.

“Group home institution” means a facility, licensed by the state, that cares for more than 15 people with functional disabilities. (Ord. 2755 § 12, 2019; Ord. 2666 § 3, 2015; Ord. 2476 § 6, 2008).

19.15.090 “H”.

~~“Habitable Space” for the purposes of design standards means portions of a building interior that promote an active, welcoming, and pedestrian-oriented environment along streets and sidewalks. Habitable spaces include, but are not limited to: residential spaces such as foyers, entries, living rooms, dining rooms, kitchens, bedrooms, dens, lofts, home offices, common amenity spaces, and playrooms. They also include non-residential spaces such as lobbies, mailrooms, cafes, or commercial spaces. Spaces which are not considered habitable spaces include but are not limited to: garages, mudrooms, laundry rooms, storage spaces, loading, mechanical, electrical, or other utility rooms.~~

“Half-story” means building code-compliant living space located in the roof area of a structure, with the roof having a minimum 8:12 pitch, and the useable floor extending approximately one-half to two-thirds the width of the roof span but typically running its full length. Half-stories typically have gable or intermittent dormer windows for lighting, with shed dormers having a lesser pitch than the primary roof.

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

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

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

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

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

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

E. “Hazardous household substances” means those substances identified by the Department as hazardous household substances in the guidelines developed under RCW 70.105.220.

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

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

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

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

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

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

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

“Hearing Examiner” means a Hearing Examiner appointed pursuant to MTMC 2.120.030 and given authority, including but not limited to the review of appeals from orders, recommendations, permits, decisions, or determinations made by a City official, and the authority to hold open record hearings or applications for variances and applications for conditional use permits and any other class of application for or pertaining to development of land or land use.

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

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

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

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

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

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

“Housing Form Type” means a specific configuration of dwelling units in a building or on a lot. They include Singles, Slots, Rows, Stacks, and Courts. See section 19.30.060 for their definitions.

“Housing for people with functional disabilities” means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to: juvenile foster home; adult care household; group home, institution; residential care facility; and any supported living arrangement, as herein defined. (Ord. 2700 § 9, 2016; Ord. 2547 § 5, 2010; Ord. 2476 § 6, 2008).

19.15.100 “I”.

“Impervious surface” means an impervious surface as defined in MTMC 16.20.020.

“Improved Parking Court” means a shared parking area that includes specific features and aesthetic improvements to accommodate and enhance auto- and pedestrian-oriented uses. See section 19.32.090.C.

“Improved public right-of-way” means a public right-of-way that has an improved surface.

“Improved surface” means an area that is covered by a permanent hard surface, including concrete, asphalt, or pavers in accordance with the Department’s engineering requirements, or any combination of materials with pervious features, such as ribbon driveways, that has been permitted by the Department as a functionally equivalent hard surface.

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

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

Industrial, Light. See “Light industrial.”

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

“Interurban trail” means land dedicated to the unique blend of passive and active travel along a scenic greenway and multipurpose public commuter trail by methods of transportation such as bicycles, skating, running, jogging, and walking or passive enjoyment of the park-like setting and rest stops along the route, which may be in combination with the safety and convenience of various current and future modes of public transit systems to fit the public’s needs. (Ord. 2729 § 15, 2018; Ord. 2700 § 10, 2016; Ord. 2551 § 6, 2010; Ord. 2476 § 6, 2008).

19.15.110 “J”.

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

“Juvenile foster home” means a home of a person or persons who are providing personal care to children under the age of 18 years of age who may be functionally disabled, as defined by this title. (Ord. 2476 § 6, 2008).

19.15.120 “K”.

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

“Kitchen” means any room or rooms, or portion of a room or rooms, used or intended or designed to be used for cooking or the preparation of food and features a stove or range. (Ord. 2547 § 6, 2010; Ord. 2476 § 6, 2008).

19.15.130 “L”.

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

“Landscaped block frontage” refers to a type of block frontage designation that emphasized landscaped setbacks. See MTMC 19.123.100 for details.

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

“Life safety situation” means any incident where the safety of a person or equipment is at risk; qualifying events are subject to the discretion of the Building Official or Community and Economic Development Director.

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

“Live-work unit” means a dwelling unit designed to accommodate a small commercial enterprise on the ground floor and a residential unit above and/or behind. A live-work unit may be designed as any type of household living dwelling unit permitted in the applicable zoning district and may be designed to be used for both single-occupant or dual-occupant usage (i.e., one occupant for the residence; another occupant for the commercial space).

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

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

“Long-term care facility” means an institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours.

“Lot” means any area of land created through a division. The term also includes parcels. The term does not include the smaller Unit Lots which are created through a Unit Lot Subdivisions process of a Lot.

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

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

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

“Lot depth” means the average horizontal distance between the front lot line and the rear lot line.

“Lot, flag/panhandle” means a lot configured with a narrow extension of land connecting the main buildable area of the lot to a street, private street, or all. The narrow extension of land in a flag lot provides for a vehicular and/or utility access to the main buildable area of the lot, but is not wide enough for a development and does not meet minimum lot width requirements.

“Lot, interior” means a lot other than a corner lot.

“Lot line” means a line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

“Lot line, front” means that boundary of a lot which is along an existing street or private street (including streets on corner lots), or in the case of through lots or lots where no public or private street exists, it is the line first crossed when gaining legal vehicular access to the property. A corner lot shall be considered to have only one front lot line, which is the parcel’s property line along the street on which the parcel takes or is expected to take its address.

“Lot line, rear” means that boundary of a lot most nearly opposite and distant from the front lot line. In the case of corner lots, the rear lot line is the line most distant and opposite of the narrower of the two frontages. In the case of through lots, it is the line most nearly opposite the front lot line. In the case of three-sided, triangular, or pie shaped lots having boundaries that converge to the rear, there is no rear lot line, in which case rear yard setbacks shall be measured from the point where lot lines converge and the required setback from that point shall be double the standard setback. In the case of other irregular shaped lots, the rear lot line shall be determined by the Director based upon an examination of existing or likely setbacks of surrounding development.

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

“Lot of record” means a parcel of land satisfying the requirements of MTMC 17.01.080.

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

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

“Lot width at street” means the horizontal distance between the side lot lines measured along the street right-of-way or access easement. (Ord. 2823 § 6, 2023; Ord. 2755 § 13, 2019; Ord. 2683 § 2, 2016; Ord. 2660 § 3, 2015; Ord. 2567 § 7, 2011; Ord. 2551 § 7, 2010; Ord. 2476 § 6, 2008).

19.15.140 “M”.

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

“Maintained surface” means a surface that consists of gravel material contained in a defined area of the property without spilling into the street, sidewalk, or adjoining property and that has no more than 50 percent of its surface area comprised of exposed soil or plant material, unless the surface has otherwise been permitted by the Community Development Department as an improved surface.

“Major transit stop” means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 36.70a RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems; or

(d) Stops on bus rapid transit routes, including those stops that are under construction.

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

A. Constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes;

B. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

C. Was originally constructed with and now has a composition of wood shake or shingle, coated metal, or similar roof of not less than three to 12 pitch;

D. Is mounted and affixed to a permanent foundation according to UBC standards;

E. Meets the minimum Washington State Energy Code Standards;

F. The manufactured home exterior siding shall extend to the top of the foundation as in the case of conventional construction.

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

“Marijuana” means the same as “cannabis.”

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

“Medical/health care facilities” means medical clinics, counseling services, dental clinics, hospitals, veterinary facilities, medical laboratories, and all other facilities that provide health care and medical services.

“Medical marijuana cooperative” or “cooperative” means a member group of up to four qualifying patients or designated providers who share responsibility for acquiring and supplying the resources needed to produce and process marijuana for medical use by the members and subject to the limitations therein and the municipal codes, as set forth in Chapter 69.51A RCW, as amended by 2SSB 5025 Section 26 and 2E2SHB 2136 Section 1001(3)(c).

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

“Middle Housing” means buildings that are compatible in scale, form, and character with single-unit houses and contain two or more attached, stacked, or clustered homes including common housing types such as duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. Mountlake Terrace has defined Housing Form Types that regulate all of the above common middle housing types. These include: Single, Slots, Rows, Stacks and Courts.

“Minimum Land Area Per Unit.” See “Land area per unit, minimum.”

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

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

“Modular/Factory-Built Housing.” See “Factory-built/modular housing.”

“Modulation” means stepping forward or backwards a portion of the facade as a means to articulate or add visual interest to the facade.

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

“Motor vehicle” means any car, truck, van or motorcycle used for the transportation of passengers, but not including recreational or utility vehicles.

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

“Multi-Household Dwelling.” See “Dwelling unit, multi-household.”

“Municipal code” means the adopted ordinances of the City. (Ord. 2755 § 14, 2019; Ord. 2685 § 4, 2016; Ord. 2617 § 4, 2013; Ord. 2476 § 6, 2008).

19.15.150 “N”.

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

“Nursery supplies” means bulk materials and other goods and services for gardening, landscaping, yard care, greenhouses, and similar horticultural activities. (Ord. 2476 § 6, 2008).

19.15.160 “O”.

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

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

“Open space” means land area unoccupied by buildings, roads, or parking areas which is used for recreation or resource protection. (Ord. 2476 § 6, 2008).

“Orient” or “Orientation” means the primary direction from which a façade or façade element is intended to be visible and from which access is provided.

19.15.170 “P”.

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

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

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

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

“Parking, Off-Street.” See “Off-street parking.”

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

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

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

“Pedestrian-oriented space” means publicly accessible spaces that enliven the pedestrian environment by providing opportunities for outdoor dining, socializing, relaxing and provide visual amenities that can contribute to the character of the neighborhood. See MTMC 19.123.190(D) for pedestrian-oriented space design criteria.

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

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

“Person with functional disabilities” means:

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

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

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

“Personal service” means an establishment which offers specialized services purchased frequently by the consumer. Included are barber shops, beauty salons and spas, repair shops, postal or courier services, laundromats, dry cleaning pickup, tailor shops, and other similar establishments. These uses may also include accessory retail sales of products related to the services provided.

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

“Plan” means the City of Mountlake Terrace Comprehensive Plan.

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

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

“Planning Commission” means the Planning Commission of the City of Mountlake Terrace.

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

“Preschool” means an approved facility which provides educational instruction for prekindergarten-age children.

“Primary elevation” means the side of the building that faces the public or private street from which visitor access to the dwelling is taken.

“Primary entry” means the pedestrian entrance that is intended as the main entrance with direct access from a pedestrian path that leads to the abutting street.

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

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

“Professional office” refers to activities conducted in a room or suite of rooms and generally focused on professional services.

“Project” means a proposal for development.

“Project improvement value” means the cost of construction as determined by the Building Official based on average construction cost in our area code. This is determined by previous project valuations submitted to the City and available project average cost per square feet.

“Property line” means “lot line” as defined in this section.

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

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

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

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

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

“Public utility facilities” include, but are not limited to, water and sewer pump stations, telephone exchanges, and gas and electrical distribution substations, and do not include minor utility system components such as poles, cables, underground conduits, and telephone booths, rapid transit stations, or bus terminals. (Ord. 2823 § 7, 2023; Ord. 2755 § 15, 2019; amended by City request, 1/11; Ord. 2476 § 6, 2008).

19.15.180 “Q”.

Reserved. (Ord. 2476 § 6, 2008).

19.15.190 “R”.

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

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

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

“Recreational facilities, private” means recreational facilities that are owned by a private individual, corporation, or other private entity that is designed to provide recreational and social activities for its users and not the general public.

“Recreational facilities, public” means recreational facilities that are owned by a public entity such as a government agency or private corporation performing a service and such facilities are open to the general public.

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

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

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

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

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

“Residential District” means those areas, as designated on the City’s Official Zoning Map, that are zoned primarily for single family or multiple family residential use, including R-1 through R-4 districts.

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

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

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

“Right-of-way” means a strip of land deeded or dedicated to the City or other entity for street, utility and/or drainage purposes.

“RM district” means those areas, as designated on the City’s Official Zoning Map, that are zoned primarily for multiple-household residential use.

“Roofline” means the highest edge of the roof or the top of a parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

Rooming and Boarding House/Bed and Breakfast. See “Bed and breakfast inn/rooming and boarding house.”

“Rows” are a Housing Form Type allowed in Residential zones or other zones where residential uses are allowed. They are defined in section 19.32.060.

~~“RS district” means those areas, as designated on the City’s Official Zoning Map, that are zoned primarily for single household residential use. (Ord. 2840 § 2, 2024; Ord. 2755 § 16, 2019; Ord. 2660 § 4, 2015; Ord. 2476 § 6, 2008)~~

19.15.200 “S”.

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

“School, commercial” means a building where instruction is given to pupils in arts, crafts, or business and industrial trades, and operated as a commercial enterprise, as distinguished from schools endowed and/or supported by taxation.

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

“Secondary block frontage” refers to a type of block frontage designation that allows use of either the storefront or landscaped block frontage standards. See MTMC 19.123.100 for details.

“Secondary Use.” See “Accessory use.”

“Senior housing” means age-restricted housing for older adults.

“Setback.” See “Yard.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O. “Specified anatomical areas” means:

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

P. “Specified sexual activities” means:

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

“Signs.” See MTMC 19.135.020.

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

“Singles” are a Housing Form Type allowed in Residential zones or other zones where residential uses are allowed. They are defined in section 19.32.060.

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

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

“Sixplex” means a residential building containing exactly six attached dwellings. Sixplexes are regulated under the Housing Form Types based on the physical configuration of their units. See “middle housing” definition.

“Slots” are a Housing Form Type allowed in Residential zones or other zones where residential uses are allowed. They are defined in section 19.32.060.

“Stacked flat” means a residential building containing of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned. Stacked flats may occur in the official “Stack” middle housing type. See “middle housing” definition.

“Stacks” are a Housing Form Type allowed in Residential zones or other zones where residential uses are allowed. They are defined in section 19.32.060.

“Storefront” means the ground floor facade of a commercial use adjacent to a sidewalk or internal pathway.

“Storefront block frontage” refers to a type of block frontage designation that emphasizes storefronts. See MTMC 19.123.080 for details.

“Story” means that portion of a building included between the upper surface of a floor and the upper surface of the floor or ceiling next above.

“Story above grade point” means any story having its finished floor surface entirely above grade point, or any story in which the finished surface of the floor next above is (1) more than six feet above grade point; or (2) more than 12 feet above the finished ground level at any elevation point around the perimeter wall of the building.

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

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

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

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

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

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

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

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

“Structure, Accessory.” See “Accessory structure.”

“Studio” means a dwelling unit no larger than 600 square feet with no more than one large room for living, sleeping and kitchen facilities, and a separate bath, having minimal closets and corridors to serve these two rooms.

“Studio, open-bedroom” means a studio that includes partial walls (six and one-half feet high maximum) that enclose a single sleeping area.

“Supported living arrangement” means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, instrumental activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance. (Ord. 2755 § 17, 2019; Ord. 2666 § 4, 2015; Ord. 2476 § 6, 2008).

19.15.210 “T”.

“Tandem garage” means a garage that provides space for one vehicle to be parked behind a second vehicle, rather than for two vehicles to be parked side-by-side.

“Townhome” means a single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and has open space on at least two sides. Townhomes are regulated under the Housing Form Types based on the physical configuration of their units. See “middle housing” definition.

“Townhouse” means the same as “townhome.”

“Transparency” means the degree to which rays of light may transmit through a substance. For storefronts and other ground level nonresidential uses, transparency also refers to the ability to see through the window and into the building as clarified in MTMC 19.123.070.

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

“Triplex” means a residential building containing exactly three attached dwellings. Triplexes are regulated under the Housing Form Types based on the physical configuration of their units. See “middle housing” definition.

“TV satellite dish antenna” means antennas for reception of video programming that exceed one meter in diameter. (Ord. 2755 § 18, 2019; Ord. 2476 § 6, 2008).

19.15.220 “U”.

“Underlying district” means the basic zoning district and does not refer to overlay districts or special zoning categories, such as cottage housing.

“Unit lot” means a portion of a Lot created through a Unit Lot Subdivision process.

“Use” of property means the purpose or activity for which the land, or building thereon, is occupied, maintained, designed, arranged or intended.

“Use, Accessory or Secondary.” See “Accessory use.”

“Use, Primary.” See “Primary use.” (Ord. 2476 § 6, 2008).

“Utility vehicle” means a vehicular-type unit primarily designed for recreation, camping, travel, or hauling, which has its own motor power or is typically mounted or towed by another vehicle, including but not limited to: motor homes, campers, travel trailers, boats over 14 feet in length, horse trailers, and utility trailers.

19.15.230 “V”.

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

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

“Vehicle, Antique.” See “Antique vehicle.”

“Vehicle, Commercial” ~~See “Commercial vehicle.”~~ means vehicles that weigh 10,000 pounds gross vehicle weight or more including, but not limited to, truck tractors, truck trailers, moving vans, contractor trucks, construction trucks, flatbed trucks, cement mixer trucks, tow trucks, boom trucks, and similar type vehicles.

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

“Vehicle Storage, Off-Street.” See “Off-street parking.”

“Vertical building modulation” means a stepping back or projecting forwards of vertical walls of a building face, within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure’s continuous exterior walls. Vertical building modulation may be used to meet some of the building massing and articulation standards in MTMC 19.123.240.

“Veterinarian office/hospital” means a place where a veterinarian receives animals for medical treatment that may involve inpatient or outpatient care.

“Video arcade” means an establishment providing access to minor-aged persons that features five or more amusement devices. (Ord. 2755 § 19, 2019; Ord. 2476 § 6, 2008).

19.15.240 “W”.

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

“Weather protection” means a permanent horizontal structure above pedestrian areas such as sidewalks and building entries that protects pedestrians from the inclement weather.

“Wholesale” means the sale or provision of commodities in quantity, usually for the purpose of resale or distribution to other consumers. (Ord. 2755 § 20, 2019; Ord. 2476 § 6, 2008).

19.15.250 “X”.

Reserved. (Ord. 2476 § 6, 2008).

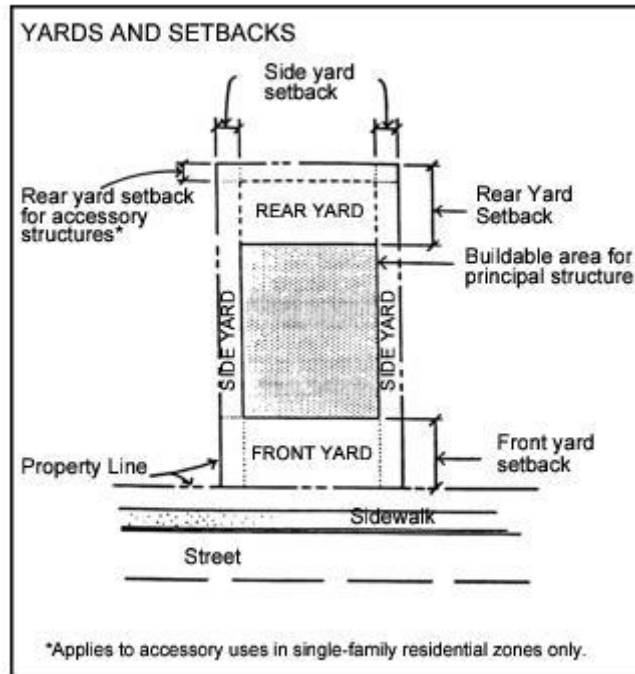
19.15.260 “Y”.

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

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

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

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



“Youth shelter” means:

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

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

C. A Class III residential facility allowing up to 12 residents, ages 16 to 20, with no less than two resident staff, and which shall comply with the licensing requirements of the Washington State Department of Social and Health Services. To establish a Class III youth shelter, the proponent shall apply for a conditional use permit for review by staff, public meeting discussion by Planning Commission, and public hearing by the Hearing Examiner before consideration of conditions and approval. Environmental review may be required if grading and parking or other environmental thresholds are exceeded. (Ord. 2476 § 6, 2008).

19.15.270 “Z”.

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

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

“Zoning Ordinance” means an ordinance regulating land use for the purpose of promoting the health, safety and welfare of the general public and including: definitions; purpose, permitted land uses, and dimensional requirements in each zone district; permit review procedures; planned unit development regulations; parking and landscaping requirements; general provisions; sign regulations; and enforcement provisions. (Ord. 2476 § 6, 2008).