

Chapter 20.09

DEFINITIONS

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20.09.010 Definitions Generally.

- A. Unless the context otherwise requires, the Definitions in Sections 20.09.020 through 20.09.540 shall apply in the interpretation of Chapters 20.02 through 20.67.
- B. Words not defined herein but defined within the Uniform Building Code shall have the same meaning as defined in the UBC.
- C. Words not defined as in the Uniform Building Code shall be given their usual and ordinary meaning. (Ord. 765, 2003)

20.09.020 Accessory Use or Building. “Accessory use or building” means a use, structure or building subordinate to the principal use of the land on the same lot, serving a purpose customarily incidental to the use of the main use and/or building and which does not change the character of the principal use; provided, however, Sections 20.18.020 and 20.21.020 of this code, “accessory uses”, shall include family day care homes as defined in WAC 388-75-206. (Ord. 765, 2003)

20.09.021 Administrator. “Administrator” shall mean the mayor or his designee. (Ord. 765, 2003)

20.09.025 Adult Entertainment and Uses. As used in this title, or elsewhere in this Code, concerning adult entertainment and uses, the following terms and words are defined as follows:

- A. **Adult arcade.** "Adult arcade" means a retail establishment in which coin-operated, slug-operated, or still or motion picture machines, projectors, video or laser disc players, or other image-production devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons within.

- B. Adult bookstore, adult novelty store, adult retail store, or adult video store. "Adult bookstore," "adult novelty store," "adult retail store," or "adult video store" means:
1. A commercial establishment that, as one of its principal purposes offers for sale or rental for any form of consideration one or more of the following:
 - a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - b) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
 2. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as adult bookstore, adult novelty store, or adult video store. The other business purposes do not serve to exempt the commercial establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that are characterized by the depiction or description of specified sexual activities or specified anatomical areas or as long as this business purpose constitutes at least 20 percent of the establishment's stock-in-trade.
- C. Adult mini theater. "Adult mini theater" means an enclosed building with a capacity of less than fifty (50) persons, a portion of an enclosed building with a capacity of less than fifty (50) persons, or an outdoor theater with a capacity of less than fifty (50) persons where films, motion pictures, cable television, video cassettes, slides, or similar photographic reproductions are regularly shown that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.
- D. Adult motion picture theater. "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons, a portion of an enclosed building with a capacity of fifty (50) or more persons, or an outdoor theater with a capacity of fifty (50) or more persons where films, motion pictures, cable television, video cassettes, slides, or similar photographic reproductions are regularly shown that are distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities, or specified anatomical areas, as defined herein, for observation by patrons therein.
- E. Adult panorama establishment. "Adult panorama establishment" means any building or portion of a building containing devices which for payment of a fee, membership fee, or other charge, is used to exhibit or display a picture, view, or other graphic display distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined herein.

- F. Adult use. "Adult use" means any adult arcade, adult bookstore, adult mini theater, adult motion picture theater, adult panorama establishment, adult retail store or live adult entertainment establishment, as defined herein.
- G. Adult use business. "Adult use business" means any adult arcade, adult bookstore, adult mini theater, adult motion picture theater, adult panorama establishment, adult retail store or live adult entertainment establishment as defined herein, or any establishment, which provides one or more of the activities listed herein.
- H. Employee. "Employee" means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of an adult use business.
- I. Entertainer. "Entertainer" means any person who provides live adult entertainment within an adult use business as herein defined whether or not a fee is charged or accepted for entertainment.
- J. Entertainment. "Entertainment" means any exhibition or dance of any type, pantomime, modeling, or any other performance.
- K. Live adult entertainment establishment. "Live adult entertainment establishment" means any building or portion of a building which contains any exhibition or dance which is for the benefit of a member or members of the adult public, or advertised for the use or benefit of a member of the adult public, held, conducted, operated, or maintained for profit, direct or indirect.
- L. Manager. "Manager" means any person who manages, directs, administers, or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises. This term includes persons acting as assistant managers.
- M. Nude model studio. "Nude model studio" means a place where a person appears semi-nude, nude, or who displays specified anatomical areas described herein, and the person is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. Nude model studio does not include:
1. State universities, regional universities, state colleges, and institutions of higher education, as defined by RCW 28B.10.016;
 2. A degree-granting institution as defined by RCW 28B.85.010(3); and
 3. A studio located in a building;
 - a) That has no sign visible from the exterior of the building and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - b) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class.
- N. Own or operate. "Own or operate" means a person owns, operates, and/or has a significant operational interest in a sexually oriented business.

- O. Person. "Person" means any individual, partnership, limited liability company, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.
- P. Public place. "Public place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles, whether moving or not.
- Q. Sensitive land uses. "Sensitive land uses" means those land uses which are particularly sensitive to the secondary effect of adult use businesses. Sensitive land uses include the following:
1. Churches, or other religion facilities or institutions.
 2. Multiple family and single-family residential zones.
 3. Playgrounds and public parks.
 4. Public and private schools, technical schools and training facilities which have twenty-five (25) percent or more of their students under the age of eighteen (18).
 5. Manufactured home parks.
 6. Day care facilities as defined in the Benton City Municipal Code.
 7. Residential care facilities.
- R. Sexual activity. "Sexual activity" means any conduct described in RCW 9A.44.010(1) and RCW 9A.44.010(2), and any act of masturbation.
- S. Specified anatomical areas. "Specified anatomical areas" means:
1. Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; and
 2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
- T. Specified criminal activity. "Specified criminal activity" means an offense for: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; promotion of sexual performance by a child, possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described in this subsection under which the criminal code or other states or countries for which:
1. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense.
 2. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.

3. Less than five years have elapsed since the date of the last conviction or the date of release from confinement of the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four month period.
 4. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.
- U. Specified sexual activities. "Specified sexual activities" means:
1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual intercourse or sodomy, whether between persons of the same or opposite sex; and/or
 3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- V. Stock-in-trade. "Stock-in-trade" for the purposes of this Code, means all books, equipment, magazines, periodicals, pictures, posters, printed material, products (including prerecorded video tapes, discs, or similar material) or other items 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 open to patrons. (Ord. 765, 2003)

20.09.030 Building. "Building" means any structure in conformance with the city building code, having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, chattels or property of any kind. (Ord. 765, 2003)

20.09.040 Carport. "Carport" means a covered space for the housing of motor vehicles, and enclosed on no more than two sides. (Ord. 765, 2003)

20.09.042 Child Day Care Facility. "Child Day Care Facility" means a building or structure in which an agency, person or persons regularly provide care for a group of children for periods of less than 24 hours a day. Child day care facilities include family day care home, out-of-home child mini-day care centers, and child day care centers regulated by the Washington State Department of Social and Health services, as presently defined and hereafter amended (RCW 74.15, WAC 388-73-722). (Ord. 765, 2003; Ord 567, 1992.)

20.09.050 Dwelling, Multi-Family. "Multi-Family dwelling" means a building used or designed as a residence for five or more families living independently of each other and doing their own cooking therein. This shall include apartment houses, apartment hotels, flats, and group houses, but not including automobile courts or motels unless such are equipped with kitchen facilities for each unit. (Ord. 765, 2003)

20.09.060 Dwelling, Single Family. "Single family dwelling" means a detached building designed for, or occupied exclusively by one family. (Ord. 765, 2003)

20.09.070 Dwelling, Two, Three or Four Family. "Two, three, or four family dwelling" means a detached building designed as two, three or four structurally joined dwelling units and occupied exclusively by one family per dwelling unit living independently of each other, and with separate entrances. (Ord. 765, 2003)

- 20.09.080 Dwelling Unit.** "Dwelling unit" means two or more rooms designed for occupancy by one family, having a kitchen and at least one bathroom, and which is in compliance with the City Building Code. Minimum dwelling unit, whether designated as "single family dwellings, single family buildings, or dwelling unit," shall consist of not less than 720 square feet of living space. A dwelling unit shall include "modular home" or "manufactured home" as defined in this section. (Ord. 765, 2003; Ord. 704, 2000; Ord. 628, 1995.)
- 20.09.090 Family.** "Family" means an individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit, in which board and lodging may also be provided for not more than two additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit. (Ord. 765, 2003)
- 20.09.095 Family Child Care Home.** "Family child care home" means a child day care facility located in the family abode of the person or persons under whose care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home. Such facilities are licensed by the department of social and health services (WAC 212-12-005). (Ord. 765, 2003)
- 20.09.100 Floor Area.** "Floor area" means that area bound by the surrounding walls of a building, or portion thereof, multiplied by the number of stories. The floor area of a building or portion thereof not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. (Ord. 765, 2003)
- 20.09.110 Garage - Private.** "Private garage" means a detached enclosed accessory building or an attached, enclosed portion of the principal main building used for the storage of self-propelled passenger vehicles used by the occupant of the main building. (Ord. 765, 2003)
- 20.09.120 Garage - Public.** "Public garage" means any building or portion thereof other than a private garage, which is used for the parking or storage of motor vehicles, or any building or premises where such vehicles are repaired or kept for hire or sale. (Ord. 765, 2003)
- 20.09.121 Habitable Room.** "Habitable room" means a room or space in a structure with a minimum seven-foot ceiling used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space. (Ord. 765, 2003)
- 20.09.125 Hazardous Waste.** "Hazardous waste" means and includes all dangerous and extremely hazardous waste as set forth in RCW 70.105.010. (Ord. 765, 2003; Ord. 515, 1988.)
- 20.09.130 Height of Building.** "Height of building" means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or the average height between the eaves and ridge for gable, hip and gable roofs. (Ord. 765, 2003)
- 20.09.140 Home Occupation.** "Home occupation" means any occupation, profession, trade or business carried on within or upon the premises of a residence by the

occupant thereof which activity is clearly incidental to the use of the residence as a dwelling and does not change the residential character thereof.(Ord. 765, 2003)

20.09.150 **Hotel.** "Hotel" means a house, building or structure that provides lodging and/or meals, entertainment, and various personal services for the public. (Ord. 765, 2003)

20.09.160 **Junk Vehicle.** "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

- A. Is three years old or older.
- B. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission.
- C. Is apparently inoperable.
- D. Has an approximate fair market value equal to the approximate value of the scrap in it. (Ord. 765, 2003)

20.09.170 **Junkyard.** "Junkyard" means any lot or structure where waste, discarded or salvageable materials are exchanged stored, handled, but excluding the following which shall not be considered junkyards, secondhand stores, used furniture stores and any establishment salvaging paper and rags, when all activity and storage are conducted wholly within a completely enclosed building, and establishments for the sale of used motor vehicles and machines are in operative condition. (Ord. 765, 2003)

20.09.180 **Kennel.** "Kennel" means any lot or premises on which four or more dogs or cats over four months of age are kept. (Ord. 765, 2003)

20.09.190 **Lot.** "Lot" means a piece or parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use or uses accessory thereto, together with such open spaces as required, having its principal frontage on a public street. Said land shall not have less than the minimum area required by Chapters 20.02 through 20.67 for the lot in the district in which located. (Ord. 765, 2003)

20.09.200 **Lot Area.** "Lot area" means the total area of a lot contained within the lot boundary lines. (Ord. 765, 2003)

20.09.210 **Lot Corner.** "Corner Lot" means a lot abutting on two or more streets at their intersection, other than an alley. (Ord. 765, 2003)

20.09.220 **Lot Coverage.** "Lot coverage" means that portion of a lot covered by all buildings including accessory buildings, garages, roofed patios and the like. (Ord. 765, 2003)

20.09.230 **Lot Depth.** "Lot depth" means the average horizontal distance between the front line and the rear lot line. (Ord. 765, 2003)

20.09.240 **Lot Line.** "Lot line" means the property line bounding a lot. (Ord. 765, 2003)

20.09.250 **Lot Line - Front.** "Front lot line" means, in the case of an interior lot, the property line separating the lot from a public street, other than an alley and in the case of a corner lot, either property line separating the lot from the street as so

designated by the lot owner at the time of application for a building permit. (Ord. 765, 2003)

20.09.260 **Lot Line - Rear.** "Rear lot line" means the property line which is opposite and most distant from the front line and in the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line. (Ord. 765, 2003)

20.09.270 **Lot Line - Side.** "Side lot line" means any property line not a front or rear lot line. (Ord. 765, 2003)

20.09.280 **Lot Width.** "Lot width" means the average horizontal distance between the side lot lines, measured parallel to the front lot line. (Ord. 765, 2003)

20.09.285 **Manufactured Home.** "Manufactured Home" means a dwelling unit built in accordance with the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act (or successor) legislation which constitutes a national, preemptive building code), and Washington State Department of Labor and Industries standards as provided in WAC 296-150M, which:

- A. Was originally constructed with and now has a composition or wood, shake, or shingle, coated metal or similar roof of not less than 3:12 pitch with not less than a six inch eave extending beyond the outer wall; and
- B. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences. (Ord. 774, 2004; Ord. 765, 2003; Ord. 704, 2000; Ord. 628, 1995.)

20.09.286 **Manufactured Home Park.** "Manufactured home park" means a parcel of land upon which two or more manufactured homes or mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether a change is made for their accommodation. (Ord. 765, 2003)

20.09.290 **Mobile Home.** "Mobile home" means a factory built dwelling built prior to June 15, 1976, to standards other than the HUD Code and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state that:

- A. Has been altered, as that term defined in WAC 296-150M-0020;
- B. Meets the applicable provisions of the Manufactured Home and Safety Standards, and WAC 296-150M, as determined by the Washington State Department of Labor and Industries pursuant to its authority under RCW 43.22.340 through 43.22.445 and WAC 296-150M-0010. (Ord. 774, 2004; Ord. 765, 2003; Ord. 628, 1995.)

20.09.295 **Modular Home.** "Modular Home" shall mean either a factory built structure constructed in accordance with the Uniform Building Code or HUD and bearing the appropriate insignia indicating such compliance ("Gold Seal"), or which will include those dwellings indicated as "prefabricated", "panelized" and "factory built". A "modular home: shall also include any dwelling originally constructed as a permanent stick-built dwelling, in whole or in part, and will thereafter move to a different geographical site and upon relocation shall comply with all applicable Building Codes and this Title. The minimum size shall be 720 square feet of living space. (Ord. 934, 2014; Ord. 765, 2003; Ord. 704, 2000; Ord. 628, 1995.)

- 20.09.300 Motel.** "Motel" means a building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests. (Ord. 765, 2003)
- 20.09.310 Nonconforming Structure or Use.** "Nonconforming structure or use" means an existing structure or use which was lawful at the time the ordinance codified in this title or any amendment thereto became effective, but is not conforming to the requirements of the zone as a result of such adoption or amendment in which it is located. (Ord. 765, 2003)
- 20.09.315 Off site.** "Off site" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off site facilities are located. (Ord. 765, 2003; Ord 515, 1988.)
- 20.09.316 On site.** "On site" means the same, geographically contiguous, or bordering property. On site hazardous waste treatment and storage facilities treat and store wastes generated on the same property. (Ord. 765, 2003; Ord. 515, 1988.)
- 20.09.320 Parking Area, Off-Street Parking Lot. Public or Private.** "Public or private parking area or off-street parking lot" means an open area or lot other than a street or other public way, used for the parking of vehicles and available whether for a fee, free or as an accommodation for clients, customers or employees. (Ord. 765, 2003)
- 20.09.330 Parking Space.** "Parking space" means an enclosed or unenclosed permanently improved area not less than twenty feet by nine feet in size exclusive of maneuvering and access area. Required off-street parking shall not be used for loading space or sales area; provided, however, that temporary parking lot sales for no more than three days and occupying no more than twenty-five percent of the required parking lot area may be allowed subject to the approval of the planning department. (Ord. 765, 2003)
- 20.09.340 Person.** "Person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, limited liability company, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit. (Ord. 765, 2003)
- 20.09.350 Planning Commission.** "Planning Commission" means the planning commission of the city. (Ord. 765, 2003)
- 20.09.355 Prezone.** "Prezone" means the city zoning code designation assigned to a parcel of land prior to annexation to the city. (Ord. 765, 2003)
- 20.09.360 Public and Quasi-Public Uses.** "Public and quasi-public uses" includes public, semi-public and private elementary schools, high schools, civic buildings, community buildings and uses, public utility uses, including substations, governmental buildings, churches, museums, art galleries, fire houses, post offices, police stations, reservoirs, libraries, parks, essential services and similar uses. (Ord. 765, 2003)
- 20.09.365 Recreational Vehicle.** "Recreational Vehicle" means any vehicle primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that has either its own motive power or is mounted on, or towed by, another vehicle. Recreational vehicles include: camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers. (Ord. 765, 2003)
- 20.09.370 Service Station.** "Service station" means a retail establishment for the sale on

the premises of motor vehicle fuel and other petroleum products, automobile accessories, parts and services including, but not limited to, brakes, tires, mufflers, auto glass, washing, lubrication and minor repair of automotive vehicles, including "mini marts" providing for the accessory sale of food and beverages. Service station as defined above shall not include tire recapping, major engine overhaul, body or fender work, salvage, demolition, or painting. (Ord. 939, 2014; Ord. 765, 2003.)

20.09.380 Sign. "Sign" means a device designed to inform or to attract the attention of persons not on the premises. (Ord. 765, 2003)

20.09.390 Street Frontage. "Street frontage" means that portion of a lot facing a dedicated street except alleys. (Ord. 765, 2003)

20.09.400 Structural Alteration. "Structural alteration" means any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls. (Ord. 765, 2003)

20.09.410 Structure. "Structure" means any construction built in conjunction to any use which cannot be defined as a building, to include fences, walls, supporting members of signs and uses of similar nature. Anything constructed, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. (Ord. 765, 2003)

20.09.450 Travel Trailer. "Travel trailer" means a trailer built on a single chassis transportable upon the public streets and highways that is designed to be used as a temporary dwelling without a permanent foundation and may be used without being connected to utilities. (Ord. 765, 2003)

20.09.455 Treatment and Storage. "Treatment and storage" means hazardous waste management facilities requiring a state dangerous waste permit under the provisions of Chapter 173-303 WAC. (Ord. 765, 2003; Ord. 515, 1988.)

20.09.460 Use. "Use" means the purpose for which a parcel of land or a structure is designed, used, arranged, or intended, or for which it is occupied or maintained. (Ord. 765, 2003)

20.09.470 Yard. "Yard" means an open space on a lot which is unobstructed from the ground upward, except as provided herein. (Ord. 765, 2003)

20.09.480 Yard - Front. "Front yard" means an open space between the side lot lines, measured horizontally and at right angles from the front lot line to the nearest line of the building. (Ord. 765, 2003)

20.09.490 Yard - Rear. "Rear yard" means an open space between the side lot lines measured horizontally at right angles from the rear lot line to the nearest line of the building. (Ord. 765, 2003)

20.09.500 Yard - Side. "Side yard" means a yard between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest line of the building. (Ord. 765, 2003)

20.09.510 Variance. "Variance" means a modification of the certain requirements of the zoning title which will not be contrary to the public interest, and where, owing the

condition peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance codified in Chapter 20.02 through 20.67 would result in an unnecessary and undue hardship. In no case shall the establishment or expansion of any use be permitted by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district on the effective date of the ordinance codified in this chapter or upon annexation. The variance process offers relief for property owners who due to some physical limitation of their land are denied the same rights and privileges enjoyed by other similar property owners in the same zone and vicinity. The variance process shall be as described in sections 2.70.040 through 2.70.140 with the exception that the following criteria must be added to the determination made by the Board of Hearing Examiners or in the instance of a consolidated permit application by the Planning Commission and the City Council and the variance can only be approved upon finding that:

- A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located.
- B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other property or improvements in the vicinity and zone in which the subject property is located.
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.
- D. The alleged hardship has not been created by action of the present or prior owners.
- E. Approval of the variance will not cause a nuisance, harm adjoining properties, the neighborhood or the environment, or adversely affect implementation of the comprehensive plan.
- F. The variance approved is the minimum relief from the requirements of this code necessary to permit a reasonable use of the land. (Ord. 765, 2003)

20.09.520 Vehicle. "Vehicle" means all instrumentality's capable of movement by means of circular wheels, skids or runners of any kind, along roadways or paths or other ways of any kind, specifically including, but not limited to, all forms of automotive vehicles, buses, trucks, cars, and vans, without regard to whether the primary purpose of which instrumentality is or is not the conveyance of persons or objects, and specifically including all such automobiles, buses, trucks, cars and vans, even though they may be at the time immobilized in any way and for any period of time of whatever duration. (Ord. 765, 2003)

20.09.530 Zoning Map. "Zoning map" means the zoning map or maps of the city, together with all amendments. (Ord. 765, 2003)