

ORDINANCE NO. 2011-17

AN ORDINANCE of the City of Bainbridge Island, Washington to create an "Inn" as a new permitted use by amending Sections 18.09.020, 18.15.020, and 18.36.030 of the Bainbridge Island Municipal Code.

WHEREAS, the City of Bainbridge Island has the authority to adopt zoning provisions pursuant to RCW 36.70A.390; and

WHEREAS, the City Council has determined that an "Inn" is a desired use on the Island, provided that they are limited in size; and

WHEREAS, on October 5, 2011 the City Council directed staff to develop an ordinance allowing "Inns" as a permitted use in the Neighborhood Service Centers; and

WHEREAS, the City of Bainbridge Island Comprehensive Plan adopted in December 2004 contains a goal for the Neighborhood Service Centers to "Encourage the development of the Neighborhood Service Centers at Rolling Bay, Lynwood, and Island Centers, as designated on the Land Use Map, as areas with small-scale, Island-wide, commercial, mixed use and residential development outside Winslow"; and

WHEREAS, on November 3, 2011, the Planning Commission held a public hearing on draft Ordinance 2011-17, and recommended that "Inns" be permitted in the Neighborhood Service Centers and the Mixed Use Town Center/High School Road districts, and to make "Hotels" a conditional use in the Core and Ferry Terminal districts within the Mixed Use Town Center; and

WHEREAS, the City Council conducted first reading of Ordinance 2011-17 on November 21, 2011 and second reading and public hearing on December 7, 2011; and

WHEREAS, pursuant to RCW 36.70A.106, a 60-day notice was sent to the Washington State Department of Commerce on November 8, 2011; now therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Table 18.09.020 (Use Table) of the Bainbridge Island Municipal Code is amended to read as follows:

Table 18.09.020 Use Table

"P" = Permitted Use
 "C" = Conditional Use
 Blank = Prohibited Use
 "CA" = Conditional Accessory Use
 "T" = Temporary Use
 "A" = Accessory Use
 Additional Use restrictions for BIMC 16.12 and 16.20 may apply to shoreline or critical area properties

ZONING DISTRICT	Winslow Mixed Use Town Center										HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030			
	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14						Ferry [1]		
																CC	MA	EA
USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14								
PRINCIPAL USES	C	C	C	C	C	C	C	C	C	C	P	P	P	P	C			
Healthcare Facility															C-7			
CULTURAL AND ENTERTAINMENT																		
Artist Studio											P	P	P	P				
Club	C	C	C	C	C	C	C	C	C	C	P	P	P	P				
Commercial Amusement											P	P	P	P				
Cultural Facility	C	C	C	C	C	C	C	C	C	C	P	P	P	P	C C C			
Entertainment Facility											P							
COMMERCIAL SALES AND SERVICE																		
Note: Commercial Sales and Service uses may be subject to additional requirements in BIMC 16.12.200 Commercial development																		
Accommodation																		
Bed and Breakfast (3+ bedrooms)	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P			
Inn											P	P	P	P	P			
Hotel											P	P	P	P	D-1			

Section 2.
follows:

Section 18.15.020 of the Bainbridge Island Municipal Code is amended to read as

Table 18.15.020-1: Off-Street Parking Spaces Required for Residential, Neighborhood Service Center, Business/Industrial, and Water- Dependent Industrial Zone Districts	
Land Use	Spaces Required
Residential dwelling unit in a single family residential district [1]	2 spaces for each primary dwelling unit and 1 space for each accessory dwelling unit.
Residential dwelling unit in a multifamily residential, NSC, or B/I district	<p>1 space per primary dwelling unit that is a studio or 1 bedroom unit, and 2 spaces for all other primary dwelling units.</p> <p>Dwelling units situated directly above a commercial use or directly above parking serving a commercial use in the NSC or B/I districts shall require 1 parking space. Dwelling units separate from the commercial use or its parking by one or more intervening floors shall not be considered to be located "directly above" that use, and therefore 2 parking spaces are required.</p> <p>The director may require guest parking in excess of the required parking spaces, whether or not the required parking is reduced pursuant to 18.15.020.B.12, up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.</p>
Retail, commercial and personal services in a building with less than 1,000 square feet of floor area	5 spaces per 1,000 square feet of floor area, except as modified by the parking standards for the Mixed Use Overlay Districts and High School Road Districts below.
Retail, commercial and personal service in a building with 1,000 square feet of floor area or more	4 spaces per 1,000 square feet of floor area, except as modified by the parking standards for the Mixed Use Overlay Districts and High School Road Districts below.
Industry and light manufacturing uses	1 space for each employee plus 1 space for each 250 square feet of office space
Places of public accommodation serving food and beverage, including but not limited to restaurants and taverns	1 space for each 4 occupants as determined by the department
For motels/hotels, <u>inns</u> , and bed and breakfasts	1 space for each sleeping room
For places of assembly, including auditoriums, theaters,	10 spaces for each 1,000 square feet of floor area or 1 space for each 5 fixed seats, except for movie

Table 18.15.020-1: Off-Street Parking Spaces Required for Residential, Neighborhood Service Center, Business/Industrial, and Water-Dependent Industrial Zone Districts	
Land Use	Spaces Required
banquet rooms and religious institutions	theaters which shall require 1 space per 4 seats.
Elementary, Middle, and Junior High Schools	1 space per 50 students and 1 space per employee
High Schools	1 space per 10 school students and 1 per employee
Educational, governmental, health care and recreational facilities not included as part of an elementary, middle, junior or high school or a religious institution	A number of spaces adequate to accommodate the peak shift as determined by the director based on information submitted by the applicant as required for Other Uses and Special Cases below.
Day Care Centers	1 stall for each on-duty shift employee plus 1 stall for each 12 children served by the facility. Capacity is determined by state license requirements.
Other Uses and Special Cases	For other uses or special cases, parking requirements shall be established by the director. For determination by the director, the applicant shall supply (a) documentation regarding actual parking demand for the proposed use; or (b) technical studies prepared by a qualified professional relating to the parking need for the proposed use; or (c) required parking for the proposed use as determined by other comparable jurisdictions.
<p>[1] Residential parking requirements may be reduced by 50 percent for dwelling units located within a one-half-mile radius and 25 percent for dwelling units located within one-half mile and a one mile radius of the ferry terminal providing scheduled service to Seattle. This provision may not be used in conjunction with senior housing or other parking reduction arrangements, and the required number of parking spaces shall not be reduced below 1 space per parking unit. This provision does not preclude the authority of the director to require guest parking as described in this table.</p>	

Section 3. Section 18.36.030 of the Bainbridge Island Municipal Code is amended to read as follows (See Appendix A):

18.36.030.33. Bed and Breakfast

“Bed and breakfast” means a single-family residence that is owner-occupied and in which (1) three or more guest rooms are provided within the residence or within accessory buildings, for compensation, as overnight accommodations for transient visitors who remain no longer than two weeks in any one visit, and (2) breakfast is customarily included in the charge for the room. A bed and breakfast lodging is not a hotel, motel, inn, home occupation or other use defined or regulated elsewhere in this title, except that bed and breakfast establishments containing one or two sleeping rooms may be considered a minor home occupation as defined and regulated elsewhere in this title. ~~Similar facilities containing only one or two bedrooms for rental to guests shall be considered a Minor Home Occupation.~~

18.36.030.34. Hotel

~~“Hotel” means any building that is held out to the public to be an inn, motel, hotel or public lodging house or place where sleeping accommodations, whether with or without meals, or the facilities for preparing the same, are furnished for hire to transient guests, in which three or more rooms are used for the accommodation of such guests. A hotel or motel is not a bed-and-breakfast lodging as defined and regulated elsewhere in this Code. Short-term rental (less than 30 days at a time) of a single-family residence does not constitute a hotel.~~

“Hotel” means a building or group of buildings containing guest rooms, where, for compensation, lodging is provided for transient visitors. A hotel or motel may contain one or more restaurants. A hotel or motel is not a bed-and-breakfast lodging or inn as defined and regulated elsewhere in this Code. Short-term rental (less than 30 days at a time) of a single-family residence does not constitute a hotel.

18.36.030.122. Inn

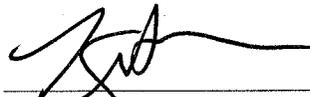
“Inn” means a building or group of buildings containing up to 15 guest rooms, where, for compensation, lodging is provided for transient visitors. An inn may contain a kitchen and/or dining room for serving meals to its guests. Individual rooms may include a bar-type sink and under-counter refrigerator but may not include a full sink, full-sized refrigerator or cooking range. An inn is not a hotel, motel or bed and breakfast lodging as defined and regulated elsewhere in this title.

Section 4. If any section, sentence, clause or phrase of this chapter shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

Section 5. This ordinance shall take effect on and be in force January 1, 2012 and after its passage, approval, and publication as required by law.

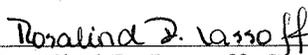
PASSED by the City Council this 7th day of December, 2011.

APPROVED by the Mayor this 7th day of December, 2011.



Kirsten Hytopoulos, Mayor

ATTEST/AUTHENTICATE:



Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	November 16, 2011
PASSED BY THE CITY COUNCIL:	December 7, 2011
PUBLISHED:	December 9, 2011
EFFECTIVE DATE:	January 1, 2012
ORDINANCE NO:	2011-17

APPENDIX A

18.36 DEFINITIONS

18.36.010 RULES OF CONSTRUCTION

In the interpretation of this Code the rules and definitions of this Section shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- D. The word "shall" is mandatory.
- E. The words "may" or "should" are permissive.
- F. The words "Municipal Code" means the Municipal Code of the City of Bainbridge Island, Washington.
- G. The word "person" includes individuals, firms, corporations, associations, and any other similar entities.
- H. The word "county" means the Kitsap County, Washington.
- I. The word "city" means the City of Bainbridge Island, Washington.
- J. The words "City Council" mean the City Council of the City of Bainbridge Island, Washington.
- K. The word "state" means the State of Washington.
- L. In case of any difference of meaning or implication between the text of this Code and any caption or illustration, the text shall control.
- M. The terms "standards" and "guidelines" have different meanings, as follows. Standards mandate the specific course of planning and design action that the applicant must incorporate in its project application. Compliance with standards is mandatory. Statements of standards are indicated by use of the word "shall" in the rule or directive. A failure to meet a mandatory standard may be used as a basis for the City's denial of a project application. In comparison, "guidelines," if any, follow the standards and are indicated by the words "may" or "should." Guidelines are voluntary and not mandatory; however, compliance is strongly encouraged to fulfill the intent of the section. A failure to meet a voluntary guideline cannot be used by the city as a basis for a project denial.

18.36.020 RULES OF MEASUREMENT

Rules of measurement for the following terms are defined in BIMC 18.12.050.

- A. Base Density
- B. Building Footprint
- C. Building Height
- D. Density
- E. Fence Height
- F. Floor Area
- G. Floor Area Ratio

- H. Front Setbacks
- I. Grade
- J. Lot Area
- K. Lot Coverage
- L. Lot Depth
- M. Lot Width
- N. Rear Setback
- O. Setback
- P. Side Setback
- Q. Shoreline Setback Line
- R. Structure Height
- S. Through Lots – Accessory Buildings

18.36.030 DEFINITIONS

18.36.030.1. Abutting

“Abutting” means bordering or touching, such as sharing a common lot line. Lots that are separated by a street or right-of-way are not abutting.

18.36.030.2. Accent Lighting

“Accent lighting” means any luminary that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.

18.36.030.3. Accessory Agricultural Processing and Livestock and Poultry Slaughtering

The killing or butchering of Large or Small Livestock or poultry, and the commercial preparation and manufacturing of commodities such as wine or jam using crops or livestock raised primarily from island farms. This is an accessory and subordinate use to Crop Agriculture or Animal Agriculture.

18.36.030.4. Accessory Agricultural Education

“Accessory agricultural education” means the provision of knowledge, information, and skills pertaining to agriculture, which is conducted concurrently with crop or animal agriculture crops and as an accessory use to the primary agricultural use on the property. Examples include demonstration gardens and interactive seminars that demonstrate best practices in farm management and resource conservation.

18.36.030.5. Accessory Agricultural Retail

“Accessory Agricultural retail” includes community kitchens, stables, and also means the sale of 1) crops grown or livestock raised by a farmer, or 2) value added products made from crops grown or livestock raised by the farmer, and 3) incidental associated agricultural products sold on-site where agricultural crops or livestock are grown or raised that is subordinate to the actual agriculture on-site. Products sold shall be 1) primarily Island grown crops, 2) value added products if the defining ingredient was Island grown, and 3) associated products that are incidental to the agricultural activity on the site.

- A. "Accessory Agricultural Retail, Minor" means Agricultural Retail that (a) generates less than 36 round trips per day on average, and (b) does not conduct more than 4 agricultural special events each year. This category includes Farm Stands and joint use of farm stands by multiple producers and the use of retail sites for pick-up of community supported agricultural deliveries. See Farm Stand.
- B. "Accessory Agricultural Retail, Major" means Agricultural Retail that is more intensive than Minor Agricultural Retail.

18.36.030.6. Accessory Agricultural Tourism

"Accessory agricultural tourism" means agriculturally related accessory uses that are subordinate to the growing of crops or the raising of livestock, designed to bring the public to the farm on a temporary or continuous basis, such as U-pick farm sales, farm mazes, pumpkin patches, farm animal viewing and petting, wagon rides, farmland and facility tours, horticulture nurseries and associated display gardens, cider pressing, classes or workshops, wine or cheese tasting, etc.

18.36.030.7. Accessory Antenna Device

"Accessory antenna device" means an antenna including, but not limited to, test mobile antennas and global positioning (GPS) antennas that are less than 12 inches in height or width, excluding the support structure.

18.36.030.8. Accessory Day Care Facility

"Accessory day care facility" means a day care center for people sited on the premises of an operating community service facility, such as a private or public school, place of worship, community center or library, and associated with that activity.

18.36.030.9. Accessory Composting Bins

"Composting Bin" means a structure built to facilitate the decomposition of organic matter. Composting Bins must be designed to prevent the production of excessive odors.

18.36.030.10. Accessory Dwelling Units

Accessory dwelling unit means separate living quarters containing kitchen facilities, where the living quarters are contained within or detached from a single-family dwelling on a single lot.

18.36.030.11. Accessory Structure

"Accessory structure" means a subordinate building or structure that is incidental to the principal structure on the same lot, or an abutting lot if it meets the requirements in 18.09.030.I.12. Accessory structures include, but are not limited to, solar panels, small wind devices, barns, sheds, and confined feed lots holding less than 5 chickens (roosters are only allowed on parcels outside of the Mixed Use Town Center districts). Accessory dwelling units are not considered accessory buildings or structures.

18.36.030.12. Accessory Use

"Accessory use" means a use customarily incidental and related to the principal use on the same lot. Accessory dwelling units are not considered accessory uses.

18.36.030.13. Accessory Uses to Agriculture (not listed otherwise)

"Accessory use to Agriculture" means a use customarily incidental and related to Animal Agriculture or Crop Agriculture and not defined separately. Other accessory uses to Agriculture include without limitation: storage of heavy equipment or vehicles used for agricultural purposes, incidental structures used in support of permitted uses, the repair of agricultural equipment used on the property or nearby properties, and mixing of feeds to be used in Animal Agriculture or soil treatments to be used in Crop Agriculture.

18.36.030.14. Adjoining

"Adjoining" means immediately abutting or separated only by a street or right-of-way. (Ord. 92-08 § 2, 1992)

18.36.030.15. Adult Entertainment Facility

“Adult Entertainment Facility” means a facility where the principal use of the property or a significant or substantial adjunct to another use of the property is the sale, rental, display or other offering of live entertainment, dancing, or the making or selling of material that is distinguished or characterized by its emphases on depicting, exhibiting, describing or relating to sexual activities. This includes, but is not limited to, an adult bookstore, massage parlor, adult motion picture booth or theater, adult dancing establishment, adult cabaret, or adult arcade.

18.36.030.16. Affordable Housing

“Affordable housing” or “affordable dwelling unit” (formerly “HUD-defined affordable housing”) means a dwelling unit for use as primary residence by a household in any of the income groups described below, which may be rented or purchased (including utilities other than telephone and cable TV) without spending more than 30 percent of monthly household income. Income level eligibility threshold levels shall be set using HUD levels for the Seattle Metropolitan Statistical Area.

18.36.030.17. Agricultural Research Facilities

“Educational or research facilities related to agriculture” means a facility for the investigation, testing, or demonstration of products and processes related to agriculture, horticulture, or animal husbandry, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

18.36.030.18. Agricultural Land

“Agricultural land” is defined in BIMC 16.26.

18.36.030.19. Agricultural Operations

“Agricultural operation” is defined in BIMC 16.26.

18.36.030.20. Agricultural Processing

The commercial preparation and manufacturing of commodities such as wine or jam using crops or livestock raised primarily from island farms.

18.36.030.21. Agricultural Retail Plan

“Agricultural retail plan” means a document, filed with the city, which contains information on agricultural activity occurring at a specific location. Different from, but may be supplemented by, Trust for Working Landscapes or Kitsap County Conservation District farm plans.

18.36.030.22. Agricultural Special Event

“Agricultural Special event” means activities that are held on farmland and that are desirable but unrelated to agriculture, such as weddings or parties unrelated to a resident of the property.

18.36.030.23. Agriculture, Crop

All forms of crop-related activities, such as growing crops and processing island-grown crops as part of a farm. Examples include grain and vegetable farms, horticulture, greenhouses, orchards, and tree nurseries. Crop Agriculture does not include Accessory Major or Minor Agricultural Retail or Accessory Agricultural Tourism. Incidental vegetable gardening and landscaping are accessory uses to residential land use and are not defined as agriculture.

18.36.030.24. Agriculture, Animal

All forms of activities involving the breeding, care, and/or sheltering of large or small livestock or poultry for sale or use, or for the sale or use of their products or byproducts, and/or the processing of those products or byproducts as part of a farm. Animal Agriculture does not include a commercial feedlot. For purposes of this definition, a Commercial Feedlot is a primary use of land in which more than 20 Large Livestock or more than 40 Small Livestock (1) are regularly confined for more than 12 hours each day, on average, in an enclosed structure or an area that is not normally used as a grazing area or for growing crops, and (2) are generally fed within that structure or area by mechanical means or by hand (rather than by grazing) for purposes of fattening for sale or slaughter.

Occasional confinement of Large or Small Livestock for more than 12 hours each day or periodic hand or mechanical feeding during bad weather does not establish a Commercial Feedlot. Incidental keeping of common pets is an accessory use to residential land use and is not defined as Animal Agriculture.

18.36.030.25. Animal Foster Home

“Animal foster home” means a temporary home with a permit approved by the animal control authority to house lost, abandoned, or unwanted dogs and cats until an adoptive home is located.

18.36.030.26. Animal Shelter

See BIMC 6.04.010.

18.36.030.27. Antenna

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

- A. “Omni-directional antenna” (also known as a “whip” antenna) transmits and receives radio frequency signals in a 360-degree radial pattern. For the purpose of this chapter, an omni-directional antenna is up to 15 feet in height and up to four inches in diameter.
- B. “Directional antenna” (also known as a “panel” antenna) transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
- C. “Parabolic antenna” (also known as a “dish” antenna) is a bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.

18.36.030.28. Artist Studio

“Artist studio” means the workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for portraits. An artist’s studio does not include a residence or living unit.

18.36.030.29. Assembly Area

Assembly area means a portion of a facility in which the public or membership gathers for public presentations, events, education, worship, or civic activities. For purposes of determining parking requirements, assembly area does not include portions of a facility with fixed seating – such as an auditorium.

18.36.030.30. Associated Products and/or Activity

“Associated products and/or activity” for the purpose of Agricultural retail and as applied to agricultural uses means a required agricultural input, product or activity related to the primary crop, product or activity.

18.36.030.31. Attached Wireless Communication Facility

“Attached wireless communication facility” means a wireless communication facility that is affixed to an existing structure. The existing structure is not considered a component of the attached wireless communications facility.

18.36.030.32. Auto repair Services

“Auto repair services” means the servicing of automobiles, including mechanical servicing and body work.

18.36.030.33. Bed and Breakfast

“Bed and breakfast” means a single-family residence that is owner-occupied and in which (1) three or more guest rooms are provided within the residence or within accessory buildings, for compensation, as overnight accommodations for transient visitors who remain no longer than two weeks in any one visit, and (2) breakfast is customarily included in the charge for the room. A bed and breakfast lodging is not a hotel or motel, home occupation, or other use defined or regulated elsewhere in this title, except that bed and breakfast establishments containing one or two sleeping rooms may be considered a minor home occupation as defined and regulated elsewhere in this title. Similar facilities containing only one or two bedrooms for rental to guests shall be considered a Minor Home Occupation.

18.36.030.34. Best Management Practices

When used in the context of critical area regulations, "best management practices" are as defined in BIMC 16.20. (Ord. 92-08 § 2, 1992) When used in the context of agricultural practices, "best management practices" are those practices defined in BIMC 18.09.030.A.1.b (Use Specific Standards for Agricultural Uses).

18.36.030.35. BIMC

"BIMC" means Bainbridge Island Municipal Code.

18.36.030.36. Boarding Kennel/Cattery

"Boarding kennel/cattery" means a kennel or cattery where dogs or cats are boarded or trained for compensation, but does not include a pet shop, animal shelter, or veterinary hospital where the boarding is incidental to the primary purpose of the facility.

18.36.030.37. Buffer

"Buffer" means space, either landscaped or existing or natural vegetation, intended to reduce the impact of undesirable sights, sounds, odors, and/or to protect critical areas. Buffers protecting critical areas shall be as defined in BIMC 16.20. (Ord. 98-20 § 13, 1998; Ord. 92-08 § 2, 1992)

18.36.030.38. Building

"Building" means any structure having a roof, designed for shelter of persons, animals, or property. (Ord. 2004-12 § 4, 2004; Ord. 2001-41 § 10, 2001; Ord. 92-08 § 2, 1992)

18.36.030.39. Caliper

"Caliper" means a measurement used for deciduous trees. Caliper of a tree trunk shall be taken six inches above the ground up to and including four-inch caliper size, and 12 inches above the ground for larger tree sizes.

18.36.030.40. Carport

"Carport" means a covered shelter for one or more vehicles that is open on at least two sides

18.36.030.41. Car Wash, Manual or Automatic

"Car Wash, Manual or Automatic" means a facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities. A car wash may be: a single unit type that has a single bay or a group of single bays with each bay to accommodate one vehicle only; or a tunnel type that allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

18.36.030.42. Cemetery

"Cemetery" means any one of the following in a place actually used for the placement of human remains and dedicated for that purpose:

- A. A tract of land actually used for the burial of human remains in the ground;
- B. A mausoleum building or structure for the entombment of human remains in crypts, which are spaces in which human remains are placed; and
- C. A columbarium structure, room, or other space in a building or structure containing niches in which cremated human remains are placed.

18.36.030.43. Certificate of Appropriateness

"Certificate of appropriateness" means the certificate issued by the Historic Preservation Commission pursuant to BIMC 18.24 upon approval of proposed changes that do not adversely affect the historic characteristics of a property listed on the local register.

18.36.030.44. Certificate of Review

"Certificate of review" means a certificate representing that the Historic Preservation Commission has reviewed the proposed changes to a building of historic interest and certified the changes as not adversely affecting the historic characteristics of the property.

18.36.030.45. Certified Local Government

“Certified local government” means a local government that has been certified by the State Historic Preservation Officer and the National Park Service as having established its own historic preservation commission and program that meets federal and state standards.

18.36.030.46. Circle Template

“Circle Template” means the template used to measure lot width. Lot width is determined by the diameter of the biggest circle that can fit entirely inside the lot boundary line.

18.36.030.47. Cistern

“Cistern” is a receptacle for holding water or other liquid, especially a tank for catching and storing rainwater.

18.36.030.48. Clearing

“Clearing” means the destruction or removal of vegetation by manual, mechanical, or chemical methods.

18.36.030.49. Club

“Club” means a meeting place for an incorporated or unincorporated association of persons organized for some common purpose, including social, educational, literary, political, or charitable purpose, operated by a private nonprofit or noncommercial organization.

18.36.030.50. Co-location

“Co-location” means the location of more than one wireless communications provider mounts equipment on a single support structure.

18.36.030.51. Commercial Amusements

“Commercial amusements” means a video arcade, electronic game center, pool hall, dance hall, paintball center, a virtual reality arcade and similar uses.

18.36.030.52. Commercial Moving and Freight Terminal

A facility in which freight or goods are assembled for loading onto a vehicle for transfer to another location in return for a fee.

18.36.030.53. Commercial Parking, Surface

“Commercial parking, surface” means the ownership, lease, operation, or management of a commercial surface parking lot in which fees are charged.

18.36.030.54. Commercial Parking, Structure

“Commercial parking, structure” means the ownership, lease, operation, or management of an above-ground or below-ground commercial parking structure in which fees are charged.

18.36.030.55. Commercial Use

“Commercial use” means the providing of goods or services for compensation.

18.36.030.56. Community Garden

“Community Garden” means a facility or area for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

18.36.030.57. Commuter-Oriented Retail Sales

“Commuter-oriented retail sales” means retail services and certain personal and professional services, offered primarily to ferry commuters, open during peak commute hours. Examples of commuter-oriented retail sales include coffee bar, newspaper stand, florist, drop-off dry cleaners, shoe repair, automatic teller machines and other uses that require a short visit.

18.36.030.58. Comprehensive Plan

“Comprehensive plan” means the policies approved by the city council as a guide to the development of the city. (Ord. 92-08 § 2, 1992)

18.36.030.59. Conditional Use

“Conditional use” means a use listed among those classified in any given zone but permitted to locate only after review by the city’s hearing examiner and in accordance with standards and criteria set forth in this title. (Ord. 92-08 § 2, 1992)

18.36.030.60. Consent

When used in connection with historic preservation, “consent” means informed consent, and in the case of nominations or designations for listing on the register shall mean consent given after receipt of information prescribed in the commission’s rules that will inform the property owner of the practical and legal effect of nominating or designating the property for listing on the register.

18.36.030.61. Cultural Facility

“Cultural facility” means a library, museum, art gallery, cultural center, community center (such as a community kitchen), convention center, exhibition hall, or meditation facility. Cultural facility does not include an artist studio.

18.36.030.62. Custom Operators

“Custom Operators” means an enterprise in which a contractor or other operator agrees to perform all or some machine operations, providing equipment and labor, for production and related activities on agricultural sites in exchange for a payment or a payment along with a percentage of profits. Field operations performed by a custom operator may include field preparation, planting, cultivating, harvesting, tilling, haymaking, bush hogging, crop storage, hauling, fencing, and barn construction.

18.36.030.63. Cut-off Angle

“Cut-off angle” (of a luminary) means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.

18.36.030.64. Day Care Center

“Day Care Center” means a building or structure in which an agency, person, or persons regularly provide care for 13 or more people in any 24-hour period and could include a public or private school.

18.36.030.65. Defining Ingredient

“Defining ingredient” means the part or component that describes the distinguishing characteristic of a product. (Ord. 2004-11 § 2, 2004)

18.36.030.66. Department

“Department” means the city’s department of planning and community development. (Ord. 92-08 § 2, 1992)

18.36.030.67. Development Rights

“Development rights” means the potential for the improvement of real property, measured in dwelling units or units of commercial or industrial space, existing because of the zoning classification of real property. (Ord. 96-07 § 1, 1996)

18.36.030.68. Diameter/Diameter-Breast-Height

When used in connection with trees, “Diameter/diameter – breast – height” means the diameter of a tree trunk measured at four feet above average grade.

18.36.030.69. Director

“Director” means the director of the planning and community development department or his or her designee. (Ord. 2005-13 § 1, 2005; Ord. 2003-44 § 3, 2004; Ord. 92-08 § 2, 1992)

18.36.030.70. Disabled Person or Handicapped Person

A “disabled” or “handicapped” person is one who meets the definition of a handicapped person in the federal Fair Housing Act Amendments of 1988, as amended.

18.36.030.71. Domestic Animal

“Domestic animal” means cats, dogs, rabbits and other small animals commonly kept as pets in the city.

18.36.030.72. Drive-Through Business

“Drive-through business” means a business or portion of a business where customers may carry on business while seated in a motor vehicle. This definition shall include but not be limited to gas stations, car washes, and drive-in restaurants or banks.

18.36.030.73. Drought Resistant Plants

“Drought resistant plants” means plant material once established can survive with little or no water other than that from annual rainfall.

18.36.030.74. Dwelling

“Dwelling or dwelling unit” means a building or portion of a building that provides independent living facilities with provisions for sleeping, eating and sanitation; provided a recreational vehicle or bus is not a dwelling or dwelling unit. A facility for sleeping is a habitable room large enough for a couch, bed or cot. A closet in the room is not necessary for the room to be considered a bedroom. Provisions for sanitation mean that bathing facilities are provided, e.g., a shower or a tub. A toilet and sink in a room is not considered bathing facilities. A kitchen is necessary to provide facilities for eating (see definition of kitchen).

18.36.030.75. Dwelling, Single-Family

“Single-family dwelling” means a structure containing one dwelling unit on one lot and having a permanent foundation, and includes Factory-Built Homes and Manufactured Homes.

18.36.030.76. Educational Facilities

“Educational Facilities” means a public or private school or educational or training institution that offers a program of college, professional, environmental, preparatory, high school, middle school, junior high school, elementary, kindergarten instruction, or any combination of those facilities, or any other program of trade, technical or artistic instruction (excluding single day programs of instruction), together with associated staff housing and/or conference facilities and other typical educational accessory uses.

18.36.030.77. Egg Laying Facility

A form of Animal Agriculture in which more than 200 poultry are confined indoors or outdoors for feeding purposes and where the space per animal is less than two square feet.

18.36.030.78. Emergency Repair

“Emergency repair” means work necessary to prevent the destruction or dilapidation of buildings, objects, sites and structures that are immediately threatened or have been damaged by fire, flood, earthquake or other disaster.

18.36.030.79. Emergency Repair for Historic Buildings

“Emergency repair for historic buildings” means work necessary to prevent destruction or dilapidation of a building of historic interest immediately threatened or damaged by fire, flood, earthquake or other disaster.

18.36.030.80. Entertainment Facility

“Entertainment facility” means a performing arts theater, or cinema, concert venue, or circus/festival; venue not included in the definition of Recreation Activities, Outdoor, and Recreation Activities, Indoor, “Entertainment facility” does not include adult-oriented entertainment facilities.

18.36.030.81. Equestrian Facilities

"Equestrian facility" means a facility designed and intended for the display of equestrian skills and the hosting of events including, but not limited to, show jumping, dressage, and similar events of other equestrian disciplines.

18.36.030.82. Equipment Shelter

"Equipment shelter" or "cabinet" means a room, cabinet or building used to house equipment for utility or service providers.

18.36.030.83. Established Vegetation

"Established vegetation" means mature trees and shrubs.

18.36.030.84. Factory-Built Home

"Factory-built home" means any building designed to be used as a dwelling that is constructed primarily in a factory in compliance with the standards of the Uniform Building Code, does not contain a permanent chassis, and is transported to the site for assembly and installation on a permanent foundation. Such dwellings must have the insignia of approval of the Washington State Department of Labor and Industries, in accordance with Chapter 43.22 RCW.

18.36.030.85. Family

"Family" means one or more persons (but not more than five unrelated persons) living together as a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this Code, persons with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps with the meaning of Title 42 United States Code, Section 3602(h) and RCW 35A.63.240 will not be counted as unrelated persons. "Adult family homes" as defined by RCW 70.128.175 shall be included within this definition of "family." Facilities housing individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition of "family."

18.36.030.86. Family Day Care Home

"Family day care home" means a family abode in which child day care is provided on the premises during part of the 24-hour day to 12 or fewer children, including the provider's own and foster children under 11 years of age. Education functions that are secondary to the day care operation are allowable for the number of children specified and will not be considered a school.

18.36.030.87. Farm Stand

"Farm stand" means a form of agricultural retail use that includes an accessory structure or land used for the sale, by the owner or his family or tenant, of agricultural or horticultural produce, livestock or merchandise principally produced on that farm, but may include produce grown on other farms and accessory products, and that is clearly a secondary use of the premises and does not change the character of the premises. It also may include a central place where farmers can deliver products for pick-up by consumers but not a wholesale distribution center.

18.36.030.88. Fixture

When used in connection with lighting, "Fixture" (also called a "luminaire") means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

18.36.030.89. Flag Lot

"Flag lot" means a lot of a panhandle configuration where the panhandle connects the main body of the lot to a road or street. (Ord. 92-08 § 2, 1992)

18.36.030.90. Food Service Establishment

“Food service establishment” means a building, or portion thereof, containing tables and/or booths, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, for employees of businesses within the development. The term “food service establishment” shall not include “restaurant”, “formula take-out food restaurant”, or “drive-through business.”

18.36.030.91. Foot-Candle

“Foot-candle” means a measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen/ft². As an example, a typical 60-watt incandescent lamp (840 lumens) produces an illuminance of 0.1 foot-candles at a distance of about 25 feet.

Formula Take-Out Food Restaurant

“Formula take-out food restaurant” means a restaurant or establishment that (1) is contractually required to offer standardized menus, ingredients and interior or exterior design; and (2) serves or delivers its food or beverages primarily in disposable containers.

18.36.030.92. Forestry

“Forestry” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: Road and trail construction; harvesting, final and intermediate; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control. “Forestry” shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products that cannot normally be expected to result in damage to forest soils, timber or public resources.

18.36.030.93. Foster Care

“Foster care” means 24-hour per day temporary substitute care for the child placed away from the child's parents or guardians and for whom the department or a licensed or certified child placing agency has placement and care responsibility. This includes but is not limited to placements in foster family homes, foster homes of relatives, licensed group homes, emergency shelters, staffed residential facilities, and preadoptive homes, regardless of whether the department licenses the home or facility and/or makes payments for care of the child.

18.36.030.94. Foster Home

“Foster home” means person(s) regularly providing foster care on a 24-hour basis to one or more children in the person's home.

Garage

“Garage” means a building or portion of a building designed or used for the shelter of vehicles and enclosed on at least three sides.

18.36.030.95. Gasoline Service Station

“Gasoline service station” means a retail business where gasoline or other automotive fuel is sold.

18.36.030.96. Geological Hazard

“Geological Hazard” shall have the meaning defined in BIMC 16.20.030.A.20.

18.36.030.97. Governmental Facility

“Governmental facility” means an institution operated by a federal, state, county, or city government, or special purpose districts.

18.36.030.98. Grazing Area

Any open land area used to pasture livestock in which suitable forage is maintained over 80% of the area at all times of the year.

18.36.030.99. Greenhouse

“Greenhouse” means an establishment where flowers, shrubs, vegetable, trees, and other horticultural floricultural products are grown both in open and enclosed buildings.

18.36.030.100. Greenway

“Greenway” means a system of land areas and connector links. Land areas include but are not limited to: large open areas, public lands, farm lands, critical areas, forests, shoreline areas, and parks. The features of the connector links include: trail systems, riparian areas, visual or scenic views of ridgelines, wildlife corridors or any combination of these.

18.36.030.101. Group Care Facility

“Group care facility” means a facility licensed by the state, that provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering from the effects of drugs or alcohol; provided group care facilities shall not include day care centers, family day care homes, foster homes, schools, hospitals, jails, prisons, or Healthcare Facilities. This use also includes facilities that would meet the definition of a Small Group Living Facility except that they house more than six residents (not including caregivers).

18.36.030.102. Hazardous Substance

“Hazardous substance” means any liquid, solid, gas, sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste specified in RCW 70.105.010.

18.36.030.103. Hazardous Substance Handling

“Hazardous substance handling” means the use, storage, manufacture, production, or other land use activity involving hazardous substances; except for individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container.

18.36.030.104. Hazardous Waste

“Hazardous waste” means and includes all dangerous and extremely hazardous waste as specified in RCW 70.105.010.

18.36.030.105. Hazardous Waste Storage

“Hazardous waste storage” means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste is not storage as long as the accumulation is in compliance with applicable requirements of WAC 173-303-200 and 173-303-201.

18.36.030.106. Hazardous Waste Treatment

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

18.36.030.107. Hazardous Waste Treatment and Storage, Off-site

“Off-site hazardous waste treatment and storage” means hazardous waste treatment and storage facilities that treat and store waste generated on properties other than those on which the off-site facilities are located.

18.36.030.108. Hazardous Waste Treatment and Storage, On-site

“On-site hazardous waste treatment and storage” means storing or treating hazardous wastes on the lot on which the wastes are generated.

18.36.030.109. Health Care Facility

“Health care facility” means a building or buildings used for human health care.

18.36.030.110. Heavy Equipment

“Heavy equipment” means self-powered, self-propelled or towed mechanical devices, equipment and vehicles of the nature customarily used for commercial purposes such as tandem axle trucks, graders, backhoes, tractor trailers, cranes and lifts but excluding automobiles, recreational vehicles and boats and their trailers.

18.36.030.111. Heavy Equipment Storage Area

“Heavy equipment storage area” means a place where two or more items of heavy equipment are stored.

18.36.030.112. Heavy Use Area

Any portion of a property (a) where frequent concentrations and passage of Large Livestock or Small Livestock or the accumulation of animal waste prevents the growth of grass and the prevailing ground is generally one of bare ground or mud.

18.36.030.113. Historic District

“Historic district” means a geographically definable area containing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development, and that has been designated as a Historic District by the City.

18.36.030.114. Historic Preservation Commission

“Historic preservation commission” or “commission” means the commission created pursuant to BIMC 18.24 and governed by that chapter.

18.36.030.115. Historic Property

“Historic property” means real property together with improvements on the property (except property listed in a register primarily for objects buried below ground) that is listed in a local or national register.

18.36.030.116. Historic Significance

“Historical significance” means something that is important or helpful in the understanding of the history of the local area, state or nation by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or the property’s architectural type or style.

18.36.030.117. Home Occupation

“Home occupation” means an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services. Home occupation does not include daycare centers, general retail sales, restaurants or other eating and drinking establishments, adult entertainment facilities, funeral chapels or mortuaries, storage of flammable liquids or hazardous materials beyond that normally associated with residential use, sale or rental of adult materials, or heavy machinery storage not part of an agricultural use.

- A. “Minor Home Occupations” are compatible with the neighborhoods in which they are located and cause no impact greater than that generally associated with a single residence. Bed and breakfast establishments that rent no more than two rooms to transient visitors shall be considered a minor home occupation.
- B. “Major Home Occupations” cause some effect greater than that generally associated with a single residence and require some action or conditions to reduce those effects. Major home occupations include, but are not limited to the following: Home occupations that do not meet all the criteria for minor home occupations; auto repairing, vehicle detailing, and vehicle, boat, or trailer painting and major appliance repair; and commercial welding and machine shops.

18.36.030.118. Hotel

~~“Hotel” means any building that is held out to the public to be an inn, motel, hotel or public lodging house or place where sleeping accommodations, whether with or without meals, or the facilities for preparing the same, are furnished for hire to transient guests, in which three or more rooms are used for the accommodation of such guests. A hotel or motel is not a bed and breakfast lodging as defined and regulated elsewhere in this Code. Short term rental (less than 30 days at a time) of a single family residence does not constitute a hotel.~~

“Hotel” means a building or group of buildings containing guest rooms, where, for compensation, lodging is provided for transient visitors. A hotel or motel may contain one or more restaurants. any building that is held out

to the public to be an inn, motel, hotel or public lodging house or place where sleeping accommodations, whether with or without meals, or the facilities for preparing the same, are furnished for hire to transient guests, in which three or more rooms are used for the accommodation of such guests. A hotel or motel is not a bed-and-breakfast lodging or inn as defined and regulated elsewhere in this Code. Short-term rental (less than 30 days at a time) of a single-family residence does not constitute a hotel.

18.36.030.119. Industrial Wastewater

“Industrial wastewater” includes wastewater resulting from (a) any process of industry, manufacture, trade or business; (b) the development of any natural resource; or (c) the washing of equipment and vehicles, or similar activities. Storm water runoff and runoff from the watering of landscaping is not included.

18.36.030.120. Inn

“Inn” means a building or group of buildings containing up to 15 guest rooms, where, for compensation, lodging is provided for transient visitors. An inn may contain a kitchen and/or dining room for serving meals to its guests. Individual rooms may include a bar-type sink and under-counter refrigerator but may not include a full sink, full-sized refrigerator or cooking range. An inn is not a hotel, motel or bed and breakfast lodging as defined and regulated elsewhere in this title.

18.36.030.121. Kennel

“Kennel” means a place where three or more adult domestic animals are kept commercially, generally overnight. A commercial kennel is considered a professional service under this title and is maintained to board, breed or treat the animals for profit and shall exclude pet shops and agriculture. This use includes a boarding kennel/cattery, animal shelter, or animal foster home.

18.36.030.122. Kitchen

A kitchen is a place where food is cooked or prepared and contains the facilities and equipment use in preparing and serving food, such as: a gas or electric range or oven (a free-standing burner, warming oven or microwave is not considered a range or oven); a kitchen sink (a bar or hand sink is not considered a kitchen sink); refrigerator/freezer (an upright refrigerator or freezer that fits under a counter, such as the type often found in offices, is not sufficient for a kitchen in a dwelling); kitchen cabinets (a small base cabinet use to support the bar or hand sink and provide minimum storage is not sufficient for a kitchen in a dwelling); OR electric outlet for 220 voltage and/or plumbing or standpipes for equipment and facilities normally found in a kitchen.

18.36.030.123. Lamp

“Lamp” means the light-producing source installed in the socket portion of a luminaire.

18.36.030.124. Landscaping

“Landscaping” means the placement, preservation, and the replacement of trees, shrubs, plants and other vegetative materials in accordance with an approved landscaping plan meeting the requirements set forth in this Title or the Administrative Manual. (Ord. 92-08 § 2, 1992)

18.36.030.125. Landscape Perimeter Averaging

“Landscape perimeter averaging” means a method that allows required landscape perimeters to be reduced to a minimum dimension and cluster plants to areas within the perimeter that provides denser screening adjacent to structures and parking areas, and allows lesser screening in areas where there are no structures and parking areas. Landscape perimeter averaging is also allowed to retain significant trees and tree stands located within the perimeters. The total required landscape perimeter dimension square footage must be achieved.

18.36.030.126. Lattice Tower

“Lattice tower” means a wireless communication support structure that consists of metal crossed strips or bars to support antennas and related equipment.

18.36.030.127. Light Pollution

“Light pollution” means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.

18.36.030.128. Light Trespass

“Light trespass” means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or indirectly shines beyond the property on which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line.

18.36.030.129. Livestock

“Livestock” means horses, camelids, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any hoofed animal.

18.36.030.130. Livestock, Large

Livestock generally weighing over 500 pounds, such as cattle and horses.

18.36.030.131. Livestock, Small

Livestock weighing under 500 pounds, such as poultry, sheep, goats, miniature horses, llamas, alpacas, reindeer, donkeys, mules, and hogs, but excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder that are kept as household pets.

18.36.030.132. Local Historic Inventory

“Local historic inventory” or “inventory” means the comprehensive inventory of the historic resources located within the city’s boundaries, which is established and maintained by the commission.

18.36.030.133. Local Register of Historic Places

“Local register of historic places” or “local register” or “register” means the list of historic properties within the city established pursuant to BIMC 18.24.030.

18.36.030.134. Lot

“Lot” means a platted or unplatted parcel or tract of land. (Ord. 92-08 § 2, 1992)

18.36.030.135. Lot, Corner

“Corner lot” means a lot bounded on adjacent sides by streets. (Ord. 92-08 § 2, 1992)

18.36.030.136. Lot Line, Front

“Front lot line” means the lot line abutting any street. (Ord. 92-08 § 2, 1992)

18.36.030.137. Lot Line, Rear

“Rear lot line” means the lot line opposite and most distant from the front lot line; when the lot extends to tidal water, the rear lot line is the ordinary high water mark. (Ord. 92-08 § 2, 1992)

18.36.030.138. Lot Line, Side

“Side lot line” means any lot line that is neither a front or rear lot line. (Ord. 92-08 § 2, 1992)

18.36.030.139. Lot, Standard

“Standard Lot” means a conforming or nonconforming lot created through some means other than the flex-lot process.

18.36.030.140. Lot, Through

“Through lot” means a lot having frontage on two streets that do not intersect at a lot line. (Ord. 92-08 § 2, 1992)

18.36.030.141. Luminaire

See "Fixture"

18.36.030.142. Manufactured Home

"Manufactured home" means any building designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, that is constructed primarily in a factory in compliance with the National Manufactured Home Construction and Safety Standards (adopted June 15, 1976), contains a permanent chassis, and is transported to the site in one or more sections for assembly and installation according to the manufacturer's specifications. Such dwellings must have the insignia of approval of the U.S. Department of Housing and Urban Development, in accordance with Chapter 43.22 RCW.

18.36.030.143. Manufacturing, Light

"Manufacturing, light" means businesses located within a building and involving assembling, distributing fabricating, manufacturing, packaging, printing, processing, publishing, recycling, repairing, servicing, storing, or wholesaling of goods or products.

18.36.030.144. Manufacturing, General

"Manufacturing, general" means any principally permitted use whose operations is predominantly out of doors rather than completely enclosed within a building. These uses include, but are not limited to, outdoor assembly businesses, equipment and vehicle yards, and outdoor recycling facilities.

18.36.030.145. Manufacturing, Small-Scale

"Manufacturing, small-scale" means a business that includes small-scale assembly, small-scale processing or other activities such as food processing, machine shops, wood shops, and electronic parts assembly; provided that the use does not adversely impact the neighborhood through noise, odor, lighting, fire safety and transportation.

18.36.030.146. Mature Trees and Shrubs

"Mature trees and shrubs" means Significant Trees as defined in BIMC 18.36 and/or native shrubs, ferns and forbs established at a density that provides a predominately continuous cover.

18.36.030.147. Mature Vegetation on Ridgelines

"Mature vegetation on ridgelines" means existing Significant Trees as defined in BIMC 18.36 located on those dominant natural topographic features that are prominently visible from off-site public rights-of-way and lands.

18.36.030.148. Maximum Extent Feasible

"Maximum extent feasible" means no feasible and prudent alternative exists and that all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic consideration may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

18.36.030.149. Median Household Income

"Median household income" means the amount calculated and published by the United States Department of Housing and Urban Development ("HUD") each year for the Seattle Metropolitan Statistical Area (MSA) as the median household or family income, adjusted by HUD for household size. (Ord. 99-14 § 1, 1999; Ord. 97-15 § 1, 1997; Ord. 96-08 § 3, 1996)

18.36.030.150. Mining and Quarrying

"Mining and Quarrying" means operations and extracting activities, and generally include the screening, sorting, and piling of rock, sand, stone, gravel, or ore. For example, an operation that extracts rock, then screens, sorts, and with no further processing places the rock into piles for sale, is an extracting operation. This definition is intended to be consistent with the definitions in RCW 78.44.031(17), and in case of an inconsistency the provisions of RCW 78.44.031(17) shall govern.

- A. The crushing and/or blending of rock, sand, stone, gravel, or ore are manufacturing activities. These are manufacturing activities whether or not the materials were previously screened or sorted.
- B. Screening, sorting, piling, or washing of the material, when the activity takes place in conjunction with crushing or blending at the site where the materials are taken or produced, is considered a part of the manufacturing operation if it takes place after the first screen. If there is no separate first screen, only those activities subsequent to the materials being deposited into the screen are considered a part of the manufacturing operation.

18.36.030.151. Mobile Retail Food Establishment

"Mobile retail food establishment" means a retail food establishment that is operated from a movable vehicle or other portable structure, and that routinely changes location, except that if the establishment operates from any one location for more than thirty consecutive days, the establishment is no longer a mobile retail food establishment. A mobile retail establishment shall not be considered a personal service.

18.36.030.152. Monopole

"Monopole" means a wireless communication facility that consists of a support structure, the height of which shall not exceed 120 feet in height not including antennas.

18.36.030.153. Motor Vehicle Sales Lot

"Motor vehicle sales lot" means any land or buildings used primarily for the sale of new or used motor vehicles fit for transportation.

18.36.030.154. Multifamily Development

"Multifamily development" means a building or portion of a building containing two or more dwelling units or more than one dwelling unit on one lot, including multiple living units on a single parcel sharing kitchen facilities, not including accessory dwelling units. Multifamily development also includes a mobile home park.

18.36.030.155. National Register of Historic Places

"National Register of Historic Places" or "National Register" means the national listing of historically significant properties, established pursuant to 16 USC Section 470a.

18.36.030.156. Native Forest

"Native forest" means mature trees and shrubs consisting of native trees and plants.

18.36.030.157. Native Species

"Native species" means tree, shrub, or ground cover species which occur or live naturally in the Puget Sound region.

18.36.030.158. Native Vegetation

"Native vegetation" means tree, shrub, or ground cover species that occur or live naturally in the Puget Sound region.

18.36.030.159. Non-commuter ferry parking

"Non-commuter ferry parking" means parking in the ferry terminal overlay district, intended for ferry passengers traveling occasionally for purposes other than commute to employment (for example, traveling after 9:00 a.m. or requiring parking at the ferry terminal for less than eight hours).

18.36.030.160. Nonconforming Lot

"Nonconforming lot" means a lot that was lawfully created but does not conform to the lot requirements of the zone in which it is located. (Ord. 92-08 § 2, 1992)

18.36.030.161. Nonconforming Structure

“Nonconforming structure” means a structure that was lawfully constructed prior to adoption of the ordinance codified in this title, or applicable amendments thereto and that does not conform to present regulations of the code. (Ord. 92-08 § 2, 1992)

18.36.030.162. Nonconforming Use

“Nonconforming use” means a use of land that was lawfully established and has been lawfully continued, but does not conform to the regulations of the zone in which it is located as established by this title or amendments to this title. (Ord. 92-08 § 2, 1992)

18.36.030.163. Nursery

“Nursery” means an agricultural/commercial enterprise where plants and accessory products are sold on a retail basis. Twenty-five percent (25%) of the gross sales receipts of the commercial nursery must be derived from plants produced on site; or twenty-five (25%) of the area designated as a commercial nursery shall be dedicated to the cultivation of plants to be sold on-site.

18.36.030.164. Object

When used in connection with historic preservation, “object” means a thing of functional, aesthetic, cultural, historical, or scientific value that may, by nature or design, be movable yet related to a specific setting or environment.

18.36.030.165. Off-Site Views

“Off-site views” or “views from off-site” mean existing scenic views of forests, mountains, farms, meadows or marine waters into and across a parcel of land where a subdivision is proposed or such views from a public roadway.

18.36.030.166. Open-Air Sales for Garden Supplies

“Open-air sales for garden supplies” means any person, firm or corporation offering the sale of garden tools, equipment, and supplies operated in conjunction with a nursery and/or tree farm where the plant materials sold are limited to those grown on the premises at a non-permanent location by exhibiting, displaying, selling, or offering for sale such products.

18.36.030.167. Open Space

“Open space” means land and/or water area that is predominantly undeveloped, and is set aside to serve the purposes of protecting and conserving critical areas and natural systems, protecting potable water and waterways that flow into Puget Sound, and providing park and recreation opportunities, and enhancing aquifer recharge. Open space excludes tidelands, shorelands, areas occupied by dwellings, impervious surfaces that are not incidental to open space purposes, such as a parking lot, and areas that were clear cut or extensively logged within five years of submittal.

18.36.030.168. Orchard

“Orchard” means an area of land devoted to the cultivation of fruit or nut trees.

18.36.030.169. Ordinary High Water Mark

“Ordinary high water mark” means the mark on all lakes, streams and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation. If the ordinary high water line cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water. (Ord. 92-08 § 2, 1992)

18.36.030.170. Ordinary Repair and Maintenance

“Ordinary repair and maintenance” means work the purpose of which is to correct the deterioration of real property or an improvement located on real property.

18.36.030.171. Ordinary Repair and Maintenance for Historic Buildings

“Ordinary repair and maintenance for historic buildings” means work for which a permit issued by the city is not required by law, and where the work does not alter the exterior of a building of historic interest.

18.36.030.172. Outdoor Storage

“Outdoor storage” means the outdoor storage of goods for more than 72 hours. Outdoor storage includes, but is not limited to, sales or storage yards for automobiles, trailers, moving equipment, boats, construction equipment and materials, items used for manufacture, and auto wrecking yards. Temporary outdoor sales displays less than 100 sq. ft. in ground area per business establishment, moorage areas in marinas, parking, and outdoor sales and storage areas of commercial nurseries and lumber yards are not defined as outdoor storage.

18.36.030.173. Overlay District

“Overlay district” means a geographic area that constitutes a mapped district superimposed over the underlying zone on the official zoning map. (Ord. 96-08 § 4, 1996)

18.36.030.174. Owner

“Owner” means the party or parties having the fee interest in land.

18.36.030.175. Parfitt-Waterfront Area

“Parfitt-Waterfront Area” is defined as that area south of the boundary created by the following parcels and streets; starting at the northern property line of 272502-4-1130-2000; proceeding eastward along Blue Drive to its western intersection with Brien Drive; proceeding eastward along Brien Drive to its intersection with Bjune and Shannon Drives; and proceeding southward along Shannon Drive to the south property line of 4114-005-001-0003; and proceeding eastward to Winslow Ravine.

18.36.030.176. Park, Active Recreation

“Active recreation park” means a park where the primary uses are athletic fields, playgrounds, swimming facilities, sports courts, or other activities that require specialized fields or equipment.

18.36.030.177. Park, Passive Recreation

“Passive recreation park” means a park where the primary uses are hiking, bird watching, picnicking, and other low impact activities.

18.36.030.178. Park and Ride Facility/Lot

“Park and ride facility/lot” means an area or structure intended to accommodate parked vehicles during normal commuting hours, usually 5:00 a.m. to 8:00 p.m., Monday through Friday, where commuters park their vehicles and continue travel to another destination via public transit, carpool, vanpool, or bicycle. Park and ride facilities shall be developed in accordance with Chapter 18.81 BIMC, Parking and Access Requirements, and Chapter 18.85 BIMC, Landscape Requirements.

18.36.030.179. Park and Ride Lot, Shared-use

“Shared-use park and ride lot” means a parking lot or structure that was originally developed for a limited, nonresidential use, such as a church or theater, and serves the same function as a park and ride facility, BIMC 18.06.807, but is restricted for use by commuters Monday through Friday only, usually from 5:00 a.m. to 8:00 p.m. A shared-use park and ride facility requires no expansion of existing parking area or number of stalls or any other development beyond maintenance, signage and striping normally conducted by Kitsap Transit for this purpose.

18.36.030.180. Parking Lot

“Parking lot” means an area intended to accommodate parked vehicles for a fee or not accessory to single-family residences.

18.36.030.181. Parking Space

“Parking space” means a space on a lot, exclusive of access drives, used to park a vehicle and having access to a public street.

18.36.030.182. Pasture

“Pasture” means land used primarily for grazing by domesticated animals.

18.36.030.183. Pedestrian Orientation

“Pedestrian orientation” means that the location and access to structures, site configuration and elements, types of uses permitted at street level, building front design, and location of signs are based on the needs of persons on foot. (Ord. 92-08 § 2, 1992)

18.36.030.184. Perimeter Landscaping

“Landscape perimeter” means a landscape buffer located along a subdivision boundary. The landscape perimeter may contain established native vegetation or additional landscaping.

18.36.030.185. Permanent Foundation

“Permanent foundation” means a foundation constructed in compliance with the standards of the International Building Code, except foundations for manufactured homes shall be in compliance with the printed installation instructions provided by the manufacturer of the manufactured home. (Ord. 92-08 § 2, 1992)

18.36.030.186. Personal Service

“Personal service” means an establishment that provides on-site service(s) in a non-office environment including, but not limited to, beauty shops, shoe repair, laundry, dry cleaning services, animal care services, and tanning salons. Auto repair and body shops are not included under this definition.

18.36.030.187. Planning Commission

“Planning commission” means the Bainbridge Island Planning Commission, as described in BIMC 2.14.020.

Preferred Use

“Preferred use” means favored choice, promoted or advanced in some way. An activity identified as a priority among the possible uses. (Ord. 2004-11 § 2, 2004)

18.36.030.188. Primarily Island grown

“Primarily Island grown,” for the purposes of on-site, year-round agricultural retail, shall mean that the majority (75 percent, based on the value) of the crops and value added products being sold are grown on the Island.

18.36.030.189. Principal Building

“Principal building” means the building that houses a principal use on a lot, and to which all other buildings on the same lot are accessory. (Ord. 2004-12 § 6, 2004)

18.36.030.190. Principal Building, Adjacent

“Adjacent principal building” means a principal building located on a lot abutting the applicant’s lot. (Ord. 92-08 § 2, 1992)

18.36.030.191. Principal Building, Shoreline

“Shoreline principal building” means that building on a lot closest to the ordinary high water mark excluding accessory structures. (Ord. 92-08 § 2, 1992)

18.36.030.192. Principal Use

“Principal use” means the primary or predominant use to which the lot or building is or may be devoted and to which all other uses are accessory. (Ord. 92-08 § 2, 1992) A lot or building may have only one principal use.

18.36.030.193. Professional Service

“Professional service” means a business or agency that provides services in an office environment and includes, but is not limited to, legal services, counseling services, real estate offices, financial services, insurance services, and government offices. Professional service does not include a healthcare clinic.

18.36.030.194. Proposed Site Plan

“Proposed site plan” means a drawing of a site plan submitted for review city staff members.

18.36.030.195. Protection Zone

When used in connection with trees, “Protection zone” means the zone at grade level located directly below the canopy and within the dripline

18.36.030.196. Public Benefit, Agricultural

“Public benefit, agricultural” means an economic, social, nutritional, environmental or aesthetic effect gained by individuals and/or the community from the existence of agricultural activity in the community.

18.36.030.197. Public Safety Communications Tower

“Public safety communications tower” means a wireless communications support structure owned and operated by a public agency and used exclusively for police, fire, emergency medical services, 9-1-1 or other public emergency communications.

18.36.030.198. Raingarden/Swale

“Raingarden/Swale” means a ground level sited design feature designed to detain rainwater for infiltration and reuse consistent with water rights laws.

18.36.030.199. Rainwater Harvesting Barrels

“Rainwater Harvesting Barrels” means a barrel designed for the on-site harvest and storage of rainwater used to offset the potable water needs for a building and/or landscape.

18.36.030.200. Recreation Activities, Indoor

“Indoor recreation activities” means gymnasiums not accessory to an education institution, racket clubs, sports arenas, and similar uses.

18.36.030.201. Recreation Activities, Outdoor

“Outdoor recreation activities” means golf courses, marinas, tennis courts, yacht clubs, athletic fields, swimming beaches, outdoor pools, and similar uses.

18.36.030.202. Recreational Vehicle

“Recreational vehicle” means a vehicle, such as a motor home, travel trailer, truck/ camper combination or camper trailer that is designed for human habitation for recreational or emergency purposes and that may be moved on public highways without any special permit for long, wide or heavy loads.

18.36.030.203. Recycling Center

“Recycling center” means a neighborhood or city-wide collection point for small refuse items, such as bottles and newspapers, located either in a container or a small structure.

18.36.030.204. Rehabilitation

“Rehabilitation” is the process of returning a property to a state that makes contemporary use possible, while still preserving those portions of the property that are significant to its historical, architectural and cultural values.

18.36.030.205. Related Equipment

“Related equipment” means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.

18.36.030.206. Religious Facility

“Religious Facility” means a facility that operates for the advancement of a theological philosophy and the practices and rituals associated with the beliefs, faith, or creed of a church, religious society, congregation, or religious denomination, when such practices or rituals are legal.

18.36.030.207. Research and Development

“Research and development” means businesses that include, but are not limited to laboratories for scientific research testing and experimental development that can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community

18.36.030.208. Restaurant

“Restaurant” means a restaurant or cafe (excluding formula take-out food restaurant) that sells prepared food or beverages and also offers accommodations for consuming the food or beverage on premises.

18.36.030.209. Retail sales

“Retail sales” means selling goods or commodities to final consumers. Retail sales do not include a “restaurant” or “formula take-out food restaurant.”

18.36.030.210. Rezone

“Rezone” means changing the designated zoning of a particular lot or area. (Ord. 92-08 § 2, 1992)

18.36.030.211. Screen

When used in connection with landscaping, “screen” means a system of vegetation to provide varying degrees of visual separation between land uses and site development.

18.36.030.212. Self-service Storage Facility

“Self-service storage facility” means an establishment containing separate storage spaces that are leased or rented as individual units for the storage of household or business goods. The facility may contain manager living quarters and an office.

18.36.030.213. Setback

“Setback” means space that is required to be left open and unoccupied between the nearest projection of a structure and the property line of the lot on which the structure is located, and that are required to remain unobstructed from the ground to the sky except for modifications to setbacks and height listed in Table 18.12.040.A.

18.36.030.214. Septic Drainfield

“Septic drainfield” means the subsurface systems and areas of land that recycles human wastewater, allowing soils and microorganisms to clean wastewater before returning to the hydrologic cycle. Active septic drainfields are those which are being actively used. Reserved drainfields are those reserved for future use.

18.36.030.215. Shared Car

“Shared Car” means a car provided through a formal shared car membership program for use by members of the program in return for a fee.

18.36.030.216. Shielding

When used in connection with lighting, “shielding” means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.

18.36.030.217. SHPO

“SHPO” means the State Historic Preservation Officer appointed pursuant to 16 USC Section 470a(b)(1)(A).

18.36.030.218. Significant Tree

“Significant tree” means: (a) an evergreen tree 10 inches in diameter or greater, measured four and a half feet above existing grade; or (b) a deciduous tree 12 inches in diameter or greater, measured four and a half feet above existing

grade; or (c) all trees located within a required critical area buffer as defined in BIMC 16.20, or (d) all trees within the native vegetation zone or buffer.

18.36.030.219. Site

When used in connection with historic preservation, “site” means a place where a significant event or pattern of events occurred. It may be a location of prehistoric or historic occupation or activities that may be marked by physical remains or it may be the symbolic focus of a significant event or pattern of events, although not actively occupied. A site may be the location of ruined or now nonexistent building or structure if the location itself possesses historic, cultural or archaeological significance.

18.36.030.220. Small Engine Repair

“Small engine repair” means an establishment that is involved with the maintenance and repair of low-power internal combustion engines (gasoline/petrol) or electric engines. This includes, but is not limited to, chain saws, string trimmers, leaf blowers, snow blowers, lawn mowers, wood chippers, go-karts and sometimes more powerful engines used in outboard motors, snowmobiles, and motorcycles.

18.36.030.221. Small Group Living Facility

“Small Group Living Facility” means a facility providing personal care services, occasional nursing services, and medication administration services to a resident housed in a private apartment-like or dwelling-like unit containing not more than six residents (not including caregivers). Residents in a Small Group Living Facility may include persons from any group protected by the federal Fair Housing Act Amendments, and the Small Group Living Facility use is intended to serve as one form of reasonable accommodation under those Amendments. A Small Group Living Facility does not include a facility for treatment of any person actively using drugs or alcohol, but does include facilities for those in a recovery program who are no longer actively using those substances. A Small Group Living Facility does not include a facility or half-way house for convicted felons or for those persons under the jurisdiction of the criminal justice system.

18.36.030.222. Small Wind Energy Generator

“Small Wind Energy Generator” means a wind energy generator designed to generate no more than 10Kw of energy.

18.36.030.223. Solar Panel

A single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices.

18.36.030.224. Special Valuation

When used in connection with historic preservation, “Special valuation” means the local option program provided for in Chapter 84.26 RCW that, when implemented, makes available to property owners a special tax valuation for rehabilitation of an historic property.

18.36.030.225. Spotlight

“Spotlight” means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction. (Ord. 2003-22 § 25, 2003; Ord. 2002-15 § 1, 2002)

18.36.030.226. Stable

A facility for the keeping of horses for persons other than the residents of the lot, although resident’s horses may also be kept in the same facility.

18.36.030.227. State Register of Historic Places

“State Register of Historic Places” or “State Register” means the state listing of properties significant to the community, state or nation but that do not meet the criteria of the national register.

18.36.030.228. State Review Board

When used in connection with historic preservation, "State Review Board" means the advisory council on historic preservation established pursuant to Chapter 27.34 RCW, or any successor agency designated by the state to act as the State Historic Preservation Review Board under federal law.

18.36.030.229. Story

When used in connection with building or structure dimensional standards, "story" shall be defined as it is in the International Building Code.

18.36.030.230. Street

"Street" means a public way of travel that affords the principal means of access to abutting properties or a private way of travel that affords the principal means of access to four or more lots or to property that is, under existing laws, capable of division into four or more lots. (Ord. 92-08 § 2, 1992)

18.36.030.231. Structure

"Structure" means any man-made assemblage of materials extending above or below the surface of the earth and affixed or attached thereto. "Structure" for the purposes of this title, except for BIMC 18.09.030.F.1, does not include wireless communications facilities. (Ord. 97-14 § 2, 1997; Ord. 92-08 § 2, 1992)

18.36.030.232. Structured Parking

"Structured parking" means a covered structure or portion of a covered structure that provides parking area for motor vehicles. Structured parking may be below grade.

18.36.030.233. Subordinate Retail Activity

"Subordinate retail activity" with respect to agricultural use means secondary, to be less than, to utilize a smaller portion of land and/or less time than is devoted to the agricultural activity on-site.

18.36.030.234. Tavern

"Tavern" means an establishment that sells beer or wine for on-premises consumption under a B class license as defined by the Washington State Liquor Control Board.

18.36.030.235. Temporary Construction Building

"Temporary Construction Building" means a temporary trailer or structure used as a construction shed or tool house for contractors and construction workers on the site of the construction. This includes construction living quarters, which is a manufactured home or recreational vehicle for use by an owner or builder during construction of a dwelling unit on the site of construction.

18.36.030.236. Temporary Container Storage

"Temporary Container Storage" means transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property.

18.36.030.237. Temporary Contractor Parking Lot

"Temporary Contractor Parking Lot" means a lot established to accommodate parking of vehicles for construction-related workers or for business employees displaced by on-site construction activities.

18.36.030.238. Temporary Public Event or Gathering

"Temporary Public Event or Gathering" means a public event gathering that is temporary because of its nature (e.g., related to a holiday, or dependent on good weather.) These uses include, but are not limited to, fairs, festivals, carnivals, or parades. This use does not include an "agricultural special event" as defined elsewhere in this chapter.

18.36.030.239. Temporary Seasonal Sales

“Temporary Seasonal Sales” means a use that is temporary because of the nature of the product or service (e.g., related to a holiday, or dependent on good weather.) Seasonal sales include, for example, the sale of Christmas trees during the winter holiday season and spring and summertime sale of plant and garden supplies/materials.

18.36.030.240. Transport and Delivery Services

“Transport and Delivery Services” means a use for the transport and delivery of goods, people, and services. These uses include, but are not limited to taxi services, Meals-on-Wheels-type food delivery services, cleaning services, visiting health care services, and similar uses that involve frequent trips by motor vehicles to provide services. This use does not include uses where the delivery is secondary and incidental to a primary service delivered on-site, such as restaurant delivery services.

18.36.030.241. Tree Canopy

“Tree canopy” means the total area of the tree or trees where the leaves and outermost branches extend, also known as the “dripline”.

18.36.030.242. Tree Stand

“Tree stand” means at least five or more existing trees forming a continuous canopy, each having a six-inch diameter or greater, measured four and a half feet above existing grade. Trees may be evergreen or deciduous varieties. (Ord. 96-09 § 2, 1996)

18.36.030.243. Universal Transverse Mercator

“Universal transverse mercator” or “UTM” means the grid zone in metric measurement providing for an exact point of numerical reference. (Ord. 2003-37 § 1, 2004)

18.36.030.244. Use

“Use” means the purpose land, buildings, or structures now serve or for which such is occupied, arranged, designed, or intended. (Ord. 92-08 § 2, 1992)

18.36.030.245. Utility

“Utility” means all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services on a local level and other in-line facilities needed for the operation of such facilities, such as gas regulation stations, power or communication sub-stations, dams, reservoirs, and related power houses. Additionally, a utility facility means any energy device and/or system that generates energy from renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources. Services may be publicly or privately provided. In the Mixed Use Town Center and High School Road Commercial Zones, utility or utilities does not include wireless communications facilities.

- A. “Utility, Primary” means facilities that produce, transmit, carry, store, distribute, or process electric power, gas, water, sewage, or information and do not meet the definition of an Accessory Utility. Primary Utilities include solid waste handling and disposal facilities, wastewater treatment facilities, utility lines, electrical power generating or transfer facilities, radio cellular telephone and microwave towers, and gas distribution and storage facilities.
- B. “Utility, Accessory” means small scale distribution systems directly serving a permitted (“P”) or conditional (“C”) use. Accessory Utilities include power, telephone, cable, water, sewer, septic, and stormwater lines, and do not include wind generators (turbines) or solar panels.

18.36.030.246. Value added products

“Valued added products” means goods produced from harvested crops with the defining or distinguishing ingredient being grown by the producer.

18.36.030.247. Variance

“Variance” provides the means for obtaining relief from the zoning regulations, through the procedures, and subject to the criteria, listed in BIMC Title 2.

18.36.030.248. Veterinarian clinic

“Veterinarian clinic” means a building or buildings used for animal or pet health care, including animal or pet boarding as part of that animal pet health care. A veterinary clinic may include the incidental boarding of animals or pets undergoing treatment.

18.36.030.249. Vocational school

“Vocational school” means an establishment offering training in a skill or trade.

18.36.030.250. Yard

“Yard” means the same as “setback” unless from the context a different meaning is intended. (Ord. 2004-02 § 6, 2004: Ord. 92-08 § 2, 1992)

18.36.030.251. Warehouse

“Warehouse” means an establishment involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pick-ups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

18.36.030.252. Waste Transfer Facility

“Waste Transfer facility” means establishments that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This does not include the waste or salvage of hazardous materials. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

18.36.030.253. Wireless Communication Facility

“Wireless communication facility” means an unstaffed facility for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas (e.g., omni-directional, panel/directional or parabolic) and related equipment.

- A. “Facility I” means an attached wireless communications facility that consists of antennas equal to or less than four feet in height with an area of not more than 580 square inches in the aggregate (e.g., 14-inch diameter parabola or 2.6-foot by 1.5-foot panel).
- B. “Facility II” means an attached wireless communication facility that consists of antenna equal to or less than 10 feet in height or up to one meter (39.37 inches) in diameter and with an area not more than 30 sq. ft. in the aggregate.
- C. “Facility III” means an attached wireless communication facility that consists of antennas equal to or less than 15 feet in height or up to one meter (39.37 inches) in diameter and with an area not more than 100 sq. ft. in the aggregate.

18.36.030.254. Wetlands Mitigation Bank

“Wetlands mitigation bank” means a natural resource management technique authorized by Part 404 of the federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.

18.36.030.255. Winery, Commercial

“Winery, commercial” means is a form of agricultural processing that includes an establishment with facilities for making and bottling wine for sale on site and/or through wholesale or retail outlets. Uses at a commercial winery may also include the growing of fresh fruits or agricultural products for the production of wine. Accessory uses shall include wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced onsite are sold.

18.36.030.256. Wireless Communication Support Structure

“Wireless communication support structure” means the structure erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers.

18.36.030.257. Year-round Agricultural Retail Sales

“Year-round agricultural retail sales” means any agricultural retail sales extending beyond seasonal agricultural sales.

18.36.030.258. Zone

“Zone” means one of the classifications of permitted uses into which the land area of the city is divided. (Ord. 92-08 § 2, 1992)

18.36.030.259. Zoning Map

“Zoning map” means the official map that identifies and delineates boundaries of the city’s zoning classifications. (Ord. 92-08 § 2, 1992)