

Chapter 17.04 Definitions

Sections:

17.04.010 Introduction.

17.04.020 Definitions.

17.04.010 Introduction. For the purposes of this Title, words used in the present tense also include the future; words or phrases used in the singular also include the plural; and words in the plural also include the singular. The word “shall” is mandatory and not permissive; and “may” authorizes the exercise of discretion. The words “used” or “occupied” include within their meanings “intended,” “arranged,” or “designed to be used or occupied.” The word “person” includes a corporation, partnership, or other entity.

17.04.020 Definitions.

A. Any word not specifically defined in this Chapter shall have the meaning as defined by:

1. Webster’s dictionary;
2. Black’s Law Legal terms dictionary;
3. Chapter 36.70B of the Revised Code of Washington;
4. WAC 197-11-040; and
5. The North American Industry Classification System (NAICS) Manual--United States, 2002 (replaced the U.S. Standard Industrial Classification (SIC) system).

B. The following definitions shall apply to this Title:

1. “Abandonment” or “abandoned” (as it relates to wireless communication facilities) means to:
 - a. Cease operation for a period of sixty or more consecutive days;
 - b. Reduce the effective radiated power of an antenna by seventy-five percent for sixty or more consecutive days;
 - c. Relocate an antenna at a point less than eighty percent of the height of an antenna support structure; or
 - d. Reduce the number of transmissions from an antenna by seventy-five percent for sixty or more consecutive days.

2. “Accessory structure, use or building” means a building, part of a building or structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure or use of the same lot.
3. “Amendment” means a change in the wording content, or substance of this title, or change in the district boundaries on the official zoning map.
4. “Appeal” means a request for review of a reviewing official’s decision, determination, order or interpretation of any provision of this title.
5. “Attached” means, in the case of dwellings, two or more dwellings connected by a common vertical wall(s) or roofline or in the case of multistory buildings by a common ceiling/floor(s).
6. “Automobile, Truck, Manufacture Home and/or Travel Trailer Sales” means a place used for the display, sale or rental of new or used automobiles, trucks, manufactured and mobile homes, travel trailers, and campers.
7. “Base flood elevation” means that elevation, expressed in feet above adjacent grade, determined by the Federal Emergency Management Agency to which floodwater can be expected to rise on a frequency of once in every one hundred years.
8. “Bed and Breakfast Inn” means a residential structure providing individuals with lodging and meals for not more than 30 days. For Home Occupations, such suites are limited to having not more than five lodging units or guest rooms.
9. “Boarding House” means an establishment providing both lodging and meals for not more than ten persons residing in the facility on a permanent or semi-permanent basis.
10. “Building Code” means the International Building Code and related codes as amended and adopted by the City of Zillah.
11. “Caretaker dwelling” means a single-family dwelling unit accessory to an professional, commercial or industrial use for occupancy by the caretaker, guards, or watchmen consisting of a dwelling unit not exceeding eight hundred (800) square feet of living area and occupied by a caretaker, guards, or watchmen. Dwelling unit must be attached or inside the existing structure and only be in the Commercial, Commercial-Tourism, Manufactured-Light and Public Lands and Churches Zone.
12. “Class (1) Uses” not requiring Class (2) or Class (3) Review are permitted; provided, that zoning standards are met. The Building/ Planning Official shall use the procedures in Chapter 17.06 to review Class (1) uses and associated site improvements for compliance with the provisions and standards of the zoning district in which they are located. Class (1) uses require Class (2) Review when:

- a. All or part of the development, except for agricultural buildings, single-family dwellings and duplexes, is in the floodplain; or
 - b. The proposed use includes hazardous materials; or
 - c. The applicant requests adjustment of one or more of the specific development standards pursuant to Section 17.22.
13. “Class (2) Uses” are generally permitted in the zone, however, the compatibility between a Class (2) use and the surrounding environment cannot be determined in advance, and occasionally a Class (2) use may be incompatible at a particular location. Therefore, Class (2) Review by the Planning Commission is required in order to promote compatibility within intent and character of the zone and the objectives and development criteria of the Zillah Urban Area Comprehensive Plan. The Planning Commission may approve, deny or impose conditions on the proposed use and site improvements. The procedures in Chapter 17.06 shall be used to review and evaluate Class (2) uses.
 14. “Class (3) Uses” are generally not permitted in a particular zone, but may be allowed by the City Council after Class (3) Review and a public hearing. The City Council may approve, deny, or impose conditions on the proposed use and site improvements, to promote compatibility with the intent and character of the zone and the objectives and development criteria of the Zillah Urban Area Comprehensive Plan. The procedures in Chapter 17.06 shall be used to review and evaluate Class (3) uses
 15. “Center line of right-of-way” means mid-point between the future alignments of the opposite edges of right-of-way.
 16. “Compatibility” means the characteristics of different uses or development that permit them to be located near each other in harmony.
 17. “Condition(s) of approval” means restrictions or requirements, imposed by a review official pursuant to authority granted by this title
 18. “Conditional use” means a use listed among those classified as a conditional use, but permitted to locate only after review by the planning commission, and the granting of a conditional use permit in a manner prescribed by Chapter 17.68. In granting the permit, the commission may impose such performance standards as will make the use compatible with other permitted uses in the same vicinity and use district and assure against imposing excessive demands upon public utilities.
 19. “Co-location” means the placement and arrangement of multiple wireless communication providers’ antennae and equipment on a single support structure or equipment pad area.
 20. “Day care center” means any nursery, nursery school, child care nursery or other building or premises used for the day care, apart from their parents or guardians, of more than six children, governed by the state day care center licensing provisions and conducted in accordance with state requirements.

21. “Development” or “development activity” means any man made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.
22. “Division of land” for purposes of this Title is any transaction or action, not otherwise exempt or provided for under the provisions of this Title, which alters or affects the shape, size or legal description of any parcel. Sale of a condominium apartment and rental or lease of a building, facility or structure which does not alter or affect the legal description of an owner’s “land” shall not institute a division of land.
23. “Domestic animal/pet” means dogs, cats, birds, snakes, small rodents, and rabbits, which can be and are continually kept or raised in a home or on a lot. Animals not considered being domestic animals include, but are not limited to, livestock and any endangered or exotic species of animals.
24. “Dripline” means a vertical plane defined by the eave, roof overhang, cornice or other permanent ornamental feature extending furthest from the building.
25. “Dwelling, Single-family” means a structure designed to contain a single dwelling unit. Single-family dwellings are further classified by their nature of construction as follows:
 - (a). Site Built – Constructed primarily at the occupancy site and permanently affixed to the ground by a foundation.
 - (b). Modular Home – See “Modular Home.”
 - (c). Manufactured Home – See “Manufactured Home” and “Mobile Home.”
26. ”Dwelling, Multi-family” means a single structure designed exclusively for occupancy by three or more families living independently of each other, and containing three or more dwelling units. Such definition may also include the terms “triplex”, “apartments” etc.
27. “Dwelling Unit” means a structure or portion thereof designed exclusively for residential purposes.
28. “Electromagnetic field (EMF)” means the field produced by the operation of wireless communication equipment used in transmitting and receiving radio frequency signals.
29. “Environmental review” means the procedures and requirements established by the State Environmental Policy Act, WAC 197-11 and RCW Chapter 43.21C as they now exist or are hereafter amended.
30. “Equipment shelter” means the structure associated with a wireless communication facility that is used to house electronic switching equipment, cooling systems, and back-up power systems.

31. "Exotic Pets" means any animal not native to or not usually found as domestic pets in the United States, including but not limited to lions, tigers, bears, gorillas, chimpanzees, lynx, cougars, jaguars, venomous snakes, and including "wild animals" such as, but not limited to wolves, raccoons, skunks, foxes, coyotes, and hybrid wolves and coyotes.
32. "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters
33. "Finding" is a conclusion of fact reached by the reviewing official in a review process and based on the evidence available therein.
34. "Foster homes" means a dwelling unit in which foster care is provided for unrelated children as part of the family where the total number of children, eighteen years of age or less, does not exceed six, the total number of people residing on the premises does not exceed eight, and the dwelling unit is governed by the state foster care home licensing provisions and conducted in accordance with state requirements.
35. "Freestanding support structure", or "support structure", or "freestanding wireless communication facility (WCF)" means any built structure, including any guy wires and anchors, to which antenna and other necessary associated hardware is mounted.
36. "Game Room" means a commercial facility, or portion thereof, open to the general public, in which card games, pool, electronic games, bingo, etc., are played. Also, see "Meeting Hall".
37. "Garage (public)" means a building or portion of a building used for equipping, repairing, servicing, hiring, selling, or storing motor driven vehicles; but excluding private garages.
38. "Grade" means the average elevation of the finished ground level at the center of all walls of the building.
39. "Group Home" means a place for handicapped, physically or developmentally disable adults, or dependent or pre-delinquent children, providing special care in a homelike environment. This definition does not include homes of this nature for six or fewer persons, excluding house parents.
40. "Halfway house" means a home for juvenile delinquents and adult offenders leaving correctional and/or mental institutions; or a rehabilitation center for alcohol and/or drug users; which provides residentially oriented facilities for the rehabilitation or social adjustment of persons who need supervision or assistance in becoming socially reoriented, but who do not need institutional care.

41. "Height (building)" means the vertical distance between the grades as defined in this chapter and the highest part of the coping on a flat roof, or the deck line on a mansard roof, or the average height of the highest gable of a pitched or hipped roof.
42. "Home Occupation" means the accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services in the home.
43. "Home Occupation, Business Administration" means the accessory use of a dwelling as an administrative office for an occupation conducted away from the home. The home is used for phone calls, mail and completing paperwork associated with a business. This definition does not include manufacturing sales, repair or other services.
44. "Impervious Surface" means any material which reduces or prevents absorption of stormwater into previously undeveloped land.
45. "Irrigation and/or drainage facilities" means all irrigation and/or drainage structures, including, but not limited to, standpipes, weir boxes, pipelines, ditches, pump houses, culverts, etc.
46. "Landscaping" means the arrangement and planting of trees, grass, shrubs and flowers, and the placement of fountains patios, street furniture and ornamental concrete or stonework and artificial turf.
47. "Land Use" means the manner in which land and structures are used.
48. "Livestock" means animals not meeting the definition of domestic animal/pet kept either in open fields or structures for training, boarding, home use, sales, or breeding and production use or profit, including horses, mules, donkeys, ponies, cattle, llamas, emus, goats, pygmy goats, sheep, or other animals as determined by the Planning Official to be similar in nature and size.
49. "Lot" means a division of land:
 - (a) Having defined boundaries and shown on a final plat or short plat officially recorded in the Yakima County Auditor's Office; or
 - (b) Which is a legally recognized prior division or parcel under the provisions of Yakima County's Subdivision Ordinance (Title) or the City of Zillah's Subdivision Section 17.26.
50. "Lot (corner)" means a lot situated at the intersection of two or more streets, providing the angle of the intersection does not exceed one hundred thirty-five degrees. Lots situated on intersections where the angle of the intersection exceeds one hundred thirty-five degrees shall not be considered corner lots.
51. "Lot of record" means a lot shown on an officially recorded plat or subdivision, or a parcel of land the deed or contract of sale of which is officially recorded, is

considered as a unit of property, and legally described. “Officially recorded” includes either official recordation with the County Auditor or payment of excise tax to the County Treasurer, so long as the date of payment, if officially stamped on the document and that date is prior to the effective date of Ordinance 475, May, 1981.

52. “Lot width” means the horizontal distance between the side lot lines measured at the rear of the required front setback.
53. “Manufactured home” means a residential unit which is at least thirty-two feet in length and ten feet in width, having been transported to the site location on wheels or by truck, and designated to be used with an approved foundation in accordance with HUD standards as a dwelling unit on a year-round basis, which bears an insignia issued by a state or federal regulatory agency indicating that the home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development’s definition of a manufactured home. In the absence of the insignia, certification must be received from the State Department of Labor and Industries that the manufactured home is in compliance with the Federal Manufactured Housing Standards.
54. “Meeting Hall” means a private or quasi-private facility in which defined groups or organizations come together for meetings and social events. Includes private bridge club type card rooms, Grange Halls, etc.
55. “Minor WCF facility” means a wireless communication facility consisting of up to three antennae, each of which is either:
 - a. a panel antenna four feet in height and with an area of not more than five-hundred eighty square inches;
 - b. a whip antenna, no more than four inches in diameter and no more than six feet in length;
 - c. a tubular antenna no more than eighteen inches in diameter and six feet in height; and an associated equipment cabinet that is six feet or less in height and no more than forty-eight square feet in floor area.

Slight size, type, and dimensional variances may be allowed by the City as technology changes occur. A minor facility does not include the construction or erection of a new freestanding support structure though it may include the installation of such facility on an existing support structure.

56. “Mobile home” means any vehicle or portable structure built prior to the enactment of the National Manufactured Home Construction and Safety Standards Act of 1974, designed for mounting on wheels and intended for use as a residence, except parked and unoccupied recreational vehicles, which meet the standards of the Washington State Department of Labor and Industries.

57. "Mobile/Manufactured Home Park" means a parcel, or contiguous parcels of land under a single ownership, which has been planned and improved, for the placement of two or more mobile/manufactured homes for residential purposes.
58. "Mobile/Manufactured Home space" means a designated area of ground within an established or approved mobile home park that is leased or rented for the accommodation of one mobile/manufactured home.
59. "Modular home" means a residential structure which meets the requirements of the International Building Code and is constructed in a factory and transported to the building site.
60. "Nonconforming lot" means a use of land or a structure(s) which was lawfully established and maintained at the effective date of this title, but does not conform to this title for the district in which it is located.
61. "Nonconforming use" means a building, structure or land use that existed prior to the effective date of the provisions of the ordinance codified in this Title, but which, because of the application of this title to it, no longer conforms to the use, setback, maximum lot coverage or other regulations prescribed in this Title for the district in which it is situated. A "legal non-conforming use" means a use that was lawfully established in full compliance with the laws in effect at the time it was created.
62. "Nuisance" means any use, activity or structure that interferes with the enjoyment and use of one's property by endangering personal health or safety, offending the human senses and/or failing to conform with the provisions, intent, or standards of the district in which the use, activity or structure occurs.
63. "Occupancy" means the purpose for which a structure, portion of a structure, or lot is used or intended to be used. For purposes of this title, a change of occupancy is not intended to include a change of tenants or proprietors, but is intended to indicate a change in the type of uses.
64. "Outdoor advertising" means any structure or portion thereof, recognized as a billboard, used to advertise goods or services not generally available on the premises on which the display is located.
65. "Party of record" means the applicant and any other person who has submitted written comment on any action or proposed action, or who has appeared at a public hearing or public meeting and signed an official register requesting notice of further action.
66. "Pet Shop" means any person, partnership, company or corporation, whether operated separately or in connection with another business enterprise, which buys, sells or boards any species of animal.

67. "Permit" means written governmental approval issued by an authorized official, empowering the holder thereof to take some action permitted only upon issuance of written approval.
68. "Personal Services" means technical services and specialized care services such as tattooing, massage parlors, lawn and garden care, delivery services, except as otherwise regulated.
69. "Personal wireless service facility" or "wireless communication facility (WCF)" or "wireless facility" or "facility" means a wireless communication facility for the transmission and/or reception of radio frequency signals and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and transmission devices and antennas.
70. "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in Title 47, United States Code, Section 332 (c) (7) (C).
71. "Plat" is a map or representation of a division, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys or other division and dedications.
72. "Planned development" means a development involving variations from provisions of a given zoning district, particularly with respect to use, density, height, and setbacks, to permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic and desirable environment. A planned development is permitted only if approved by the city council upon the recommendation by the planning commission.
73. "Preliminary plat" is an orderly and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other intents of a subdivision consistent with the requirements of this Title. The preliminary plat will serve as the basis for the approval or disapproval of the general layout of a subdivision.
74. "Professional Business" means a business primarily engaged in administrative or service related functions and dependent upon professional staff such as lawyers, doctors, realtors, travel agents, bankers, accountants, engineers, and consultants; or providing administrative governmental services.
75. "Recreational vehicle" means a vehicle-type unit designed for temporary living quarters for recreational camping or travel; which either has its own motive of power or is mounted on or drawn by another vehicle and which has a body width of no more than eight feet and a body length not to exceed Department Of Transportation limits when factory equipped for the road. Different classes of recreational vehicles shall include but no be limited to the following;

- a. "Travel trailer" means a trailer or other vehicular portable structure designed as a temporary dwelling for travel, recreational or vacation uses to be used upon the public streets and highways and which is forty-five feet or less in length and eight feet in width.
 - b. "Camper" means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and/or vacation
 - c. "Motor home" means a portable, temporary dwelling constructed as an integral part of a self-propelled vehicle to be used for recreational camping, travel and/or vacation.
 - d. "Camping trailer" means folding structure mounted on wheels and designed for travel, recreation and vacation.
 - e. "Dependent RV" means an RV containing sanitary facilities and devices for connecting said facilities to a community waste disposal system.
76. "Recreation vehicle lot/site" means a plot of ground within a recreational vehicle park intended for temporary location of a recreational vehicle as a dwelling unit.
77. "Recreational Vehicle Park" means a tract or parcel of land upon which sites are located, for the occupancy by recreational vehicles as temporary living quarters.
78. "Recycling Center" means a facility where discarded household products such as aluminum and tin cans, glass, paper, and other similar individual consumer products are deposited and stored for future reprocessing.
79. "Retail Businesses" means those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
80. "Retail Services" means uses providing services, as opposed to products, to the general public. Examples are eating and drinking establishments, motels, real estate and financial offices and uses providing health education and social services.
81. "Retail Trade" means those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Lumberyards, office supply stores, nurseries, butcher shops, paint stores and similar uses shall be considered as retail trade establishments even though a portion of their business may be contractors or other business establishments.
82. "Retirement home" means an establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age are unable or choose not to provide such care for themselves and who are not in need of medical or nursing treatment except in the case of temporary care. Convalescent or rest

homes, hospitals and sanitariums shall not be construed to be included in this definition.

83. "Secure Community Transition Facility" (SCTF) consistent with the requirements and state limitations of state law, shall mean a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A SCTF has supervision and security, and either provided or ensures the provision of sex offender treatment services. SCTF include, but are not limited to facilities established pursuant to RCW 71.09.250, and any community based facilities established under Chapter 71 of the Revised Code of Washington, and operated by or under contract with the Secretary of the Department of Social and Health Services.
84. "Setback" means the minimum horizontal distance required between the property line and a structure as measured by a perpendicular line extending from the property line to the closest wall line of the structure. In the case of carports, covered porches patios and similar structures, the wall line shall be considered the roof drip line with a maximum three-foot overhang.
85. "Short subdivision" or "short plat" is the division or re-division of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.
86. "Sign" means any structure, or portion thereof, or device identifying the premises on which it is located or the occupant(s) thereof, or relating to goods or services manufactured, produced or available.
87. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. The space between such floor and the ceiling next above it shall be considered a story.
88. "Structural alterations" means any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in the roof or exterior lines if such changes result in any enlargement of the building.
89. "Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height.
90. "Subdivision" or "long plat" is the division or re-division of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.
91. "Temporary caretaker unit" means a residential use accessory in the R-1, R-2, R-3 and SR Zone to a nonresidential use consisting of a dwelling unit not exceeding eight hundred (800) square feet of living area and occupied by a caretaker or

watchperson for a period not to exceed six months with the intent to remove such structure after the time period expires.

92. "Temporary sign" means a sign used to advertise an event or use of a temporary nature and/or duration such as political and other election campaign signs including school levies, or legal temporary commercial uses such as properly licensed yard sales.
93. "Used mobile home" means a mobile home which has been previously sold at retail and has been subjected to tax under chapter 82.08 RCW, or which has been previously used and has been subjected to tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.
94. "Variance" means a modification of the specific regulations of this title in accordance with the terms of this title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone.
95. "Waste" means for purposes of the Hazardous Waste Management Act the following:
 - a. "Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW Section 70.105.010 (15).
 - b. "Hazardous waste generator" means any person or site whose act first causes a dangerous waste to become subject to regulation under the state dangerous waste regulations.
 - c. "Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the state dangerous waste regulations.
 - d. "Hazardous waste treatment" means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes, non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the state dangerous waste regulations.
 - e. "Off-site hazardous waste treatment and storage" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facility is located.
 - f. "On-site hazardous waste treatment and storage" means hazardous waste treatment and storage facilities that treat and store wastes generated on the same property.

g. “State siting criteria” means criteria for the siting of hazardous waste treatment and storage facilities adopted pursuant to the requirements of RCW Section 70.105.210.

93. “Zero Lot Line” means the location of a dwelling on a lot in such a manner that one of the sides of the dwelling rests directly on a side lot line.