

17.06.030 Definitions. SHARE

The following words and phrases are hereby defined as follows unless otherwise determined by the city through an administrative code interpretation:

"Accessory dwelling unit" means separate living quarters ~~contained within or~~ detached from a single-family dwelling on a single lot, ~~containing eight hundred square feet of floor area or less with a footprint of less than 1000 square feet and no more than 1.5 stories in height, excluding any garage area or accessory buildings~~ and sharing a single driveway with the primary dwelling; provided, no recreational vehicle shall be an accessory dwelling unit.

Commented [MM1]: Updated definition to align with updated code section. Removed unnecessary and incorrect language

"Accessory use, building or structure" means a building, part of a building or structure, or a use which is subordinate to the operation or enjoyment of a lawful use and the use of which is incidental to that of the main building, structure or use on the same lot, as determined by the city.

"Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services and are licensed by the Washington State Department of Social and Health Services.

"Airport" refers to the Southwest Washington Regional Airport as defined in the airport master plan approved by the city.

"Aquaculture" means the culture or farming of fish, shellfish, or other aquatic plants and animals.

"Area of shallow flooding" means an area designated AO or AH zone on the Flood Insurance Rate Map (FIRM). AO zones have base flood depths that range from one to three feet above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding, and is shown with standard base flood elevations.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. These areas are always designated on Flood Insurance Rate Maps by the letter A or V.

"Assisted living facility" means any home or other institution, however named, which is licensed by the Washington State Department of Social and Health Services and is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services such as housekeeping, meals, laundry and activities, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with Chapter 142, Laws of 2004, to seven or more residents. "Assisted living facility" shall not include facilities certified as group training homes pursuant to RCW [71A.22.040](#), nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the Department of Housing and Urban Development.

"Atterberg limits" means the moisture content of a soil when it changes from one physical condition to another, as determined by the Atterberg method of soil sample testing. The test has to do with the plasticity of soil, or the percentage of water content at which a soil flows.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "one-hundred-year flood"). These areas are designated on Flood Insurance Rate Maps by the letter A or V and shall be determined using a fully developed watershed and the city's engineering department's criteria for a one-hundred-year storm.

"Bed and breakfast" means a lodging where guest rooms are provided to guests by a resident operator for a fee by prearrangement on a daily or short-term, temporary basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast. No cooking facilities are provided in the individual rooms.

"Boarding house" means a building with not more than five guest rooms where lodging and meals are provided for compensation for not more than ten persons, but shall not include congregate care facilities, or convalescent care facilities, or adult family homes.

"Brewery" or "winery" means an establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, or wine, and which may include accessory uses such as a tasting room and retail sales of promotional

products. This classification allows a brewery/winery to sell beer/wine at retail and/or act as wholesaler for beer/wine of its own production for off-site consumption with appropriate state licenses. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

“Brewpub” means a restaurant, tavern, bar or nightclub that manufactures up to one thousand five hundred barrels of fermented malt beverages per year on premises for either consumption on premises or by hand-capped or sealed containers in quantities up to one-half barrel or fifteen and one-half gallons sold directly to the consumer. Wholesaling shall be permitted only as otherwise permitted in the zoning district. All aspects of production, service and sales of alcohol beverages must have the appropriate Washington State permits. A brewpub is not allowed in conjunction with a restaurant that has a drive-up facility.

“Building” is a structure built and installed in accordance with the provisions of the International Building Code as adopted by the city.

“Building height” means the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building.

Church. See “religious facility.”

“Closed record appeal” means an administrative hearing, conducted by the city following an open record hearing conducted on a project permit application. The hearing is on the record with only arguments related to matters of record allowed, except the city has the discretion to allow supplementation of the record upon a showing of good cause.

“Community center” means a location where members of a community may gather for group activities, social support, public information, and other purposes. They may sometimes be open for the whole community or for a specialized group within the greater community.

“Cumulative substantial damage” means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

“Day care center, child” means a child care provider, licensed by the Washington State Department of Early Learning, that regularly provides child care and early learning services for a group of children for periods of less than twenty-four hours.

“Day care, family provider” means a child care provider who regularly provides early childhood education and early learning services for not more than twelve children in the provider’s home in the living quarters for periods less than twenty-four hours.

“Development” means the activity or purpose for which land or structures or a combination of land and structures are designed, arranged, occupied or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself, including any clearing, grading, leveling, paving or excavation. “Development” also means any existing or proposed configuration of land, structures and site improvements, and the use thereof.

“Dwelling, multifamily” means a building arranged or designed to be occupied by more than four families, such as an apartment house or flat, but not including a trailer park.

“Dwelling unit” means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy.

“Emergency shelter” means a congregate facility providing housing to shelter families and individuals offered on an emergency basis for a period not to exceed ninety days continuously. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency.

“Family” means an individual, or two or more persons related by blood, marriage or adoption, or a group of not more than six persons, excluding servants, who are not related by blood, marriage or adoption living together in a dwelling unit. For the purposes of this definition, persons with handicaps or otherwise protected by the Federal Fair Housing Act ([42 U.S.C. Section 3601](#) et seq.) shall not be counted as unrelated persons.

“Flood fringe” means the area adjoining the floodway which would be covered by floodwater during a base flood.

"Floodplain" means the boundaries shown on the Federal Emergency Management Act (FEMA) maps, mandated by the Floodplain Management Act as defined in Chapter [35.63](#) RCW as it now exists or is from now on amended. Generally, it is the land area susceptible to being inundated by water from the base flood.

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

"Footprint" means the area at the ground plane of a building, structure, or other element, bounded by the outside of the exterior walls and including stairs, porches, decks, upper story overhangs, canopies, and other appurtenances over three feet in height above the grade, except not including roof overhangs.

"Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

"Grade" (adjacent ground elevation) is the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and property line, or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

"Group training home" means a facility equipped, supervised, managed, and operated on a full-time basis by any person, association, or corporation on a nonprofit basis for the full-time care, treatment, training, and maintenance of persons with developmental disabilities, and approved under this chapter and the standards under the rules adopted by Department of Social and Health Services.

"Halfway house" means a home for juvenile delinquents, adult offenders, or those leaving correctional institutions providing residentially oriented facilities which allow rehabilitation or social adjustment for persons who are in need for supervision or assistance in becoming socially reoriented but not in need of institutional care. Such facility provides a reintroduction of residents into a normal community life by providing a stable living situation rather than incarceration or a reintroduction without home, job or social reinforcement.

"Hazardous waste" means and includes all dangerous and extremely hazardous waste as specified in RCW [70.105.010](#).

"Hazardous waste storage" means the holding of dangerous waste for a temporary period. Accumulation of hazardous waste is not storage as long as the accumulation is in compliance with applicable requirements of WAC [173-303-200](#) and [173-303-201](#).

"Hazardous waste treatment" means the physical, chemical, or biological processing of hazardous waste to make such wastes nonhazardous or less hazardous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.

"Home business" means an activity conducted for financial gain or profit within a dwelling unit, which is clearly incidental and secondary to the primary use of the dwelling unit as a residential structure.

"Impervious surface" means surface area that does not allow for water infiltration, or has a runoff coefficient of 0.90 or more (e.g., nonpermeable pavement, solid rock, roofs, foundations, underground tanks and vaults, and similar areas).

"Kennel" means a building, enclosure or portion of any premises in or at which dogs, cats or other domesticated animals are boarded or kept for hire, or in or at which dogs, cats or other domesticated animals are kept or maintained by any person other than the owner thereof. This definition shall include boarding kennels, but not pet shops, animal hospitals or zoos.

"Manufactured home" means a single-family dwelling required to be built in accordance with regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 ([42](#) U.S.C. Section [5401](#) et seq.).

"Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. For the purposes of this title, "cannabis" or "marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana cooperative” means a group of more than one, but no more than four, qualified medical marijuana patients and/or designated providers who share responsibility for growing and processing marijuana only for the medical use of the members of the cooperative.

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

“Marijuana processor” means a person licensed by the Washington State Liquor and Cannabis Board to process marijuana into usable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products at wholesale to marijuana retailers.

“Marijuana producer” means a person licensed by the Washington State Liquor and Cannabis Board to plant, grow, harvest, and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana retailer” means a location licensed by the Washington State Liquor and Cannabis Board for the retail sale of usable marijuana and marijuana and marijuana-infused products.

“Marijuana state licensed facility” means a facility licensed by the Washington State Liquor and Cannabis Board to produce, process, or sell marijuana as well as state licensed cooperative.

“Marijuana, usable” means dried marijuana flowers. The term “usable marijuana” does not include marijuana-infused products.

“Microbrewery” or “microwinery” means the same as “brewery/winery” except for the following: a microbrewery shall have a capacity of not more than fifteen thousand barrels a year and a microwinery no more than three thousand cases of wine per year. Per RCW [66.24.244\(3\)](#), a microbrewery may also sell beer produced by another microbrewery or a domestic brewery for on- and off-premises consumption from its premises as long as the other breweries’ brands do not exceed twenty-five percent of the microbrewery’s on-tap offering of its own brands.

“Mobile home” means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Act.

“Nuisance, public” means any use, activity or structure that materially interferes with or jeopardizes the health, safety, or the welfare of others or the quiet enjoyment and use of one’s property and/or fails to conform with the provisions, intent or standards of the district in which the use, activity or structure occurs.

“Nursing home” means any home, place, institution or facility which provides convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity are unable to properly care for themselves. Such facilities shall be licensed by the state of Washington as nursing homes in accordance with the provisions of Chapter [18.51](#) RCW.

“Open record public hearing” means a hearing conducted by the city that creates a record through testimony and the submission of evidence and information. An open record public hearing held before a decision is made on a project permit may also be known as an open record predecision hearing. An open record hearing held during an appeal may also be known as an open record appeal hearing if no open record predecision hearing was held.

“Ordinary high water mark” means the mark on all lakes, rivers, and streams 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 fresh water shall be the line of mean high water.

“Personal services” means uses that offer specialized goods and services including barber shops, beauty shops, dry cleaning, tanning salons, tattoo parlors, clothing repair or tailoring and other similar establishments.

“Professional services” means uses such as accounting firms, credit bureaus, collection agencies, advertising agencies, contractor’s offices, ambulance service companies, employment agencies, finance companies, insurance agents, income tax return preparers, investment counseling firms, lawyer’s offices, or real estate companies.

“Proposed facilities modification” shall mean and refer to a proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and involving:

1. Co-location of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

“Recreational vehicle” means a means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.

“Religious facility” means a facility in which the primary focus is religious worship. A religious facility may also include related activities including accessory uses in the main building or in separate buildings or structures, including Sunday school rooms and religious education classrooms, assembly rooms, a common kitchen, a library room or reading room, recreation hall and quarters on site for nuns and clergy, but excluding facilities for training of religious orders. A single-family dwelling (parsonage) is included in this definition with its use for the pastor or caretaker.

“Residential treatment facility” means a facility for purposes of evaluation and treatment or evaluation and referral of any individual with a chemical dependency or mental disorder.

“Retail sales” means a location where products such as clothing, shoes, household goods, toys, office supplies, etc., are displayed and the public is allowed to purchase items.

“Retail sales, large scale” means a building where products are displayed and sold larger than ten thousand square feet.

“Right-of-way, public” means the property held by the city or other governmental jurisdiction for existing and/or future public access including land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, levee or dike, water main, sanitary or storm sewer main, street trees or other special use. The usage of the term “right-of-way” for land division purposes shall mean that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

“Roadside produce stand” means an establishment engaged in the retail sale of local fresh fruits and vegetables and having permanent or semi-permanent structures associated with such use.

“Secure community transition facility” means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW [71.09.250](#)(1)(a)(i).

~~“Setback” means the minimum distance required between a specified object, such as a building, and another point. It is measured from lot lines a right angle to a specified object. Typically, a setback refers to the minimum distance from a building to a specified lot line. -front” means a horizontal distance on a lot measured at a right angle from the front lot line to the nearest part of a building or structure.~~

~~“Setback, rear” means a horizontal distance on a lot measured at a right angle from the rear lot line to the nearest part of a building or structure.~~

~~“Setback, side” means a horizontal distance on a lot measured at a right angle from the side lot line to the nearest part of a building or structure.~~

“Sexually oriented business” means those businesses defined as follows:

1. “Adult arcade” means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image-producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

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2. "Adult bookstore," "adult novelty store" or "adult video store" means a commercial establishment which has a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following:
- a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - b. An establishment may have another significant or substantial portion of its stock-in-trade that does not involve the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities. Therefore, any establishment having twenty percent or more of its stock-in-trade or revenues that come from trading in material depicting or describing specified sexual activities or specified anatomical areas shall be categorized as an adult bookstore, an adult novelty store, or an adult video store.
3. "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which features:
- a. Persons who appear nude or semi-nude;
 - b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
 - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
4. "Adult motel" means a hotel, motel, or similar commercial establishment which:
- a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - b. Offers a sleeping room for rent for a period of time that is less than twenty hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty hours.
5. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of specified anatomical areas or specified sexual activities are regularly shown for any form of consideration.
6. "Adult theater" means a concert hall, theater, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear nude or semi-nude, or live performances which are characterized by exposure of specified anatomical areas or specified sexual activities.
7. "Nude or semi-nude model studio" means any place where a person who appears nude or semi-nude or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
8. "Specified anatomical areas" means and includes any of the following:
- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

9. "Specified sexual activities" means and includes any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- c. Masturbation, actual or simulated; or
- d. Human genitals in a state of sexual stimulation, arousal or tumescence; or
- e. Excretory functions as part of or in connection with any of the activities set forth in subsections (a) through (d) of this definition.

"Short Plat (Short subdivision)" means the process of dividing or redividing land into four-nine or fewer lots, tracts, sites, parcels or divisions.

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"Sign" means letters, figures, symbols, trademarks, or logos, with or without illumination, intended to identify any place, subject, person, firm, business, product, article, merchandise or point of sale. A sign also includes balloons attached to sign structures, products, streamers, spinners, pennants, flags, inflatables or similar devices intended to attract attention to a site or business, as well as architectural or structural forms, illuminated panels, spandrels, awnings and other structural or architectural features not common to classic vernacular or noncorporate regional architecture and that are intended to convey a brand, message or otherwise advertise a location or product, whether or not such features include text or graphics and whether or not they serve other practical purposes such as lighting, covering or enclosure of persons or products. A sign includes any device which streams, televises or otherwise conveys electronic visual messages, pictures, videos or images, with or without sound or odors. The different types of signs addressed in this chapter are defined as follows:

1. "Sign—freestanding" means a sign and its support structures, poles, or base standing on the ground and that are independent from any building or structure.
2. "Sign—freeway" means a sign situated within a radius of one thousand feet from a freeway entry/exit point, but not separated by a physical barrier from the entry/exit intersection. A freeway sign is primarily oriented to the passing motorist on the adjacent freeway. No wall-mounted sign can be classified as a freeway sign.
3. "Sign—monument" is a freestanding, low-profile sign which is attached to the ground by means of a wide base of solid appearance and the width of the sign is greater than the height of the sign.
4. "Sign—portable" means a freestanding sign that is readily movable and not permanently affixed to the ground, including A-frame or sandwich board signs, pole signs mounted on weighted bases, and similar signs that are used on more than a temporary basis.
5. "Sign—projecting" means a sign that is affixed to a building or wall and projects perpendicular from the surface of such a building or wall face. Projecting signs include signs projecting directly from walls or hanging from ceilings or other support structures.
6. "Sign—sandwich board" or "A-frame sign" means a portable sign, typically in the shape of an inverted V, with two sign boards attached to each other at the top of the sign capable of standing without support or attachment.
7. "Sign—temporary" means any sign or advertising display located outside of a building constructed of cloth, wood, canvas, light fabric, paper or other light materials with or without frames intended to be displayed for a limited time only and not permanently mounted.
8. "Sign—wall" is any permanent sign that is attached parallel to and extending not more than ten inches from the wall of a building. This includes painted, individual letter, and cabinet signs.

"Spectrum Act" shall mean and refer to the "Middle Class Tax Relief and Job Creation Act of 2012" (Public Law 112-96; codified at [47](#) U.S.C. Section [1455\(a\)](#)).

"Structure" means any manmade assemblage of materials extending above or below the surface of the earth and affixed or attached thereto.

“Structure height” means the highest point above grade of a structure other than a building, except as otherwise provided by this code.

“Townhouse” means a form of attached housing comprised of a single building where dwelling units are separated by vertical fire walls. Each unit is located on its own individual legal lot of record, has its own independent access and its own front and rear yard.

“Transitional housing facility” means a congregate facility that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually twenty-four months). Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

“Urban rest stop” means a facility that provides day use services rather than overnight stays and provides different kinds of facilities and services to assist those who may not have permanent housing, such as laundry facilities, cooking facilities, bathrooms, and showers.

“Wetland” or “wetlands” means area inundated or saturated by surface waters or groundwater of a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if allowed by the city.

“Wireless base station” shall mean and refer to the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this section or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).
3. The term includes any structure other than a tower that, at the time a wireless eligible facilities modification application is filed with the city under this section, supports or houses equipment described in subsections (1) and (2) of this definition, and that has been reviewed and approved under the applicable zoning or siting process, or under another state, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
4. The term does not include any structure that, at the time a completed wireless eligible facilities modification application is filed with the city under this section, does not support or house equipment described in subsections (1) and (2) of this definition.

“Wireless co-location” for the purposes of administering regulation of wireless communication facilities shall mean and refer to the mounting or installation of wireless transmission equipment on a wireless eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

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

“Wireless communication facility category 1” is a wireless communication facility that consists of antennas equal to or less than ten feet in height or up to one meter (39.37 inches) in diameter and with an area not more than thirty square feet in the aggregate that is affixed to an existing structure that is not considered a component of the facility.

“Wireless communication facility category 2” is an attached wireless communication facility that consists of antennas greater than ten feet in height, one meter (39.37 inches) in diameter and with an area greater than thirty square feet in the aggregate that is affixed to an existing structure or any size antenna or related equipment that is attached to a lattice tower or monopole.

“Wireless conceal” or “concealment” for the purposes of administering the regulation of wireless communication facilities shall mean and refer to wireless eligible support structures and transmission facilities designed to look like some feature other than a wireless tower or wireless base station.

“Wireless eligible facilities modification” shall mean and refer to any proposed facilities modification that has been determined pursuant to regulations governing wireless communication facilities which does not result in a substantial change in the physical dimensions of a wireless eligible support structure.

“Wireless eligible facilities modification application” or “application” shall, unless the context clearly requires otherwise, mean and refer to a written document submitted to the city pursuant to regulations governing wireless communication facilities for review and approval of a proposed facilities modification.

“Wireless eligible facilities modification permit” or “permit” shall, unless the context clearly requires otherwise, mean and refer to a written document issued by the city pursuant to regulations governing wireless communication facilities approving a wireless eligible facilities modification application.

“Wireless eligible support structure” shall mean and refer to any existing wireless tower, or wireless base station that is in existence at the time the eligible facilities modification application is filed with the city.

“Wireless, existing” for the purposes of administering the regulation of wireless communications facilities shall, for purpose of regulations governing wireless communication facilities and as applied to a wireless tower or wireless base station, mean and refer to a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the city, or under another state, county or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

“Wireless FCC eligible facilities request rules” shall mean and refer to [47 CFR Part 1](#) (Part 1 —Practice and Procedure), Subpart CC, Section 1.40001 as established pursuant to its report and order in *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238 and 13-32; WC Docket No. 11-59; FCC 14-153, or as may be thereafter amended.

“Wireless proposed facilities modification” shall mean and refer to a proposal submitted by an applicant to modify a wireless eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and involving:

1. Co-location of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

“Wireless site” for purposes of administering the regulations governing wireless communication facilities shall, for towers other than towers in the public rights-of-way, mean and refer to the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other wireless eligible support structures, shall mean and be further restricted to that area in proximity to the structure and to other wireless transmission equipment already deployed on the ground.

“Wireless small cell facility” shall mean and refer to a personal wireless services facility that meets both of the following qualifications:

1. Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
2. Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cut-off switch.

“Wireless small cell network” shall mean and refer to a collection of interrelated small cell facilities designed to deliver personal wireless services.

“Wireless tower” or “tower” shall mean and refer to any wireless communication support structure or any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated wireless site.

“Wireless transmission equipment” shall mean and refer to equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. (Ord. 3889 § 3 (Exh. A), 2017)

“Yard” means the open space between a building and the property lines. Front yard specifically refers to the open space between the primary building and the front property line.

Commented [MM4]: Added a definition for yard and front yard. This is important so we can distinguish between the front yard area and the front setback area as the code has different requirements for each of these areas.