

ORDINANCE NO. C 34394

An ordinance relating to definitions for the Unified Development Code; amending SMC sections 17A.020.010, 17A.020.020, 17A.020.030, 17A.020.040, 17A.020.050, 17A.020.060, 17A.020.090, 17A.020.120, 17A.020.130, 17A.020.140, 17A.020.160, 17A.020.180, 17A.020.190, and 17A.020.200.

WHEREAS, the City of Spokane is required under RCW 36.70A.040(4)(D) to implement the goals and policies of the City's Comprehensive Plan by adoptions of implementing land use regulations; and

WHEREAS, there is a need to have clear definition of certain terms used in title 17 of the Spokane Municipal Code; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 17A.020.010 is amended to read as follows:

17A.020.010 "A" Definitions.

A. Abandoned sign structure. A sign structure where no sign has been in place for a continuous period of at least 6 months.

~~((A.))~~ B. Aboveground Storage Tank or AST.

Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected.

1. Tanks located in vaults or buildings that are be visually inspected are considered to be aboveground tanks.

~~((B.))~~ C. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. "mother-in-law apartments",
2. "accessory apartments", or
3. "second units".

~~((C.))~~ D. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
 - a. garages,
 - b. decks,
 - c. fences,
 - d. trellises,
 - e. flag poles,
 - f. stairways,
 - g. heat pumps,
 - h. awnings, and
 - i. other structures.
3. See also SMC 17A.020.160 ("Primary Structure").

~~((D-))~~ E. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

~~((E-))~~ F. Activity.

See Regulated Activity.

~~((F-))~~ G. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

~~((G-))~~ H. Adult Entertainment Establishment.

1. An "adult entertainment establishment" is an enclosed building, or any portion thereof, used for presenting performances, activities or material relating to "specified sexual activities" as defined in SMC 17A.020.190 or

"specified anatomical areas" as defined in SMC 17A.020.190 for observation by patrons therein.

2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of "specified sexual activities" or "specified anatomical areas."
3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

~~((H))~~ I. Adult Family Home.

A residential use as defined and licensed by the State of Washington in a dwelling unit.

~~((I))~~ J. Adult-oriented Merchandise.

Any goods, products, commodities or other ware, including, but not limited to, videos, CD ROMs, DVDs, computer disks or other storage devices, magazines, books, pamphlets, posters, cards, periodicals or non-clothing novelties which depict, describe or simulate "specified anatomical area", as defined in SMC 17A.020.190, or "specified sexual activities", as defined in SMC 17A.020.190.

~~((J))~~ K. Adult Retail Use Establishment.

1. An "adult retail use establishment" is an enclosed building, or any portion thereof which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade to the sale, exchange, rental, loan, trade, transfer or viewing of "adult-oriented merchandise".
2. For purposes of this definition, a retail establishment devotes a significant or substantial portion of its stock-in-trade to adult-oriented merchandise if the sale, exchange, rental, loan, trade, transfer or viewing of such adult-oriented merchandise is clearly material to the economic viability of the business.
3. It is rebuttably presumed that such adult-oriented merchandise is clearly material to the viability of the business if adult-oriented merchandise accounts for thirty percent or more of the:
 - a. retail dollar value of gross sales over any quarterly period,
 - b. floor area of the store open to the public,
 - c. retail dollar value of all merchandise displayed in the store,

- d. store's inventory (whether measured by retail dollar value or number of items), or
- e. store's stock in trade.

4. In no event shall a retailer whose transactions only incidentally or marginally relate to adult-oriented merchandise be considered an adult retail use establishment.

~~((K-))~~ L. Agency or Agencies.
The adopting jurisdiction(s), depending on the context.

~~((L-))~~ M. Alkali Wetlands.
Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

~~((M-))~~ N. Alley.
See "Public Way" (SMC 17A.020.160).

~~((N-))~~ O. Alteration.
A physical change to a structure or site.

- 1. Alteration does not include normal maintenance and repair or total demolition.
- 2. Alteration does include the following:
 - a. Changes to the facade of a building.
 - b. Changes to the interior of a building.
 - c. Increases or decreases in floor area of a building; or
 - d. Changes to other structures on the site, or the development of new structures.

~~((O-))~~ P. Alteration of Plat, Short Plat or Binding Site Plan.
The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat.

1. An alteration does not include a boundary line adjustment subject to SMC 17G.080.030.

~~((P-))~~ Q. Alternative or Post-incarceration Facility.
A group living use where the residents are on probation or parole.

~~((Q-))~~ R. Alternative Tower Structure ("Stealth" Technology).
Manmade trees, clock towers, bell steeples, light poles, flag poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also "Low Visual Impact Facility" – SMC 17A.020.120).

~~((R-))~~ S. Antenna Array (Wireless Communication Antenna Array).

1. One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish).
2. Wireless communication antenna array shall be considered an accessory use provided they are located upon an existing structure.

~~((S-))~~ T. Antenna Height.
The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including the antenna.

~~((T-))~~ U. Antenna Support Structure.
Any pole, telescoping mast, tower tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

~~((U-))~~ V. API 653.
The American Petroleum Institute's standards for tank inspection, repair, alteration and reconstruction.

~~((V-))~~ W. Appeal.
A request for review of the interpretation of any provision of Title 17 SMC.

~~((W-))~~ X. Appeal – Standing For.
As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and

2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person.
 - b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision.
 - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
 - d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

~~((X-))~~ Y. Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements.

1. "Owners" are all persons having a real property interest. Owners include:
 - a. holder of fee title or a life estate;
 - b. holder of purchaser's interest in a sale contract in good standing;
 - c. holder of seller's interest in a sale contract in breach or in default;
 - d. grantor of deed of trust;
 - e. presumptively, a legal owner and a taxpayer of record;
 - f. fiduciary representative of an owner;
 - g. person having a right of possession or control; or
 - h. any one of a number of co-owners, including joint, in common, by entireties and spouses as to community property.

~~((Y-))~~ Z. Application, Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in SMC 17G.060.090.

~~((Z-))~~ AA. Aquifer or Spokane Aquifer.
A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

~~((AA-))~~ AB. Aquifer Sensitive Area (ASA).
That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The ~~((are))~~ area is shown in the map adopted as part of SMC 17E.050.260.

~~((AB-))~~ AC. Aquifer Water Quality Indicators.
Common chemicals used for aquifer water quality screening. These are:

1. calcium,
2. magnesium,
3. sodium,
4. total hardness,
5. chloride,
6. nitrate-nitrogen, and
7. phosphorus.

~~((AC-))~~ AD. Area of Shallow Flooding.
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.

AO is characterized as sheet flow and AH indicates ponding.

~~((AD-))~~ AE. Area of Special Flood Hazard.
The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

1. Designation on maps always includes the letters A or V.

~~((AE.))~~ AF. Arterial.

See:

1. "Principal Arterials" – SMC 17A.020.160,
2. "Minor Arterials" – SMC 17A.020.130,
3. "Collector Arterial" – SMC 17A.020.030, or
4. "Parkway" – SMC 17A.020.160.

~~((AF.))~~ AG. Assisted Living Facility.

A multi-family residential use licensed by the State of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath] and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.
2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

~~((AG.))~~ AH. Attached Housing.

Two or more dwelling units attached by a common wall at a shared property line. These include:

1. townhouses,
2. row houses, and
3. other similar structures

that are single-family residences on individual lots, sharing a common wall at a shared property line.

~~((AH.))~~ AI. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.

3. Structures including garages, carports and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

~~((A.))~~ AJ. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion or modification (RCW 76.70A.020).

Section 2. That SMC section 17A.020.020 is amended to read as follows:

17A.020.020 “B” Definitions.

A. Backed Sign.

A sign where the faces of the sign are parallel or within twenty degrees of parallel to each other.

B. Balloon Sign.

A sign that is blown up with air or gas.

~~((A.))~~ C. Bank Carving.

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

~~((B.))~~ D. Bank Erosion.

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

~~((C.))~~ E. Bankfull Width.

1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
2. For lakes, ponds and impoundments, line of mean high water.
3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain 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.

- F. Banner.
A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind. See also Flag.
- ~~(D-)~~ G. Base Flood.
1. 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.”
 2. Designation on maps always includes the letters A or V.
- ~~(E-)~~ H. Basement.
 The portion of a building having its floor sub-grade (below ground level) on all sides.
- ~~(F-)~~ I. Bee.
 Any stage of development of the common domestic honeybee, *Apis mellifera* species.
- ~~(G-)~~ J. Beekeeper.
 A person owning, possession or controlling one or more colonies of bees.
- ~~(H-)~~ K. Best Available Science.
 Current scientific information used in the process to designate, protect or restore critical areas, which is derived from a valid scientific process.
- ~~(I-)~~ L. Best Management Practices.
 The utilization of methods, techniques or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.
- ~~(J-)~~ M. Bikeways/Pathways.
 Facilities designated for use by commuters and recreational users on foot or bicycle. The following types of bikeway facilities are identified and further defined in the Spokane Regional Pedestrian/Bikeway Plan published by the Spokane Regional Transportation Council:
1. Residential Bikeway.
 2. Shared-use Lane.
 3. Paved Shoulder.
 4. Bicycle Lane.

5. Shared-use Pathway.

~~((K-))~~ N. Binding Site Plan – Final.

A drawing to a scale which:

1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters provided in SMC 17G.080.060;
2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and
3. contains provisions making any development be in conformity with the site plan.

A binding site plan can only be used on property zoned commercial or industrial.

~~((L-))~~ O. Binding Site Plan – Preliminary.

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

~~((M-))~~ P. Block.

A group of lots, tracts or parcels within well defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.

~~((N-))~~ Q. Block Frontage.

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

~~((O-))~~ R. Board.

The board of county commissioners of Spokane County.

~~((P-))~~ S. Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

~~((Q-))~~ I. Breakaway Wall.

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

~~((R-))~~ U. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

~~((S-))~~ V. Building.

1. A "building" is a structure, or part, used or intended for supporting or sheltering any use or occupancy.
2. The term includes "factory-built structure" and "mobile home".
3. "Building" does not include a recreational vehicle.
4. "Building" means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

~~((T-))~~ W. Building Coverage.

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
2. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than forty-two inches above grade.
3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

~~((U-))~~ X. Building Envelope.

The area of a lot that delineates where a building may be placed.

Section 3. That SMC section 17A.020.030 is amended to read as follows:

17A.020.030 "C" Definitions.

- A. Candidate Species.
A species of fish or wildlife, which is being reviewed, for possible classification as threatened or endangered.
- B. Carport.
A carport is a garage not entirely enclosed on all sides by sight-obscuring walls and/or doors.
- C. Cellular Telecommunications Facility.
They consist of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.
- D. Certificate of Appropriateness.
Written authorization issued by the commission or its designee permitting an alteration or significant change to the controlled features of a landmark or landmark site after its nomination has been approved by the commission.
- E. Certificate of Capacity.
A document issued by the planning services department indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.
- F. Change of Use.
For purposes of modification of a preliminary plat, "change of use" shall mean a change in the proposed use of lots (e.g., residential to commercial).
- G. Channel Migration Zone (CMZ).
A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.
- H. City.
The City of Spokane, Washington.
- I. Clear Street Width.
The width of a street from curb to curb minus the width of on-street parking lanes.
- J. Clear Zone.

An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles.

K. Cliffs.

1. A type of habitat in the Washington department of fish and wildlife (WDFW) priority habitat and species system that is considered a priority due to its limited availability, unique species usage, and significance as breeding habitat. Cliffs are greater than twenty-five feet high and below five thousand feet elevation.
2. A "cliff" is a steep slope of earth materials, or near vertical, rock exposure. Cliffs are categorized as erosion landforms due to the processes of erosion and weathering that produce them. Structural cliffs may form as the result of fault displacement or the resistance of a cap rock to uniform downcutting. Erosional cliffs form along shorelines or valley walls where the most extensive erosion takes place at the base of the slope.

L. Closed Record Appeal Hearing.

A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application.

1. No new testimony or submission of new evidence and information is allowed.

M. Collector Arterial.

A relatively low speed street serving an individual neighborhood.

1. Collector arterials are typically two-lane roads with on-street parking.
2. Their function is to collect and distribute traffic from local access streets to principal and minor arterials.

N. Co-location.

Is the locating of wireless communications equipment from more than one provider on one structure at one site.

O. Colony.

A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen and brood.

P. Commercial Driveway.

Any driveway access to a public street other than one serving a single-family or duplex residence on a single lot.

Q. Commission – Historic Landmarks.
The City/County historic landmarks commission.

R. Community Banner.
A temporary banner made of sturdy cloth or vinyl that is not commercial advertising that has the purpose of the promotion of a civic event, public service announcement, holiday decorations, or similar community and cultural interests and is placed on a structure located in the public right-of-way, subject to procedures authorized by city administrator.

~~((R-))~~ S. Community Meeting.
An informal meeting, workshop or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.

1. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
2. A community meeting does not constitute an open record hearing.
3. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

~~((S-))~~ T. Compensatory Mitigation.
Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

1. Restoration.
The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.
2. Re-establishment.
The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches or breaking drain tiles.
3. Rehabilitation.
The manipulation of the physical, chemical or biological characteristics of

a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

4. Creation (Establishment).
The manipulations of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils and support the growth of hydrophytic plant species.
5. Enhancement.
The manipulation of the physical, chemical or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.
6. Protection/Maintenance (Preservation).
Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term *preservation*. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

~~((F))~~ U. Comprehensive Plan.

The City of Spokane comprehensive plan, a document adopted pursuant to chapter 36.70A RCW providing land use designations, goals and policies regarding land use, housing, capital facilities, housing, transportation and utilities.

~~((U))~~ V. Conceptual Landscape Plan.

A scale drawing showing the same information as a general site plan plus the location, type, size and width of landscape areas as required by the provisions of chapter 17C.200 SMC.

1. The type of landscaping, L1, L2 or L3, is required to be labeled.

2. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.

~~(V-)~~ W. Concurrency Certificate.

A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to chapter 17D.010 SMC, Concurrency Certification.

~~(W-)~~ X. Concurrency Facilities.

Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:

1. transportation,
2. public water,
3. fire protection,
4. police protection,
5. parks and recreation,
6. libraries,
7. solid waste disposal and recycling,
8. schools, and
9. public wastewater (sewer and stormwater).

~~(X-)~~ Y. Concurrency Test.

The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in SMC 17D.010.020.

~~(Y-)~~ Z. Conditional Use Permit.

A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.

~~(Z-)~~ AA. Condominium.

Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions.

1. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

~~((AA-))~~ AB. Confidential Shelter.

Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.

~~((AB-))~~ AC. Congregate Residence.

A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.

~~((AC-))~~ AD. Conservancy Environments.

Those areas designated as the most environmentally sensitive and requiring the most protection in the current shoreline master program or as hereafter amended.

~~((AD-))~~ AE. Container.

Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.

AF. Copy.

Letters, characters, illustrations, logos, graphics, symbols, writing or any combination thereof designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental or lease of premises.

~~((AE-))~~ AG. Cottage Housing.

1. A grouping of individual structures where each structure contains one dwelling unit.
2. The land underneath the structures is not divided into separate lots.
3. A cottage housing development may contain no less than six and no more than twelve individual structures in addition to detached accessory buildings for storing vehicles.
 - a. It may also include a community building, garden shed or other facility for use of the residents.

~~((AF-))~~ AH. Council.
The city council of the City of Spokane.

~~((AG-))~~ AI. County.
Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.

~~((AH-))~~ AJ. Covenants, Conditions and Restrictions (CC&Rs).
A document setting forth the covenants, conditions and restrictions applicable to a development, recorded with the Spokane County auditor and, typically, enforced by a property owner's association or other legal entity.

~~((AI-))~~ AK. Creep.
Slow, downslope movement of the layer of loose rock and soil resting on bedrock due to gravity.

~~((AJ-))~~ AL. Critical Amount.
The quantity component of the definition of critical material.

~~((AK-))~~ AM. Critical Areas.
Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas or wetlands as defined under chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC and chapter 17E.070.SMC.

~~((AL-))~~ AN. Critical Facility.
A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to:

1. schools;
2. nursing homes;
3. hospitals;
4. police;
5. fire;
6. emergency response installations; and
7. installations which produce, use or store hazardous materials or hazardous waste.

~~((AM-))~~ AQ. Critical Material.

1. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
 - a. domestic and industrial water supply,
 - b. agricultural irrigation,
 - c. stock water, and
 - d. fish propagation.

Used herein, the designation is distinguished from state or other designation.

2. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

~~((AN-))~~ AP. Critical Material Activity.

1. A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials.
2. A list of critical materials activities is contained in the Critical Materials Handbook.

~~((AQ-))~~ AQ. Critical Materials Handbook.

1. The latest edition of a publication as approved and amended by the division director of public works and utilities from time to time to accomplish the purposes of this chapter. The handbook is based on the original prepared by the Spokane water quality management program ("208") coordination office, with the assistance of its technical advisory committee. It is on file with the director of engineering services and available for public inspection and purchase.
2. The handbook, as approved and modified by the division director of public works and utilities , contains:
 - a. a critical materials list,
 - b. a critical materials activities list, and

- c. other technical specifications and information.
3. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

~~((AP.))~~ AR. Critical Review.

The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer and/or implementation of the Spokane aquifer water quality management plan.

~~((AQ.))~~ AS. Critical Review Action.

- 1. An action by a municipal official or body upon an application as follows:
 - a. Application for a building permit where plans and specifications are required, except for Group R and M occupancies (SMC 17G.010.140 and SMC 17G.010.150).
 - b. Application for a shoreline substantial development permit (SMC 17G.060.070(B)(1)).
 - c. Application for a certificate of occupancy (SMC 17G.010.170).
 - d. Application for a variance or a certificate of compliance (SMC 17G.060.070(A) or SMC 17G.060.070(B)(1)).
 - e. Application for rezoning (SMC 17G.060.070(A)).
 - f. Application for conditional permit (SMC 17G.060.070(A)).
 - g. Application for a business license (SMC 8.01.120).
 - h. Application for a permit under the Fire Code (SMC 17F.080.060).
 - i. Application for a permit or approval requiring environmental review in an environmentally sensitive area (SMC 17E.050.260).
 - j. Application for connection to the City sewer or water system.
 - k. Application for construction or continuing use of an onsite sewage disposal system (SMC 13.03.0149 and SMC 13.03.0304).

- l. Application for sewer service with non-conforming or non-standard sewage (SMC 13.03.0145, SMC 13.03.0314 and SMC 13.03.0324).
 - m. Application involving a project identified in SMC 17E.010.120.
 - n. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
 - o. Application for an underground storage tank permit (SMC 17E.010.210); and
 - p. Application for permit to install or retrofit aboveground storage tank(s) (SMC 17E.010.060(A) and SMC 17E.010.400(D)).
2. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

~~((AR-))~~ AT. Critical Review Applicant.
A person or entity seeking a critical review action.

~~((AS-))~~ AU. Critical Review Officer – Authority.

- a. The building official or other official designated by the director of public works and utilities.
- b. For matters relating to the fire code, the critical review officer is the fire official.
- c. The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.
- d. The critical review officer imposes requirements based upon this chapter, regulations and the critical materials handbook.
- e. The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter.

~~((AT-))~~ AV. Critical Review Statement.

A checklist, disclosure form or part of an application for a critical review action, disclosing the result of critical review.

1. Where not otherwise provided as part of the application process, the critical review officer may provide forms and a time and place to file the statement.

~~((AU-))~~ AW. Curb Ramp.

A ramp constructed in the sidewalk to allow wheelchair access from the sidewalk to the street.

~~((AV-))~~ AX. Cutbank.

The concave bank of a moving body of water that is maintained as a steep or even overhanging cliff by the actions of water at its base.

Section 4. That SMC section 17A.020.040 is amended to read as follows:

17A.020.040 "D" Definitions.

A. Day.

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.

Slow moving, sediment gravity flow composed of large rock fragments and soil supported and carried by a mud-water mixture.

C. Debris Slide.

A shallow landslide within rock debris with the slide usually occurring within a relatively narrow zone.

D. Dedication.

The deliberate appropriation of land, or an easement therein, by its owner for any general and public uses, reserving to the owner no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been devoted, and accepted for such use by or on behalf of the public. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan showing the dedication thereon or by dedication deed to the City. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan or at the City's option, by the City recording such dedication deed with the Spokane County auditor.

- E. Degraded Wetland.
A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.
- F. Demolition or Partial Demolition.
The destruction, removal or relocation, in whole or in part, of a building or structure or a significant feature of a building or structure that is of important historical character. Demolition (or partial demolition) does not include the removal of past additions for the express purpose of restoration of a structure to its historic appearance, form or function. Demolition (or partial demolition) does not include the destruction or removal of portions of a building or structure that are not significant to defining its historic character. This exclusion is valid so long as the demolition is done as part of a design review application approved pursuant to chapter 4.13 SMC.
- G. Density.
The number of housing units per acre as permitted by the zoning code.
- H. Department.
Any of the departments of engineering services, planning services, fire department, or parks and recreation for which responsibility has been assigned by charter or code for administration.
- I. Design Departure.
Any change that is sought to modify or waive a design requirement (R) or waive a design presumption (P) contained within the design standards. The design departure process is found in chapter 17G.030 SMC, Design Departures.
- J. Design Guidelines.
A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design.
- K. Designation.
The declaration of a building, district, object, site or structure as a landmark or historic district.
- L. Desired character.
The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted subarea plans or design guidelines for an area.
- ~~(L-)~~ M. Detailed Site Plan.
A general site plan to which the following detailed information has been added:

1. Natural vegetation, landscaping and open spaces.
2. Ingress, egress, circulation, parking areas and walkways.
3. Utility services.
4. Lighting.
5. Signs.
6. Flood plains, waterways, wetlands and drainage.
7. Berms, buffers and screening devices; and
8. Such other elements as required in this chapter.

~~((M-))~~ N. Developable Area.

Land outside of a critical area and associated buffer including wetlands, fish and wildlife habitat conservation areas, riparian habitat area, landslide areas, steep slope areas, floodplain, floodway, shallow flooding, channel migration zone and associated buffers, or any other restricted area on a particular piece of property.

~~((N-))~~ O. Development.

Any proposed land use, zoning or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

~~((O-))~~ P. Development Activity – Floodplain.

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

~~((P-))~~ Q. Development Approval.

Any recommendation or approval for development required or permitted by this code.

~~((Q-))~~ R. Development Codes.

The state adopted codes, boiler and pressure vessel, building, electrical, elevator, fire, mechanical, plumbing and related publications adopted by the City, along with other provisions of this code that relate to private access to, use and obstruction of public right-of-way, and engineering standards that relate to private construction of public utilities and facilities.

~~((R-))~~ S. Development Permit.
Any permit issued by the City authorizing construction, including a building permit, conditional use permit, substantial development permit, or other permit required by the City.

~~((S-))~~ T. Direct Impact.
An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.

~~((T-))~~ U. Directional.
Any of the four basic compass directions, abbreviated as follows: N, S, E, W. SE, NE, SW, NW shall also be considered as a directional. A directional is placed in front of the root roadway name.

V. Directional sign.
A sign exclusively limited to guiding the circulation of motorists or pedestrians on the site.

~~((U-))~~ W. Director.
The administrative official of the department responsible for compliance with this code, the development codes and the land use codes. These include the director of building services, director of engineering services and the director of planning services.

~~((V-))~~ X. District.
A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of buildings, objects, sites and/or structures united by past events or aesthetically by plan or physical development.

~~((W-))~~ Y. Documented Habitat.
Habitat classified by state or federal agencies as critical to the survival of endangered or threatened or sensitive animal, fish or plant species.

~~((X-))~~ Z. Domestic Animal.

1. Large.
Animals including, but not limited to, horses, donkeys, burros, llamas, bovines, goats, sheep, swine and other animals or livestock of similar size and type. Young of horses, mules, donkeys, burros and llamas under one year in age; bovines under ten months in age, and sheep, goats and swine under three months in age are not included when counting large animals. Miniature large animals are considered large animals.
2. Small.
Animals or fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons and other fowl not listed or otherwise

defined; mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type. Young small animals or fowl under three months in age are not included when counting small animal or fowl.

~~((Y-))~~ AA. Driveway.

An all-weather surface driveway structure as shown in the standard plans.

~~((Z-))~~ AB. Duplex.

A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

~~((AA-))~~ AC. Dwelling Unit.

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 by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

Section 5. That SMC section 17A.020.050 is amended to read as follows:

17A.020.050 "E" Definitions.

A. Early Notice.

The lead agency's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (Mitigated Determination of Nonsignificance [DNS] procedures).

B. Easement.

A right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes.

C. Economic Hardship.

An owner's inability to make reasonable economic use of a historic structure as determined pursuant to SMC 17D.040.230.

D. Electric sign. Any sign containing electrical wiring, lighting or other electrical components, but not including signs illuminated by a detached exterior light source.

~~((D-))~~ E. Elevated Building.

For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns.

~~((E-))~~ F. Emergent Wetland.

A wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous wetland vegetation as the uppermost vegetative strata.

~~((F-))~~ G. Endangered Species.

A wildlife species whose prospects for survival are in immediate danger because of a loss or change in habitat, exploitation, predation, competition, disease, disturbance or contamination and that are designated as such by a governmental agency.

~~((G-))~~ H. Enhancement.

See "Compensatory Mitigation."

~~((H-))~~ I. Erosion.

The wearing away of the ground surface as a result of mass wasting or the movement of wind, water, soil and/or ice.

~~((I-))~~ J. Essential Habitat.

Habitat necessary for the survival of federally listed threatened, endangered and sensitive species and state listed priority species.

~~((J-))~~ K. Ex Parte Communication.

Any oral or written communication made by any person, including a City employee or official, pertaining to a matter that is or will be within the jurisdiction of the hearing examiner made outside of a public record.

~~((K-))~~ L. Existing Manufactured Home Park or Subdivision – Floodplain.

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 1, 2004.

~~((L-))~~ M. Exotic.

Any species of plants or animals that are not indigenous and are foreign to the planning area.

~~((M-))~~ N. Expansion to an Existing Manufactured Home Park or Subdivision – Floodplain.

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

~~((N-))~~ O. Extirpation.

The local destruction of or extermination of a species.

((Θ-)) P. Extraordinary Hardship.
That the strict application of the provisions of this code and/or rules adopted to implement this code would prevent all economically viable use of the property.

Section 6. That SMC section 17A.020.060 is amended to read as follows:

17A.020.060 “F” Definitions.

- A. Facade.
All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.
- B. Facade Easement.
A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner’s exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.
- C. Facility and Service Provider.
The department, district or agency responsible for providing the specific concurrency facility.
- D. Factory-built Structure.
 - 1. “Factory-built housing” is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
 - 2. “Factory-built commercial structure” is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
- E. Fascia sign.
A single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other structure. Fascia signs do not include signs that are attached to or projected onto structures defined as sign structures by this chapter.

- F. Financial Guarantee.
A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter 17D.020 SMC, Financial Guarantees: performance guarantee and performance/warranty retainer.
- G. Flag.
A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also Banner.
- H. Flood Insurance Rate Map or FIRM.
The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.
- I. Flood Insurance Study (FIS).
The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- J. Flood or Flooding.
A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. the overflow of inland waters; or
 2. the unusual and rapid accumulation of runoff of surface waters from any source.
- K. Floodway.
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.
- L. Floor Area.
The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2. Roof area, including roof top parking.
3. Roof top mechanical equipment.
4. Attic area with a ceiling height less than six feet nine inches.
5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).

M. Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

N. Focused Growth Area.

Includes mixed-use district centers, neighborhood centers and employment centers.

O. Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade and dissolve. This term shall not include flashing.

P. Freestanding sign.

A sign on a frame, pole, or other support structure that is not attached to any building.

Q. Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

Section 7. That SMC section 17A.020.090 is amended to read as follows:

17A.020.090 "I" Definitions.

- A. Illuminated wall highlights.
Lighted areas that highlight a building's architectural or structural features and that do not convey a message or image. Illuminated wall highlights can either be created by light projected onto a feature or highlighting a feature with neon tubing or other light fixture.
- ~~((A-))~~ B. Impact Fee.
A charge or fee assessed by the City which mitigates all or nay portion of a direct impact.
- ~~((B-))~~ C. Impermeable Sediment.
Sediment restricting the flow of water.
- ~~((C-))~~ D. Improvements.
Improvements require under conditions of approval such as streets, drainage facilities and utilities.
- ~~((D-))~~ E. Incentives.
Such rights or privileges as may from time to time exist to compensate the owner for the imposition of controls on a designated district or landmark.
- ~~((E-))~~ F. In-ground Storage Tank (IST).
Any one or a connected combination of tanks that is used to contain an accumulation of liquid critical materials, the aggregate of which (including the volume of piping connected thereto) is more than sixty gallons that is situated to any degree within the ground, and the entire exterior surface of the tank cannot be fully visually inspected. The surface area of tank located above the ground will be treated as an aboveground storage tank (AST), and the area below the ground will be treated as an underground storage tank (UST).
- ~~((F-))~~ G. In-kind Compensation.
The restoration or replacement of a wetland with hydrogeomorphic characteristics closely approximating those of a specified wetland.
- ~~((G-))~~ H. Inner Gorge Slope.
Canyon walls created by a combination of stream downcutting/undercutting and mass wasting on the slope walls. Inner gorges may show evidence of recent movement, such as landslides, surface erosion, vertical tracks of disturbance vegetation or areas that are concave in contour and/or profile. The steepness of inner gorges varies with the underlying materials. Slope gradients as gentle as about twenty-eight degrees (fifty-three percent) can be unstable in gorges, cut into incompetent bedrock, weathered materials or unconsolidated deposits. A

minimum vertical height of ten feet is usually applied to distinguish between inner gorges and slightly incised streams. The top edge of an inner gorge is typically distinguished by a distinct break in slope. The upper boundary of an inner gorge is assumed to be a line along the first break in slope of at least ten degrees (seventeen percent).

~~((H-))~~ I. Integral Curb and Gutter.
Concrete curb and gutter which is formed and placed as one unit.

J. Interpretive Signs.
A sign that identifies historic buildings or sites where important events occurred or which serve educational, cultural, historical, or scientific purposes.

~~((I-))~~ K. Interstitial Monitoring.
A method of leak detection based on determining if there has been a failure of one of the containment layers surrounding an interstitial space. Monitoring methods may include the:

1. detection of pressure changes within the space;
2. detection of vapors from the contained material within the space; or
3. physical detection of contained material, or water from outside the container, within the space.

~~((J-))~~ L. Interstitial Space.
The volume between two separate layers of a secondary or multiple containment system. The space may be filled with air or other gas or it may be filled with a porous material.

~~((K-))~~ M. Isolated Wetlands.
Those wetlands which:

1. are outside of and not contiguous to any hundred-year floodplain of a lake, river or stream; and
2. have no contiguous hydric soil or hydrophytic vegetation between the wetland and any waters of the United States.

Section 8. That SMC section 17A.020.120 is amended to read as follows:

17A.020.120 "L" Definitions.

A. Land Surveyor.
An individual licensed as a land surveyor pursuant to chapter 18.43 RCW.

B. Land Use Codes.

Those provisions of this code that relate to:

1. zoning,
2. subdivision,
3. shorelines management,
4. stormwater control,
5. flood zones,
6. critical areas,
7. signs,
8. skywalks, and

include chapter 11.12 SMC, chapter 11.17 SMC, chapter 11.19 SMC, chapter 17D.020 SMC, chapter 17D.050 SMC, chapter 17D.060 SMC, chapter 17D.090 SMC, chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC and chapter 17G.080 SMC.

C. Landscape Plan.

A scale drawing showing site improvements and landscaping required under chapter 17C.200 SMC the following elements:

1. Footprint of all structures.
2. Final site grading.
3. All parking areas and driveways.
4. All sidewalks, pedestrian walkways and other pedestrian areas.
5. Location, height and materials for all fences and walls.
6. Common and scientific names of all plant materials used, along with their size at planting and location of all plant materials on the site.

D. Landslide.

Rapid sliding of large masses of rock, soil, or material on steep mountain slopes or from high cliffs.

- E. Latah Formation.
Sedimentary layer of claystone to fine grained sandstone in which very finely laminated siltstone is predominant. The fresh rock ranges in color from various shades of gray to almost white, tan and rust. Much of the finer grained layers contain leaf imprints and other plant debris. Because of its generally poorly consolidated state, the Latah rarely outcrops. It erodes rapidly and therefore is usually covered with later deposits or in steeper terrain hidden under the rubble of overlying basaltic rocks.
- F. Leak Detection.
A procedure for determining if the material in a primary container has escaped into the outside environment or has invaded an interstitial space in a multiple containment system.
- G. Level of Service Standard.
The number of units of capacity per unit of demand. The level of service standards used on concurrency tests are those standards specified in the adopted City of Spokane comprehensive plan.
- H. Lighting methods:
1. Direct.
Exposed lighting or neon tubes on the sign face. Direct lighting also includes signs whose message or image is created by light projected onto a surface.
 2. Indirect.
The light source is separate from the sign face or cabinet and is directed to shine onto the sign.
 3. Internal.
The light source is concealed within the sign.
- ((H-)) I. Lighting Plan.
A general site plan that includes:
1. location of all lighting fixtures on the site;
 2. manufacturer's model identification of each lighting fixture;
 3. manufacturer's performance specifications of each fixture;
 4. a photometric plan of the installed fixtures, which demonstrates that all illumination is confined within the boundaries of the site.

((~~H~~)) J. Limited Industrial.

Establishments primarily engaged in on-site production or assembly of goods by hand manufacturing involving the use of hand tools and small-scale equipment and may have the incidental direct sale to consumers of those goods produced on-site. Typical uses include:

1. on-site production of goods by hand or artistic endeavor;
2. placement of digital or analog information on a physical or electronic medium;
3. manufacture, predominantly from previously prepared materials, of finished products or parts, provided the noise, light, smell or vibration does not extend beyond the site; and
4. research of an industrial or biotechnical nature.

All activity must be conducted totally within the structure with no outdoor storage.

((~~J~~)) K. Listed Species.

A fish or wildlife species on a state or federal species of concern list. Possible designations could include endangered, threatened and sensitive.

((~~K~~)) L. Local Access Street.

A street that provides access from individual properties to collector and minor arterials.

((~~L~~)) M. Lot.

1. "Lot" is a parcel or tract of land so designated on a recorded plat or assessors plat, or:
 - a. in an unplatted area, a tract having frontage on a public street or private street within a planned unit development or binding site plan and having the minimum size and dimensions required for a building site by the zoning code; or
 - b. a building site designated as such on an approved planned development plan; or
 - c. an unplatted area, legally created, and having the minimum size and dimensions required for a building site by the zoning code, but that does not have frontage on a public street.

2. A tract consisting of more than one contiguous lot may be considered as one lot for development purposes, subject to interpretation of the location of the front and rear yards.
3. A “corner lot” is a lot bounded on two adjacent sides by intersecting public streets.
4. An “inside lot” is a lot other than a corner lot.
5. A “through lot” is a lot bounded on opposite sides by parallel or approximately parallel public streets.

~~((M-))~~ N. Lot Depth.

The depth of a lot is the horizontal distance between the front lot line and the rear lot line measured in the mean direction of the side lot lines.

~~((N-))~~ O. Lot Lines.

The property lines along the edge of a lot or site.

1. “Front lot line” means a lot line, or segment of a lot line, that abuts a street.
 - a. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.
 - b. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.
2. “Rear lot line” means a lot line that is opposite a front lot line.
 - a. A triangular lot has two side lot lines but no rear lot line.
 - b. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.
3. “Side lot line” means a lot line that is neither a front nor rear lot line.
 - a. On a corner lot, the longer lot line, which abuts a street, is a side lot line.
4. “Side street lot line” means a lot line that is both a side lot line and a street lot line.
5. “Street lot line” means a lot line, or segment of a lot line, that abuts a street.

- a. Street lot line” does not include lot lines that abut an alley.
- b. On a corner lot, there are two (or more) street lot lines.
- c. Street lot lines can include front lot lines and side lot lines.

((~~Q~~)) P. Lot Width.

The width of a lot is the horizontal distance between the side lot lines measured on a line intersecting at right angles the line of the lot depth thirty feet from the front lot line.

((~~P~~)) Q. Low Visual Impact Facility.

For the purposes of administration of this code, a low visual impact facility includes a small diameter (three feet or less) antenna or antenna array located on top of an existing pole or on a replacement pole. (See also SMC 17A.020.010, Alternative Tower Structure.)

((~~Q~~)) R. Lowest Floor.

The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of SMC 17E.030.140.

Section 9. That SMC section 17A.020.130 is amended to read as follows:

17A.020.130 “M” Definitions.

A. Manufactured Home.

- 1. “Manufactured home” is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.
- 2. “Manufactured home accessory structure” is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch or storage structure, which is ordinarily appurtenant.

B. Manufactured Home Park.

Two or more manufactured homes or mobile homes used as dwelling units on a single parcel or lot.

- C. Marquee sign.
A sign incorporated into or attached to a marquee or permanent canopy.
- ~~((C-))~~ D. Minor Arterials.
 A two- to four-lane facility which collects and distributes traffic from principal arterials to collector arterials and local access streets.
- ~~((D-))~~ E. Mitigation – Mitigate.
 An action which avoids a negative adverse impact and is reasonable and capable of being accomplished.
- ~~((E-))~~ F. Mitigation – Mitigation Sequencing.
 The use of any or all of the following actions listed in descending order of preference:
1. Avoiding the impact altogether by not taking a certain action or parts of an action.
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
 3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment.
 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
 5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
 6. Monitoring the impact and the compensation project and taking appropriate corrective measures.
- Mitigation may include a combination of the above measures.
- ~~((F-))~~ G. Mobile Home.
 A factory-built dwelling built prior to June 15, 1976, to standards other than the 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 introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.
- ~~((G-))~~ H. Mobile Home Park.
 Any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes or park models for the

primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

~~((H-))~~ L. Modification to a Preliminary Plat, Short Plat or Binding Site Plan.
A change, prior to recording, of an approved preliminary plat, preliminary short plat or binding site plan that includes, but is not limited to, the addition of new lots or tracts, or a change of the boundaries or dimensions of lots or tracts.

~~((I-))~~ J. Modular Home.
A single-family dwelling unit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) constructed in a factory in accordance with International Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes "pre-fabricated", "panelized" and "factory-built" units.

~~((J-))~~ K. Monitoring.
Periodic evaluation of a wetlands restoration, creation or enhancement site or habitat management plan area to determine changes at the site, such as vegetation growth, hydrologic changes, soil development and use of the site by birds and animals.

~~((K-))~~ L. Monument.
A physical survey monument as shown in the City's standard plans.

M. Monument sign.
A freestanding sign where the base of the sign structure is on the ground or a maximum of twelve inches above the lowest point of the ground adjacent to the sign. The width of the top of the sign structure can be no more than one hundred twenty percent of the width of the base.

~~((L-))~~ N. Multi-family Residential Building.
A common wall dwelling or apartment house that consists of three or more dwelling units.

~~((M-))~~ O. Multiple Containment.
A means of spill or leak control involving a containment structure having one or more layers of material between the primary container and the environment.

1. Containment layers must be resistant to the material stored.
2. The volume within the containment system must be at least as large as the primary container.
3. Containment layers may be separated by an interstitial space.

~~(N-)~~ P. MUTCD.

The U.S. department of transportation Manual on Uniform Traffic Control Devices.

Section 10. That SMC section 17A.020.140 is amended to read as follows:

17A.020.140 "N" Definitions.

- A. National Register.
The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.
- B. Native Plant Community.
The collective product of individual plants indigenous to a particular locale responding to shared habitats.
- C. Native Vegetation.
Plant species, which are indigenous to the planning area.
- D. Natural Location of Drainage Systems.
The location of those predominate channels, swales, and pre-existing and established systems as defined by the earliest documented topographic contours existing for the subject property, either from maps or photographs, site inspections or other appropriate means.
- E. New Construction – Floodplain.
Structures for which the date of complete application for permit commenced on or after July 1, 2004.
- F. New Manufactured Home Park or Subdivision – Floodplain.
A manufactured home park or subdivision for which a complete application, as defined by SMC 17G.060.090, for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the permit for the individual unit.
- G. NFPA 30.
The National Fire Prevention Association's flammable and combustible liquids code.
- H. Nominal Driveway Width.
The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the standard plans.

I. **Nomination.**
The process by which a building, district, object, site or structure is recommended for placement on a register.

J. **Nonbuildable Tract.**
Land reserved for specified uses including, but not limited to:

1. reserve tracts,
2. recreation,
3. open space,
4. critical areas,
5. surface water retention,
6. utility facilities and access.

Nonbuildable tracts are not considered lots or building sites.

K. **Nonconforming Development.**
An element of a development, such as a setback, height or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.

L. **Nonconforming sign.**
A sign that was created and issued a permit in conformance with development regulations, but which subsequently, due to a change in the zone or land use regulations, is no longer in conformance with the current applicable development standards.

~~((L-))~~ **M.** **Nonconforming Situation.**
A nonconforming residential density, nonconforming development or nonconforming use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development.

~~((M-))~~ **N.** **Nonconforming Use.**
A use or the amount of floor area of a use that was allowed by right when established or a use that obtained a required land use approval when established, that is now prohibited in the zone due to a subsequent change in the zone or zoning regulations.

~~((N-))~~ O. Noxious Weeds.
Those plants which are non-native, highly destructive and competitive as defined by chapter 17.10 RCW, or as amended.

~~((O-))~~ P. Nursing Home.
A residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves.

1. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence.
2. This definition excludes hospitals or sanitariums.

Section 11. That SMC section 17A.020.160 is amended to read as follows:

17A.020.160 "P" Definitions.

A. Painted wall highlights.
Painted areas that highlight a building's architectural or structural features and that do not convey a message or image.

B. Painted wall sign.
A sign applied to a building wall with paint or a thin layer of vinyl, paper or similar material adhered directly to the building surface and that has no sign structure.

~~((A-))~~ C. Parcel.
See "Lot." (SMC 17A.020.120)

~~((B-))~~ D. Parkway.

1. A street serving as a principal, minor or collector arterial, typically with recreational or scenic opportunities.
2. Parkways will often have landscaped medians.

~~((C-))~~ E. Party of Record.
Any person who has appeared at a hearing of the hearing examiner by presenting testimony or making written comment.

~~((D-))~~ F. Paved Area.

1. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses.

2. Graveled areas are not paved areas.

~~((E-))~~ G. Pedestrian Buffer Strips (PBS).

A hard-surfaced or planted area(s) between travel or parking lanes and sidewalks, also called planting strips. PBS improves safety by separating vehicles and pedestrians and provide space for drainage, street trees and snow storage.

~~((F-))~~ H. Pedestrian Street.

1. A street designated on the official zoning map as a pedestrian street where development standards are required to promote a pedestrian friendly street. Pedestrian streets offer a pleasant and safe walking environment.

2. Design features include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables and bike racks, and visually interesting buildings close to the sidewalk.

~~((G-))~~ I. Performance Guarantee.

A "financial guarantee" providing for and securing to the City the actual construction and installation of the required improvements.

~~((H-))~~ J. Performance/Warranty Retainer.

A "financial guarantee" both providing for and securing to the City the actual construction and installation of such improvements, and securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of the improvements.

K. Permanent sign.

Any sign not classified as a temporary sign.

~~((I-))~~ L. Permeable Sediment

Sediment permitting the flow of water.

~~((J-))~~ M. Person.

Any natural person, whether acting individually or in a representative capacity, partnership, joint venture, corporation or other legal entity.

N. Pitched roof sign.

A sign attached to a roof with a pitch of one-to-four or greater and placed parallel to the building wall.

~~((K-))~~ Q. Planned Capacity.

For all capital facilities, except transportation, capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion or modification project is contained in the current adopted City of Spokane comprehensive plan, capital improvement program and scheduled to be completed within six years. (RCW 36.70A.020).

~~((L-))~~ P. Planned Capacity for Transportation Facilities.

Capacity for transportation facilities, including roads and transit, that does not exist, but where transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

1. These strategies may include:

- a. increased public transportation service,
- b. ride sharing programs,
- c. demand management, and
- d. other transportation systems management strategies.

2. For transportation facilities, "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(b)).

~~((M-))~~ Q. Planned Unit Development (PUD).

1. A planned unit development is a project permit for an overlay zone, approved by the hearing examiner, which does not fully comply with all of the development standards of the base zone in which it is located, but is approved based on superior or innovative design.
2. The City may permit a variety of types, design and arrangement of structures; and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety and welfare.

~~((N-))~~ R. Plans.

Planning documents, which are developed by the various departments of the City, pertaining to the orderly development of public facilities.

~~((O-))~~ S. Plat – Final.

A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys or other divisions and

dedications and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

~~((P-))~~ T. Plat – Preliminary.

1. A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks and other elements of a subdivision required by this chapter and chapter 58.17 RCW.
2. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

~~((Q-))~~ U. Plaza.

1. Areas generally open to the public on a controlled basis and used for passive recreational activities and relaxation.
2. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees and landscaping, for use by pedestrians.

~~((R-))~~ V. Pollution.

Contamination, or other alteration of the physical, chemical or biological properties of wetlands, or such discharge of any liquid, gaseous, solid, radioactive or other substance into wetlands as will or is likely to cause a nuisance or render such wetlands harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation or other aquatic life.

~~((S-))~~ W. Potential Geologically Hazardous Areas.

Areas designated on maps maintained in the City's planning services department. They are classified "potential" because they have not been confirmed by field investigation nor do they necessarily include the full extent of all geologically hazardous areas within the City. The maps are intended to alert property owners, purchasers, developers, etc., to the possible existence of significant geological hazards, which may warrant further geotechnical study.

~~((T-))~~ X. Practicable Alternative.

An alternative that is available and capable of being carried out after taking into consideration cost, existing technology and logistics in light of overall project purposes and having less impact to critical areas. It may involve using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.

~~((U-))~~ Y. Predevelopment Meetings.
Meetings between City or agency staff and an applicant or their representatives prior to formal submission of a detailed application. They are intended to provide an overview of the regulatory requirements, application process and procedural submission requirements.

Z. Primary building walls.
Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. See Figure 1, SMC 17C.240.130 Primary Building Walls.

~~((V-))~~ AA. Primary Container.
The container that is in direct contact with the material of concern during the course of normal transport, use or storage.

~~((W-))~~ AB. Primary Drainage Basin.
The basin of the stream or tributary within which a project is proposed, not including basins of major tributaries. For the purpose of this regulation the primary drainage basin of:

1. Latah Creek is not a part of the primary drainage basin of the Spokane River,
2. Marshall Creek is not a part of the primary drainage basin of Latah Creek.

~~((X-))~~ AC. Primary Structure.

1. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.
2. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

~~((Y-))~~ AD. Primary Use.

1. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed or ordinarily used.
2. A site may have more than one primary use.

~~((Z-))~~ AE. Principal Arterials.

A four- to six-lane street serving as a primary facility for access between the central business district, major employment districts and major shopping centers.

~~((AA-))~~ AF. Priority Habitats.

Habitat areas determined by WDFW to have unique or significant value to many species and that meet one or more of the following criteria:

1. High wildlife density.
2. High species diversity.
3. Important wildlife breeding habitat.
4. Important wildlife seasonal ranges.
5. Important movement corridors.
6. Limited availability.
7. High vulnerability to habitat alteration.

~~((AB-))~~ AG. Priority Species.

A wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration and/or their recreational importance.

~~((AC-))~~ AH. Private Street.

Roadway which is not controlled or maintained by a public authority, and which serve two or more properties.

~~((AD-))~~ AI. Project Permit or Project Permit Application.

Any land use or environmental permit or license required for a project action, including, but not limited to, building permits, short plats, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by the critical area ordinance, and site specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan or development regulations, except as otherwise specifically identified under RCW 36.70B.140.

~~((AE-))~~ AJ. Protected Species.

A general classification of animals by WDFW that includes all those species not classified as listed, game, fur-bearing or non-protected. This also includes all birds not classified as game or non-protected.

AK. Projecting sign.

A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

~~((AF.))~~ AL. Proximity.

That two or more properties are either adjacent or separated by a street or alley.

~~((AG.))~~ AM. Public Facilities.

Any City-owned, operated or contracted public facility or service in whole, or in part, whether existing or planned, including, but not limited to:

1. parks,
2. recreation facilities,
3. playgrounds,
4. streets,
5. transportation facilities,
6. open spaces,
7. fire facilities,
8. storm water drainage ponds, and
9. all such appurtenances and improvements.

~~((AH.))~~ AN. Public Property.

Any City-owned real property, air space, or other interest in real estate, including streets, alleys or other public rights-of-way, owned by or controlled by this municipality or any other governmental unit.

~~((AI.))~~ AO. Public Way.

1. A dedicated "public way" is a tract of land:
 - a. conveyed or reserved by deed,
 - b. dedicated by plat, or
 - c. acquired by decree of court,

which has been accepted and dedicated by action of the city council to the public right-of-way and for secondary use as an easement for public utilities.

2. An “alley” is a public way, usually not exceeding sixteen feet in width, designed or intended to provide secondary access to abutting properties.

Section 12. That SMC section 17A.020.180 is amended to read as follows:

17A.020.180 “R” Definitions.

- A. RCW.
The Revised Code of Washington, as amended.
- B. Real estate sign.
A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent.
- ~~((B-))~~ C. Reasonable Cause.
A reasonable basis to believe or suspect that there is storage, seepage, spillage, accumulation or use of critical materials or the pursuit of critical materials activities at a site or premises.
- ~~((C-))~~ D. Reconsideration – Request For.
A request to the appeal body to consider again or reverse the decision on the permit application.
- ~~((D-))~~ E. Recreational Vehicle.
A vehicle, which is:
 1. built on a single chassis;
 2. four hundred square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- ~~((E-))~~ F. Recycling Drop-off Center.
A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil.

1. Processing of materials is limited to glass breaking and separation.
2. Recycling materials are not sold to a recycling drop-off center.
3. A recycling drop-off center is intended for household or consumer use.
4. Use by commercial or industrial establishments is not included.
5. Unattended drop-off stations for single materials, such as newsprint, are also not included.

~~((F-))~~ G. Recycling Operation.

A use where one or more recycling materials are accumulated, stored, sorted or processed.

1. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses.
2. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors.
3. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

~~((G-))~~ H. Redivision.

The redivision of a lot located within a previously recorded plat or short plat.

~~((H-))~~ I. Registered Neighborhood Organization.

A community development block grant (CDBG) neighborhood steering committee, a neighborhood council, or other neighborhood or community group within the City that:

1. represents a specifically designated geographic area,
2. is governed by by-laws and has elected officers, and
3. has registered as such with the City and is on the current list of registered neighborhood organizations.

~~((I-))~~ J. Regulated Substance.

"Regulated substance" means a critical material as referred to in 42 U.S.C. 6991(2).

~~((J-))~~ K. Related Persons.
One or more persons related either by blood, marriage, adoption or guardianship, and including foster children and exchange students; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendment Act of 1988, 42 U.S.C. 3604(f)(3)(b) and the Washington Housing Policy Act, RCW 35.63.220.

~~((K-))~~ L. Repair (see also "Maintenance").
An activity that restores the character, scope, size and design of a serviceable area, structure or land use to its previously authorized and undamaged condition. Activities that change the character, size or scope of a project beyond the original design, and drain, dredge, fill, flood or otherwise alter additional wetlands are not included in this definition.

~~((L-))~~ M. Residential Zone.
Those zones from RA through RHD.

N. Responsible party.
A person who is either:

1. The property owner or person authorized to act on the owner's behalf; or
2. Any person causing or contributing to a violation of this chapter.

~~((M-))~~ O. Restoration.
See "Compensatory Mitigation."

P. Right-of-way.
A public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

~~((N-))~~ Q. Riparian.

1. Riparian habitat is defined as an area that contains elements of both aquatic and terrestrial ecosystems, which mutually influence each other.
2. It is the area where the vegetation, water tables, soils, microclimate and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or intermittent water, and the biological and physical properties of the adjacent aquatic ecosystems are influenced by adjacent vegetation,

nutrient and sediment loading, terrestrial wildlife and organic debris from the land.

3. Riparian vegetation includes not only streamside vegetation that is dependent upon presence of water, but also on the upland vegetation that is part of the zone of influence in the riparian area.
4. Riparian habitats have high wildlife density and high species diversity. They serve as important wildlife breeding and seasonal ranges. They are important movement corridors and are highly vulnerable to habitat alteration.

~~((Q-))~~ R. Riparian Habitat Area (RHA).

A defined area used to manage and buffer impacts to wildlife habitat and consists of landscape features that support fish and wildlife in areas near water bodies such as streams, rivers, wetlands and lakes.

~~((P-))~~ S. Riparian Wetland.

Wetlands located at the shore of a lake or river. The transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

~~((Q-))~~ T. Riverine.

Situated alongside or associated with a river.

~~((R-))~~ U. Roadway.

1. Curbed roadways within the City limits and other urbanized areas are commonly and generically referred to as "streets". Roadways outside the urban areas are most often not curbed, and are commonly and generically referred to as "roads".
2. Within the context of this code, "roadway" refers to any traveled way, either public or private, that has been platted or otherwise specifically dedicated for the purpose of circulation and will require a name in accordance with chapter 17D.050 SMC.

~~((S-))~~ V. Roadway Name.

Roadway names consist of three parts:

1. Direction.
2. Root name; and
3. Suffix.

- ~~((T-))~~ W. Rockfall.
The falling of rocks from near vertical cliffs.
- X. Roof line.
The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.
- Y. Roof top sign.
A sign on a roof that has a pitch of less than one-to-four.
- ~~((U-))~~ Z. Root Name.
A maximum of two words, which are not considered part of the directional or suffix.
- ~~((V-))~~ AA. Runoff and Infiltration Controls.
Measures adopted to prevent damage due to flooding and erosion problems.

Section 13. That SMC section 17A.020.190 is amended to read as follows:

17A.020.190 "S" Definitions.

- A. Salmonid.
Belonging to the family of Salmonidae, including the salmons, trouts, chars and whitefishes.
- B. Sandwich Board Sign.
A self-supporting A-shaped freestanding temporary sign with only two visible sides that are situated adjacent to a business, typically on a sidewalk.
- ~~((B-))~~ C. Scrub-shrub Wetland.
An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.
- D. Secondary building walls.
Exterior building walls that are not classified as primary building walls.
- ~~((G-))~~ E. Secondary Containment.
A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

- ~~((D-))~~ F. Sedimentation.
The settling and accumulation of particles such as soil, sand and gravel, suspended in water or in the air.
- ~~((E-))~~ G. SEPA Rules.
Chapter 197-11 WAC adopted by the department of ecology.
- ~~((F-))~~ H. Service Area.
A geographic area defined by the City, which encompasses public facilities that are part of a plan.
- ~~((G-))~~ I. Serviceable.
Means presently useable.
- ~~((H-))~~ J. Setback.
The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:
1. "Front setback" means a setback that is measured from a front lot line.
 2. "Rear setback" means a setback that is measured from a rear lot line.
 3. "Side setback" means a setback that is measured from a side lot line.
 4. "Street setback" means a setback that is measured from a street lot line.
- ~~((I-))~~ K. Shall.
Unless the context indicates otherwise the term "shall" means:
1. in reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with "must";
 2. with respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
 3. the future tense of the verb "to be."
- ~~((J-))~~ L. Shallow Groundwater.
Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth

of fifteen feet or less below the ground surface, at any time, under natural conditions.

~~((K-))~~ M. Short Plat – Final.

The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane County auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

~~((L-))~~ N. Short Plat – Preliminary.

1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks and other elements of a short subdivision required by this title and chapter 58.17 RCW.
2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

~~((M-))~~ O. Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer of ownership. (RCW 58.17.020(6)).

P. Sign.

Materials placed or constructed, or light projected, that (1) conveys a message or image and (2) is used to inform or attract the attention of the public but not including any lawful display of merchandise. Some examples of 'signs' are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, murals, diagrams, banners, flags, or projected slides, images or holograms. The scope of the term 'sign' does not depend on the content of the message or image conveyed.

~~((N-))~~ Q. Sign – Animated Sign.

A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.

~~((O-))~~ R. Sign – ~~((Changing))~~ Electronic Message Center Sign.

~~((An electronically controlled sign, message center or readerboard where copy changes of a public service or commercial nature are shown on the same lamp bank (i.e., time, temperature, date, news or commercial information of interest to the traveling public)))~~ An on-premises sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means including signs using a video display method.

~~((P-))~~ Sign – Chasing Sign.

~~A sign that includes one or more rows of lights which light up in sequence.))~~

~~((Q-))~~ I. Sign – Flashing ~~((or Pulsating))~~ Sign.

~~((1. — An electrical sign or portion of an electrical sign which changes light intensity in sudden transitory bursts, not including signs where the change in light intensity occurs at intervals of more than one second.~~

~~2. — Flashing signs do not include chasing signs.))~~

A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a strobe-like fashion for the purpose of drawing attention to the sign. Time and temperature signs are excluded from this definition. For the purpose of this Title, Electronic Message Centers consistent with the standards of Section 17C.240.240.J. shall not be considered flashing signs.

U. Sign - off-premises.

A sign relating, through its message and content, to a business activity, use, product or service not available on the premises upon which the sign is erected.

V. Sign face.

The portion of a sign which contains lettering, logo, trademark, or other graphic representations. See SMC 17C.240.140 Sign Face Area.

W. Sign maintenance.

Normal care needed to keep a sign functional, such as cleaning, painting, oiling, and changing of light bulbs.

X. Sign repair.

Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.

Y. Sign structure.

A structure specifically intended for supporting or containing a sign.

~~((R-))~~ Z. Single-family Residential Building.

A dwelling containing only one dwelling unit.

~~((S-))~~ AA. Single-room Occupancy Housing (SRO).

A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.

2. SRO includes structures commonly called residential hotels and rooming houses.

~~((T.))~~ AB. Site.

Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

~~((U.))~~ AC. Site – Archaeological.

A place where a significant event or pattern of events occurred. It may be the:

1. location of prehistoric or historic occupation or activities that may be marked by physical remains; or
2. symbolic focus of a significant event or pattern of events that may not have been actively occupied.

A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural or archaeological significance.

~~((V.))~~ AD. Slump.

The intermittent movement (slip) of a mass of earth or rock along a curved plane.

~~((W.))~~ AE. SMC.

The Spokane Municipal Code, as amended.

~~((X.))~~ AF. Special Drainage District (SDD).

An area associated with shallow groundwater, intermittent standing water or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in SMC 17D.060.130.

AG. Special event sign.

A temporary sign used to announce a circus, a carnival, festivals or other similar events.

~~((Y.))~~ AH. Species of Concern.

Species native to Washington State listed as state endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

~~((Z.))~~ AI. Specified Anatomical Areas.

They are human:

1. genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;
2. male genitals in a discernibly turgid state, even if completely and opaquely covered.

~~((AA-))~~ AJ. Specified Sexual Activities.

Any of the following:

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

~~((AB-))~~ AK. Spokane Register of Historic Places.

The register maintained by the historic preservation office, which includes historic landmarks and districts in the City and County.

AL. Sports field.

An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

~~((AG-))~~ AM. Standard Plans.

Refers to the City of Spokane's standard plans.

~~((AD-))~~ AN. Standard References.

Standard engineering and design references identified in SMC 17D.060.030.

~~((AE-))~~ AO. State Candidate Species.

Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened or sensitive.

~~((AF-))~~ AP. State Endangered Species.

Any wildlife species native to the State of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

~~((AG-))~~ AQ. State Register.

The register maintained pursuant to Chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

~~((AH-))~~ AR. State Sensitive Species.

Any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

~~((AI-))~~ AS. State Threatened Species.

Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

~~((AJ-))~~ AT. Stealth Facilities.

Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. architecturally screened roof-mounted antennas;
2. building-mounted antennas painted to match the existing structure;
3. antennas integrated into architectural elements; and
4. antenna structures designed to look like light poles, trees, clock towers, bell steeples or flag poles.

~~((AK-))~~ AU. Stewardship.

Acting as supervisor or manager of the City and County's historic properties.

~~((AL-))~~ AV. Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

~~((AM-))~~ AW. Story.

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

1. the topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;

2. that portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;
3. that portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. a basement or unused under-floor space is a story if the finished floor level directly above is either more than:
 5. six feet above grade for more than half of the total perimeter, or
 6. twelve feet above grade at any point.

~~((AN-))~~ AX. Street.
See "Public Way" (SMC 17A.020.160).

~~((AO-))~~ AY. Street Classifications.
Arterial and local access streets are classified in Section ~~((of))~~ 4.5 of the comprehensive plan as follows:

1. Principal arterial.
2. Minor arterial.
3. Collector arterial.
4. Local access street.
5. Parkway.

Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under SMC 17A.020.160, "P" Definitions.

AZ. Street frontage.
The lot line abutting a street.

BA. Strobe light.
A lamp capable of producing an extremely short, brilliant burst of light.

BB. Structural alteration.
Modification of a sign, sign structure or awning that affects size, shape, height, or sign location; changes in structural materials; or replacement of electrical components with other than comparable materials. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electrified sign

would all be structural alterations. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

~~((AP-))~~ BC. Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:

- a. buildings,
- b. decks,
- c. fences,
- d. towers,
- e. flag poles,
- f. signs, and
- g. other similar objects.

2. Structure does not include paved areas or vegetative landscaping materials.

~~((AQ-))~~ BD. Structure – Historic.

A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

~~((AR-))~~ BE. Subdivision.

A division or redivision of land into ten or more lots, tracts or parcels for the purpose of sale, lease or transfer of ownership. (RCW 58.17.020)

~~((AS-))~~ BF. Subject Property.

The site where an activity requiring a permit or approval under this code will occur.

~~((AT-))~~ BG. Sublevel Construction Controls.

Design and construction requirements provided in SMC 17F.100.090.

~~((AU-))~~ BH. Submerged Aquatic Beds.

Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

~~((AV-))~~ BI. Substantial Damage – Floodplain.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the assessed value of the structure before the damage occurred.

~~((AW-))~~ BJ. Substantial Improvement – Floodplain.

1. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:

- a. before the improvement or repair is started, or
- b. if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

2. The term does not, however, include either any:

- a. project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. alteration of a structure listed on the National Register of Historic or State Inventory of Historic Places.

~~((AX-))~~ BK. Suffix.

Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with SMC 17D.050.020(C).

Section 14. That SMC section 17A.020.200 is amended to read as follows:

17A.020.200 "T" Definitions.

- A.** Temporary sign.
A sign placed on a structure or the ground for a specifically limited period of time as provided in section 17C.240.240.G.
- B.** Temporary Structure.
A structure approved for location on a lot by the department for a period not to exceed six months with the intent to remove such structure after the time period expires.
- C.** Tenant space.
Portion of a structure occupied by a single commercial lease holder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.
- D.** Through pedestrian zone.
The portion of a sidewalk that is intended for pedestrian travel and is entirely free of permanent and temporary objects.
- E.** Tower (Wireless Communication Support Tower).
Any structure that is designed and constructed specifically to support a wireless communication antenna array. Towers include self-supporting towers, guyed towers, a single pole structure (monopole), lattice tower and other similar structures.
- F.** Tower Compound.
The area containing support tower and ground equipment. The fence surrounding the equipment is the outer extent of the compound.
- G.** Tower Height.
The vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.
- H.** Tract.
A piece of land created and designated as part of a land division that is not a lot, lot of record or a public right-of-way. Tracts are created and designated for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, in maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs).
- I.** Traveled Way.

The area of street which is intended to carry vehicular traffic, including any shoulders.

- J. Type I Application.
An application for a project permit that is subject to an administrative approval and is not categorically exempt from environmental review under chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance chapter 17E.050 SMC, and does not require a public hearing. Type I applications are identified in Table 17G.060-1 in chapter 17G.060 SMC. These applications may include, but are not limited to, building permits and grading permits.
- K. Type II Application.
An application for a project permit that is subject to a quasi-judicial decision of a department director, that may or may not be categorically exempt from chapter 43.21C RCW (SEPA), but does not require a public hearing. The Type II applications are identified in Table 17G.060-1 in chapter 17G.060 SMC. These applications may include, but are not limited to, short plats, binding site plans or shoreline substantial development permits.
- L. Type III Application.
An application for a project permit that is subject to a quasi-judicial decision of the hearing examiner that may or may not be categorically exempt from chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance chapter 17E.050 SMC and requires a public hearing. Type III applications are identified in Table 17G.060-1 in chapter 17G.060 SMC. These applications may include, but are not limited to, rezones, conditional use permits, preliminary long plats or shoreline conditional use permits.

17A.020.220 “V” Definitions.

- A. Variance.
A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by Title 17 SMC.
- B. Vegetative Classes.
Certain types of wetlands as defined by the U. S. fish and wildlife service's classification of wetlands and deepwater habitats of the United States, FWS/OBS-79-31 (Cowardin et al., 1979) and which are at least one-half acre in size or comprise at least ten percent of the entire wetland.
- C. Vehicle Types.
 - 1. Motor Vehicle.
Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes:

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a. motorcycles,

b. passenger vehicles,

c. trucks, and

d. recreational vehicles

with motive power. See also Passenger Vehicle, Recreational Vehicle, and Truck.

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2. Passenger Vehicle.

a. A motor vehicle designed to carry ten persons or less including the driver.

b. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road use.

c. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans and jeeps.

d. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multi-purpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.

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3. Recreational Vehicle.

See "Recreational Vehicle".

4. Truck.

a. A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons.

b. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles.

c. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.

d. Trucks are divided into three categories by size as stated below.

i. Light Truck.

Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.

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ii. Medium Truck.
Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the "Heavy Truck" category.

iii. Heavy Truck.
Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.

iv. Utility Trailer.
A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash or special equipment and that is sixteen feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than sixteen feet in length are considered industrial vehicles and are regulated as heavy trucks.

e. See also Passenger Vehicle, and Recreational Vehicle.

D. Vernal Wetland System.

Seasonal depressional wetlands typically occurring high in the drainage that derive their hydrology from rainfall and snow and a small immediate watershed. Vernal systems are formed as a result of accumulation of surface water in an isolated basin that at no time of the year would have a natural inlet or outlet and water is entirely absent from the surface part of the year.

E. Vested.

The right to development or continue development in accordance with the laws, rules and other regulations in effect at the time vesting is achieved.

F. Video Display Method.

A video display method is a method of display characterized by real-time, full-motion imagery.

~~(F.)~~ G. Vulnerable Species.

Those species susceptible to significant population declines because they are uncommon either within a specific area or statewide, have a very limited distribution, or have special space or habitat requirements.

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor
Bab1-30-09

Date

Effective Date