

**CITY OF SPOKANE  
ORDINANCE NO. C35312**

An Ordinance Relating to Wireless Communication Facilities; repealing Chapter 17C.355 SMC; adopting a New Chapter 17C.355A SMC; amending SMC Section 17C.110.110, Table 17C.110-1, 17C.320.080, 17C.130.220, 17C.120.220, 17C.110.215, 17C.124.220, 17A.020.010, 17A.020.200, 17C.120.110, Table 17C.120-1, 17C.124.110, 17C.130.110, Table 17C.130-1, and 01.05.160, as those sections relate to wireless communications facilities; and Declaring an Emergency.

WHEREAS, Chapter 17C.355 SMC currently governs the City's regulation of wireless communication facilities; and

WHEREAS, some of the existing regulations for wireless communication facilities are more than ten years old and federal laws, regulations and court decisions, wireless technology and consumer usage have reshaped the environment within which Wireless Communications Facilities are permitted and regulated; and

WHEREAS, federal laws and regulations that govern local zoning standards and procedures for wireless communications have substantially changed since the City adopted Chapter 17C.355; and

WHEREAS, on March 9, 2015, the City Council adopted Ordinance No. C35243 imposing a moratorium on applications for new wireless communications support towers in the City's residential zones; and

WHEREAS, following the adoption of the moratorium, the City has been engaged in an extensive stakeholder process that has resulted in a substantial re-write of the City's regulations relating to wireless communications facilities; and

WHEREAS, following appropriate procedures and public notice, on October 14, 2015, the Spokane Plan Commission conducted a hearing on proposed amendments to the City's wireless communication facility regulations and recommended that the City Council approved the proposed amendments; and

WHEREAS, at the conclusion of its public hearing, the Plan Commission approved written findings, conclusions, and recommendation (the "Plan Commission Recommendation") which is incorporated into this Ordinance as if set forth fully herein; and

WHEREAS, on October 26, 2015, the City Council conducted a lawfully-noticed public hearing and received the report and recommendation of the Plan Commission regarding the Ordinance which modifies the code sections relating to wireless communication facilities; and

WHEREAS, the City Council of the City of Spokane desires to update its local standards and procedures to protect and promote the public health, safety and welfare of the City of Spokane community, to reasonably regulate wireless communication facilities aesthetics, to protect and promote the City's unique character in a manner consistent with State and federal laws and regulations; and

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

**SECTION 1.** That Chapter 17C.355 of the Spokane Municipal Code is hereby repealed.

**SECTION 2.** That there is adopted a new Chapter 17C.355A of the Spokane Municipal Code to read as follows:

**Section 17C.355A.010 Purpose**

**Section 17C.355A.020 Definitions**

**Section 17C.355A.030 Towers**

**Section 17C.355A.040 Collocation of Antennas, DAS, and Small Cells**

**Section 17C.355A.050 Tower Sharing, Collocation and Preferred Tower Locations**

**Section 17C.355A.060 Application Submittal Requirements**

**Section 17C.355A.070 General Development Standards Applicable to WCFs**

**Section 17C.355A.080 Regulations for Facilities Subject to a Conditional Use Permit**

**Section 17C.355A.090 Exception from Standards**

**Section 17C.355A.100 Final Inspection**

**Section 17C.355A.110 Maintenance**

**Section 17C.355A.120 Discontinuation of Use**

**Section 17C.355A.130 Independent Technical Review**

**Section 17C.355A.140 Exempt Facilities**

**Section 17C.355A.150 Indemnification**

## **Chapter 17C.355A**

### **Wireless Communication Facilities**

#### **Section 17C.355A.010 Purpose**

The purpose of this Chapter is:

- A. To protect the community's natural beauty, visual quality and safety while facilitating the reasonable and balanced provision of wireless communication services. More specifically, it is the City's goal to minimize the visual impact of wireless communication facilities on the community, particularly in and near residential zones;
- B. To promote and protect the public health, safety and welfare, preserve the aesthetic character of the Spokane community, and to reasonably regulate the development and operation of wireless communication facilities within the City to the extent permitted under State and federal law;
- C. To minimize the impact of WCFs by establishing standards for siting design and screening;
- D. To encourage the collocation of antennas on existing structures, thereby minimizing new visual impacts and reducing the potential need for new towers that are built in or near residential zones by encouraging that WCFs first be located on buildings, existing towers or utility poles in public rights-of-way;
- E. To protect residential zones from excessive development of WCFs;
- F. To ensure that towers in or near residential zones are only sited when alternative facility locations are not feasible;
- G. To preserve the quality of living in residential areas which are in close proximity to WCFs;
- H. To preserve the opportunity for continued and growing service from the wireless industry;

- I. To preserve neighborhood harmony and scenic viewsheds and corridors;
- J. To accommodate the growing need and demand for wireless communication services;
- K. To establish clear guidelines and standards and an orderly process for expedited permit application review intended to facilitate the deployment of wireless transmission equipment, to provide advanced communication services to the City, its residents, businesses and community at large;
- L. To ensure City zoning regulations are applied consistently with federal telecommunications laws, rules, regulations and controlling court decisions;
- M. To encourage the use of Distributed Antenna Systems (DAS) and other small cell systems that use components that are a small fraction of the size of macrocell deployments, and can be installed with little or no impact on utility support structures, buildings, and other existing structures; and
- N. To provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (1) prohibit or effectively prohibit the provision of personal wireless services, (2) unreasonably discriminate among functionally equivalent service providers, or (3) regulate WCFs and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission.

#### **Section 17C.355A.020 Definitions**

- A. “Antenna” means one or more rods, panels, discs or similar devices used for wireless communication, which may include, but is not limited to, omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
- B. “Antenna Array” means a single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.
- C. “Base Station” means a structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.
  - 1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - 2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small cell networks).
  - 3. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in this section that has been reviewed and approved under the applicable

zoning or siting process, or under Washington or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

4. The term does not include any structure that, at the time the relevant application is filed with Washington or the City under this section, does not support or house equipment described in this section.
- D. “Collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- E. “Commission” means the Federal Communications Commission (“FCC”).
- F. “Distributed Antenna System” or “DAS” means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.
- G. “Small Cells” mean compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells will meet the two parameters in subsections (a) and (b). For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.
  - (a) Small Cell Antenna: Each antenna shall be no more than three (3) cubic feet in volume.
  - (b) Small Cell Equipment: Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume. Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.
- H. “Stealth design” means technology that minimizes the visual impact of wireless communications facilities by camouflaging, disguising, screening, and/or blending into the surrounding environment. Examples of stealth design include but are not limited to facilities disguised as trees, flagpoles, bell towers, and architecturally screened roof-mounted antennas.
- I. “Tower” means any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
- J. “Tower Height” means the vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.
- K. “Transmission Equipment” means equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not

limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

- L. "Utility Support Structure" means utility poles or utility towers supporting electrical, telephone, cable or other similar facilities; street light standards; pedestrian light standards; traffic light structures; traffic sign structures; or water towers.
- M. "Wireless Communication Facilities" or "WCF" means a staffed or unstaffed facility or location for the transmission and/or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets.

### Section 17C.355A.030 Towers

- A. Towers shall be located only in those areas and pursuant to the process described in SMC Tables 17C.355A-1 and 17C.355A-2, provided that towers that are proposed to be located in a residential zone or within 150 feet of a residential zone shall be subject to the siting priorities set forth for preferred tower locations in SMC 17C.355A.050.

<b>Table 17C.355A-1</b> <b>New Wireless Communication Tower Criteria</b> <b>Allowed by Type II Permit</b>				
<b>Zone Category</b>	<b>Located in Public Right-of-way (ROW)</b>	<b>Maximum Tower Height</b>	<b>Stealth Design</b>	<b>Setback from Property Lines (does not apply within ROW)[2]</b>
O & OR[1]	Yes	60'	Optional[1]	N/A
	No	60'	Optional[1]	20'
NR, NMU CC & CA[1]	Yes	60'	Optional[1]	N/A
	No	60'	Optional[1]	20'
CB & GC[1]	Yes or No	70'	Optional[1]	20'
All DT[1]	Yes or No (allowed in ROW only if less than or equal to 70')	150'	Optional[1]	20'
Industrial[1]	Yes or No (allowed in ROW only if less than or equal to 70')	150'	Optional[1]	20'

[1] If an applicant wants to construct a tower in a residential zone or within 50' of a residential zone, then a Type III process and stealth design are required. If an applicant wants to construct a tower

within 51' - 150' of a residential zone, then a Type II process and stealth design are required. If an applicant wants to construct a tower beyond 150' of a residential zone, then the review process is that which is required in the zone in which the tower is to be located.

[2] See exception for locations adjacent to a residence in SMC 17C.355A.070(B).

<b>Table SMC 17C.355A-2</b> <b>New Wireless Communication Tower Criteria</b> <b>Allowed by Type III Conditional Use Permit</b>				
<b>Zone Category</b>	<b>Located in Public Right-of-way (ROW)</b>	<b>Maximum Tower Height</b>	<b>Stealth Design</b>	<b>Setback from Property Lines[2] (does not apply within ROW)</b>
All R[1]	Yes or No	60'	Required	20'
O, OR, NR, NMU, CC & CA[1]	Yes or No	61' - 70'[3]	Optional[1]	20'
CB & GC[1]	Yes or No	71' - 90'[4]	Optional[1]	20'

[1] If an applicant wants to construct a tower in a residential zone or within 50' of a residential zone, then stealth design is required.

[2] See exceptions for locations adjacent to a residence in SMC 17C.355A.070(B).

[3] An additional 20 feet in height is allowed if applicant uses stealth design.

[4] An additional 30 feet in height is allowed if applicant uses stealth design.

#### **Section 17C.355A.040 Collocation of Antennas, DAS, and Small Cells**

- A. To the extent not otherwise covered by Chapter 17C.356 (Eligible Facilities Requests), collocation and new wireless communication antenna arrays are permitted in all zones via administrative approval provided that they are attached to or inside of an existing structure (except on the exterior of pole signs or anywhere on a billboard) that provides the required clearances for the array's operation without the necessity of constructing a tower or other apparatus to extend the antenna array more than 15 feet above the structure.
- B. Installation requires the granting of development permits prescribed by chapters 17G.010 and 17G.060 SMC.
- C. For antenna arrays on City-owned property, the execution of necessary agreements is also required.
- D. If any support structure must be constructed to achieve the needed elevation or if the attachment adds more than 15 feet above the existing structure, the proposal is subject to Type II review. The limitation to 15 feet applies to cumulative increases and any previously approved additions to height made under this section must be included in its measurement.
- E. Any equipment shelter or cabinet and other ancillary equipment are subject to the general development standards of SMC 17C.355A.070.
- F. Distributed Antenna Systems and Small Cells.
  1. Distributed Antenna Systems (DAS) and Small Cells are allowed in all land use zones, regardless of the siting preferences listed in SMC 17C.355A.050.

2. DAS and small cells are subject to approval via administrative review only unless their installation requires the construction of a new utility support structure or building. Type II review is required when the applicant proposes a new utility support structure or building.
3. Multiple Site DAS and Small Cells.
  - a. A single permit may be used for multiple distributed antennas that are part of a larger overall DAS network.
  - b. A single permit may be used for multiple small cells spaced to provide wireless coverage in a contiguous area.

#### **Section 17C.355A.050 Tower Sharing, Collocation and Preferred Tower Locations**

- A. Tower Sharing and Collocation. New WCF facilities must, to the maximum extent feasible, collocate on existing towers or other structures of a similar height to avoid construction of new towers, unless precluded by zoning constraints such as height, structural limitations, inability to obtain authorization by the owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. Applications for a new tower must address all existing towers or structures of a similar height within 1/2 mile of the proposed site as follows: (a) by providing evidence that a request was made to locate on the existing tower or other structure, with no success; or (b) by showing that locating on the existing tower or other structure is infeasible.
- B. Preferred Tower Locations. All new towers proposed to be located in a residential zone or within 150 feet of a residential zone are permitted only after application of the following siting priorities, ordered from most-preferred (1) to least-preferred (8);
  1. City-owned or operated property and facilities, not including right-of-way and right-of-way facilities, that are not in residential zones or located within 150 feet of residential zones;
  2. industrial zones and downtown zones;
  3. City-owned or operated property and facilities in any zone, as long as the tower is inconspicuous from a public street, public open areas, or property that is being used for residential purposes;
  4. Community Business and General Commercial zones (CB & GC);
  5. office and other commercial zones;
  6. other City-owned or operated property and facilities;
  7. parcels of land in residential zones;
  8. sites in residential zones on or within 150 feet of a designated historic structure or district.

The applicant for a tower located in a residential zone or within 150 feet of a residential zone shall address these preferences in an alternative sites analysis meeting the requirements of section 17C.355A.060 below.



## **Section 17C.355A.060 Application Submittal Requirements**

In addition to the application materials identified in SMC 17G.060.070, Type II and Type III applications submitted under this chapter shall include the following materials.

- A. Requirement for FCC Documentation. The applicant shall provide a copy of:
  - 1. its documentation for FCC license submittal or registration, and
  - 2. the applicant's FCC license or registration.
- B. Site plans. Complete and accurate plans and drawings to scale, prepared, signed and sealed by a Washington-licensed engineer, land surveyor and/or architect, including (1) plan views and all elevations before and after the proposed construction with all height and width measurements called out; (2) a depiction of all proposed transmission equipment; (3) a depiction of all proposed utility runs and points of contact; and (4) a depiction of the leased or licensed area with all rights-of-way and/or easements for access and utilities in plan view.
- C. Visual analysis. A color visual analysis that includes to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view.
- D. Statement of Purpose/RF Justification. A clear and complete written Statement of Purpose shall minimally include: (1) a description of the technical objective to be achieved; (2) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; and (3) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites. These materials shall be reviewed and signed by a Washington-licensed professional engineer or a qualified employee of the applicant. The qualified employee of the applicant shall submit his or her qualifications with the application.
- E. Design justification. A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this chapter to the maximum extent feasible. A complete design justification must identify all applicable design standards under this chapter and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.
- F. Collocation and alternative sites analysis.
  - 1. All Towers. All applications for a new tower will demonstrate that collocation is not feasible, consistent with SMC 17C.355A.050.
  - 2. Towers in a residential zone or within 150 feet of a residential zone.
    - a. For towers in or within 150 feet of a residential zone, the applicant must address the City's preferred tower locations in SMC 17.355A.050 with a detailed explanation justifying why a site of higher priority was not selected. The City's tower location preferences must be addressed in a clear and complete written alternative site analysis that shows at least five (5) higher

ranked, alternative sites considered that are in the geographic range of the service coverage objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate. An applicant may reject an alternative tower site for one or more of the following reasons:

1. preclusion by structural limitations;
2. inability to obtain authorization by the owner;
3. failure to meet the service coverage objectives of the applicant;
4. failure to meet other engineering requirements for such things as location, height and size;
5. zoning constraints, such as the inability to meet setbacks;
6. physical or environmental constraints, such as unstable soils or wetlands; and/or
7. being a more intrusive location despite the higher priority in this chapter as determined by the Planning Director or Hearing Examiner, as applicable.

- b. A complete alternative sites analysis provided under this subsection (F)(2) may include less than five (5) alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least five (5) potentially available, higher ranked, alternative sites.

3. Required description of coverage objectives. For purposes of disqualifying potential collocations and/or alternative sites for the failure to meet the applicant's service coverage objectives the applicant will provide (a) a description of its objective, whether it be to close a gap or address a deficiency in coverage, capacity, frequency and/or technology; (b) detailed technical maps or other exhibits with clear and concise RF data to illustrate that the objective is not met using the alternative (whether it be collocation or a more preferred location); and (c) a description of why the alternative (collocation or a more preferred location) does not meet the objective.

- G. DAS and small cells. As outlined in SMC 17C.355A.010, the City encourages, but it does not require, the use of DAS and small cells. Each applicant will submit a statement that explains how it arrived at the structure and design being proposed.

- H. Radio frequency emissions compliance report. A written report, prepared, signed and sealed by a Washington-licensed professional engineer or a competent employee of the applicant, which assesses whether the proposed WCF demonstrates compliance with the exposure limits established by the FCC. The report shall also include a cumulative analysis that accounts for all emissions from all WCFs located on or adjacent to the proposed site, identifies the total exposure from all facilities and demonstrates planned compliance with all maximum permissible exposure limits established by the FCC. The report shall include a detailed description of all mitigation measures required by the FCC.

- I. Noise study. A noise study, prepared, signed and sealed by a Washington-licensed engineer, for the proposed WCF and all associated equipment in accordance with the Spokane Municipal Code.
- J. Collocation consent. A written statement, signed by a person with the legal authority to bind the applicant and the project owner, which indicates whether the applicant is willing to allow other transmission equipment owned by others to collocate with the proposed wireless communication facility whenever technically and economically feasible and aesthetically desirable.
- K. Other published materials. All other information and/or materials that the City may, from time to time, make publicly available and designate as part of the application requirements.

#### **Section 17C.355A.070 General Development Standards Applicable to WCFs**

The following criteria shall be applied in approving, approving with conditions or denying a WCF. Unless otherwise provided in this chapter, WCF construction shall be consistent with the development standards of the zoning district in which it is located.

- A. Height. Refer to SMC Tables 17C.355A-1 and 2.
- B. Setback Requirements. Refer to SMC Tables 17C.355A-1 and 2 for towers. All equipment shelters, cabinets or other on-the-ground ancillary equipment shall be buried or meet the setback requirement of the zone in which located. Notwithstanding the setbacks provided for in Tables 17C.355A-1 and 2, when a residence is located on an adjacent parcel, the minimum side setback from the lot line for a new tower must be equal to the height of the proposed tower, unless:
  - 1. The setback is waived by the owner of the residence; or
  - 2. The tower is constructed with breakpoint design technology. If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the applicable zone's minimum side setback requirements, whichever is greater. (For example, on a 100-foot tall monopole with a breakpoint at eighty [80] feet, the minimum setback distance would be twenty-two [22] feet [110 percent of twenty (20) feet, the distance from the top of the monopole to the breakpoint] or the minimum side yard setback requirements for that zone, whichever is greater.) Provided, that if an applicant proposes to use breakpoint design technology to reduce the required setback from a residence, the issuance of building permits for the tower shall be conditioned upon approval of the tower design by a structural engineer.
- C. Landscaping. All landscaping shall be installed and maintained in accordance with this chapter. Existing on-site vegetation shall be preserved to the greatest extent reasonably possible and/or improved, and disturbance of the existing topography shall be minimized. The director may grant a waiver from the required landscaping based on findings that a different requirement would better serve the public interest.
  - 1. Tower bases, when fenced (compounds), or large equipment shelters (greater than three feet by three feet by three feet), shall be landscaped following the provisions of this section. In all residential, O, OR, NR, NMU, CC, CA, CB, GC, Downtown, and other commercial zones, landscaping shall consist of a six-foot wide strip of L2

landscaping as described in SMC 17C.200.030. Street Frontage and perimeter property landscaping where required shall follow standards set forth in SMC 17C.200.040 Site Planting Standards.

2. If fencing is installed, it shall consist of decorative masonry or wood fencing. Chain link is not allowed in residential, O, OR, NR, NMU, CC, and CA zones, except that in a CB and GC zone up to 3 strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade. In Downtown and industrial zones, three strands of barbed wire may be placed atop a lawful fence if the fence is not visible from an adjacent street or is placed behind a sight-obscuring fence or wall. Electrified fences are not permitted in any zone. Razor or concertina wire is not allowed.
  3. Applicant shall meet the irrigation requirements of SMC 17C.200.100 where feasible and ensure the full establishment of plantings for two years in accordance with SMC 17C.200.090.
- D. Visual Impact. All WCFs in residential zones and within 150 feet of residential zones, including equipment enclosures, shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the WCF. Such WCFs and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Such WCFs shall also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the urban, built environment, through matching and complimentary existing structures and specific design considerations such as architectural designs, height, scale, color and texture, and/or be consistent with other uses and improvements permitted in the relevant zone.
- E. Use of Stealth Design/Technology. The applicant shall make an affirmative showing as to why they are not employing stealth technology. More specifically:
1. Stealth design is required in residential zones and to the extent shown in Tables A-1 and A-2. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to substantially conform to surrounding building designs or natural settings, so as to be visually unobtrusive. Stealth design that relies on screening wireless communications facilities in order to reduce visual impact must screen all substantial portions of the facility from view. Stealth and concealment techniques do not include incorporating faux-tree designs of a kind that are not native to the Pacific Northwest.
- F. Lighting. For new wireless communication support towers, only such lighting as is necessary to satisfy FAA requirements is permitted. All FAA-required lighting shall use lights that are designed to minimize downward illumination. Security lighting for the equipment shelters or cabinets and other on-the-ground ancillary equipment is also permitted as long as it is down shielded to keep light within the boundaries of the site. Motion detectors for security lighting are encouraged in residential, O and OR zones or adjacent to residences.
- G. Noise. At no time shall transmission equipment or any other associated equipment (including, but not limited to, heating and air conditioning units) at any wireless communication facility emit noise that exceeds the applicable limit(s) established in SMC 10.08D.070.

- H. Signage. No facilities may bear any signage or advertisement(s) other than signage required by law or expressly permitted/required by the City.
- I. Code compliance. All facilities shall at all times comply with all applicable federal, State and local building codes, electrical codes, fire codes and any other code related to public health and safety.
- J. Building-mounted WCFs.
1. In residential zones, all transmission equipment shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be proportional to the existing underlying structure or conform to the underlying use and shall use materials in similar quality, finish, color and texture as the existing underlying structure.
  2. In residential zones, all roof-mounted transmission equipment shall be set back from all roof edges to the maximum extent feasible.
  3. In all other zones, antenna arrays and supporting transmission equipment shall be installed so as to camouflage, disguise or conceal them to make them closely compatible with and blend into the setting and/or host structure.
- K. WCFs in the public rights-of-way.
1. *Preferred locations.* Facilities shall be located as far from residential uses as feasible, and on main corridors and arterials to the extent feasible. Facilities in the rights-of-way shall maintain at least a two hundred (200) foot separation from other wireless facilities (except with respect to DAS or Small Cells), except when collocated or on opposite sides of the same street.
  2. *Pole-mounted or tower-mounted equipment.* All pole-mounted and tower-mounted transmission equipment shall be mounted as close as possible to the pole or tower so as to reduce the overall visual profile to the maximum extent feasible. All pole-mounted and tower-mounted transmission equipment shall be painted with flat, non-reflective colors that blend with the visual environment.
  3. For all WCFs to be located within the right-of-way, prior to submitting for a building permit, the applicant must have a valid municipal master permit, municipal franchise, or exemption otherwise granted by applicable law, to the extent consistent with RCW 35.21.860.
- L. Accessory Equipment. In residential zones, all equipment shall be located or placed in an existing building, underground, or in an equipment shelter that is (a) designed to blend in with existing surroundings, using architecturally compatible construction and colors; and (b) located so as to be unobtrusive as possible consistent with the proper functioning of the WCF.
- M. Spacing of Towers. Towers shall maintain a minimum spacing of one-half mile, unless it can be demonstrated that physical limitations (such as topography, terrain, tree cover or location of buildings) in the immediate service area prohibit adequate service by the existing facilities or that collocation is not feasible under SMC 17C.355A.050.

- N. Site Design Flexibility. Individual WCF sites vary in the location of adjacent buildings, existing trees, topography and other local variables. By mandating certain design standards, there may result a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within a given site. Therefore, the WCF and supporting equipment may be installed so as to best camouflage, disguise them, or conceal them, to make the WCF more closely compatible with and blend into the setting and/or host structure, upon approval by the Planning Director or the Hearing Examiner, as applicable. The design flexibility allowed under this subsection includes additional height for a tower located within tall trees on (i) City property or (ii) other parcels at least 5 acres in size, so that the impact of the tower may be minimized by the trees while still allowing for the minimum clearance needed for the tower to achieve the applicant's coverage objectives. A formal exception from standards under SMC 17C.355A.090 is not required for proposals meeting this subsection by being a less intrusive design option.
- O. Structural Assessment. The owner of a proposed tower shall have a structural assessment of the tower conducted by a professional engineer, licensed in the State of Washington, which shall be submitted with the application for a building permit.

#### **Section 17C.355A.080 Regulations for Facilities Subject to a Conditional Use Permit**

- A. Approval criteria. In addition to the development standards in this chapter and the approval criteria in SMC 17G.060.170, the following additional approval criteria apply:
  - 1. The need for the proposed tower shall be demonstrated if it is to be located in a residential zone or within one hundred fifty feet of an existing residential lot. An evaluation of the operational needs of the wireless communications provider, alternative sites, alternative existing facilities upon which the proposed antenna array might be located, and collocation opportunities on existing support towers within one-half mile of the proposed site shall be provided. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant.
  - 2. The proposed tower satisfies all of the provisions and requirements of this chapter 17C.355A.
- B. Public Notice. In addition to the notice requirements of SMC 17G.060.120, for proposals in residential zones and within 150 feet of a residential zone, public notice shall include:
  - 1. A black and white architectural elevation and color photo simulation rendering of the proposed WCF.
  - 2. The sign required by SMC 17G.060.120(B) shall include that same architectural elevation and color photo simulation combination selected by the City that depicts the visual impact of the WCF.

#### **Section 17C.355A.090 Exception from Standards**

- A. Applicability. Except as otherwise provided in this chapter (under Site Design Flexibility), no WCF shall be used or developed contrary to any applicable development standard unless an exception has been granted pursuant to this Section. These provisions apply exclusively to WCFs and are in lieu of the generally applicable variance and design deviation provisions in SMC Title 17, provided this section does not provide an exception from this chapter's visual

impact and stealth design requirements or the approval criteria set forth in Section 17C.355A.080.

- B. Procedure Type. A wireless communications facility exception is a Type III procedure.
- C. Submittal Requirements. In addition to the general submittal requirements for a Type III application, an application for a wireless communication facility exception shall include:
  - 1. A written statement demonstrating how the exception would meet the criteria.
  - 2. A site plan that includes:
    - a. Description of the proposed facility's design and dimensions, as it would appear with and without the exception.
    - b. Elevations showing all components of the wireless communication facility as it would appear with and without the exception.
    - c. Color simulations of the wireless communication facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the exception.
- D. Criteria. An application for a wireless communication facility exception shall be granted if the following criteria are met:
  - 1. The exception is consistent with the purpose of the development standard for which the exception is sought.
  - 2. Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
  - 3. The applicant demonstrates the following:
    - a. A significant gap in the coverage, capacity, or technologies of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;
    - b. The gap can only be filled through an exception to one or more of the standards in this chapter; and
    - c. The exception is narrowly tailored to fill the service gap such that the wireless communication facility conforms to this chapter's standards to the greatest extent possible.
  - 4. Exceptions in Residential Zones. For a new tower proposed to be located in a residential zone or within 150 feet of a residential zone, unless the proposal qualifies as a preferred location on City-owned or operated property or facilities under SMC 17C.355A.050(B)(3), the applicant must also demonstrate that the manner in which it proposes to fill the significant gap in coverage, capacity, or technologies of the service network is the least intrusive on the values that this chapter seeks to protect.

### **Section 17C.355A.100 Final Inspection**

- A. A Certificate of Occupancy will only be granted upon satisfactory evidence that the WCF was installed in substantial compliance with the approved plans and photo simulations.
- B. Failure to Comply. If it is found that the WCF installation does not substantially comply with the approved plans and photo simulations, the applicant immediately shall make any and all such changes required to bring the WCF installation into compliance.

### **Section 17C.355A.110 Maintenance**

- A. All wireless communication facilities must comply with all standards and regulations of the FCC and any other State or federal government agency with the authority to regulate wireless communication facilities.
- B. The site and the wireless communication facilities, including all landscaping, fencing and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans.
- C. All graffiti on wireless communication facilities must be removed at the sole expense of the permittee after notification by the City to the owner/operator of the WCF as provided in SMC 10.10.090.
- D. If any FCC, State or other governmental license or any other governmental approval to provide communication services is ever revoked as to any site permitted or authorized by the City, the permittee must inform the City of the revocation within thirty (30) days of receiving notice of such revocation.

### **Section 17C.355A.120 Discontinuation of Use**

- A. Any wireless communication facility that is no longer needed and its use is discontinued shall be reported immediately by the service provider to the planning director. Discontinued facilities shall be completely removed within six months and the site restored to its pre-existing condition.
- B. There shall also be a rebuttable presumption that any WCF that is regulated by this chapter and that is not operated for a period of six (6) months shall be considered abandoned. This presumption may be rebutted by a showing that such WCF is an auxiliary back-up or emergency utility or device not subject to regular use or that the WCF is otherwise not abandoned. For those WCFs deemed abandoned, all equipment, including, but not limited to, antennas, poles, towers, and equipment shelters associated with the WCF shall be removed within six (6) months of the cessation of operation. Irrespective of any agreement among them to the contrary, the owner or operator of such unused facility, or the owner of a building or land upon which the WCF is located, shall be jointly and severally responsible for the removal of abandoned WCFs. If the WCF is not thereafter removed within ninety (90) days of written notice from the City, the City may remove the WCF at the owner of the property's expense or at the owner of the WCF's expense, including all costs and attorneys' fees. If there are two or more wireless communications providers collocated on a single support structure, this provision shall not become effective until all providers cease using the WCF for a continuous period of six (6) months.

### **Section 17C.355A.130 Independent Technical Review**



Although the City intends for City staff to review administrative matters to the extent feasible, the City may retain the services of an independent, radio frequency technical expert of its choice to provide technical evaluation of permit applications for WCFs, including administrative and conditional use permits. The technical expert review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed WCF complies with the applicable approval criteria set forth in this chapter. The applicant shall pay the cost for any independent consultant fees, along with applicable overhead recovery, through a deposit, estimated by the City, paid within ten (10) days of the City's request. When the City requests such payment, the application shall be deemed incomplete for purposes of application processing timelines. In the event that such costs and fees do not exceed the deposit amount, the City shall refund any unused portion within thirty (30) days after the final permit is released or, if no final permit is released, within thirty (30) days after the City receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before the permit is issued.

### **Section 17C.355A.140 Exempt Facilities**

The following are exempt from this chapter:

- A. FCC licensed amateur (ham) radio facilities;
- B. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding one (1) meter in diameter;
- C. A government-owned WCF installed upon the declaration of a state of emergency by the federal, state or local government, or a written determination of public necessity by the City; except that such facility must comply with all federal and state requirements. The WCF shall be exempt from the provisions of this chapter for up to one week after the duration of the state of emergency; and
- D. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the City. The WCF shall be exempt from the provisions of this chapter for up to one week before and after the duration of the special event.
- E. In locations more than 150 feet from a residential zone, other temporary, commercial WCFs installed for a period of 90 days, subject to renewals at the City's discretion; provided, that such temporary WCF will comply with applicable setbacks and height requirements.
- F. Eligible Facilities Requests permitted under Chapter 17C.356 SMC.

### **Section 17C.355A.150 Indemnification**

Each permit issued shall have as a condition of the permit a requirement that the applicant defend, indemnify and hold harmless the City and its officers, agents, employees, volunteers, and contractors from any and all liability, damage, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, or causes of action as a result of the permit process, granted permit, construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of the WCF on City property or in the public right-of-way.

**SECTION 3.** That SMC 17C.110.110 is amended to read as follows:

## [Section 17C.110.110](#) Limited Use Standards

The uses listed below contain the limitations and correspond with the bracketed [ ] footnote numbers from [Table 17C.110-1](#).

### A. Group Living.

This regulation applies to all parts of [Table 17C.110-1](#) that have a note [1]. Group living uses are also subject to the standards of [chapter 17C.330 SMC](#), Group Living.

#### 1. General Standards.

All group living uses in RA, RSF, RTF, RMF and RHD zones, except for alternative or post incarceration facilities, are regulated as follows:

- a. All group living uses are subject to the requirements of [chapter 17C.330 SMC](#), Group Living, including the maximum residential density provisions of [Table 17C.330-1](#).
- b. Group living uses for more than six residents are a conditional use in the RA and RSF zones, subject to the standards of [chapter 17C.320 SMC](#), Conditional Uses, and the spacing requirements of [SMC 17C.330.120\(B\)\(2\)](#).
- c. Group living uses for more than twelve residents are a conditional use in the RTF and RMF zones, subject to the standards of [chapter 17C.320 SMC](#), Conditional Uses, and the spacing requirements of [SMC 17C.330.120\(B\)\(2\)](#).
- d. Exception.

Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in subsections (A)(1)(a), (b) and (c) of this section. The only exception is residential facilities licensed by or under the authority of the state of Washington. In these cases, staff persons are not counted as residents to determine whether the facility meets the twelve-resident cut-off above, for which a conditional use permit is required.

#### 2. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size and are subject to the provisions of [chapter 17C.320 SMC](#), Conditional Uses. They are also subject to the standards of [chapter 17C.330 SMC](#), Group Living.

### B. Office.

This regulation applies to all parts of [Table 17C.110-1](#) that have a note [2]. Offices in the RMF and RHD zones and are subject to the provisions of [chapter 17C.320 SMC](#), Conditional Uses and are processed as a Type III application.

### C. Basic Utilities.

This regulation applies to all parts of [Table 17C.110-1](#) that have a note [3]. Basic utilities that serve a development site are accessory uses to the primary use being served. In the RA, RSF and RTF zones, a one-time addition to an existing base utility use is permitted, provided the addition is less than fifteen hundred square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing base utilities uses are permitted in the RMF and RHD zones.

### D. Community Service Facilities.

This regulation applies to all parts of [Table 17C.110-1](#) that have a note [4]. In the RA, RSF and RTF zones, a one-time addition to an existing community services use is permitted, provided the addition is less than fifteen hundred square feet and three or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a

Type III application. New buildings or additions to existing community services uses are permitted in the RMF and RHD zones.

E. Daycare.

This regulation applies to all parts of [Table 17C.110-1](#) that have a note [5]. Daycare uses are allowed by right if locating within a building or residence, and providing services to no more than twelve (children or clients). Daycare facilities for more than twelve children are a conditional use and are processed as a Type II application in the RA, RSF and RTF zones. However, in the RSF zone, daycare centers up to forty children are permitted if locating within a building that currently contains or did contain a college, medical center, school, religious institution or a community service facility.

F. Religious Institutions.

This regulation applies to all parts of [Table 17C.110-1](#) that have a note [6]. In the RA, RSF and RTF zones, a one-time addition to religious institutions is permitted, provided the addition is less than one thousand five hundred square feet and fifteen or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest. Applicants must comply with the requirements set forth in [SMC 17G.060.050](#) prior to submitting an application. New buildings or additions to existing religious institutions uses are permitted in the RMF and RHD zones.

G. Schools.

This regulation applies to all parts of the [Table 17C.110-1](#) that have a note [7]. In the RA, RSF and RTF zones, a one-time addition to schools is permitted, provided the addition is less than five thousand square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest. Applicants must comply with the requirements set forth in [SMC 17G.060.050](#) prior to submitting an application.

H. Agriculture.

This regulation applies to all parts of [Table 17C.110-1](#) that have a note [8]. The keeping of large and small domestic animals, including bees, is permitted in the RA zone. See [chapter 17C.310 SMC](#), Animal Keeping, for specific standards.

I. ~~((Wireless Communication Facilities:~~

~~This regulation applies to all parts of [Table 17C.110-1](#) that have a note [9]. Wireless communication facilities ~~((are either permitted or require))~~ requiring a Type III conditional use ~~((based on location and type of facility))~~ must use stealth design. See ~~(([chapter 17C.355 SMC](#)))~~ [chapter 17C.355A SMC](#), Wireless Communication Facilities.)) ~~[Deleted]~~~~

**SECTION 4.** That Table 17C.110-1 is amended to read as follows:

[Section 17C.110T.001](#) Table 17C.110-1 Residential Zone Primary Uses

<b>TABLE 17C.110-1</b> <b>RESIDENTIAL ZONE PRIMARY USES</b> ( <a href="#">Click here to view PDF</a> )					
Use is: <b>P - Permitted</b>	<b>RA</b>	<b>RSF &amp; RSF-C</b>	<b>RTF</b>	<b>RMF</b>	<b>RHD</b>

<b>N</b> - Not Permitted <b>L</b> - Allowed, but special limitations <b>CU</b> - Conditional Use review required					
<b>RESIDENTIAL CATEGORIES</b>					
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P
<b>COMMERCIAL CATEGORIES</b>					
Adult Business	N	N	N	N	N
Commercial Outdoor Recreation	N	CU	CU	CU	CU
Commercial Parking	N	N	N	N	N
Drive-through Facility	N	N	N	N	N
Major Event Entertainment	N	N	CU	CU	CU
Office	N	N	N	CU[2]	CU[2]
Quick Vehicle Servicing	N	N	N	N	N
Retail Sales and Service	N	N	N	N	N
Mini-storage Facilities	N	N	N	N	N
Vehicle Repair	N	N	N	N	N
<b>INDUSTRIAL CATEGORIES</b>					
High Impact Uses	N	N	N	N	N
Industrial Service	N	N	N	N	N
Manufacturing and Production	N	N	N	N	N
Railroad Yards	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	N
Waste-related	N	N	N	N	N
Wholesale Sales	N	N	N	N	N
<b>INSTITUTIONAL CATEGORIES</b>					
Basic Utilities [3]	L	L	L	L	L
Colleges	CU	CU	CU	P	P
Community Service	L[4]/CU	L[4]/CU	C[4]/CU	P	P
Daycare [5]	L	L	L	L	L
Medical Center	CU	CU	CU	CU	CU
Parks and Open Areas	P	P	P	P	P
Religious Institutions	L[6]/CU	L[6]/CU	L[6]/CU	P	P
Schools	L[7]/CU	L[7]/CU	L[7]/CU	P	P
<b>OTHER CATEGORIES</b>					
Agriculture	L[8]	N	N	N	N
Aviation and Surface Passenger	N	N	N	N	N

Terminals					
Detention Facilities	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU
Mining	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU
<del>((Wireless Communication Facilities [9]))</del>	<del>L/CU</del>	<del>L/CU</del>	<del>L/CU</del>	<del>L/CU</del>	<del>L/CU</del>
Notes: * The use categories are described in chapter <a href="#">17C.190 SMC</a> . * Standards that correspond to the bracketed numbers [ ] are stated in <a href="#">SMC 17C.110.110</a> . * Specific uses and development may be subject to the standards in <a href="#">SMC 17C.320.080</a> .					

**SECTION 5.** That SMC 17C.320.080 is amended to read as follows:

[Section 17C.320.080](#) Decision Criteria

Decision criteria for conditional uses are stated in [SMC 17G.060.170](#). Those conditional uses with decision criteria in addition to that provided in [SMC 17G.060.170](#) are listed below. Requests for conditional uses will be approved if the hearing examiner finds that the applicant has shown that all of the decision criteria have been met.

A. ~~((Wireless Communication Support Tower.~~

~~For conditional use permits to construct a wireless communication support tower the following additional criteria apply:~~

- ~~1. The need for the proposed wireless communication support tower shall be demonstrated if it is to be located in a residential zone or within three hundred feet of an existing residential lot. An evaluation of the operational needs of the wireless communications provider, alternative sites, alternative existing facilities upon which the proposed antenna array might be located, and co-location opportunities on existing support towers within one mile of the proposed site shall be provided. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant.~~
- ~~2. The proposed tower satisfies all of the provisions and requirements of [SMC 17C.355.030](#) and [SMC 17C.355.040](#).)~~ ~~[Deleted]~~

B. Essential Public Facility.

For conditional use permits to site an essential public facility, the following additional criteria apply:

1. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates including the:
  - a. Spokane County Regional Siting Process for Essential Public Facilities, and
  - b. administrative procedures adopted as part of the interlocal agreement regarding siting of essential public facilities within Spokane County.
2. Housing for persons with handicaps as defined under the Federal Fair Housing Act and children in the custody of the state, which housing includes "community facilities" as defined in RCW 72.05.020 and facilities licensed under chapter 74.15 RCW, are exempt from the Spokane County Regional Siting Process for Essential Public Facilities. Housing for juveniles held in county detention facilities or state juvenile institutions as defined in chapter 13.40 RCW is subject to the Spokane County Regional Siting Process for Essential Public Facilities.

3. Facilities of a similar nature must be equitably dispersed throughout the City.
- C. Secure Community Transition Facility.
- For a conditional use permit to site a secure community transition facility the following additional criteria must be met:
1. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the:
    - a. Spokane County Regional Siting Process for Essential Public Facilities, and
    - b. administrative procedures adopted as part of the interlocal agreement regarding siting of essential public facilities within Spokane County.
  2. The siting of a secure community transition facility must comply with all provisions of state law, including requirements for public safety, staffing, security and training, and those standards must be maintained for the duration of the use.
  3. A secure community transition facility should be located on property of sufficient size and frontage to allow the residents an opportunity for secure on-site recreational activities typically associated with daily needs and residential routines.
  4. If state funds are available, the department of social and health services should enter into a mitigation agreement with the City of Spokane for training and the costs of that training with local law enforcement and administrative staff and local government staff, including training in coordination, emergency procedures, program and facility information, legal requirements and resident profiles.
  5. The applicant must show that the property meets all of the above requirements and, further, if more than one site is being considered, preference must be given to the site furthest removed from risk potential activities or facilities.
- D. Mining.
- For a conditional use permit for a mining use, the following additional criteria apply:
1. The minimum site size shall be three acres.
  2. The minimum setback shall be fifty feet from any property line; provided further, that such mining does not impair lateral or subjacent support or cause earth movements or erosions to extend beyond the exterior boundary lines of the mining site.
  3. Mining operations and associated buildings shall be located at least four hundred feet from a residential zone.
  4. An eight-foot site-obscurer fence shall be provided and maintained in good condition at all times on the exterior boundary of any portion of any site on which active operations exist and on the exterior boundary of any portion of the site which has been mined and not yet reclaimed.
  5. Sound levels, as measured on properties adjacent to a mining site, shall conform to the provisions of WAC 173-60-040, Maximum Permissible Environmental Noise Levels, for noise originating in a Class C RDNA (industrial zone).
  6. All mining and site reclamation activity shall be consistent with the Spokane Regional Clean Air Agency (SRCAA) air quality maintenance requirements.
  7. A reclamation plan approved by the Washington state department of natural resources (DNR) shall be submitted with the conditional use application. The plan shall be prepared consistent with the standards set forth in chapter 78.44 RCW. DNR shall have the sole authority to approve reclamation plans. Upon the exhaustion of minerals or upon the permanent abandonment of mining operations, the mined excavation must be rehabilitated or reclaimed consistent with the approved reclamation plan.
  8. Upon the exhaustion of minerals or materials in the mining use or upon the permanent abandonment of the mining use, all buildings, structures, apparatus or appurtenances accessory to the mining operation shall be removed or otherwise dismantled. Abandonment shall be deemed to have occurred after one year of cessation of all extraction operations.

9. Reclamation shall be complete within one year after the mining operations have ceased or after abandonment of the mining use. The reclamation of the site shall be consistent with the department of natural resources approved site reclamation plan.
  10. To provide for protection of groundwater and surface water, during and after operation, mining shall not be allowed to penetrate below an elevation ten feet above the highest known elevation of an aquifer within the Spokane Valley-Rathdrum Prairie Aquifer area.
  11. The primary reduction and processing of minerals or materials are high impact uses. These uses include, but are not limited to, concrete batching, asphalt mixing, rock crushing, brick, tile and concrete products manufacturing plants, and the use of accessory minerals and materials from other sources necessary to convert the minerals or materials to marketable products. These uses shall be located a minimum of six hundred feet from the boundary of a residential or commercial zone.
  12. The monitoring and clean-up of contaminants shall be ongoing. The mine operator shall comply with all existing water quality monitoring regulations of the Washington state department of ecology and the Spokane county regional health district.
- E. Retail Sales and Service Uses within Industrial Zone.  
For a conditional use permit for a retail sales and service use in an industrial zone, the following additional criteria apply:
1. The use shall serve primarily other businesses and the use will contribute to the enhancement of the industrial character of the area and further the purpose of the industrial zone.
- F. Institutional and Other Uses in Residential Zones.  
These approval criteria apply to all conditional uses in RA through RHD zones. The approval criteria allows institutional uses (including expansions of existing facilities), allows increases to the maximum occupancy of group living, and permits other non-residential household living uses in a residential zone. These types of uses must maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:
1. Proportion of Residential Household Living Uses.  
The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the residential household living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the residential household living category and is specifically based on the:
    - a. number, size and location of other uses not in the residential household living category in the residential; and
    - b. intensity and scale of the proposed use and of existing residential household living uses and other uses.
  2. Physical Compatibility.
    - a. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping; or
    - b. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.
  3. Livability.  
The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
    - a. noise, glare from lights, late-night operations, odors and litter; and
    - b. privacy and safety issues.
  4. Public Services.
    - a. The proposed use is in conformance with the street designations of the transportation element of the comprehensive plan.

- b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:
      - i. street capacity, level of service and other performance measures;
      - ii. access to arterials;
      - iii. connectivity;
      - iv. transit availability;
      - v. on-street parking impacts;
      - vi. access restrictions;
      - vii. neighborhood impacts;
      - viii. impacts on pedestrian, bicycle and transit circulation;
      - ix. safety for all modes; and
      - x. adequate transportation demand management strategies.
    - c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the engineering services department.
- G. Alternative or Post Incarceration Facilities – Group Living.
 

These criteria apply to group living uses that consist of alternative or post incarceration facilities in the RA through the RHD zones.

  - 1. Physical Compatibility.
    - a. The proposal will preserve any City-designated scenic resources; and
    - b. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.
  - 2. Livability.
 

The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

    - a. noise, glare from lights, late-night operations, odors and litter; and
    - b. privacy and safety issues.
  - 3. Public Services.
    - a. The proposed use is in conformance with the street designations in the transportation element of the comprehensive plan.
    - b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:
      - i. street capacity, level of service or other performance measures;
      - ii. access to arterials;
      - iii. connectivity;
      - iv. transit availability;
      - v. on-street parking impacts;
      - vi. access restrictions;
      - vii. neighborhood impacts;
      - viii. impacts on pedestrian, bicycle and transit circulation; and
      - ix. safety for all modes; and
    - c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the engineering services department.
  - 4. Safety.
 

The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents.
- H. Detention Facilities.
 

These approval criteria ensure that the facility is physically compatible with the area in which



it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

1. Appearance.  
The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.
2. Safety.  
The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents.
3. Public Services.
  - a. The proposed use is in conformance with the street designations shown in the transportation element of the comprehensive plan.
  - b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:
    - i. street capacity, level of service or other performance measures;
    - ii. access to arterials;
    - iii. connectivity;
    - iv. transit availability;
    - v. on-street parking impacts;
    - vi. access restrictions;
    - vii. neighborhood impacts;
    - viii. impacts on pedestrian, bicycle and transit circulation; and
    - ix. safety for all modes; and
  - c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the engineering services department.
- I. Master Campus Plan.  
These approval criteria apply to hospitals, colleges and universities, religious institutions and government complexes that develop in a campus setting. The purpose of master campus plan is to recognize the long-range development plans of those institutions and allow for a single integrated review of a campus development plan while allowing for a comprehensive review of facilities serving the site and impacts on neighboring residential areas. Through the master campus plan, these entities prepare master plans for their entire campus to facilitate orderly growth of the institution and assure its compatibility with the surrounding neighborhood.
  1. Eligibility.  
All property owned or controlled by a major institution, including all property owned or controlled by the major institution within one-half mile of the primary site. Adjoining property owners may also agree to be included in the master campus plan if the use of their property is functionally related to the institution.
  2. Submittal Requirements.  
In addition to the submittal requirements for a Type III application, a master plan of the proposed campus is required to be submitted. The master plan is a long range development plan that would show the long range intent for building locations, uses, circulation, parking, landscape detail, lighting and treatment of the perimeter of the campus area.
  3. Approval Criteria.
    - a. Physical Compatibility.
      - i. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping; or

- ii. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.
    - b. Livability.  
The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
      - i. noise, glare from lights, late-night operations, odors and litter; and
      - ii. privacy and safety issues.
  - 4. Development Permits.  
After a master campus plan is approved, the institution may then make such improvements as are consistent with the master plan, with only normal development permits being required.
  - 5. Master Plan Amendment.  
It is expected that the master campus plan will undergo modification. Such modifications may involve the expansion or relocation of the campus boundary, alteration/addition of uses or other changes. Master plan amendments shall be reviewed as a Type III permit application, subject to the same procedural requirements or as prescribed in subsection (I)(6) of this section.
  - 6. Master Campus Plan Minor Adjustments.  
In the issuance of building permits for construction within an approved major campus plan, minor adjustments to the plan may be made consistent with the provisions of [SMC 17G.060.230](#).
- J. Office.  
These approval criteria apply to offices allowed as a conditional use permit in the RMF and RHD zones.
- 1. Uses in the Office land use category of [SMC 17C.190.250](#) may be allowed by a Type III conditional use permit approval in the RMF and RHD zone subject to the following criteria:
    - a. The property must have frontage on a principal arterial.
    - b. The subject property is adjacent to or immediately across the street from an existing commercial zone.
    - c. Uses permitted in the Office land use category may not be developed to a depth greater than two hundred fifty feet.
    - d. Ingress and/or egress onto a local access street are not permitted unless the City traffic engineer determines that there is no alternative due to traffic volumes, site visibility and traffic safety.
    - e. All structures shall have size, scale, and bulk similar to residential uses as provided in [SMC 17C.110.500](#), Institutional Design Standards.
    - f. The development standards of the underlying zone shall apply to the use.
    - g. Drive-thru facilities are prohibited, except as allowed by the hearing examiner.

**SECTION 6.** That SMC 17C.130.220 is amended to read as follows:

[Section 17C.130.220](#) Height

- A. Purpose  
The height limits are intended to control the overall scale of buildings. The height limits for sites near residential zones discourage buildings that visually dominate adjacent residential zones. Light, air, and potential for privacy are intended to be preserved in residential zones that are close to industrial zones.

## B. Height Standards

The height standards for all structures are stated in [Table 17C.130-2](#). Exceptions to the maximum height standard are stated below.

### 1. Maximum Height.

Exceptions to the maximum structure height are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., CB-150).

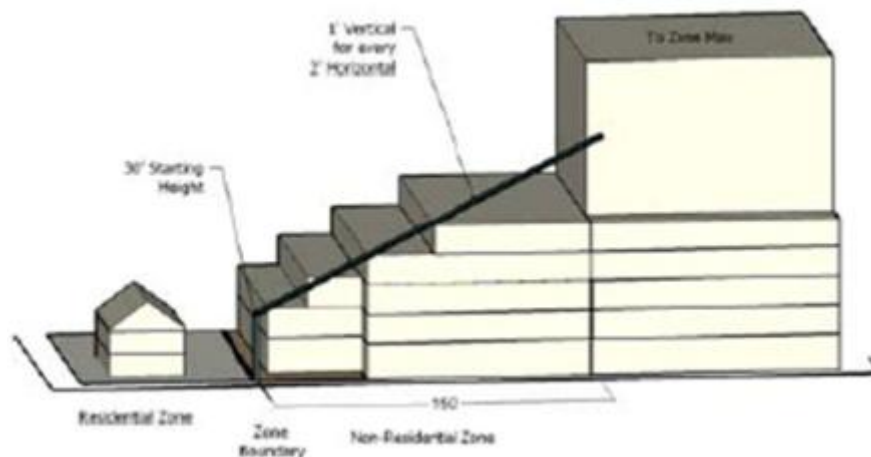
Changes to the height limits require a rezone. Height limits are thirty-five feet, forty feet, fifty-five feet, seventy feet or one hundred fifty feet depending on location.

### 2. Buildings and structures for uses that are not classified as industrial uses within the Industrial Categories of [Table 17C.130-1](#) and that are over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards.

### 3. Adjacent to Single-family and Two-family Residential Zones.

To provide a gradual transition and enhance the compatibility between the more intensive industrial zones and adjacent single-family and two-family residential zones:

- a. For all development within one hundred fifty feet of any single-family or two-family residential zone the maximum building height is as follows: Starting at a height of thirty feet at the residential zone boundary, additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.



### 4. Projections Allowed.

Chimneys, flag poles, satellite receiving dishes and other items similar with a width, depth or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth or diameter, they are subject to the height limit.

### 5. Rooftop Mechanical Equipment.

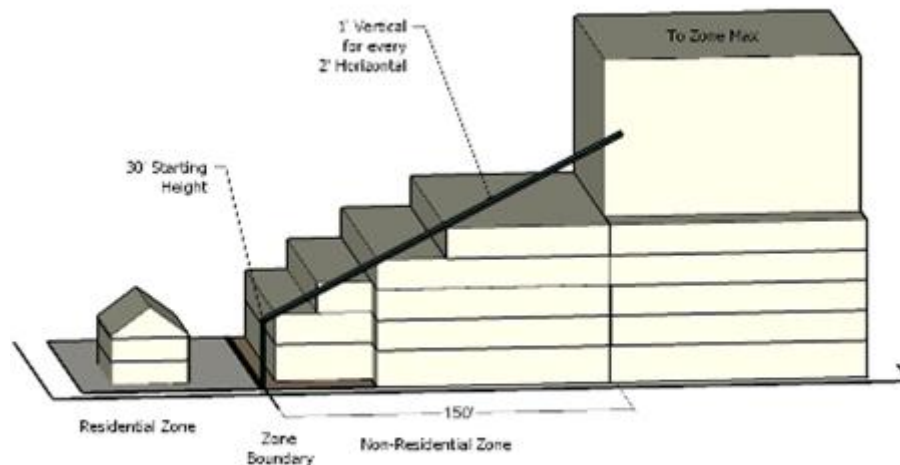
All rooftop mechanical equipment must be set back at least fifteen feet from all roof edges that are parallel to street lot lines and roof lines facing an abutting residential zone. Elevator mechanical equipment may extend up to sixteen feet above the height limit. Other rooftop mechanical equipment, which cumulatively covers no more than ten percent of the roof area, may extend ten feet above the height limit.

6. Radio and television antennas, utility power poles and public safety facilities are exempt from the height limit except as provided in (([chapter 17C.355 SMC](#))) [chapter 17C.355A.SMC](#), Wireless Communication Facilities.
- C. Special Height Districts  
Special height districts are established to control building heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts and [chapter 17C.180.SMC](#), Airfield Overlay Zones.

**SECTION 7.** That SMC 17C.120.220 is amended to read as follows:

[Section 17C.120.220](#) Height

- A. Purpose  
The height limits are intended to control the overall scale of buildings. The height limits in the O, NR and NMU zones discourage buildings that visually dominate adjacent residential areas. The height limits in the OR, CB and GC zones allow for a greater building height at a scale that generally reflects Spokane's commercial areas. Light, air and the potential for privacy are intended to be preserved in single-family residential zones that are close to commercial zones.
- B. Height Standards  
The height standards for all structures are stated in [Table 17C.120-2](#). Exceptions to the maximum height standard are stated below.
  1. Maximum Height.  
Exceptions to the maximum structure height are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., CB-150). Changes to the height limits require a rezone. Height limits are thirty-five feet, forty feet, fifty-five feet, seventy feet or one hundred fifty feet depending on location.
  2. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards.
  3. Adjacent to Single-family and Two-family Residential Zones.  
To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent single-family and two-family residential zones:
    - a. For all development within one hundred fifty feet of any single-family or two-family residential zone the maximum building height is as follows:
      - i. Starting at a height of thirty feet at the residential zone boundary additional building height may be added at a ratio of 1 to 2 (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.



4. Projections Allowed.  
Chimneys, flag poles, satellite receiving dishes, and other similar items with a width, depth or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth or diameter, they are subject to the height limit.
  5. Rooftop Mechanical Equipment.  
All rooftop mechanical equipment must be set back at least fifteen feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to sixteen feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than ten percent of the roof area may extend ten feet above the height limit.
  6. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit except as provided in ([chapter 17C.355 SMC](#)) [chapter 17C.355A SMC](#), Wireless Communication Facilities.
- C. Special Height Districts  
Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.

**SECTION 8.** That SMC 17C.110.215 is amended to read as follows:

[Section 17C.110.215](#) Height

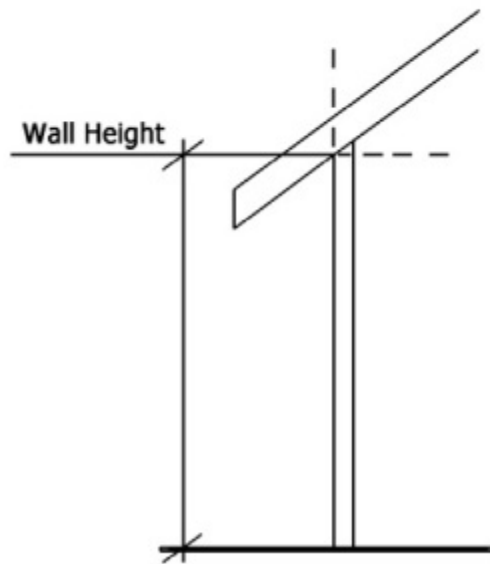
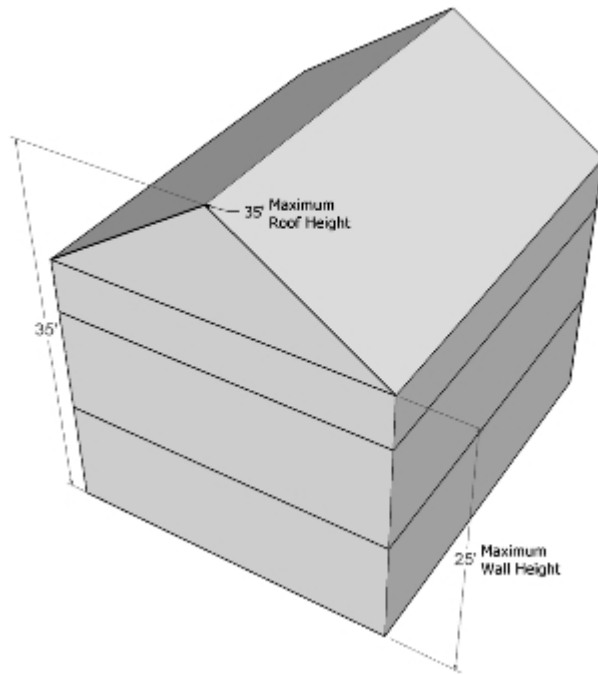
- A. Purpose.  
The height standards promote a reasonable building scale and relationship of one residence to another and they promote privacy for neighboring properties. The standards contained in this section reflect the general building scale and placement of houses in the City's neighborhoods.
- B. Height Standards.  
The maximum height standards for all structures are stated in [Table 17C.110-3](#). The building height shall be measured using the following method:
  1. The height shall be measured at the exterior walls of the structure. Measurement shall be taken at each exterior wall from the existing grade or finished grade,

whichever is lower, up to a plan essentially parallel to the existing or finished grade. For determining structure height, the exterior wall shall include a plane between the supporting members and between the roof and the ground. The vertical distance between the existing grade, or finished grade, if lower, and the parallel plan above it shall not exceed the maximum height of the zone.

2. When finished grade is lower than existing grade, in order for an upper portion of an exterior wall to avoid being considered on the same vertical plan as a lower portion, it must be set back from the lower portion a distance equal to two times the difference between the existing and finished grade on the lower portion of the wall.
3. Depressions such as window wells, stairwells for exits required by other codes, "barrier free" ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.
4. No part of the structure, other than those specifically exempted or excepted under the provisions of the zone, shall extend beyond the plan of the maximum height limit.
5. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
6. For purposes of measure building height in residential zones, the following terms shall be interpreted as follows:
  - a. "Grade" means the ground surface contour (see also "existing grade" and "finished grade").
  - b. "Fill" means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.
  - c. "Finished grade" means the grade upon completion of the fill or excavation.
  - d. "Excavation" means the mechanical removal of earth material.
  - e. "Existing grade" means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.

<b>TABLE 17C.110.215-1</b> <b>MAXIMUM HEIGHT</b>	
Maximum Wall Height [1]	25 ft.
Maximum Roof Height [2]	35 ft.
[1] The height of the lowest point of the roof structure intersects with the outside plane of the wall. [2] The height of the ridge of the roof. See "Example A" below.	

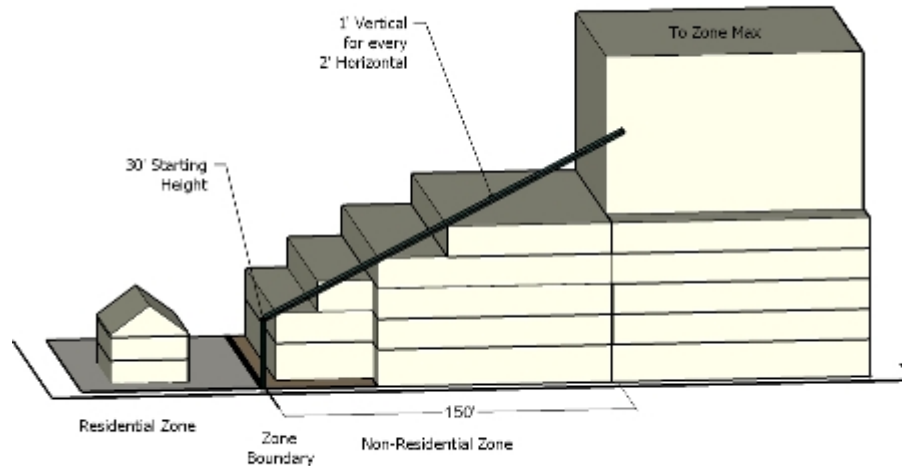
### C. Example A



C. Exceptions to the maximum height standard are stated below:

1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., CB-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are thirty feet, thirty-five feet, forty feet, fifty-five feet, seventy feet, or one hundred fifty feet depending on location.

2. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards
3. Adjacent to Single-family and Two-family Residential Zones.  
To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent single-family and two-family residential zones:
  - a. for all development within one hundred fifty feet of any single-family or two-family residential zone the maximum building height is as follows:
    - i. Starting at a height of thirty feet, the residential zone boundary additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.



4. Projections Allowed.  
Chimneys, flagpoles, satellite receiving dishes and other similar items with a width, depth or diameter of three feet or less may extend above the height limit, as long as they do not exceed three feet above the top of the highest point of the roof. If they are greater than three feet in width, depth or diameter, they are subject to the height limit.
5. Farm Buildings.  
Farm buildings such as silos, elevators and barns are exempt from the height limit as long as they are set back from all lot lines at least one foot for every foot in height.
6. Utility power poles and public safety facilities are exempt from the height limit.
7. Radio and television antennas are subject to the height limit of the applicable zoning category.
8. Wireless communication support towers are subject to the height requirements of ([chapter 17C.355 SMC](#)) [chapter 17C.355A SMC](#), Wireless Communication Facilities.



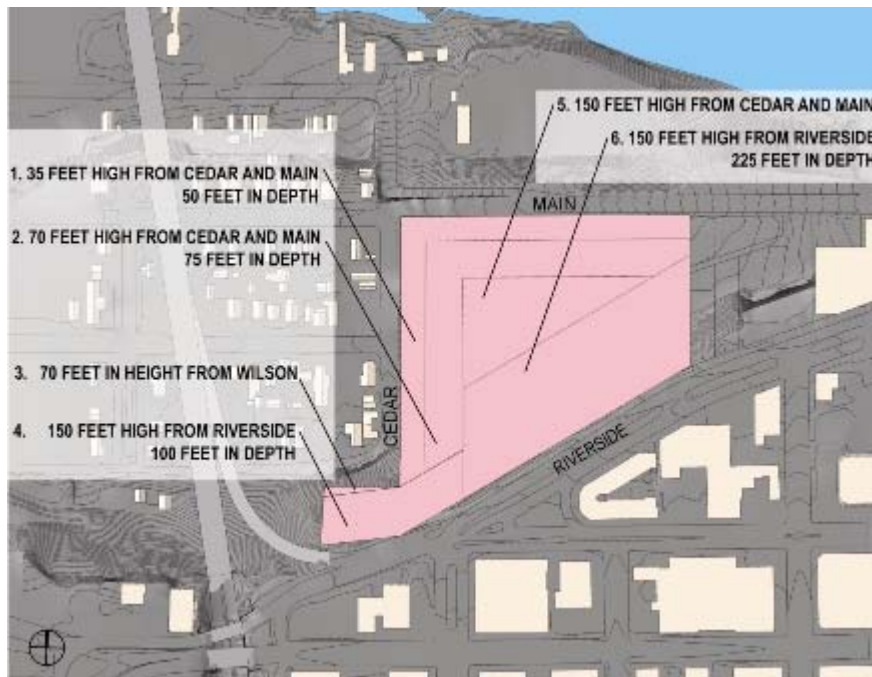
9. Uses approved as a conditional use may have building features such as a steeple or tower which extends above the height limit of the underlying zone. Such building features must set back from the side property line adjoining a lot in a residential zone a distance equal to the height of the building feature or one hundred fifty percent of the height limit of the underlying zone, whichever is lower.
- D. Special Height Districts.  
Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.
- E. Accessory Structures.  
The height of any accessory structure located in the rear yard, including those attached to the primary residence, is limited to twenty feet in height, except a detached ADU above a detached accessory structure may be built to twenty-three feet in height.

**SECTION 9.** That SMC 17C.124.220 is amended to read as follows:

[Section 17C.124.220](#) Height & Massing

- A. Purpose.  
The height and massing standards control the overall scale of buildings. These standards downtown allow for building height and mass at a scale that generally reflects the most intensive area within the City. The standards help to preserve light, air, and the potential for privacy in lower intensity residential zones that are adjacent to the downtown zones.
- B. Height and Massing Standards.  
The height and massing standards for all structures are stated in [Table 17C.124-2](#) and as shown on the zoning map. Bonus height may be allowed as defined in [SMC 17C.124.220\(E\)](#). The Bonus height provisions are not available within downtown zones that have a maximum height specified on the zoning map by a dash and a maximum height specified after the zone map symbol (i.e. DTG-100).
  1. Changes to the Maximum Height Provisions.  
Changes to the height limits are not allowed outside of a downtown plan update process.
  2. Pitched roof forms and accessible decks may extend above the height limit; however, if the space within the pitched roof is habitable, it shall only be used for residential purposes.
  3. Projections Allowed.  
Chimneys, flag poles, satellite receiving dishes, and other similar items with a width, depth, or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth, or diameter, they are subject to the height limit.
  4. Rooftop Mechanical Equipment.  
All rooftop mechanical equipment must be set back at least fifteen feet from all roof edges visible from streets. Elevator mechanical equipment may extend up to sixteen feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than ten percent of the roof area may extend ten feet above the height limit.

5. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit except as provided in (~~chapter 17C.355 SMC~~)chapter 17C.355A.SMC, Wireless Communication Facilities.
  6. Architectural Projections.  
The height limits do not apply to uninhabitable space under four hundred square feet in floor area that is devoted to decorative architectural features such as belfries, spires, and clock towers.
  7. Ground Floor Allowed Height.  
The first story of the building may be up to twenty-five feet tall and still count as only one story.
- C. Special Height Districts.  
Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches and protection. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.
- D. Downtown West End Special Height District.  
For the properties shown in Figure 17C.124.220-1 that are located in the area generally west of Monroe Street, east of Cedar Street, and between Main Avenue and Riverside Avenue, the maximum height shall be as shown in Figures 17C.124.220-1 and 17C.124.220-2.

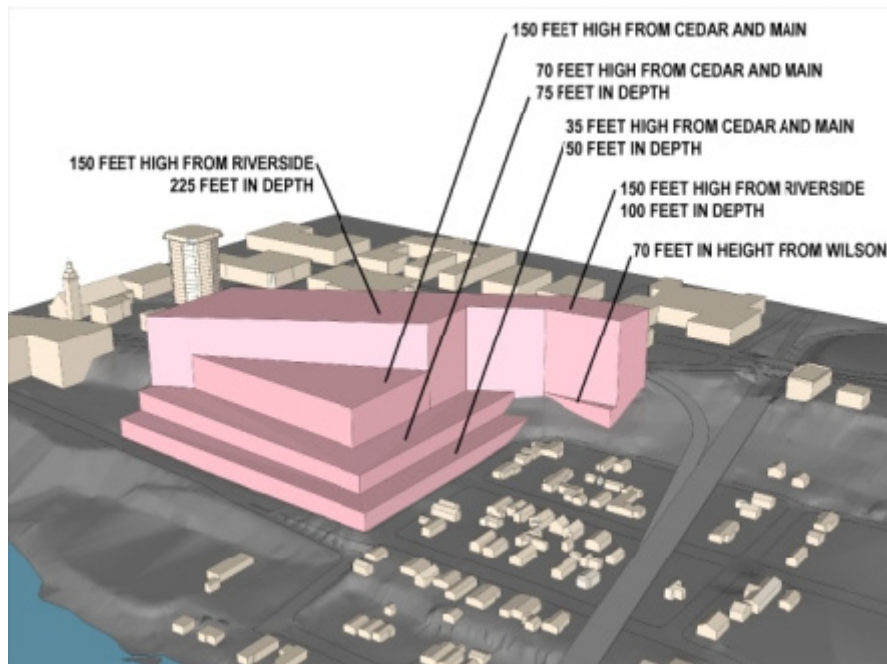


**Figure 17C.124.220-1**

Notes for Figure 17C.124.220-1.

1. Thirty-five feet high from Cedar Street and Main Avenue street grade (highest street elevation fronting the parcel). Horizontally, fifty feet in depth from Cedar Street and Main Avenue right-of-way/property line.
2. Seventy feet high from Cedar Street and Main Avenue street grade (highest street elevation fronting the parcel). Horizontally, seventy-five feet in depth beginning fifty feet from the Cedar Street and Main Avenue right-of-way/property line.

3. Seventy feet in height from Wilson Avenue street grade (highest street elevation fronting the parcel).
4. One hundred fifty feet high from Riverside Avenue street grade (highest street elevation fronting the parcel). Horizontally, one hundred feet in depth from the Riverside Avenue right-of-way/property line.
5. One hundred fifty feet high from Cedar Street and Main Avenue street grade (highest street elevation fronting the parcel).
6. One hundred fifty feet high from Riverside Avenue street grade (highest street elevation fronting the parcel). Horizontally, two hundred twenty-five feet in depth from the Riverside Avenue right-of-way/property line.

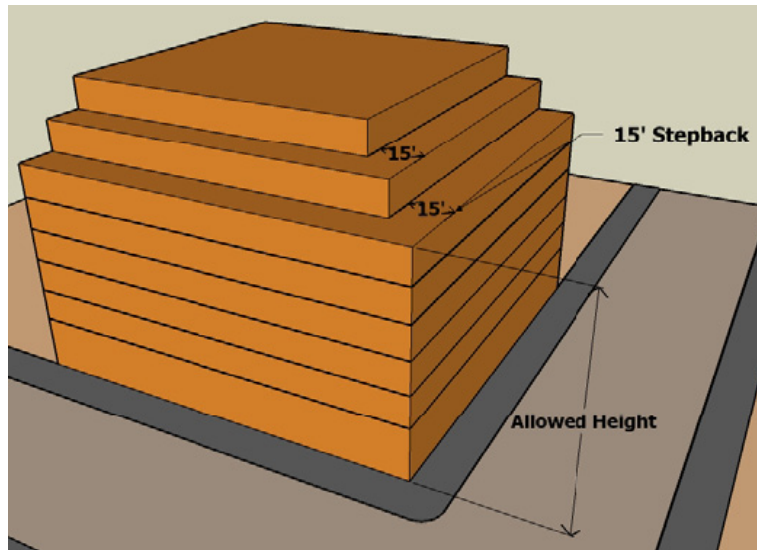


**Figure 17C.124.220-2**

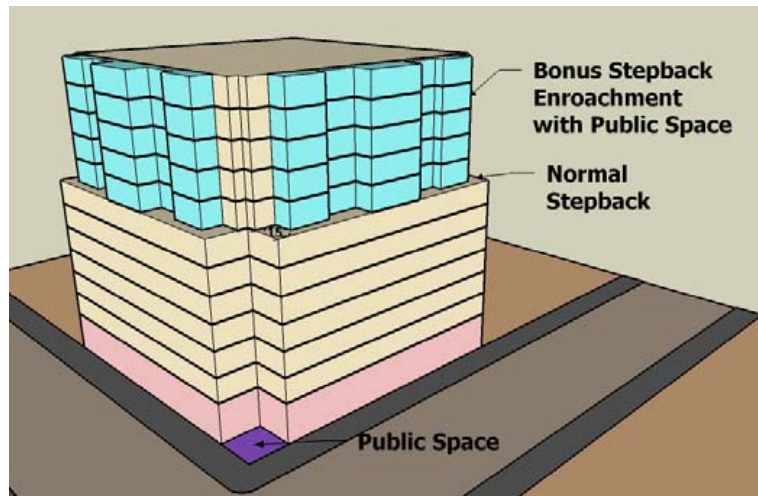
**E. Additional Height Within Specific Height Designation Areas.**

Additional stories for structures where the maximum height is specified with a dash after the zoning map symbol (i.e. DTG-70).

1. One additional story is allowed for every fifteen feet of upper story structure setback from a street lot line, up to the maximum number of stories allowed in the zone without a maximum height specified.



2. In the DTC-100 zone one additional story is allowed for every fifteen feet of upper story structure setback from Spokane Falls Boulevard. There is no upper story structure setback required from street lot lines that are not adjacent to Spokane Falls Boulevard after the first fifteen feet of upper story structure setback from Spokane Falls Boulevard.
- F. Structure Standards Above the Seventh Above Ground Story.
- These standards are designed to transition the building bulk and mass for buildings exceeding seven stories in the DTG, DTU, and DTS zones.
2. Upper Story Setback.  
All stories above the seventh story shall be setback from all property lines and street lot lines a minimum of fifteen feet.
  3. Exception.  
The provision of an exterior public space as defined below allows for encroachment into the upper story setback. The allowed area of encroachment may not exceed an area equal to five times the area of the exterior public space.  
  
Exterior Public Space(s) – A Plaza or Courtyard With a Minimum Area of Two Hundred Square Feet.  
A plaza or a courtyard is a level space accessible to the public, at least ten feet in width, with a building façade on at least one side. The elevation of the courtyard or plaza shall be within thirty inches of the grade of the sidewalk providing access to it. For courtyards, at least sixty percent of the green shall be planted with trees, ground cover and other vegetation. For plazas, at least fifteen percent, but no more than sixty percent of the space shall be planted with trees, ground cover and other vegetation. Courtyards and plazas shall also include seating, pedestrian-scale lighting, decorative paving, and other pedestrian furnishings. The use of artists to create fixtures and furnishings is strongly encouraged.



**G. Bonus Height.**

The bonus height provisions are not available within specially designated height areas or the downtown zones that have a maximum height specified on the zoning map by a dash and a maximum height specified after the zone map symbol (i.e. DTG-100).

Additional bonus stories may be achieved if a development incorporates specified and described public amenities allowing bonus height and stories above the number of stories allowed outright in the zone. The bonus stories are in addition to what is specified in [Table 17C.124-2](#). The number of stories above the number of stories allowed outright may be increased through a ministerial process intended to ensure that each amenity both satisfies design criteria and serves a public purpose in the proposed location. Amenities provided must be associated with the use for which the height increase is sought. Proposed amenities shall have a public benefit that is appropriate considering the height increase being achieved.

**0. Structure Standards for Stories Above the Twelfth Above Ground Story.**

These standards are designed to transition the apparent building height and mass for buildings that exceed twelfth stories in the DTG, DTU, and DTS zones. All stories above the twelfth story must meet the following standards. The following floor area and maximum diagonal plan tower dimension shall be measured from the inside face of the outside wall.

- a. On sites less than or equal to thirty-four thousand square feet in size:
  - i. the maximum tower floor plate area per site is twelve thousand square feet;
  - ii. the maximum tower diagonal plan dimension is one hundred fifty feet.
- b. On sites over thirty-four thousand square feet in size:
  - i. the maximum tower floor plate area per site is thirty-six percent of the total site area;
  - ii. the maximum tower diagonal plan dimension is based upon the following formula: Maximum tower diagonal plan dimension = (Square Root of (Site Area x 2)) x 0.6).

**1. Bonus Height Provisions.**



- a. The following items qualify for addition structure height.
  - i. Permanent Affordable Housing.  
Structure envelop devoted to permanent affordable household living space (housing units affordable to households making less than eighty percent of area median income for the City as defined by HUD) is not subject to a height or story limit.
  - ii. Affordable Housing Building Volume Bonus.  
An area equal to the area devoted to permanent affordable housing that lies below the twelfth story may be added above the twelfth story in residential use that is not affordable housing.
  - iii. Historic Landmark Transfer of Development Right (TDR).  
Subject to the requirements of [chapter 17D.070 SMC](#), Transfer of Development Rights, additional building height and gross floor area may be transferred from a building on the Spokane register of historic places that is within a downtown zone to a new development within a downtown zone. The TDR may be transferred from a historic landmark located on the same site or from a historic landmark located on a separate site.
- b. Two Story Bonus.  
The following items each qualify for two bonus stories.
  - i. Ground Floor Uses that “Spill” onto Adjacent Streets.  
One ground floor use that “spills” (single use) per one hundred foot of structure street frontage.  
  
Preferred uses include retail sales and service or entertainment use, or any combination thereof, located on the ground floor with direct access and fronting on a street.
  - ii. Canopy Covering at Least Fifty Percent of Adjacent Frontage Over Public Sidewalk.  
A virtually continuous canopy structure. A canopy is a permanent architectural element projecting out from a building facade over a sidewalk or walkway. A canopy shall be at least five feet in horizontal width and be no less than eight feet and no more than twelve feet above grade.
  - iii. Alley Enhancements.  
Decorative paving, pedestrian-scaled lighting, special paving, and rear entrances intended to encourage pedestrian use of the alley.
  - iv. Additional Streetscape Features.  
Seating, trees, pedestrian-scaled lighting, and special paving in addition to any that are required by the design standards and guidelines.
  - v. Small Scale Water Feature.  
A small scale minor water feature integrated within an open space or plaza between the structure and public sidewalk. Small scale minor water features are generally designed to be viewed but not physically interacted with.
  - vi. Incorporating Historic Features and Signage.  
Including historic plaques or markings about the local area or site.

- Reusing historic building elements and features on the site. Reusing existing landmark signs.
- vii. Incorporating Bicycle Parking Enhancements.  
Providing covered bicycle parking for all required bicycle parking along with other bicycle amenities such as secured bicycle lockers and equipment storage facilities.
- c. Four Story Bonus.  
The following items qualify for four bonus stories each.
  - i. Additional Building Stepback Above the Seventh Floor.  
An additional ten feet of upper floor stepback from the street lot lines.
  - ii. Preferred Materials in Pedestrian Realm.  
Use of brick and stone on the building facades that face streets on the first three stories of the building.
  - iii. Multiple Ground Floor Uses that “Spill” onto Adjacent Streets.  
One ground floor use that “spills” per thirty feet of structure street frontage. Preferred uses include retail sales and service or entertainment use, or any combination thereof, located on the ground floor with direct access and fronting on a street.
  - iv. Major Exterior Public Spaces/Plaza.  
A plaza or courtyard, with a minimum area of four hundred square feet or one percent of the site size, whichever is greater. A plaza or a courtyard is a level space accessible to the public, at least ten feet in width, with a building façade on at least one side. The elevation of the courtyard or plaza shall be within thirty inches of the grade of the sidewalk providing access to it. For courtyards, at least sixty percent of the green shall be planted with trees, ground cover and other vegetation. For plazas, at least fifteen percent, but no more than sixty percent of the space shall be planted with trees, ground cover and other vegetation. Courtyards and plazas shall also include seating, pedestrian-scale lighting, decorative paving and other pedestrian furnishings. The use of artists to create fixtures and furnishings is strongly encouraged.
  - v. Workforce Housing Greater Than Twenty-five Percent of the Total Number of Housing Units.  
For this bonus, the housing units shall be affordable to households earning one hundred twenty percent or less of area medium income (AMI). For homes to be purchased the total housing payment (principal, interest, taxes, and insurance, PITI) shall be no more than thirty-three percent of income. For rental housing the rent plus utilities shall be no more than thirty percent of income.
  - vi. Public Art.  
Public art includes sculptures, murals, inlays, mosaics, and other two-dimensional or three-dimensional works, as well as elements integrated into the design of a project (e.g., fountain) that are designed and crafted by one or more artists. Such artists must be listed on a registry of either the Washington state arts commission or the Spokane arts commission. To receive the bonus, public art must be documented at a value that is at least one percent of the construction value of the bonus stories.

- vii. **Through-block Pedestrian Connections.**  
Through-block pedestrian connection providing a continuous walkway accessible to the public, at least ten feet in width, paved with decorative paving and lighted for nighttime use. It may be covered or open to the sky.
  - viii. **Major Water Feature.**  
A major water feature integrated within an open space or plaza between the structure and public sidewalk. A major water feature is designed to be viewed and is large enough to be physically interacted with by the public. It shall be at least ten square feet in size as measure in plan view.
  - ix. **Green/Living Roof.**  
A planted area of a roof covering greater than fifty percent of the roof surface.
- d. **Eight Story Bonus.**  
The following items qualify for eight bonus stories each.
- i. **Workforce Housing Greater Than Fifty Percent of the Total Number of Housing Units.**  
For this bonus, the housing units shall be affordable to households earning one hundred twenty percent or less of area medium income (AMI). For homes to be purchased the total housing payment (principal, interest, taxes, and insurance, PITI) shall be no more than thirty-three percent of income. For rental housing the rent plus utilities shall be no more than thirty percent of income.
  - ii. **Bicycle Commuter Shower Facilities.**  
Structures containing two hundred thousand square feet or more of office gross floor area shall include shower facilities and clothing storage areas for bicycle commuters. One shower per gender shall be required. Such facilities shall be for the use of the employees and occupants of the building, and shall be located where they are easily accessible to parking facilities for bicycles.

**SECTION 10.** That SMC 17A.020.010 is amended to read as follows:

[Section 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 six months.
- 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. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.
- C. **Accepted.**  
A project for which the required plans have been found to be technically adequate.
- D. **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."
- E. 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. Flagpoles,
    - f. Stairways,
    - g. Heat pumps,
    - h. Awnings, and
    - i. Other structures.
  3. See also [SMC 17A.020.160](#) ("Primary Structure").
- F. 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.
- G. Activity.  
See Regulated Activity.
- H. 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.
- I. Adult Bookstore or Adult Video Store.
1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified anatomical areas," as defined in [SMC 17A.020.190](#), or "specified sexual activities," as defined in [SMC 17A.020.190](#). A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:
    - a. At least thirty percent of the establishment's displayed merchandise consists of said items; or
    - b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
    - c. At least thirty percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
    - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
    - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or

- f. The establishment regularly offers for sale or rental at least two thousand of said items; or
  - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using “adult,” “XXX,” “sex,” “erotic,” or substantially similar language, as an establishment that caters to adult sexual interests.
- 2. For purposes of this definition, the term “floor space” means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.
- J. Adult Business.  
An “adult bookstore or adult video store,” an “adult entertainment establishment,” or a “sex paraphernalia store.”
- K. 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.
- L. Adult Family Home.  
A residential use as defined and licensed by the state of Washington in a dwelling unit.
- M. Agency or Agencies.  
The adopting jurisdiction(s), depending on the context.
- N. Agricultural Activities.
  - 1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
    - a. Producing, breeding, or increasing agricultural products;
    - b. Rotating and changing agricultural crops;
    - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
    - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
    - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
    - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;
    - g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
    - h. Maintaining agricultural lands under production or cultivation.
  - 2. The City of Spokane shoreline master program defines agriculture activities as:
    - a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
    - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.
- O. Agricultural Land.  
Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial

photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

P. AKART.

An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Q. 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.

R. Alley.

See “Public Way” ([SMC 17A.020.160](#)).

S. 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.

T. 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. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

U. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

V. ~~((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](#))).~~ ~~[Deleted]~~

W. ~~((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.)~~ ~~[Deleted]~~

X. ~~((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.)~~ ~~[Deleted]~~

Y. ~~((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.)~~ ~~[Deleted]~~

Z. API 653.

The American Petroleum Institute’s standards for tank inspection, repair, alteration, and reconstruction.

AA. Appeal.

A request for review of the interpretation of any provision of [Title 17 SMC](#).

BB. 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).

CC. 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. "Owners" are all persons having a real property interest. Owners include:

1. Holder of fee title or a life estate;
2. Holder of purchaser's interest in a sale contract in good standing;
3. Holder of seller's interest in a sale contract in breach or in default;
4. Grantor of deed of trust;
5. Presumptively, a legal owner and a taxpayer of record;
6. Fiduciary representative of an owner;
7. Person having a right of possession or control; or
8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

DD. Application – Complete.

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

EE. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas.

Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

FF. Aquatic Life.

Shall mean all living organisms, whether flora or fauna, in or on water.

GG. 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.

HH. 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 area is shown in the map adopted as part of [SMC 17E.050.260](#).

II. 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.
- JJ. Archaeological Areas and Historical Sites.  
Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.
- KK. Architectural feature  
Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.
- LL. Architectural Roof Structure  
Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.
1. Area of Shallow Flooding.  
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).
  2. The base flood depths range from one to three feet.
  3. A clearly defined channel does not exist.
  4. The path of flooding is unpredictable and indeterminate.
  5. Velocity flow may be evident.
  6. AO is characterized as sheet flow and AH indicates ponding.
- MM. 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.
  5. AO is characterized as sheet flow and AH indicates ponding.
- NN. 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. Designation on maps always includes the letters A or V.
- OO. 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](#).
- PP. 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.
- QQ. Attached Housing.  
Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:
1. Townhouses,
  2. Row houses, and
  3. Other similar structures

RR. 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.

SS. Available Capacity.

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

TT. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

UU. Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

**SECTION 11.** That SMC 17A.020.200 is amended to read as follows:

[Section 17A.020.200](#) "T" Definitions

A. Temporary Erosion and Sediment Control Measures.

Erosion and sediment control devices used to provide temporary stabilization of a site, usually during construction or ground disturbing activities, before permanent devices are installed.

B. Temporary Sign.

A sign placed on a structure or the ground for a specifically limited period of time as provided in [SMC 17C.240.240\(G\)](#).

C. 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.

D. 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.

E. Through Pedestrian Zone.

The portion of a sidewalk that is intended for pedestrian travel and is entirely free of permanent and temporary objects.

F. Tideland.

Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

G. Total Maximum Daily Load (TMDL).

A calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non point sources. The calculation shall include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation shall also



account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

- H. ~~((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.)) [Deleted].~~
- I. ~~((Tower Compound.  
The area containing support tower and ground equipment. The fence surrounding the equipment is the outer extent of the compound.)) [Deleted].~~
- J. ~~((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.)) [Deleted].~~
- K. Tracking.  
The deposition of sediment onto paved surfaces from the wheels of vehicles.
- L. 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).
- M. Traveled Way.  
The area of street which is intended to carry vehicular traffic, including any shoulders.
- N. 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.
- O. Type II Application.  
An application for a project permit that is subject to an administrative decision of a department director, that may or may not be categorically exempt from chapter 43.21C RCW (SEPA), and 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, shoreline substantial development permits, and some conditional use permits; provided, the planning director may require conditional use permits which are otherwise characterized as Type II applications under this title to be submitted and processed as Type III applications when the director issues written findings that the Type III process is in the public interest.
- P. 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.

**SECTION 12.** That SMC 17C.120.110 is amended to read as follows:

[Section 17C.120.110](#) Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [ ] footnote numbers from [Table 17C.120-1](#).

1. Group Living.  
This regulation applies to all parts of [Table 17C.120-1](#) that have a [1].
  - a. General Standards.  
All group living uses except for alternative or post-incarceration facilities are allowed by right.
  - b. Alternative or Post Incarceration Facilities.  
Group living uses which consist of alternative or post incarceration facilities are conditional uses.
2. Adult Business.  
This regulation applies to all parts of [Table 17C.120-1](#) that have a [2]. Adult businesses are subject to the additional standards of [chapter 17C.305 SMC](#).
3. Commercial Parking.  
This regulation applies to all parts of [Table 17C.120-1](#) that have a [3]. In the O and OR zones, a commercial parking use provided within a building or parking structure is a conditional use.
4. Drive-through Facility.  
This regulation applies to all parts of [Table 17C.120-1](#) that have a [4]. In the O and OR zones, a drive-through facility is permitted only when associated with a drive-through bank. In addition, in the OR zone, for a florist use approved by a special permit, sales of non-alcoholic beverages, and sale of food items not prepared on site, including drive-through sales of such items are allowed as an accessory use at locations situated on principal arterials or a designated state route. Drive-through facilities are subject to the additional standards of [SMC 17C.120.290](#).
5. Quick Vehicle Servicing.  
This regulation applies to all parts of [Table 17C.120-1](#) that have a [5]. Quick vehicle servicing uses are permitted only on sites that have frontage on a principal arterial street. Quick vehicle servicing uses are subject to the additional standards of [SMC 17C.120.290](#).
6. Retail Sales and Service Uses Size Limitation.  
This regulation applies to all parts of [Table 17C.120-1](#) that have a [6]. Retail sales and services are limited in size in order to reduce their potential impacts on residential uses and to promote a relatively local market area. Retail sales and services uses are limited to the following:
  - a. When retail sales and services uses are located within an office building, the retail sales and services may be larger than three thousand square feet, but may not exceed ten percent of the total floor area of the building exclusive of parking areas located within the structure.
  - b. Uses not within an office building which are listed as sales-oriented under [SMC 17C.190.270\(C\)](#), retail sales and service, are limited to three thousand square feet of total floor area per site exclusive of parking areas located within a structure.
  - c. Uses other than a hotel, motel, private club or lodge which are listed as personal service-oriented, entertainment-oriented or repair-oriented under [SMC 17C.190.270\(C\)](#), retail sales and service, that are larger than three thousand square feet are a conditional use. A hotel, motel, private club or lodge may be larger than three thousand square feet.
7. Required Residential Limitation.  
This regulation applies to all parts of [Table 17C.120-1](#) that have a [7]. The limitations are stated in [SMC 17C.120.280](#).
8. Industrial Size Limitation.  
This regulation applies to all parts of [Table 17C.120-1](#) that have a [8]. These types of uses are limited in size to assure that they will not dominate the commercial area and to limit their



potential impacts on residential and commercial uses. In addition, if the planning director determines that the proposed use will not be able to comply with the off- site impact standards of [chapter 17C.220 SMC](#), the planning director may require documentation that the development will be modified to conform with the standards.

- a. Individual uses in the NR and NMU zones are limited to five thousand square feet of floor area per site exclusive of parking area.
  - b. Individual uses in the CB zone that exceed twenty thousand square feet of floor area per site exclusive of parking area are a conditional use.
  - c. Individual uses in the GC zone that exceed fifty thousand square feet of floor area per site exclusive of parking area are a conditional use.
9. Mini-storage Facilities Limitation.  
This regulation applies to all parts of [Table 17C.120-1](#) that have an [9]. The limitations are stated with the special standards for these uses in [chapter 17C.350 SMC](#), Mini-storage Facilities.
10. Outdoor Activity Limitation.  
This regulation applies to all parts of [Table 17C.120-1](#) that have a [10]. Outdoor display, storage or use of industrial equipment, such as tools, equipment, vehicles, products, materials or other objects that are part of or used for the business operation is prohibited.
11. [Deleted]
12. ~~((Wireless Communication Facilities.  
This regulation applies to all parts of [Table 17C.120-1](#) that have an [12]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#).)~~ [Deleted]
13. Mobile Food Vending.  
This standard applies to all parts of [Table 17C.120-1](#) that have a [13]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to [SMC 10.51.010](#) Mobile Food Vendors.

**SECTION 13.** that Table 17C.120-1 is amended to read as follows:

#### [Section 17C.120.100](#) Commercial Zones Primary Uses

- A. Permitted Uses – “P.”  
Uses permitted in the commercial zones are listed in Table 17C.120-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.
- B. Limited Uses – “L.”  
Uses allowed that are subject to limitations are listed in Table 17C.120-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.
- C. Conditional Uses – “CU.”  
Uses that are allowed if approved through the conditional use review process are listed in Table 17C.120-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.
- D. Uses Not Permitted – “N.”  
Uses listed in Table 17C.120-1 with an “N” are not permitted. Existing uses in categories

listed as not permitted are subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

<b>TABLE 17C.120-1</b> <b>COMMERCIAL ZONE PRIMARY USES</b>						
Use is: <b>P:</b> Permitted <b>N:</b> Not Permitted <b>L:</b> Allowed, but Special Limitations <b>CU:</b> Conditional Use Review Required	<b>O</b> <b>(Office)</b>	<b>OR</b> <b>(Office Retail)</b>	<b>NR</b> <b>(Neighborhood Retail)</b>	<b>NMU</b> <b>(Neighborhood Mixed Use)</b>	<b>CB</b> <b>(Community Business)</b>	<b>GC</b> <b>(General Commercial)</b>
<b>Residential Categories</b>						
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P	P
<b>Commercial Categories</b>						
Adult Business	N	N	N	N	L[2]	L[2]
Commercial Outdoor Recreation	N	N	N	N	P	P
Commercial Parking	CU[3]	CU[3]	P	P	P	P
Drive-through Facility	L[4]	L[4]	L[4]	L[4]	P	P
Major Event Entertainment	N	N	N	N	P	P
Office	P	P	P	P	P	P
Quick Vehicle Servicing	N	N	L[5, 10]	L[5, 7, 10]	P	P

Retail Sales and Service	N	L/CU[6]	P	L[7]	P	P
Mini-storage Facilities	N	N	N	N	L[9]	L[9]
Vehicle Repair	N	N	N	N	P	P
Mobile Food Vending	L[13]	L[13]	L[13]	L[13]	L[13]	L[13]
<b>Industrial Categories</b>						
High Impact Uses	N	N	N	N	N	N
Industrial Service	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Manufacturing and Production	N	N	L[8, 10]	L[7, 8, 10]	L/CU[8, 10]	L/CU[8, 10]
Railroad Yards	N	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Waste-related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
<b>Institutional Categories</b>						
Basic Utilities	P	P	P	P	P	P
Colleges	P	P	P	P	P	P
Community Service	P	P	P	P	P	P
Daycare	P	P	P	P	P	P
Medical Centers	P	P	P	P	P	P
Parks and Open Areas	P	P	P	P	P	P

Religious Institutions	P	P	P	P	P	P
Schools	P	P	P	P	P	P
<b>Other Categories</b>						
Agriculture	N	N	N	N	CU	CU
Aviation and Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	N	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU	CU
Wireless Communication Facilities [11]	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
Notes: <ul style="list-style-type: none"> <li>▪ The use categories are described in <a href="#">chapter 17C.190 SMC</a>.</li> <li>▪ Standards that correspond to the bracketed numbers [ ] are stated in <a href="#">SMC 17C.120.110</a>.</li> <li>▪ Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards.</li> </ul>						

**SECTION 14.** That SMC 17C.124.110 is amended to read as follows:

[Section 17C.124.110](#) Limited Use Standards

- A. The paragraphs listed below contain the limitations and correspond with the bracketed [ ] footnote numbers from [Table 17C.124-1](#).
1. Group Living.  
This regulation applies to all parts of [Table 17C.124-1](#) that have a [1].
    - a. General Standards.  
All group living uses except for alternative or post-incarceration facilities are allowed by right.

- b. Alternative or Post Incarceration Facilities.  
Group living uses which consist of alternative or post incarceration facilities are conditional uses.
2. Adult Business.  
This regulation applies to all parts of [Table 17C.124-1](#) that have a [2]. Adult businesses are subject to the additional standards of [chapter 17C.305 SMC](#).
3. Commercial Parking.  
This regulation applies to all parts of [Table 17C.124-1](#) that have a [3]. See [SMC 17C.230.310](#) for the parking structure design guidelines. See [SMC 17C.124.340](#), Parking and Loading, for ground level parking structure use standards.
  - a. New standalone surface commercial parking lots are not allowed as the primary use within the area shown on [Map 17C.124-M1](#), Surface Parking Limited Area. Within the area shown on [Map 17C.124-M1](#), standalone commercial parking as a primary use must be located entirely within a parking structure.
4. Drive-through Facility.  
This regulation applies to all parts of [Table 17C.124-1](#) that have a [4]. Drive-through facilities are subject to the additional standards of [SMC 17C.124.290](#).
5. Quick Vehicle Servicing.  
This regulation applies to all parts of [Table 17C.124-1](#) that have a [5]. Quick vehicle servicing uses are permitted only on sites that have frontage on a Type III or IV complete street. Quick vehicle servicing uses must be fully contained within a structure. Quick vehicle servicing uses are subject to the additional standards of [SMC 17C.124.290](#).
6. Retail Sales and Services Uses Motorized Vehicle Limitation.  
This regulation applies to all parts of [Table 17C.124-1](#) that have a [6]. Sale, rental, or leasing of motor vehicles, including passenger vehicles, light and medium trucks is not allowed. Sale, rental, and leasing of motorcycles and other recreational vehicles not able to be licensed for normal on street use is allowed. For sale or leasing of motorcycles and other recreational vehicles see [SMC 17C.124.270](#), Outdoor Activities.
7. Industrial Limitation.  
This regulation applies to all parts of [Table 17C.124-1](#) that have a [7]. These types of uses are limited to assure that they will not dominate the downtown area and to limit their potential impacts on residential and commercial uses. In addition, if the planning director determines that the proposed use will not be able to comply with the off-site impact standards of [chapter 17C.220 SMC](#), the planning director may require documentation that the development will be modified to conform with the standards.
  - a. Limited industrial uses are allowed. Only limited industrial uses are allowed. Industrial uses more intensive than the limited industrial definition are not allowed.
  - b. Industrial buildings and industrial sites are subject to the same design standards as commercial buildings and commercial sites.
8. Mini-storage, Storage, Warehousing, Industrial and Parking Structure Limitation.  
This regulation applies to all parts of [Table 17C.124-1](#) that have an [8]. See [SMC 17C.124.340](#).
9. Mini-storage Facilities Limitation.  
This regulation applies to all parts of [Table 17C.124-1](#) that have an [9]. Mini-storage facilities are subject to the additional standards of [chapter 17C.350 SMC](#), Mini-storage Facilities.
10. Outdoor Activity Limitation.  
This regulation applies to all parts of [Table 17C.124-1](#) that have a [10]. Outdoor display, storage, or use of industrial equipment or other industrial items such as

tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.

11. Community Services.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [11]. Most community service uses are allowed by right.

12. Wireless Communication Facilities.

~~((This regulation applies to all parts of [Table 17C.124-1](#) that have an [12]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#).) See chapter 17C.355A SMC.~~

13. Existing Light Industrial and Self-service Storage Uses.

This regulation applies to all parts of [Table 17C.124-1](#) that have an [13]. Light industrial and self-service storage uses in operation on the effective date of this ordinance, are considered to be a conforming use.

14. Mobile Food Vending.

This standard applies to all parts of [Table 17C.124-1](#) that have a [14]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to [SMC 10.51.010](#).

**SECTION 15.** That SMC 16C.130.110 is amended to read as follows:

[Section 17C.130.110](#) Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [ ] footnote numbers from [Table 17C.130-1](#).

1. Group Living.

This standard applies to all parts of [Table 17C.130-1](#) that have a [1].

- a. Group living uses are allowed on sites within one-quarter mile of the Spokane River where residents can take advantage of the river amenity. The planning director may authorize a group living use greater than one-quarter mile from the Spokane River if the applicant demonstrates that the site has a river viewpoint and a pedestrian connection to the river. Group living uses shall provide buffering from adjacent industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The proposal shall include a design, landscape and transportation plan which will limit conflicts between the residential, employment and industrial uses.

- b. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are not permitted.

2. Residential Household Living.

This standard applies to all parts of [Table 17C.130-1](#) that have a [2].

- a. Residential household living uses are allowed on sites within one-quarter mile of the Spokane River where residents can take advantage of the river amenity. The planning director may authorize a residential living use greater than one-quarter mile from the Spokane River if the applicant demonstrates that the site has a river viewpoint and a pedestrian connection to the river. Residential uses shall provide buffering from adjacent industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The proposal shall include a design, landscape, and transportation plan, which will limit conflicts between the residential, employment and industrial uses.

- b. A single-family residence may be erected on a lot having a side property line which adjoins a lot in a residential zone, with or without an intervening alley, or on a lot which has less than one hundred feet of frontage and has residences existing on all lots adjoining its side property lines.
  - c. Living quarters for one caretaker per site in the LI, HI and PI zones are permitted.
- 3. Group Living and Residential Household Living.  
This standard applies to all parts of [Table 17C.130-1](#) that have a [3]. Group living and residential household living uses may be permitted in the PI zone as a part of a binding site plan under the provisions of the subdivision code or a planned unit development under the provisions of Division G – Administration and Procedures. A minimum of fifty percent of the site within the binding site plan or planned unit development shall be in manufacturing and production, industrial service or office uses. Group living and residential household living uses shall be buffered from industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The buffering improvements shall be developed on the residential portion of the binding site plan or planned unit development at the time the residential uses are constructed. The site development plan shall include a design, landscape, and transportation plan, which will limit conflicts between the residential and industrial uses.
- 4. Adult Business.  
This standard applies to all parts of [Table 17C.130-1](#) that have a [4]. Adult businesses are subject to the following standards:
  - a. [Chapter 17C.305 SMC](#), Adult Business.
  - b. Adult businesses are subject to the size requirements specified in item [5] below applicable to retail sales and services uses in the light industrial (LI) zone.
  - c. In addition to the standards in subsections (4)(a) and (b) of this section, adult businesses are permitted only in the light industrial zone adult business overlay zone as designated on the official zoning map.
- 5. Retail Sales and Service Uses Size Limitation.  
This standard applies to all parts of [Table 17C.130-1](#) that have a [5]. Retail sales and service uses are allowed if the floor area plus outdoor sales and display and outdoor storage area is not more than sixty thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than sixty thousand square feet per site are a conditional use.
- 6. Retail Sales and Service Uses Size Limitation.  
This standard applies to all parts of [Table 17C.130-1](#) that have a [6]. Retail sales and service uses are allowed if the floor area plus outdoor sales and display and outdoor storage area is not more than twenty thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than twenty thousand square feet per site are a conditional use.
- 7. Retail Sales and Service Uses Size Limitation.  
This standard applies to all parts of [Table 17C.130-1](#) that have a [7]. Retail sales and service uses are allowed if the floor area plus the outdoor sales and display and outdoor storage area is not more than three thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than three thousand square feet per site may be permitted as a part of a binding site plan under the provisions of the subdivision code or a planned unit development under the provisions of the zoning code. A minimum of fifty percent of the site area of the uses in the planned unit development or binding site plan shall be in manufacturing and production, industrial service or office uses.
- 8. Mini-storage Facilities.  
This standard applies to all parts of [Table 17C.130-1](#) that have a [8]. The limitations are

stated with the special standards for these uses in [chapter 17C.350 SMC](#), Mini-Storage Facilities.

9. High Impact Uses.

This standard applies to all parts of [Table 17C.130-1](#) that have a [9]. High impact uses shall be located a minimum of six hundred feet from the boundary of a residential or commercial zone.

10. Colleges, Medical Centers, Daycare and School Uses.

This standard applies to all parts of [Table 17C.130-1](#) that have an [10]. Colleges, medical centers, daycare and school uses may be permitted as a part of a binding site plan under the provisions of the subdivision code, or a planned unit development under the provisions of the zoning code. A minimum of fifty percent of the site within the planned unit development or binding site plan shall be in manufacturing and production, industrial service or office uses. Colleges, medical centers, daycare and school uses are allowed within the planned unit development or binding site plan provided that the site development includes a design, landscape and transportation plan which will limit conflicts between the college, medical center, daycare, school and industrial uses.

11. Wireless Communication Facilities.

~~((This standard applies to all parts of [Table 17C.130-1](#) that have a [11]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#)-.))~~ See [chapter 17C.355A SMC](#).

12. Mobile Food Vending.

This standard applies to all parts of [Table 17C.130-1](#) that have a [12]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to [SMC 10.51.010](#).

**SECTION 16.** That TABLE 17C.130-1 is amended to read as follows:

[Section 17C.130.100](#) Industrial Zones Primary Uses

A. Permitted Uses (P).

Uses permitted in the industrial zones are listed in Table 17C.130-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.

B. Limited Uses (L).

Uses allowed that are subject to limitations are listed in Table 17C.130-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.

C. Conditional Uses (CU).

Uses that are allowed if approved through the conditional use review process are listed in Table 17C.130-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.

D. Uses Not Permitted (N).

Uses listed in Table 17C.130-1 with an “N” are not permitted. Existing uses in categories listed as not permitted may be subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.



<b>Table 17C.130-1</b> <b>Industrial Zones Primary Uses</b>			
<b>Use is:</b> <b>P</b> – Permitted; <b>N</b> – Not Permitted; <b>L</b> – Allowed, but with Special Limitations; <b>CU</b> – Conditional Use Review Required	<b>LI Zone</b> <b>(Light Industrial)</b>	<b>HI Zone</b> <b>(Heavy Industrial)</b>	<b>PI Zone</b> <b>(Planned Industrial)</b>
<b>Residential Categories</b>			
Group Living	L[1]	N	L[3]
Residential Household Living	L[2]	L[2]	L[3]
<b>Commercial Categories</b>			
Adult Business	L[4]	N	N
Commercial Outdoor Recreation	P	P	CU
Commercial Parking	P	P	P
Drive-through Facility	P	P	P
Major Event Entertainment	CU	CU	CU
Office	P	P	P
Quick Vehicle Servicing	P	P	P
Retail Sales and Service	L/CU[5]	L/CU[6]	L[7]
Mini-storage Facilities	L[8]	L[8]	L[8]
Vehicle Repair	P	P	P
Mobile Food Vending	L[12]	L[12]	L[12]
<b>Industrial Categories</b>			
High Impact Use	L[9]	L[9]	N

Industrial Service	P	P	P
Manufacturing and Production	P	P	P
Railroad Yards	CU	P	P
Warehouse and Freight Movement	P	P	P
Waste-related	CU	CU	CU
Wholesale Sales	P	P	P
<b>Institutional Categories</b>			
Basic Utilities	P	P	P
Colleges	P	N	L[10]
Community Service	P	N	N
Daycare	P	CU	L[10]
Medical Centers	P	N	L[10]
Parks and Open Areas	P	CU	P
Religious Institutions	P	N	N
Schools	P	N	L[10]
<b>Other Categories</b>			
Agriculture	P	P	P
Aviation and Surface Passenger Terminals	P	P	P
Detention Facilities	CU	CU	CU
Essential Public Facilities	CU	CU	CU
Mining	CU	CU	CU
Rail Lines and Utility Corridors	P	P	P
Wireless Communication Facilities	L/CU[11]	L/CU[11]	L/CU[11]
Notes: <ul style="list-style-type: none"> <li>• The use categories are described in <a href="#">chapter 17C.190 SMC</a>.</li> <li>• Standards that correspond to the bracketed numbers [ ] are specified in <a href="#">SMC 17C.130.110</a>.</li> </ul>			

- Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards.
- Standards applicable to conditional uses are stated in [chapter 17C.320 SMC](#).

**SECTION 17.** That SMC 01.05.160 is amended to read as follows:

[Section 01.05.160](#) Land Use Violation

- A. For each subsequent violation, excluding continuing violations, by a person the classification of infraction advances by one class.
- B. Infraction/Violation Class – General.

<b>SMC 1.05.160 Penalty Schedule – Land Use Violation Infraction</b>		<b>Violation Class</b>
<b>General</b>		
IFC 105.3.3 <a href="#">SMC</a> <a href="#">17G.010.100(B)</a> <a href="#">SMC 10.48.050</a>	Occupy Land or Building Without Certificate of Occupancy	2
<a href="#">SMC 10.48.130</a>	Alarm Installation or Monitoring Company Failure to Provide Customer List	1
	Alarm Installation or Monitoring Company Failure to Report New Customers	1
<b>Boiler Code</b>		
<a href="#">SMC 10.29.020</a>	Operating Boiler Without License	1
<a href="#">SMC 10.29.021</a>	Failure to Report Hazard	1
<a href="#">SMC 10.29.022</a>	Leaving Boiler Room	2
<a href="#">SMC 17F.030.110</a>	Failure to Cause Required Inspections of Boiler, Pressure Vessel	2
<a href="#">SMC 17F.030.130</a>	Improper Operation of Boiler, Pressure Vessel	1
<a href="#">SMC 17F.060.050</a>	Operate Without Elevator Operating Permit	1
<b>Fire Code – International Fire Code (IFC)</b>		
Chapter 22 IFC	Improper Aboveground Storage Tank for Motor Fuel Dispensing	1
Chapter 28 IFC	Improper Storage, Display of Aerosols	2
Chapter 33 IFC	Unauthorized Manufacture, Storage, Sale, Use, Handling of	1
IFC 105.6.14	Explosives	
<a href="#">Chapter 10.33A</a> <a href="#">SMC</a> <a href="#">SMC 17F.080.060</a>		
IFC 107	Continuance of Hazard	1
IFC 109		
IFC 110		
IFC 109.2.2	Noncompliance with Condemnation Tag	1
IFC 109.2.4	Removal, Destruction of Tag, Sign	1
IFC 304	Improper Storage/Accumulation of Rubbish, Vegetation	2
IFC 304	Storage, Use, Handling of Miscellaneous Combustible Material	2
IFC 308	Improper Use of Candles, Open Flame	3
IFC 311	Failure to Properly Maintain Vacant Building, Property	2
IFC 503.4	Obstruction of Fire Access Road	2
IFC 703.1	Failure to Maintain Fire-resistive Construction	2

IFC 703.2	Failure to Maintain Fire Assemblies for Openings	2
IFC 704		
IFC 805	Failure to Flameproof Decorative Material	2
IFC 806		
IFC 901.4	Failure to Install Protection for Kitchen Hoods, Ducts	2
IFC 901.4	Failure to Install Sprinkler System	2
IFC 901.4	Failure to Install Alarm System	1
<a href="#">SMC 17F.080.100</a>		
<a href="#">SMC 17F.080.150</a>		
IFC 901.6	Failure to Maintain Automatic Extinguishing System	2
IFC 901.6	Failure to Maintain Kitchen Rangehood Extinguishing System	2
IFC 901.6	Failure to Maintain Sprinkler System	2
IFC 901.6	Failure to Maintain Standpipe System	2
IFC 903.4	Failure to Provide Approved Electronic Monitoring for Sprinkler and	2
IFC 907.15	Fire Alarm Systems	
IFC 904.11.6.3	Failure to Clean Kitchen Hoods, Ducts	2
IFC 905.3	Failure to Install Standpipe System	2
IFC		
IFC 1003.6	Obstruction of Exit	1
IFC 1011	Failure to Provide Exit Signs	1
IFC 2703.3	Release of Hazardous Material	1
IFC 3404.2.13.1.3	Failure to Remove Abandoned Underground Storage Tank	1
<b>Spokane Municipal Code</b>		
<a href="#">SMC 10.08.040</a>	Fire Hazard from Vegetation and Debris	1
<a href="#">SMC 10.20.020</a>	Abatement of Nuisance	1
<a href="#">SMC 12.01.0804</a>	Failure to Maintain Pedestrian Strip	2
<a href="#">SMC 12.02.010</a>	Sidewalk Not Clear of Snow, Ice	3
<a href="#">SMC 12.02.0210</a>	Vegetation Nuisance Obstruction	1
<a href="#">SMC 12.02.0737</a>	Obstruction of Public Right-of-Way	1
<a href="#">SMC 12.02.0760</a>	Disposal of Leaves and Yard Debris	2
<a href="#">SMC 13.05.010</a>	Tree, etc., Interfering With City Sewer	2
<a href="#">SMC 13.05.020</a>	Poplar, Cottonwood Tree Near Utility Line	2
<a href="#">SMC 17C.110.100</a>	Use Not Permitted in Residential Zone	2
<a href="#">SMC 17C.110.110</a>	Limited Use Standards (Residential)	2
<a href="#">SMC 17C.110.120</a>	Accessory Uses – Residential	2
<a href="#">SMC 17C.110.200</a>	Violation of Development Standards – Residential	2
–		
<a href="#">SMC 17C.110.220</a>		
<a href="#">SMC 17C.110.225</a>	Accessory Structures – Residential	2
<a href="#">SMC 17C.110.230</a>	Residential Fence	2
<a href="#">SMC 17C.110.270</a>	Exterior Storage	2
<a href="#">SMC 17C.110.300</a>	Alternative Residential Development	1
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<a href="#">SMC 17C.110.350</a>		
<a href="#">SMC 17C.110.400</a>	Multi-family Design Standards	1
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<a href="#">SMC 17C.110.465</a>		
<a href="#">SMC 17C.110.500</a>	Institutional Design Standards	1
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<a href="#">SMC 17C.110.575</a>		
<a href="#">SMC 17C.120.100</a>	Use Not Permitted in Commercial Zone	1
<a href="#">SMC 17C.120.110</a>	Limited Use Standards – Commercial	1
<a href="#">SMC 17C.120.210</a>	Development Standards - Commercial	1

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<a href="#">SMC 17C.120.300</a>		
<a href="#">SMC 17C.120.310</a>	Commercial Fence	1
<a href="#">SMC 17C.120.500</a>	Commercial Design Standards	1
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<a href="#">SMC 17C.120.580</a>		
<a href="#">SMC 17C.122.070</a>	Use Not Permitted in Center and Corridor Zone	1
<a href="#">SMC 17C.122.080</a>	Development Standards – Center and Corridor Zone	1
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<a href="#">SMC 17C.122.150</a>		
<a href="#">SMC 17C.124.100</a>	Use Not Permitted in Downtown Zone	1
<a href="#">SMC 17C.124.110</a>	Limited Use Standards – Downtown	1
<a href="#">SMC 17C.124.210</a>	Development Standards - Downtown	1
—		
<a href="#">SMC 17C.124.300</a>		
<a href="#">SMC 17C.124.310</a>	Fences – Downtown Zone	1
<a href="#">SMC 17C.124.340</a>	Parking and Loading - Downtown	1
<a href="#">SMC 17C.124.500</a>	Design Standards – Downtown	1
—		
<a href="#">SMC 17C.124-590</a>		
<a href="#">SMC 17C.130.100</a>	Use Not Permitted in Industrial Zone	1
—		
<a href="#">SMC 17C.130.110</a>		
<a href="#">SMC 17C.130.210</a>	Violation of Development Standards	1
—		
<a href="#">SMC 17C.130.250</a>		
<a href="#">SMC 17C.130.270</a>	Outdoor Activities Not Permitted	1
<a href="#">SMC 17C.130.300</a>	Detached Accessory Structures	1
<a href="#">SMC 17C.130.310</a>	Industrial Fence	1
<a href="#">SMC 17C.160.020</a>	North River Overlay District	1
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<a href="#">SMC 17C.160.030</a>		
<a href="#">SMC 17C.170.110</a>	Special Height Overlay Zone	1
<a href="#">SMC 17C.180.050</a>	Airfield Overlay Zone	1
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<a href="#">SMC 17C.180.100</a>		
<a href="#">SMC 17C.200.040</a>	Landscaping and Screening Requirements	1
—		
<a href="#">SMC 17C.200.110</a>		
<a href="#">SMC 17C.210.040</a>	Non-conforming Rights	1
—		
<a href="#">SMC 17C.210.070</a>		
<a href="#">SMC 17C.220.080</a>	Off-Site Impacts	1
—		
<a href="#">SMC 17C.220.090</a>		
<a href="#">SMC 17C.230.140</a>	Development Standards – Parking and Loading	2
—		
<a href="#">SMC 17C.230.300</a>		
<a href="#">SMC 17C.230.310</a>	Design Standards - Parking Structures	1
<a href="#">SMC 17C.240.070</a>	Sign in Violation of the Sign Code	1
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<a href="#">SMC 17C.240.270</a>		
<a href="#">SMC 17C.300.100</a>	Accessory Dwelling Units General Regulations	2

<a href="#">SMC 17C.300.110</a>	Accessory Dwelling Units Criteria	2
<a href="#">SMC 17C.300.130</a>	ADU Development Standards	1
<a href="#">SMC 17C.305.020</a>	Adult Business Use Standards	1
<a href="#">SMC 17C.310.100</a>	Animal Keeping – Permitted/Prohibited Practices	2
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<a href="#">SMC 17C.310.160</a>		
<a href="#">SMC 17C.315.120</a>	Bed and Breakfast Use-related Regulations	2
<a href="#">SMC 17C.315.130</a>	Bed and Breakfast Site-related Standards	2
<a href="#">SMC 17C.315.150</a>	Bed and Breakfast Monitoring	2
<a href="#">SMC 17C.315.160</a>	Pre-established Bed and Breakfast Facilities	2
<a href="#">SMC 17C.316</a>	Short Term Rentals	2
<a href="#">SMC 17C.319.100</a>	Commercial Use of Residential Streets	2
<a href="#">SMC 17C.319.200</a>	Recreational Camping	2
<a href="#">SMC 17C.320.080</a>	Conditional Uses	1
<a href="#">SMC 17C.325.030</a>	Drive-through Facilities	1
–		
<a href="#">SMC 17C.325.060</a>		
<a href="#">SMC 17C.330.120</a>	Group Living Development Standards	1
<a href="#">SMC 17C.335.110</a>	Historical Structures – Change Of Use Development Standards	1
<a href="#">SMC 17C.340.100</a>	Home Occupations	2
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<a href="#">SMC 17C.340.110</a>		
<a href="#">SMC 17C.345.100</a>	Manufactured Homes and Mobile Home Parks	1
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<a href="#">SMC 17C.345.120</a>		
<a href="#">SMC 17C.350.030</a>	Development Standards – Mini Storage Facilities	1
<a href="#">SMC 17C.350.040</a>	Design Considerations – Mini Storage Facilities	1
<a href="#">SMC 17C.355.030</a>	Wireless Communication Facilities	1
<del><a href="#">SMC 17C.355.030</a></del>		
<a href="#">SMC 17C.355.040</a>		
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<a href="#">Chapter 17C.355A</a>		
<a href="#">SMC</a>		
<a href="#">SMC 17C.390.030.B</a>	Mobile Food Vending Located Entirely on Private Property	1
<a href="#">Chapter 17D.060</a>		
<a href="#">SMC</a>		
<a href="#">SMC 17E.010.080</a>	Aquifer Pollution Nuisance Declared by Critical Review Officer	2
<a href="#">SMC 17E.010.160(B)</a>	Failure to Comply With Order, Decision of Critical Review Officer	1
<a href="#">SMC 17E.010.350(F)</a>		
<a href="#">SMC 17E.010.540(F)</a>		
<a href="#">SMC 17E.010.160(C)</a>	Failure to Abide by Terms, Conditions of Permit, License, Approval	1
<a href="#">SMC 17E.010.210(A)</a>	Maintain Underground Storage Tank Without Permit	2
<a href="#">SMC 17E.010.230</a>	Use of Underground/Aboveground Storage Tank Without Permit	1
<a href="#">SMC 17E.010.440</a>		
<a href="#">SMC 17E.010.350(A)</a>	Supply False, Inaccurate, Incomplete Information Concerning an UST or AST	2

<a href="#">SMC</a>		
<a href="#">17E.010.350(E)</a>		
<a href="#">SMC</a>		
<a href="#">17E.010.540(A)</a>		
<a href="#">SMC</a>		
<a href="#">17E.010.540(E)</a>		
<a href="#">SMC</a>	Approval Permit Violation	2
<a href="#">17E.010.350(B)</a>		
<a href="#">SMC</a>		
<a href="#">17E.010.540(B)</a>		
<a href="#">SMC</a>	Fill Unpermitted Underground/Aboveground Storage Tank	2
<a href="#">17E.010.350(C)</a>		
<a href="#">SMC</a>		
<a href="#">17E.010.540(C)</a>		
<a href="#">SMC</a>	Tamper with, Fail to Maintain Inventory, Other Records	2
<a href="#">17E.010.350(D)</a>		
<a href="#">SMC</a>		
<a href="#">17E.010.540(D)</a>		
<a href="#">Chapter 17E.020</a>	Prohibited Activities in Fish and Wildlife Areas and Buffers	1
<a href="#">SMC</a>		
<a href="#">Chapter 17E.040</a>	Prohibited Activities in Geological Hazard Areas and Buffers	1
<a href="#">SMC</a>		
<a href="#">SMC 17E.060.120</a>	Use, Alter Land, Erect, Alter, Occupy Structure Within Shoreline Without Compliance With Shoreline Management Regulations	1
<a href="#">Chapter 17E.070</a>	Prohibited Activities in Wetlands and Buffers	1
<a href="#">SMC</a>		
<a href="#">SMC 17F.070.380</a>	Failure to Discharge Responsibilities of Owner	2
<a href="#">SMC 17F.070.390</a>	Failure to Discharge Responsibilities of Occupant	2
<a href="#">SMC 17F.080.250</a>	Failure to Maintain Fire Alarm System	1
<a href="#">SMC</a>	Failure to Provide Fire Protection System Verification Fees	2
<a href="#">17F.080.260(B)</a>		
<a href="#">SMC 17F.080.280</a>	Failure to Secure Fire-damaged Building	2
<a href="#">SMC 17F.080.390</a>	Failure to Provide Semi-annual Inspection of Private Hydrant	2
<a href="#">SMC 17F.080.420</a>	Failure to Maintain Private Hydrant	2
<a href="#">SMC 17F.080.440</a>	Lack of Basement Sprinkler System in Existing Building	2
<a href="#">SMC 17G.010.100</a>	Testing Underground Storage Tank Without Spokane Fire	1
<a href="#">(C)(2)</a>	Department Registration	

SECTION 18. Conflicts with Other Ordinances or Regulations. In the event that any City ordinance or regulation, in whole or in part, conflicts with any provisions in this Ordinance, the provisions of this Ordinance shall control.

SECTION 19. Severability. In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this Ordinance unconstitutional, preempted or otherwise invalid, that portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance.

SECTION 20. Declaration of Emergency and Effective Date. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage. The City Council previously adopted Ordinance C35243 imposing a moratorium on applications for new wireless communications support towers in the City's

residential zones. The City's wireless communications regulations were dated, and without the moratorium, processing of such applications by the City could have occurred under regulations that are inconsistent with the City's legitimate policy of protecting residentially zoned areas from the aesthetic, visual, and noise impacts associated with wireless communications support towers and related attachments. Wireless communications support towers that are incompatible with adjoining land uses could have been permitted, since current City regulations have not anticipated the proliferation of support towers that are being constructed in response to rapid increases in demand for and changes in wireless communications technology and law. The moratorium is set to expire, and it is necessary for the new regulations in this Ordinance to go into effect immediately for the same reasons the moratorium was needed.



CITY OF SPOKANE, WASHINGTON

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James Richman, Assistant City Attorney