



MEMO

TO: Planning Commission

FROM: Debbie Bent, Director of Planning & Community Development *DB*
Lauri Anderson, Senior Planner *LWA*

DATE: May 26, 2016

SUBJECT: Wireless Communication Facilities Public Hearing and Final Recommendations

The public hearing on the Wireless Communication Facilities preliminary recommendations is scheduled for your meeting on June 7. After the public hearing is closed, staff recommends that you consider the public testimony and make your final recommendations on the amendments, in preparation for presentation to the City Council (tentatively scheduled for the June 27 City Council meeting).

The preliminary amendments as revised at your May 10 meeting are attached (Attachments 1 through 8). The yellow highlighting in Attachments 2 through 8 shows differences between existing text in the Municipal Code and proposed new text. No highlighting is used in Attachment 1, Chapter 18.60, as it is an entirely new chapter.

Notice of the public hearing was provided on the City's webpage, by a paid advertisement in the Bothell-Kenmore Reporter (delivered to all households), through a legal notice in The Seattle Times, the posting of notice at City Hall and at the library, and through the extensive (653 person) Planning Commission e-mail list.

If you have any questions prior to the meeting, please do not hesitate to call (425-398-8900) or email (landerson@kenmorewa.gov).

Attachments

- Attachment 1: Revised Chapter 18.60
- Attachment 2: Amendments to definitions
- Attachment 3: Amendments to use charts
- Attachment 4: Amendments to Community Business height exceptions
- Attachment 5: Amendments to outdoor service and storage regulations
- Attachment 6: Amendments to land use decision types
- Attachment 7: Amendments to Chapter 12.58
- Attachment 8: Amendments to standards about projections into setbacks

Chapter 18.60
WIRELESS COMMUNICATION FACILITIES

(This is a complete rewrite of the existing chapter)

Sections:

- 18.60.010 Purpose.
- 18.60.020 Applicability.
- 18.60.030 Exemptions.
- 18.60.040 Locational priorities.
- 18.60.050 Review processes and maximum allowable heights.
- 18.60.060 Distributed antenna systems (DAS) and small cells.
- 18.60.070 Pre-application community meetings.
- 18.60.080 Criteria for determining infeasibility of alternative sites.
- 18.60.090 Collocation requirements.
- 18.60.100 Setback requirements.
- 18.60.110 Landscaping requirements.
- 18.60.120 Concealment elements.
- 18.60.130 Minor modifications to eligible communication facilities (ECFM).
- 18.60.140 Other modifications to conforming communication facilities.
- 18.60.150 Radio frequency radiation compliance.
- 18.60.160 Fencing and NIER warning signs.
- 18.60.170 Interference.
- 18.60.180 Noise standards.
- 18.60.190 Minor adjustment to requirements.
- 18.60.200 Major adjustment to requirements.
- 18.60.210 Cessation of use.
- 18.60.220 Third party review.
- 18.60.230 Nonconformance.

18.60.010 Purpose.

The purpose of this chapter is to establish guidelines for the siting of *wireless communication facilities*, including *towers, satellite dishes, antennas, and amateur (ham) radio facilities*. The goals of this chapter are to:

- A. Provide for the appropriate location and *development of wireless communication facilities* in locations that promote public safety and the general welfare;

- B. Encourage the location of *towers, satellite dishes, and antennas* in nonresidential areas and non-view zones, and minimize the total number of *towers* and *alternative transmission support structures* throughout the community;
- C. Strongly encourage the joint use of new and existing *wireless communication facility sites*;
- D. Encourage wireless communication providers to configure *towers, satellite dishes, antennas* and *amateur (ham) radio facilities* in ways that minimize the adverse visual impact;
- E. Enhance the ability of the providers of wireless communication services to provide such services to the community quickly, effectively and efficiently to support personal and business use;
- F. Process requests for *wireless communication facility development* in a timely manner; and
- G. Ensure compliance with Federal Communications Commission rules and applicable law, including standards related to *nonionizing electromagnetic radiation (NIER)*.

18.60.020 Applicability.

The standards and process requirements of this chapter supersede all other review process, *setback* or *landscaping* requirements of this title. In case of conflict with other KMC titles, the provisions of this chapter shall apply. All *wireless communication facilities* which are not exempt pursuant to KMC [18.60.030](#) shall comply with the provisions of this chapter. *Wireless communication facilities* in city rights-of-way also shall comply with the provisions of KMC Chapter 12.58.

18.60.030 Exemptions.

The following are exempt from the provisions of this chapter:

- A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC);
- B. The storage, shipment or display for sale of transmission equipment;
- C. Radar systems for military and civilian communication and navigation;
- D. Hand-held, mobile, marine and portable radio transmitters and/or receivers;
- E. Two-way radio utilized for temporary or *emergency* services communications;
- F. Any *antenna* which is treated as exempt under [47](#) Code of Federal Regulations (CFR) Section 1.4000(a)(1), as it may be amended from time to time, including *satellite dishes* with a diameter of

less than one meter or 39.37 inches and VHF and UHF receive-only television *antennas*. Such *antennas* shall not be required to obtain building permit approval unless installed on a mast higher than 12' above the roofline, but installation must comply with any applicable provisions of the city Building Code.

- G. Maintenance or repair of an existing *wireless communication facility*. For any *emergency* maintenance or repair, filing of the permit application shall be required within 30 days after the completion of such *emergency* activities;
- H. Reconstruction or replacement of an existing conforming *wireless communication facility* only if the dimensions of the facility are not changed. For *emergency* reconstruction or replacement, filing of the permit application shall be required within 30 days after the completion of such *emergency* activities.

18.60.040 Locational priorities.

Wireless communication facilities shall be sited according to the following siting hierarchy, with (1) being the highest (most preferable) ranking *site* and (9) being the lowest (least preferable) ranking *site*. A new *wireless communication facility*, with the exception of *amateur (ham) radio facilities*, must be located on the highest ranking *site* unless the *applicant* can demonstrate, through relevant information, including but not limited to, the report of a qualified radio frequency engineer, that the highest ranking *site* is not feasible (see KMC 18.60.080). In order of ranking, from highest to lowest, the *sites* are:

1. *Collocation* on an existing conforming *tower*
2. Rooftop *antenna* in a nonresidential zone
3. Façade *antenna* in a nonresidential zone
4. *Antenna* on a utility/light pole in a nonresidential zone
5. New *tower* in a nonresidential zone, except in the UC west, WC and CB zones (view zones)
6. Attachment of an *antenna* to a nonresidential building in a residential zone
7. Attachment of an *antenna* to a utility/light pole in a residential zone
8. New *tower* in a residential zone
9. New *tower* in the UC west, WC or CB zones (view zones)

The *applicant* shall provide a map showing all existing *towers* or other suitable *alternative transmission support structures* located within one-quarter mile of the proposed *site* with consideration given to engineering and structural requirements. No new *wireless communication facility* shall be permitted if an existing *structure* in a higher priority location, suitable for attachment of an *antenna* or *collocation*, is located within one-quarter mile, unless the *applicant* demonstrates that these *alternative locations* are not feasible.

18.60.050 Review processes and maximum allowable heights.

P – Permitted Use

C – Conditional Use – reviewed through Type 2 process outlined in KMC 19.25.020.

X – Prohibited Use⁵

	Residential zones R-1 through R-6	Residential zones R-12 through R-24, and DR	Nonresidential zones RB, UC east, DC, and NB	Nonresidential zones UC west, WC, and CB (view zones)	Other non-residential zones PSP, P, and GC
Antenna collocation on an existing conforming tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower
Rooftop antenna	X, C ^{1,2} Maximum height: 15' above the roof height at the antenna location	P Maximum height: 15' above the roof height at the antenna location	P Maximum height: 15' above the roof height at the antenna location	X	P Maximum height: 15' above the roof height at the antenna location
Façade antenna	X, C ^{1,2} Maximum height: 2' above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall	P Maximum height: May not extend above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall
Amateur (ham) radio facilities	P Maximum height ³ : Ground-mounted facility - 65'. Rooftop facility - 30' above the roof height at the antenna location	P Maximum height ³ : Ground-mounted facility - 65'. Rooftop facility - 30' above the roof height at the antenna location	P Maximum height ³ : Ground-mounted facility - 65'. Rooftop facility - 30' above the roof height at the antenna location	P Maximum height: 35'	P Maximum height ³ : Ground-mounted facility - 65'. Rooftop facility - 30' above the roof height at the antenna location
Antennas on utility or light poles. (Nearest abutting zone is used to determine process if in the right-of-way.)	C ² Maximum height: 20' additional above the existing pole, but only up to	P Maximum height: 20' additional above the existing pole, but only up to	P Maximum height: 20' additional above the existing pole, but only up to	C ² Maximum height: 15' additional above the existing pole, but only up to	P Maximum height: 20' additional above the existing pole, but only up to

	a maximum of 50'	a maximum of 55'	a maximum of 55'	the building height limit as specified in the underlying zoning district	a maximum of 55'
Satellite dish	C ² if no more than 2 meters (6.6') in diameter; otherwise X Maximum height: Ground-mounted dishes - 15'. Rooftop dishes - 15' above the roof height at the dish location	P if no more than 2 meters (6.6') in diameter and limited to a maximum of 1 dish per site; otherwise C ² Maximum height: Ground-mounted dishes - 15'. Rooftop dishes - 15' above the roof height at the dish location	P if no more than 2 meters (6.6') in diameter and limited to a maximum of 3 dishes per site; otherwise C ² Maximum height: Ground-mounted dishes - 15'. Rooftop dishes - 15' above the roof height at the dish location	P if ground-mounted; otherwise X Maximum height: Ground-mounted dishes - 15'	C ² Maximum height: Ground-mounted dishes - 15'. Rooftop dishes - 15' above the roof height at the dish location
Tower ⁶	X	X	X in the DC zone; otherwise C ^{2,4} Maximum height: up to the building height limit as specified in the underlying zoning district	X	C ^{2,4} Maximum height: up to the building height limit as specified in the underlying zoning district

¹If on a nonresidential building such as a *religious institution*, school, or *utility facility*, or on a multifamily or mixed use building.

²In addition to satisfying the criteria listed in KMC 18.115.040, the *conditional use permit* shall be granted by the city only if the *applicant* also demonstrates that:

- A. Alternative sites, or facilities with less impact to the community have been considered and have been determined to be not feasible per KMC 18.60.080.
- B. Visual impacts of the facility are minimized and the proposal does not significantly impact views to Lake Washington.

³*Amateur (ham) radio facilities* exceeding 65' in height may be permitted only through a conditional use permit. In addition to satisfying the criteria listed in KMC 18.115.040, the conditional use permit shall be granted by the city only if the applicant also demonstrates that:

- A. The proposal in the proposed location is necessary to support *emergency* radio operations in Kenmore.
- B. Smaller facilities, with less impact to the community have been considered and have been determined to be infeasible per KMC 18.60.080.
- C. Visual impacts of the facility are minimized and the proposal does not significantly impact views to Lake Washington.

⁴Prohibited on properties within the jurisdiction of the Shoreline Management Act as set forth in KMC Title 16, Division 1.

⁵Unless a major adjustment has been granted pursuant to KMC 18.60.200.

⁶*Lattice towers* shall not be permitted.

18.60.060 Distributed antenna systems (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.

18.60.070 Pre-application community meetings.

When either a new *wireless communication facility* requiring a *conditional use permit* or a major adjustment under KMC 18.60.200 is proposed within the *city*, a community meeting shall be convened in Kenmore by the applicant prior to submittal of an application.

- A. At least two weeks in advance, notice of the meeting shall be provided by the *applicant* as follows:
 - 1. Published in the local paper and mailed to the *department*; and
 - 2. Mailed notice shall be provided to all property owners within 1000 feet (or at least 20 of the nearest property owners, whichever is greater) of any potential *sites*, identified by the *applicant* for possible *development*, to be discussed at the community meeting. The mailed notice shall at a minimum contain a brief description and purpose of the project, the estimated height, approximate location noted on an assessor map with address and parcel number, a photo or sketch of the proposed facility, a contact name and telephone number to obtain additional information, and such other information as the *city* shall reasonably deem necessary and require of the *applicant* in writing. For facilities other than *amateur (ham) radio facilities*, the mailed notice shall include a statement that alternative *sites* proposed by citizens can be presented at the meeting which will be considered by the *applicant*. Because the purpose of the community meeting is to promote early discussion, *applicants* are encouraged to note any changes to the conceptual information presented in the mailed notice when they submit applications.
- B. At the community meeting, at which at least one employee of the *department*, assigned by the *city manager*, shall be in attendance, the *applicant* shall provide information relative to the

proposal. For facilities other than *amateur (ham) radio facilities*, the *applicant* shall identify existing facilities and other higher priority locations within one-quarter mile of the potential *site*, and shall discuss reasons why those existing locations are infeasible. Furthermore, any alternative *sites* within one-quarter mile, identified by community members and provided to the *applicant* in writing at least five days in advance of the meeting, shall be evaluated by the *applicant* to the extent possible given the timeframe, and discussed at the meeting. A listing of the *sites*, identified in writing and provided to the *applicant* at or before the community meetings, shall be submitted to the *department* with the proposed application. All *applicants* shall provide a list of meeting attendees and those receiving mailed notice and a record of the published meeting notice at the time of application submittal.

18.60.080 Criteria for determining infeasibility of alternative sites.

When an *applicant* is required to demonstrate that a proposed *wireless communication facility* location is not feasible, the evidence submitted to corroborate that finding must demonstrate at least one of the following:

- A. Insufficient structural strength of an existing *structure* to support the *applicant's* proposed *antenna* and related equipment.
- B. The facility would not be of sufficient height to meet the *applicant's* proposed area of coverage in Kenmore or to allow connection to other *sites* operated by the applicant.
- C. The alternative fails to meet engineering requirements for such things as location and size.
- D. The applicant's proposed *antenna* would cause interference between the proposed and existing *antennas*.
- E. The *site* is not made available to the *applicant* for sale or lease at a market rate cost. The *applicant* shall demonstrate that he/she contacted the landowners or owners of structures and was denied permission by those owners to locate the facility on their land or their structures.
- F. The location would result in conflicts with *FAA* height limitations.
- G. The alternative is more intrusive on visual, aesthetic, neighborhood character or other community values, despite having a higher priority in KMC 18.60.040.

18.60.090 Collocation requirements.

- A. Prior to the receipt of a building permit for a new *tower*, the *applicant* shall file a letter with the *department* agreeing to allow *collocation*. The agreement shall commit the *applicant* to provide, either at a market rate cost or at another cost basis agreeable to the affected parties, the opportunity to collocate the *antennas* of other service providers on the *applicant's* proposed *tower* to the extent that such *collocation* is technically feasible for the affected parties.

- B. All new or modified *towers* shall be constructed in a manner that would provide sufficient structural strength to allow the *collocation* of additional *antennas* from other service providers at the standard separation.

18.60.100 Setback requirements.

- A. *Wireless communication facilities* shall meet the following setback standards:

Facility	Setbacks
Rooftop antenna	Building setback as specified in the zoning district
Façade antenna	Building setback as specified in the zoning district. See also KMC 18.30.230, Projections and structures allowed.
Amateur (ham) radio facilities	Building setback as specified in the zoning district. In addition, the facility shall be located as far as practicable from lot lines and residential structures on neighboring lots.
Satellite dish	Building setback as specified in the zoning district
Tower	50' from any residentially zoned property. Otherwise, the building setback as specified in the zoning district.

- B. The *setback* provisions of KMC [18.60.100.A](#) may be waived by the *city manager* in order to achieve greater levels of screening than that which would be available by using the stated *setback*. In waiving the requirement, the *department* shall consider the protection of adjacent residentially-zoned lands.

18.60.110 Landscaping requirements.

A *wireless communication facility site*, with the exception of an *amateur (ham) radio facility*, shall provide *landscaping* as follows:

- A. When the facility is located in:

1. The NB, CB, PSP, RB, WC, UC, DC, or DR zone, the base of any *tower* and any ground equipment, whether or not in a *structure* or cabinet, shall be landscaped with eight feet of Type II *landscaping* as defined by KMC [18.35.040\(B\)](#). For *satellite dishes*, the visual screen may be reduced to the height of the center of the dish on the transmitting side.
2. The R, GC, and P zones, the base of any *tower* and any ground equipment, whether or not in a *structure* or cabinet, shall be landscaped with 10 feet of Type I *landscaping* as defined by KMC [18.35.040\(A\)](#). For *satellite dishes*, the visual screen may be reduced to the height of the center of the dish on the transmitting side.

- B. When a security *fence* is used to prevent access to a *tower* or ground equipment, any *landscaping* required pursuant to subsection A of this section shall be placed outward of such security *fence*.

In the R zone, climbing *evergreen* shrubs or vines capable of growing on the *fence* shall supplement any *landscaping* required pursuant to subsection A of this section.

- C. *Landscaping* shall be planted according to KMC [18.35.110](#). The *applicant* shall be required to maintain the installed *landscaping* for the life of the project per KMC [18.35.120](#). A two-year landscape maintenance bond shall be required to be posted at the time of permit issuance and will go into effect when the *landscaping* has been installed to ensure survivability of the plants. The amount of the bond shall be determined by the Kenmore landscaping bond quantity worksheet. Landscape maintenance will be reviewed any time a modification to an existing facility is proposed. If inadequately maintained, landscaping maintenance, or complete landscaping replacement if necessary, shall be required prior to approval of any modification.
- D. Existing *vegetation* may be used and/or supplemented with additional *vegetation* to comply with the requirements of subsection A of this section.

- E. The *city manager* may waive or modify the provisions for *landscaping* at the base of the *tower* and/or the ground equipment when existing *structures* on the *site* or the screening effects of existing *vegetation* on the *site* or along the *site* perimeter would preclude the ability to view these structures.

18.60.120 Concealment elements.

The goal of this section is to minimize the appearance of *wireless communication facilities*. *Wireless* facilities shall be designed to be minimally visible through the use of architecture, landscape architecture, siting solutions, and where feasible, through use of the smallest-scale wireless communication technology. *Wireless communication facilities* shall include concealment elements as follows:

A. All facilities:

1. Wherever possible, stealth installations such as *antennas* either hidden within existing *structures* (e.g., church steeples or cupolas) or mounted in new *structures* designed to look like non-purpose-built towers (e.g., flagpoles, fire towers, light standards, trees) are required.
2. If stealth installation is not possible, *wireless communication facilities* shall be designed to blend with existing surroundings to the extent feasible. This should be achieved through the use of compatible colors and materials, and alternative *site* placement to allow the use of topography, existing *vegetation* or other *structures* to screen the proposed facility from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.
3. Except for *amateur (ham) radio facilities*, transmission and power cables and any other conduit shall be contained within the support structure or located underground.
4. Equipment facilities shall be placed underground if practicable.
5. Except as specifically required by the *FAA* or the Federal Communications Commission (*FCC*), *wireless communication facilities* shall not be illuminated, except ground equipment may use lighting for security reasons which is compatible with the surrounding neighborhood.
6. *Wireless communication facilities* shall be located and oriented in such a way as to minimize view blockage to Lake Washington.
7. No signs, symbols, flags, or banners shall be attached to, painted, or inscribed upon any *wireless communication facilities* except as follows: one sign measuring 18 inches by 12 inches upon or near the wireless communication facility which: (a) states that trespassers will be

prosecuted (if applicable); (b) lists the names and telephone numbers of persons to be contacted in the event of an *emergency*; (c) identifies the permittee or person responsible for operating the *wireless communication facility*; and/or (d) contains information necessary and convenient for the permittee or person operating the *wireless communication facility* to identify the *wireless communication facility*. Nothing in this section shall be construed to prohibit the placement of safety or warning signs upon any portion of the *wireless communication facility* which are required by law or which are designed to apprise *emergency* response personnel and the employees and agents of *wireless communication facility* providers of particular hazards associated with equipment located upon the *wireless communication facility*.

B. Rooftop antennas: The *antenna* shall be placed as close to the center of the structure as possible.

C. Façade antennas:

1. *Antennas* shall be flush-mounted within 12 inches of the face of the building or mechanical equipment screening.

2. *Antennas* shall be placed on the portion of the structure less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public *parks* and open spaces, and public roadways.

3. Colors and materials shall be chosen to provide architectural compatibility with the building.

D. Towers:

1. *Antennas* shall be flush-mounted within six inches of the *tower*.

2. A *tower* in a more open setting such as a field or parking area shall have a backdrop (for example, but not limited to, trees, a hillside, or a structure) on at least two (2) sides, be a color compatible with the backdrop, be made of materials visually compatible with the backdrop, and provide architectural or landscape screening for the remaining sides.

E. Satellite dishes:

1. In nonresidential zones, ground-mounted dishes shall be located outside of any required landscaped area and preferably located in service areas or other less visible locations.

2. In residential zones, screening shall be provided with one or a combination of the following methods to block the view of the facility as much as possible from any street and from neighboring residences: fencing, walls, landscaping, structures, or topography. Screening may be located anywhere between the facility being screened and the above-mentioned viewpoints. Landscaping for the purpose of screening shall be maintained in a healthy condition.

3. For all zones, aluminum mesh dishes are preferable to solid fiberglass dishes.

F. Amateur (ham) radio facilities:

1. Screening shall be provided with one or a combination of the following methods to block the view of the facility as much as practicable from any street and from neighboring residences: fencing, walls, landscaping, structures, or topography. Screening may be located anywhere between the facility being screened and the above-mentioned viewpoints. Landscaping for the purpose of screening shall be maintained in a healthy condition.

2. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required for camouflage purposes.

G. Antennas on utility or light poles:

1. *Antennas* shall be flush-mounted within six inches of the pole, fully concealed within the utility or light pole, or otherwise camouflaged to appear to be an integrated part of the utility or light pole.

2. Cable and/or conduit should be routed through the inside of the pole. Where this is not feasible or where routing would result in a structure of a substantially different design or substantially greater diameter than that of other similar structures in the vicinity or would otherwise appear out of context with its surroundings, the *city* may allow or require that the cable or conduit be placed on the outside of the structure. The outside cable or conduit shall be the color of the utility pole, or other support structure, and the *city* may require that the cable be placed in conduit.

3. Equipment associated with an *antenna* on a utility or light pole shall be attached to the pole, placed underground if in the right-of-way, and/or placed on adjacent private property, using stealth technology if feasible and subject to the landscaping requirements in KMC 18.60.110.

18.60.130 Minor modifications to eligible communication facilities (ECFM).

Modifications to existing *wireless communication* facilities other than *amateur (ham) radio facilities*, whether conforming or legally nonconforming, that do not substantially change the physical dimensions of the communication facility as determined by FCC regulation will be reviewed by the city as eligible communication facility modifications (ECFM). To be eligible as an ECFM the request for modification must involve: (A) collocation of new transmission equipment on an existing facility; (B) removal of transmission equipment on an existing facility; or (C) replacement of existing transmission equipment on an existing facility. For purposes of this section only, “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 communication purposes. The process provides an expedited timeframe for review and guaranteed approval of the modification. Conditions for approval of the modification may be imposed by the *city* to the extent necessary for consistency with the substantial change test (subsections (A)-(F) below) or to ensure compliance with generally applicable building, structural, electrical, and safety codes, or with other laws codifying objective standards reasonably related to health and safety.

A modification shall be determined to be a “substantial change” and not eligible as an ECFM if any one of the following apply:

- A. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater.

Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or *base station*, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

- B. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
- C. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and *base stations*, it involves installation of any new equipment cabinets on the

ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.

- D. It entails any excavation or deployment outside the current site.
- E. It would defeat the concealment elements of the eligible support structure.
- F. It does not comply with the conditions associated with the siting approval of the construction or modification of the eligible support structure or *base station* equipment; provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections A through D of this section.

Definitions of terms used in this section, as well as interpretations of this section, shall be guided by Section 6409 of the Spectrum Act; the FCC Eligible Facilities Request Rules, the FCC's Report and Order in, *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; and WC Docket No. 11-59; FCC 14-153.

For eligible ECFM applications meeting the concealment element standards outlined in KMC 18.60.110, the maximum permit review period shall be reduced by up to 15 calendar days.

G. The provisions of this Section shall prevail over any inconsistent provisions set forth in Chapter KMC 18.100.

18.60.140 Other modifications to conforming communication facilities.

For modifications to conforming *wireless communication facilities* that do not meet the ECFM criteria set forth in KMC 18.60.130, the following standards apply:

- A. *Antenna* modifications and replacements which meet the concealment element standards of KMC 18.60.120 and do not increase the overall height of the *wireless communication facility* do not require approval from the *City* or a land use permit; however, testing per KMC [18.60.150](#) is required.
- B. Modifications that propose to increase the height of the conforming facility shall be processed as a new application, consistent with processes outlined in KMC 18.60.050, unless a minor adjustment is granted through KMC 18.60.190.A.3.

18.60.150 Radio frequency radiation compliance.

- A. All *wireless communication facilities* shall comply with applicable Federal Communications Commission (FCC) regulations regarding radio-frequency emissions.
- B. Permit applications for new or modified *wireless communication facilities* other than *amateur (ham) radio facilities* shall include a statement, signed by a licensed professional engineer or other qualified professional competent to perform radio-frequency emissions testing and interpret radio-frequency emissions data, that the proposed communication facility will meet all federal rules and regulations.
- C. Within 14 days of the *wireless communication facility* becoming fully operational, the licensed professional engineer or other qualified professional shall submit a second signed statement verifying that the communication facility as installed meets all federal rules and regulations regarding radio-frequency emissions.
- D. The city manager shall have the authority to take any necessary steps to seek FCC enforcement of the relevant standards, or, to the extent consistent with applicable law and FCC regulations, to take such other steps as may be appropriate to rectify any violation of these requirements.

18.60.160 Fencing and NIER warning signs.

- A. All *wireless communication facility sites* shall comply with all federal guidelines regarding fencing.
- B. When a security *fence* is used, chain link, chain link with slats, plastic, vinyl or wire fencing is prohibited unless it is fully screened from public view.
- C. All *wireless communication facility sites* shall comply with all federal guidelines regarding *NIER warning signs*.

18.60.170 Interference.

Wireless communication facilities shall meet all federal interference rules and regulations. Regulating interference is the responsibility of the federal government.

18.60.180 Noise standards.

Any *wireless communication facility* that requires a generator or other device that will create noise audible beyond the boundaries of the site must demonstrate compliance with KMC Chapter 8.05. A noise report, prepared by an acoustical engineer, may be required; the city may require that the report be reviewed by a third party expert at the expense of the applicant. This Section does not apply to generators temporarily located at a site to operate a *wireless communication facility* in times of emergency

18.60.190 Minor adjustment to requirements.

A. A *wireless communication facility* minor adjustment is a Type 2 land use decision under KMC 19.25.020. A minor adjustment shall only apply to a request to modify the following standards:

1. Setback requirements established in 18.60.100;
2. Landscaping requirements established in 18.60.110;
3. Requests for up to 5' in additional facility height above the maximum allowable height, except in the UC west, WC and CB zones (view zones); or
4. Replacement of nonconforming *antennas*, communication equipment and/or cabling on a replacement utility or light pole, only if the replacement *antennas*, communication equipment and/or cabling have the same dimensions (height, width, etc.) as the existing *antennas*, communication equipment and/or cabling, or as nearly practicable given the dimensions of the replacement utility or light pole.

B. Criteria. An application for a *wireless communication facility* minor adjustment shall be approved only if all of the following criteria are met:

1. The adjustment is necessary because of the unique characteristics of the *wireless communication facility* or its location;
2. The adjustment is the minimum necessary to grant relief to the applicant;
3. The applicant has demonstrated that any impacts associated with the adjustment have been minimized to the maximum extent possible through the use of existing site characteristics, including, but not limited to existing vegetation, topography, or natural features; or through the use of other techniques, such as concealment elements, to improve compatibility with adjacent and nearby existing and permitted land uses; and
4. Approval of the adjustment will result in a better outcome for the community than would strict adherence to the existing standards.

18.60.200 Major adjustment to requirements.

A. A major *wireless communication facility* adjustment is a Type 3 land use decision under KMC 19.25.020. A major adjustment may be used to modify *wireless communication facility* development standards not reviewable through the minor adjustment process, as well as to allow an otherwise prohibited use.

B. Criteria. An application for a *wireless communication facility* major adjustment shall be approved only if the applicant demonstrates all of the following criteria:

1. Significant Gap in Service.

(a) A significant gap exists in the service coverage of the applicant's 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 significant service gap can be filled only through an adjustment in one or more of the provisions of this Chapter; and

(c) The adjustment is narrowly tailored to fill the significant service gap such that the *wireless communication facility* conforms to this Chapter's standards to the greatest extent possible, and is the least intrusive alternative.

2. Minimization of Impacts. The adjustment would be the least intrusive means and minimize to the greatest extent possible negative impacts to surrounding properties and their uses, through facility design and/or a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements, and natural features. In order to demonstrate the proposed adjustment is the least intrusive alternative, the owner must provide a feasibility analysis which provides meaningful comparison of the feasibility of alternative facilities and site locations.

Negative impacts are minimized if there is:

(a) A reduction in negative visual impacts, including, but not limited to, visual clutter, based on a visual analysis; or

(b) Better preservation of views or view corridors.

18.60.210 Cessation of use.

An *antenna* shall be removed from a *tower* or *alternative transmission support structure* within 180 days after the *antenna* is no longer operational unless the owner of the *antenna* can show to the *City's* satisfaction that the *antenna* is likely to be used again within the next six months. A *tower* for *wireless communication facilities* shall be removed within one year of the date the last *antenna* is removed.

Antennas or *towers* that are not removed within the time frames described herein may be removed by the *City* or a contractor designated by the *City*, and the owner of the *antenna* or *tower* shall reimburse the *City* for its costs in removing the *antenna* or *tower*. The *City* may extend the deadlines listed in this

section. Nothing herein prevents a landlord from removing *antennas* of tenants who are in default under the terms of a lease agreement.

18.60.220 Third party review.

In certain instances there may be a need for expert review by a third party of the technical data submitted by the *applicant*. The *City* may require such technical review, to be paid for by the *applicant* for the *wireless communication facility*. The selection of the third party expert shall be by mutual agreement between the *applicant* and the *city*, such agreement not to be unreasonably withheld by either party. The third party expert shall have recognized training and qualifications in the field of *radio frequency* engineering.

The expert review is intended to be a site-specific review of technical aspects of the *wireless communication facility* and other matters as described herein. In particular, but without limitation, the expert shall be entitled to provide a recommendation on the location and height of the proposed facilities relative to the *applicant's* coverage objectives and system design parameters. Such review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the *city* or other interested parties. Based on the results of the third party review, the *city* may require changes to the application for the *wireless communication facility* that comply with the recommendations of the expert.

18.60.230 Nonconformance.

Except for eligible communication facility modifications to nonconforming facilities authorized in KMC 18.60.130 or minor adjustments to nonconforming facilities authorized in KMC 18.60.190.A.4, modifications to nonconforming *wireless communication facilities* shall be addressed through KMC Chapter 18.100, with the following additional requirements:

- A. Facilities nonconforming as to height may not increase the height of the facility through the provisions of KMC 18.100.070.A.1.
- B. If a *conditional use permit* is required under KMC 18.100.070.C, the additional permit review criteria specified in KMC 18.60.050 Footnote 2 shall be considered. Compliance with the concealment element standards in KMC 18.60.120 shall also be required to the maximum extent practical, as determined by the *city manager*.

Wireless Communication Facilities Associated Definitions

Retain the following definitions:

18.20.870 Effective radiated power.

“Effective radiated power” means the product of the *antenna* power input and the numerical *antenna* power gain.

18.20.1880 Nonionizing electromagnetic radiation (NIER).

“Nonionizing electromagnetic radiation (NIER)” means electromagnetic radiation of low photon energy unable to cause ionization.

18.20.2210 Radio frequency.

“Radio frequency” means the number of times the current from a given source of *nonionizing electromagnetic radiation* changes from a maximum positive level through a maximum negative level and back to a maximum positive level in one second; measured in cycles per second or Hertz (Hz).

Add or amend the following definitions:

18.20. Amateur (ham) radio facility.

“Amateur (ham) radio facility” means a wireless communication facility operated for personal use and without pecuniary interest by an individual licensed by the FCC. Amateur (ham) radio facilities use small shared frequency bands assigned by the FCC.

18.20.180 Antenna.

“Antenna” means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals. For purposes of KMC Chapter 18.60, antenna does not include an *amateur (ham) radio facility*.

18.20. Base station.

“Base station” means the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications

network. The term does not encompass a tower or any equipment associated with a tower. The term includes, but is not limited to:

(i) 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.

(ii) 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).

(iii) Any structure other than a tower that, at the time an eligible communications facility modification (ECFM) application is filed with the city, supports or houses equipment described in paragraphs (i) - (ii) above, and that has been reviewed and approved under the applicable zoning or siting process, or under another State, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

(iv) The term does not include any structure that, at the time a completed eligible communication facilities modification (ECFM) application is filed with the city, does not support or house equipment described in paragraphs (i) - (ii) above.

18.20. Collocation.

“Collocation” means the placement or installation of antennas on existing structures upon which antennas already exist.

18.20. Distributed Antenna System (DAS).

“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.

18.20.1575 Lattice-work tower.

“Lattice-work tower” means a ~~transmission support structure~~ tower consisting of a self-supporting, multiple-sided, open steel frame structure, that has open-framed supports on three or four sides and is constructed without guy wires and ground anchors.

18.20.1775 Monopole tower.

“Monopole” means a ~~transmission support structure~~ consisting of a single pole, without guy wires or ground anchors.

18.20. Satellite Dish.

“Satellite dish” means a type of antenna, typically in the shape of a shallow dish or cone, that transmits to and/or receives signals from an orbiting satellite.

18.20. Tower.

“Tower” means any wireless communications structure that is designed and constructed primarily for the purpose of supporting one or more antennas. “Tower” includes a lattice tower or monopole. “Tower” does not include a replacement utility pole or an amateur (ham) radio facility.

18.20.3060 Transmission support structure.

“Transmission support structure” means a *monopole* or *lattice-work tower* specifically designed and intended to support *antennas* and related communication equipment. The term does not include *monopoles* or *lattice-work towers* supporting above-ground distribution or transmission lines for utility services such as electric, telephone, cable, etc.

18.20.3065 Alternative transmission support structure, alternative.

“Alternative transmission support structure” means the following manmade *structures* not specifically designed or intended to support antennas and related communication equipment, but that may be used for that purpose, including: clock towers, bell towers, church steeples, water towers, light poles, utility structures, elevated roadways, bridges, flagpoles, existing conforming telecommunications facilities, warehouses, factories, windmills, barns, silos, commercial and buildings, commercial signs, billboards, multifamily buildings, and publicly used *structures* such as police and fire stations, libraries, community centers, civic centers, courthouses, churches, schools, hospitals, and other similar *structures* as approved by the city manager.

18.20. Wireless communication facility (WCF).

“Wireless communication facility” or “WCF” generally means an unmanned facility for the transmission and/or reception of radio frequency (RF) signals or other wireless communications, typically consisting of one or more antennas, a transmission or alternative transmission support structure, cables and other transmission equipment, and an equipment enclosure or cabinets. Wireless communication facility shall not include equipment intended solely for internal household or business use such as wireless modems, cellular signal boosters, or personal cellular cellspots.

Eliminate the following definitions:

~~18.20.498 Communication facility.~~

~~A. Major Communication Facility. “Major communication facility” means a communication facility for transmission and reception of UHF and VHF television signals; or FM or AM radio signals.~~

B. Minor Communication Facility. "Minor communication facility" means a communication facility for transmission and reception of two-way and/or CB radio signals; point-to-point microwave signals; cellular radio signals; signals through FM radio translators; or signals through FM radio boosters under 10 watts effective radiated power (ERP).

May include NAICS 517 (Telecommunications).

18.20.580 Consolidation.

"Consolidation" means the relocation to a consolidated transmission structure of the main transmit *antennas* of two or more FCC broadcast licensees which prior to such relocation utilized transmission structures located within a 1,500-foot radius of the center of the consolidated transmission structure to support their main transmit *antennas*.

18.20.860 Earth station.

"Earth station" means a communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish *antennas*.

18.20.1700 Microwave.

"Microwave" means electromagnetic waves with a frequency range of 300 megahertz (MHz) to 300 gigahertz (GHz).

18.20.1762 Modification.

For purposes of Chapter [18.60 KMC](#), "modification" means any structural change, addition, or alteration that was not included in an approved site plan. Modifications shall include increased heights and changes in *antenna* type.

18.20.3040 Transmission equipment.

"Transmission equipment" means equipment, such as *antennas* and satellite or point-to-point *microwave* dishes, that transmits or receives radio signals.

18.20.3067 Transmission support structure, guyed.

"Guyed transmission support structure" means a *transmission support structure* that is supported, in whole or in part, by guy wire and ground anchors.

18.20.3070 Transmitter building.

"Transmitter building" means a *building* used to contain communication *transmission equipment*.

18.20.3307 Wireless services.

~~“Wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services.~~

Revised Use Charts

18.21.020 Residential zones R-1, R-4 and R-6 – Use allowances.

The following *uses* in Table A are permitted, conditionally permitted, special uses, or *prohibited uses* in residential zones R-1, R-4 and R-6.

Table A. Residential Zones R-1, R-4 and R-6 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Single Detached Dwelling Unit^t</i>	<i>Single Detached Dwelling Unit^t</i>	<i>Jail</i>	<i>Community Residential Facility II</i>
<i>Townhouse²</i>	<i>Townhouse²</i>	<i>Work Release Facility</i>	<i>Hotel/Motel^b</i>
<i>Apartment^t</i>	<i>Apartment^t</i>	<i>Hydroelectric Generation Facility</i>	<i>Organization Hotel/Lodging Houses</i>
<i>Designated Manufactured Home¹</i>	<i>Designated Manufactured Home¹</i>	<i>Nonhydroelectric Generation Facility</i>	<i>Campgrounds</i>
<i>Mobile Home and Manufactured Home⁵</i>	<i>Mobile Home Park⁶</i>	<i>Communication Facility^{6a}</i>	<i>Destination Resorts</i>
<i>Senior Citizen Assisted Living⁴</i>	<i>Community Residential Facility I</i>	<i>Earth Station</i>	<i>Recreational Vehicle Park</i>
<i>Residential Accessory Uses⁸</i>	<i>Dormitory⁷</i>	<i>Oil and Gas Extraction Energy Resource</i>	<i>Adult Entertainment Business</i>
<i>Home Occupation Park¹²</i>	<i>Home Industry</i>	<i>Recovery Facility</i>	<i>Theater</i>
<i>Trails</i>	<i>Bed and Breakfast</i>	<i>Landfill</i>	<i>Theater, Drive-in</i>
<i>Golf Course Facility¹⁵</i>	<i>Guesthouse¹⁰</i>	<i>Transfer Station</i>	<i>Bowling Center</i>
<i>Amusement and Recreation Services^{16,17,18}</i>	<i>Marina¹³</i>	<i>Wastewater Treatment Facility</i>	<i>Shooting Range</i>
<i>Library²⁰</i>	<i>Sports Club^{13,14}</i>	<i>Municipal Water Production</i>	<i>Amusement Arcades</i>
<i>Museum²⁰</i>	<i>Amusement and Recreation Services^{16,17,19}</i>	<i>Airport/Heliport</i>	<i>Amusement Park</i>
<i>Arboretum</i>	<i>Library</i>	<i>Transit Bus Base</i>	<i>Outdoor Performance Center</i>
<i>Conference Center²⁰</i>	<i>Museum</i>	<i>School Bus Base</i>	<i>Drycleaning Plants</i>
	<i>Conference Center</i>	<i>Racetrack⁶²</i>	<i>Industrial Launderers</i>
	<i>General Personal Service²¹</i>		<i>Veterinary Clinic</i>
			<i>Automotive Repair</i>
			<i>Automotive Service</i>
			<i>Miscellaneous Repair</i>
			<i>Kennel or Cattery</i>
<i>Cemetery, Columbarium or Mausoleum²³</i>	<i>Funeral Home/Crematory²²</i>	<i>Zoo/Wildlife Exhibit⁶³</i>	<i>Theatrical Production Services</i>
<i>Family Child-Care Home²⁵</i>	<i>Cemetery, Columbarium or Mausoleum²⁴</i>	<i>College/University⁶⁴</i>	<i>Nursing and Personal Care Facilities</i>

Table A. Residential Zones R-1, R-4 and R-6 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Day Care I ²⁶	Day Care I		Medical/Dental Lab
Day Care II ²⁶	Day Care II		Miscellaneous Health Services
Church, Synagogue, Mosque, Temple ²⁷	Church, Synagogue, Mosque, Temple		Public Agency Archives
Social Services ^{27,28}	Social Services ^{28,29}		Court
Stable ³⁰	Stable		Construction and Trade
Artist Studios ³¹	Medical/Dental		Individual Transportation and Taxi
Interim Recycling Facility ³²	Office/Outpatient Clinic ²⁹		Trucking and Courier Service
Medical/Dental	Hospital ²⁹		Warehousing and Wholesale Trade ⁴⁶
Office/Outpatient Clinic ²⁷	Secondary or High School ³³		Self-Service Storage
Elementary School	Vocational School		Farm Product Warehousing, Refrigeration and Storage
Middle/Junior High School	Specialized Instruction		Log Storage
Secondary or High School ³³	School ³⁵		Transportation Service
Vocational School ²⁹	School District Support Facility		Freight and Cargo Service
Specialized Instruction	Public Agency or Utility Office		Passenger Transportation Service
School ³⁴	Office		Communication Offices
School District Support Facility ³⁶	Fire Facility ⁴⁰		Telegraph and Other Communications
Public Agency or Utility Office ³⁷	Utility Facility ⁴²		General Business Service
Public Agency or Utility Yard ³⁸	Commuter Parking Lot		Professional Office
Police Facility ³⁹	Helistop ⁴⁷		Outdoor Advertising Service
Utility Facility ⁴¹	Department and Variety Stores ⁴⁸		Miscellaneous Equipment
Commuter Parking Lot ⁴³	Food Stores ⁴⁹		Rental
Private Stormwater Management Facility ⁴⁴	Eating and Drinking Places ^{51,52}		Automotive Rental and Leasing
Vector Waste Receiving Facility ⁴⁵	Drug Stores ⁴⁹		Professional Sports
Automotive Parking ⁴³	Book, Stationery, Video and Art Supply Stores ⁴⁹		Teams/Promoters
	Florist Shops ⁴⁹		
	Hatchery/Fish Preserve ⁵⁶		
	Aquaculture ⁵⁶		

Table A. Residential Zones R-1, R-4 and R-6 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<p><i>Agricultural Product Sales⁵⁰</i></p> <p><i>Livestock Sales^{53,54}</i></p> <p>Growing and Harvesting Crops</p> <p>Raising Livestock and Small Animals⁵⁵</p>	<p><i>Hydroelectric Generation Facility⁵⁷</i></p> <p><i>Nonhydroelectric Generation Facility⁵⁸</i></p> <p><i>Communication Facility^{59,60c}</i></p> <p><i>Earth Station^{60a}</i></p> <p><i>School Bus Base</i></p>		<p>Research, Development and Testing</p> <p><i>Heavy Equipment and Truck Repair</i></p> <p><i>Commercial/Industrial Accessory Uses</i></p> <p><i>Building, Hardware and Garden Materials Stores</i></p> <p><i>Forest Product Sales</i></p> <p><i>Motor Vehicle and Boat Dealers</i></p> <p>Auto Supply Stores</p>
<p>Growing and Harvesting Forest Products</p> <p><i>School Bus Base⁶¹</i></p> <p>College/University^{64,65}</p>	<p>College/University^{64,66}</p>		<p>Gasoline Service Stations</p> <p>Apparel and Accessory Stores</p> <p><i>Furniture and Home Furnishings Stores</i></p> <p>Liquor Stores</p> <p>Used Goods:</p> <p>Antiques/Secondhand Shops</p> <p><i>Sporting Goods and Related Stores</i></p> <p><i>Jewelry Stores</i></p> <p>Monuments, Tombstones and Gravestones Sales</p> <p><i>Hobby, Toy, Game Shops</i></p> <p><i>Photographic and Electronic Shops</i></p> <p><i>Fabric Shops</i></p> <p>Fuel Dealers</p> <p><i>Personal Medical Supply Stores</i></p>

Table A. Residential Zones R-1, R-4 and R-6 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			<i>Pet Shops</i> <i>Bulk Retail</i> <i>Auction Houses</i> <i>Manufacturing Land Uses</i> <i>Forest Research</i> <i>Wildlife Shelters</i> Mineral Extraction and Processing Asphalt/Concrete Mixtures and Block Manufacture <i>Resource Accessory Uses</i> <i>Jail Farm/Camp</i> <i>Public Agency Animal Control</i> <i>Facility</i> <i>Public Agency Training</i> <i>Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> Stadium/Arena <i>Secure Community Transition</i> <i>Facilities</i> <i>Marijuana Business</i>

¹ *Conditional use permit* required before approving more than one dwelling on individual *lots*, except on *lots* in subdivisions, short subdivisions or binding site plans approved for multiple unit *lots*, and except as provided for *accessory dwelling units* in subsection 8 of this section.

² A *conditional use permit* is not required for *townhouse* units on *lots* in a subdivision or short subdivision designed for *townhouse* units.

³ Only subject to the residential density incentive provisions of Chapter [18.80](#) KMC.

⁴ Only in a *building* listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of Chapter [2.20](#) KMC.

⁵ *Manufactured homes* and *mobile homes* are only allowed in *mobile home parks*.

⁶ *Mobile home parks* shall not be permitted in the R-1 zones.

⁷ Only as an accessory to a school, college, university or church.

⁸ a. See KMC [18.73.100](#) regarding *accessory dwelling units*.

b. One single or twin engine, noncommercial aircraft shall be permitted only on *lots* that abut, or have a legal access that is not a *City* right-of-way to, a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

⁹ Except *bed and breakfast guesthouses*.

¹⁰ *Bed and breakfast guesthouses* shall be authorized after issuance of a *conditional use permit*, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals shall be served to paying guests only (no restaurant *use* permitted);

c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

d. Parking shall be provided as required by this title; and

e. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.

¹¹ Reserved.

¹² The following conditions and limitations shall apply, where appropriate:

- a. No stadiums on *sites* less than 10 acres;
- b. Lighting for *structures* and fields shall be directed away from residential areas;
- c. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas required in KMC [18.30.130](#) and [20.47.155](#). *Setback* requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone;
- d. Overnight camping is allowed only in an approved *campground*.

¹³ Limited to recreation facilities subject to the following conditions and limitations:

- a. The bulk and scale shall be compatible with residential character of the area;
- b. For *sports clubs*, the gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and
- c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.

¹⁴ Only for stand-alone *sports clubs* that are not part of a *park*.

¹⁵ Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted *best management practices* for golf course *development*.

¹⁶ Excluding amusement and recreational *uses* classified elsewhere in this chapter.

¹⁷ *Social card games*, as defined by this title, are prohibited.

¹⁸ Limited to a golf driving range as an accessory to golf courses.

¹⁹ Limited to golf driving ranges and subject to subsection 15 of this section.

²⁰ Only as accessory to a *park* or in a *building* listed on the National Register as an historic site or designated as a *City* landmark subject to Chapter [18.50](#) KMC.

²¹ Not permitted in R-1 and limited to a maximum of 5,000 square feet per establishment and subject to the additional requirements in KMC [18.21.070](#).

²² Only as an accessory to a cemetery.

²³ Limited to columbariums accessory to a church, but required *landscaping* and parking shall not be reduced.

²⁴ *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.

²⁵ A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:

a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;

b. A safe passenger loading area as certified by the DEL licensor shall be provided;

c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;

d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;

e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC;

f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility; and

g. Prior to receiving State licensing, the family child-care provider shall provide the *City* with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the *family child-care home*. The notification shall inform the notified parties that comments may be submitted to the DEL and provide contact information for submitting such comments to the DEL. The proof of notification shall be in the form of a written affidavit containing (1) the date and means of notification; (2) a copy of the notification; and (3) a list of the parties to whom the notification was distributed.

²⁶ Only as a re-use of a public school facility subject to Chapter [18.50](#) KMC, or an *accessory use* to a school, church, *park*, *sport club* or public housing administered by a *public agency*, and:

- a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates and have a minimum height of six feet;
- b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
- c. Direct access to a developed arterial *street* shall be required in any residential zone; and
- d. Hours of operation may be restricted to assure compatibility with surrounding *development*.

²⁷ Only as a re-use of a public school facility subject to Chapter [18.50](#) KMC.

²⁸ Except day care services and residential care.

²⁹ Only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.

³⁰ Covered riding arenas are subject to KMC [18.70.030](#) and shall not exceed 20,000 square feet, but stabling areas, whether attached or detached, shall not be counted in this calculation.

³¹ Only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC or as a joint use of an existing public school facility.

³² Limited to *drop box facilities* accessory to a public or community *use* such as a school, fire station or community center.

³³ Renovation, expansion, modernization, or reconstruction of a school, or the addition of *relocatable facilities*, is permitted.

³⁴ Only as an accessory to residential *use*, and:

- a. Students shall be limited to 12 per one-hour session;
- b. All instruction must be within an enclosed *structure*; and
- c. *Structures* used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.

³⁵ Subject to the following:

- a. *Structures* used for the school and *accessory uses* shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;

b. On *lots* over two and one-half acres:

- (1) *Retail sales* of items related to the instructional courses are permitted, if total floor area for *retail sales* is limited to 2,000 square feet;
- (2) Sales of food prepared in the instructional courses are permitted with Seattle/King County public health and *City* approval, if total floor area for food sales is limited to 1,000 square feet and is located in the same *structure* as the school; and
- (3) Other incidental student-supporting *uses* are allowed, if such *uses* are found to be both compatible with and incidental to the principal *use*; and

c. On *sites* over 10 acres zoned R-1 and/or R-4:

- (1) *Retail sales* of items related to the instructional courses are permitted, provided total floor area for *retail sales* is limited to 2,000 square feet;
- (2) Sales of food prepared in the instructional courses are permitted with Seattle/King County public health and *City* approval, if total floor area for food sales is limited to 1,750 square feet and is located in the same *structure* as the school;
- (3) Other incidental student-supporting *uses* are allowed, if the *uses* are found to be functionally related, subordinate, compatible with and incidental to the principal *use*;
- (4) The *use* shall be integrated with allowable agricultural *uses* on the *site*;
- (5) Advertised special events shall comply with the temporary use requirements of this title; and
- (6) Existing *structures* that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their *use* otherwise complies with the development conditions in this subsection (35)(c) and this title.

³⁶ Only if adjacent to an existing or proposed school.

³⁷ a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter [18.50](#) KMC; or

b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.

³⁸ a. Utility yards only on *sites* with utility district offices; or

b. *Public agency* yards are limited to material storage for road maintenance facilities.

³⁹ Limited to “storefront” police offices. Such offices shall not have:

a. Holding cells;

b. Suspect interview rooms; or

c. Long-term storage of stolen properties.

⁴⁰ a. All *buildings* and *structures* shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

b. Any *buildings* from which fire-fighting equipment emerges onto a *street* shall maintain a distance of 35 feet from such *street*; and

c. No *outdoor storage*.

⁴¹ Excluding *bulk gas storage tanks*.

⁴² Limited to *bulk gas storage tanks* which pipe to individual residences but excluding liquefied natural gas storage tanks.

⁴³ Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:

a. They are located on existing parking lots for churches, schools, or other permitted nonresidential *uses* which have excess capacity available during commuting hours; and

b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the *department*.

⁴⁴ Except when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

⁴⁵ Only as an *accessory use* to a *public agency* or *utility yard*, or to a *transfer station*.

⁴⁶ Except *self-service storage*.

⁴⁷ Limited to *emergency* medical evacuation sites in conjunction with police, fire or health service facility.

⁴⁸ Not in R-1 and limited to *variety stores*, with a maximum of 5,000 square feet of gross floor area, and subject to KMC [18.21.070](#).

⁴⁹ Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).

⁵⁰ a. Limited to products produced on-site.

b. Covered sales areas shall not exceed a total area of 500 square feet.

⁵¹ Not permitted in R-1 and excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).

⁵² *Social card games*, as defined by this title, are prohibited.

⁵³ Retail sale of *livestock* is permitted only as accessory to raising *livestock*.

⁵⁴ Limited to the R-1 zone.

⁵⁵ *Large livestock* allowed in accordance with Chapter [18.70](#) KMC.

⁵⁶ May be further subject to KMC Title [16](#), Division I, Shoreline Management.

⁵⁷ Limited to facilities that comply with the following:

a. Any new diversion *structure* shall not:

(1) Exceed a height of eight feet as measured from the streambed; or

(2) Impound more than three surface acres of water at the normal maximum surface level;

b. There shall be no active storage;

c. The maximum water surface area at any existing dam or diversion shall not be increased;

d. An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained;

e. Any transmission line shall be limited to a:

(1) Right-of-way of five miles or less; and

(2) Capacity of 230 kV or less;

f. Any new, permanent access road shall be limited to five miles or less; and

g. The facility shall only be located above any portion of the *stream* used by *anadromous fish*.

⁵⁸ Limited to *cogeneration* facilities for on-site use only.

⁵⁹ ~~The provisions apply only to *major communication facilities*. *Minor communication facilities* shall be reviewed in accordance with the processes and standards outlined in Chapter [18.60 KMC](#).~~

⁶⁰ ~~a. Limited to no more than three satellite dish *antennas*.~~

~~b. Limited to one satellite dish *antenna*.~~

~~c. Limited to tower *consolidations*.~~

⁶¹ Only in conjunction with an existing or proposed school.

⁶² Except racing of motorized vehicles.

⁶³ Except arboretum.

⁶⁴ Except technical institutions. See *vocational schools*.

⁶⁵ Only as a re-use of a public school facility subject to Chapter [18.50 KMC](#).

⁶⁶ Only as a re-use of a surplus nonresidential facility subject to Chapter [18.50 KMC](#).

18.21.040 Residential zones R-12, R-18, R-24, and R-48 – Use allowances.

The following *uses* in Table C are permitted, conditionally permitted, special uses, or *prohibited uses* in residential zones R-12, R-18, R-24, and R-48.

Table C. Residential Zones R-12, R-18, R-24, and R-48 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Single Detached Dwelling Unit ¹	Single Detached Dwelling Unit ¹	Jail	Home Industry
Townhouse	Designated Manufactured Home ¹	Work Release Facility	Hotel/Motel ⁴
Apartment	Bed and Breakfast	Nonhydroelectric Generation Facility	Organization Hotel/Lodging Houses
Designated Manufactured Home ¹	Guesthouse ⁵	Communication Facility ⁴⁹	Campgrounds
Mobile Home and Manufactured Home ²	Marina ⁸	Earth Station	Destination Resorts
Mobile Home Park	Sports Club ^{8,9}	Oil and Gas Extraction Energy Resource	Recreational Vehicle Park
Community Residential Facility I	Amusement and Recreation Services ^{11,12,13,14}	Recovery Facility	Adult Entertainment Business
Community Residential Facility II	Library	Landfill	Theater
Dormitory	Museum	Transfer Station	Theater, Drive-in
Senior Citizen Assisted Living	Conference Center	Wastewater Treatment Facility	Bowling Center
Residential Accessory Uses ³	General Personal Service ¹⁶	Municipal Water Production	Shooting Range
Home Occupation Park ⁷	Funeral Home/Crematory ¹⁷	Airport/Heliport	Amusement Arcades
Trails	Cemetery, Columbarium or Mausoleum ¹⁹	Transit Bus Base	Amusement Park
Golf Course Facility ¹⁰	Day Care II	School Bus Base	Outdoor Performance Center
Amusement and Recreation Services ^{11,12,13}	Church, Synagogue, Mosque, Temple	Racetrack ⁵²	Drycleaning Plants
Library ¹⁵	Social Services ^{22,23}	Zoo/Wildlife Exhibit ⁵³	Industrial Launderers
Museum ¹⁵	Medical/Dental Office/Outpatient Clinic ²³	College/University ⁵⁴	Veterinary Clinic
Arboretum	Nursing and Personal Care Facilities		Automotive Repair
Conference Center ¹⁵	Hospital ²³		Automotive Service
Cemetery, Columbarium or Mausoleum ¹⁸	Secondary or High School ²⁶		Miscellaneous Repair
Family Child-Care Home ⁵⁷	Vocational School		Stable
Day Care I	Specialized Instruction School ²⁸		kennel or Cattery
	School District Support Facility		Theatrical Production Services
			Medical/Dental Lab
			Miscellaneous Health Services
			Public Agency Archives
			Court
			Individual Transportation and Taxi
			Trucking and Courier Service

Table C. Residential Zones R-12, R-18, R-24, and R-48 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<p><i>Day Care II²⁰</i></p> <p><i>Church, Synagogue,</i></p> <p><i>Mosque, Temple²¹</i></p> <p><i>Social Services^{21,22}</i></p> <p><i>Artist Studios²⁴</i></p> <p><i>Interim Recycling Facility²⁵</i></p> <p><i>Medical/Dental</i></p> <p><i>Office/Outpatient Clinic²¹</i></p> <p><i>Elementary School</i></p>	<p><i>Public Agency or Utility</i></p> <p><i>Office</i></p> <p><i>Fire Facility³³</i></p> <p><i>Utility Facility⁶⁵</i></p> <p><i>Commuter Parking Lot</i></p> <p><i>Self-Service Storage⁴¹</i></p> <p><i>Helistop⁴³</i></p>		<p><i>Warehousing and Wholesale</i></p> <p><i>Trade⁴⁰</i></p> <p><i>Farm Product Warehousing,</i></p> <p><i>Refrigeration and Storage</i></p> <p><i>Log Storage</i></p> <p><i>Transportation Service</i></p> <p><i>Freight and Cargo Service</i></p> <p><i>Passenger Transportation</i></p> <p><i>Service</i></p> <p><i>Communication Offices</i></p> <p><i>Telegraph and Other</i></p> <p><i>Communications</i></p> <p><i>General Business Service</i></p>
<p><i>Middle/Junior High School</i></p> <p><i>Secondary or High</i></p> <p><i>School²⁶</i></p> <p><i>Vocational School²³</i></p> <p><i>Specialized Instruction</i></p> <p><i>School²⁷</i></p> <p><i>School District Support</i></p> <p><i>Facility²⁹</i></p> <p><i>Public Agency or Utility</i></p> <p><i>Office³⁰</i></p> <p><i>Public Agency or Utility</i></p> <p><i>Yard³¹</i></p> <p><i>Police Facility³²</i></p> <p><i>Utility Facility³⁴</i></p> <p><i>Commuter Parking Lot³⁶</i></p> <p><i>Private Stormwater</i></p> <p><i>Management Facility³⁷</i></p>	<p><i>Department and Variety</i></p> <p><i>Stores⁴⁴</i></p> <p><i>Food Stores⁴⁵</i></p> <p><i>Eating and Drinking</i></p> <p><i>Places^{46,47}</i></p> <p><i>Drug Stores⁴⁵</i></p> <p><i>Book, Stationery, Video</i></p> <p><i>and Art Supply Stores⁴⁵</i></p> <p><i>Florist Shops⁴⁵</i></p> <p><i>Nonhydroelectric</i></p> <p><i>Generation Facility⁴⁸</i></p> <p><i>Communication Facility^{49,50}</i></p> <p><i>Earth Station^{50a}</i></p> <p><i>School Bus Base⁵¹</i></p> <p><i>College/University^{54,56}</i></p>		<p><i>Outdoor Advertising Service</i></p> <p><i>Miscellaneous Equipment</i></p> <p><i>Rental</i></p> <p><i>Automotive Rental and</i></p> <p><i>Leasing</i></p> <p><i>Professional Sports</i></p> <p><i>Teams/Promoters</i></p> <p><i>Research, Development and</i></p> <p><i>Testing</i></p> <p><i>Heavy Equipment and Truck</i></p> <p><i>Repair</i></p> <p><i>Commercial/Industrial</i></p> <p><i>Accessory Uses</i></p> <p><i>Building, Hardware and</i></p> <p><i>Garden Materials Stores</i></p> <p><i>Forest Product Sales</i></p> <p><i>Agricultural Product Sales</i></p>

Table C. Residential Zones R-12, R-18, R-24, and R-48 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<p><i>Vector Waste Receiving Facility³⁸</i></p> <p><i>Construction and Trade³⁹</i></p> <p><i>Professional Office⁴²</i></p> <p><i>Automotive Parking³⁶</i></p> <p><i>College/University^{54,55}</i></p>			<p><i>Motor Vehicle and Boat Dealers</i></p> <p><i>Auto Supply Stores</i></p> <p><i>Gasoline Service Stations</i></p> <p><i>Apparel and Accessory Stores</i></p> <p><i>Furniture and Home Furnishings Stores</i></p> <p><i>Liquor Stores</i></p> <p><i>Used Goods:</i></p> <p><i>Antiques/Secondhand Shops</i></p> <p><i>Sporting Goods and Related Stores</i></p> <p><i>Jewelry Stores</i></p> <p><i>Monuments, Tombstones and Gravestones Sales</i></p> <p><i>Hobby, Toy, Game Shops</i></p> <p><i>Photographic and Electronic Shops</i></p> <p><i>Fabric Shops</i></p> <p><i>Fuel Dealers</i></p> <p><i>Personal Medical Supply Stores</i></p> <p><i>Pet Shops</i></p> <p><i>Bulk Retail</i></p> <p><i>Auction Houses</i></p> <p><i>Livestock Sales</i></p> <p><i>Manufacturing Land Uses</i></p> <p><i>Resource Land Uses</i></p>
			<p><i>Jail Farm/Camp</i></p> <p><i>Public Agency Animal Control Facility</i></p>

Table C. Residential Zones R-12, R-18, R-24, and R-48 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			<i>Public Agency Training Facility</i> <i>Hydroelectric Generation Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> <i>Stadium/Arena</i> <i>Secure Community Transition Facilities</i> <i>Marijuana Business</i>

¹ *Conditional use permit* required before approving more than one dwelling on individual *lots*, except on *lots* in subdivisions, short subdivisions or binding site plans approved for multiple unit *lots*, and except as provided for *accessory dwelling units* in subsection 3 of this section.

² *Manufactured homes* and *mobile homes* are only allowed in *mobile home parks*.

³ a. See KMC [18.73.100](#) regarding *accessory dwelling units*.

b. One single or twin engine, noncommercial aircraft shall be permitted only on *lots* that abut, or have a legal access that is not a *City* right-of-way to, a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

⁴ Except *bed and breakfast guesthouses*.

⁵ *Bed and breakfast guesthouses* shall be authorized after issuance of a *conditional use permit*, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals shall be served to paying guests only (no restaurant use permitted);

- c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;
- d. Parking shall be provided as required by this title; and
- e. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.

⁶ Reserved.

⁷ The following conditions and limitations shall apply, where appropriate:

- a. No stadiums on *sites* less than 10 acres;
- b. Lighting for *structures* and fields shall be directed away from residential areas;
- c. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas required in KMC [18.30.130](#) and [20.47.155](#). *Setback* requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone;
- d. Overnight camping is allowed only in an approved *campground*.

⁸ Limited to recreation facilities subject to the following conditions and limitations:

- a. The bulk and scale shall be compatible with residential character of the area;
- b. For *sports clubs*, the gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and
- c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.

⁹ Only for stand-alone *sports clubs* that are not part of a *park*.

¹⁰ Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball

impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted *best management practices* for golf course *development*.

¹¹ Excluding amusement and recreational *uses* classified elsewhere in this chapter.

¹² *Social card games*, as defined by this title, are prohibited.

¹³ Limited to a golf driving range as an accessory to golf courses.

¹⁴ Limited to golf driving ranges and subject to subsection 10 of this section.

¹⁵ Only as accessory to a *park* or in a *building* listed on the National Register as an historic site or designated as a *City* landmark subject to Chapter [18.50](#) KMC.

¹⁶ Not permitted in R-1 and limited to a maximum of 5,000 square feet per establishment and subject to the additional requirements in KMC [18.21.070](#).

¹⁷ Only as an accessory to a cemetery.

¹⁸ Limited to columbariums accessory to a church, but required *landscaping* and parking shall not be reduced.

¹⁹ *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.

²⁰ Only as a re-use of a public school facility subject to Chapter [18.50](#) KMC, or an *accessory use* to a school, church, *park*, *sport club* or public housing administered by a *public agency*, and:

a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates and have a minimum height of six feet;

b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

c. Direct access to a developed arterial *street* shall be required in any residential zone; and

d. Hours of operation may be restricted to assure compatibility with surrounding *development*.

²¹ Only as a re-use of a public school facility subject to Chapter [18.50](#) KMC.

²² Except day care services and residential care.

²³ Only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.

²⁴ Only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC or as a joint use of an existing public school facility.

²⁵ Limited to *drop box facilities* accessory to a public or community use such as a school, fire station or community center.

²⁶ Renovation, expansion, modernization, or reconstruction of a school, or the addition of *relocatable facilities*, is permitted.

²⁷ Only as an accessory to residential use, and:

- a. Students shall be limited to 12 per one-hour session;
- b. All instruction must be within an enclosed *structure*; and
- c. *Structures* used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.

²⁸ Subject to the following:

- a. *Structures* used for the school and *accessory uses* shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;
- b. On *lots* over two and one-half acres:
 - (1) *Retail sales* of items related to the instructional courses are permitted, if total floor area for *retail sales* is limited to 2,000 square feet;
 - (2) Sales of food prepared in the instructional courses are permitted with Seattle/King County public health and *City* approval, if total floor area for food sales is limited to 1,000 square feet and is located in the same *structure* as the school; and
 - (3) Other incidental student-supporting *uses* are allowed, if such *uses* are found to be both compatible with and incidental to the principal use; and
- c. On *sites* over 10 acres, zoned R-1 and/or R-4:
 - (1) *Retail sales* of items related to the instructional courses are permitted, provided total floor area for *retail sales* is limited to 2,000 square feet;

- (2) Sales of food prepared in the instructional courses are permitted with Seattle/King County public health and *City* approval, if total floor area for food sales is limited to 1,750 square feet and is located in the same *structure* as the school;
- (3) Other incidental student-supporting *uses* are allowed, if the *uses* are found to be functionally related, subordinate, compatible with and incidental to the principal *use*;
- (4) The *use* shall be integrated with allowable agricultural *uses* on the *site*;
- (5) Advertised special events shall comply with the temporary use requirements of this title; and
- (6) Existing *structures* that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their *use* otherwise complies with the development conditions in this subsection (28)(c) and this title.

²⁹ Only if adjacent to an existing or proposed school.

³⁰ a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter [18.50](#) KMC; or

b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.

³¹ a. Utility yards only on *sites* with utility district offices; or

b. *Public agency* yards are limited to material storage for road maintenance facilities.

³² Limited to “storefront” police offices. Such offices shall not have:

a. Holding cells;

b. Suspect interview rooms; or

c. Long-term storage of stolen properties.

³³ a. All *buildings* and *structures* shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

b. Any *buildings* from which fire-fighting equipment emerges onto a *street* shall maintain a distance of 35 feet from such *street*; and

c. No *outdoor storage*.

³⁴ Excluding *bulk gas storage tanks*.

³⁵ Limited to *bulk gas storage tanks* which pipe to individual residences but excluding liquefied natural gas storage tanks.

³⁶ Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:

a. They are located on existing parking lots for churches, schools, or other permitted nonresidential *uses* which have excess capacity available during commuting hours; and

b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the *department*.

³⁷ Except when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

³⁸ Only as an *accessory use* to a *public agency or utility yard*, or to a *transfer station*.

³⁹ Permitted when:

a. Located in the R-24 zone; and

b. On a *site* in *professional office or construction and trade office uses* as of May 8, 2003; and

c. Part of a *mixed use development*; and

d. Limited to 15,000 square feet; and

e. No *outdoor storage* of equipment occurs.

⁴⁰ Except *self-service storage*.

⁴¹ Accessory to an *apartment development* of at least 12 units, provided:

- a. The gross floor area in *self-service storage* shall not exceed the total gross floor area of the *apartment* dwellings on the *site*;
- b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
- c. The use of the facility shall be limited to dead storage of household goods;
- d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
- e. No *outdoor storage* or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
- f. No residential occupancy of the storage units;
- g. No business activity other than the rental of storage units; and
- h. A resident director shall be required on the *site* and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

⁴² Permitted when:

- a. Located in the R-24 zone; and
- b. On a *site* in *professional office* or *construction and trade office uses* as of May 8, 2003; and
- c. Part of a *mixed use development*; and
- d. Limited to 15,000 square feet; and
- e. No *outdoor storage* of equipment occurs.

⁴³ Limited to *emergency* medical evacuation sites in conjunction with police, fire or health service facility.

⁴⁴ Not in R-1 and limited to *variety stores* with a maximum of 5,000 square feet of gross floor area, and subject to KMC [18.21.070](#).

⁴⁵ Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).

⁴⁶ Not permitted in R-1 and excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).

⁴⁷ *Social card games*, as defined by this title, are prohibited.

⁴⁸ Limited to *cogeneration* facilities for on-site use only.

⁴⁹ ~~The provisions apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter [18.60](#) KMC.~~

⁵⁰ ~~a. Limited to no more than three satellite dish antennas.~~

~~b. Limited to one satellite dish antenna.~~

~~c. Limited to tower consolidations.~~

⁵¹ Only in conjunction with an existing or proposed school.

⁵² Except racing of motorized vehicles.

⁵³ Except arboretum.

⁵⁴ Except technical institutions. See *vocational schools*.

⁵⁵ Only as a re-use of a public school facility subject to Chapter [18.50](#) KMC.

⁵⁶ Only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.

⁵⁷ A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:

a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;

b. A safe passenger loading area as certified by the DEL licenser shall be provided;

c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;

d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;

e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and

f. The City has the authority to limit the hours of operation to facilitate neighborhood compatibility.

18.21. . Wireless communication facilities. Use allowances and development regulations for wireless communication facilities are located in Chapter 18.60 KMC.

18.22.010 Neighborhood business zone – Use allowances.

The following uses in Table A are identified as permitted, conditionally permitted, special uses, or prohibited uses in the neighborhood business zone:

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Townhouse ¹	Sports Club ⁷	Jail	Single Detached Dwelling Unit
Apartment ¹	School District Support Facility	Work Release Facility	Family Child-Care Home
Community Residential Facility I ¹	Helistop ²²	Nonhydroelectric Generation Facility	Designated Manufactured Home
Community Residential Facility II ¹	Nonhydroelectric Generation Facility ²⁸	Communication Facility ²⁹	Mobile Home and Manufactured Home
Senior Citizen Assisted Living ¹	Communication Facility ^{29,30}	Oil and Gas Extraction Energy Resource	Mobile Home Park
Residential Accessory Uses ²	Earth Station	Recovery Facility	Dormitory
Home Occupation	College/University ^{33,35}	Landfill	Home Industry
Bed and Breakfast		Transfer Station	Hotel/Motel ³
Guesthouse ⁴		Wastewater Treatment Facility	Organization Hotel/Lodging
Park		Municipal Water Production	Houses
Trails		Airport/Heliport	Campgrounds
Marina ⁶		Transit Bus Base	Destination Resorts
Library		School Bus Base	Recreational Vehicle Park
Museum		Racetrack ³¹	Adult Entertainment Business
Arboretum		College/University ³³	Theater
Conference Center			Theater, Drive-in
General Personal Service			Bowling Center
			Golf Course Facility

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<p><i>Cemetery, Columbarium or Mausoleum¹⁰</i></p> <p><i>Day Care I</i></p> <p><i>Day Care II</i></p> <p><i>Veterinary Clinic¹¹</i></p> <p><i>Automotive Repair^{12,13}</i></p> <p><i>Automotive Service¹³</i></p> <p><i>Church, Synagogue, Mosque, Temple</i></p> <p><i>Social Services^{14,15}</i></p> <p><i>Artist Studios</i></p> <p><i>Interim Recycling Facility¹⁶</i></p> <p><i>Medical/Dental</i></p> <p><i>Office/Outpatient Clinic</i></p>		<p><i>Secure Community</i></p> <p><i>Transition Facilities³⁶</i></p>	<p><i>Amusement and Recreation Services^{8,9}</i></p> <p><i>Shooting Range</i></p> <p><i>Amusement Arcades</i></p> <p><i>Amusement Park</i></p> <p><i>Outdoor Performance Center</i></p> <p><i>Drycleaning Plants</i></p> <p><i>Industrial Launderers</i></p> <p><i>Funeral Home/Crematory</i></p> <p><i>Miscellaneous Repair</i></p> <p><i>Stable</i></p> <p><i>Kennel or Cattery</i></p> <p><i>Theatrical Production Services</i></p> <p><i>Nursing and Personal Care Facilities</i></p>
<p><i>Specialized Instruction</i></p> <p><i>School</i></p> <p><i>Public Agency or Utility Office</i></p> <p><i>Police Facility¹⁷</i></p> <p><i>Fire Facility</i></p> <p><i>Utility Facility</i></p> <p><i>Commuter Parking Lot</i></p> <p><i>Private Stormwater Management Facility¹⁸</i></p> <p><i>Vector Waste Receiving Facility¹⁹</i></p> <p><i>General Business Service</i></p> <p><i>Professional Office</i></p> <p><i>Automotive Parking²⁰</i></p>			<p><i>Hospital</i></p> <p><i>Medical/Dental Lab</i></p> <p><i>Miscellaneous Health Services</i></p> <p><i>Elementary School</i></p> <p><i>Middle/Junior High School</i></p> <p><i>Secondary or High School</i></p> <p><i>Vocational School</i></p> <p><i>Public Agency or Utility Yard</i></p> <p><i>Public Agency Archives</i></p> <p><i>Court</i></p> <p><i>Construction and Trade</i></p> <p><i>Individual Transportation and Taxi</i></p> <p><i>Trucking and Courier Service</i></p>

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Commercial/Industrial Accessory Uses²¹</i> <i>Building, Hardware and Garden Materials Stores²³</i> <i>Department and Variety Stores²⁴</i> Food Stores Gasoline Service Stations Eating and Drinking Places ^{25,26} <i>Drug Stores</i> <i>Book, Stationery, Video and Art Supply Stores</i> <i>Hobby, Toy, Game Shops</i> <i>Photographic and Electronic Shops</i> <i>Florist Shops</i> <i>Pet Shops</i> Printing and Publishing ²⁷ Earth Station^{30b} College/University ^{33,34}			<i>Warehousing and Wholesale Trade</i> <i>Self-Service Storage</i> Farm Product Warehousing, Refrigeration and Storage <i>Log Storage</i> Transportation Service Freight and Cargo Service Passenger Transportation Service Communication Offices Telegraph and Other Communications Outdoor Advertising Service Miscellaneous Equipment Rental Automotive Rental and Leasing Professional Sports Teams/Promoters Research, Development and Testing <i>Heavy Equipment and Truck Repair</i> <i>Forest Product Sales</i> <i>Agricultural Product Sales</i> <i>Motor Vehicle and Boat Dealers</i> Auto Supply Stores Apparel and Accessory Stores <i>Furniture and Home Furnishings Stores</i>

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			Liquor Stores Used Goods: Antiques/Secondhand Shops <i>Sporting Goods</i> and Related Stores <i>Jewelry Stores</i> Monuments, Tombstones and Gravestones Sales <i>Fabric Shops</i> Fuel Dealers <i>Personal Medical Supply</i> Stores <i>Bulk Retail</i> <i>Auction Houses</i> <i>Livestock Sales</i> <i>Manufacturing Land Uses,</i> except Printing and Publishing <i>Resource Land Uses</i> <i>Jail Farm/Camp</i> <i>Public Agency Animal Control</i> <i>Facility</i> <i>Public Agency Training</i> <i>Facility</i> <i>Hydroelectric Generation</i> <i>Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> Zoo/Wildlife Exhibit ³² Stadium/Arena <i>Marijuana Business</i>

¹ Only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC, except that stand-alone *townhouse developments* are permitted subject to KMC [17.20.125](#), [18.22.020](#), [18.30.130](#) and [18.50.050](#);

² a. See KMC [18.73.100](#) regarding *accessory dwelling units*.

b. One single or twin engine, noncommercial aircraft shall be permitted only on *lots* that abut, or have a legal access that is not a *City* right-of-way to, a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

³ Except *bed and breakfast guesthouses*.

⁴ *Bed and breakfast guesthouses* shall be subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

c. Parking shall be provided as required by this title; and

d. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.

⁵ Reserved.

⁶ Limited to day moorage.

⁷ Only for stand-alone *sports clubs* that are not part of a *park*.

⁸ Excluding amusement and recreational *uses* classified elsewhere in this chapter.

⁹ *Social card games*, as defined by this title, are prohibited.

¹⁰ Limited to columbariums accessory to a church, but required *landscaping* and parking shall not be reduced.

- ¹¹ a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
- c. The provisions of Chapter [18.70](#) KMC relative to animal keeping are met.
- ¹² Except tire retreading.
- ¹³ The repair work or service shall only be performed in an enclosed *building*, with no *outdoor storage* of materials. Top, body, and upholstery repair shops and paint shops are not allowed.
- ¹⁴ Except day care services and residential care.
- ¹⁵ Only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.
- ¹⁶ With the exception of *drop box facilities* for the collection and temporary storage of *recyclable materials*, all processing and storage of material shall be within enclosed *buildings*. *Yard waste processing* is not permitted.
- ¹⁷ Limited to “storefront” police offices. Such offices shall not have:
- a. Holding cells; or
- b. Long-term storage of stolen properties.
- ¹⁸ Except in commercial zones or when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. In commercial zones or shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.
- ¹⁹ *Vector waste* treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered *structures*), as well as enclosed *buildings*.
- ²⁰ No tow-in lots for damaged, abandoned or otherwise impounded vehicles.

²¹ Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.

²² Limited to *emergency* medical evacuation sites in conjunction with police, fire or health service facility.

²³ Only *hardware and garden materials stores* shall be permitted.

²⁴ Limited to *variety stores*, and further limited to a maximum of 2,000 square feet of gross floor area.

²⁵ Excluding drinking places.

²⁶ *Social card games*, as defined by this title, are prohibited.

²⁷ Limited to photocopying and printing services offered to the general public.

²⁸ Limited to *cogeneration* facilities for on-site use only.

²⁹ ~~The provisions apply only to *major communication facilities*. *Minor communication facilities* shall be reviewed in accordance with the processes and standards outlined in Chapter [18.60 KMC](#).~~

³⁰ ~~a. Limited to no more than three satellite dish *antennas*.~~

~~b. Limited to one satellite dish *antenna*.~~

~~c. Limited to tower *consolidations*.~~

³¹ Except racing of motorized vehicles.

³² Except arboretum.

³³ Except technical institutions. See *vocational schools*.

³⁴ Only as a re-use of a public school facility subject to Chapter [18.50 KMC](#).

³⁵ Only as a re-use of a surplus nonresidential facility subject to Chapter [18.50 KMC](#).

³⁶ *SCTF* Siting. *Secure community transition facilities* as defined in RCW [71.09.020](#) are permitted by *special use permit* in the neighborhood business zone, subject to the following restrictions:

a. Maximum Number of Residents. No *SCTF* shall house more than three persons, excluding resident staff.

b. Siting Criteria.

(1) *SCTFs* should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.

(2) No *SCTF* shall be allowed within the following distances from the following specified *uses*, areas or zones, whether such *uses*, areas or zones are located within or outside the *City* limits:

(A) In or within 250 feet of any residential zone district, or any residentially zoned property;

(B) Adjacent to, immediately across a *street* or parking lot from, or within the line of sight of a “risk potential activity” as defined in RCW [71.09.020](#), as amended, including, but not limited to, public and private schools; school bus stops; licensed *day care* and licensed preschool facilities; public *parks*, publicly dedicated *trails* and sports fields; recreational and community centers; playgrounds; *church, synagogue, mosque, temple*; and public libraries;

(C) One mile from any existing *SCTF*, work release, prerelease, or similar facility.

(3) The distances specified in footnote (36)(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the *SCTF* is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

c. On-Site Facilities Required. Each *SCTF* shall provide on-site dining, on-site laundry or laundry service, and on-site *recreational facilities* to serve the residents.

d. *Special Use Permit* Application Process. A *special use permit* application for an *SCTF* shall be accompanied by the following:

(1) The siting process used for the *SCTF*, including alternative locations considered. At least three alternative locations must be considered.

(2) An analysis showing that utmost consideration was given to potential *sites* such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic

group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.

- (3) Proposed mitigation measures including the use of extensive buffering from adjacent *uses*.
- (4) A detailed security plan for the facility and the residents.
- (5) Proposed operating rules for the facility.
- (6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

18.22. . Wireless communication facilities. Use allowances and development regulations for *wireless communication facilities* are located in Chapter 18.60 KMC.

18.23.020 Use allowances.

The following *uses* listed in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the community business zone:

Table A. Community Business Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Artist Studios</i>	<i>City Government Facilities and Offices</i>	<i>Adult Entertainment</i>
<i>Arts and Crafts</i>	<i>College/University</i>	<i>Business</i>
<i>Schools/Studios</i>	<i>Communication Facility, Major and Minor, only when on a building; prohibit stand-alone</i>	<i>Auto Supply Stores</i>
<i>Bed and Breakfast</i>		<i>Automotive Rental and Leasing</i>
<i>Guesthouses</i>	<i>Community Residential Facility I or II</i>	<i>Automotive Repair</i>
<i>Family Child-Care Home^e</i>	<i>Conference Centers</i>	<i>Automotive Service</i>
<i>Day Care Centers I and II</i>	<i>Cultural Facilities</i>	<i>Bulk Retail</i>
<i>Eating and Drinking Places^f</i>	<i>Fire Facility</i>	<i>Car Wash</i>
<i>General Business Services</i>	<i>K – 12 Educational Institution (Public or Private)</i>	<i>Construction and Trade</i>
<i>Home Occupation</i>	<i>Medical/Dental Labs</i>	<i>Drive-Through Service</i>
<i>Medical/Dental</i>	<i>Nursing and Personal Care Facilities</i>	<i>Helistop</i>
<i>Office/Outpatient Clinic</i>	<i>Police Facility</i>	<i>Hospitals</i>
<i>Multiple-Family Dwelling</i>	<i>Public Agency or Utility Office: Non-City</i>	<i>Hotel</i>
<i>Professional Offices</i>	<i>Recreational Facilities, Indoor</i>	<i>Indoor Storage</i>
<i>Parks</i>		

Table A. Community Business Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<p><i>Private Stormwater Management Facility</i></p> <p>Rental Services, No Outside Storage</p> <p><i>Retail Sales, Indoor¹ Services, On-Site¹</i></p> <p><i>Single Detached Dwelling Unit, Existing Legal Trails</i></p>	<p>Religious Institutions: <i>Church, Synagogue, Mosque, Temple</i></p> <p><i>Services, Off-Site</i></p> <p><i>Social Services, Noncorrectional</i></p> <p><i>Specialized Instruction School</i></p> <p><i>Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structure Supports</i></p> <p>Veterinary Offices/Clinics</p> <p><i>Vocational Schools</i></p>	<p><i>Interim Recycling Facility</i></p> <p>Manufacturing</p> <p><i>Marijuana Business</i></p> <p><i>Mobile Food Vendor</i></p> <p><i>Mobile Home Parks</i></p> <p><i>Motel</i></p> <p><i>Motor Vehicle and Boat Dealers</i></p> <p><i>Outdoor Performance Center</i></p> <p><i>Outdoor Retail Display/Sidewalk Sale</i></p> <p><i>Outdoor Storage</i></p> <p><i>Recreational Facilities, Outdoor</i></p> <p>Rental Services with Outside Storage</p> <p><i>Retail Sales, Outdoor</i></p> <p><i>Self-Service Storage</i></p> <p><i>Single Detached Dwelling Unit, New</i></p> <p><i>Social Services, Correctional</i></p> <p><i>Taxi Stand</i></p> <p><i>Theater</i></p> <p><i>Theatrical Production</i></p> <p>Services</p> <p>Tow Truck</p> <p>Operation/Auto Yard</p> <p><i>Transit Center</i></p> <p>Trucking and Courier Service</p>

Table A. Community Business Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		Warehousing and Wholesale Trade

¹ Permitted only as part of a *mixed use development* and must occupy 50 percent of the *ground floor at street frontage*. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous.

² A *family child-care home* is permitted in an existing legal *single detached dwelling unit* subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:

- a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
- b. A safe passenger loading area as certified by the DEL licensor shall be provided;
- c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
- d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;
- e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and
- f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

18.23. . Wireless communication facilities. Use allowances and development regulations for *wireless communication facilities* are located in Chapter [18.60](#) KMC.

18.24.020 Use allowances.

The following *uses* in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the downtown residential zone.

Table A. Downtown Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Auction House, Existing⁶</i> <i>Automotive Service, Accessory¹</i> <i>Bed and Breakfast</i> <i>Guesthouse</i> <i>City Government Facilities and Offices</i> <i>Community Residential Facility I or II</i> <i>Cultural Facilities</i> <i>Family Child-Care Home³</i> <i>Day Care I or II²</i> <i>Home Occupation</i> <i>Multiple-Family Dwelling⁶</i> <i>On-Site Services⁴</i> <i>Parking: Off-Street Required</i> <i>Parking Lot or Structure</i> <i>Parks</i> <i>Professional Office⁴</i> <i>Recreation, Indoor: Sports Club</i> <i>Retail Sales, Indoor⁴</i> <i>Single Detached Dwelling Unit, Existing Legal</i> <i>Trails</i> <i>Vehicle Auction, Existing⁷</i>	<i>Communication Facility, Major⁶</i> Eating and Drinking Places Nursing and Personal Care Facilities Religious Institutions: <i>Church, Synagogue, Mosque, Temple</i> <i>Social Services, Noncorrectional</i> <i>Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structural Supports</i>	<i>Indoor Storage</i> <i>Marijuana Business</i> <i>Mobile Home Parks</i> <i>Outdoor Storage</i> <i>Public Agency or Utility Office: Non-City</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Single Detached Dwelling Unit, New</i> <i>Social Services, Correctional</i>

¹ Only permitted when accessory to and contained within a structured parking garage.

² *Day care II* permitted only when accessory to a school, church, *park*, *sport club* or public housing administered by a *public agency*.

³ *Townhouses* are required to have four units minimum in a cluster. Enclosed under building parking is required per Chapter [18.52](#) KMC, Downtown Design Standards.

⁴ Permitted only as part of a *mixed use development*, and must occupy 50 percent of the *ground floor* at *street frontage*. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous.

~~⁵ Limited to tower consolidations.~~

⁶ Except for vehicle and animal auction *uses*. Existing *auction houses* are permitted on properties currently used for *auction house* activity as of January 12, 2007. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of the property. The *auction house use* may not expand *buildings* or storage beyond the *use's* existing footprint. The *auction house* may expand accessory on-site parking associated with existing *auction house use* to adjoining or nearby parcels of land, subject to the *City's* approval of a site improvement plan that addresses the following issues:

- a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC [18.52.180](#);
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

⁷ Vehicle auctions in existence as of January 12, 2007, are permitted on-site area and within *buildings* in the downtown residential zone located east of 68th Avenue NE and north of NE 182nd Street that are being used as a vehicle auction *use* as of that date. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of property. With the exception of accessory parking outlined below, existing vehicle auction *uses* may not expand beyond their existing building footprint plus abutting easements, loading, or parking areas used for vehicle auction as of January 12, 2007. Renovations or alterations within the existing building footprint are permitted. However,

expansion of existing *buildings* for vehicle auction *use* is prohibited. Expansion of accessory on-site parking associated with existing vehicle auction *use* to adjoining or nearby parcels of land is allowed, subject to the *City's* approval of a site improvement plan that addresses the following issues:

- a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC [18.52.180](#);
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

° A *family child-care home* is permitted in an existing legal *single detached dwelling unit* subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:

- a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
- b. A safe passenger loading area as certified by the DEL licensor shall be provided;
- c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
- d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;
- e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and
- f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

[Ord. 14-0384 § 5; Ord. 11-0329 § 3 (Exh. 1).]

18.24. . Wireless communication facilities. Use allowances and development regulations for wireless communication facilities are located in Chapter 18.60 KMC.

18.25.020 Use allowances.

The following uses listed in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the downtown commercial zone:

Table A. Downtown Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult Entertainment Businesses</i> ¹	College/University	Automotive Rental and Leasing, New, Nonaccessory
<i>Artist Studios</i>	<i>Communication Facility, Major and Minor. Only when on building; prohibit stand-alone</i>	Automotive Repair, New, Nonaccessory
<i>Arts and Crafts Schools/Studios</i>	<i>Community Residential Facility I or II</i>	Automotive Service, New, Nonaccessory
<i>Auction House, Existing</i> ¹²	Fire Facility	<i>Bulk Retail</i>
Auto Supply Stores	<i>Helistop</i>	<i>Car Wash, Nonaccessory</i>
Automotive Rental and Leasing, Accessory ¹	Hospitals	<i>Construction and Trade</i>
Automotive Repair, Accessory ¹	<i>K – 12 Educational Institution (Public or Private)</i>	Gasoline Service Stations, New
Automotive Repair, Existing Legal ¹⁰	Medical/Dental Labs	<i>Indoor Storage</i>
Automotive Service, Accessory ¹	Police Facility	<i>Interim Recycling Facility</i>
Automotive Service, Existing Legal ¹	<i>Public Agency or Utility Office: Non-City</i>	Manufacturing
<i>Bed and Breakfast Guesthouse</i> ²	Religious Institutions: <i>Church, Synagogue, Mosque, Temple</i>	<i>Marijuana Business</i>
<i>Car Wash, Accessory</i> ¹	<i>Social Services, Correctional</i>	<i>Motel</i>
<i>City Government Facilities and Offices</i>	<i>Specialized Instruction School</i>	<i>Motor Vehicle and Boat Dealers, Nonaccessory</i>
<i>Conference Centers</i>	<i>Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated</i>	
<i>Cultural Facilities</i>	Structural Supports	
<i>Day Care Centers I and II</i>	<i>Vocational School</i>	
<i>Drive-Through Service</i> ³		
Eating and Drinking Places		
Gasoline Service Stations, Existing Legal		
<i>General Business Services</i>		
<i>Home Occupation</i>		
<i>Hotel</i>		
<i>Medical/Dental Office/Outpatient Clinic</i>		

Table A. Downtown Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<p><i>Mobile Food Vendor⁴</i></p> <p><i>Motor Vehicle and Boat Dealers, Accessory¹</i></p> <p><i>Multiple-Family Dwelling⁶</i></p> <p><i>Off-Site Services⁸</i></p> <p><i>Outdoor Performance Center⁶</i></p> <p><i>Outdoor Retail Display/Sidewalk Sale⁷</i></p> <p><i>Professional Offices</i></p> <p><i>Parking: Commuter Parking Lot or Structure, Off-Street Required Parking Lot or Structure⁹</i></p> <p><i>Parks</i></p> <p><i>Private Stormwater Management Facility</i></p> <p><i>Recreational Facilities, Indoor</i></p> <p><i>Rental Services, No Outside Storage</i></p> <p><i>Retail Sales, Indoor</i></p> <p><i>Services, On-Site</i></p> <p><i>Social Services, Noncorrectional</i></p> <p><i>Taxi Stand</i></p> <p><i>Theater</i></p> <p><i>Theatrical Production Services</i></p> <p><i>Trails</i></p> <p><i>Transit Center⁹</i></p> <p><i>Vehicle Auction, Existing¹³</i></p> <p><i>Veterinary Offices/Clinics: No outdoor kennels or facilities</i></p>		<p><i>Nursing and Personal Care Facilities</i></p> <p><i>Outdoor Storage</i></p> <p><i>Recreational Facilities, Outdoor</i></p> <p><i>Rental Services, with Outside Storage</i></p> <p><i>Retail Sales, Outdoor</i></p> <p><i>Self-Service Storage</i></p> <p><i>Tow Truck Operation/Auto Impoundment Yard</i></p> <p><i>Trucking and Courier Service</i></p> <p><i>Warehousing and Wholesale Trade</i></p>

¹ Permitted only when accessory to and contained within a structured parking garage. Automotive rental and leasing uses, or *motor vehicle and boat dealer uses*, may also be permitted when accessory to an *existing legal* automotive service or *existing legal* automotive repair use and consistent with the following: (a) motor vehicles for sale, lease or rental shall not be arranged

in a display lot fashion along the primary *street frontage*, and (b) shall be a subordinate and incidental part of the automotive repair or automotive service business, and (c) shall be subject to Chapter [18.52](#) KMC, Downtown Design Standards, regarding screening, location and other relevant standards. Otherwise prohibited.

² Permitted only if part of a *mixed use development*.

³ Properties having frontage on SR-522 and taking primary access from SR-522 as of the effective date of the ordinance codified in this title shall be permitted *drive-through service*. Where allowed, *drive-through service* is permitted as an *accessory use*. *Drive-through service* shall be oriented to the side and/or rear of the *building*, and integrated into the exterior wall. Drive-through lanes shall not be located between the *street* and the main pedestrian access to the *buildings*. Modifications to these requirements may be reviewed through the site plan or building permit review process when meeting the intent of pedestrian orientation pursuant to Chapter [18.52](#) KMC, Downtown Design Standards.

⁴ *Mobile food vendors* are permitted subject to the following requirements:

- a. The stand is located on a sidewalk or near a storefront consistent with barrier-free regulations;
- b. The stand location on the sidewalk or near a storefront provides for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
- c. No permanent fencing, walls, or other *structures* are installed which hinder removal of the *structure* from the *site*;
- d. No required parking stall shall be blocked or unusable as a result of the mobile vendor;
- e. Safe ingress and egress to the *site* shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
- f. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits; if accessory to a *use*, such operation is removed daily at the time of or prior to the close of business hours;
- g. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

⁵ When located on property fronting on SR-522, NE 73rd Street, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE, such *uses* shall be subject to the following conditions:

- a. A minimum of 80 percent of a *structure's* street front facade at street level shall be occupied by nonresidential (e.g., retail, office or service) *uses*. If the nonresidential and residential *uses* are located in separate *structures*, the 80 percent requirement shall apply to the *lot's* lineal *street frontage* at street level. Where the *lot* fronts on two or more *streets* and abuts a *lot* which is not zoned commercial, the street front facade requirement shall apply to the *structure's* facade along the *street* with the greatest continuous lineal feet of commercially zoned frontage.
- b. The required nonresidential *use* shall extend at least 30 feet in depth at street level from the street front facade of the *structure*; provided, that the minimum required depth may be averaged, with no depth less than 15 feet.
- c. Where a *lot* fronts on two or more *streets* and only abuts *lots* which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the *structure* containing the required nonresidential *use*.

⁶ Permitted when located west of 68th Avenue NE and associated with a plaza open to the public, and space is made available for general public passive or active use during non-performance hours.

⁷ *Outdoor retail displays/sidewalk sales* are permitted subject to:

- a. The *outdoor retail display/sidewalk sale* shall be accessory to a permitted permanent commercial *use*;
- b. Fire lanes shall remain fully open and accessible at all times;
- c. The location on sidewalk or near storefront is barrier-free;
- d. No required parking stall shall be blocked or unusable as a result of the *outdoor retail display/sidewalk sale*;
- e. Safe ingress and egress to the *site* shall be maintained. Visibility for transportation and pedestrian access shall be maintained;

f. Such display and activity is removed daily at the time of or prior to the close of business hours;

g. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

⁸ When located along NE 73rd Street, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE, such *use* shall be housed on floors other than the *ground floor* street front facade.

⁹ a. Within the zone north of SR-522 and west of 68th Avenue NE, *transit centers* and commuter parking facilities shall be in structured *buildings* when the number of stalls exceeds 20. *Transit centers* or *commuter parking lots* shall be located a maximum distance of 1,200 lineal feet measured from the center line of SR-522 to the furthestmost point of the *transit center* or *commuter parking lot*.

b. Parking structures, in whatever location in the zone, shall provide retail usages for at least 50 percent of the *ground floor street frontages*, consistent with Chapter [18.52](#) KMC, Downtown Design Standards.

c. Parking structures shall be designed consistent with Chapter [18.52](#) KMC, Downtown Design Standards; interior design considerations shall include integration of parking with any transit bays, provision of indoor access to shops, and covered walkways to adjacent shopping, civic, residential, or other *developments* that patrons will access. Crime prevention through environmental design (CPTED) principles shall be integrated, such as, but not limited to, full spectrum lighting and maximization of visibility in publicly used areas.

¹⁰ In the downtown commercial zone, properties (a) fronting SR-522 or taking primary access from SR-522, and (b) located on a property where the extent of use is no deeper than 260 feet from SR-522, and (c) containing automotive repair or automotive service *uses* as of April 28, 2003, shall be considered *existing legal uses*. Otherwise prohibited.

¹¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this section, without regard to intervening *structures* or objects, if any:

a. Residentially zoned property;

- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by SR-522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Church, synagogue, mosque, temple*, or other house of religious worship;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

¹² Except for vehicle and animal auction *uses*. Existing *auction houses* are permitted on properties currently used for *auction house* activity as of January 12, 2007. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of the property. The *auction house use* may not expand *buildings* or storage beyond the *use's* existing footprint. The *auction house* may expand accessory on-site parking associated with existing *auction house use* to adjoining or nearby parcels of land, subject to the *City's* approval of a site improvement plan that addresses the following issues:

- a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;

- c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC [18.52.180](#);
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

¹³ Vehicle auctions in existence as of January 12, 2007, are permitted on-site area and within *buildings* in the downtown commercial zone located east of 68th Avenue NE and north of NE 182nd Street that are being used as a vehicle auction *use* as of that date. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of property. With the exception of accessory parking noted in this subsection, existing vehicle auction *uses* may not expand beyond their existing building footprint plus abutting easements, loading, or parking areas used for vehicle auction as of January 12, 2007. Renovations or alterations within the existing building footprint are permitted; however, expansion of existing *buildings* for vehicle auction *use* is prohibited. Expansion of accessory on-site parking associated with existing vehicle auction *use* to adjoining or nearby parcels of land is allowed, subject to the *City's* approval of a site improvement plan that addresses the following issues:

- a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC [18.52.180](#);
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

18.25. . Wireless communication facilities. Use allowances and development regulations for wireless communication facilities are located in Chapter 18.60 KMC.

18.25A.030 Use allowances – Urban corridor west subarea.

The following uses listed in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the urban corridor west subarea:

Table A. Urban Corridor West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business</i> ¹	<i>Arts, entertainment, outdoor</i> ¹¹	<i>Air transportation service</i>
<i>Ambulatory surgery center</i>	<i>College/university</i>	<i>Auction house</i>
<i>Animal kennel/shelter</i> ²	<i>Communication facility</i> ¹²	<i>Automotive sales and service, marine</i>
<i>Arts, entertainment, indoor</i>	<i>Fire or police facility</i>	<i>Automotive sales and service, nonmarine</i>
<i>Business service, standard</i>	<i>Laboratory</i> ⁵	<i>Business service, intensive</i>
<i>Cemetery, columbarium or mausoleum</i> ³	<i>Recreational facility, indoor</i> ⁸	<i>Construction and trade</i>
<i>Community residential facility</i>	<i>Recreational facility, outdoor</i> ¹³	<i>Family child-care home</i>
<i>Day care</i>		<i>Hospital</i>
<i>Eating and drinking place</i> ⁴		<i>Manufacturing, heavy</i>
<i>Educational service</i>		<i>Mobile home park</i>
<i>Funeral home/crematory</i>		<i>Recreational facility, outdoor</i> ¹³
<i>Health care and social assistance</i>		<i>Regional land use</i>
<i>Laboratory</i> ⁵		<i>Resource land use</i>
<i>Manufacturing, light</i>		<i>Retail sales, bulk</i>
<i>Marijuana business</i>		<i>Secure facility</i>
<i>Mobile food service</i> ⁶		<i>Single detached dwelling unit</i>
<i>Multiple-family dwelling</i> ⁷		<i>Transportation</i>
<i>Office</i>		<i>Utility facility</i>
<i>Park</i>		<i>Vehicle or equipment rental</i>
<i>Personal service</i>		<i>Vehicle refueling station</i>
<i>Recreational facility, indoor</i> ⁸		<i>Warehousing</i>
<i>Religious institution</i>		<i>Wholesale trade</i>
<i>Retail sales</i> ⁹		
<i>Standalone parking</i> ¹⁰		
<i>Supportive living facility</i>		
<i>Temporary lodging</i>		

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;

c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and

d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

³ Limited to indoor columbariums and mausoleums only.

⁴ *Social card games*, as defined by this title, are prohibited.

⁵ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁶ Provided:

a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.

b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.

c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.

d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

⁷ North of SR-522, allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

⁸ South of SR-522, *indoor recreational facility* is a conditional use.

⁹ South of SR-522, allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

¹⁰ Standalone surface parking and boat racks shall not be permitted.

¹¹ Outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.

¹² Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

¹³ North of SR-522, outdoor recreational facility is a prohibited use. Campgrounds and RV parks shall not be permitted south of SR-522.

18.25A.040 Use allowances – Urban corridor east subarea.

The following uses listed in Table B are identified as permitted, conditionally permitted, or *prohibited uses* in the urban corridor east subarea:

Table B. Urban Corridor East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Adult entertainment business ¹	College/university	Air transportation service
Ambulatory surgery center	Communication facility ¹³	Arts, entertainment, outdoor ³
Animal kennel/shelter ²	Fire or police facility	Auction house
Arts, entertainment, indoor	Hospital ⁵	Automotive sales and service, marine
Arts, entertainment, outdoor ³	Laboratory ⁷	Automotive sales and service, nonmarine
Business service, standard	Regional land use ⁵	Business service, intensive
Cemetery, columbarium or mausoleum ⁴	Retail sales, bulk ^{5,10}	Community residential facility ⁵
Community residential facility ⁵		Construction and trade
Day care		Family child-care home
Eating and drinking place ⁶		Hospital ⁵
Educational service		Manufacturing, heavy
Funeral home/crematory		Mobile home park
Health care and social assistance		Recreational facility, outdoor ³
Laboratory ⁷		Regional land use ⁵
Manufacturing, light		Resource land use
Marijuana business		Retail sales, bulk ⁵
Mobile food service ⁸		Secure facility
Multiple-family dwelling		Single detached dwelling unit
Office		Standalone parking ¹¹
Park		Transportation
Personal service		Utility facility
Recreational facility, indoor		Vehicle or equipment rental

Table B. Urban Corridor East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Recreational facility, outdoor</i> ^{3,9} <i>Religious institution</i> <i>Retail sales</i> <i>Retail sales, bulk</i> ^{5,10} <i>Standalone parking</i> ¹¹ <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Vehicle refueling station</i> ¹²		<i>Vehicle refueling station</i> ¹² <i>Warehousing</i> <i>Wholesale trade</i>

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;

j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

³ Prohibited east of 80th Avenue NE. West of 80th Avenue NE, outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.

⁴ East of 80th Avenue NE, limited to indoor columbariums and mausoleums only.

⁵ Prohibited east of 80th Avenue NE.

⁶ *Social card games*, as defined by this title, are prohibited.

⁷ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁸ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.

c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.

d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

⁹ Campgrounds and RV parks shall not be permitted.

¹⁰ A *conditional use permit* is required if the building footprint is greater than 65,000 sq. ft.

¹¹ Prohibited east of 80th Avenue NE. Standalone surface parking lots for vehicles, boats or boat racks shall not exceed 10,000 sq. ft. in size west of 80th Avenue NE.

¹² Permitted only within 250 feet of the intersection of 80th Avenue NE and SR-522. Prohibited in other portions of the east subarea.

¹³ Applies only to *major communication facilities*. *Minor communication facilities* shall be reviewed in accordance with the processes and standards outlined in Chapter [18.60](#) KMC.

18.25A. **Wireless communication facilities.** Use allowances and development regulations for *wireless communication facilities* are located in Chapter [18.60](#) KMC.

18.25B.020 Use allowances.

The following *uses* listed in Table A are identified as permitted, conditionally permitted or *prohibited uses* in the waterfront commercial zone:

Table A. Waterfront Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business</i> ¹	<i>Air transportation service</i>	<i>Auction house</i>
<i>Ambulatory surgery center</i>	<i>College/university</i>	<i>Automotive sales and service, nonmarine</i>
<i>Animal kennel/shelter</i> ²	<i>Communication facility</i> ¹³	<i>Business service, intensive</i>
<i>Arts, entertainment, indoor</i>	<i>Fire or police facility</i>	<i>Construction and trade</i>
<i>Arts, entertainment, outdoor</i> ³	<i>Hospital</i>	<i>Family child-care home</i>
	<i>Laboratory</i> ⁶	

Table A. Waterfront Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<p><i>Automotive sales and service, marine</i></p> <p><i>Business service, standard</i></p> <p><i>Cemetery, columbarium or mausoleum⁴</i></p> <p><i>Community residential facility (CRF)</i></p> <p><i>Day care</i></p> <p><i>Eating and drinking place⁵</i></p> <p><i>Educational service</i></p> <p><i>Funeral home/crematory</i></p> <p><i>Health care and social assistance</i></p> <p><i>Laboratory⁶</i></p> <p><i>Manufacturing, light</i></p> <p><i>Marijuana business</i></p> <p><i>Mobile food service⁷</i></p> <p><i>Multiple-family dwelling⁸</i></p> <p><i>Office</i></p> <p><i>Park</i></p> <p><i>Personal service</i></p> <p><i>Recreational facility, indoor</i></p> <p><i>Recreational facility, outdoor^{3,9}</i></p> <p><i>Religious institution</i></p> <p><i>Retail sales</i></p> <p><i>Standalone parking¹⁰</i></p>	<p><i>Regional land use</i></p>	<p><i>Manufacturing, heavy</i></p> <p><i>Mobile home park</i></p> <p><i>Resource land use</i></p> <p><i>Retail sales, bulk</i></p> <p><i>Secure facility</i></p> <p><i>Single detached dwelling unit</i></p> <p><i>Utility facility</i></p> <p><i>Warehousing</i></p> <p><i>Wholesale trade</i></p>
<p><i>Supportive living facility</i></p> <p><i>Temporary lodging</i></p> <p><i>Transportation¹¹</i></p> <p><i>Vehicle or equipment rental¹²</i></p> <p><i>Vehicle refueling station</i></p>		

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or

parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening structures or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and

d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

³ Outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.

⁴ Limited to indoor columbariums and mausoleums only.

⁵ *Social card games*, as defined by this title, are prohibited.

⁶ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁷ Provided:

a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.

b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.

c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.

d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

⁸ Allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

⁹ Campgrounds and RV parks shall not be permitted.

¹⁰ Standalone surface parking lots for vehicles, boats or boat racks shall not exceed 10,000 sq. ft. in size.

¹¹ Only passenger transportation uses shall be permitted (no trucking or towing).

¹² Equipment rental is prohibited.

¹³ Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

18.25B. . Wireless communication facilities. Use allowances and development regulations for *wireless communication facilities* are located in Chapter 18.60 KMC.

18.26.030 Use allowances – Regional business north subarea.

The following uses listed in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the regional business north subarea:

Table A. Regional Business North Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i>	<i>College/university</i>	<i>Air transportation service</i>
<i>Ambulatory surgery center</i>	<i>Communication facility¹²</i>	<i>Auction house</i>
<i>Animal kennel/shelter²</i>	<i>Laboratory⁶</i>	<i>Automotive sales and service, nonmarine⁴</i>
<i>Arts, entertainment, indoor</i>	<i>Recreational facility, outdoor³</i>	<i>Business service, intensive</i>
<i>Arts, entertainment, outdoor</i>	<i>Regional land use</i>	<i>Cemetery, columbarium or mausoleum</i>
<i>Automotive sales and service, marine³</i>	<i>Utility facility</i>	<i>Family child-care home</i>
<i>Automotive sales and service, nonmarine⁴</i>		<i>Funeral home/crematory</i>
<i>Business service, standard</i>		<i>Hospital</i>
<i>Community residential facility</i>		<i>Manufacturing, heavy</i>
<i>Construction and trade</i>		<i>Mobile home park</i>
<i>Day care</i>		<i>Resource land use</i>
<i>Eating and drinking place⁵</i>		<i>Retail sales, bulk</i>
<i>Educational service</i>		<i>Secure facility</i>
<i>Fire or police facility</i>		<i>Single detached dwelling unit</i>
<i>Health care and social assistance</i>		<i>Vehicle or equipment rental¹¹</i>
<i>Laboratory⁶</i>		<i>Vehicle refueling station</i>
<i>Manufacturing, light</i>		<i>Warehousing</i>
<i>Marijuana business</i>		
<i>Mobile food service⁷</i>		
<i>Multiple-family dwelling⁸</i>		
<i>Office</i>		

Table A. Regional Business North Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Religious institution</i> <i>Retail sales</i> <i>Standalone parking</i> ⁹ <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation</i> ¹⁰ <i>Vehicle or equipment rental</i> ¹¹ <i>Wholesale trade</i>		

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;

i. *Religious institution*;

j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

a. No burning of refuse or dead animals is allowed;

b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;

c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and

d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

³ Outdoor sales lots shall not exceed 20,000 sq. ft. in size.

⁴ Automotive sales are prohibited. Service of trucks exceeding eight-ton capacity (FHWA Classes 5-8) and heavy equipment is prohibited.

⁵ *Social card games*, as defined by this title, are prohibited.

⁶ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁷ Provided:

a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.

b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.

c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.

d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

⁸ Allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

⁹ Standalone surface parking lots and boat racks are not permitted.

¹⁰ Trucking and freight hauling businesses are not permitted.

¹¹ Equipment rental is prohibited.

¹² ~~Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter [18.60](#) KMC.~~

¹³ Campgrounds and RV parks shall not be permitted.

18.26.040 Use allowances – Regional business east subarea.

The following *uses* listed in Table B are identified as permitted, conditionally permitted, or *prohibited uses* in the regional business east subarea:

Table B. Regional Business East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i>	<i>College/university</i>	<i>Air transportation service</i>
<i>Ambulatory surgery center</i>	<i>Communication facility⁴⁶</i>	<i>Automotive sales and service, nonmarine⁵</i>
<i>Animal kennel/shelter²</i>	<i>Hospital</i>	<i>Business service, intensive</i>
<i>Arts, entertainment, indoor</i>	<i>Laboratory⁶</i>	<i>Family child-care home</i>
<i>Arts, entertainment, outdoor³</i>	<i>Regional land use</i>	<i>Manufacturing, heavy</i>
<i>Auction house⁴</i>	<i>Secure facility⁷</i>	<i>Mobile home park</i>
<i>Automotive sales and service, marine</i>	<i>Utility facility</i>	<i>Resource land use</i>
<i>Automotive sales and service, nonmarine⁵</i>		<i>Retail sales, bulk</i>
<i>Business service, standard</i>		<i>Single detached dwelling unit</i>
		<i>Vehicle refueling station</i>

Table B. Regional Business East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Cemetery, columbarium or mausoleum⁶</i> <i>Community residential facility</i> <i>Construction and trade</i> <i>Day care</i> <i>Eating and drinking place⁷</i> <i>Educational service</i> <i>Fire or police facility</i> <i>Funeral home/crematory</i> <i>Health care and social assistance</i> <i>Laboratory⁸</i> <i>Manufacturing, light</i> <i>Marijuana business</i> <i>Mobile food service⁹</i> <i>Multiple-family dwelling¹⁰</i> <i>Office</i> <i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor^{6,11}</i> <i>Religious institution</i> <i>Retail sales¹²</i> <i>Standalone parking¹³</i> <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation¹⁴</i> <i>Vehicle or equipment rental</i> <i>Warehousing¹⁵</i> <i>Wholesale trade</i>		

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or

parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and

d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

³ Outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.

⁴ Excluding animal auctions.

⁵ Automotive sales are prohibited. Service of trucks exceeding eight-ton capacity (FHWA Classes 5-8) and heavy equipment is prohibited.

⁶ Limited to indoor columbariums and mausoleums.

⁷ *Social card games*, as defined by this title, are prohibited.

⁸ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁹ Provided:

a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.

b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.

c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.

d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

¹⁰ Allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

¹¹ Campgrounds and RV parks shall not be permitted.

¹² Allowed only as part of a *mixed use development*.

¹³ Only standalone boat parking is permitted. Parking lots are limited in size to 10,000 sq. ft.

¹⁴ Trucking and freight hauling businesses are not permitted.

¹⁵ A warehouse shall not exceed 20,000 sq. ft. in size. Standalone outdoor storage shall not be permitted.

¹⁶ ~~Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.~~

¹⁷ Jail and jail farm/camp are prohibited. *Secure community transition facilities* as defined in RCW [71.09.020](#) are subject to the following restrictions:

a. Maximum Number of Residents. No SCTF shall house more than three persons, excluding resident staff.

b. Siting Criteria.

(1) SCTFs should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.

(2) No SCTF shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:

(A) In or within 250 feet of any residential zone district, or any residentially zoned property.

(B) Adjacent to, immediately across a street or parking lot from, or within the line of sight of a “risk potential activity” as defined in RCW [71.09.020](#), as amended, including, but not limited to, public and private schools; school bus stops; licensed day care and licensed preschool facilities; public parks, publicly dedicated trails and sports fields; recreational and community centers; playgrounds; church, synagogue, mosque, temple; and public libraries.

(C) One mile from any existing SCTF, work release, prerelease, or similar facility.

(3) The distances specified in footnote (17)(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the SCTF is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

c. On-Site Facilities Required. Each SCTF shall provide on-site dining, on-site laundry or laundry service, and on-site recreational facilities to serve the residents.

d. Conditional Use Permit Application Process. A *conditional use permit* application for an SCTF shall be accompanied by the following:

- (1) The siting process used for the SCTF, including alternative locations considered. At least three alternative locations must be considered.
- (2) An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.
- (3) Proposed mitigation measures including the use of extensive buffering from adjacent uses.
- (4) A detailed security plan for the facility and the residents.
- (5) Proposed operating rules for the facility.
- (6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

18.26.050 Use allowances – Regional business west subarea.

The following *uses* listed in Table C are identified as permitted, conditionally permitted, or *prohibited uses* in the regional business west subarea:

Table C. Regional Business West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i>	<i>College/university</i>	<i>Air transportation service</i>
<i>Ambulatory surgery center</i>	<i>Communication facility^{4,3}</i>	<i>Animal kennel/shelter</i>
<i>Arts, entertainment, indoor</i>	<i>Laboratory⁴</i>	<i>Auction house</i>
<i>Arts, entertainment, outdoor</i>	<i>Manufacturing, light</i>	<i>Automotive sales and service,</i>
<i>Automotive sales and service,</i>	<i>Regional land use</i>	<i>nonmarine</i>
<i>marine²</i>		<i>Business service, intensive</i>
<i>Business service, standard</i>		<i>Cemetery, columbarium or</i>
<i>Community residential facility</i>		<i>mausoleum</i>
<i>Day care</i>		<i>Construction and trade</i>

Table C. Regional Business West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Eating and drinking place³</i> <i>Educational service</i> <i>Fire or police facility</i> <i>Health care and social assistance</i> <i>Laboratory⁴</i> <i>Marijuana business</i> <i>Mobile food service⁵</i> <i>Multiple-family dwelling⁶</i> <i>Office</i>		<i>Family child-care home</i> <i>Funeral home/crematory</i> <i>Hospital</i> <i>Manufacturing, heavy</i> <i>Mobile home park</i> <i>Resource land use</i> <i>Retail sales, bulk</i> <i>Secure facility</i> <i>Single detached dwelling unit</i>
<i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor⁷</i> <i>Religious institution</i> <i>Retail sales⁸</i> <i>Standalone parking⁹</i> <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation¹⁰</i> <i>Vehicle or equipment rental¹¹</i> <i>Vehicle refueling station¹²</i>		<i>Utility facility</i> <i>Warehousing</i> <i>Wholesale trade</i>

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;

- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Repair work or service shall only be performed in an enclosed building, with no outdoor storage of materials.

³ *Social card games*, as defined by this title, are prohibited.

⁴ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁵ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.

d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

⁶ Allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

⁷ Campgrounds and RV parks shall not be permitted.

⁸ Allowed only as part of a *mixed use development*.

⁹ All standalone surface parking lots for vehicles, boats and/or boat racks are limited in size to 10,000 sq. ft.

¹⁰ Only passenger transportation uses are permitted.

¹¹ Equipment rental is prohibited. Vehicle rental is allowed only as an accessory to a permitted use.

¹² Allowed only as an accessory to a permitted use.

¹³ ~~Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter [18.60](#) KMC.~~

18.26. . Wireless communication facilities. Use allowances and development regulations for *wireless communication facilities* are located in Chapter [18.60](#) KMC.

18.27.020 Public and semi-public zone – Use allowances.

A. The following *uses* in Table A are permitted, conditionally permitted, or prohibited in the public and semi-public zone.

Table A. Public and Semi-Public Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
<p>Arboretum</p> <p>Caretaker Residence, Accessory</p> <p>City Government Facilities and Offices</p> <p>Commuter Parking Lot</p> <p>Conference Center</p> <p>Cultural Facilities</p> <p>Fire Facility</p> <p>Indoor Recreational Facilities; Excluding Sports Clubs</p> <p>K – 12 Educational Institutions (Public or Private)</p> <p>Open Space</p> <p>Outdoor Recreational Facilities</p> <p>Parks</p> <p>Police Facility</p> <p>Private Stormwater Management Facility</p> <p>Public Agency or Utility Office: Non-City</p> <p>Trails</p> <p>Utility Facility</p>	<p>Communication Facility, Major and Minor, only when on building; prohibit stand-alone</p> <p>Maintenance Yards or Facilities, Accessory</p> <p>Outdoor Performance Center</p> <p>Colleges/Universities</p>	<p>Jail</p> <p>Work Release Facility</p> <p>Landfill</p> <p>Transfer Station</p> <p>Marijuana Business</p>

B. Classified land uses not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC [18.27.060](#) and Chapter [18.105](#) KMC.

C. Uses Established by Master Plan. Adopted master plans that specify uses include the following:

1. Bastyr University Master Plan, December 2009, approved by City Ordinance 09-0304. [Ord. 14-0384 § 5; Ord. 11-0329 § 3 (Exh. 1).]

18.27. . Wireless communication facilities. Use allowances and development regulations for wireless communication facilities are located in Chapter 18.60 KMC.

18.28A.020 Golf course zone – Use allowances.

A. The following uses in Table A are permitted, conditionally permitted, or prohibited in the golf course zone.

Table A. Golf Course Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
Caretaker Residence, Accessory Clubhouse Conference Center, Accessory Cultural Facilities Driving Range Eating and Drinking Places, Accessory Golf Course Facility Maintenance Facility, Accessory Open Space Private Stormwater Management Facility Recreational Facilities, Indoor Recreational Facilities, Outdoor Retail Sales, Indoor, Accessory Trails Utility Facility	Communication Facility, Major and Minor, only when on building; prohibit stand-alone Outdoor Performance Center	Marijuana Business Residential Dwellings, Nonaccessory

Table A. Golf Course Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
<i>Wildlife Shelter</i>		

B. Classified land uses not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC [18.28A.060](#) and Chapter [18.105](#) KMC. Proponents of projects that include land uses allowed as accessory permitted or accessory conditionally *permitted uses* in Table A may also request allowance of such uses as primary uses pursuant to KMC [18.28A.060](#) and Chapter [18.105](#) KMC.

18.28A. . Wireless communication facilities. Use allowances and development regulations for *wireless communication facilities* are located in Chapter 18.60 KMC.

18.23.040 Zoning standards.

The following zone-specific development standards in Table B apply in the community business zone:

Table B

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units/Gross Acre</i>	24
Minimum Density: <i>Dwelling Units/Gross Acre</i>	18
Maximum Density: <i>Dwelling Units/Gross Acre</i>	36 for <i>mixed use development</i> .
Minimum <i>Street Setback</i> ¹	10 feet; or 0 feet for a mixed use <i>building</i> with commercial on the <i>ground floor</i> or for any <i>building</i> with structured parking.
Minimum Interior <i>Setback</i> ¹	0 feet for commercial or <i>mixed use development</i> except for <i>interior lot lines</i> adjoining property zoned R-1 to R-6. 5 feet landscaped <i>setback</i> for residential except for <i>interior lot lines</i> adjoining property zoned R-1 to R-6. For all <i>interior lot lines</i> adjoining a property zoned R-1 to R-6 a 15-foot landscaped <i>setback</i> is required.
Base Height ²	35 feet.
Maximum <i>Impervious Surface</i> : Percentage	90%
Pedestrian Connections	Pedestrian connections are required to be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards.

¹ Any portion of *development* that occurs underground is exempt from property line *setback* requirements of this code section.

² The exceptions to height limits listed in KMC [18.30.060](#) do not apply to the base height allowed in the CB zone. Any *development* utilizing the exception to height limits for the CB zone

between 61st Avenue NE and 65th Avenue NE shall dedicate 25 percent of the average lot width above 35 feet in height as a view corridor to Lake Washington.

Exceptions to height limitations for the base height in the CB zone shall be:

- a. Roof *structures* housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for *building* operations and maintenance, ~~or for communication transmission and receiving structures,~~ may extend up to 10 feet above the 35-foot base height for a maximum of 25 percent of the average lot width.
- b. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, utility line towers and poles, and similar *structures* may extend up to three feet above the maximum base height of 35 feet.
- c. Roof details or features that are used to comply with the roof form requirements of KMC [18.52.220](#) may extend a maximum of 10 feet above the 35-foot base height.

18.52.200 Outdoor service and storage areas.

A. Intent.

1. Screening. To maintain design continuity by screening mechanical, service, and storage areas.

B. Standards – Required.

1. Siting of On-Site Storage Areas. All outdoor service and storage areas such as mechanical equipment, *outdoor storage*, trash/recycling containers, ~~satellite dishes, accessory telecommunications devices,~~ etc., shall be fully screened and shall not be visible from adjacent public *streets* or from views above from adjacent *buildings*. The Kenmore development standards and design requirements of KMC [18.30.250](#) also apply.

2. At-Grade Service Areas. At-grade storage areas such as *outdoor storage* and/or trash/recycling containers shall be screened from adjacent *streets* and public rights-of-way and from views above from adjacent *buildings*. Pedestrian-oriented trash receptacles along walkways and in *public spaces* are excepted from this requirement.

3. Screening Techniques. Service area screening shall be 100 percent sight-obscuring, year-round, utilizing one or more of the following screening techniques:

- a. *Fences* and Walls. Fencing and wall materials shall be integrated and compatible with the design of the *building* (i.e., use the *building's* materials on *fence* columns);

- b. Adjacent to *Pedestrian Walkways*. Where an *outdoor storage* area is adjacent to a *pedestrian walkway*, *fences* installed for screening may be used only in combination with either landscaping, vines, trellis, or similar landscaping screening technique;

- c. *Evergreen Hedges* and Shrubs. *Landscaping* shall meet the *City's landscaping* requirements for Type I *landscaping*;

- d. *Trees*. A mixture of *evergreen* and *deciduous trees*. *Landscaping* shall meet the *City's landscaping* requirements for Type I *landscaping*.

4. Mechanical Equipment. Locate mechanical equipment early in the design process to ensure integration with the *building* design. Roof-mounted mechanical equipment shall be grouped together, integrated into the *building* design, and thoroughly screened from view from the street level and above from adjacent *buildings*. Roof-mounted screening techniques include but are not limited to:

- a. Roof Treatment. Roofline designed to screen visibility of mechanical equipment from an adjacent public *street(s)*;
- b. Paint. Paint mechanical equipment to match or approximate the color of the roof;
- c. Setbacks. Position mechanical equipment away from *building* edges.

19.25.020 Classifications of land use decision processes.

A. Land use decisions are classified into five types, based on the amount of discretion associated with each decision. Procedures for the five different types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in Exhibit A of this section.

1. Type 1 decisions are made by the *city manager*. Type 1 decisions are nonappealable administrative decisions that require the exercise of little or no administrative discretion. Public notice is not required for Type 1 decisions.
2. Type 2 decisions are made by the *city manager*. Type 2 decisions are discretionary decisions that are subject to administrative appeal.
3. Type 3 decisions are quasi-judicial decisions made by the *hearing examiner* following an open record hearing. Type 3 decisions may be appealed directly to King County superior court, pursuant to Chapter [36.70C](#) RCW, the Land Use Petition Act, based on the record established by the *hearing examiner*.
4. Type 4 decisions are quasi-judicial decisions made by the city council based on the record established by the *hearing examiner*.
5. Type 5 decisions are legislative decisions made by the city council.

B. Except as provided in KMC [16.75.060](#) and [19.35.160](#) or unless otherwise agreed to by the *applicant*, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application. KMC [16.75.060](#) sets out the combined hearing authority for shoreline exemptions, shoreline substantial development permits, shoreline variances, and shoreline conditional use permits.

C. Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance (DNS) or determination of significance (DS)). For all other projects, the SEPA review procedures in Chapter [19.35](#) KMC are supplemental to the procedures in this chapter.

Exhibit A

LAND USE DECISION TYPES

<p>TYPE 1²</p>	<p>Decision by <i>city manager</i>; no administrative appeal</p>	<p>Building; demolition; moving; engineering; clearing and grading; sign; change of use and/or classification under KMC Title 15; accessory dwelling unit; home occupation; boundary line adjustment; right-of-way; street standards variance; adjustment under Chapter 13.35 KMC; shoreline exemption; temporary use; binding site plan; preliminary subdivision or short subdivision revision if not a substantial change; short plat alteration if not a substantial change.</p>
<p>TYPE 2</p>	<p>Decision by <i>city manager</i>; appealable to <i>hearing examiner</i>; no further administrative appeal^{1,5}</p>	<p>Home industry; short subdivision; preliminary short subdivision revision; short plat alteration; zoning variance; conditional use permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; site plan review for uses allowed by zone; wireless communication facilities permit; minor adjustment under Chapter 18.60 KMC; approval of residential density incentives or transfer of development credits; reuse of public schools; reasonable use exceptions under KMC 18.55.180; public agency and utility exceptions under KMC 18.55.160; other critical areas exceptions, variances and decisions to require studies or to approve, condition or deny a development proposal based on Chapter 18.55 KMC.</p>
<p>TYPE 3</p>	<p>Recommendation by <i>city manager</i>; hearing and decision by <i>hearing examiner</i>; appealable directly to King County superior court, pursuant to Chapter 36.70C RCW, the Land Use Petition Act, on the record</p>	<p>Preliminary subdivision; plat alteration; preliminary subdivision revision; special use; wireless communication facility major adjustment under Chapter 18.60 KMC.</p>
<p>TYPE 4</p>	<p>Recommendation by <i>city manager</i>; hearing and recommendation by <i>hearing examiner</i>; decision by city council on the record</p>	<p>Zone <i>reclassification</i> not related to a <i>site-specific comprehensive plan land use map amendment</i>⁶; shoreline environment redesignation; plat vacation; short plat vacation;</p>

		site plan review for uses not allowed by zone pursuant to Chapter 18.105 KMC; master plans other than those required in order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment.
TYPE 5	Hearing and recommendation by planning commission or other city council-appointed advisory body ⁴ ; decision by city council on the record. Appealable to Growth Management Hearings Board pursuant to Chapter 36.70A RCW	<i>Comprehensive plan</i> amendment; <i>development regulation</i> amendment; zoning map amendment related to a <i>site-specific comprehensive plan land use map amendment</i> ; master plans required in order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment pursuant to Chapter 18.120 KMC.

¹ All shoreline permits, including shoreline variances and conditional uses, are appealable to the State Shorelines Hearings Board and not to the *hearing examiner*.

² Type 1 land use decisions that are not categorically exempt from environmental review under Chapter [43.21C](#) RCW (State Environmental Policy Act) shall provide a notice of application per KMC [19.25.060](#) and a notice of decision per KMC [19.25.090](#). The notice of decision may be a copy of the permit.

³ Approvals that are consistent with the *comprehensive plan* may be considered by the city council at any time. *Zone reclassifications* that are not consistent with the *comprehensive plan* land use map require a *site-specific comprehensive plan land use map amendment* and the city council's hearing, and consideration shall be considered a Type 5 land use decision and scheduled with the amendment to the *comprehensive plan* under Chapter [19.20](#) KMC.

⁴ If the proposal is being considered as part of the annual *docket* work program as described in Chapter [19.20](#) KMC. If the proposal is not part of the annual *docket*, the city council conducts the public participation process and makes the decision on the record.

⁵ Decisions on shoreline variance and shoreline conditional use permits require approval by the Department of Ecology.

[Ord. 12-0334 § 18; Ord. 11-0329 § 3 (Exh. 1).]

Chapter 12.58
WIRELESS ~~MINOR~~ COMMUNICATION FACILITIES WITHIN CITY RIGHTS-OF-WAY

Sections:

- 12.58.010 Purpose.**
- 12.58.020 Definitions.**
- 12.58.030 Exemptions.**
- 12.58.040 Grant of authority – Right-of-way use agreement required.**
- 12.58.050 Grant of authority – Effective period.**
- 12.58.060 Application – Contents.**
- 12.58.070 Application review.**
- 12.58.080 Application review and inspection fees.**
- 12.58.090 Annual compensation for use of right-of-way.**
- 12.58.100 Insurance requirements.**
- 12.58.110 Liquidated damages.**
- 12.58.120 Liability and indemnification.**
- ~~**12.58.130 — Antenna and equipment cabinets/buildings abutting residential zones.**~~

12.58.010 Purpose.

The purpose of this chapter is to grant, through right-of-way use agreements, authority for the placement of ~~minor~~wireless communication facilities within the City rights-of-way, and to establish standards for right-of-way use agreements which:

- A. Compensate the City for the value of the use of the City right-of-way by wireless telecommunications providers; and
- B. Reimburse the City for ongoing costs associated with those uses of the City right-of-way; and
- C. Encourage competition by establishing consistent terms and conditions under which wireless telecommunications providers may use valuable public property to serve the public; and
- D. Fully protect the public and the City from any harm that may flow from such private use of City right-of-way; and
- E. Protect and carry out the authority of the City over activities in the City right-of-way, while recovering costs; and

F. Allow the City to exercise its stewardship responsibilities with regard to City right-of-way in a manner consistent with all applicable City policies and codes, including but not limited to the zoning code, the City comprehensive plan, City street standards; and

G. Otherwise protect the public interests in the development and use of the City right-of-way infrastructure and in preserving and improving the aesthetics of the community. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.010).]

12.58.020 Definitions.

The following terms shall be applicable to this chapter:

A. “City manager” means the City of Kenmore city manager or his or her designee(s).

AB. “Right-of-way” is land, property or property interest, such as an easement, usually in a strip, as well as bridges, trestles, or other structures, dedicated to, or otherwise acquired by the City for public motor vehicle transportation purposes, including, but not limited to, streets, avenues, and alleys, whether or not opened, improved or maintained for public motor vehicle transportation purposes.

BC. “Right-of-way use agreement” is an agreement between the City and a wireless telecommunications provider through which is granted a site-specific and revocable privilege to use county/city right-of-way at a location identified in the agreement for wireless telecommunications facilities, and through which are set forth the terms and conditions for exercising the granted privilege to use the City right-of-way.

CD. “Wireless telecommunications facility” is the capital, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, pedestals, and electronic equipment within the right-of-way used for the purpose of transmitting, receiving, distributing, providing, or offering wireless telecommunications.

DE. “Wireless telecommunications provider” is every person that owns, controls, operates or manages a wireless minor telecommunication facility within the City right-of-way for the purpose of offering wireless telecommunication services (i.e., transmission for hire of information in electronic or optical form, including, but not limited to, voice, video, or data).

EF. “Wireless” means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, microwave, or satellite. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.020).]

12.58.030 Exemptions.

The following wireless minor telecommunication facilities are not subject to the provisions of this chapter:

A. Facilities located or constructed by the City of Kenmore; and

B. Facilities located or constructed by emergency services within the City of Kenmore. [Ord. 05-0228 § 2; Ord. 03-0180 §§ 1, 2; (KCC 14.45.030).]

12.58.040 Grant of authority – Right-of-way use agreement required.

Wireless ~~minor~~ communication facilities shall only be located or constructed within City of Kenmore rights-of-way after a right-of-way use agreement is ~~issued~~approved by the ~~City of Kenmore~~city manager. Prior to ~~issuing~~approving the agreement, the City shall ensure that the proposed facility is located, designed and proposed to be constructed in a manner that complies with all applicable City policies and codes, including but not limited to the provisions of KMC Title 18, Zoning, the City comprehensive plan, City street standards, and the regulation for accommodations of utilities on City street rights-of-way adopted by KMC 12.55.080. Furthermore, the right-of-way use agreement shall only allow placement of wireless ~~tele~~communication facilities on improved and maintained City street rights-of-way. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.040).]

12.58.050 Grant of authority – Effective period.

The right-of-way use agreement constitutes authorization for the applicant to use the City right-of-way at the location specified in the agreement for no more than 10 years. Failure to comply with the terms and conditions of the right-of-way agreement, including payment of required annual compensation, is cause for revoking of the use agreement. The agreement holder shall remove facilities authorized by the agreement from the City right-of-way upon expiration of the agreement, unless renewed, or upon revocation of the agreement for cause. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.050).]

12.58.060 Application – Contents.

A. The City shall not commence review of any application set forth in this chapter until the applicant has submitted the following:

1. An application form provided by the City and completed by the applicant;
2. The name of the applicant and a designated contact person;
3. Plans and specifications for any structures, antenna or other equipment to be placed in the right-of-way or, if applicable, on abutting private property;
4. A vicinity map showing the specific location of right-of-way subject to the application;
5. When structures and equipment are to be located on abutting properties:

- a. A site plan illustrating the relationship to property lines and other structures on the site;
 - b. Legal description of the site abutting property; and
 - c. Proof that the abutting property is a legally recognized lot pursuant to KMC Title [17](#);
6. A critical areas affidavit if required by Chapter [18.55](#) KMC;
7. A completed environmental checklist, if required by Chapter [19.35](#) KMC; and
8. Payment of any review fees established by KMC Title [21](#);
- B. The applicant shall attest by written oath to the accuracy of all information submitted for an application. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.060).]

12.58.070 Application review.

The department of ~~public works~~[engineering and environmental services](#) and the ~~community development~~[development services](#) department shall coordinate review and inspection of the application for a right-of-way use agreement and, to the extent required, any zoning approvals, building permits and environmental review under the State Environmental Policy Act, as follows:

- A. The department of ~~community development~~[development services](#) shall coordinate the review by all departments of right-of-way use agreement applications.
- B. The department of ~~public works~~[engineering and environmental services](#) shall review and evaluate applications with respect to the hazard and risk of the proposed construction and location of the proposed construction in relation to other utilities in the right-of-way.
- C. The department of ~~community development~~[development services](#) shall review and evaluate all applications to determine consistency with respect to the standards and requirements of Chapter [18.60](#) KMC and KMC Title [21](#). The department shall also be the lead agency for purposes of any environmental review required under Chapter [19.35](#) KMC. [Ord. 11-0329 § 6; Ord. 03-0180 §§ 1, 2; (KCC 14.45.070).]

12.58.080 Application review and inspection fees.

The following fees shall be required for the administrative costs and expenses of processing and inspecting a right-of-way use agreement application.

Review Agency	Fee
Community development Development services department (application processing)	Imposed by the city council by resolution
Community development Development services department (zoning review)	
Public works Engineering and environmental services department (inspection)	

[Ord. 03-0180 §§ 1, 2; Ord. 02-0139 §
1; (KCC 14.45.080).]

12.58.090 Annual compensation for use of right-of-way.

A. In consideration for continuing use of the City rights-of-way, an agreement holder shall commit to provide an annual use payment. The amount of the use payment shall be as follows:

Type of Equipment/Facility within the Right-of-Way	Use Payment
Separate support structure (such as a monopole or lattice) used solely for wireless antenna, with antenna/ receiver transmitter and/or equipment cabinet	Imposed by the city council by resolution
Antenna/receiver transmitter (on an existing or replacement pole) and equipment cabinet	
Antenna/receiver transmitter (on an existing or replacement pole) or equipment cabinet, but not both	

B. For the purpose of this section, “replacement pole” means a new utility pole replacing an existing utility pole in the City right-of-way with no increase in the total number of utility poles in the right-of-way. Replacement poles provide extra capacity to support attached wireless telecommunications facilities.

C. Use payments shall be paid to the City and are due upon the signing of the agreement, prorated to the end of the year, and the first of January every year thereafter.

D. All use payments prescribed by subsection A of this section shall be automatically escalated annually, beginning January 1, 2001, and every year thereafter, for the change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (“CPI-U”) for the Seattle Tacoma-Bremerton Statistical Metropolitan Area for the preceding calendar year. In the event the CPI-U (or a successor or substitute index) is no longer published, a reliable government or other non-partisan index of inflation selected by the county shall be used to calculate the adjusted amounts. [Ord. 03-0180 §§ 1, 2; Ord. 02-0139 § 1; (KCC 14.45.090).]

12.58.100 Insurance requirements.

A. For any right-of-way use agreement, the agreement holder must carry commercial general liability, automobile liability and stop gap or employers liability coverage, each in minimum limits of not less than \$1,000,000, in an amount approved by the City of Kenmore. All policies must name the City of Kenmore as an additional named insured.

B. All policies shall be placed with insurers having a Bests’ rating of no less than A:VIII or, if not rated by Bests, with surpluses equivalent to or greater than Bests’ A:VIII rating. The agreement holder shall send copies of certificates, endorsements or other adequate evidence of compliance with this section to the office so designated in the application prior to the City’s execution of the agreement. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.100).]

12.58.110 Liquidated damages.

All right-of-way use agreements may provide for liquidated damages to compensate the City for harm caused by violation of an agreement or this chapter, or any applicable law in an amount which is a reasonable forecast of just compensation for the harm caused by the violation. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.110).]

12.58.120 Liability and indemnification.

A. All right-of-way use agreements shall contain the following provision: the holder of agreement shall have no recourse whatsoever against the county or its officials, boards, commissions, agents, or employees for any loss, costs, expenses, or damages arising out of any provision or requirement of the agreement, or KMC Title [21](#) because of the enforcement of the agreement, or KMC Title [21](#) except if such

loss, costs, expenses or damages are the result of the sole negligence or misconduct on the part of the City or its agents.

B. All right-of-way use agreements shall contain the following provision: to the extent permitted by law, the holder of the agreement shall, at its sole cost and expense, indemnify, hold harmless, and defend the City and its officers, boards, commissions, agents and employees, against any and all claims, including but not limited to third-party claims, suits, causes of action, proceedings and judgments for damages or equitable relief arising out of the construction, repair, maintenance or operation of its wireless telecommunication facilities, or in any way arising out of the agreement holder's enjoyment or exercise of the right-of-way use agreement granted pursuant, or otherwise subject to KMC Title [21](#), regardless of whether the act or omission complained of is authorized, allowed or prohibited by KMC Title [21](#) or an agreement. This provision includes, but is not limited to, expenses for reasonable legal fees and for disbursements and liabilities assumed by the City as follows:

1. To persons or property, in any way arising out of or through the acts or omissions of the agreement, its officers, employees, or agents or to which the agreement holders negligence shall in any way contribute;
2. Arising out of an agreement holder's failure to comply with the provisions of any federal, State or local statute, ordinance, rule, or regulation applicable to the agreement holder.

C. The City shall give the agreement holder timely written notice of the making of any claim or the commencement of any action, suit or other proceeding covered by KMC Title [21](#). In the event any such claim arises, the City or any other indemnified party shall tender the defense thereof to the permit and the agreement holder shall have the right to defend, settle, or compromise any claims arising hereunder and the City shall cooperate fully therein. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.120).]

~~12.58.130 Antenna and equipment cabinets/buildings abutting residential zones.~~

~~Antenna and equipment cabinets/buildings abutting R zones shall be subject to the following:~~

~~A. Antennas shall not extend horizontally more than three feet from any pole to which it is mounted. This provision shall be reviewed one year after March 16, 2000, to evaluate aesthetic benefits upon residential neighborhoods and to determine the effects upon the ability of wireless service providers to reasonably and efficiently place facilities within the right of way. In order to facilitate this review, wireless service providers shall provide photographs documenting antennas located on all current facilities that are subject to right of way use agreements.~~

~~B. Electronic equipment cabinets or buildings shall be constructed underground when there is an existing residential dwelling unit within 300 feet, unless the required excavation will occur within the required buffers of critical areas, such as wetlands, streams and steep slopes, thus posing greater potential for environmental degradation of the critical area. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.130).]~~

18.30.230 Setbacks – Projections and structures allowed.

Provided that the required *setbacks* from *regional utility corridors* of KMC [18.30.200](#), the adjoining half-street or designated arterial *setbacks* of KMC [18.30.220](#) and the sight distance requirements of KMC [18.30.240](#) are maintained, *structures* may extend into or be located in required *setbacks*, including *setbacks* as required by KMC [18.21.060](#)(B), as follows:

A. Fireplace *structures*, bay or garden windows, enclosed stair landings, closets, or similar *structures* may project into any *setback*, provided such projections are:

1. Limited to two per facade;
2. Not wider than 10 feet; and
3. Not more than 24 inches into an interior *setback* or 30 inches into a *street setback*;

B. Uncovered porches and decks which exceed 18 inches above the finished grade may project:

1. Eighteen inches into interior *setbacks* in the NB, CB, DR, DC, UC, DW, RB, PSP, P, and GC zones;
2. Eighteen inches into side *setbacks* in the R zones;
3. Eighteen inches into rear *setbacks* in the R-12 through R-48 zones;
4. Five feet into rear *setbacks* in the R-1 through R-6 zones; and
5. Five feet into *street setbacks*;

C. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the property line;

D. Eaves may not project more than:

1. Eighteen inches into an interior *setback*;
2. Twenty-four inches into a *street setback*; or
3. Eighteen inches across a lot line in a *zero-lot-line development*;

E. Facade antennas approved under KMC Chapter 18.60 may project into any setback, provided such projections are:

1. Limited to two per facade;

2. Not wider than 3 feet; and

3. Not more than 24 inches into an interior *setback* or 30 inches into a *street setback*;

F. *Fences* with a height of eight feet or less may project into or be located in any *setback*;

FG. Rockeries, *retaining walls* and curbs may project into or be located in any *setback*, provided these *structures*:

1. Do not exceed a height of six feet in the R-1 through R-18, parks and golf course zones;
2. Do not exceed a height of eight feet in the R-24, R-48 and downtown residential zones; and
3. Do not exceed the building height for the zone in commercial and public/semi-public zones, measured in accordance with the standards established in the *City* building code, KMC Title [15](#);

GH. *Fences* located on top of rockeries, *retaining walls* or *berms* are subject to the requirements of KMC [18.30.040](#);

HJ. Telephone, power, light and flag poles;

IJ. The following may project into or be located within a *setback*, but may only project into or be located within a five-foot interior *setback* area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the *City* prior to the installment or construction of the *structure*:

1. Sprinkler systems, electrical and cellular equipment cabinets, air conditioning units, and other similar utility boxes and vaults;
2. Security system access controls;
3. *Structures*, except for *buildings*, associated with *trails* and on-site recreation spaces required in KMC [18.30.130](#) such as benches, picnic tables and drinking fountains; and
4. Surface water management facilities as required by Chapter [13.35](#) KMC;

JK. Mailboxes and newspaper boxes may project into or be located within *street setbacks*;

KL. Fire hydrants and associated appendages;

LM. Metro bus shelters may be located within *street setbacks*;

MN. Unless otherwise allowed in KMC [18.42.090](#), freestanding and *monument signs* four feet or less in height, with a maximum *sign* area of 20 square feet, may project into or be located within *street setbacks*; and

NO. Stormwater conveyance and control facilities, both above and below ground, provided such projections are:

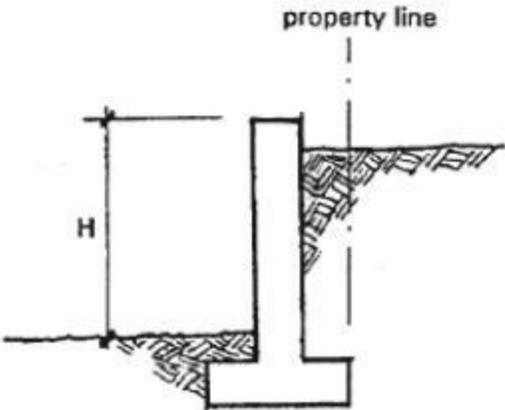
1. Consistent with *setback*, easement and access requirements specified in the Surface Water Design Manual; or
2. In the absence of said specifications, not within five feet of the property line;

OP. Minor improvements such as garden sculpture, *landscape water features*, trellises not attached to a building, and similar decorative *structures*;

PQ. In a rear *setback* in the R-4 and R-6 residential zones, the following *structures* are permitted if it is determined by the *city manager* that they will not have any substantial detrimental effect on abutting properties or the *City* as a whole; and provided, that they shall be no closer than five feet to the rear lot line:

1. Children's play *structures* not otherwise regulated by this title;
2. No more than one storage shed or similar *use*, limited in height to eight feet for a flat roof or 10 feet for a pitched roof, with a maximum dimension of 15 feet on any side and a total area not exceeding 200 square feet;
3. An *arbor*, not attached to a building and limited in height to eight feet, with a maximum footprint of 100 square feet, including eaves. If latticework is used, there shall be a minimum opening of two inches between crosspieces.

RETAINING WALL IN SETBACK



H maximum 6' in R-1— R18, P and GC zones

H maximum of 8' in R-24, R-48 and DR zones

H not to exceed building height requirement in commercial and PSP zones

[Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]