



Spokane Plan Commission Agenda

October 11, 2017

2:00 PM to 5:00 PM

Council Chambers

808 W. Spokane Falls Blvd., Spokane WA 99201

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Public Comment Period:

3 minutes each Citizens are invited to address the Plan Commission on any topic not on the agenda

Commission Briefing Session:

2:00 -2:15	1) Approve September 27, 2017 meeting minutes	
	2) City Council Report	Lori Kinnear
	3) Community Assembly Liaison Reports	Greg Francis
	4) President Report	Dennis Dellwo
	5) Transportation Subcommittee Report	John Dietzman
	6) Secretary Report	Lisa Key

Workshops:

2:15-2:45	1) Infill Code Revision Workshop	Nathan Gwinn
2:45-3:15	2) Demolition Ordinance	Lori Kinnear
3:15-3:30	3) DTC-100 Zone Amendment Scope & Charter	Kevin Freibott
3:30-3:45	4) U District Pedestrian Bridge	Andrew Worlock

Hearings:

4:00-4:30	1) Citywide Capital Improvement Program Hearing	Crystal Marchand
4:30-5:00	2) Sign Code Hearing	Amy Mullerleile

Adjournment:

Next Plan Commission meeting will be on October 25, 2017 at 2:00 pm

The password for City of Spokane Guest Wireless access has been changed:

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Spokane Plan Commission

September 27, 2017

Meeting Minutes: Meeting called to order at 2:00 pm

Workshop Attendance:

- Board Members Present: Denny Dellwo; Michael Baker; Christopher Batten; Jacob Brooks, John Dietzman, Patricia Kienholz, Carole Shook; Sylvia St. Clair
- Community Assembly Liaison Greg Francis; Community Council Liaison Lori Kinnear
- Board Members not Present: Todd Beyreuther; Christy Jerffers
- Staff Members Present: Lisa Key, Darcie Jernberg

Public Comment:

- None

Briefing Session:

1. City Council Report- Lori Kinnear

The City of Spokane Forum on Homlessness was held on September 25, 2017- The main theme was lack of affordable housing. For more information on this event go to <https://www.inlander.com>

2. Meeting Minutes-

The September 13th meeting minutes approved unanimously.

3. Community Assembly (CA) Liaison Reports -Greg Francis

- The Land Use Committee meeting finalized and issued a survey going out to all the neighborhoods and citizen asking specifically how they relate with developers and what resources Community Assembly and the Land Use Committee can bring survey is different from the Design Review Survey.

4. President Report- Denny Dellwo

- No President Report

5. Transportation Sub-committee Report -John Dietzman

- The Next meeting will be held on October 3, 2017 at 9am in the City Council Briefing Center.

6. Secretary Report- Lisa Key

- City e-mails need to be used starting October 1, 2017, although Commissioners can opt to forward City e-mails to their personal e-mails, although any responses to e-mails must be sent from your City e-mail. If Commissioners receive City/Plan Commission e-mails in their personal e-mail accounts, they should be forwarded to their City e-mail.
- Call IT to reset your password at 509-625-6460.

Workshops:

Alicia Ayars with City of Spokane Neighborhood Services spoke about the proposed Housing Quality Code Amendments-

- Update on the Housing Quality Definition and Standards (HQDS) Advisory Committee and overview of International Property Maintenance Code (IPMC). The Advisory Committee has completed the revision of housing quality codes.
- The draft code primarily consists of codes from the IPMC but also incorporates HUD and NHHS for housing quality. The Advisory Committee along with the City Legal Department has determined that

Spokane Municipal Code (SMC) Chapter 17F.070 Existing Building and Conservation Code will be repealed and replaced with the draft IPMC.

- Staff is working on the public outreach and engagement portion of the update process. A presentation to the Community Assembly is scheduled for October along with an online open house and other digital engagement efforts. Public engagement will take place from September 27 – October 6, 2017.
- The goal of the Advisory Committee is to complete the final draft code with track changes which will be reported to the Plan Commission at the October 25, 2017 meeting as a workshop.
- A public hearing with the Plan Commission is scheduled for November 8, 2017. After which the code will be taken through the City Council process for adoption.

Amy Mullerleile with City of Spokane Planning Services discussed the Sign Code Update

- Update to the City's Sign Code, SMC 17C.240. The proposed changes will be applied citywide and have a corresponding impact. Staff is requesting Plan Commission's feedback on the proposed solutions to the concerns expressed by Plan Commission at the September 13 workshop, as well as the entirety of the proposed changes. A public hearing with the Plan Commission is scheduled for October 11, 2017.

Nathan Gwinn from the City of Spokane Planning Services spoke about the Infill Code Amendment Update

- Infill Code Amendment Update regarding implementation of steering committee report recommendations. Staff will give an overview of the Phase 1 Infill Development Code amendments. Staff will continue work on the draft ordinance and continue engaging community stakeholders for their feedback. The feedback will be shared with the Plan Commission at an upcoming workshop October 11.

Meeting Adjourned at 3:53 P.M.

BRIEFING PAPER
City of Spokane
Cottage Housing & Pocket Residential Code Amendments
Plan Commission Workshop
October 11, 2017

Subject

Phase 1 of the Infill Development Code Revisions is part of the Plan Commission's 2017 work program. The City expects to bring forward the first set of code revisions for City Council's consideration this year, beginning with the amendments to the Cottage Housing and Pocket Residential sections identified by the steering committee report recommendations.

Background

The infill development steering committee's recommendation was developed in October 2016, following a public process that engaged community organizations, development industry professionals, and neighborhood councils, as a guide for future program development and potential regulatory implementation measures. It recommended removing restrictions on pocket residential development in the Residential Single-family (RSF) zone, and to allow subdivision of cottage housing units. The discussion and written public comment received identified concerns regarding a rental/condominium cottage housing development, then under construction on North Five Mile Road. The concerns related to the inadequacy of infrastructure and incompatibility of the development with the character of the neighborhood. Staff met subsequently with interested members of the nearby community.

The Comprehensive Plan places emphasis on use of design standards and guidelines in regulations as primary tools to ensure that infill and redevelopment projects are well-designed and compatible with their surroundings, while allowing more compact and affordable housing in all neighborhoods (LU 2.2, LU 3.6, LU 5.5). A plan policy review packet is attached. In allowing new high-quality and diverse residential investment, while strengthening residential character and encouraging adequate, usable open space, the revisions also align with the Strategic Plan Initiatives.

Impact

The text amendments for pocket residential may enable some sites in the RSF zone to be developed with additional units by allowing access via shared private driveways, with the creation of new lots that do not require frontage on a public street. However, the number of housing units per acre designated by the Comprehensive Plan would not be changed by this proposal.

Meanwhile, the built form of both cottage housing and pocket residential projects will become more responsive to adjacent development through changes to design standards, with particular attention to the standards for the perimeter of such developments. The changes proposed will also provide streamlined administration and greater flexibility in the application of these infill tools. Increasing the supply of housing stock helps preserve housing affordability, and helps to meet the housing demand for the city's growing population, while local businesses and existing residents benefit from the investment in vacant and underutilized properties within their neighborhoods.

Action

The Plan Commission workshop discussions October 11 and 25 will prepare for the public hearing on the first ordinance, tentatively scheduled for November 8.

COMPREHENSIVE PLAN POLICY REVIEW FOR INFILL DEVELOPMENT

IMPLEMENTATION

Design Guidelines

Design guidelines are a primary tool in plan implementation to ensure that proposals are compatible in character with adjacent development. Guidelines are adopted as descriptions, photos, or illustrations of desired character, and they have the effect of public policy. Building materials, architectural details, site features, and relationship to the street and adjacent properties are common specification in design guidelines. Design guidelines can serve as education and information for developers and the general public and can be recommended to a decision-making authority by an advisory committee in regards to a specific project. They also can be required as a condition of a particular development by a decision-maker, such as the Hearing Examiner. (p. 2-4)

LAND USE

LU 1 Citywide Land Use

Goal: Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Spokane's role as a vibrant urban center.

LU 1.1 Neighborhoods

Utilize the neighborhood concept as a unit of design for planning housing, transportation, services, and amenities.

Discussion: ... A variety of compatible housing types are allowed in a neighborhood. The housing assortment should include higher density residences developed in the form of small scale apartments, townhouses, duplexes, and rental units that are accessory to single-family homes, as well as detached single-family homes. ...



LU 1.3 Single-Family Residential Areas

Protect the character of single-family residential neighborhoods by focusing higher intensity land uses in designated Centers and Corridors.

LU 2.1 Public Realm Features

Encourage features that improve the appearance of development, paying attention to how projects function to encourage social interaction and relate to and enhance the surrounding urban and natural environment.

Discussion: The "public realm" is the public or private area where people interact with their surroundings or other people. The "public realm" is affected by the appearance, use, and attractiveness of development and how it functions. It is important to design buildings to maintain compatibility with surrounding development, and to design sites

that provide for pathways, attractive and functional landscaping, properly proportioned open spaces, and other connecting features that facilitate easy access between public and private places.

LU 2.2 Performance Standards

Employ performance and design standards with sufficient flexibility and appropriate incentives to ensure that development is compatible with surrounding land uses.

Discussion: Performance and design standards should address, among other items, traffic and parking/loading control, structural mass, open space, green areas, landscaping, and buffering.

In addition, they should address safety of persons and property, as well as the impacts of noise, vibration, dust, and odors. An incentive system should be devised that grants bonuses, such as increased building height, reduced parking, and increased density, in exchange for development that enhances the public realm.

(Links to frequent transit support for increased density, common open space)

LU 3.1 Coordinated and Efficient Land Use

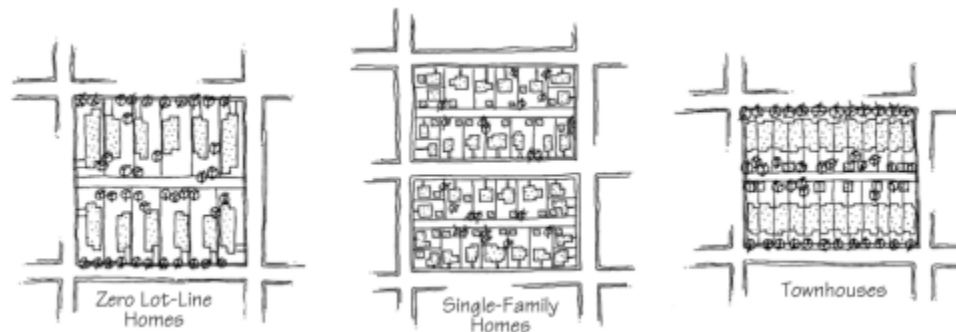
Encourage coordinated and efficient growth and development through infrastructure financing and construction programs, tax and regulatory incentives, and by focusing growth in areas where adequate services and facilities exist or can be economically extended.

LU 3.2 Centers and Corridors

Designate Centers and Corridors (neighborhood scale, community or district scale, and regional scale) on the Land Use Plan Map that encourage a mix of uses and activities around which growth is focused.

LU 3.6 Compact Residential Patterns

Allow more compact and affordable housing in all neighborhoods, in accordance with design guidelines.



LU 5.5 Compatible Development

Ensure that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.

LU 7.1 Regulatory Structure

Develop a land use regulatory structure that utilizes a variety of mechanisms to promote development that provides a public benefit.

Discussion: Incentives are one of the tools that can be used to encourage development that is beneficial to the public. For instance, a development may be allowed a higher residential density, greater lot coverage, or increased building height if there is a dedication of open space for public use or some other development feature that results in a direct benefit to the public.

The regulations should be predictable, reliable, and adaptable to changing living and working arrangements brought about by technological advancements. They should also be broad enough to encourage desirable development and/or redevelopment.

Land Use Chapter, Section 3.4 DESCRIPTION OF LAND USE DESIGNATIONS

The land use designations and their general characteristics are as follows:

Residential 4-10: This designation allows single-family residences, and attached (zero-lot line) single-family residences. The allowed density is a minimum of four units and a maximum of ten units per acre. Allowed structure types are single-family residences, attached (zero-lot line) single-family residences, or two-family residences in appropriate areas. Other residential structure types may be permitted through approval of a Planned Unit Development or other process identified in the development regulations.

Agriculture: The Agriculture designation is applied to agricultural lands of local importance in the Urban Growth Area. Uses planned for Agriculture areas include: farming, green house farming, single-family residence, and minor structures used for sales of agricultural products produced on the premises. Caretakers' quarters associated with the agricultural activity may be permitted as an accessory use when a single-family residence is located on the parcel. (p. 3-40)

HOUSING

H 1.9 Mixed-Income Housing

Encourage mixed-income developments throughout the city.

H 1.18 Distribution of Housing Options

Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.



Discussion: A variety of housing types should be available in each neighborhood. Diversity includes styles, types, size, and cost of housing. Many different housing forms can exist in an area and still exhibit an aesthetic continuity. Development of a diversity of housing must take into account the context of the area and should result in an improvement to the existing surrounding neighborhood.

URBAN DESIGN AND HISTORIC PRESERVATION

DP 2 Urban Design

Goal: Design new construction to support desirable behaviors and create a positive perception of Spokane.

DP 2.12 Infill Development

Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.

DP 2.15 Urban Trees and Landscape Areas

Maintain, improve, and increase the number of street trees and planted areas in the urban environment.

Discussion: Street trees and planted landscape areas are important urban design elements. Studies have shown that tree lined streets support strong retail environments and increase the value of residential neighborhoods. Located between the curb and sidewalk, street trees provide enclosure and shade that help create comfortable, walkable sidewalks that have a sense of place. Landscape standards should be designed to save large trees in newly developed or redeveloped areas. The city could establish incentives, such as reduced building setback deviations for tree planting and replacement.

NATURAL ENVIRONMENT

NE 18.1 Innovative Development

Encourage innovative residential development techniques that produce low energy consumption per housing unit.

Discussion: Examples include attached single-family and multifamily, solar enhancing site orientation, earth sheltering, and the use of renewable energy sources.

NEIGHBORHOODS

N 5 Open Space

Goal: Increase the number of open gathering spaces, greenbelts, trails, and pedestrian bridges within and/or between neighborhoods.

PARKS, RECREATION, AND OPEN SPACE

PRS 1.4 Property Owners and Developers

Work cooperatively with property owners and developers to preserve open space areas within or between developments, especially those that provide visual or physical linkages to the open space network.

Discussion: This should be a consideration during the approval process for subdivisions, planned contracts, and shoreline permits. The city should explore the use of regionally consistent incentives to protect open space. Incentives may include bonus densities, transfer of development rights, and tax abatement or deferment.

PRS 1.5 Open Space Buffers

Preserve and/or establish areas of open space buffer to provide separation between conflicting land uses.

Infill Development Code Revisions

1.1 Cottage Housing and Pocket Residential Code Amendments

17A.020 Definitions	2
17C.110.030 Characteristics of Residential Zones	4
17C.110.115 Housing Types Allowed	6
17C.110T.002 Table 17C.110-2	7
17C.110.200 Lot Size	8
17C.110.209 Compact Lot Standards	12
17C.110.350 Cottage Housing	14
17C.110.360 Pocket Residential Development	32
17C.230.130 Parking Exceptions	42
17G.080.065 Unit Lot Subdivision	46

Definitions proposed for insertion into the Cottage and Pocket Residential ordinance as separate sections:

17A.020.010 “A” Definitions

Articulation *[Definition moved from SMC 17C.110.350(E)(2)]*

Articulation is the emphasis of architectural elements, such as windows, balconies, and entries that create a complementary pattern or rhythm, dividing the buildings into smaller identifiable pieces.

AS. Attached Unit Home *[New definition]*

A structure containing two dwelling units designed to look like a detached single-family home.

17A.020.030 “C” Definitions

C. Carriage Unit *[New definition]*

A single-family dwelling unit located above a garage structure or community room.

AO. Cottage *[New definition]*

A detached, single-family dwelling unit.

AP. Cottage Housing.

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

17A.020.040 “D” Definitions

W. Development Plan, Site. *[New definition]*

The final site plan that accompanied a recommendation or approval for development permitted by this code and that may identify standards for bulk and location of activities, infrastructure and utilities specific to the development.

17A.020.130 “M” Definitions

J. **Modulation.** *[Definition moved from SMC 17C.110.350(E)(2)]*

Modulation is a measured and proportioned inflection in a building’s face. Articulation, modulation, and their interval create a sense of scale important to residential buildings.

17A.020.190 “S” Definitions

AX. **Site, Parent.** *[New definition]*

The initial aggregated area containing a development, and from which individual lots may be divided, as used in the context of SMC 17C.110.360 Pocket Residential Development, and SMC 17G.080.065, Alternative Residential Subdivisions.

Section ____ That SMC 17C.110.030 is amended to read as follows:

17C.110.030 Characteristics of the Residential Zones

A. Residential Agriculture (RA).

The RA zone is a low-density single-family residential zone that is applied to areas that are designated agriculture on the land use plan map of the comprehensive plan. Uses allowed in this zone include farming, green house farming, single-family residences and minor structures used for sales of agricultural products produced on the premises.

B. Residential Single-family (RSF).

The RSF zone is a low-density single-family residential zone. It allows a minimum of four and a maximum of ten dwelling units per acre. One- and two-story buildings characterize the allowed housing. The major type of new development will be attached and detached single-family residences. In appropriate areas, more compact development patterns are permitted. The RSF zone is applied to areas that are designated residential 4-10 on the land use plan map of the comprehensive plan.

C. Residential Single-family Compact (RSF-C).

The RSF-C zone is a low-density single-family residential zone that is applied to areas that are designated residential 4-10 on the land use plan map of the comprehensive plan. It allows a minimum of four and a maximum of ten dwelling units per acre. One- and two-story attached and detached single-family residences characterize the allowed housing. The RSF-C zone allows lots as small as three thousand square feet provided that the overall maximum density of the development does not exceed ten units per acre. It is the intent of this zone to allow somewhat smaller lots in appropriate locations and to allow new development to move closer to achieving the maximum density of the residential 4-10 designation. To promote compatible infill development, the design standards of SMC 17C.110.310 are applied in this zone. The RSF-C zone is intended to be applied to parcels that are wholly or partially within one-quarter mile of a CC Core designated on the land use plan map of the comprehensive plan. The RSF-C zone may also be implemented on parcels that are adjacent to or across a street or alley from a zoning category that allows higher density uses than the RSF zone, including the RTF, RMF, RHD, Commercial, Center and Corridor and Downtown zones.

D. Residential Two-family (RTF).

The RTF zone is a low-density residential zone. It allows a minimum of ten and a maximum of twenty dwelling units per acre. Allowed housing is characterized by one and two story buildings but at a slightly larger amount of building coverage than the RSF zone. The major type of new development will be duplexes, townhouses, row houses and attached and detached single-family residences.

Cottage-style and pocket residential development are allowed. The RTF zone is applied to areas that are designated residential 10-20 on the land use plan map of the comprehensive plan. Generally, the RTF zone is applied to areas in which the predominant form of development is trending toward duplexes rather than single-family residences.

E. Residential Multifamily (RMF).

The RMF is a medium-density residential zone. Allowed housing is characterized by one to four story structures and a higher percentage of building coverage than in the RTF zone. The major types of development will include attached and detached single-family residential, condominiums, apartments, duplexes, townhouses and row houses. The minimum and maximum densities are fifteen and thirty units per acre.

F. Residential High Density (RHD).

The RHD is a high-density residential zone that allows the highest density of dwelling units in the residential zones. The allowed housing developments are characterized by high amount of building coverage. The major types of new housing development will be attached and detached single-family residential, duplexes, medium and high-rise apartments, condominiums (often with allowed accessory uses). The minimum density is fifteen units per acre; the maximum is limited by other code provisions (i.e., setbacks, height, parking, etc.).

Section __. That SMC Table 17C.110-2 is amended as follows:

Section 17C.110.115 Housing Types Allowed

A. Purpose.

In the RA through RTF zones, housing types are limited to maintain the overall image and character of the city's residential neighborhoods. However, the standards allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing. Other housing types, including multifamily units, are allowed in the higher density zones under the RMF and RHD categories.

B. The kinds of housing types allowed in the residential zones are stated in [Table 17C.110-2](#).

TABLE 17C.110-2 RESIDENTIAL ZONE HOUSING TYPES ALLOWED (Click here to view PDF)					
P – Permitted N – Not Permitted CU – Conditional Use review required	RA	RSF <u>and RSF-C</u>	RTF	RMF	RHD
Single-family Residence (detached)	P	P	P	P	P
Attached Single-family Residence [1]	P	P	P	P	P
Cottage Housing [1]	CU	CU	<u>NCU</u>	<u>N</u>	<u>N</u>
<u>Housing on</u> Transitional <u>Housing Sites</u> [1]	P	P	P		
Zero Lot Line [1]	P	P	P	P	P
Accessory Dwelling Unit (ADU) [2]	P	P	P	P	P
Detached ADU [2]	P	P	P	P	P
Duplexes	N	N	P	P	P
Manufactured Home [3]	P	P	P	P	P
Mobile Home Parks [3]	CU	CU	N	N	N
Single Room Occupancy (SRO)	N	N	N	P	P
Group Living	See SMC 17C.330.100				
Multidwelling Structure	N	N	N	P	P
<u>Short Term Rentals</u> [4]	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>
Notes: [1] See SMC 17C.110.300 through 17C.110.360 , Alternative Residential Development Standards. [2] See chapter 17C.300 SMC , Accessory Dwelling Units. [3] See chapter 17C.345 SMC , Manufactured Homes and Mobile Home Parks. [4] See chapter 17C.316 SMC, Short Term Rentals .					

Section ____ That SMC Table 17C.110-2 is amended as follows:

Section 17C.110T.002 Table 17C.110-2 Residential Zone Housing Types Allowed

TABLE 17C.110-2 RESIDENTIAL ZONE HOUSING TYPES ALLOWED (Click here to view PDF)					
P – Permitted N – Not Permitted CU – Conditional Use review required	RA	RSF <u>and RSF-C</u>	RTF	RMF	RHD
Single-family Residence (detached)	P	P	P	P	P
Attached Single-family Residence [1]	P	P	P	P	P
Cottage Housing [1]	CU	CU	<u>NCU</u>	N	N
<u>Housing on</u> Transitional <u>Housing Sites</u> [1]	P	P	P		
Zero Lot Line [1]	P	P	P	P	P
Accessory Dwelling Unit (ADU) [2]	P	P	P	P	P
Detached ADU [2]	P	P	P	P	P
Duplexes	N	N	P	P	P
Manufactured Home [3]	P	P	P	P	P
Mobile Home Parks [3]	CU	CU	N	N	N
Single Room Occupancy (SRO)	N	N	N	P	P
Group Living	See SMC 17C.330.100				
Multidwelling Structure	N	N	N	P	P
Short Term Rentals [4]	P/CU	P/CU	P/CU	P/CU	P/CU
Notes: [1] See SMC 17C.110.300 <u>through 17C.110.360</u> , Alternative Residential Development Standards. [2] See chapter 17C.300 SMC, Accessory Dwelling Units. [3] See chapter 17C.345 SMC, Manufactured Homes and Mobile Home Parks. [4] See chapter 17C.316 SMC, Short Term Rentals.					

Section ____ That SMC section 17C.110.200 and table 17C.110-3 are amended to read as follows:

Note: No changes are proposed to subsections (A) through (E).

The changes to the table are limited to the RSF and RSF-C zones. Further changes in the table to the RMF and RHD zones are proposed to the dimensional standards in a later stage of text amendments as part of the Phase 1 infill code revisions.

- F. Lot Frontage. All residential lots shall front onto a public street and meet the minimum lot frontage requirements of Table 17C.110-3. Except, that frontage on a public street is not required for lots created through alternative residential subdivision under SMC 17G.080.065, and lots approved in a planned unit development or a manufactured home park may have lots or spaces fronting onto private streets, subject to the decision criteria of SMC 17H.010.090.

TABLE 17C.110-3 DEVELOPMENT STANDARDS [1]						
DENSITY STANDARDS						
	RA	RSF & RSF-C	RSF-C	RTF	RMF	RHD
Density - Maximum	4,350 (10 units/acre)	4,350 (10 units/acre)	4,350 (10 units/acre)	2,100 (20 units/acre)	1,450 (30 units/acre)	--
Density - Minimum	11,000 (4 units/acre)	11,000 (4 units/acre)	11,000 (4 units/acre)	4,350 (10 units/acre)	2,900 (15 units/acre)	2,900 (15 units/acre)
MINIMUM LOT DIMENSIONS LOTS TO BE DEVELOPED WITH:						
Multi-Dwelling Structures or Development						
	RA	RSF & RSF-C	RSF-C	RTF	RMF	RHD
Minimum Lot Area					2,900 sq. ft.	2,900 sq. ft.
Minimum Lot Width					25 ft.	25 ft.
Minimum Lot Depth					70 ft.	70 ft.
Minimum Front Lot Line					25 ft.	25 ft.

<u>Compact Lot Standards [2]</u>						
<u>Minimum Lot Area [3]</u>		<u>3,000 sq. ft.</u>				
<u>Minimum Lot Width</u>		<u>36 ft.</u>				
<u>Minimum Lot Depth</u>		<u>80 ft.</u>				
<u>Minimum Front Lot Line</u>		<u>30 ft.</u>				
Attached Houses						
Minimum Lot Area [23]	7,200 sq. ft.	4,350 sq. ft.	3,000 sq. ft.	1,600 sq. ft.	1,600 sq. ft.	None
Minimum Lot Width	40 ft.	40 ft.	36 ft.	36 ft. or 16 ft. with alley parking and no street curb cut	Same	Same
Minimum Lot Depth	80 ft.	80 ft.	80 ft.	50 ft.	25 ft.	25 ft.
Minimum Front Lot Line	40 ft.	40 ft.	30 ft.	Same as lot width	Same as lot width	Same as lot Width
Detached Houses						
Minimum Lot Area [23]	7,200 sq. ft.	4,350 sq. ft.	3,000 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	None
Minimum Lot Width	40 ft.	40 ft.	36 ft.	36 ft.	25 ft.	25 ft.
Minimum Lot Depth	80 ft.	80 ft.	80 ft.	40 ft.	25 ft.	25 ft.
Minimum Front Lot Line	40 ft.	40 ft.	30 ft.	30 ft.	25 ft.	25 ft.
Duplexes						
Minimum Lot Area				4,200 sq. ft.	2,900 sq. ft.	None
Minimum Lot Width				25 ft.	25 ft.	25 ft.
Minimum Lot Depth				40 ft.	40 ft.	25 ft.
Minimum Front Lot Line				25 ft.	25 ft.	25 ft.
PRIMARY STRUCTURE						
Maximum Building Coverage						
	RA	RSF	RSF-C	RTF	RMF	RHD
Lots 5,000 sq. ft. or larger	40%	2,250 sq. ft. +35% for portion of lot over 5,000 sq. ft.	2,250 sq. ft. +35% for portion of lot over 5,000 sq. ft.	2,250 sq. ft. +35% for portion of lot over 5,000 sq. ft.	50%	60%
Lots 3,000 - 4,999 sq. ft.	1,500 sq. ft. + 37.5% for portion of lot over 3,000 sq. ft.					

Lots less than 3,000 sq. ft.	50%					
Building Height						
Maximum Roof Height [45]	35 ft.	35 ft.	35 ft.	35 ft.	35 ft. [56]	35 ft. [56]
Maximum Wall Height	25 ft.	25 ft.	25 ft.	25 ft.	30 ft. [56]	--
Floor Area Ratio (FAR)						
FAR	0.5	0.5 [4]	0.5 [3]	0.5 [34]	--	--
Setbacks						
Front Setback [67, 78]	15 ft.					
Side Lot Line Setback – Lot width more than 40 ft.	5 ft.					
Side Lot Line Setback – Lot width 40 ft. or less	3 ft.					
Street Side Lot Line Setback [67]	5 ft.					
Rear Setback [89, 910]	25 ft.	25 ft. [111]	45 ft.	15 ft.	10 ft.	10 ft.
Required Outdoor Area						
Required Outdoor Area for attached and detached houses. Minimum dimension (See SMC 17C.110.223)	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	200 sq. ft. 10 ft. x 10 ft.	48 sq. ft. 7 ft. x 7 ft.
ACCESSORY STRUCTURES						
	RA	RSF & RSF-C	RSF-G	RTF	RMF	RHD
Maximum Roof Height	30 ft.	20 ft.	20 ft.	20 ft.	35 ft.	35 ft.
Maximum Wall Height	30 ft.	15 ft.	45 ft.	15 ft.	35 ft.	35 ft.
Maximum	20%	15%	45%	15%	See	See

Coverage [40 12]					Primary Structure	Primary Structure
Front Setback	20 ft.					
Side Lot Line Setback – Lot width 40 ft. or wider [44 13]	5 ft.					
Side Lot Line Setback – Lot width less than 40 ft. [44 13]	3 ft.					
Street Side Lot Line [42 14]	20 ft.					
Rear [44 13]	5 ft.					
Rear with Alley	0 ft.					

Notes[npg1]:

-- No requirement

[1] Plan district, overlay zone, or ~~SMC 17C.110.300, Alternative Residential Development,~~ development standards contained in SMC 17C.110.310 through 360 may supersede these standards.

[2] See SMC 17C.110.209, Compact Lot Standards.

[23] ~~Lots~~ For developments two acres or greater, lots created through subdivision in the RA, RSF and the RSF-C zones are subject to the lot size transition requirements of SMC 17C.110.200(C)(1).

[34] In the RSF-C and RTF zones, and sites in the RSF zone qualifying for compact lot development standards, described in SMC 17C.110.209, FAR may be increased to 0.65 for attached housing development only.

[45] No structure located in the rear yard may exceed twenty feet in height.

[56] Base zone height may be modified according to SMC 17C.110.215, Height.

[67] Attached garage or carport entrance on a street is required to be setback twenty feet from the property line.

[78] See SMC 17C.110.220(D)(1), setbacks regarding the use of front yard averaging.

[89] See SMC 17C.110.220(D)(2), setbacks regarding reduction in the rear yard setback.

[910] Attached garages may be built to five feet from the rear property line except, as specified in SMC 17C.110.225(C)(6)(b), but cannot contain any living space.

[11] In the RSF-C zone and sites in the RSF zone qualifying for compact lot development standards, described in SMC 17C.110.209, the rear setback is 15 feet.

[~~40~~12] Maximum site coverage for accessory structures is counted as part of the maximum site coverage of the base zone.

[~~44~~13] Setback for a detached accessory structure and a covered accessory structure may be reduced to zero feet with a signed waiver from the neighboring property owner, except, as specified in SMC 17C.110.225(C)(5)(b).

[~~42~~14] The setback for a covered accessory structure may be reduced to five feet from the property line.

Section _____. That there is adopted a new section 17C.110.209 to chapter 17C.110 of the Spokane Municipal Code to read as follows:

Section 17C.110.209 Compact Lot Standards.

- A. Purpose.
[Purpose statement to be inserted.]
- B. Applicability.
The compact lot development standards apply for the housing types allowed in Table 17C.110-2 on certain sites in the RSF zone, and throughout the RSF-C zone, unless superseded by development standards of a plan district, overlay zone, or development standards contained in sections SMC 17C.110.310 through 17C.110.360.
1. The standards apply within the RSF zone only on parent sites meeting the size requirements of subsection (3) below and located:
 - a. At least partially within one thousand three hundred twenty feet of a CC zone or CC3 zoning overlay; or
 - b. At least partially within one thousand three hundred twenty feet of a street with weekday transit service frequency of fifteen minutes or less; or
 - c. On a lot that is a transitional site as described in SMC 17C.110.330.

The text of (1)(a) and (c) above extends the ability of areas zoned Residential Single-family (RSF) that are currently eligible for rezone to RSF-Compact (RSF-C), to use of the smaller lot size and dimensions in Table 17C.110-3 that are available in the RSF-C zone. Instead of a rezone, these standards would become automatic. The text of (1)(b) also adds areas near frequent transit service, which may not be currently eligible for a rezone to RSF-C unless they also happen to be located in an area described in SMC 17C.110.030(C). Note that the number of housing units per acre permitted (density) does not change for the development as a whole, although some individual lot dimensions within a development may be slightly smaller.

2. To determine eligibility of a site, distances in subsections (1)(a) and (b) above are measured as the walking distance from the zone/overlay boundary, or public right-of-way edge of the nearest transit route, to the lot line of the site containing the development.
 3. The maximum parent site size for a development using the compact lot standards of Table 17C.110-3 in the RSF zone is one and a half acres. Compact lot developments over one and a half acres must be approved as a planned unit development.
- C. The design standards of SMC 17C.110.310 apply to projects using the compact lot standards in Table 17C.110-3 in order to complement and reinforce positive residential character.

Section ____ That SMC 17C.110.350 is amended to read as follows:

17C.110.350 Cottage Housing

A. Purpose and Intent.

The intent of cottage housing is to:

1. ~~support~~ Support the diversity of housing, choices citywide by Provide providing a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single-person households);

~~increases the variety of housing types for smaller households and provides the opportunity for small, detached single-family dwelling units within existing neighborhoods.~~

2. Incentivize higher levels of design, usable open space, and more livable developments through use of density bonuses;

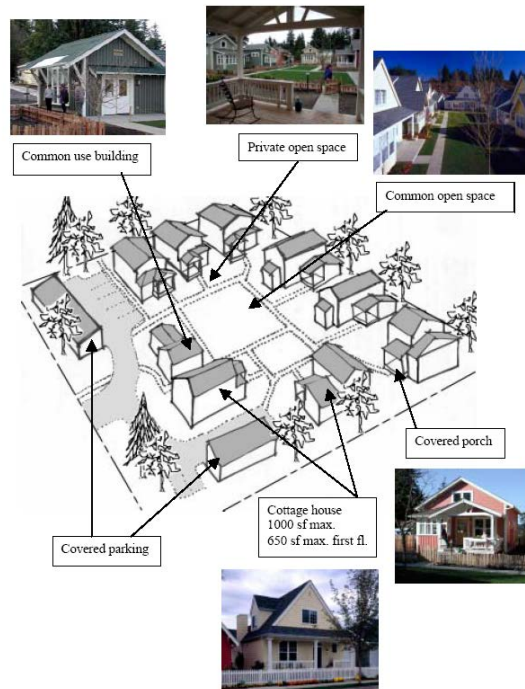
3. Provide opportunities for ownership of small, detached and attached single-family housing types clustered around a common open space;

4. Provide centrally located and functional common open space that fosters a sense of community;

5. Provide semi-private areas around the individual dwellings to enable diversity in landscape design and foster a sense of ownership.

6. Support the growth management goal of more efficient use of urban residential land; and

7. Provide guidelines to ensure compatibility with surrounding land uses.



B. Qualifying Situations.

Cottage housing developments are allowed on sites of ~~one-half acre~~ fourteen thousand five hundred square feet or larger with a minimum of ~~six~~ four units ~~and a maximum of twelve units.~~

C. Procedure.

Cottage housing is allowed by Type II conditional use permit in the RA, ~~and~~ RSF, and RTF zones, subject to ~~the~~ compliance with subsections (D) and (E) of this section. ~~Design~~ This section is subject to the provisions of SMC 17C.110.015, Design Standards Administration. Staff will review ~~of~~ the site plan and each building permit application is required for consistency with this chapter.

1. A site plan depicting ~~the~~ building locations and orientation, ~~open space, dimensions of common and~~ private open space, fencing, landscaping, parking, setbacks, easements, footprints of all adjacent structures, and compliance with subsections (D) and (E) of this section ~~is required~~ shall be submitted with the Type II permit application. ~~The~~ If the site plan, ~~if is~~ approved, ~~is required to be recorded at the Spokane County auditor's office including~~ deed restrictions for the subject property that enforces the elements of the cottage housing ordinance, including limitation on unit floor area, shall be recorded at the Spokane County Auditor's Office.
2. The Type II permit submission shall include elevations of all proposed model types, showing architectural expression and fenestration (to include window and door placement), and photographs of all adjacent structures.
23. A Common open space, parking areas, and common use buildings will be maintained by the owner or an appropriate property management entity, if under singular ownership. In the event that the development is subdivided or condominium platted, a homeowners' association is required to be created for the maintenance of the common open space, parking areas and other common use areas, buildings, and utilities within the development. This requirement shall be included in deed restrictions as required in paragraph 1.
4. With the exception of critical or natural areas, prior to occupancy of more than fifty percent of units approved for the development, the common open space shall be landscaped. Occupancy of the last fifty percent shall be contingent upon the completion of all site landscaping, and
5. When cottage housing development involves subdivision of land, the Type II permit application shall be processed in addition to an application for subdivision in accordance with the procedures of SMC 17G.080.065, Alternative Residential Subdivisions.

Note: The text of subsection 5 above would change and replace the text of 17C.110.350(D)(7)(c) which now reads "Cottage housing may be developed as condominiums and shall not be allowed as small lot subdivision."

- D. Cottage Housing Site Development Standards.
This subsection provides development standards intended to achieve compatibility with adjacent single-family residential uses. Emergency access shall be provided to all units as required by applicable building and fire code regulations. The special cottage housing site development standards table displays basic requirements that vary from the development standards of the underlying zone.



<p align="center"><u>TABLE 17C.110.350-1</u> <u>COTTAGE HOUSING SITE DEVELOPMENT STANDARDS</u></p>		
<u>STANDARD</u>	<u>SITE REQUIREMENTS</u>	<u>NOTES</u>
<u>Cluster Size</u>	<u>4 or more units</u>	
<u>Maximum Floor Area</u>	<u>Cottage: 1,200 sq. ft.(1,000 sq. ft. footprint)</u> <u>Attached Unit Home: 2,000 sq. ft. total</u> <u>Carriage Unit: 800 sq. ft.</u>	<u>See SMC 17C.110.350(D)(2) for exclusions and limitation on total unit floor area.</u>
<u>Density Bonus</u>	<u>120 percent of density allowed in the underlying zone</u>	<u>See SMC 17C.110.350(D)(3)</u>
<u>Maximum Height for Cottage Housing Units</u>	<u>20 ft.</u>	<u>See SMC 17C.110.350(D)(4) for exception for street-facing attached unit homes.</u>
<u>Maximum height for buildings with minimum roof slope of 6:12</u>	<u>30 ft.</u>	<u>All parts of the roof above 20 ft. shall be pitched with a minimum roof slope of 6:12.</u>
<u>Minimum common open space per unit</u>	<u>300 sq. ft.</u>	<u>No dimension less than 20 ft.</u> <u>See SMC 17C.110.350(D)(5)</u>
<u>Minimum private open space per unit</u>	<u>200 sq. ft.</u>	<u>No dimension less than 10 ft.</u> <u>See SMC 17C.110.350(D)(6)</u>
<u>Common Open Space Setback</u>	<u>10 ft.</u>	<u>Porches or patios up to 5 ft. within this setback.</u>
<u>Rear Setback</u>	<u>15 ft. or as allowed in adjacent zone, whichever is less</u>	
<u>Minimum distance between structures (Including accessory structures)</u>	<u>10 ft.</u>	<u>See SMC 17C.110.350(D)(7) for exceptions.</u>

1. Cluster Size.

At least four units are required around a common open space.

42. Floor Area.

a. Dwelling Units.

Total floor area is the area included within the exterior walls, but excluding any space identified in subsection (D)(2)(c), Exclusions, below. Cottage housing unit types are defined in chapter 17A.020 SMC.

i. The total floor area of each cottage unit shall not exceed one thousand two hundred square feet and the footprint shall not exceed one thousand square feet. Total floor area is the area included with the surrounding exterior walls, but excluding any space where the floor to ceiling height is less than six feet.

ii. The total combined floor area of attached unit homes, including all units in the structure, shall not exceed two thousand square feet.

iii. The total floor area of a carriage unit home shall not exceed eight hundred square feet.

b. ~~The maximum first floor or main floor area for an individual principal structure shall be as follows:~~

i. ~~For at least fifty percent of the units, the floor area may not exceed six hundred fifty square feet; and~~

ii. ~~For no more than fifty percent of the units, the floor area may be up to one thousand square feet.~~

eb. Limitation on Total Unit Floor Area.

The total square footage of a cottage housing dwelling unit may not be increased. A note shall be placed on the title to the property for purpose of notifying future property owners that any increase in the total square footage of a cottage housing unit is prohibited for the life of the cottage housing unit or the duration of the City cottage housing regulations.

ec. Exclusions from Total Floor Area Calculation.

Cottage housing unit areas that ~~do~~ do not count toward the total floor area calculation are:

i. Unheated storage space located under the main floor of the cottage housing dwelling unit;

ii. Architectural projections, such as bay windows, fireplaces or utility closets no greater than eighteen inches in depth or six feet in width;

iii. Attached ~~roof~~ porches, decks, and balconies (unenclosed);

iv. Detached garages or carports, and garages located in the same structure as carriage units;

v. Stairwells;

vi. Covered breezeways, such as between a home and a garage or carport;

vii. Spaces with ceiling height of six feet or less ~~measured to the exterior walls;~~ and

viii. ~~The director may approve o~~Other exemptions similar in nature provided the intent of this section is met and upon approval of the director.

~~2. Lot Coverage. The maximum lot coverage permitted for all structures shall not exceed forty percent.~~

3. Density.

a. The cottage housing development ~~is permitted~~ allows a twenty percent density bonus based on the minimum lot size permitted in the base zone ~~to a maximum of twelve units in the development over what is allowed in the underlying zone.~~



[Plan Commission: Should we consider providing a greater density bonus (40 percent?) for a tiny home development where all units are 700 sf or less, as long as a shared community facility is provided for the use of the residents.]

b. To calculate the maximum permitted density, ~~divide the lot area by the minimum lot size of the base zone, and then multiply that the number of maximum units allowed on the site under SMC 17C.110.205 by one hundred~~ twenty percent. The transition lot size requirements of SMC 17C.110.200(C) do not apply for purposes of calculating the number of units permitted in a cottage housing development.

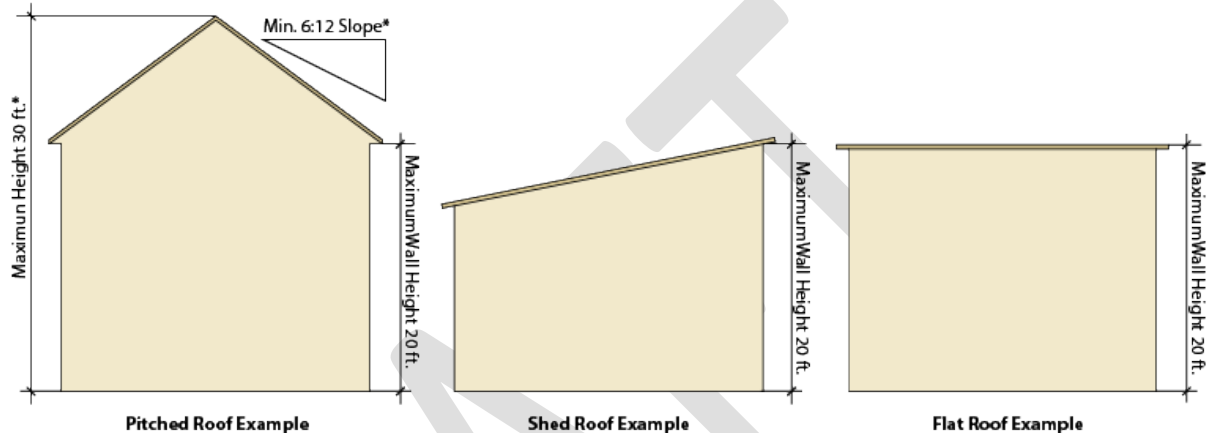
4. Height.

[Plan Commission: Do we need to limit building height only on structures of 1,000 square feet or less, or do we need to limit heights differently from other development in the zone at all (25 ft. high wall; 35 ft. high roof)?]



The height for all structures with cottage housing units shall not exceed eighteen~~twenty~~ feet. ~~Cottage or amenity buildings~~ Structures with cottage housing units having pitched roofs with a minimum slope of 6:12 may extend up to ~~twenty-five~~thirty feet at the ridge of the roof. Height requirements for accessory structures are listed in Table 17C.110-3.

Exception: To match the pattern of neighboring development, the maximum height of a street-fronting attached unit home shall be the height established by the underlying zoning district.



*Maximum height of 30 ft. for buildings with minimum roof slope of 6:12. All parts of the roof above 20 ft. shall be pitched with a minimum roof slope of 6:12

Note: Proposed height graphic to be added above.

5. Porches:

- ~~a. Cottage housing units shall be oriented around and have the covered porches of main entry from the common open space. Except, cottages adjacent to a public street shall orient the front of the cottage to the street including placement of the porch. This provision does not preclude the use of additional porches or architectural features of the cottage from being oriented to the common open space.~~
- ~~b. Cottage housing units shall have a covered porch or entry at least sixty square feet in size with a minimum dimension of six feet on any side.~~

Note: The provisions above for porches are moved to Subsection (E)(3), below.

65. Common Open Space.

a. This section requires units clustered around a common open space. The common open space ~~must shall~~ be at least ~~two hundred fifty~~three hundred square feet per cottage housing unit. Open space with a dimension of less than twenty feet shall not be included in the calculated common open space.

~~b. Each cottage housing unit shall be provided with a private use open space of two hundred fifty square feet with no dimension of less than ten feet on one side. It should be contiguous to each cottage, for the exclusive use of the cottage resident, and oriented toward the common open space.~~

Note: Provisions for private open space are moved to a new subsection 6, below.

b. Common open space shall be located in a central area and be easily accessible to all dwellings within the surrounding cluster.

d. Landscaping located in common areas shall be designed by a Landscape Architect registered in the State of Washington. The design shall follow standards in:

i. SMC 17C.110.350(D)(5)(e) for open space preservation in site design;

ii. Subsection (D)(8) for fences and screening;

iii. Subsection (D)(9) for parking areas;

iv. Subsection (D)(10) for pedestrian connectivity;

v. Subsection (E)(2) for topography and landscaping design standards and guidelines; and

vi. For all other parts of the common open space, lawn or the general requirements and L3 open area landscaping described in SMC 17C.200.030 Landscape Types.

~~c. The common open space is required to be landscaped prior to the occupancy of any of the structures and shall be maintained by a homeowners association.~~

Note: The landscaping requirement above is moved to the Procedures section, in paragraph (C)(3) above.

e. The following critical and natural areas, where proposed to be preserved through site design, may be used to meet up to fifty percent of the total requirement for common open space, provided that these areas are either accessible to pedestrians to the extent practical or visually accessible from adjacent common open space:

i. Wetlands and wetland buffers;

ii. Frequently flooded areas;

iii. Shorelines and Shoreline buffers;

iv. Natural features (such as basalt outcroppings); and

v. Native vegetation (including stands of mature trees).

6. Private Open Space.

A private use open space of two hundred square feet with no dimension of less than ten feet on one side shall be provided for each cottage housing unit, which may include porches or balconies. The private open space shall be contiguous to each unit, for the exclusive use of that unit's resident(s).

7. Setbacks and Subdivisions.

a. All ~~structures~~ cottage housing units shall maintain ~~no less than a~~ minimum of ten feet of separation from structures within the cluster, except as allowed in paragraphs (b) and (c) below.

b. A minimum of six feet of separation between structures within the cluster shall be allowed, provided structures shall meet code requirements for fire protection.

c. Projections may extend into the required separation as follows:

i. Eaves may extend up to twelve inches.

ii. Minor appurtenances such as pipes, gas and electrical meters, HVAC equipment, alarm systems, air vents, and downspouts.

~~Bd.~~ Setbacks for all structures from the exterior side and front property lines shall be ~~an average of ten feet, but shall not be less than five feet, and not less than fifteen feet from a public street, similar to the front yard setback required of a standard detached single family residence~~ the setbacks of the

underlying zone. The exterior rear yard setback shall match the lesser of either the setbacks for the adjacent zoning or fifteen feet.

e. All cottage housing units shall maintain a minimum setback of ten feet from the common open space. Patios or porches may extend up to five feet within this setback. Fences thirty-six inches in height or less may be located within this setback.

~~c. Cottage housing may be developed as condominiums, and shall not be allowed as small lot subdivision.~~

f. When cottage housing development involves subdivision of land, the application shall be processed in accordance with the procedures of SMC 17G.080.065, Alternative Residential Subdivisions. Frontage on a public street is not required for lots created in a cottage housing development.



8. Fences and Screening.

a. All fences on the interior of the development shall be no more than thirty-six inches in height.

b. Sight obscuring screening that maintains adequate provision of light to adjacent units or lots shall be allowed between the cottage housing development and abutting residential areas. This fencing or screening shall be no more than six feet in height.

c. Fences along the exterior property lines are subject to the fence requirements of SMC 17C.110.230.

d. Chain link fences shall not be allowed.

[Plan Commission: Should chain link fences be allowed, or at least allowed on the interior of the site?]

9. Parking.

~~a. The required minimum number of parking stalls~~Parking requirements for each cottage housing developments unit shall be provided as required for single-family are as stated for residential uses in chapter 17C.230 SMC-, Parking and Loading, except as modified in this subsection.

~~b. Parking shall be clustered and separated from the common area by landscaping and/or architectural screen. Solid board fencing shall not be allowed as an architectural screen.~~

~~c. Parking shall be screened from public streets and adjacent residential uses by landscaping and/or architectural screen. Solid board fencing shall not be allowed as an architectural screen.~~

a. General Parking Requirements.

~~dj. Parking, garages, and vehicular maneuvering areas, excluding driveways, shall be set back a minimum of twenty feet from a public street lot line.~~

~~ii. All parking shall be separated and screened from adjacent public streets, residential areas, and the common open space by landscaping and/or architectural screen, consistent with landscape type L1 visual screen in SMC 17C.200.030, Landscape Types.~~

~~v. No more than one driveway per cottage cluster shall be permitted, except where clusters front onto an alley or more than one street.~~

~~viiv. Parking areas shall be located to the side or rear of cottage clusters and not between a public street and cottage housing structures. Parking may be located between structures and an alley.~~

~~vii. Garage doors and/or carport openings shall not face a public right-of-way except where alley access is provided.~~

eb. Off-Street Surface Parking.

~~Surface parking shall be located configured in clusters of not more than that each contain a maximum of five adjoining spaces. To allow more efficient use of the site in some parking configurations, the minimum parking spaces and aisle dimensions shall follow the standards in Table 17C.230-4.~~

~~f. A pitched roof design is required for all parking structures.~~

c. Attached Garages and Carports.

~~i. Garages may be attached to individual cottage housing units provided all other standards herein are met and the footprint of the ground floor, including the garage, does not exceed the maximum allowed under SMC 17C.110.350(D)(2). Such garages shall not abut the common open spaces, but may abut and shall access an alley, if provided under SMC 17H.010.130.~~

~~ii. Attached garages and carports shall not exceed four hundred square feet.~~

~~iii. Excavated basement garages may be allowed. The basement elevation shall be no more than three feet above grade. The basement elevation~~

shall be measured as the distance between grade and the finished floor of the first story.

d. Detached Garages and Carports.

Detached garage structures shall not exceed a total of one thousand four hundred square feet. If a carriage unit is located above a garage shared with other units for parking, the garage floor area permitted is in addition to the residential space on the second floor permitted by subsection (D)(2)(a)(iii) above for carriage units.

10. Pedestrian Connectivity.

~~All buildings and common spaces shall be served by a pedestrian circulation system that connects to an existing or planned sidewalk, public sidewalk or trail system.~~

a. Pathways between dwelling units and the street are required. Such pathways between the street and buildings fronting on the street should be in a straight line. Exceptions may be allowed by the Director where steep slopes prevent a direct connection or where an indirect route would enhance the design and/ or use of a common open space.

b. The pedestrian circulation system shall connect all main entrances on the site. For cottage housing units fronting the street, the public sidewalk may be used to meet this standard.

c. Direct pedestrian access shall be provided, and dedicated for public use, to adjacent, publicly accessible parks, open space, and trails, and transit, rideshare, and bicycle storage facilities.

d. Pedestrian walkways shall be separated from structures by at least three feet for landscaping.

e. Pathways in common open space and other shared areas of the development must be at least four feet wide and meet Americans with Disabilities Act (ADA) standards.

11. Attached Unit Homes and Carriage Units.

Attached unit homes and carriage units, defined in chapter 17A.020 SMC, are permitted within cottage housing developments, subject to the applicable site development standards and design standards and guidelines of this section. A maximum of two units may be attached in a single structure.

12. Existing Structures.

- a. Existing detached single-family residential structures may be permitted to remain. In such case, the existing structure would be subject to underlying zoning standards.
- b. Retained existing structures will be counted in calculating density and building coverage on the site.
- c. Existing sStructures may be modified to be more consistent with this section. For example, roof pitches may be increased consistent with subsection (D)(4) Height above, but neither the building ground floor nor total floor area may be increased beyond the maximum allowed in this section.

E. Building Design Standards and Guidelines.

~~To prevent the repetitive use of the same combination of building features and site design elements within a cottage housing development, and to help provide compatabilty of the cottage housing develoment with the character of the surrounding neighborhood, building and site design shall provide variety and visual interest. The following are required to be provided within a cottage housing development:~~



~~1. Variety in Building Design. The same combination of building elements, features and treatments shall not be repeated for more than twenty percent of the total dwelling units in a cottage housing development. Dwellings with the same combination of features and treatments shall not be located adjacent to each other.~~

Note: The two preceding sentences are moved to (E)(6)(e) and (f), below.

~~For example, each dwelling in a six unit cottage housing development could include a porch provided building elements such as the details of the porch, roof shape or color, building color or materials, or building accents were varied to achieve visual interest.~~

1. Orientation and Building Facades.

- a. Each building abutting a public street shall have A-a minimum of four of the following building elements, features, and treatments incorporated into the street-facing facade that provide variety and visual interest shall be provided:
(R)

~~a. Additional porches and patios (required porch not included).~~

~~b. Varying roof shapes or gables between adjacent structures.~~

~~i. e. Windows with visible trim and mullions or recessed windows.~~

~~d. Roof brackets.~~

~~e.ii. Dormers.~~

~~f. Fascia boards.~~

~~g.iii. Bay windows.~~

~~h.iv. Entry enhancement such as a well detailed door (multi-panel or glass insert), window adjacent to front door (sidelite), or roof extension.~~

~~i. Trellis.~~

~~j. Modulation.~~

~~k. Chimney (shown on the exterior of the house).~~

~~lv. Variation in roof or building colors and materials on individual units, such as brick, stone or other masonry as accents.~~

~~m. Variation in housing type and size.~~

~~n.vi. Other building elements, treatments, features, or site designs approved by the code administrator/director that provide variety and visual interest.~~



b. Exterior stairs that provide access to an upper level are not allowed on the front facade of the building. (R)

c. Parking lots, garages, and solid, blank wall facades shall not dominate common areas or other public areas. (R)

d. Each of the units abutting a public street must have its address, windows, and main entrance oriented toward the street frontage. Where an existing house is being converted to two units, one main entrance with internal access to both units is allowed. (R)

e. Attached unit homes abutting public streets shall be designed to appear like a detached single-family home. Attached unit homes on corner lots shall be designed so each unit is oriented towards a different street. This gives the

structure the overall appearance of a house when viewed from either street. (R)

f. Units that are on the interior of a development should be oriented toward the common open space or the most important path or street. (P)

g. Along public street frontages, setback and entries should be in line and consistent with neighboring houses. (P)

h. Design of attached units and carriage units shall be similar in terms of style, materials, color, detailing, articulation, fenestration (including window and door placement), etc., of the entire development. (P)

i. Massing and spacing of street fronting cottages should match the pattern established in neighboring development. (P)

j. Where neighboring buildings that are exterior to the development, have porches, or patios located less than ten feet from a proposed structure, privacy screening or translucent window treatments are encouraged to reduce direct sight lines into neighbors' windows. (C)

2. Open Space and Landscaping.

a. All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every three lineal feet of foundation. (R)

b. Sixty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with living ground cover. Up to one-third of the required landscaped area may be for recreational use, or for use by pedestrians. Examples include walkways, play areas, or patios. (R)

c. Generous use of planting materials and landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged. (P)

Note: The three preceding paragraphs are the same as existing text in pocket residential design standards, SMC 17C.110.360(E)(5)(a) through (c).

d. At least fifty percent of the units in the development shall abut a common open space. A cottage housing unit is considered to "abut" an area of open space if there is no structure between the unit and the open space. (P)

- e. Common area sidewalks should be located at the edge of the common open space, and separated from private open space by narrow plantings and/or fencing. (P)
- f. No more than one driveway per cottage cluster shall be permitted, except along an alley or where clusters front onto more than one street. (P)
- g. Landscaping and trees should be used to achieve compatibility in areas where these are unifying elements of community character. (C)
- h. To enhance the function of the required open spaces and delineate the thresholds between public and private areas, the following features are encouraged in the open spaces: (C)
 - i. When a sidewalk in a common open space is adjacent to a private residence, a perimeter buffer of two feet should be provided between the sidewalk and the residence's private open space.
 - ii. A residence's private open space should be generously planted with a variety of plantings, such as herbaceous shrubs and flowers, and foundational plantings near the home.

Note: A graphic will be inserted to illustrate (f)(i) and (ii) above.

3. Patios and Porches.

- a. Cottage housing units shall have a covered, unenclosed porch or entry at least sixty square feet in size with a minimum depth of six feet and minimum width of eight feet. (R)
- b. If the cottage housing unit is fronting on a public street then at least one primary entry porch shall be located to face the street. If the unit is not fronting on a public street then the covered porch shall be located on the side of the home that serves as the main entry from a common open space. (R)
- c. Porch or patio railings within the private open space should be semi-transparent and a maximum of forty-two inches in height. (C)



4. Roofs.

Building rooflines should be designed in reference to the surrounding architecture and contribute to the overall identity of the area. (C)

5. Exterior Building Lighting.

a. The common open space shall be provided with lighting in the common area or alternately, the individual units fronting on the common open space shall have exterior lighting features. (P)

b. The design shall incorporate lighting fixtures on any shared access or external lighting on units facing private access areas. (P)

c. To diminish the amount of glare and spillover from lighting, the following standards shall apply: (R)

i. Intensity: Exterior lighting fixtures shall not exceed one foot-candle in intensity.

ii. Cutoffs Required: Lighting fixtures shall comply with the standards of SMC 17C.220.080.

6. Variety in Design and Architectural Features.

a. Buildings must be modulated along the public street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. (R)

b. Reduce the potential impact of new cottage housing development on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (P)

c. Create a human scale streetscape by including vertical and horizontal patterns as expressed by bays, belt lines, doors and windows. (P)

2. Modulation and Articulation.

d. ~~Modulation and articulation is achieve through a combination of changes in plan and materials detailing. They function should be incorporated on each individual building to add visual interest through shadows, human scale detailing, and textures while reducing the apparent appearance of mass and scale of the buildings. The~~



~~use of these techniques shall be varied between adjacent buildings. (P)~~

- ~~a. Articulation is the giving of emphasis to architectural elements (like windows, balconies, entries, etc.), that create a complimentary pattern or rhythm, dividing the buildings into smaller identifiable pieces.~~
- ~~b. Modulation is a measured and proportioned inflection in a building's face. Together articulation, modulation and their interval create a sense of scale important to residential buildings.~~

Note: The definition of these terms 'articulation' and 'modulation' are proposed to be moved to the Definitions chapter 17A.020 SMC.

- ~~e. The same combination of building elements, features and treatments shall not be repeated for more than twenty percent of the total dwelling units in a cottage housing development. (R)~~

[Plan Commission: The above provision could be problematic and cumbersome in administering subdivisions. It is an existing provision, but should it be included going forward?]

Note: The subsection above is existing text in SMC 17C.110.350(E)(1) removed to this location.

- ~~f. Dwellings with the same combination of features and treatments shall not be located adjacent to each other. (R)~~

[Plan Commission: The above provision could be problematic and cumbersome in administering subdivisions. It is an existing provision, but should it be included going forward?]

Note: The subsection above is existing text in SMC 17C.110.350(E)(1) removed to this location.

- ~~g. Design of garage structures and carports shall be similar to the style, materials, color, detailing, articulation, fenestration, etc. of the cottage housing units. (R)~~

h. Carriage unit homes shall not comprise more than fifty percent of the total dwelling units in a cottage housing development. (P)

i. Detached, combined garages or carports are encouraged. (C)

DRAFT

Section ____ That SMC 17C.110.360 is amended to read as follows:

17C.110.360 Pocket Residential Development

A. Purpose.

The purpose of the pocket residential development is to:

1. Encourage greater efficiency of land use by allowing compact infill development on aggregate sites.
2. Stimulate new housing that is compatible in scale and character to established surrounding residential areas.
3. Produce a broader range of building forms for residential development.
4. Expand opportunities for affordable home ownership.
5. Promote high quality housing of a character compatible with existing neighborhoods.
6. Encourage adequate, usable open space.

B. Applicability.

Pocket residential development is permitted within the RSF, RSF-C, RTF, RMF, RHD, O, OR, CC, NR, CB, and GC zones.

The text of subsection (B) above adds all areas zoned Residential Single-family (RSF) to allow pocket residential development. Currently, the only opportunity would be through a rezone, to RSF-Compact (RSF-C), available to areas described in SMC 17C.110.030(C). This proposed change would allow pocket residential development by right rather than requiring rezoning RSF to RSF-C; however, a short plat or subdivision would also be required because only one house is allowed per lot in the RSF zone.

C. Application Procedure.

Pocket residential development is allowed outright with a building permit except when a subdivision of land is proposed. In the RSF, RSF-C, and RTF zones, a community meeting with ~~the Planning Department and~~ the neighborhood is required under SMC 17G.060.050 prior to the issuance of a development permit.

When pocket residential development involves subdivision of land, the application shall be processed in accordance with the procedures of chapter 17G.080 SMC, Subdivisions.

D. Basic Development Standards.

1. Maximum Building Height.

The maximum height of structures within a pocket residential development is as allowed in the underlying zone.

2. Maximum Building Coverage.

The maximum building coverage ~~within a pocket residential development site is forty percent in the RA, RSF-C, RTF zones; fifty percent in the RMF zone and sixty percent in the RHD zone of the aggregate buildings located upon the parent site shall not exceed the maximum building coverage permitted by the underlying zone.~~ Maximum building coverage is not limited in the O, OR, CC, NR, CB, and GC zones.

The text of subsection (D)(2) above is moved here from SMC17G.080.065(D)(5). It makes maximum building coverage for pocket residential development the same as the underlying zone.

3. Setbacks.

Setbacks in a pocket residential development are measured from the exterior boundary of the parent site. The following setbacks are required except in commercial and center and corridor zones where the setbacks are as required in the underlying zoning district.

a. Front Setback.

The front yard requirement for the parent site shall be fifteen feet except as allowed under the front yard averaging provisions of SMC 17C.110.220(D)(1).

b. Side Setback, Abutting a Residential Zoning District.

If the side yard of the site is adjacent to other residentially zoned property the side yard shall be a minimum of five feet.

c. Side Setback, Interior to Parent Site.

If platted, the side yard, interior to the parent site, may be zero, provided, however, that any structure located upon a lot created under SMC 17G.080.065 shall comply with applicable building and fire code and the setbacks applicable to the underlying site development plan^[npg1].

- d. Side Setback, Street.
The street side yard requirement for the parent site shall be a minimum of five feet.
- e. Rear Setback of the Parent Site.
Twenty-five feet or as required in the underlying zoning district.
- 4. Minimum and Maximum Parent Site Size:
 - a. The minimum parent site size for a pocket residential development is as follows:
 - i. RSF and RSF-C zone: Eight thousand seven hundred square feet.
 - ii. RTF zone: Four thousand two hundred square feet.
 - iii. RMF, RHD zones: Two thousand nine hundred square feet.
 - iv. O, OR, CC, NR, CB, and GC zones: No minimum parent site size.
 - b. The maximum parent site size for a pocket residential development is one and a half acres. Pocket residential developments over one and a half acres must be approved as a planned unit development.
- 5. Density.
The maximum density allowed in a pocket residential development is limited to that allowed in the underlying zoning district in which the parent site is located, except as permitted by SMC 17C.110.330(C) for transitional sites. ~~The density of a pocket residential development is based on the gross site area including area set aside for public or private street rights-of-way and tracts of land dedicated for stormwater facilities.~~
- 6. Frontage.
Frontage on a public street is not required for lots created in a pocket residential development. ~~Private streets or private access may be used to provide lot frontage when a private street or private access is approved in accordance with SMC 17H.010.090 and a street design variance request is approved in accordance with SMC 17H.010.020.~~
- 7. Parking.
The minimum required off-street parking for a pocket residential development is ~~one stall for each dwelling unit~~ shall comply with the required parking standards of the underlying zone for residential uses in chapter 17C.230 SMC Parking and Loading.

8. Required Outdoor Area.

Pocket residential developments shall comply with the required outdoor area standards of the underlying zone in accordance with SMC 17C.110.223 and Table 17C.110-3 Development Standards. Common outdoor areas designated to meet this requirement ~~shall~~ will be permanently maintained by ~~and conveyed to the owner or an appropriate property management entity, if under singular ownership. In the event that the development is subdivided or condominium platted, a homeowners' or property owners' association as regulated by law is required to be created for the maintenance of the common open space within the development. This requirement shall be included in deed restrictions as required in SMC 17G.080.065(D).~~

9. Permitted Housing Types.

The housing types allowed in a pocket residential development are those allowed in the underlying zone in accordance with Table 17C.110-2.

10. Lot Size.

There is no minimum lot size for lots created within a pocket residential development.

E. Design Standards: ~~—~~.

1. Ground Level Access.

In order to create the appearance of individual homes, rather than apartments, each attached dwelling unit shall have its own individual access from grade. Stacked units are permitted to have one main entrance with an internal stairways accessed from grade ~~are permitted to internal individual unit entrances.~~

Individual Access from Grade



Example of Individual Access for Each Unit



Example of Individual Access with Shared Open Space



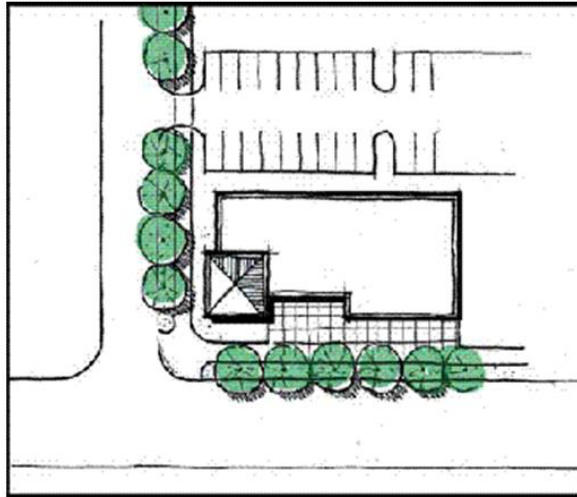
2. Parking Lots.

To ensure that parking is as unobtrusive as possible the following standards must be met:

a. Alley Access.

If the development abuts an alley, parking must be accessed from the alley.

Example of Surface Parking Accessed from Alley



- b. Screening: Surface parking lots shall be screened both from the street and adjacent residential development by a combination of trees and shrubs. Trees shall be at least two inches in caliper at the time of planting and no more than thirty feet apart. Shrubs shall be at least thirty inches in height at the time of planting. Decorative walls or fences no more than forty-two inches in height may be used in lieu of shrubs. Parking is not allowed in a required front yard setback area.

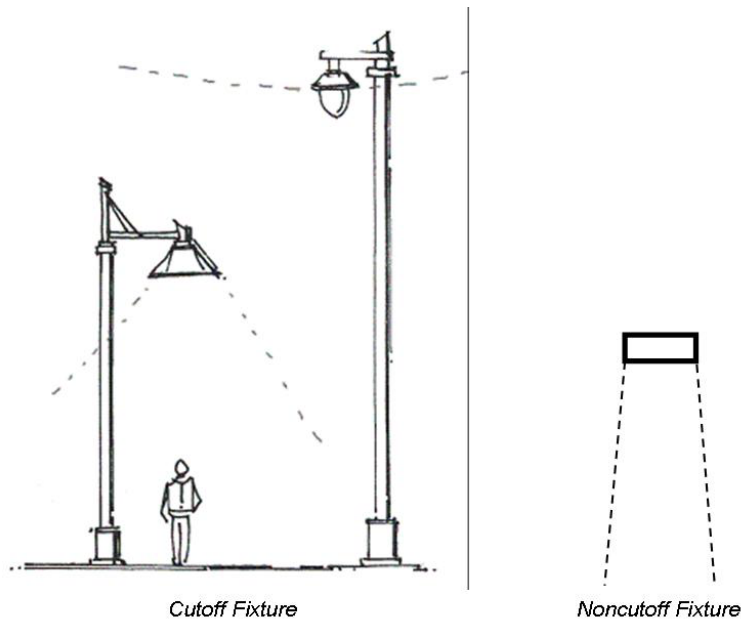
Planting Material Screen



Example of Surface Parking Screened from Street

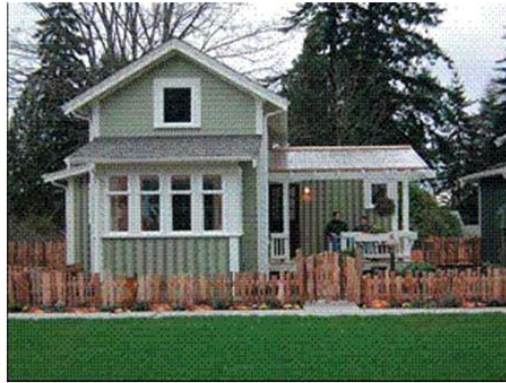


- c. Paving: All surface parking shall be improved in accordance with the standards of SMC 17C.230.140.
- 3. Lighting.
To diminish the amount of glare and spillover from lighting, the following standards shall apply:
 - a. Intensity: Exterior lighting fixtures shall not exceed one foot-candle in intensity.
 - b. Cutoffs Required: Lighting fixtures shall comply with the standards of SMC 17C.220.080



- 4. Fencing: To ensure a residential atmosphere, fencing higher than forty two inches shall not be permitted along any street frontage.

Residential Fencing



Residential Fence Along Street Frontage No Higher than 42 inches



5. Residential Building Design.

This section is subject to the provisions of SMC 17C.110.015, Design Standards Administration. For pocket residential development, the following design standards must be met:

- a. All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every three lineal feet of foundation. (R)
- b. Sixty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with living ground cover. Up to one-third of the required landscaped area may be for recreational use, or for use by pedestrians. Examples include walkways, play areas, or patios. (R)
- c. Generous use of planting materials and landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged.(P)

- d. Front facade. Fire escapes, or exterior stairs that provide access to an upper level are not allowed on the front facade of the building. (R)
- e. Duplexes and attached houses on corner lots shall be designed so each unit is oriented towards a different street. This gives the structure the overall appearance of a house when viewed from either street. (R)
- f. All units must meet the following standards. Adjustments to this paragraph are prohibited, but modifications may be requested through a design departure. The standards are:
 - i. Entrances. Each of the units fronting on the street must have its address, windows, and main entrance oriented toward a street frontage. Units that are on the interior of a parent site may be oriented toward a private access or shared open space. Where an existing house is being converted to two units, one main entrance with internal access to both units is allowed. (R)
 - ii. Each unit must have a covered, main entry-related porch or stoop area of at least fifty square feet with no dimension less than five feet. (R)
 - iii. Buildings must be modulated along the public street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. (R)
 - iv. Reduce the potential impact of new Pocket Residential Development on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (P)
 - v. Create a human scale streetscape by including vertical and horizontal patterns as expressed by bays, belt lines, doors and windows. (P)

Section ____ That SMC section 17C.230.130 is amended to read as follows:

17C.230.130 Parking Exceptions

- A. In center and corridor downtown, and FBC CA1, CA2, and CA3 zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement.
- B. In the neighborhood retail zone, any existing building, new building, or building addition, having a floor area less than three thousand square feet shall have no parking requirement. In addition, if a building has a floor area of five thousand square feet or less, the parking requirement will be determined after deducting the three thousand square foot exemption from the building's floor area. For example, the parking requirement for a four thousand square foot building would be based on one thousand square feet of floor area – i.e., a four thousand square foot building size minus the three thousand square foot exemption.
- C. The director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the character of the proposed use.
- D. If property owners and businesses establish a parking management area program with shared parking agreements, the director may reduce or waive parking requirements.
- E. Except in the residential single-family and residential two-family zones, existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when remodeling which increases the amount of required parking occurs within the existing structure.

TABLE 17C.230-2
PARKING SPACES BY USE [1]
(Refer to Table 17C.230-1 for Parking Space Standards by Zone)
CU = Conditional Use

RESIDENTIAL CATEGORIES			
USE	SPECIFIC	MINIMUM PARKING	MAXIMUM PARKING

CATEGORIES	USES		
Group Living		1 per 4 residents	None
Residential Household Living		1 per unit plus 1 per bedroom after 3 bedrooms; 1 per Accessory Dwelling Unit (ADU); Single Resident Occupancy (SRO) are exempt	None
COMMERCIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Adult Business		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Commercial Parking		Not applicable	None
Drive-through Facility		Not applicable	None
Major Event Entertainment		1 per 8 seats or per CU review	1 per 5 seats or per CU review
Office	General Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Medical/Dental Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Quick Vehicle Servicing		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Retail Sales and Service	Retail, Personal Service, Repair-oriented	1 per 330 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Restaurants and Bars	1 per 250 sq. ft. of floor area	1 per 60 sq. ft. of floor area
	Health Clubs, Gyms, Lodges, Meeting Rooms and similar continuous	1 per 330 sq. ft. of floor area	1 per 180 sq. ft. of floor area

	entertainment, such as Arcades and Bowling Alleys		
	Temporary Lodging	1 per rentable room; for associated uses such as Restaurants, see above	1.5 per rentable room; for associated uses such as Restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
	Retail sales and services of large items, such as appliances, furniture and equipment	1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Mini-storage Facilities		Same as Warehouse and Freight Movement	Same as Warehouse and Freight Movement
Vehicle Repair		1 per 750 sq. ft. of floor area	1 per 200 sq. ft. of floor area
INDUSTRIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Industrial Services, Railroad Yards, Wholesale Sales		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Manufacturing and Production		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Warehouse and Freight Movement		1 per 1,000 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 3,500 sq. ft. of floor area thereafter	1 per 200 sq. ft. of floor area
Waste-related		Per CU review	Per CU review

INSTITUTIONAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Basic Utilities		None	None
Colleges		1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms	1 per 200 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm room
Community Service		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Daycare		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Medical Centers		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Parks and Open Areas		Per CU review for active areas	Per CU review for active areas
Religious Institutions		1 per 100 sq. ft. of main assembly area or per CU review	1 per 60 sq. ft. of main assembly area
Schools	Grade, Elementary, Junior High	1 per classroom	2.5 per classroom
	High School	7 per classroom	10.5 per classroom
OTHER CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Agriculture		None or per CU review	None or per CU review
Aviation and Surface Passenger Terminals		Per CU review	Per CU review
Detention Facilities		Per CU review	Per CU review
Essential Public Facilities		Per CU review	Per CU review
Wireless Communication Facilities		None or per CU review	None or per CU review
Rail Lines and Utility Corridors		None	None
<u>[1] The director may approve different amounts of parking spaces under the exceptions listed in SMC 17C.230.130.</u>			

Section ____ That SMC section 17G.080.065 is amended to read as follows:

17G.080.065 ~~Unit Lot~~Alternative Residential Subdivisions.

A. Purpose.

The purpose of these provisions is to allow for the creation of lots for ~~types of~~alternative residential development as described in SMC 17C.110.300, including attached housing, and specified cottage housing projects, and similar developments with multiple dwelling units on a parent site, while applying only those site development standards applicable to the parent site as a whole, rather than to individual ~~unit~~ lots resulting from the subdivision.

B. Applicability.

~~The provisions of this section apply exclusively to the subdivision of land that is already developed with residential dwelling units.~~ The types of existing development that may use the ~~unit lot~~alternative residential subdivision are:

1. Cottage housing projects ~~previously~~ approved under SMC 17C.110.350 ~~and built prior to January 1, 2014;~~
2. Housing developed under SMC 17C.110.360 Pocket Residential Development; or
3. A similar existing development that consists of multiple dwelling units on a single parcel or site, provided that such existing structures shall comply with applicable building and fire code; or
3. ~~An existing townhouse development in zones in which townhouse dwellings are a permitted use.~~

C. Application Procedure.

~~Unit lot~~Alternative residential subdivisions of nine or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in SMC chapter 17G.060.

D. General Regulations.

1. ~~The unit lot~~An alternative residential subdivision ~~as a whole~~ shall meet development standards applicable to the underlying site development plan approval, if any, the basic development standards and design standards of SMC 17C.110.350 Cottage Housing or SMC 17C.110.360 Pocket Residential Development, and the provisions of this section. As a result of the ~~unit lot~~alternative residential subdivision, development on individual ~~unit~~ lots may be nonconforming as to some or all of the development standards based on

- analysis of the individual ~~unit~~ lot. So long as the parent site meets the criteria of the underlying site development plan or the dwelling units are already in existence, each ~~unit~~ lot will be deemed to be in conformance. If ~~the existing dwelling~~ units ~~are already legally in existence and~~ do not comply with development standards (i.e.: minimum building setbacks, maximum density, etc.), a ~~unit~~ lot may be created for each ~~existing dwelling unit~~^[npg1]. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent ~~lotsite~~;
2. ~~Unit lot~~Alternative residential subdivisions shall be subject to all applicable requirements of Title 17 SMC, except as otherwise modified by this section;
 3. ~~Unit~~Each lot's area and width ~~per unit~~ for purposes of subdivision may be as small as the ~~coverage footprint~~ of the individual ~~dwelling~~ unit;
 - 4.^[npg2] Portions of the parent site not subdivided for individual ~~unit~~ lots shall be owned in common by the owners of the individual ~~unit~~ lots, or by a homeowners association comprised of the owners of the individual ~~unit~~ lots located within the parent site. A homeowners' association is required to be created for the maintenance of any shared required outdoor area or other open space, shared parking areas, and other common use areas, buildings, and utilities within the development. This requirement shall be included in deed restrictions as required in paragraph 7;
 5. Maximum ~~lot building~~ coverage of the aggregate buildings located upon the parent site shall not exceed the maximum ~~lot building~~ coverage permitted by the underlying zone;
 6. Except for existing nonconforming development, building setbacks shall be as required for the zone as applied to the underlying parent site as a whole. There shall be no setback required from individual ~~unit~~ lot lines which are interior to the perimeter of the parent site; provided, however, that any structure located upon a ~~unit~~ lot created hereunder shall comply with the setbacks applicable to the underlying site development plan;
 - ~~7. Internal drive aisles providing vehicular access to unit lots shall not be considered public or private streets when utilizing the provisions of this section;~~

The text of subsection (D)(7) above is deleted because it is inconsistent with SMC 17C.110.360. Since these provisions have never been used since this section's adoption, subsections below are renumbered.

- 87.** Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; underground utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the county auditor's office. Each ~~unit lot~~alternative residential subdivision shall make adequate provisions for ingress, egress and utilities access to and from each ~~unit~~ lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan;
- 98.** Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:
- a. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (stating the subject project file number if applicable);
 - b. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;
 - c. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
 - d. ~~The individual unit lots are not separate building sites and a~~Additional development of the individual ~~unit~~ lots may be limited as a result of the application of development standards to the parent site.

E. Conflicts.

Any conflicts between the provisions of this section and the text of other sections in the Unified Development Code shall be resolved in favor of the text of this section.

BRIEFING PAPER
Historic Preservation & Demolition Ordinance - Workshop
Spokane Plan Commission
October 11, 2017

Subject:

An ordinance enhancing protections for historic landmarks and districts, as well as providing increased incentives and new funding for historic preservation; repealing chapter 17D.040; enacting a new chapter 17D.100; amending sections 17G.010.210, 08.02.031, and 08.02.065, and enacting a new section 07.08.151 of the Spokane Municipal Code.

Background:

Spokane is experiencing a period of dramatic growth, construction, and redevelopment. This activity is fundamentally changing certain aspects of the city's diverse architectural character, which reflects Spokane's rich history. Everything from the city's infrastructure to some of its older, most historic buildings are being rehabilitated and repurposed, and these changes are phenomenal. Unfortunately, many of our historic buildings are also quickly being demolished in favor of parking lots and new developments that often do not reflect the historic and architectural character of the neighborhoods and districts in which they once stood.

This ordinance intends to protect Spokane's architectural heritage and the many public benefits that it provides to the community. The city's architectural history has helped make Spokane a leading travel destination in the Intermountain Northwest. This is one of the many features that attract tourists, business conventions, and other events and groups, and each provides an influx of dollars into our local economy. In addition, the architectural heritage that can be strongly felt in many of our city's neighborhoods also creates a sense of place that brings our local communities together, strengthens bonds between neighbors, and creates a sense of familiarity and security. Municipal law must protect these communal and economic benefits by promoting historic preservation from undue demolition. This aligns seamlessly with the City's Strategic Plan "Preservation" goal to preserve and protect Spokane's significant historic structures, neighborhoods, and sites.

Impact:

The proposed ordinance makes numerous improvements to current law; most notably, it would:

- Create a process for designating historic districts on the Spokane Register (whereas current law only contains a process for designating single historic landmarks), and creates a process for property owners in the proposed district to appeal that designation
 - Create a more thorough and, at times, restrictive process by which the appropriateness of demolition of historic buildings and buildings in historic districts may be determined
 - Change the composition of the committee specially tasked with determining if an historic property qualifies for the "economic hardship" exemption to the ordinance
-

BRIEFING PAPER
Historic Preservation & Demolition Ordinance - Workshop
Spokane Plan Commission
October 11, 2017

- Eliminate provisions from current law that: (1) allows for property owners to request that the City make an advanced determination of a property's qualification for the "economic hardship" exemption; (2) creates an exemption for historic structures to be demolished in order to provide parking space for an historic structure undergoing rehabilitation on an adjacent parcel
- Give the Historic Landmarks Commission authority to conduct design review on structures replacing demolished historic landmarks, and to place property management standards on lots left vacant by the demolition of an historic structure
- Create a matrix of incentives for developers that would cut costs by waiving certain City fees and exempt rehabilitation projects for historic structures from certain building code regulations

Action:

None; a Plan Commission hearing on the final version of the ordinance will occur in November.

ORDINANCE NO. C-_____

An ordinance enhancing protections for historic structures and districts; repealing chapter 17D.040; enacting a new chapter 17D.100; amending sections 17G.010.210, 08.02.031, and 08.02.065, and enacting a new section 07.08.151 of the Spokane Municipal Code.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That chapter 17D.040 of the Spokane Municipal Code is hereby repealed in its entirety.

Section 2. That there is enacted a new chapter 17D.100 of the Spokane Municipal Code to read as follows:

Chapter 17D.100 Historic Preservation **Section 17D.100.010 Purpose**

By creating standards for the designation and protection of historic landmarks and historic districts, the City intends to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the City and County is a public necessity. The intent of this ordinance is to keep historic buildings in use through the listing of properties on the Spokane Register of Historic Places; incentivizing rehabilitation; reviewing changes to historic properties; and promoting preservation in all neighborhoods, in balance with property rights.

Section 17D.100.020 Historic Landmark and Historic District – Designation

Generally a building, structure, object, site or district which is more than fifty years old or determined to be exceptionally significant in architectural, historical or cultural manner may be designated an historic landmark or historic district if it has significant character, interest, or value as a part of the development, heritage or cultural characteristics of the city, county, state or nation. The property must also possess integrity of location, design, materials, workmanship and association and must fall into one or more of the following categories:

- A. Property is associated with events that have made a significant contribution to the broad patterns of the history of the city, county, state or nation; or
- B. Property is associated with the lives of persons significant in the history of the city, county, state or nation; or
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic

values, or represents a significant and distinguishable entity whose components lack individual distinction;

- D. Property has yielded, or is likely to yield, information important in prehistory or history; or
- E. A property that represents the culture and heritage of the city of Spokane in ways not adequately addressed in the other criteria, as in its visual prominence, reference to intangible heritage, or any range of cultural practices.

Section 17D.100.030 Historic Landmarks and Historic Districts – Submittal Process

- A. An application for the designation of a property or district as an historic landmark or historic district as provided in this chapter shall be submitted to the historic preservation officer (“HPO”) on a standard form made available by the HPO. The application may be submitted by the property owner(s), a resident of the City, or in the case of historic districts, approved by a majority of the owners of property located within the potential historic district.
- B. When the HPO is satisfied as to the completeness and accuracy of the information, the nomination is referred within one month of the receipt of the application to the historic landmarks commission (“commission”) for a hearing.
- C. Once the nomination is scheduled for a hearing, the HPO notifies the owner(s) of the nominated property by mail and, in the case of a proposed historic district, the owners of property within the historic district by publication in a newspaper of general circulation of the date of the hearing and of the benefits and conditions which may result from designation.
- D. Fourteen days prior to the commission hearing, the HPO transmits to commission members copies of the nominations of properties to be considered for designation.

Section 17D.100.040 Procedure – Preliminary Designation

- A. Public hearings of the commission are publicly advertised. Staff causes notice, containing the time, place and date of the hearing and a description of the location of the property in nonlegal language, to be mailed to all property owners of record, and in the case of a proposed historic district, to the owners of property within the proposed historic district by publication in a newspaper of general circulation, and to be advertised in the legal newspaper of the board or council, as appropriate, at least ten days prior to the hearing.
- B. At a publicly advertised hearing, the commission takes testimony concerning the nomination and formulates a recommendation as to the designation. The commission may decide to:

1. recommend approval of designation of the property or district to the council or board as appropriate; or
2. recommend denial of designation of the property or district to the council or board as appropriate; or
3. defer the consideration of the nomination to a continued public hearing, if necessary.

Section 17D.100.050 Procedure – Findings of Fact

After the hearing, the commission enters findings of fact with reference to the designation criteria. These findings of fact are forwarded, along with the recommendation, to the council or board, as appropriate.

Section 17D.100.060 Procedure – Notification of Results

- A. The commission informs the owner(s) of its recommendation and reasons therefor. The owner(s) are also notified of the necessity of applying for a certificate of appropriateness for any action which would alter the property(ies). All interested parties of record and all affected City or County agencies are informed of the preliminary designation and of any responsibilities they may have in regard to a certificate of appropriateness. The owner(s) are informed of any incentives which may be available for the maintenance of the property.
- B. The commission is also required to review nominations to the national register of historic places as part of its duties as a certified local government. Upon approval or denial of a national nomination, the HPO advises the state historic preservation officer of the action taken in accordance with the rules of the “certified local government” program.

Section 17D.100.070 Procedure – Council or Board Action

The council or board must act on the recommendation of the commission within thirty days of the recommendation. A final designation decision may be deferred for consideration at another public hearing. Once a final decision is made, the council or board clerk or clerk’s designee notifies the commission, property owner(s) and affected City and County agencies.

Section 17D.100.080 Procedure – Appeal of Preliminary Designation

The commission’s recommendation may be appealed to the hearing examiner only by an owner of record whose property was the subject of the preliminary designation or, in the case of historic district designations, on petition of at least 10% of the owners of property within the proposed historic district^[BM1], within ten days of the execution of the findings of fact set forth in SMC 17D.040.130. Such application for appeal shall be filed with the historic preservation office. An appeal must state the grounds upon which the

appeal is based. The appeal is reviewed by the hearing examiner only on the record of the commission.

Section 17D.100.090 Procedure – Appeal of Council or Board Action

Action of the council or board may be appealed to superior court.

Section 17D.100.100 Property Management and Design Standards – Agreement or District Election

A. In the case of an individual property to be designated as an historic landmark, the owner(s) must enter into an agreement with the council or board in which the owner(s) agree to appropriate management standards as recommended by the commission for the property under consideration.

B. In the case of historic districts, the HPO will submit proposed management and design standards for the district as a whole for a vote of the owners of property within the boundaries of the proposed historic district within thirty days of the commission's recommendation. The proposed management and design standards shall only be effective if sixty percent (60%) of the owners of properties located within the boundaries of the proposed historic district vote to accept the management standards for the district as a whole. A minimum of forty percent (40%) of the owners of property within the proposed district must return a ballot in order for the vote to be considered binding. At the next commission meeting following the vote, the commission shall consider whether to set the property management and design standards for the district, or to make specific changes which would be acceptable to property owners in the district.

B-C. Each local historic district shall be designated as such on the official City zoning map by the use of historic district overlay zones which shall apply the standards established pursuant to this section to all properties within the particular overlay zone. Contributing and non-contributing buildings within the overlay zone may be reviewed differently from one another as specified in the design standards as well as the commission's bylaws. No less than every five years, the commission shall review and consider amendments to the management and design standards for each district established under this section.

Section 17D.100.110 Procedure – Final Designation – Disagreements

A. After a management agreement is executed and approved by the City Council, or, in the case of districts, set by commission action, final designation is made and the property or district is placed upon the Spokane register of historic places.

Historic overlay district designations shall be confirmed by ordinance.

- B. If the commission and the owner(s) cannot agree on management standards, no contract is entered into between the parties or, in the case of districts, no standards are set, and the property or district is not placed on the Spokane register of historic places. The parties may take advantage of the negotiation process provided in this chapter.

Section 17D.040.200 Certificates of Appropriateness – When Required

- A. A certificate of appropriateness is required prior to the issuance of any permit for the following activities:
 - 1. Demolition of a Spokane Register historic landmark or a contributing building located within an historic district (National or Spokane Register)n;
 - 2. Relocation of an historic landmark or a building located within an historic district;
 - 3. any work that affects the exterior appearance of an historic landmark or any property located within an historic district; and
 - 4. development or new construction located within the designated boundaries of an historic district.
 - 5. The HPO may administratively approve certificate of appropriateness applications for non-contributing properties within historic districts in consultation with the Design Review Committee of the Commission.
- B. The HPO may exempt ordinary repairs and maintenance from the permit requirements of this section if the work does not involve a change in design, material or exterior treatment or otherwise affect the exterior appearance.

Section 17D.100.210 Certificate of Appropriateness – Procedure

- A. Whenever an application for an action which requires a certificate of appropriateness under this chapter or which may be within the scope of agreed management standards is submitted with respect to an historic landmark or contributing building within an historic district, the official responsible for processing the application shall request review of the action by the commission. For non-contributing properties within a local register historic district, an administrative approval may be considered.
- B. The requests for review and issuance of a certificate of appropriateness must be received by the commission staff at least twenty days prior to the commission's next scheduled meeting. Commission staff transmits copies of the request for a certificate of appropriateness and any supplemental information to commission members, the property owner or applicant, and interested parties of record fourteen days prior to the next scheduled meeting of the commission. The review of requests for certificate of appropriateness which may be approved by the HPO

are deemed to be ministerial permits. The review of requests for certificates of appropriateness which are approved by the landmarks commission are subject to the timeline and procedures contained in this section.

- C. At its next scheduled meeting, the commission reviews the request and decides whether to issue a certificate of appropriateness. The commission transmits its findings to the applicant. If the commission is unable to process the request, the commission may ask for an extension of time.
- D. The commission reviews the request for certificates of appropriateness under the following procedure:
 1. The HPO reviews each application, certifies it complete and, within seven days of certification, causes notice of application to be provided. After the notice of application has been given, a public comment period is provided. The purpose of the public comment period is to provide the opportunity for public review and comment on the application. Comments on the application will be accepted at or any time prior to the closing of the record of the open-record public hearing.
 2. At the close of the public comment period, the HPO consults with the commission regarding a date and time for public hearing. At least fifteen days prior to the public hearing, the officer causes notice of hearing to be provided.
 3. Commission review.
 - a. The HPO makes a written report regarding the application to the commission. The officer sends the application to appropriate other City departments, coordinates their review of the application and assembles their comments and remarks for inclusion in the report to the commission as appropriate. The report of the HPO contains a description of the proposal, a summary of the pertinent Secretary of the Interior's Standards for Rehabilitation, findings and conclusions relating to those standards and a recommendation. If the recommendation is for approval, the report also identifies appropriate conditions of approval. At least ten days prior to the scheduled public hearing, the report is filed with the commission as appropriate and copies are mailed to the applicant and the applicant's representative. Copies of the report are also made available to any interested person for the cost of reproduction. If a report is not made available as provided in this subsection, commission may reschedule or continue the hearing, or make a decision without regard to any report.
 - b. The commission makes a decision regarding the application within ten days of the date the record regarding the

application is closed. The time for decision may be extended if the applicant agrees. In making the decision, the commission may approve, approve with conditions, or deny the permit application. The decision is in writing.

4. Within seven days of making the decision, the permit authority causes a notice of decision to be provided.
5. The applicant for a certificate of appropriateness must provide to the commission drawings of the proposed work, photographs of the existing building or structure and adjacent properties, information about the building materials to be used, and any other information requested by the HPO or commission.
6. In making a decision on an application, the commission uses the Secretary of the Interior's Standards for Rehabilitation, historic district design standards and other general guidelines established and adopted by the commission. In adopting and using standards, the commission does not limit new construction to any one architectural style but seeks to preserve the character and integrity of the landmark or the historic district through contemporary compatible designs.

Section 17D.100.220 Certificates of Appropriateness – Demolition of Historic Landmarks or Contributing Buildings Within Spokane Register Historic Districts.

- A. No permit for the demolition of an historic landmark, a contributing building located a local historic district, or a building eligible for listing shall be processed or issued until ninety days after the commission issues a certificate of appropriateness for the proposed action. At the end of the ninety day period, a building permit for a replacement structure under this section may be accepted, processed, or issued prior to the issuance of the demolition permit.
- B. Within forty-five days of the HPO's receipt of an application for a certificate of appropriateness concerning the demolition of an historic landmark, a contributing building located a local historic district, or a building eligible for listing, the applicant and the HPO shall meet to determine if there are feasible alternatives to demolition. The attempt to find feasible alternatives may continue beyond forty-five days if both parties agree to an extension.
- C. If no feasible alternative to demolition has been agreed to, the commission may either issue or deny the certificate of appropriateness by taking into account the following:
 1. The historic importance of the property;
 2. The nature of the redevelopment which is planned for the property;
 3. The condition of the existing structure;
 4. The effect on the surrounding neighborhood of the planned replacement use;

5. Whether there is the potential for re-use of the existing structure, rather than rehabilitation;
 6. The overall effect of the proposed redevelopment on the neighborhood character and the elements of the neighborhood's urban design; and
 7. Whether the property is under common control with other adjacent properties.
- D. If the commission denies the application for a certificate of appropriateness for a property for which a demolition permit is sought, no demolition permit may be issued. Upon such denial, the applicant may appeal to the city hearing examiner. The hearing examiner shall review the commission's decision to deny the application for a certificate of appropriateness under this section under an abuse of discretion standard. The hearing examiner may affirm the denial or may remand to the commission for further consideration.
- E. The applicant may renew a denied application by submitting (i) proposed mitigation measures under which the owner would salvage significant architectural features of the structure and (ii) a plan for documenting the building before demolition. Upon receipt of the renewed application and supporting documentation, the commission shall reconsider its denial of the application for a certificate of appropriateness at its next meeting.
- F. If the commission issues a certificate of appropriateness for the demolition of an historic landmark, or a building located within an historic district, such certificate shall include conditions such as:
1. any temporary measures deemed necessary by the commission for the condition of the resulting property after the demolition, including, without limitation, fencing or other screening of the property;
 2. the provision of ongoing, specific site security measures;
 3. if no replacement structure is constructed on the site within six months of the issuance of the certificate, the owner must landscape the site for erosion protection and weed control and provide for solid waste clean-up; and
 4. that the certificate of appropriateness for demolition of the building is valid for three months.

Section 17D.100.230 Demolition Permits for Historic Structures in the Downtown Boundary Area and National Register Historic Districts

- A. Demolition Permits.
- No demolition permits for structures that are listed or eligible to be listed on the National or Local Register of Historic Places located in the area shown on Map 17D.100.230-M1, Downtown Boundary Area, and in all National Register Historic Districts shall be issued unless the structure to be demolished is to be replaced

with a replacement structure that is approved by the commission under the following criteria:

1. The replacement structure shall have a footprint square footage equal to or greater than the footprint square footage of the landmark structure to be demolished. The replacement structure must also have a floor area ratio equal to 60% or greater of that of the landmark structure to be demolished. The square footage of the footprint may be reduced:
 - a. to accommodate an area intended for public benefit, such as public green space and/or public art;
 - b. if the owner submits plans in lieu for review and approval by the City's design review board subject to applicable zoning and design guidelines; and
 - c. the replacement structure is, in the opinion of the HPO and the commission, and in consultation with the Design Review Board, compatible with the historic character of the Downtown Boundary Area or National Register Historic District, as appropriate.
2. Any replacement structure under this section shall satisfy all applicable zoning and design guidelines, and shall be considered by the commission within thirty days of the commission's receipt of an application for a certificate of appropriateness concerning the building for which a demolition permit is sought.
3. A building permit for a replacement structure under this section must be accepted, processed, and issued prior to the issuance of the demolition permit. In the alternative, the owner may obtain a demolition permit prior to the issuance of the building permit if the owner:
 - a. demonstrates to the satisfaction of the director of building services, in consultation with the HPO, that the owner has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or has other financial resources that are sufficient (together with any valid and binding commitments for financing) and available for such purpose.

B. Eligibility.

Eligibility shall be determined by the commission within fourteen days of the submission of the application for a demolition permit. The applicant shall be responsible to submit a determination of eligibility demonstrating the ineligibility of the structure based upon the National Register Criteria for Evaluation (36 CFR 60). Applications for structures that are determined not to be listed or eligible to be listed on a National or Local Register of Historic Places shall be processed pursuant to existing regulations.

- C. Building Official or Fire Marshal Orders.
The requirements of this section shall not apply to orders of the building official or fire marshal regarding orders that a structure be demolished due to public health, safety, or welfare concerns.
- D. If the commission issues a certificate of appropriateness for the demolition of an building on the national register or located within the downtown boundary zone, such certificate shall include conditions such as:
- a. any temporary measures deemed necessary by the commission for the condition of the resulting property after the demolition, including, without limitation, fencing or other screening of the property;
 - b. the provision of ongoing, specific site security measures;
 - c. if no replacement structure is constructed on the site within six months of the issuance of the certificate, the owner must landscape the site for erosion protection and weed control and provide for solid waste clean-up; and
 - d. that the certificate of appropriateness for demolition of the building is valid for three months.

Section 17D.100.240 Economic Hardship Determinations

- A. The City recognizes that there are circumstances under which enforcement of this chapter may cause an undue hardship to a property owner. The City therefore finds that it is necessary to provide property owners the opportunity to demonstrate that such a hardship exists, and further finds that under such hardship conditions, the demolition of an historic landmark or a building in an historic district can be allowed. For purposes of this section, fair market value is established an appraisal of the property conducted by a Washington state certified real estate appraiser. [BM2]
- B. No certificate of appropriateness is required for the issuance of a demolition permit or for the construction of a replacement structure if the owner can demonstrate to the satisfaction of the commission or a subcommittee thereof that maintaining and rehabilitating the historic structure would impose an economic hardship on the property owner.
- C. The commission may issue a determination of economic hardship if it, or a subcommittee of the commission, concludes that (i) for income-producing property, a reasonable rate of return cannot be obtained from the property either in its present condition or if the property is rehabilitated; and (ii) for non-income-producing properties (such as those which are owner-occupied or which are owned by institutional, non-profit organizations, or public entities), that all reasonable use of or return from the property will be denied the property owner. Evidence of any of the following shall be grounds for denial of an economic hardship determination:

1. willful or negligent acts by the owner concerning the management of the property;
2. failure to perform normal maintenance and repairs on the property;
3. in the case of income-producing property, failure to diligently solicit and retain tenants;
4. in the case of income-producing property, failure to provide commercially reasonable tenant maintenance or improvements; or
5. refusal to accept a purchase offer for the property at fair market value.

D. Economic hardship determinations shall take into account all of the following factors:

1. the estimated cost of the proposed construction, alteration, demolition, or relocation, compared with the estimated cost of rehabilitation of the property; provided that costs derived from the owner's failure to maintain the building in good repair shall not be considered as rehabilitation costs;
2. a report from a licensed structural engineer as to the structural soundness of the building under consideration;
3. a side-by-side comparison of the following:
 - a. the estimated fair market value of the property in its current condition;
 - b. the estimated fair market value of the property after the completion of the proposed activity(i.e., replacement, addition, alteration, etc);
 - c. an assessment of an architect, developer, real estate consultant, appraiser, or other real estate professional with experience in historic rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing building; and
 - d. in the case of a proposed demolition, the estimated market value of the property after the construction of the replacement structure.
4. the amount paid for the property;
5. if the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and depreciation deduction and annual cash flow before and after debt service, if any, during that same period;

6. all appraisals obtained within the previous two years by the owner in connection with the purchase, financing, or ownership of the property;
7. any listing of the property for sale or rent, the price asked, and the amount of any offers received, within the previous two years;
8. the assessed value of the property according to the two most recent assessments; and
9. any other information specific to the property which the commission may consider necessary for a determination as to whether the property does yield or may yield a reasonable return to the owner.

Section 17D.100.250 Negotiated Standards

The owner, the commission, or the HPO may request a negotiation process leading to more specifically defined or different management standards for a specific piece of property; provided, however, that nothing in this section requires the commission to agree to participate in a negotiation process leading to specifically defined or different standards for any particular property which would otherwise be subject to this chapter, and provided also that it is the intent of the City that negotiated standards are to be utilized only in extraordinary circumstances. While the negotiation process is occurring, the requirements for a certificate of appropriateness continue to be in effect.

Section 17D.100.260 Negotiated Standards – Approval Process

Once the negotiation process is completed and the owner and the commission are in agreement with the negotiated standards, a copy of that agreement is transmitted to the council or board for final approval. Once final approval is received, the commission distributes copies of the agreement to the appropriate boards, commissions and agencies for implementation. If the council or board does not approve the agreement, it may be sent back, with a statement of the council's or board's objection, for further negotiation. When renegotiation is completed, the agreement is returned to the council or board for approval.

Section 17D.100.270 Negotiated Standards – Arbitration and Appeal

If no agreement can be reached between the commission and the owner, the matter may be presented to the council or board, or designees to arbitrate the agreement. Appeal from any arbitration decision may be made to superior court.

Section 17D.100.300 Waiver of Review

The commission, at the request of the owner, may waive review under SMC 17D.100.240 through 17D.100.290 of those actions which may require a certificate of appropriateness or which may be within the scope of agreed management standards when the action will be reviewed by the Washington State Department of Archaeology and Historic Preservation or the National Park Service and will be subject to the Secretary of the Interior's Standards for Treatment of Historic Properties. The commission may choose to deny said request should it be determined by the Washington State Department of Archaeology and Historic Preservation or the National Park Service that the proposed action does not meet the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Section 17D.100.310 Review and Monitoring of Properties for Special Property Tax Valuation

A. Time Lines

1. Applications shall be forwarded to the commission by the assessor within 10 calendar days of filing.
2. Applications shall be reviewed by the commission before December 31 of the calendar year in which the application is made.
3. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within 10 calendar days of issuance.

B. Procedure

1. The assessor forwards the application(s) to the commission.
2. The commission reviews the application(s), consistent with its rules of procedure, and determines if the application(s) are complete and if the properties meet the criteria set forth in WAC 254-20-070(1) and listed in SMC 17D.100.090.
 - a. If the commission finds the properties meet all the criteria, then, on behalf of the City, it enters into a Historic Preservation Special Valuation Agreement (set forth in WAC 254-20-120) with the owner. Upon execution of the agreement between the owner and commission, the commission approves the application(s).
 - b. If the commission determines the properties do not meet all the criteria, then it shall deny the application(s).
3. The commission certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the assessor.
4. For approved applications:
 - a. The commission forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090 (4) to the assessor,
 - b. Notifies the state review board that the properties have been approved for special valuation, and
 - c. Monitors the properties for continued compliance with the agreements throughout the 10-year special valuation period.

5. The commission determines, in a manner consistent with its rules of procedure, whether or not properties are disqualified from special valuation either because of
 - a. The owner's failure to comply with the terms of the agreement or
 - b. Because of a loss of historic value resulting from physical changes to the building or site.
6. For disqualified properties, in the event that the commission concludes that a property is no longer qualified for special valuation, the commission shall notify the owner, assessor, and state review board in writing and state the facts supporting its findings.

C. Criteria

1. Historic Property Criteria:

The City attained Certified Local Government (CLG) status in 1986. As a CLG, the City determines the class of property eligible to apply for Special Valuation. Eligible property types in Spokane mean only properties listed on Spokane Register of Historic Places or properties certified as contributing to a Spokane Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

2. Application Criteria:

Complete applications shall consist of the following documentation:

- a. A legal description of the historic property,
- b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation,
- c. Architectural plans or other legible drawings depicting the completed rehabilitation work, and
- d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the commission upon request, and
- e. For properties located within historic districts, in addition to the standard application documentation, a statement from the appropriate local official, as specified in local administrative rules or by the local government, indicating the property is a certified historic structure is required.

3. Property Review Criteria:

In its review the commission shall determine if the properties meet all the following criteria:

- a. The property is historic property;
- b. The property is included within a class of historic property determined eligible for Special Valuation by the City;
- c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) within twenty-four months prior to the date of application; and d. The property has not been altered in any way which adversely affects those elements which

qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-20-100(1) and listed in 17D.100.210 of this ordinance).

4. Rehabilitation and Maintenance Criteria:

The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

D. Agreement:

The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).

E. Appeals:

Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to Superior Court under Chapter 34.05.510 -34.05.598 RCW in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization.

Section 17D.100.320 Historic Preservation Incentive Program

[Reserved]

Section 3. That section 17G.010.210 of the Spokane Municipal Code is amended to read as follows:

Section 17G.010.210 Application for Permits for Special Activities

A. Blasting Permit.

An applicant for a permit to conduct blasting operations on a particular job shall make written application to the engineering services department, on prescribed form, showing:

1. if there is a structure at the blasting site, its occupancy, whether its power source is electricity or something else, and the combustibility of its contents;
2. the name of the person to have immediate charge of the blasting operations;
3. that the named blaster has currently in force a license, bond, and insurance;

4. such other information as may be required.

B. Building Moving Permit.

1. An applicant for a permit required to move any building, structure, or part of a structure along, over, or across a public way in the City must pay the prescribed fee and submit a written application on prescribed forms to the department of building services which application:
 - a. gives the applicant's current state contractor registration number;
 - b. is accompanied by the required street obstruction permit;
 - c. states the address and legal description of the land onto which the structure is to be moved and, if such land is within the City, is accompanied by a building relocation permit, as provided in SMC 10.26.010.
 - d. is accompanied by a certificate issued by an insurance company qualified to do business in Washington covering the moving activity with a general liability policy with minimum limits of five hundred thousand dollars combined single limit or an approved alternate indemnity arrangement;
 - e. describes the structure to be moved;
 - f. states the address from which the structure is to be moved;
 - g. details the proposed route; and
 - h. states the date and time of the proposed move and estimates the time required to complete the move.
2. A building moving permit is a class IIIB license as provided in chapter 4.04 SMC.
3. No fee shall be charged for applications to move historic landmarks or buildings located within an historic district, and to be relocated to a location within an historic district.

C. Sewer Permits.

1. A contractor or resident homeowner proposing to construct, reconstruct, extend, or repair a side sewer, private sewer, special side sewer, or private storm sewer, as defined in chapter 13.03 SMC, shall pay the prescribed fee and make application to the engineering services department for a permit, which application:
 - a. gives the applicant's state contractor registration number, or contains a certificate that the applicant proposes to do work in connection with the residence owned by the applicant;
 - b. indicates the legal and street address description of the premises to be served and the type of occupancy;

- c. subject to waiver by the city engineer, includes duplicate detailed plans of the work showing the entire course of the sewer from its terminus at the building(s) to the connection with the public sewer and, as may be required, detailing the structures and means for measuring, sampling, or otherwise determining the nature, quality, and quantity of sewage;
 - d. gives such further information as maybe required.
- 2. If the work to be done under the sewer permit requires the excavation or obstruction of a public way, the applicant must obtain a street obstruction permit.
- 3. A separate tap permit, as provided in SMC 13.03.0606, is required for connection to the public sewer.

D. Street Obstruction Permit.

- 1. A person proposing to dig up, excavate, work in, occupy by person, equipment, structure, or material, or in any fashion obstruct, render less safe, or interfere with the free use of any public way must first make application to the engineering services department for a permit, which may be individual location under SMC 12.02.0706 or a master annual permit under SMC 12.02.0707.
- 2. Exemptions.
The following activities do not require a street obstruction permit:
 - a. A licensed, bonded, and insured tree trimming firm may trim trees in the public way, provided the work is not on an arterial or within the central business district. Additionally, for all other areas, this exemption does not apply, and a permit is still required if the work:
 - i. involves more than thirty minutes operations in the right-of-way (example: simply trimming branches and loading them in a truck), or
 - ii. if the work involves tree removal, stump grinding or chipping.
 - b. A licensed, bonded, and insured sign company performing routine maintenance to existing signs, provided a traffic lane is not obstructed or the work is not within the central business district.
 - c. A licensed, bonded, and insured surveyor performing surveying work in the public way, provided the work is not on an arterial or within the central business district.
 - d. All persons, whether or not required to obtain a permit, shall notify the department of their activities.
- 3. The applicant shall:
 - a. by plat or map show the exact location of the work, structure, material, or activity when required by city engineer;

- b. describe in detail the activity, the extent, and duration of the obstruction, and the precautions to be taken to protect the traveling public from the hazards occasioned, including, at least, lighting, barricading, and signing;
- c. pay the permit fee;
- d. if the activity is contracting work, demonstrate that the applicant has the appropriate license or registration certificate;
- e. post a bond as provided in SMC 7.02.070.

Section 4. That section 08.02.031 of the Spokane Municipal Code is amended to read as follows:

Section 08.02.031 Building Code

A. Building Permit.

Building permit fees are based on the value of the work to be done as follows:

VALUE OF WORK (in dollars)	FEE (in dollars)
1 - 500	28.00
501 - 2,000	28.00 plus 3.00 for each 100 over 500
2,001 - 25,000	73.00 plus 13.00 for each 1,000 over 2,000
25,001 - 50,000	372.00 plus 10.00 for each 1,000 over 25,000
50,001 - 100,000	622.00 plus 7.00 for each 1,000 over 50,000
100,001 - 500,000	972.00 plus 5.00 for each 1,000 over 100,000
500,001 - 1,000,000	2,972.00 plus 4.00 for each 1,000 over 500,000
1,000,001 - 99,999,999	4,972.00 plus 3.00 for each 1,000 over 1,000,000

B. Valuation.

1. The value of construction for purposes of calculating the amount of the fee is determined by using the:
 - a. most current building valuation data from the International Code Conference (ICC) as published in the "Building Safety Journal"; or
 - b. contract valuation, whichever is greater.
2. "Gross area" when used in conjunction with the ICC building valuation data to determine valuation of a project is the total area of all floors, measured from the exterior face, outside dimension, or exterior column line of a building, including basements and balconies but excluding unexcavated areas.
3. The fee is based on the highest type of construction to which a proposed structure most nearly conforms, as determined by the building official.
4. For roofing permits, the value is determined to be:
 - a. one hundred fifty dollars per square for recovering roofs;
 - b. two hundred dollars per square for roofing projects when existing layers of roofing are torn off and a new layer is installed;
 - c. two hundred fifteen dollars per square for roofing projects when existing layers of roofing are torn off, new sheeting is installed, and a new layer of roof is installed;
 - d. or the contract valuation if it is greater.

C. Building Plan Review.

1. Plan review fees are sixty-five percent of the building permit fee as calculated from the table rounded up to the next whole dollar amount for:
 - a. all commercial building permits;
 - b. all industrial building permits;
 - c. all mixed use building permits; and
 - d. new multi-family residences with three or more units.
2. Plan review fees are one hundred percent of the building permit fee as calculated from the table for fast-track projects.
3. Plan review fees are twenty-five percent of the building permit fee as calculated from the table rounded up to the next whole dollar amount for new:
 - a. single-family residences; and
 - b. duplexes.
4. Plan review fees are twenty-five dollars for:

- a. new buildings that are accessory structures for single-family residences and duplexes to include garages, pole buildings, greenhouses, sheds that require a permit, etc.; and
 - b. additions to existing single family residences and duplexes to include living space, garages, sunrooms, decks, etc.
5. Plan review fees for additional review required by changes, additions, or revisions to plans are seventy-five dollars per hour or fraction thereof.
6. The building official may elect to assess plan review for remodeling single family residences and duplexes when required. This amount will be not be higher than the twenty-five percent of the building fee as calculated in the table rounded to the nearest whole dollar charged on a new single-family residence or duplex.

D. Demolition.

Demolition permit fees are:

1. Single-family residence, duplex and accessory structures: Thirty-five dollars each.
2. Other structures: Thirty-five dollars for every thousand square feet, to a maximum fee of three hundred fifty dollars.
3. The processing fee is twenty-five dollars.
4. For historic landmarks, contributing buildings within an historic district, or buildings eligible for listing on the historic register: five hundred dollars.
5. All demolition permit fees received by the city are to be deposited in the historic preservation incentives fund established by SMC 07.08.151.

E. Fencing.

1. The permit fee is twenty dollars per one hundred linear feet, or fraction thereof.
2. The processing fee and review fee is twenty-five dollars.

F. Grading.

1. Grading permit fees are as follow:

VOLUME (in cubic yards)	FEE (in dollars)
100 or less	28.00
101 - 1,000	28.00 plus 12.00 for each 100

	over 100
1,001 - 10,000	136.00 plus 10.00 for each 1,000 over 1,000
10,001 - 100,000	226.00 plus 45.00 for each 10,000 over 10,000
100,001 and more	631.00 plus 25.00 for each 10,000 over 100,000

2. Grading plan review fees are as follow:

VOLUME (in cubic yards)	FEE (in dollars)
50 or less	None
51 - 100	20.00
101 - 1,000	25.00
1,001 - 10,000	35.00
10,001 - 100,000	35.00 plus 17.00 for each 10,000 over 10,000
100,001 - 200,000	188.00 plus 10.00 for each 10,000 over 100,000
200,001 and more	288.00 plus 5.00 for each 10,000 over 200,000

3. Failure to obtain a grading permit is a class one infraction under SMC 1.05.150.

4. The processing fee is twenty-five dollars.

G. Sign Permits.

1. Sign permit fees are:

- a. thirty dollars for each wall sign, projecting sign and incidental sign;
or

- b. seventy-five dollars for each pole sign, including billboards and off-premises signs.
 2. The building services plan review fee is fifty dollars and is in addition to the sign permit fee for pole signs in excess of one hundred square feet or more than thirty feet high.
 3. The planning services review fee is fifty dollars for all signs.
 4. The processing fee is twenty-five dollars.
- H. Factory-built Housing.
1. The installation fee for factory-built housing is fifty dollars per section.
 2. A foundation or basement requires a separate building permit.
 3. Decks, carports and garages require a separate building permit.
 4. The development services review fee is fifty dollars.
 5. The processing fee is twenty-five dollars.
- I. Manufactured (Mobile) Home.
1. The installation fee for a manufactured (mobile) home is fifty dollars per section.
 2. A basement requires a separate building permit.
 3. Decks, carports and garages require a separate building permit.
 4. The development services review fee is fifty dollars.
 5. The processing fee is twenty-five dollars.
- J. Temporary Structures.
- Permit fees for temporary structures are:
1. One hundred dollars for the first one hundred eighty days; and
 2. Five hundred dollars for the second one hundred eighty days.
 3. No third session will be allowed.
 4. The development services review fee is fifty dollars.
 5. The processing fee is twenty-five dollars.
- K. Relocation.
1. The fee for a building relocation inspection for bond determination is seventy-five dollars.
 2. The development services review fee is fifty dollars.
 3. The processing fee is twenty-five dollars.
 4. Any repairs or alterations required for relocation are handled by various building permits and the fees for such building permits are in addition to

the relocation permit fee.

L. Early Start and Fast Track Approval.

The fee for an early start or fast track building permit approval is twenty-five percent of the building permit fee rounded to the next whole dollar amount and is in addition to any other required fees.

M. Certificate of Occupancy.

1. There is no separate fee for the issuance of a certificate of occupancy following final inspection under a permit so long as the fee for the permit is at least fifty dollars; otherwise, the minimum fee for a building permit and certificate of occupancy is fifty dollars plus a twenty-five dollar processing fee.
2. The fees for the issuance of a certificate of occupancy not resulting from work done under permit are as provided in SMC 8.02.060.
3. The building official will assess a fee not to exceed one hundred percent of the building permit fee for the issuance or extension of any temporary certificate of occupancy. The minimum fee will be:
 - a. two hundred twenty-five dollars plus a twenty-five dollar processing fee when the building permit fee exceeds this amount;
 - b. equal to the amount of the building permit fee when the building permit fee is less than two hundred fifty dollars.

N. Swimming Pools.

1. The building and plumbing permit fee for a swimming pool is:
 - a. seventy-five dollars for those accessory to a single-family residence; and
 - b. one hundred dollars for all others.
2. The planning services review fee is twenty-five dollars.
3. The processing fee is twenty-five dollars.
4. Mechanical, electrical and fence permits are additional.

O. Parking Lot and Site Work Permits.

The fee for a site work permit is charged in accordance with the fee table in subsection (A) of this section.

P. Reinspections.

The fee for reinspections for work that was not ready, or corrections previously identified but remain uncorrected, or site not accessible is seventy-five dollars per incident.

Q. Inspections Outside Normal Inspector Working Hours.

The fee for inspections outside normal inspector working hours is seventy-five dollars per hour or fraction of an hour. A minimum of two hours is payable at the time the request is made and before an inspection can be scheduled.

R. Work Done Without a Permit/Investigation Fees.

Where work has commenced without first obtaining the required permit(s), a work without permit fee equivalent to the greater of:

1. twice the inspection fee, or
2. the permit fee plus one hundred fifty dollars,

must be paid prior to the issuance of the permit(s).

S. Safety Inspections.

The fees for safety inspections are:

1. Commercial Buildings: Seventy-five dollars per hour or fraction of an hour with a prepaid minimum of one hundred fifty dollars.
2. Single-family Residence – Electrical only: Seventy-five dollars.
3. Single-family Residence – Two or more trade categories: One hundred fifty dollars.
4. Two-family Residence: One hundred seventy-five dollars.
5. Multifamily – Three to six units: Two hundred fifty dollars.
6. Multifamily – Seven to fifty units: Two hundred fifty dollars plus twenty-five dollars for each unit over six.
7. Multifamily – Over fifty units: One thousand three hundred fifty dollars plus ten dollars for every unit over fifty.
8. Electrical Service Reconnect - Residence - Twenty-five dollars
9. Electrical Service Reconnect - Commercial - Fifty dollars
10. Processing fee: Twenty-five dollars.

T. Recording Fee For Use of Public Right-of-way and Large Accessory Building Agreement.

The property owner shall be charged a pass-through fee equal to the amount assessed by Spokane County when erecting a fence, retaining wall or other structure in a public right-of-way. This is a recording fee for the acknowledged agreement whereby the property owner covenants to remove the encroachment upon notice by the City. An additional twenty-five dollar processing fee is required when a permit is not issued in conjunction with the recording.

U. Expired Permits Over Six Months.

1. Building Permits.

- a. No inspections have been made: Permits require full resubmittal, and if a commercial project, plan review. Original valuation shall be contained in description of new permit.
 - b. Footings and foundations only have been inspected and approved: Minimum of seventy-five percent of the original assessed permit fee plus new processing fees. Original valuation shall be contained in description of new permit.
 - c. All rough-in inspections approved: Minimum of twenty-five percent of original permit fee plus new processing fees. Original valuation shall be contained in description of new permit.
 - d. Additional work done not on original permit: New valuation shall be calculated based upon either square footage if new construction, or valuation if remodel.
2. Plumbing Permits.
- a. No inspections: A full new permit for all fixtures is required.
 - b. Partial inspections approved: If water tests, top outs and ground plumbing have been approved, then twenty-five percent of the original itemized permit fees plus new processing fee.
3. Mechanical Permits.
- a. No inspections: A full new permit is required.
 - b. Partial inspections: If all rough-in inspections and air tests have been approved, then twenty-five percent of the original permit fee plus new processing fee.
4. Electrical Permit.
- a. No inspections: A full new permit is required.
 - b. Partial inspections: If all rough-in inspections and service inspections have been approved, then twenty-five percent of the original fees plus new processing fee.

V. Processing Fee.

In addition to all of the fees identified in SMC 8.02.031, the processing fee for each permit is twenty-five dollars, unless specifically stated otherwise.

Section 5. That section 08.02.065 of the Spokane Municipal Code is amended to read as follows:

Section 08.02.065 Streets and Airspace

A. The fees in connection with skywalks are:

- 1. Seven thousand one hundred sixty dollars for the application to the hearing examiner.

2. Three hundred thirty-five dollars for annual inspection; and
3. Two thousand two hundred ninety dollars for renewal if the renewal is sought within twenty years from date of issuance of the permit.

For the use of public airspace other than pedestrian skywalk, the fee will be as provided in the agreement.

B. [Deleted]

C. The fee for a street address assignment as provided in SMC 17D.050.030 is ten dollars. The fee for a street address change is twenty-five dollars.

D. The street obstruction permit fees are as follows. All fees are minimum charges for time periods stated or portions of said time periods:

1. when the public way is obstructed by a dumpster or a temporary storage unit the fee is one hundred dollars per fifteen-day period.
2. for long-term obstruction (longer than twenty-one days) in the central business district or other congested area the fee is twenty cents per square foot of public right-of-way obstructed for each month period. The director of engineering services may adjust these boundaries in the interests of the public health, safety, and convenience, considering the need to promote traffic flows and convenience in administrative enforcement needs.
3. for an obstruction not provided for in subsections (1) or (2) of this section, the fees are stated below:
 - a. When the public way is excavated for:
 - i. the first three working days: One hundred dollars;
 - ii. each additional three-working-day period: Forty dollars.
 - b. When no excavation for:
 - i. the first three days: Twenty-five dollars per day;
 - ii. each additional three-day period: Forty dollars.
 - c. Master annual permit fee set by the development services center manager based on a reasonable estimate of the expense to the City of providing permit services. Permit fees are payable at least quarterly. If a master annual permit fee is revoked, the party may apply for a refund of unused permit fees;
4. a parking meter revenue loss fee of thirteen dollars per meter per day within the City central business district and six dollars fifty cents per meter per day for all other meters shall be paid for each meter affected by an obstruction of the public right-of-way;
5. a charge of five hundred dollars is levied whenever a person:
 - a. does work without a required permit; or
 - b. exempt from the requirement for a permit fails to give notice as required by SMC 12.02.0740(B);
6. a charge of two hundred fifty dollars is levied whenever a permittee does work beyond the scope of the permit;

7. no fee is charged for street obstruction permits for activities done by or under contract for the City.
- E. The review fee for a traffic control plan is fifty dollars.
- F. The fee for a building moving permit is one hundred dollars, which shall be waived for the moving of a building which is an historic landmark, a contributing building located within an historic district, or a building which is eligible for listing as an historic landmark, if the building is moved to a location within an historic district.
- G. The annual permit fee for applicators of road oil or other dust palliatives to public ways and places of public travel or resort is one hundred dollars. A contractor must notify the department of engineering services in accordance with SMC 12.02.0740(B).
- H. Street vacation application fee is four hundred dollars.
- I. The fees for approach permits are:
 1. For a commercial driveway: Thirty dollars; and
 2. For a residential driveway: Twenty dollars.

Section 6. That there is enacted a new section 07.08.151 of the Spokane Municipal Code to read as follows:

Section 07.08.151 Historic Preservation Incentives Fund

- A. There is established a special revenue fund to be known as the “historic preservation incentives fund” into which shall be deposited funds received by the city in payment for demolition permits.
- B. Money in this fund shall be disbursed on the recommendation of the city’s historic preservation officer, and pursuant to an historic preservation incentive program established by the historic landmarks commission and approved by the city council by ordinance.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

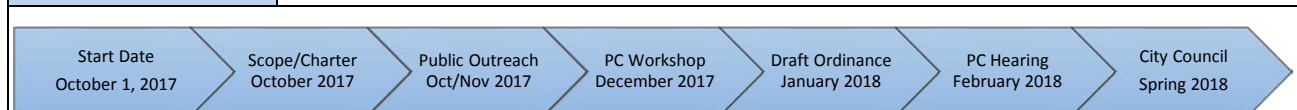
Date

Effective Date

DRAFT

**PROJECT CHARTER, SMC Amendment - Bldg. Height Limits in DTC-100**
PROPOSED

Project Title:	Development Code Amendment – SMC 17C.124.220 – Building Heights
Project Sponsor(s):	Ben Stuckart, City Council President
Project Manager:	Lisa Key, Planning Director
Project Purpose:	To execute a unified development code amendment process, including a direct public comment and outreach strategy with the goal of obtaining wider public input and consideration of proposed changes to SMC 17C.124.220, in as much as it relates to height requirements in the DTC-100 zone.
High-Level Requirements:	<ul style="list-style-type: none">• Prepare and proposed amendments to the Unified Development Code, subject to the requirements of SMC 17G.025.010 (public notification, procedure, etc.)• Incentivize residential development, activate the street, and create economically feasible redevelopment opportunities while minimizing effects to light, air, vistas, and shade in Riverfront Park, particularly along the Howard Street Promenade.• Conduct a wide-reaching public outreach process including meetings and workshops with various downtown stakeholders.
Risks:	<ul style="list-style-type: none">• Conducting this work could delay other significant downtown planning projects such as the Downtown Plan Update, the Jefferson/Maple Gateway Master Plan, and others.• This project has the potential to be highly controversial which may delay the completion and final deliverable.
Constraints:	<ul style="list-style-type: none">• Proposed changes to the SMC would be limited in effect to those concerning maximum building heights in the DTC-100 zone. Building height and massing provisions in the SMC for other areas of the downtown would not be considered.• Limited effect (# of affected parcels); these sites have been identified as key sites in the Downtown Plan.
Project Timeline:	Completion of report and recommendations by spring 2018.



Staff Technical Assistance Team		
Project Role	Name	Job Title
Project Sponsor	Ben Stuckart	City Council President
Project Manager	Lisa Key	Planning Director
Project Coordinator	Tirrell Black	Associate Planner
Project Team Leader	Kevin Freibott	Assistant Planner
Project Team Member	Omar Akkari	Urban Designer
Project Team Member	Dean Gunderson	Urban Designer



PROJECT CHARTER, SMC Amendment - Bldg. Height Limits in DTC-100 PROPOSED

Scope/Goal:

Following direction given by Spokane Falls Building Heights Working Group, a subcommittee of the Plan Commission, who met in summer 2017 to review height limitations currently described in SMC 17C.124. The final report of this working group suggested some alternatives to adjust the code requirements for the DTC-100 zone to allow bonus height in some circumstances.

Unified Development Code changes must follow the procedures in SMC 17G.025, include a public process, and are subject to SEPA review.

Outreach & Engagement

The intent is to include the following stakeholders and groups in the process:

- Adjacent Property Owners (Direct Notice)
- Direct Stakeholders (Tenants, etc.)
- Riverside Neighborhood
- Downtown Spokane Partnership
- Design Review Board
- Park Board
- Park Users & Visitors
- Community Assembly

Budget:

There is no dedicated budget for this work item. City Council has directed staff by Resolution to work on this code change.

BRIEFING PAPER
City of Spokane
Plan Commission Hearing
October 11, 2017

Subject

Updates to the City's Sign Code, SMC 17C.240.

Background

Staff has been working on updates to the City's sign code since early 2017. This update has been given a limited scope in order to ensure timely completion. The scope is comprised of responding to a moratorium adopted by the City Council in April, ensuring content neutrality and compliance with a 2015 U.S. Supreme Court decision, and incorporating changes recommended by Current Planning staff.

The City's Comprehensive Plan and existing sign code prohibit off-premises signage. However, SMC 17C.240.250 (B) provides an exception for existing off-premises signs that must be removed to in order to accommodate a public works project. These signs may be relocated along the same roadway and in the geographical vicinity from where it was removed. On April 10, 2017, City Council passed Emergency Ordinance C35490, imposing an immediate moratorium on the relocation of off-premise signs into areas having a Center and Corridor zoning designation or sites located in an historic district. A hearing was held on May 22, 2017 regarding this moratorium, and the expiration was extended to November 22, 2017.

In 2015 the U.S. Supreme Court issued a decision in the case of Reed v. Town of Gilbert, AZ, providing new guidance on acceptable regulations of noncommercial signage. This necessitated a thorough sign code audit to ensure content neutrality.

Additionally, Current Planning staff from the Development Services Center have compiled a list of recommended updates and clarifications to the City's current sign code, in anticipation of the planned 2018 Sign Code amendment process, for ease of interpretation and administration of that code.

Staff has had three workshops with the Plan Commission to review the proposed code language. From July-August, staff also worked with a group of community members to review the proposed changes. The work group was comprised of staff from the Planning, Legal, Code Enforcement, and Streets departments, representatives from the Plan Commission and Community Assembly, as well as representatives from the sign and real estate industries. Four meetings were held in July and August covering topical background, the intent and purpose

statements, lists of exemptions and prohibitions, code sections addressing temporary signs, off-premises signs, and bonus allowance for outstanding design, and staff recommended changes. On September 5, staff hosted a focus group with representatives from the billboard industry to receive feedback on the draft changes to the off-premises sign section. A digital open house was hosted from September 12-14 which included two live “chat with a planner” sessions and a Facebook Live event. A presentation on the proposed changes was given to the Community Assembly Land Use Committee on September 21 and a study session with the City Council occurred on September 28.

Impact

The proposed changes will have a citywide impact. While many of the changes are clarifications, some of the more substantive changes include replacing SMC 17C.240.290 Bonus Allowance for Outstanding Design with an Exception section, zoning limitations for relocating off-premises signs, eliminating the ten categories of temporary signs and regulating this type of signage by construction materials and zoning category. There was also reorganization and formatting changes throughout the chapter.

Action

The public hearing before the Plan Commission is scheduled for October 11, 2017, at which time, the Plan Commission will be asked to make a recommendation regarding the adoption of the draft amendments.

Funding

Not applicable

Title 17C Land Use Standards

Chapter 17C.240 Signs

Section 17C.240.010 ~~Purpose~~ Intent and Purpose

- A. Signs have a strong visual impact on the character and quality of the community. As a prominent part of the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone for the neighborhood. The City relies upon its scenery and physical beauty to attract commerce, aesthetic considerations assume economic value. It is the intent of the City, through this Chapter, to protect and enhance the City's historic and residential character and its economic base through the provision of appropriate and aesthetic signage. In addition, it is the intent of the City to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety. The City seeks to balance the need for the protection of public health, safety, welfare and community aesthetics, with the desire to protect the freedom of speech, and prevent discrimination in the application of free speech principles and tenets through the use of content-neutral regulations.
- B. The purpose of this Chapter is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. This Chapter has also been adopted to:
1. Promote and accomplish the goals, policies and objectives of the City's Comprehensive Plan and Zoning Code;
 2. To provide minimum standards in order to safeguard life, health, property and public welfare, and promote traffic safety by following the established design standards, including quality of materials, construction, illumination, size, location and maintenance of sign and sign structures;
 3. Recognize free speech rights by regulating signs in a content-neutral manner;
 4. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
 5. Protect the beauty of the City's built environment by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached, and to encourage signs that are compatible with adjacent buildings and businesses;
 6. Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
 7. Provide consistent sign design standards;
 8. Encourage creative and innovative approaches to signage, and signs that are of a quality design, pleasing in appearance and are appropriate in size, materials and illumination to the surrounding neighborhood;
 9. Provide an improved visual environment for the citizens of and visitors to the City; and
 10. Adopt clear, understandable regulations which enable the fair and consistent enforcement of this Chapter.

~~These regulations balance the need to protect the public safety and welfare; the need for a well-maintained and attractive community; and the need for adequate identification, communication, and advertising. The regulations for signs have the following specific objectives:~~

- ~~A. To ensure that signs and awnings are designed, constructed, installed, and maintained according to minimum standards to safeguard life, health, property, and public welfare.~~
-

- ~~B. To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties.~~
- ~~-~~
- ~~C. To reflect and support the desired character and development patterns of the various zones, overlay zones, and promote an attractive environment.~~
- ~~-~~
- ~~D. To allow for adequate and effective signs in residential, commercial, and industrial zones while preventing signs from dominating the appearance of the area.~~
- ~~-~~
- ~~E. To ensure that the constitutionally guaranteed right of free speech is protected; and~~
- ~~-~~
- ~~F. To avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and the community's appearance.~~

~~The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights of way that abut a site, but not necessarily to streets and rights of way farther away.~~

Date Passed: Monday, June 22, 2009

Effective Date: Wednesday, August 5, 2009

ORD C34390 Section 1

Section 17C.240.015 Definitions

"A" Definitions

Abandoned Temporary Sign

A temporary sign that, because of the passage of time, has faded, peeled, cracked or otherwise become deteriorated or dilapidated, or is no longer affixed to the ground, or is missing the sign face, or otherwise meets the definition of litter set forth in SMC 10.08.010.

Abandoned Sign Structure

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

Alter

To change the copy, color, size, shape, illumination, position, location, construction or supporting structure of a sign, not including ordinary maintenance.

Animated Sign

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

"B" Definitions

Backed Sign

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

Balloon Sign

A sign that is blown up with air or gas.

Banner.

A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind.

“C” Definitions

Clear View Triangle.

See SMC 17A.020.030

Community Banner.

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

Copy.

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

“D” Definitions

Directional Sign.

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

Director

See SMC 17A.020.040

“E” Definitions

Electric Sign.

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

Electronic Message Center Sign.

An on-premises sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means including signs using a video display method.

“F” Definitions

Facade.

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

Fascia Sign.

A single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other structure. Fascia signs do not include signs that are attached to or projected onto structures defined as sign structures by this chapter.

Flag.

A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.

Flashing Sign.

- a. A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a strobe-like fashion for the purpose of drawing attention to the sign.
- b. Time and temperature signs are excluded from this definition.
- c. For the purpose of this title, electronic message centers consistent with the standards of SMC 17C.240.247 shall not be considered flashing signs

Freestanding Sign.

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

"I" Definitions

Illuminated Wall Highlights

See SMC 17A.020.090

Interpretive Signs.

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

"M" Definitions

Marquee Sign.

A sign incorporated into or attached to a marquee or permanent canopy.

Monument Sign.

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

MUTCD.

See SMC 17A.020.130

"N" Definitions

Nonconforming Sign.

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

"O" Definitions

Off-premises Sign.

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

"P" Definitions

Painted Wall Highlights.

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

Painted Wall Sign.

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

Pedestrian-Scaled Signs

Permanent, first-floor, exterior signs designed and placed to address pedestrian traffic; may be mounted flush with or projecting from a column, building wall, awning or transom.

Permanent Sign.

Any sign not classified as a temporary sign.

Projecting Sign.

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

"R" Definitions

Right-of-way

See SMC 17A.020.180

Roadway

See SMC 17A.020.180

Roof Line.

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.

Roof mounted sign.

A sign which has a point of attachment to the roof or mansard of a building. Architectural projections, including mechanical equipment screens, above any parapet or roof line whose sole function is a background for signs shall be considered a sign structure. A sign on such an architectural projection shall be considered a roof sign.

"S" Definitions

Sandwich Board Sign.

A self-supporting A-shaped freestanding temporary sign with only two visible sides that are situated adjacent to a business, typically on a sidewalk.

Sign.

- d. Materials placed or constructed or light projected, but not including any lawful display of merchandise, that:
 - i. Conveys a message or image, and
 - ii. Is used to inform or attract the attention of the public
- e. Some examples of signs are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-

boards, posters, murals, diagrams, banners, flags, or projected slides, images, or holograms.

- f. The scope of the term sign does not depend on the content of the message or image conveyed.

Sign Face.

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

Sign Maintenance.

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

Sign Repair.

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

Sign Structure.

A structure specifically intended for supporting or containing a sign.

Special Event Sign.

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

Structural Alteration.

1. Modification of a sign, sign structure, or awning that affects size, shape, height, or sign location.
2. Changes in structural materials; or
3. Replacement of electrical components with other than comparable materials.
4. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electrified sign would all be structural alterations.
5. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

"T" Definitions

Temporary sign (which may include special event sign)

Any sign that is used temporarily and is not permanently mounted, painted or otherwise affixed, including any poster, banner, pennants, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention. Temporary signs do not include off-premise signs, as defined in this chapter. Temporary signs may only be made of non-durable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than 20 oz. fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of this Chapter.

Section 17C.240.025 Applicability and Interpretations

- A. This Chapter applies to all signs as defined in Section 17C.240.015 (Definitions), within the City which are visible or audible from any street, sidewalk or public place, regardless of the type or nature.
- B. This Chapter is not intended to, and shall not be interpreted to, restrict speech on the basis of its content, viewpoint, or message. Any classification of sign authorized in this chapter for commercial purposes shall be interpreted to also be permitted for non-commercial purposes. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. To the extent that any provision of this Chapter is ambiguous, the term shall be interpreted not to regulate speech on the basis of the content of the message.
- C. Substitution Clause.
Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.
- D. Severability
If a section, subsection, paragraph, sentence, clause, or phrase of this chapter is declared unconstitutional or invalid for any reason, the decision shall not affect the validity of the remaining portions of this chapter.

Date Passed: Monday, June 22, 2009
Effective Date: Wednesday, August 5, 2009
ORD C34390 Section 1

~~Section 17C.240.020 Where These Regulations Apply~~

- ~~A. General.~~
~~The requirements of this chapter apply to all signs, sign structures, awnings, and strobe lights located within the City of Spokane, except as specified in subsection (B) of this section.~~
~~-~~
- ~~B. Clarification for Rights-of-way.~~
~~Signs within public rights-of-way are regulated by chapter 12.02 SMC, Obstruction, Encroachment of Public Ways, and not by Title 17 SMC, Unified Development Code, except in the following situations where both titles apply:~~
 - ~~1. Signs, sign structures, and awnings that extend from private property over rights-of-way; and~~
 - ~~2. Temporary signs.~~

Date Passed: Monday, June 22, 2009
Effective Date: Wednesday, August 5, 2009
ORD C34390 Section 1

Section 17C.240.030 Hierarchy of Regulations

Conflicts within Chapter 17C.240 SMC.

In general, an area with base zoning or overlay zoning is subject to all of the sign regulations of each. When the regulations conflict, unless specifically indicated otherwise, the regulations for an overlay zone supersede regulations for base zones. The regulations for overlay zones also supersede conflicting regulations for a specific use or development unless specifically stated

otherwise. Where there is a conflict between regulations for a specific use or development and the base zone regulations, the specific use or development regulations supersede the base zone regulations.

Date Passed: Monday, June 22, 2009

Effective Date: Wednesday, August 5, 2009

ORD C34390 Section 1

Section 17C.240.040 Relationship to Approved Land Use Reviews

The sign-related provisions of any approved land use permit that applies to the site supersede the standards of this code. Examples of land use reviews include PUDs and binding site plans and conditional uses, and other discretionary permits.

Date Passed: Monday, June 22, 2009

Effective Date: Wednesday, August 5, 2009

ORD C34390 Section 1

Section 17C.240.050 Authority

A. Responsibility.

This chapter will be administered by the planning director and enforced by the code enforcement division and the street department.

B. Administration.

The director will administer these sign standards as set forth under [Title 17A SMC](#). The director may implement procedures, forms, and written policies for administering the provisions of this chapter.

C. Violations.

Violations of this chapter are civil infractions enforced under [SMC 1.05.160](#).

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ORD C34390 Section 1

Section 17C.240.060 Exemptions

The following signs ~~do not require~~ [are exempt from](#) a sign permit (unless [otherwise](#) noted). ~~The area and number of such signs shall not be included in the area and number of signs permitted for any site or use, however, all other relevant requirements of this chapter shall apply. nor shall the area and number of such signs be included in the area and number of signs permitted for any site or use.~~ This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance.

- A. [Flags](#). ~~Any flags, provided that they conform to all provisions of this chapter for signs. The flag, emblem, or insignia of a nation or other governmental unit or nonprofit organization subject to the guidelines concerning their use set forth by the government or organization which they represent.~~ [Freestanding](#) flagpoles require a ~~sign-building~~ permit for structural review.

B. Memorial signs or tablets, names of buildings, stained glass windows, and dates of erection, when cut into the surface or the facade of the building or when projecting not more than two inches.

C. Governmental signs. Signs installed by the City, County, or a federal or State governmental agency for the protection of the public health, safety and general welfare, including, but not limited to, the following:

1. Emergency and warning signs necessary for public safety or civil defense;
2. Traffic and/or wayfinding signs erected and maintained by an authorized public agency;
3. Signs required to be displayed by law;
4. Signs showing the location of public facilities including public and private hospitals and emergency medical services; and
5. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety and general welfare.

~~Traffic or other municipal signs, signs required by law or emergency, railroad crossing signs, legal notices, and any temporary signs as are authorized under policy approved by the city council.~~

~~G.D.~~ Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities ~~or of public telephones.~~

~~D.E.~~ Flush-mounted wall signs, used to identify the name and address of the occupant for each dwelling provided the sign does not exceed two square feet in sign area.

~~E.F.~~ ~~Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses.~~ Non-visible signs. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way. Such freestanding signs require a building permit for structural review.

~~F.~~ ~~Decorations, such signs in the nature of a decoration, clearly incidental and customary and commonly associated with any national, local or religious holiday.~~

~~G.~~ ~~Painting, repainting, or cleaning of an advertising structure or the changing of the advertising copy of message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.~~ Changes to the face or copy of changeable copy signs, digital signs, electronic messaging signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.

~~G.H.~~ The normal repair and maintenance, (painting, repainting, cleaning) of conforming or legal nonconforming signs that does not involve structural alteration of the sign or supporting structure.

~~H.I.~~ Sculptures, fountains, mosaics, murals, public art and design features which do not incorporate advertising or identification otherwise constitute a sign.

~~H.J.~~ "No trespassing," "no dumping," "no parking," "private" signs identifying essential public needs (i.e., restrooms, entrance, exit, telephone, etc.) and other informational warning signs, which shall not exceed three square feet in surface area.

~~Directional signs erected by the City on arterial streets directing the public to public, civic, or nonprofit facilities. Such signs shall be erected at the discretion of the director of public works and shall be subject to City design guidelines. In addition, with the approval of the design review board, the director of public works may allow the erection of directional signs as are necessary to designate commercial areas or significant tourist sites within the City.~~

~~J.K.~~ Publicly approved non-illuminated interpretive signs, or historical signs, or tablets displayed by a public, educational non-profit agency, or private development pursuant to ~~SMC 17E.060.830~~ SMC 17E.060.820 and through SMC 17E.060.840, strictly for the purpose of informing or educating the public.

L. Illuminated wall highlights that do not contain words, logos, or corporate images

M. Interior signs. Signs or displays located entirely inside of a building and located at least three (3) feet away from transparent doors and windows.

N. Temporary signs (provided they comply with 17C.240.244, Temporary Signs).

Date Passed: Monday, December 14, 2009

Effective Date: Wednesday, January 27, 2010

Ordinance C34530 Section 18

Section 17C.240.070 Prohibitions

The following are prohibited and existing ones must be removed:

- A. Flashing signs or lights. A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source, except as consistent with the standards contained in Table 17C.240-4. ~~Signs containing strobe lights.~~
- B. Abandoned signs and sign structures.
- C. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signs not otherwise allowed by the code.
- D. Permanent balloon signs.

~~Temporary signs (except as provided for in SMC 17C.240.240(C), Temporary Signs).~~

E. Hazardous signs. Any sign that is dangerous or confusing to motorists on the public right-of-way, including any sign which by its color, wording, design, location or illumination resembles, conflicts, imitates or interferes with the effectiveness of any official traffic control device or which otherwise impedes the safe and efficient flow of traffic.

~~Signs that imitate or resemble official traffic lights, signs or signals or signs that interfere with the effectiveness of any official traffic light, sign, or signal.~~

E.F. Signs which are located upon or projecting over public streets, sidewalks, or rights of way except as provided for awnings and marquees in SMC 17F.040.140, and sandwich board signs in ~~SMC 17C.240.230~~ SMC 17C.240.245, and signs extending into the right-of-way allowed in SMC 17C.240.240(B), and temporary signs in SMC 17C.240.244 (E).

F.G. Off premises signs (except as expressly allowed in other sections of this chapter provided for in , Temporary Signs, such as real estate signs and community banners; , Signs Permitted in Conjunction With Bus Benches Signs, and , Off-premises Signs). No permanent sign shall be located on a vacant lot, parcel or easement. No permanent sign shall be located on a lot, parcel or easement as the principal use of that lot, parcel or easement. Signs may only be established as an accessory use to a principally permitted use.

~~G. Strings of banners, pennants, and other graffiti like material with advertising copy except grand opening displays and special event signs as allowed in SMC 17C.240.240(G).~~

H. Signs erected, constructed or structurally altered that are required to have a permit that were erected, constructed, or altered without a permit.

I. Except as otherwise allowed under this chapter or other ordinances, laws, or regulations of the City of Spokane, it shall be unlawful for any person, except a public officer or employee in the performance of his public duty, to affix, post, paint, nail, fasten, place, or locate any sign, card, banner, handbill, poster, ~~or advertising advertisement~~ or notice of any kind, or cause the same to be done, ~~upon public streets, highways, public right-of-way or any publicly owned or maintained property within the City of Spokane, or upon any City owned or maintained structure located in the public right of way, including but not limited to, any building, any~~ curbstone, traffic control device, street sign, utility pole, hydrant, fence, lamp post, guardrail, tree or shrubbery or any other structure situated within any such areas or to affix the same to a wire or appurtenance thereof, ~~except as may be authorized by the ordinances, laws, or regulations of the City of Spokane, the State of Washington or the United States.~~ City-owned or maintained structures include, but are not limited to, bridges, overpasses, street medians, retaining walls, fences, street furniture, and shelters, among other structures located upon public streets, highways, public right-of-way or other public property. ~~The prohibition contained herein shall not apply to political campaign signs which are permitted pursuant to the regulations set forth in SMC 17C.240.240(G)(6).~~

J. No sign may impede free ingress and egress from any door, window or exit way required by building and/or fire code regulations.

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~~I. Flashing signs.~~

Date Passed: Monday, December 19, 2011

Effective Date: Thursday, January 26, 2012

ORD C34819 Section 1

~~Section 17C.240.080 General Rules for Reading and Applying the Code Language~~

~~A. Reading and Applying the Code.~~

~~Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Application of the regulations that are consistent with the rules of SMC 17C.240.080 through SMC 17C.240.180 are non-discretionary actions of the planning director to implement the code. The action of the planning director is final.~~

~~B. Situations Where the Code is Silent.~~

~~Proposals for signs where the code is silent, or where the rules of this chapter do not provide a basis for concluding that the sign is allowed, are prohibited.~~

~~C. Substitution Clause.~~

~~Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.~~

~~Date Passed: Monday, June 22, 2009~~

~~Effective Date: Wednesday, August 5, 2009~~

~~ORD C34390 Section 1~~

Section 17C.240.090 Sign Permit Required

A. Permit Requirements.

No sign governed by the provisions of this code shall be erected, structurally altered, or relocated by any person, firm, or corporation ~~after the date of adoption of this code~~ without a permit issued by the City ~~unless an exemption applies under this chapter (with the exceptions as noted)~~. No new permit is required for signs which have permits and which conform with the requirements of this code on the date of its adoption unless and until the sign is structurally altered or relocated.

B. Permit Applications.

Permit applications shall include a site plan that provides the following information:

1. The location of the affected lot, building(s), and sign(s).
2. The scale of the site plan.
3. A scaled-drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment, and illumination.
4. The location of all existing signs on the site including size and height.
5. For signs subject to spacing regulations, the location of neighboring signs on adjacent properties.
6. Tax parcel number or correct address where proposed sign will be located.

C. Fee Schedule.

Fees for sign permits are as provided by [SMC 8.02.031\(G\)](#).

Date Passed: Monday, June 22, 2009

Effective Date: Wednesday, August 5, 2009

ORD C34390 Section 1

~~Section 17C.240.100 Applying the Code to Specific Situations~~

~~Generally, while the code cannot list every situation or be totally definitive, it provides guidance through the use of descriptions and examples. In situations where the code provides this guidance, the descriptions and examples are used to determine the applicable regulations for the situation. If the code regulations, descriptions, and examples do not provide adequate guidance to clearly address a specific situation, the stated intent of the regulation and its relationship to other regulations and situations are considered.~~

~~Date Passed: Monday, June 22, 2009~~

~~Effective Date: Wednesday, August 5, 2009~~

~~ORD C34390 Section 4~~

Section 17C.240.120 Measurements

The standards contained in [SMC 17C.240.130](#) through [SMC 17C.240.180](#) address how the signs allowed in the various zoning categories are measured including sign area, height, and other parameters. These standards work in combination with the standards of [SMC 17C.240.190-210](#) through [SMC 17C.240.300-310](#) regarding allowed sign size, number, type, and other provisions.

Date Passed: Monday, June 22, 2009

Effective Date: Wednesday, August 5, 2009

ORD C34390 Section 1

Section 17C.240.130 Primary Building Walls

The length of a primary building wall is derived for each tenant space's ground floor exterior wall (See Figure 1). When walls are not parallel to a street, they are assigned to the street frontage to which they are most oriented (See Figure [8a1a](#)). When the primary entrance is located in a building wall that is adjacent to, at an angle from, and shorter than the street-facing wall, the primary building wall will be measured as a combination of the street wall and the wall containing the entrance. Where the angled wall is on the corner of the building between two street-facing walls, the applicant may choose which street facing wall to combine with the wall containing the entrance to be considered the primary building wall. The length of the primary building wall will be measured in a straight line parallel to the street-facing wall (See Figure [8b1b](#)).

FIGURE 1:
Primary and Secondary Building Walls

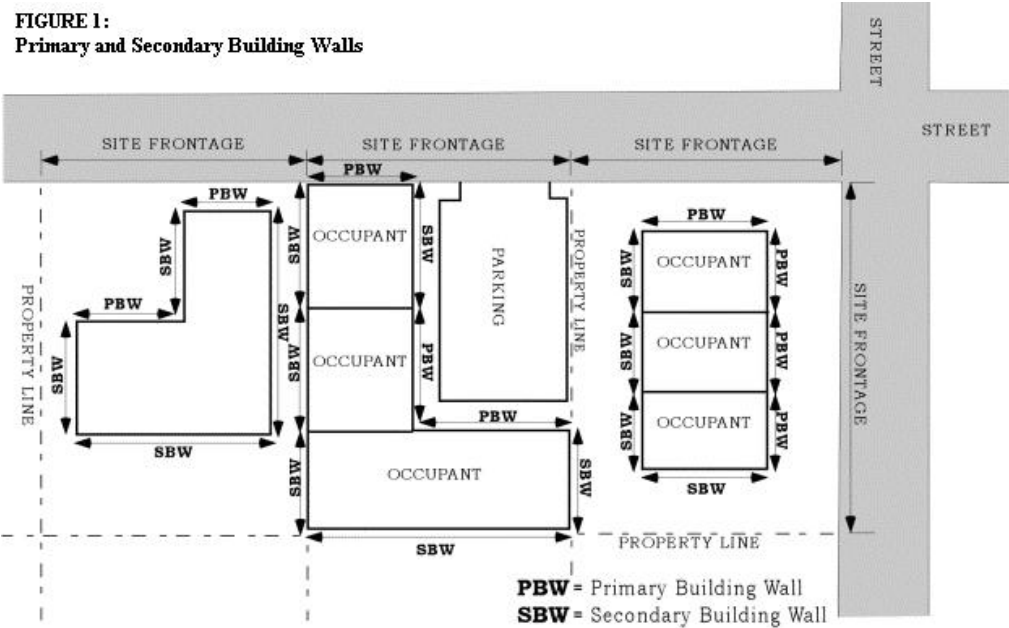
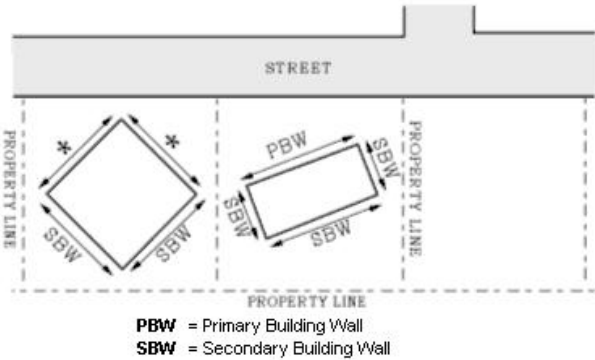
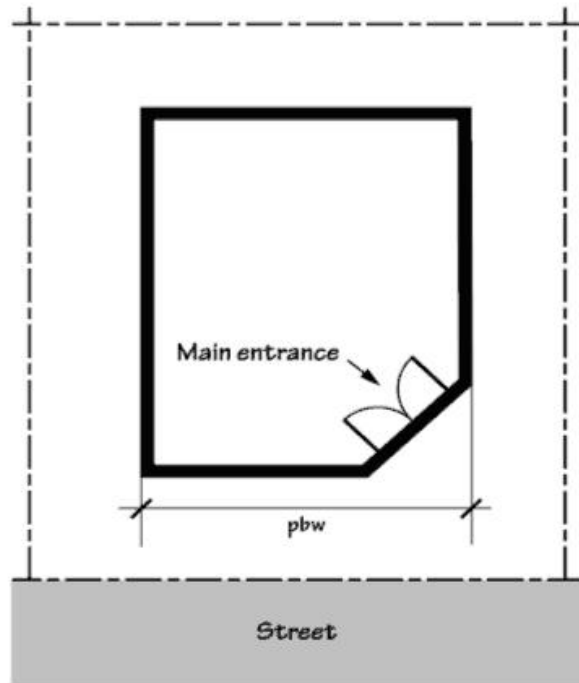


FIGURE 8a
Building Wall Orientation



* Equal orientation - applicant chooses one for primary wall and one for the secondary wall

FIGURE 8b
Primary Building Wall - Angled Entrance



Date Passed: Monday, June 22, 2009

Effective Date: Wednesday, August 5, 2009

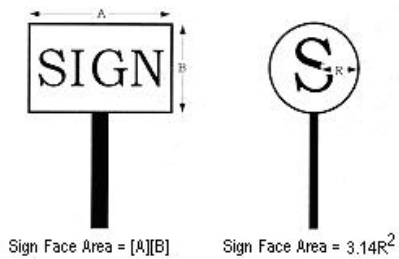
ORD C34390 Section 1

[Section 17C.240.140](#) Sign Face Area

A. Sign Cabinets.

The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (See Figure 2).

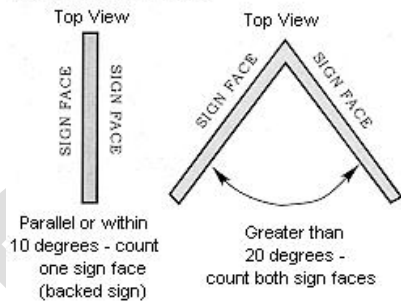
FIGURE 2
Sign Face Measurement



B. Backed Signs.

Only one side of a backed sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area (See Figure 3).

FIGURE 3
Sign Face Measurement



C. Multiple Cabinets.

For freestanding and projecting signs that contain multiple cabinets on one structure and oriented in the same direction, the modules together are counted as one sign face (See Figure 4).

FIGURE 4
Sign Face Measurements



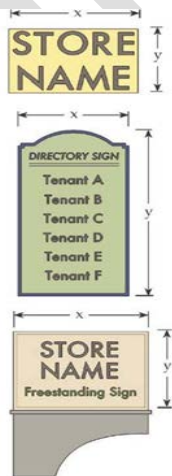
D. Round Signs.

The maximum surface area visible at one time of a round, three dimensional, or three or more sided sign is counted to determine sign area.

E. Background panel or surface. Sign copy mounted, affixed or painted on a background panel or surface distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the smallest rectangle, parallelogram, triangle, or circle that will enclose the sign copy and the background, as shown in Figure 5~~Signs On a Base Material.~~

~~When a sign is on a background panel and attached without a cabinet, such as a wood board or Plexiglas background panel, the dimensions of the background panel are to be used.~~

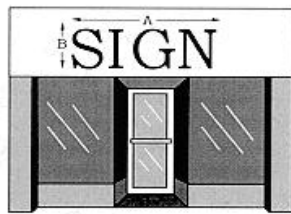
Figure 5



E.F. Individual Elements.

When signs are constructed of individual elements attached to a building wall, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements (See Figure 5). Sign elements will be measured as one unit when the distance between the elements is less than the dimension of the smallest element (See Figure 6). Individual letters or graphics. Sign copy mounted as individual letters or graphics against a wall of a building or surface of another structure, that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest square, rectangle, parallelogram, triangle or circle that will enclose each word, sentence and complete message, and each graphic in the sign (See Figure 6).

FIGURE 5
Sign Face Measurements



$$\text{Sign Face Area} = [A][B]$$

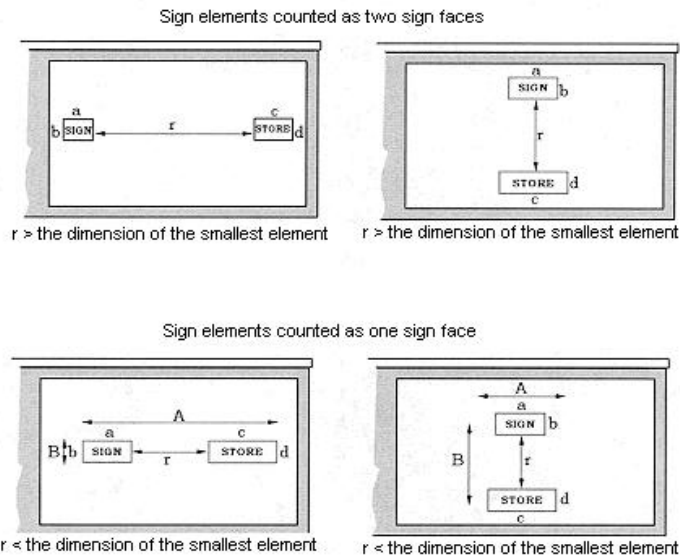
F.G. Painted Wall Signs.

Painted wall signs are measured by drawing an imaginary rectangle around the edge of each of the sign elements, as the sum of the smallest square, rectangle, parallelogram, triangle or circle that will enclose each word, sentence and complete message, and each graphic in the sign. Sign elements will be measured as one unit when the distance between the elements is less than two times the length of each element (See Figure 6). Visible wall area includes windows and doors, but not openings such as loading entrances.

G.H. Awnings and Marquees.

When signs are incorporated into awnings, the sign area is determined by computing the area of an imaginary rectangle drawn around the sign face. When the ends of awnings or marquees are parallel and contain sign faces, only one side is counted in addition to the sign face area on the front.

FIGURE 6
Multiple Elements in a Painted Wall Sign or Fascia Sign



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ORD C34390 Section 1

[Section 17C.240.150-Height of Signs](#) [Sign Heights and Clearances](#)

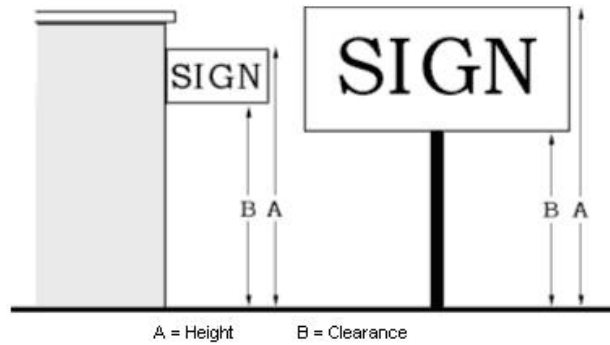
A. Height

The overall height of a sign or sign structure is measured from the finish grade to the highest point of the sign or sign structure (See Figure 76).

B. Clearance

Clearances are measured from the highest point of the ground directly below the sign to the bottom of the sign structure enclosing the sign face (See Figure 6).

FIGURE 7
Sign Heights and Clearances



Date Passed: Monday, June 22, 2009

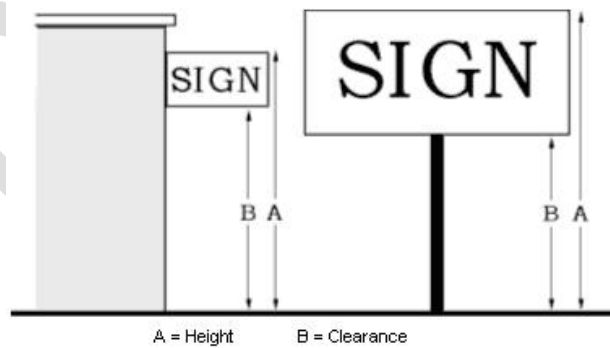
Effective Date: Wednesday, August 5, 2009

ORD C34390 Section 1

Section 17C.240.160 Clearances

Clearances are measured from the highest point of the ground directly below the sign to the bottom of the sign structure enclosing the sign face (See Figure 7).

FIGURE 7
Sign Heights and Clearances



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ORD C34390 Section 4

Section 17C.240.180 Diagonal Corner Signs

Diagonal corner signs that face more than one street must be assigned to a street and building frontage by the applicant. The sign must meet all standards for the street and building frontage to which it is assigned (See Figure [87a](#) and [7b](#)).

FIGURE 8a
Building Wall Orientation

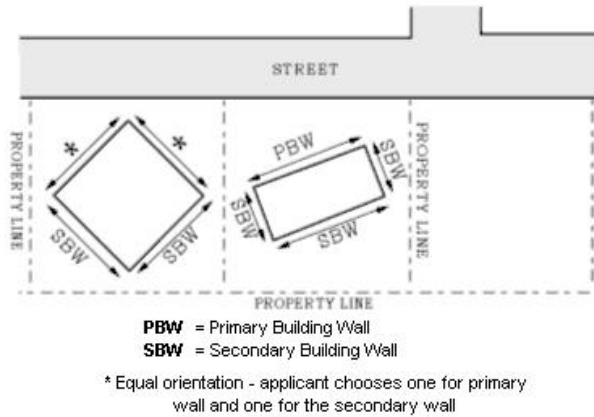
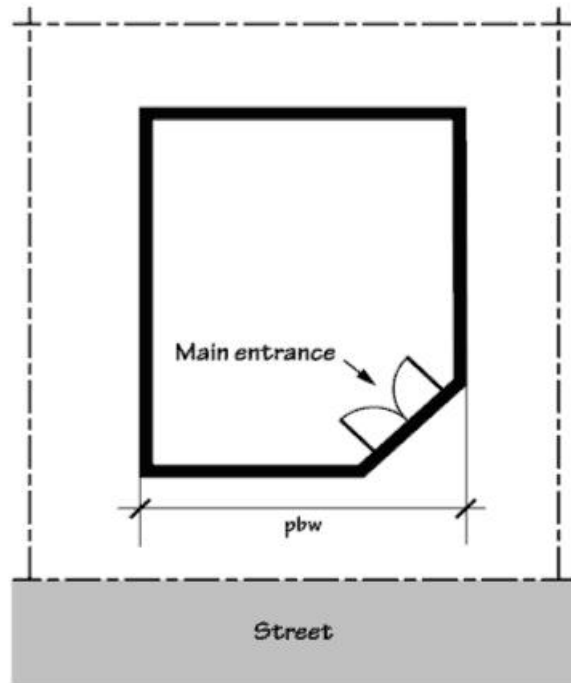


FIGURE 8b
Primary Building Wall - Angled Entrance



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ORD C34390 Section 1

Section 17C.240.190 Sign Standards Purpose

The regulations contained in SMC 17C.240.190 through SMC 17C.240.300 are sign standards which work in combination with chapter 17C.110 SMC through chapter 17C.130 SMC, Land Use Standards, to implement Spokane's comprehensive plan.

Date Passed: Monday, June 22, 2009

Effective Date: Wednesday, August 5, 2009

ORD C34390 Section 1

Section 17C.240.200 Official Zoning Maps

The boundaries and locations of all base zones, and overlay zones are shown on the City's official zoning maps. See Title 17C SMC, Land Use Standards for additional information.

Date Passed: Monday, June 22, 2009

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ORD C34390 Section 1

Section 17C.240.210 Uses, Use Categories, and Structure Types

In some cases, sign regulations are applied based on the land use or use category of a site, or structure type on the site. All of these are described or defined in [Title 17C SMC](#).

Date Passed: Monday, June 22, 2009

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ORD C34390 Section 1

Section 17C.240.220 Standards in the Residential Zones

A. General Standards.

~~The standards for All permanent signs in the RA through RHD Residential zones must comply with the standards detailed in Table 17C.240-1. All signs must conform to the regulations of.~~

~~Table 17C.240-1 (See Linked Document)~~

<u>Table 17C.240-1. Standards for Permanent Signs in RA, RSF, RTF, RMF, and RHD Zones [1]</u>					
<u>Use Category/Structure Type [2]</u>	<u>Number of Signs</u>	<u>Max. Sign Face Area</u>	<u>Types of Signs Allowed</u>	<u>Maximum Sign Height</u>	<u>Additional Signs Allowed [3]</u>
<u>Residential Household Living/Houses, Duplexes, Attached Houses</u>	<u>1 per site</u>	<u>3 sq. ft.</u>	<u>Fascia, Painted Wall</u>	<u>Top of wall, or 10 ft. whichever is less</u>	<u>Directional Signs</u>
			<u>Freestanding</u>	<u>6 ft.</u>	
<u>Residential Household Living/Multi-family Residential Building, Group Living, Day Care, Nonresidential Category Uses Not Listed Below</u>	<u>1 per building</u>	<u>15 sq. ft.</u>	<u>Fascia, Painted Wall</u> <u>Freestanding</u>	<u>Top of wall</u> <u>10 ft.</u>	<u>Directional Signs</u>
<u>Subdivisions, PUDs, Mobile Home Parks, Agricultural Uses [4]</u>	<u>1 per entrance</u>	<u>32 sq. ft.</u>	<u>Monument</u>	<u>10 ft.</u>	<u>Directional Signs</u>
<u>Parks and Open Areas [5]</u>	<u>1 per street frontage</u>	<u>10 sq. ft.</u>	<u>Monument</u>	<u>10 ft.</u>	<u>Directional Signs</u>

Colleges, Community Services, Medical Centers, Religious Institutions, Schools, Commercial Outdoor Recreation, Major Event Entertainments, Nonconforming Uses in Commercial and Industrial Use Categories, Uses in the Office Use Category Allowed as a Conditional Use in the RMF and RHD Zones	The sign standards of the NR zone apply. See SMC 17C.240.230.
<p><u>Notes:</u></p> <p>[1] Temporary signs are regulated by SMC 17C.240.244, Temporary Signs.</p> <p>[2] See Title 17C SMC, Uses, Use Categories, and Structure Types.</p> <p>[3] These signs are allowed in addition to other signs when they meet the standards of SMC 17C.240.243(D).</p> <p>[4] These signs are allowed in addition to those for individual buildings.</p> <p>[5] Signs in, or adjacent to and facing, a sports field associated with Parks and Open Areas are subject to the standards of the NR zone. See SMC 17C.240.230.</p>	

A.B. Sign Features.

Signs in the RA, RSF, RMF, and RHD zones, except for those subject to the NR zone sign standards, are subject to the standards of this subsection. Illuminated signs placed in windows are subject to these sign regulations. Extensions into the right-of-way are prohibited.

Date Passed: Monday, June 22, 2009

Effective Date: Wednesday, August 5, 2009

ORD C34390 Section 1

[Section 17C.240.230](#) Standards in the Commercial and Industrial Zones

General Standards and Sign Features.

[All permanent signs in Commercial and Industrial zones must comply with the standards detailed in](#)

[Tables 17C.240-2 and 17C.240-3.](#) The standards for permanent signs and sign features in the Commercial and Industrial zones are stated in Tables 17C.240-2 and 17C.240-3. All signs must conform to the regulations of SMC 17C.240.240.

Table 17C.240-2 Standards for Permanent Signs in Commercial, Center and Corridor, and Industrial Zones [1]					
	DTC, DTG, DTU, DTS, GC, LI & HI	CC2 & CB [2]	O, OR, NR, NMU	CC1 [2]	CC4 [2]
SIGN ATTACHED TO BUILDINGS					
Size Allocation	1-1/2 sq. ft. per 1 ft. of primary building wall or 15 percent of the primary building wall, whichever is greater	1 sq. ft. per 1 ft. of primary building wall if a freestanding sign is also on the same street frontage, 1-1/2 sq. ft. per 1 ft. of primary building wall if there is no freestanding sign on the same street frontage	Same	Same	15 sq. ft.
Maximum Number	No limit within size allocation	Same	Same	Same	1
Maximum Area Per Sign	250 sq. ft. In the DT Zones, the maximum area per sign attached to a building is not limited	100 sq. ft.	50 sq. ft.	50 sq. ft.	15 sq. ft.
Minimum Guaranteed Sign Area for a Ground Floor Tenant Space	32 sq. ft.	Same	Same	Same	15 sq. ft.
TYPES ALLOWED					
Fascia, Awning, Marquee, Pitched Roof, Mounted, Painted Wall	Yes	Yes	Yes	Yes	Yes
Projecting	Yes, but no projecting signs if a freestanding sign is also on the same street	Same	Same	Same	Same

	frontage				
Roof-top	Yes	No	No	No	No
FREESTANDING SIGNS					
Maximum Number	1 per site or 1 per 300 ft. of arterial street frontage and 1 for each additional 300 ft. or fraction thereof [3]	1 per arterial street frontage	1 per arterial street frontage	1 monument sign per arterial street frontage	1 monument sign per building
When Not Allowed	Not Limited	Not allowed if there is already a projecting sign on the same site frontage, or if existing signs attached to buildings exceed the limit of 1 sq. ft. to 1 ft. of primary building wall	Same	Same	Not allowed if there is already a wall or projecting sign
Size Allocation for All Freestanding Signs	1 sq. ft. per 1 ft. of arterial street frontage Local street frontage can be used if there are not arterial site frontages	Same	Same	Same	15 sq. ft.
Size Limit	250 sq. ft.	75 sq. ft. [5]	50 sq. ft. [5]	50 sq. ft.	15 sq. ft.
Maximum Height [6]	35 ft. In the DTS zone, the maximum height is 60 ft.	20 ft.	20 ft.	5 ft.	5 ft.
ADDITIONAL SIGNS ALLOWED					
Directional Signs, Temporary Signs [7]	See SMC 17C.240.240(H)244 and SMC 17C.240.240(G)244				
Yes = Allowed No = Prohibited					
Notes:					
[1] Temporary signs are regulated under SMC 17C.240.240(H)244, Temporary Signs.					
[2] Signs in CC zones are subject to the standards and guidelines contained in the Initial Design Standards and Guidelines for Centers and Corridors.					
[3] On sites with frontages longer than 300 feet, sign area earned from the first 300 feet may					

not be used on the second sign. For example, a 350-foot street frontage may have a 200 sq. ft. and a 50 sq. ft. freestanding sign. Interstate freeways, United States highways, state routes that are not also City of Spokane Arterials are not considered arterial streets for purposes of this Title. Sites with frontage on more than one arterial are allowed a freestanding sign on each arterial. The size allocation for each freestanding sign shall be calculated independently using only the length of the arterial frontage adjacent to the freestanding sign. The square footage allowance for freestanding signs for one arterial shall not be transferred to other arterials.

[4] Where a site has no arterial street frontage, one freestanding sign is allowed.

[5] The maximum sign area may be an additional twenty-five square feet for each additional business on a site having more than one business, up to a maximum area of one hundred fifty square feet.

[6] This height limit is for the total height of the combined sign face and sign structure.

[7] These signs may be allowed in addition to signs attached to buildings and freestanding signs when they meet the standards of [SMC 17C.240.240](#) [243](#) [\(HD\)](#) and [SMC 17C.240.240](#) [\(G\)](#) [244](#).

Table 17C.240-3
Sign Features for All Signs in Tables 17C.240-1 and 17C.240-2

-	GC, CC2, Downtown, CB, LI & HI	O, OR, NR, NMU, CC1 & CC4
Electronic Message Center Sign Features	Yes [1]	Yes [1] Not Permitted in CC4 Zone
Lighting	Direct, Indirect, or Internal	Same
Maximum Distance Extending into ROW	See SMC 17C.240.240(C)	Same
Maximum Area Extending into ROW	See SMC 17C.240.240(C)	Same
Bonus Allowance for Outstanding Design	See SMC 17C.240.290	Same

Yes = Allowed — No = Prohibited

Notes:

[1] Electronic Message Center sign features are allowed in the GC, CC2, Downtown, CB, LI, HI, O, OR, NR, NMU, & CC1 zones if they meet the standards of SMC 17C.240.240(J), Electronic Message Center Signs.

Table 17C.240-3
Sign Features for All Signs in Table 17C.240-2

-	GC, CC2, Downtown, CB, LI, HI, O, OR, NR, NMU, CC1 & CC4
Electronic Message Center Sign Features	Allowed [1][2]

Lighting	Direct, Indirect, or Internal
Maximum Distance Extending into ROW	See SMC 17C.240.240(B)
Maximum Area Extending into ROW	See SMC 17C.240.240(B)
Bonus Allowance for Outstanding Design	See SMC 17C.240.290
<p><u>Notes:</u></p> <p>[1] Electronic Message Center sign features are allowed in the GC, CC2, Downtown, CB, LI, HI O, OR, NR, NMU, & CC1 zones if they meet the standards of SMC 17C.240.247, Electronic Message Center Signs.</p> <p>[2] Electronic Message Center sign features are not allowed in the CC4 Zone</p>	

Date Passed: Monday, July 23, 2012

Effective Date: Thursday, August 30, 2012

ORD C34888 Section 17

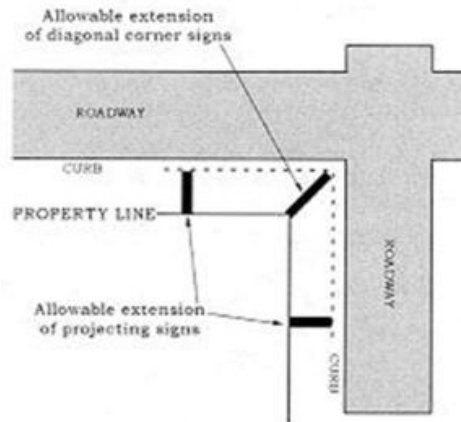
Section 17C.240.240 [Sign Placement and Location Restrictions](#) ~~Additional Standards in All Zones~~

~~Where These Regulations Apply.~~
~~These regulations apply to all signs regulated by this chapter.~~

- A. Sign Placement.
 All signs and sign structures must be erected and attached totally within the site except when allowed to extend into the right-of-way by this chapter.
- B. Signs Extending Into the Right-of-way.
 The standards of this subsection apply to permanent signs that are erected on private property and that extend into the right-of-way. ~~and temporary signs that are in the right-of-way.~~
 - 1. Projecting Signs.
 Projecting signs that extend into the right-of-way must meet the following standards:
 - a. Distance Into the Right-of-way.
 - i. Where allowed, signs may extend into the right-of-way not more than ten feet or within two feet of the curbline, whichever is the smaller projection.
 - ii. Diagonal corner signs may extend into the right-of-way to a point that is determined by extending a line from the maximum points allowed for projecting signs on each street frontage (See Figure

98).

**FIGURE 9
Diagonal Corner Signs**



- b. Maximum Sign Face Area In the Right-of-way.
The area of a sign is limited by the amount the sign extends into the right-of-way, as follows:
 - i. A sign extending more than six feet cannot have a total area of projection in excess of sixty square feet; and
 - ii. A sign extending less than six feet may not exceed one hundred square feet in area.
- c. Blanketing.
A projecting sign that extends into the right-of-way more than three feet may not be within twenty feet of another projecting or freestanding sign that extends more than three feet into the right-of-way if the new sign is within horizontal lines drawn from the top and bottom of the prior sign.

2. Awnings and Marquees.

Awnings and marquees that contain signs may extend into the right-of-way the same distance as awnings and marquees that do not contain signs (See [SMC 17F.040.140](#), Awnings).

C. Clearances.

1. ~~Vision Clearance Areas~~Clear View Triangle.

- a. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, all signs and sign features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and ten feet from ground immediately below the sign or awning (see Figure 9).

~~Vision Clearance Areas.~~

~~Vision clearance areas are triangular-shaped areas located at the intersection of any combination of rights-of-way, alleys, or driveways. The sides of the triangle extend fifteen feet from the intersection of the vehicle travel areas (See Figures 12a and b). The height of the vision clearance area is from thirty-six inches above the ground to ten feet above the ground~~

immediately below the sign or awning (See Figure 12c).

FIGURE 12a
Vision Clearance Area

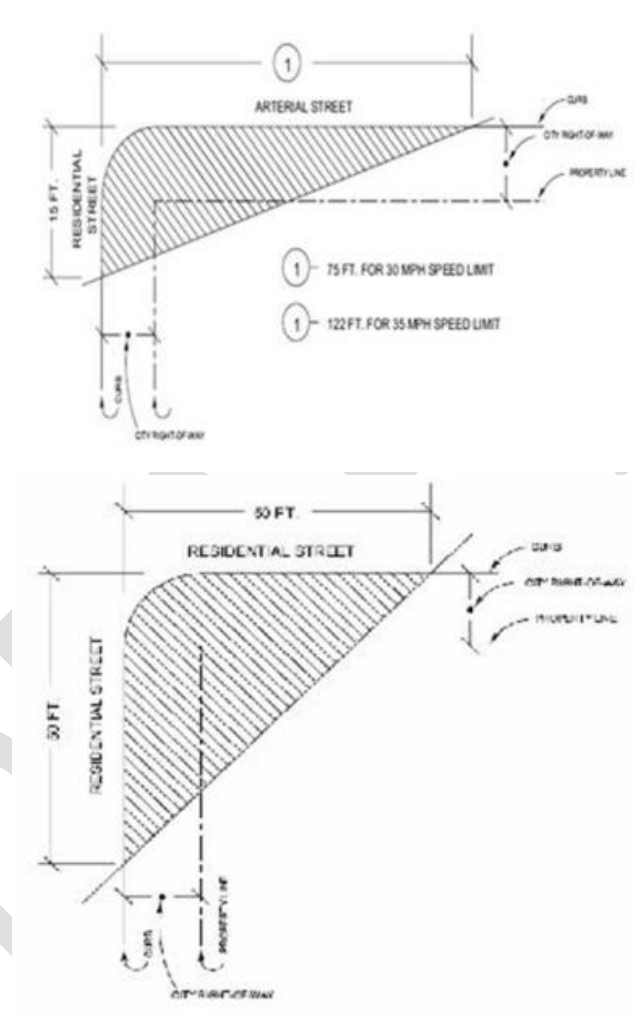


FIGURE 12b
Vision Clearance for Driveways

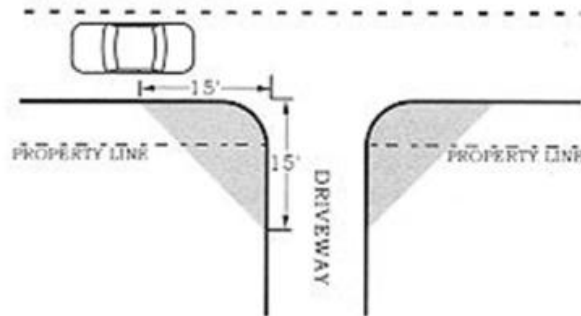
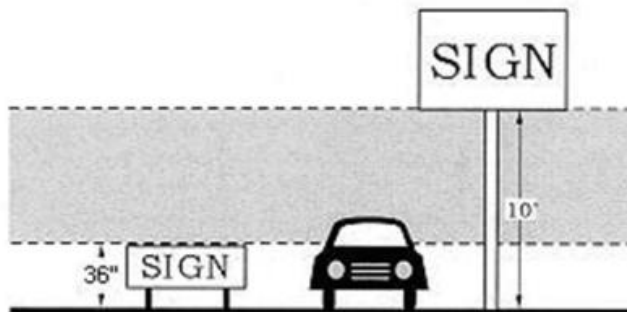


FIGURE 12c
Vision Clearance Area Height



a-b. Signs in ~~Vision Clearance Areas~~ Clear View Triangle.

Signs may not be located within a ~~vision clearance area~~ clear view triangle as defined in this paragraph. Support structures for a sign may only be located in a ~~vision clearance area~~ clear view triangle if the combined total width is twelve inches or less and the combined total depth is twelve inches or less.

2. Vehicle Area Clearances.

In areas outside of rights-of-way, when a sign or awning extends over where vehicles travel or are parked, the bottom of the structure must be at least fourteen feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.

3. Pedestrian Area Clearances.

When a sign or awning extends over a sidewalk, walkway, or other space used by pedestrians, the bottom of the structure must be at least eight feet above the ground. Free-hanging valances made of fabric or other non-rigid material hung on

signs, awnings, and marquees must be at least seven feet above of a sidewalk, walkway, or other space used by pedestrians.

~~4.—Clearances from Fire Escapes, Means of Egress, or Standpipes.~~

~~Signs, sign structures, and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress, or standpipe. Attaching signs, sign structures, or awnings to a fire escape is prohibited.~~

~~5.—Obstruction of Windows and Ventilation.~~

~~Signs, sign structures and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation, or exhaust are reduced to a level below that required by the building code.~~

~~6.4. Access to Signs.~~

Access clear of all obstructions must be provided to all signs.

~~Temporary Signs.~~

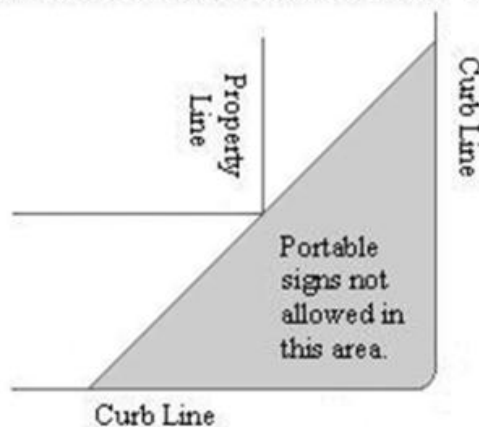
~~Temporary signs allowed to be placed in the right-of-way in SMC 17C.240.240(G) shall meet the following standards:~~

~~7.—The sign is entirely outside the roadway.~~

~~8.—The sign is no larger than nine square feet in size. The sign face is no wider than three feet and no taller than thirty-six inches.~~

~~9.—The sign is entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face (See Figure 10a).~~

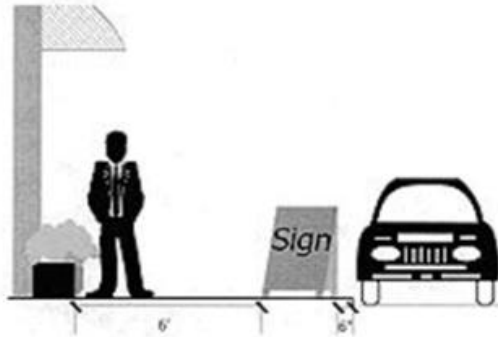
FIGURE 10a
Placement of Portable Signs in the R-O-W



~~10.—The sign is entirely outside the area of a sidewalk that is between the lines created by extending the edges of any curb ramp across the sidewalk to the property line.~~

- ~~11. The sign is within six inches of the curb (See Figure 10b).~~

FIGURE 10b
Placement of Portable Signs in the R-O-W



- ~~12. The sign does not obstruct a continuous through pedestrian zone of at least six feet in width except in center and corridor zones, where sandwich board signs which are located on the sidewalk shall be located in such a manner as to leave a pathway at least four feet wide that is free of obstructions.~~
- ~~13. The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:~~
- ~~a. Transit stop areas.~~
 - ~~b. Designated disabled parking spaces.~~
 - ~~c. Disabled access ramps; or~~
 - ~~d. Building exits including fire escapes.~~
- ~~14. Physical Attachment to Public Property.~~
~~Except as allowed for community banners, temporary signs placed in the right-of-way must remain portable and may not be attached or anchored in any way to trees or to public property including utility or light poles, parking meters, the ground, or pavement.~~
- ~~15. Additional Placement Standards for Temporary Signs.~~
~~Temporary signs placed in the right-of-way must meet the following additional standards:~~
- ~~a. Where no curb exists, the sign must be placed outside the roadway at least five feet from the edge of the roadway. Temporary signs may not be placed in medians, traffic islands, or other areas within the roadway.~~
 - ~~b. Temporary signs must not be placed in parking spaces, pedestrian pathways, or bicycle paths.~~

D. Removal of Signs.

The city engineer may require [any](#) signs extending into the right-of-way to be modified or moved if streets are widened, or other improvements made in the right-of-way, which result in the creation of unsafe conditions. The modification or moving will be at the owner's expense. If a [legal](#) nonconforming sign is moved under this requirement, it may be re-erected on the site without being brought into conformance.

[Section 17C.240.241 Building Mounted Wall Signs](#)

~~Signs Attached to Buildings or Structures.~~

A. Placement.

Signs attached to buildings or structures that are based on the sign rights of a primary building wall may be placed on that primary building wall, on a secondary building wall, or on another structure. They may not be placed on another primary building wall.

B. Awnings and Marquees.

Signs attached to an awning or marquee that extends into the right-of-way must comply with the pedestrian clearance and right-of-way extension standards of [SMC 17F.040.140](#), Awnings

C. Fascia Signs.

1. Vertical Extensions.

Fascia signs may not extend more than six inches above the top of the building wall.

Fascia signs attached to other structures may not extend above the top of the structure.

2. Horizontal Extensions.

A fascia sign may not extend more than eighteen inches out from the wall or structure to which it is attached. Fascia signs may not extend beyond the corner of buildings or other structures.

D. Projecting Signs.

1. Vertical extensions.

The face of a projecting sign may not extend more than six inches above the roof line.

2. Placement.

Projecting signs that extend over the right-of-way must meet the placement standards of [SMC 17C.240.240\(B\)](#) ~~SMC 17C.240.240(C)~~, Signs Extending Into the Right-of-way.

[Section 17C.240.242 Roof-Mounted Signs](#)

A. No permit shall issue for a roof-mounted sign which does not comply with the following standards:

1. Number. No more than one (1) roof-mounted sign shall be allowed for each building.

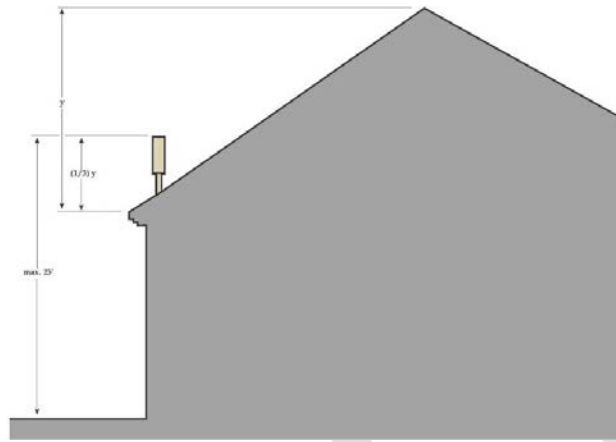
2. Area. The area of the roof-mounted sign shall not exceed the total amount of wall sign area that would be allowed for the building or site on which the roof mounted sign is located.

3. Location. Allowed on the slope of peaked/sloped roof buildings only, and only on the lowest one-third (1/3) of the slope of the peaked roof. Roof-mounted signs shall be installed so that the structural supports of the sign are minimized. Angle irons, guy wires, braces or other secondary supports shall appear to be an integral part of the roof or roof-mounted sign.

4. Zone. Roof-mounted signs are permitted in nonresidential zones only.

5. Design. Roof-mounted signs may be non-illuminated, internally illuminated or indirectly illuminated, provided that the light is limited to the sign face only.

Figure 10



A. Pitched Roof Signs.

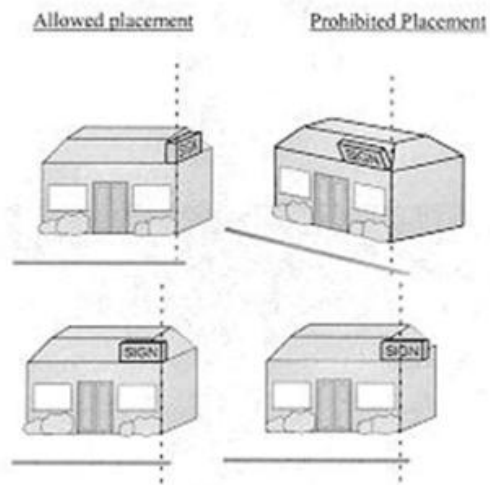
1. Vertical Extensions.

The face of pitched roof signs may not extend more than six inches above the roofline.

2. Placement and Angle.

Pitched roof signs must be parallel to the building face. They may not extend beyond the building wall (See Figure 11).

**FIGURE 11
Pitched Roof Sign Placement**



B. Projecting Signs.

~~a. Vertical extensions.~~

~~The face of a projecting sign may not extend more than six inches above the roof line.~~

~~Placement:~~

~~Projecting signs that extend over the right of way must meet the placement standards of SMC 17C.240.240(C), Signs Extending Into the Right of way.~~

Section 17C.240.243 Freestanding Signs

~~Freestanding signs and monument signs.~~

A. Setbacks.

Freestanding signs are regulated as follows:

1. Residential Zones.

- a. In residential zones, freestanding signs are allowed in required setbacks; however, in required front setbacks, monument signs exceeding three and one-half feet tall shall be setback ten feet from the front property line, provided that the requirements of SMC 17C.240.240(F)240(C) are met.
- b. Freestanding signs with structural supports less than two feet in width, with copy area placed at a height of seven feet or more above grade, may be located at the front property line, provided that the requirements of SMC 17C.240.240(F)240(C) are met.
- c. Freestanding signs with structural supports of more than two feet shall be setback not less than ten feet from the front property line, provided that the requirements of SMC 17C.240.240(F)240(C) are met.

2. Commercial and Industrial Zones.

In O, OR, NR, NMU, CB, CC-2, GC, LI, and HI zones, freestanding signs are allowed in required setbacks for buildings and parking areas. However, freestanding signs are prohibited in the setback between a property line abutting a residentially zoned site and the building line or parking area setback line.

B. Frontages.

Freestanding signs must be placed on arterial street frontages unless there are none. Freestanding signs that are allowed based on the length of one arterial street frontage may not be placed on another arterial street frontage. Frontage on a freeway is not considered arterial street frontage.

C. Extensions Into the Right-of-way.

Freestanding signs may project into the public right-of-way as follows, provided they also meet the requirements of 17C.240.240(B):

1. No more than ten feet beyond the property line; or
2. Within two feet of the curbline, whichever is the smaller projection.
3. The area of a sign is limited by the amount of projection beyond the property line, as follows:
 - a. A sign projecting more than six feet cannot have a total area of projection in excess of sixty square feet; and
 - b. A sign projecting less than six feet may not exceed one hundred square feet in area.

4. All supports of a freestanding sign must be on private property.

D. Directional Signs.

1. General Standards.

Directional signs that meet the standards of this subsection are allowed in all

zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.

2. Size.

Freestanding directional signs may be up to six square feet in area and forty two inches in height. Fascia directional signs may be up to six square feet in area and eight feet in height.

3. Sign Features.

Direct, internal or indirect lighting is allowed. Extensions into the right-of-way are prohibited. Up to 25 percent of the area of the sign may contain a logo, image, or other copy.

4. Directional Signs that Do Not Meet the Standards of this Subsection.

Directional signs that do not meet the standards of this subsection must meet either the standards for signs attached to buildings or the standards for freestanding signs.

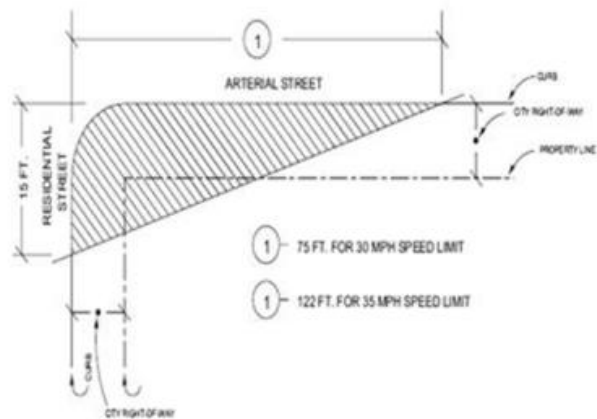
D. Clearances.

1. Vision Clearance Areas.

a. Vision Clearance Areas.

Vision clearance areas are triangular shaped areas located at the intersection of any combination of rights of way, alleys, or driveways. The sides of the triangle extend fifteen feet from the intersection of the vehicle travel areas (See Figures 12a and b). The height of the vision clearance area is from thirty-six inches above the ground to ten feet above the ground immediately below the sign or awning (See Figure 12c).

FIGURE 12a
Vision Clearance Area



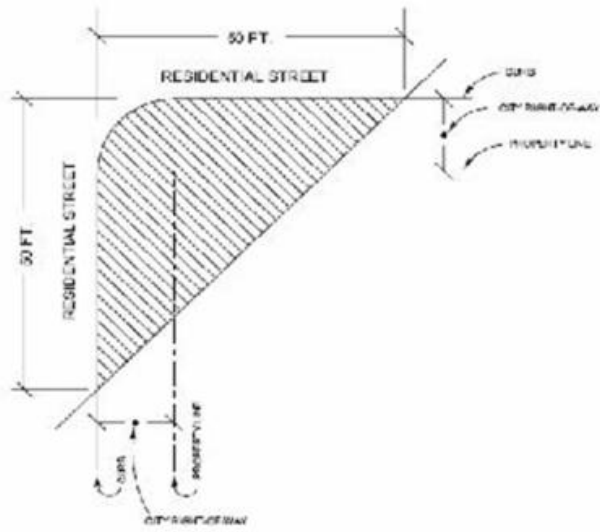


FIGURE 12b
Vision Clearance for Driveways

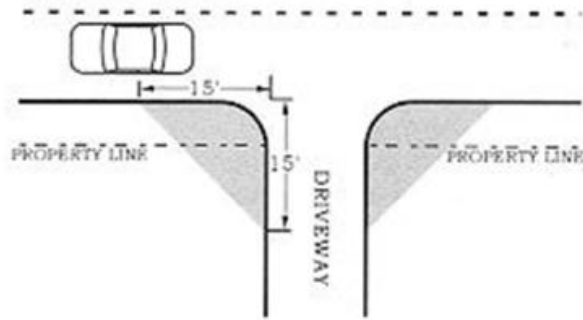
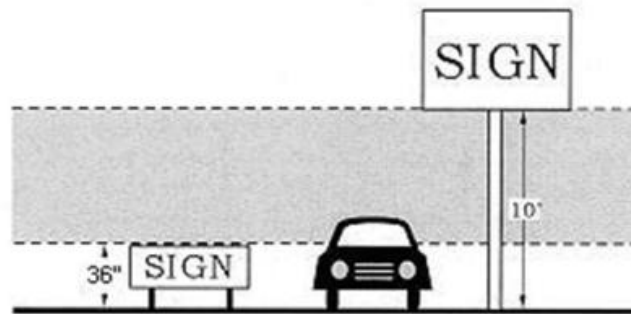


FIGURE 12c
Vision Clearance Area Height



b. Signs in Vision Clearance Areas.

Signs may not be located within a vision clearance area as defined in this paragraph. Support structures for a sign may only be located in a vision clearance area if the combined total width is twelve inches or less and the combined total depth is twelve inches or less.

2. Vehicle Area Clearances.

In areas outside of rights of way, when a sign or awning extends over where vehicles travel or are parked, the bottom of the structure must be at least fourteen feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.

3. Pedestrian Area Clearances.

When a sign or awning extends over a sidewalk, walkway, or other space used by pedestrians, the bottom of the structure must be at least eight feet above the ground. Free-hanging valances made of fabric or other non-rigid material hung on signs, awnings, and marquees must be at least seven feet above of a sidewalk, walkway, or other space used by pedestrians.

4. Clearances from Fire Escapes, Means of Egress, or Standpipes.

Signs, sign structures, and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress, or standpipe. Attaching signs, sign structures, or awnings to a fire escape is prohibited.

5. Obstruction of Windows and Ventilation.

Signs, sign structures and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation, or exhaust are reduced to a level below that required by the building code.

Access to Signs.

Access clear of all obstructions must be provided to all signs.

Section 17C 240.244 Temporary Signs

A. No Permit required. No sign permit is required for temporary signs.

B. Removal. Temporary signs may be displayed for a period not to exceed one hundred and eighty (180) days. Any abandoned temporary sign shall be removed. Failure to remove an abandoned temporary sign shall constitute a violation of this chapter. The director of public works and utilities shall have the authority to require the removal of any abandoned temporary sign in the public right-of-way, authority over abandoned temporary signs in other locations is described in SMC 17C.240.050. The removal shall be at the cost of the sign and/or property owner.

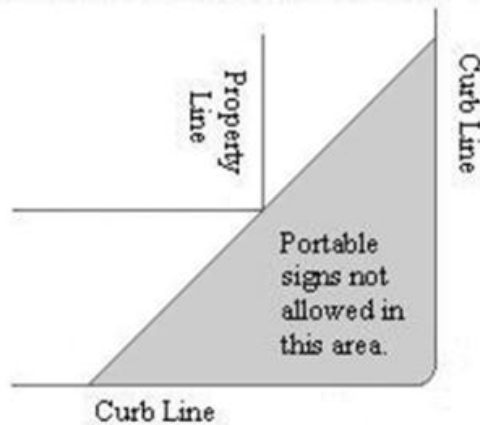
C. Materials. See the definition of "temporary sign" in Section 17C.240.015.

D. City property (excluding City right-of-way). Temporary signs on City-owned property (excluding City right-of-way) are allowed only in conjunction with an approved Special Event permit.

E. City Right-of-Way outside of the Roadway. Temporary signs allowed to be placed in the right-of-way shall meet the following standards:

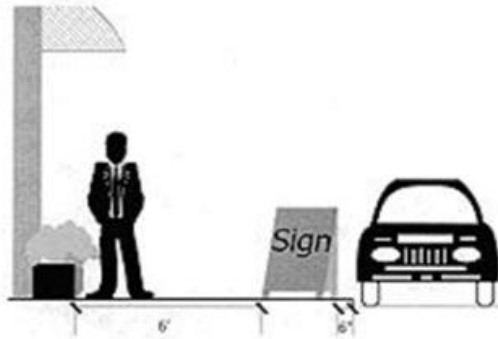
1. The sign is entirely outside the roadway.
2. The sign is no larger than the maximum allowed for a freestanding temporary sign in the zoning district.
3. The sign is entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face (See Figure 11a).

FIGURE 10a
Placement of Portable Signs in the R-O-W



4. The sign is entirely outside the area of a sidewalk that is between the lines created by extending the edges of any curb ramp across the sidewalk to the property line.
5. The edge of the sign is within six inches of the curb (See Figure 11b).

FIGURE 10b
Placement of Portable Signs in the R-O-W



6. The sign does not obstruct a continuous through pedestrian zone of at least six feet in width.
7. The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:
 - a. Transit stop areas.
 - b. Designated disabled parking spaces.
 - c. Disabled access ramps; or
 - d. Building exits including fire escapes.
8. Physical Attachment to Public Property.
See SMC 17C.240.070(I).
9. Additional Placement Standards for Temporary Signs.
Temporary signs placed in the right-of-way must meet the following additional standards:
 - a. Where no curb exists, the sign must be placed outside the roadway at least five feet from the edge of the roadway. Temporary signs may not be placed in medians, traffic islands, or other areas within the roadway.
 - b. Temporary signs must not be placed in parking spaces, pedestrian pathways, or bicycle paths. Residential zones.
 - c. Temporary signs placed in the right-of-way must have the permission for such placement of the abutting property owner, resident, or respective agent. For purposes of this section, the public right-of-way shall mean that portion of

the public right-of-way located next to a street between the roadway and the adjacent private property open to the public for general pedestrian passage, including the buffer/planting strip.

F. Temporary signs may be placed on property residentially zoned in accordance with the requirements of this Section and the following:

1. Freestanding signs (includes post-mounted, stake and portable signs).
 - a. Single-family zones: Temporary free-standing signs shall not exceed four (4) square feet in size and five (5) feet in height, if the sign is post mounted on the ground, and not to exceed three (3) feet in height if the sign is stake-mounted or portable.
 - b. Multi-family zones: Temporary free-standing signs shall not exceed six (6) square feet in size and five (5) feet in height if the sign is post mounted on the ground, and not to exceed three (3) feet in height if the sign is stake-mounted or portable.
2. Surface-mounted signs. Limited to sites two (2) acres or larger:
 - a. Size. No larger than thirty-two (32) square feet.
 - b. Location. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site fences either facing or abutting the street, or facing inward to the subject site. Signs shall not be attached or tethered to other site improvements.

G. Non-residential zones. Temporary signs are allowed on non-residentially zoned property in accordance with the requirements of this Section and the following:

1. Freestanding signs (including post-mounted, stake and portable signs): Size/height. Limited to four (4) square feet and five (5) feet in height if the temporary sign is mounted in the ground, and not to exceed three (3) feet in height if the temporary sign is portable.
2. Surface-mounted signs:
 - a. Size. Limited to thirty-two (32) square feet.
 - b. Location. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site fences either facing the abutting street, or facing inward to the subject site. Signs shall not be attached or tethered to other site improvements.

~~E. Temporary Signs.~~

~~The following signs are classified as temporary (non-permanent). Temporary signs are permitted subject to the applicable limitations:~~

~~1. Construction Signs.~~

~~No sign permit is required. Such signs may be placed on the property on which construction is occurring upon private property only and may be displayed only after a building permit is obtained and during the period of construction on the construction site. The applicable limits are as follows:~~

- a. ~~In all zones other than single family residential zones, no construction sign shall exceed thirty two square feet in sign area or ten feet in height.~~
- b. ~~In single family residential zones, no construction sign shall exceed fifteen square feet in sign area.~~

~~2. Grand Opening Displays.~~

~~No sign permit is required. Such signs may be placed upon the premises of the business only. Such temporary signs, posters, banners, strings of lights, clusters of flags, balloons, or other air or gas filled figures, and searchlights are permitted for a period of thirty days only to announce the opening of a completely new business. All such materials shall be removed immediately upon the expiration of seven days after the event's conclusion. Such displays are permitted only in districts where the business so advertised is allowed under district zoning regulations. Searchlights may be permitted by any business provided the beam of light does not flash against any building or does not sweep an arc of forty five percent from vertical. All banners must be legible, made of durable materials, and must be well maintained.~~

~~3. Special Event Signs.~~

~~No sign permit is required. Such temporary signs may be placed upon the premises of the business only and shall not be larger than twenty square feet. Said signs shall not be posted or attached to telephone poles, power poles, or other public utility facilities. Such signs may be displayed thirty days prior to an event and must be removed within seven days after the event's conclusion. The event committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code. Searchlights may be permitted by any business provided the beam of light does not flash against any building or does not sweep an arc of forty five percent from vertical. All banners must be legible, made of durable materials, and must be well maintained.~~

~~4. Balloon Signs.~~

~~No sign permit is required. Such signs may be placed upon the premises of the business only. One balloon sign is allowed per site for a maximum of one month at a showing twice per calendar year in the commercial and industrial zones. Temporary balloon signs may be located on a building rooftop. The vertical dimension of the balloon may not exceed twenty five feet.~~

~~5. Real Estate Signs.~~

~~No sign permit is required. Such signs may be placed upon private property only. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits, are as follows:~~

~~a. Residential "For Sale," "For Rent," and "Sold" Signs.~~

~~Such signs shall be limited to one sign per street frontage not to exceed five square feet in sign area, placed wholly on the property for sale or rent, and not to exceed a height of seven feet.~~

~~b. Residential "Open House" Signs.~~

~~Such signs shall be limited to one sign per street frontage on the premises for sale and up to ten off premises signs spaced not closer than two hundred feet. Such signs are permitted only during daylight hours and when the real estate professional or seller or an agent is in attendance at the property for sale. No such sign shall exceed five square feet in sign area.~~

~~c. Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs.~~

~~One sign per street frontage advertising undeveloped commercial and industrial property for sale or rent. The sign shall not exceed thirty two square feet in sign area and ten feet in height.~~

- d. ~~Developed Commercial and Industrial Property "For Sale or Rent" Signs.~~
~~One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than ten feet from the building line, the sign shall be placed on the building or in a window. The sign shall not exceed ten feet in height and, if free standing, shall be located more than fifteen feet from any abutting property line or a public right of way line. Said sign shall not exceed thirty two square feet in sign area.~~
 - e. ~~Undeveloped Residential Property "For Sale" Signs.~~
~~One sign per street frontage advertising undeveloped residential property for sale is permitted not exceeding thirty two square feet in sign area. The sign must be placed more than thirty feet from the abutting owner's property line and may not exceed a height of ten feet.~~
 - f. ~~Subdivisions approved after the effective date of this chapter are permitted one cluster of flagpoles (not to exceed five flagpoles) in front of sales offices to advertise the new development.~~
6. ~~Political Campaign Signs.~~
~~All signs which are relating to promoting or publicizing the nomination or election of any individual for a public political office to be voted on in any primary, general or special election or advocating any ballot measure to be voted on in any primary, general or special election, hereinafter referred to as political campaign signs, are permitted subject to the following regulations:~~
- a. ~~Size of Signs.~~
~~Political campaign signs located on private property in a residential zone shall be limited to a maximum surface area of sixteen square feet. Political campaign signs located on private property in zones other than residential zones shall be limited to a maximum surface area of thirty-two square feet. Political campaign signs located in the public right of way as set forth in subsection c shall be limited to a maximum surface area of five square feet with a maximum height of five feet. The maximum square footage shall be based upon one side of the sign. Signs may be two-sided.~~
 - b. ~~Signs on Private Property.~~
~~Political campaign signs may be erected upon any private property with the permission of the property owner, resident, or respective agent. In cases of vacant property, or where there is no occupied structure on the property, political signs may be placed thereon with the written consent of the property owner or his agent.~~
 - c. ~~Political Campaign Signs on the Public Right of way.~~
~~Placement of political campaign signs on the public right of way must have the permission for such placement of the abutting property owner, resident or respective agent. For purposes of this section, the public right of way shall mean that portion of the public right of way located next to a street between the roadway and the adjacent private property open to the public for general pedestrian passage, including the buffer/planting strip. Political campaign signs may be posted preceding a primary, general or special election within the public right of way only if the signs do not create a traffic obstruction or hazard or impair or impede pedestrian thoroughfares and comply with all requirements of this section. Political campaign signs located in the public right of way shall only be attached to a self-supporting wood stick(s), metal post, or other such devices, shall not be attached to any other structures and shall not be erected in any manner which would damage the surface infrastructure in which the sign is located.~~

d. ~~Method of Display.~~

~~Political campaign signs authorized under this section shall not be displayed using digital, flashing, electronic, or solar technology unless specifically authorized by other provisions of the Spokane Municipal Code. Political campaign signs authorized under this section, either on private property or within the public right-of-way, are subject to all other regulations regarding temporary signs.~~

e. ~~Unauthorized Signs on City Property.~~

~~Unauthorized signs of any nature located on City-owned or maintained property or on any portion of park property under the jurisdiction of the park board are prohibited and shall be immediately removed unless specifically authorized by law. City-owned or maintained property shall include all property held in the City's name or controlled by easement or other legal devices, including all portions of the public right-of-way. This prohibition shall not apply to political campaign signs located in the public right-of-way adjacent to vacant city-owned property.~~

f. ~~Removal of Signs.~~

~~i. Political campaign signs on the public right-of-way as defined in this section or private property shall not be displayed after the date the election results have been certified for the election for which it was intended. In cases where a general election follows a primary election, those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up to the date the general election results are certified. In all instances herein in which political campaign signs are required to be removed, or if the signs have become detached from their support device or damaged, it shall be the responsibility of the property owner or occupant, if the sign is located on private property, or the respective candidate, if the sign is located on the public right-of-way, to have the signs removed.~~

~~ii. Failure to remove political campaign signs located on the public right-of-way shall result in a one-time sign removal fee of twenty-five dollars per sign under fifteen square feet and fifty dollars for signs over fifteen square feet being assessed against the respective responsible campaign official. For the purpose of recovering the costs of removal there is a rebuttable presumption that the candidate seeking office or the sponsor of a ballot measure is the responsible campaign official who is responsible for the placement of a political campaign sign in the public right-of-way. Removal of signs located in the public right-of-way shall be under the direction of the director of public works and utilities or his or her designee.~~

~~iii. Failure to remove political campaign signs located on private property shall result in a civil infraction assessed pursuant to against the property owner or occupant for each sign. Each day shall be a separate violation. A notice to remove the sign shall be issued by the code enforcement department to the property owner and/or occupant prior to the issuance of a civil infraction pursuant to.~~

~~iv. The sign removal fee may be appealed to the hearing examiner within ten days of a letter assessing the fee. A civil infraction may be contested in the municipal court.~~

g. ~~Signs Related to Constitutionally Protected Free Speech.~~

~~Signs expressing constitutionally protected free speech located on private property, including the public right-of-way adjacent to the private property,~~

as defined in this section, unrelated to promoting or publicizing the nomination or election of any individual for a public political office or advocating any ballot measure to be voted on in any primary, general or special election shall not be subject to the time period for the removal of political campaign signs, but shall otherwise be subject to all other provisions of this section.

~~h. Public Notice.~~

~~Nothing in this chapter shall be construed to prohibit or modify the requirements for placement of public notices required by law.~~

~~i. Exemption.~~

~~Nothing in this chapter shall limit the promotion or publication of a political message by other means lawfully permitted under the City's sign code.~~

~~j. Permit or Permit Fees.~~

~~There shall be no permit or fee requirement for political campaign signs erected under this section unless the sign is attached to a sign structure permitted under other provisions of the sign code that requires a permit and fee.~~

~~7. Community Banners.~~

~~Such signs may be permitted and extend into the public right of way by permission of the city administrator or appointed representative. Such signs may only be placed at City-designated locations provided that the banner:~~

- ~~a. is not commercial advertising but, rather, has as its principal purpose the promotion of a civic event, public service announcement, holiday decoration, or similar community interests;~~
- ~~b. has been approved by the arts commission;~~
- ~~c. complies with all applicable codes; and~~
- ~~d. does not, in the judgment of the street director, present a traffic hazard.~~

~~8. Banners.~~

~~See for grand opening displays and for special event signs.~~

~~9. Sandwich Board Signs.~~

~~Businesses will only be allowed a maximum of one sandwich board sign. These signs are subject to the following conditions:~~

~~a. Notification.~~

~~Notification to the City is required prior to displaying a sandwich board sign. This notification shall include acknowledgement of the sandwich board sign requirements, list of materials used, and rendering of the sign, including the dimensions.~~

~~b. Size.~~

~~The area of the sign shall not exceed nine square feet per side in size and shall not exceed three feet in any dimension.~~

~~c. Maintenance Standards.~~

~~Signs shall be constructed out of materials able to withstand typical northwest weather. Such materials may be metal, finished wood, chalkboard, whiteboard, or plastic; signs and copy shall be of professional quality. Owners of sandwich board signs shall be required to keep their signs in a legible, intact, and well-maintained manner.~~

~~d. Display Time.~~

~~Signs may only be displayed during business hours. If business hours continue past daylight hours, precautions should be taken to place the sign in a location where it is readily visible after dark. This shall not be construed to allow the wiring of a sign for lighting.~~

~~e. Location.~~

~~Signs may be located no further than twelve feet from the entrance to the~~

business. Such signs shall not be placed in a location which is within the vision triangle or any location which will impede vehicular traffic. Further, such signs shall not be placed in a manner which will block or otherwise obstruct the safe use of sidewalks, building entrances or stairs by pedestrians, including pedestrians who are visually impaired or otherwise handicapped.

10. Garage Sale (Yard Sales, Moving Sales, Patio Sales):

No sign permit is required. Such sign shall be limited to one sign on the premises and ten off premises signs. No such sign shall exceed four square feet in sign area. Signs shall not be posted or attached to telephone poles, power poles or other public utility facilities. The sign or signs may be displayed only during the sale and must be removed the day the sale ends. The person or persons for which the sign or signs are displayed shall be responsible for its removal and subject to the penalties as provided in this code.

11.5. Seasonal Sales:

No sign permit is required. Such temporary signs may be placed upon private property only. Vendors who receive a license as defined in for seasonal or temporary sales activities (e.g. Christmas trees) are permitted one sign not to exceed twenty square feet in sign area. This sign shall be mounted to the booth or trailer used for temporary sales.

F.A. Directional Signs:

1. General Standards:

Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.

2.1. Size:

Freestanding directional signs may be up to six square foot in area and forty two inches in height. Fascia directional signs may be up to six square feet in area and eight feet in height.

3.1. Sign Features:

Direct, internal or indirect lighting is allowed. Extensions into the right of way are prohibited.

4. Directional Signs that Do Not Meet the Standards of this Subsection:

Directional signs that do not meet the standards of this subsection must meet either the standards for signs attached to buildings or the standards for freestanding signs.

G. Permanent Banners:

1. General:

Banners used as permanent signs are allowed in all zones and will be included in the total square footage of permanent signage allowed on the site. Temporary banners are regulated under subsection (G) above.

2. Standards:

Permanent banners are subject to the standards for either fascia signs or projecting signs depending on how the banner is supported or anchored.

Section 17C.240.245 Sandwich Board Signs

- A. ~~Businesses~~ Sandwich board signs shall be limited to one sign per address. will only be allowed a maximum of one sandwich board sign. These signs are subject to the following conditions:

~~1. Notification.~~

~~Notification to the City is required prior to displaying a sandwich board sign. This notification shall include acknowledgement of the sandwich board sign requirements, list of materials used, and rendering of the sign, including the dimensions.~~

~~2.1.~~ Size.

The area of the sign shall not exceed nine square feet per side in size and shall not exceed three feet in any dimension.

~~3.2.~~ Maintenance Standards.

Signs shall be constructed out of materials able to withstand typical northwest weather. Such materials may be metal, finished wood, chalkboard, whiteboard, or plastic; signs and copy shall be of professional quality. Owners of sandwich board signs shall be required to keep their signs in a legible, intact, and well-maintained manner.

~~4.3.~~ Display Time.

Signs may only be displayed during business or event hours. If business or event hours continue past daylight hours, precautions should be taken to place the sign in a location where it is readily visible after dark. This shall not be construed to allow the wiring of a sign for lighting.

~~5.4.~~ Location.

Signs may be located no further than twelve feet from ~~the entrance to~~ the business, sponsoring establishment, or event location. Such signs shall not be placed in a location which is within the vision triangle or any location which will impede vehicular traffic. Further, such signs shall not be placed in a manner which will block or otherwise obstruct the safe use of sidewalks, building entrances or stairs by pedestrians, including pedestrians who are visually impaired or otherwise handicapped.

Section 17C.240.246 Community Banners

A. Community Banners.

Such signs may be permitted and extend into the public right-of-way by permission of the city administrator or appointed representative. Such signs may only be placed at City-designated locations provided that the banner:

1. is not commercial advertising but, rather, has as its principal purpose the promotion of a civic event, public service announcement, holiday decoration, or similar community interests;
- ~~2. has been approved by the arts commission;~~
- ~~3.2.~~ complies with all applicable codes and officially adopted city policies; and
- ~~4.3.~~ does not, in the judgment of the street director, present a traffic hazard.

Section 17C.240.247 Electronic Message Center Signs

A. Electronic Message Center Signs.

Electronic message center signs are permitted subject to the limitations in Table 17C.240-4.

Table 17C 240-4 Electronic Message Center Sign Features								
Zoning Category	Maximum Allowed Sign Size by Zoning Designation: Freestanding/Wall	Electronic Message Center Sign Size	Hours of Operation	Brightness	Timing	Content	Signs Using Video Display Methods Permitted?	Flashing Signs
CC4	Wall: 15 sq. ft. Freestanding: 15 sq. ft.	Not Allowed						
RA, RSF, RTF, RMF, & RHD	Residential Use: 15 sq. ft. Institutional Use: Wall: 50 sq. ft. Freestanding: 50 sq. ft.	Not allowed for residential use. Not greater than 50% of the allowed sign size for institutional uses.	Shall be turned off between the hours of 10 pm and 6 am	[1]	[2][3]	On premises advertising only	No	No
CC1	Wall: 50 sq. ft. Freestanding: 50 sq. ft.	No greater than 50% maximum total allowable sign area	Not Limited	[1]	[2][3]	On premises advertising only	No	"
O, OR, NR [4], NMU	Wall: 50 sq. ft. Freestanding: 50 sq. ft.	No greater than 50% maximum total allowable sign area	Not Limited	[1]	[2][3]	On premises advertising only	No	"
CC2, CB	Wall: 100 sq. ft. Freestanding: 75 sq. ft.	No greater than 50% maximum total allowable sign area or 48 sq. feet. (the lesser of the two)	Not Limited	[1]	[2][3]	On premises advertising only	No	"
DTC, DTG, DTU, DTS [5] , GC, LI, HI	Wall: 250 sq. ft. Freestanding: 250 sq. ft.	No greater than 50% maximum total allowable sign area or 48 sq. feet. (the lesser of the two)	Not Limited	[1]	[2][3]	On premises advertising only	Yes	"
<u>DTC, DTG, DTU, DTS [5]</u>	<u>Wall: 250 sq. ft. Freestanding: 250 sq. ft.</u>	<u>Not Allowed</u>						

Notes:

[1] Brightness:

- Electronic message centers in all zones shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- The brightness level in all zones shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) as measured using a foot candle meter at a pre-set distance.
- Brightness measurement process for electronic message centers shall be as follows:
 - a. At least 30 minutes past sunset, use a foot candle meter to record the ambient light reading for the area. This is done while the electronic message center is off or displaying all black copy.
 - b. The reading should be taken with the meter aimed directly at the electronic message center ~~at the appropriate pre-set distance~~ and measured from a distance of 100 feet.
 - i. ~~Measurement distance criteria follows:~~
 - ~~0-100 square foot signs to be measured 100 feet from source.~~
 - ~~101-350 square foot sign to be measured 150 feet from source.~~
 - ~~351-650 square foot sign to be measured 200 feet from source.~~
 - ~~651-1000 square foot sign to be measured 250 feet from source.~~
 - c. Turn on the electronic message center to full white copy and take another reading.
 - d. If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted.
- The owners of such signs shall include a signed letter accompanying their permit application, certifying that they will comply with the prescribed brightness limitations set by this ordinance.

[2] Timing: Electronic message centers shall display static images for not less than two seconds before transitioning to another static image. Transitions may utilize frame effects but flashing signs are prohibited.

[3] Duration: An animated sign or any portion of a sign that uses a video display method shall have a minimum duration of two seconds and a maximum duration of five seconds.

[4] NR Zone Limitation: In the NR Zone, electronic message centers are allowed only on sites that have frontage on a Minor or a Principal Arterial as designated on the Official Arterial Street Map, [SMC 12.08.040](#).

[5] Downtown Zone Prohibition: Electronic message centers are prohibited in ~~CBD-1-6~~ all downtown zones. Existing electronic message center signs are nonconforming signs and are subject to the provisions of SMC 17C.240.280

Date Passed: Monday, December 19, 2011

Effective Date: Thursday, January 26, 2012

ORD C34819 Section 2

[Section 17C.240.250](#) Off-premises Signs

- A. No new off-premises signs may be constructed, on any site.
- B. Off-premises signs now in existence in any zone, [meeting the requirements of 17C.240.280](#), are ~~declared~~ [considered](#) nonconforming uses and may remain, subject to the following restrictions:
1. A nonconforming off-premises sign may not be increased in size or elevation, relocated to another site or to a new location on the same site or expanded, enlarged, or extended in any way, including, but not limited to, the addition of advertising faces or the addition of rotating faces with movable panels designed to create additional advertising, except as provided for in the public works exception below.
 2. Public Works Exception.
An ~~existing~~ [legal, non-conforming](#) off-premises sign that is allowed to remain in conformance with [SMC 17C.240.250\(B\)](#) ~~this section~~ shall be allowed to be relocated if necessitated for the accomplishment of a governmental public works project. This relocation of these off-premises signs for public works projects shall be subject to the limitations in subsections (a) through (f) below:
 - a. No increase in square footage of ~~outdoor-advertising display~~ [off-premise sign](#) copy shall be permitted. These signs shall be replaced at the same size they existed at immediately prior to relocation.
 - b. No additional ~~sign~~ [outdoor-advertising](#) faces shall be added.
 - c. No increase in height of the existing [off-premise sign](#) ~~outdoor-advertising display~~ shall be permitted except where needed to provide for minimum height clearance (from the ground to the bottom of the off-premises signs) to comply with roadway safety.
 - d. The [off-premise sign](#) ~~outdoor-advertising display~~ shall be relocated along the same roadway it was removed from in the geographical vicinity and shall comply with the Scenic Vistas Act of 1971 (chapter 47.42 RCW and chapter 468-66 WAC) if located along a state highway. [For purposes of this provision, "the same roadway" shall be construed to be the actual street upon which said sign is currently located, and shall not be construed to incorporate any parallel streets that may function together with the actual street as a couplet.](#)
 - e. The off-premise sign shall not be relocated to a site with a Center and Corridor zoning designation including CA zones, or located within an historic district, regardless of the zoning or district of the original sign location.
 - f. The relocation of the [off-premise sign](#) ~~outdoor-advertising~~ shall be subject to all current City of Spokane rules, regulations, and procedures relating to the regulation and control of ~~off-premise~~ signs, [excepting size, height, and off premise advertising limitations](#).

3. A nonconforming off-premises sign may not be structurally altered. Structural alterations mean alterations to, including replacement of, either the off-premises sign face, or the supporting structure. Normal maintenance and repair including painting, cleaning, or replacing damaged parts of the off-premises sign, shall not be considered a structural alteration.
4. Any nonconforming off-premises sign which deteriorates, is damaged, or destroyed by fire, explosion, wind, act of nature, failure to maintain, or other accidental means may be restored if the cost thereof does not exceed fifty percent of its replacement cost. Off-premises signs damaged in an amount in excess of fifty percent of replacement cost shall be removed.
5. All nonconforming off-premises signs shall be kept in good repair and maintained in a neat, clean, attractive and safe condition. Any work required to repair or maintain an off-premises sign shall be completed promptly, so long as the off-premises sign is not structurally altered, and so long as the cost of such repair and/or maintenance does not exceed fifty percent of the cost of replacing the off-premise sign.

Date Passed: Monday, June 22, 2009

Effective Date: Wednesday, August 5, 2009

ORD C34390 Section 1

Section 17C.240.260 Additional Standards for Specific Uses

- A. Bed and Breakfast Facilities.
Sites with bed and breakfast facilities must meet the sign regulations for household living.
- B. ~~Temporary Activities.~~
~~Permanent signs associated with temporary activities are prohibited. All signs associated with a temporary activity must be removed when the activity ends.~~
- C. Home Occupations.
Sites with home occupations must meet the sign regulations for household living.

Date Passed: Monday, June 22, 2009

Effective Date: Wednesday, August 5, 2009

ORD C34390 Section 1

Section 17C.240.270 Additional Standards in ~~Overlay Zones~~ Shoreline Districts

- A. General Shoreline Regulations.
 1. In addition to any restrictions and conditions in this chapter, signs in the shoreline jurisdiction are subject to special regulations as set forth in SMC 17C.240.270(A) through SMC 17C.240.270(D). These special regulations address general shoreline sign requirements and those that are specific to shoreline districts as generally represented on the shoreline districts map.
 2. The following regulations apply in all shoreline districts:
 - a. No sign may front directly on the watercourse.
 - b. No sign may be located on the water side of a street parallel and adjacent to the watercourse or any place where it would impair a vista or visual access to the water.

- c. Off-premises signs, permanent banners and roof signs are not allowed.
- d. In the shoreline natural environment or those areas identified under ~~SMC 17E.060.630~~ SMC 17E.060.620, Natural Land Forms, all signs may be prohibited at the discretion of the director, with exceptions made for wayfinding or interpretive signs giving directions to viewpoints or trails and signs describing special flora, fauna, or historical or cultural features.
- e. Directional and interpretive signs accessory to park uses shall be allowed within the shoreline buffer and may not exceed an area of twelve square feet or a height of nine feet.
- ~~f. Directional signs may not exceed an area of twelve square feet or a height of nine feet.~~
- ~~g.f.~~ Pursuant to SMC 17E.060.290 ~~280~~(R), required access signs that indicate the public's right of access and hours of access shall be installed and maintained by the property owner and shall not exceed an area of twelve square feet or a height of nine feet.
- ~~h.g.~~ Pre-existing signs are governed by the nonconforming use provisions of SMC 17C.240.280.

B. Upriver District.

- 1. Signs must be flat against the building or a variation of a flat sign, such as a "V" sign, and may not project more than eighteen inches into a required yard or public right-of-way.
- 2. No sign may exceed thirty-five feet in height above average grade along the front of the building.
- 3. Signs are subject to maximum area limitations based on lineal frontage and building size as follows:
 - a. One square foot of sign area is allowed for every lineal foot of street frontage, to a maximum sign area of twenty square feet.
 - b. On corner lots, additional signs up to one-half square foot in area are permitted for each lineal foot of frontage on the side street, to a maximum of twenty square feet of sign area.
 - c. The maximum sign area for a building over two stories is ten percent of the building facade on the principal street, to a maximum of sixty square feet.
- 4. Signs may be directly, internally, or indirectly illuminated but not animated, flashing, or rotating.
- 5. The illumination of a sign may not exceed the equivalent of:
 - a. eight hundred MA fluorescent lamps spaced on twelve-inch centers penetrating a three-sixteenths inch white Plexiglas facing, or
 - b. sixty MA neon tubing in an individual letter with no more than three tubes per letter.

C. Downtown and Campus Districts.

1. Signs must be flat against the building, or a variation of a flat sign such as a "V" sign, and may not project more than eighteen inches into a required yard or public right-of-way.
2. No sign may exceed thirty-five feet in height above average grade along the front of the building.
3. Signs are subject to maximum area limitations based on lineal frontage and building size as follows:
 - a. One square foot of sign area is allowed for every lineal foot of street frontage, to a maximum sign area of fifty square feet.
 - b. Additional signs may be allowed up to one-half square foot in area for each lineal foot of frontage measured along the side street, to a maximum of fifty square feet of sign area.
 - c. The maximum sign area for a building over two stories is ten percent of the area of the building facade on the principal street, up to a maximum sign area of one hundred fifty square feet.
4. Signs may be directly, internally, or indirectly illuminated but not animated, flashing, or rotating.
5. The illumination of a sign may not exceed the equivalent of:
 - a. eight hundred MA fluorescent lamps spaced on eight-inch centers penetrating a three-sixteenth inch Plexiglas facing material, or
 - b. sixty MA neon tubing in an individual letter with no more than four tubes per letter.

D. Great Gorge Park, Downriver, and Latah Creek Districts.

1. No sign may be illuminated, animated, flashing, or rotating.
2. Up to two signs of an area of six square feet or less each may be used to advertise the sale of products raised or grown on the premises.
3. Any Peaceful Valley commercial area is governed by regulations of the Upriver District.

Date Passed: Monday, June 22, 2009

Effective Date: Wednesday, August 5, 2009

ORD C34390 Section 1

[Section 17C.240.280](#) Nonconforming Signs

- A. Any sign legally existing prior to August 5, 2009 that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered nonconforming and may continue in such status until such time as it is removed by its owner.
- B. Regulations that Apply to All Nonconforming Signs.
 1. Sign maintenance, sign repair, and changing of permanent sign faces is allowed so long as structural alterations are not made and the sign is not increased in size. In the DTS zone, for existing signs that are sixty feet or more in height, the

replacement of the sign cabinet with a sign cabinet of equal or smaller sign area is permitted if the sign height is not more than the existing sign.

2. Permanent signs and sign structures that are moved, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right-of-way improvements may be re-established (See [SMC 17C.240.240\(B\)](#), Removal of Signs, and [SMC 17C.240.250\(B\)\(2\), Public Works Exception](#).)
3. Nonconforming temporary signs must be removed.
4. Ownership.
The status of a nonconforming sign is not affected by changes in ownership.
5. Change to a Conforming Sign.
A nonconforming sign may be altered to become conforming or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established. Unless prohibited, proposed changes that are not in conformance are subject to the adjustment process.
6. Loss of Nonconforming Sign Status.
 - a. Discontinuance.
If there is no sign face in place on a sign structure or building wall for six continuous months, the nonconforming rights are lost and a nonconforming sign may not be re-established.
 - b. Destruction.
When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards. However:
 - i. Repair and Maintenance.
A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair. In order to preserve the nonconforming sign status, the person removing the sign must inform the director, in writing, before the sign is removed. If the responsible party fails to inform the director, any re-erected sign will be considered a new sign.
 - ii. Unintentional Destruction.
When a sign or sign structure that has nonconforming elements is damaged or destroyed by fire, explosion, wind, act of nature, or other accidental means, it may [be](#) rebuilt to the same size and height using the same or similar materials, [so long as the cost of such repair and/or maintenance does not exceed fifty percent of the cost of replacing the non-conforming sign](#).

C. Documenting a Nonconforming Sign.

To document legal nonconforming status, the applicant must provide evidence to show that the sign was established prior to the effective date of this chapter or allowed when established, and that the sign has been maintained over time. If the applicant provides standard evidence from the lists below, the director will determine if the evidence is satisfactory.

1. Sign Established Before effective Date of this Chapter.
If the sign was established before the effective date of this chapter, the applicant must provide evidence to show that the sign was established before the effective date of this chapter. Standard evidence that the sign was established before the effective date of this chapter is a:
 - a. building, zoning, sign, or development permit;
 - b. date-stamped photograph of the sign at its current location.
2. Sign Maintained Over Time.
The applicant must provide evidence to show that the sign has been maintained over time. Standard evidence that the sign has been maintained over time is:
 - a. utility bills;
 - b. sign-specific property or income tax records;
 - c. business licenses;
 - d. listings in telephone, business, or Polk directories;
 - e. advertisements in dated publications;
 - f. building, sign, land use, or development permits; or
 - g. records of sign lease agreements;
 - h. tax returns or schedules.

Date Passed: Monday, July 23, 2012

Effective Date: Thursday, August 30, 2012

ORD C34888 Section 18

Section 17C.240.310 Exceptions

- A. Approval Required. An exception may be granted from the strict application of the regulations in this Chapter which apply to: (a) sign placement on a parcel or building frontage; (b) sign area; or (3) sign height, as regulated in this Chapter. An exception may not be granted to allow any prohibited signs or prohibited sign features, as described in Section 17C.240.070, or for any other purpose not listed in this subsection. The exception procedure in this Section does not apply to any street Right-of-Way Use permit or Building permit.
- B. Need for Sign Permit, Consolidation of Processing. An application for an exception may be submitted before or concurrent with the associated sign permit application. No sign permit application requiring an exception for issuance will be processed without a sign exception application unless the applicant specifically requests that the application be processed without an exception.
- C. Review Procedures. The following steps shall be followed in the processing of sign exception applications:
 1. Determination of Complete Application (Section 17G.060.090)
 2. Notice of Decision (Section 17G.060.190)
 3. Appeals (Section 17G.060.210)

D. Application Requirements. A complete sign exception application shall consist of the following:

1. Application form. A completed sign exception application, including the applicant's name, address, phone number and e-mail address. If the applicant is not the property owner, then the property owner must be identified and the application must include an affidavit from the property owner, verifying that the property owner has given permission to the applicant for the submission of the sign exception application and for the installation/posting of the sign on the property owner's property.
2. Sign Permit Application (all of the materials required by Section 17C.240.090 Sign Permit required). However, the applicant may submit an exception application without a sign permit application as provided in subsection B above.
3. A narrative report which describes the requested exception in detail. The report shall identify all of the sections of this Chapter from which the applicant is requesting the exception, as well as the nature and extent of the exception (in size, area, location on the property, height).
4. The narrative report shall also include the applicant's description of the manner in which the sign exception satisfies all of the exception criteria in subsection E below.
5. Fees. Payment of the appropriate sign exception application fee.

E. Exception Criteria for Approval. Sign exception applications shall be reviewed by the planning director to determine whether all of the following criteria are satisfied. In order to approve any sign exception, the director must make written findings to show that all of the following criteria have been met:

1. The request for an exception is due to unusual conditions pertaining to sign visibility needs for a specific building or lot; and
2. The sign will not create a hazard; and
3. The sign will not violate any state statute or any City Code provision (other than the ones identified in this Chapter relating to signs); and
4. The sign will not negatively affect adjacent property; and
5. The sign will be in keeping with the general character of the surrounding area and the granting of the exception would not result in an alteration of the essential character of the surrounding area; and
6. The proposed exception is consistent with the purposes and intent of the Zoning Code and the purposes of this Chapter; and
7. The exception is consistent with the City's Comprehensive Plan; and
8. The applicant has established that there are practical difficulties in complying with the provision(s) of this Chapter and that the proposed sign is a reasonable use of the property. (Economic considerations alone do not constitute practical difficulties.); and

9. The plight of the applicant is due to circumstances unique to the property, which were not created by the applicant or landowner; and

10. The exception will not permit any sign type or use that is not allowed in the zoning district where the affected land is located, nor will it allow any sign or sign feature prohibited under Section 17C.240.070.

F. First Amendment Exception. Where an applicant can demonstrate that the strict application of the regulations in this Chapter would violate his/her First Amendment rights, the City may grant an exception that does not conform to all of the exception criteria in subsection E above. However, the applicant shall submit an application which provides his/her response to each of the exception criteria in subsection E. The City need not make findings that all of the exception criteria have been satisfied, but if not all criteria have not been satisfied, the exception may only be granted to the extent reasonably necessary to protect the applicant's First Amendment rights. If a First Amendment exception is granted, it shall be treated as an approval of an exception for purposes of this Chapter.

G. Notice of Final Decision. A Notice of Decision incorporating the decision on the exception application shall issue not more than 120 days after issuance of the Determination of Complete Application.

H. Expiration of Exception. If the exception is approved, the sign identified in the exception must be installed within 180 days or the exception will expire. No sign may be erected if there is no sign permit for the sign, or if the exception or the sign permit has expired, even if the applicant has received associated building permits or street Right-of-Way Use permits, and the latter have not expired.

Section 17C.240.290 Bonus Allowance for Outstanding Design

~~A. General.~~

~~1. Procedures.~~

~~Land use reviews of signs are administered under the provisions of Title 17 SMC, Unified Development Code, as modified by this chapter.~~

~~2. Content neutral Administration of Land Use Reviews.~~

~~Notwithstanding any other provision of this chapter or of related standards referenced in this chapter, applications will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color or typeface and excluding any reference to message, category, subject, topic, or viewpoint.~~

~~-~~

~~Review.~~

~~A. Purpose.~~

~~A bonus allowance for outstanding design is intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area.~~

~~B. Procedures.~~

~~A request for a bonus allowance for outstanding design shall follow the procedures of chapter 17C.060 SMC, Land Use Application Procedures, for a type II permit application.~~

~~However, the approval criteria of this section are used, rather than of those of SMC 17G.060.170. In accordance with SMC 17G.060.210(B), appeal or request for reconsideration of the director's decision on a type II project permit application is to the hearing examiner as an open record appeal.~~

~~C. Approval Criteria.~~

~~A bonus allowance for outstanding design sign will be approved if the planning director finds that the applicant has shown that the criteria below are met.~~

~~1. Sign Area Bonus.~~

~~A sign area bonus may be granted if the applicant meets the criteria subsections (B)(3)(a)(i), (ii), and (iii) of this section.~~

- ~~a. The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of an overlay zone or adopted sub-area plan; and~~
- ~~b. The sign will not create a traffic or safety hazard; and~~

~~The adjustment will allow a unique sign of exceptional design or style that will: are~~

~~(A.) achieve a positive and tasteful image;~~

~~(B.) have good legibility;~~

~~(C.) exhibit technical competence and quality in design, construction, durability, and have standard details uncluttered by wires, angles, or other elements that detract from the appearance;~~

~~(D.) relate to architectural features rather than obscure or disregard building planes;~~

~~(E.) present a harmonious relationship to other graphics and street furniture in the vicinity;~~

~~(F.) be of a size that is in scale with the setting, building, or structure where located; and~~

~~(G.) avoid glare.~~

~~e. Other Code Adjustments.~~

~~Through the bonus allowance for outstanding design procedure, the planning director may allow roof signs, adjustment to maximum sign height standards of the underlying zone and electronic message center sign features. Approval of an adjustment to these standards may be granted if the applicant meets the approval criteria of subsection (B)(3)(a)(i), (ii), and (iii) of this section.~~

Date Passed: Monday, July 23, 2012

Effective Date: Thursday, August 30, 2012

ORD C34888 Section 19

~~Section 17C.240.300 Construction Provisions and Traffic Engineer Review~~

~~A. Construction Provisions.~~

- ~~1. Each sign shall be adequately constructed in accordance with the requirements of the building code, as amended.~~

~~2.—Signs containing electrical circuitry shall meet the requirements of the electrical code and all state laws, and shall include an approved testing lab sticker.~~

~~B.—Traffic Engineer Review.~~

~~All signs abutting or projecting into the public right-of-way shall be subject to review by the traffic engineer to determine that there will be no hazards created for motorists or pedestrians.~~

~~Date Passed: Monday, June 22, 2009~~

~~Effective Date: Wednesday, August 5, 2009~~

~~ORD C34390 Section 4~~

DRAFT

Sign Code Update			
Errata Sheet			
Proposed Changes Since 9/27/2017			
Draft Section	Summary of Proposed Change	Proposed Text	Commenter
17C.240.210 (B) Temporary Signs	Remove 180 day time limit	B. Removal. Temporary signs may be displayed for a period not to exceed one hundred and eighty (180) days. Any abandoned temporary sign shall be removed. Failure to remove an abandoned temporary sign shall constitute a violation of this chapter. The director of public works and utilities shall have the authority to require the removal of any abandoned temporary sign in the public right-of-way, authority over abandoned temporary signs in other locations is described in SMC 17C.240.050. The removal shall be at the cost of the sign and/or property owner.	City Council
17C.240.250 (B)(2)(e) Off-Premises Signs	Restrict relocations into areas zone NR and Residential	e. The off-premise sign shall not be relocated to a site with <u>in a Neighborhood Retail, residential, or</u> Center and Corridor zoning designation, including CA zones, or located within an historic district, regardless of the zoning or district of the original sign location.	City Council

10/5/2017

Spokane Planning Commission
City Council Chambers
808 W. Spokane Falls Blvd
Spokane, WA 99201

Thank you for taking the time to review the sign ordinance. I represent Lamar Outdoor Advertising and Lamar is in opposition to the ordinance changes, as they relate to Outdoor Advertising signs, commonly known as billboards. In the Briefing Paper that was provided by City Staff, it was stated that "staff will host a focus group with representatives from the billboard industry". Two people from the "industry" met with two staff members on September 5th, 2017. The staff presented a draft of the changes, without any input from anyone in the industry. Though there were objections to some of the changes, there have not been any alterations to the changes proposed then or now.

In Subparagraph d, of Section 17C.240.250 an additional sentence was added that should be kept out. In the formation of a Couplet, the municipality is combining two streets to accomplish what was done on one street. Traffic is being forced to divert, in order to get to the same location. By the very definition of a couplet is a couple or pair. You can't have one without the other. This in effect is combining two roadways into one.

Subparagraph e, of Section 17C.240.250 was added and needs to be kept out. In subparagraph d, it states that the relocation needs to be "in the geographical vicinity" where the sign was removed. Depending on the length of the Center and Corridor zone, the replacement could be 15-20 blocks away, or even further. This would also put the replacement in a different neighborhood, where possibly, the signage is already too much. If the sign is already in commercial zone it should be able to remain there. Billboards have been around for a long time, even in some places before the city or town was incorporated. Eliminated the replacements from a historical district is not consistent with the concept of keeping things as they were.

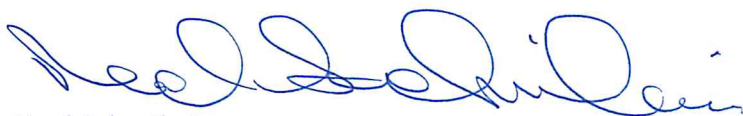
By not allowing signs to be replaced, you are restricting the property rights of a landowner, to make the decision for themselves, which also does not allow them to have some additional revenue on their property. By the very nature of having commercial property, the landowner

desires to make a profit. This profit gets put back into the community which is beneficial for everyone.

Federal Law requires just compensation for a taking. If the signs cannot be replaced, then whomever is doing the Public Works project will need to pay the sign companies for the sign, loss of revenue from the sign and also pay to the landowner, what they are losing in rental payments, currently and in the future. This can become very costly, compensation can be 10 times or more the cost of moving or replacing the sign.

Lamar's respectfully proposes for the City to consider and implement a "Cap & Replace" sign ordinance. This would put a ceiling on the number of signs that are in the City, which would cover the City's provision of no new off-premise signs. It would also allow the replacement of signs to help eliminate the need for compensation and the exception for Public Works projects. The size of the signs would not increase and some spacing requirements can be established. There are numerous cities in the United States that have a Cap & Replace style ordinance, a partial list is attached. I have also attached a copy of the City of Spokane Valley ordinance as an example.

In a letter titled, **Drafting and Enforcing Sign Codes after *Reed v Town of Gilbert***, Professor Alan Weinstein, of Cleveland State University's Cleveland-Marshall College of Law and Maxine Goodman Levin College of Urban Affairs, gives this advice in the final sentence; In light of these uncertainties, arguably the best course for cities is to err on the side of allowing for less restrictive, rather than more restrictive, sign regulations until the courts provide more guidance on the above questions and others that are certain to be raised.



Neal Schreibeis
Real Estate Director

Cap & Replace Municipalities

Albany, NY

Albuquerque, TX

Boise, ID

Bossier City, LA

Cedar Rapids, IA

Cheyenne, WY

Cincinnati, OH

Colorado Springs, CO

Daytona Beach, FL

El Paso County, CO

El Paso, TX

Escambia, County, FL

Green Bay, WI

Gretna, LA

Killeen, TX

Lincoln, NE

Montgomery, AL

New Orleans, LA

Northport, AL

Norwalk, CT

Omaha, NE

Philadelphia, PA

Rapid City, SD

Shreveport, LA

Spokane Valley, WA

Tallahassee, FL

Temple, TX

Tuscaloosa, AL

Waco, TX

Spokane Valley Municipal Code

22.110.130 Billboards. SHARE

A. New billboards shall be prohibited; provided, however, that existing billboards may be replaced at another location with a structure and copy area of equal or smaller size in mixed use and nonresidential zoning districts except (NC) Neighborhood Commercial zoning districts as follows:

1. Replacement billboards shall not exceed the height limit in the underlying zoning district, with a maximum height limit of 50 feet in any zone;
2. No replacement billboard shall exceed 672 square feet in copy area;
3. Any replacement billboard may not be placed less than five feet from the property line. No portion of the sign shall extend beyond the property line;
4. No billboard may be located within 1,000 feet of another billboard on the same side of the street. Any replacement billboard shall be offset from any billboard on the opposite side of the street by not less than 250 feet. Offset distance shall be measured from a point perpendicular to and along the alignment of the roadway;
5. The owner of the billboard shall file a complete inventory of all billboards located within the City, including date erected, height, size and location;
6. Issuance of a permit for billboard replacement shall be accompanied by a permit for the destruction or removal of the billboard to be replaced; and
7. Any billboard that is not replaced within five years following the issuance of a demolition/removal permit shall not be replaced.

B. Replacement billboards shall not be permitted along designated aesthetic corridors. (Ord. 13-010 § 3, 2013; Ord. 07-015 § 4, 2007).