



Spokane Plan Commission Agenda

November 8th, 2017

2:00 PM to 4:00PM

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 the October 25, 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:

| | | |
|----------------------|--|-------------------------|
| 2:15-3:00 | 1) Infill Code Revision Workshop | Nathan Gwinn |
| 3:00-3:30 | 2) Historic Preservation Ordinance Revision | Lori Kinnear |
| 3:00-3:30 | 3) Code Cleanup (amendments related to sign code) | Amy Mullerleile |

Adjournment:

Next Plan Commission meeting will be on December 13, 2017 at 2:00 pm

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

Username: COS Guest

Password: 4nvA64du

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or msteinfolson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Spokane Plan Commission

October 25, 2017

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

Workshop Attendance:

- Commission Members Present: Michael Baker, Christopher Batten, John Dietzman, Carole Shook, Sylvia St.Clair, Todd Beyreuther, Dennis Dellwo, Christy Jeffers, Patricia Kienholz, Community Assembly Liaison Greg Francis
- Commission Members Absent: Jacob Brooks, City Council Liaison Lori Kinnear
- Staff Members Present: Lisa Key, Darcie Jernberg, Kelly Doty

Public Comment:

- None

Briefing Session:

1. A motion was made by Kristy Jeffers to accept the October 11, 2017 meeting minutes. Christopher Batten seconded the motion. The October 11, 2017 meeting minutes approved unanimously.
2. City Council Report- Lori Kinnear-
 - Lori Kinnear was absent; no report.
3. Community Assembly Liaison Report - Greg Francis
 - No meeting to report on
4. President Report-
 - Dennis Dellwo took a vote to ratify the Findings of Facts, Conclusions and Recommendation for the Proposed Amendments to the Spokane Municipal Code, Chapter 17C.240 Signs; as recommended for approval by the Commission at the October 11, 2017 Sign Code Hearing. The vote to ratify the Findings of Facts was unanimous.
5. Transportation Sub-committee Report -John Dietzman
 - The Transportation Subcommittee met on October 3rd. Pedestrian street standards was the main focus.
 - A presentation was given on the Snow Plan for 2017-2018.
 - New and more equipment will be used for snow removal, along with use of a drop gate to help to eliminate berms on driveways.
 - Code Enforcement will be doing active enforcement related to parking and sidewalk clearing, instead of just complaint driven enforcement
 - A possible Public Works abatement order will allow the City to clear the sidewalks for a charge to the residents or property owner, possibly along safe-routes-to-school.
 - Dump Trucks will be used to haul snow away instead of creating berms and piling snow.
 - The Citizens Transportation Advisory Board (CTAB) discussed a plan to shift money from Arterial Maintenance to Road Maintenance and use the Levy for Arterial Maintenance.
 - The Transportation Benefit District (TBD) dollars may also be used to fund Arterial Maintenance. This will be decided upon by City Council.
 - The Next meeting will be November 1, 2017.
6. Secretary Report- Lisa Key
 - Passed out the Agenda Management Tool
 - No meeting on November 22nd or December 27th.
 - December 13th there are three tentative hearings scheduled. DTC-100 Building Heights, Code clean-up of Sign Code, and the second set of Infill revisions.
 - Upcoming events:

- Infill Open house - November 2nd at the West Central Community Center from 4:00-6:00pm focusing on the first round of infill code amendments.
- The Plan Commission Transportation Subcommittee Meeting is on November 7th at 9am. The agenda items will be focusing on Street Standard Updates and Impact Fees

Workshops:

Rick Romero with the Mayor's Office presented on the One Voice Joint Strategic Plan

- A hand out was distributed showing the alignment of the Strategic Plan with the Comprehensive Plan
- Presentation and overview given
- Questions asked and answered
- Discussion ensued

Amy Muelerlie with the City of Spokane Planning Services Department presented proposed additional amendments to the SMC as a result of proposed changes to the Sign Code. The proposed changes will be applied citywide and have a corresponding impact. Staff is requesting Plan Commission's comments and feedback on the proposed changes. A public hearing with the Plan Commission is scheduled for December 13, 2017.

- Presentation and overview given
- Questions asked and answered
- Discussion ensued

Nathan Gwinn with the City of Spokane Planning Services Department presented proposed Infill Code Revisions on Cottage Housing and Pocket Residential Code Amendments.

- Presentation and overview given
- Questions asked and answered
- Discussion ensued

Meeting Adjourned at 4:12 P.M.



PLANNING & DEVELOPMENT
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3329
509.625.6300
FAX 509.625.6013
WWW.SPOKANEPLANNING.ORG
WWW.BUILDINGSPOKANE.ORG

November 1, 2017

TO: City Plan Commission
FROM: Nathan Gwinn, Assistant Planner
RE: Infill Code Revisions - Cottage Housing and Pocket Residential Code Amendments
Key Topics for Continued Discussion on November 8

The November 8 workshop will review the following topics in the attached ordinance draft, dated October 27, 2017. This is the last scheduled workshop before the Plan Commission Public Hearing which is tentatively scheduled to occur December 13, 2017. Written and public testimony will be taken at the public hearing.

| | SMC Section | Page# |
|--|---------------------------|-------------|
| <ul style="list-style-type: none">• Compact Lot Standards | 17C.110.200 | 8-11 |
| The proposal is to apply the smaller standards of Residential Single-Family-Compact (RSF-C) to development near centers without a rezone. Footnotes [2], [4], and [11] of Table 17C.110-3, which is in section 17C.110.200, refer to locations defined in the new section 17C.110.209. | 17C.110.209 | 12 |
| The discussion will include information about preferences by attendees at the open house November 2, 2017. | | |
| <ul style="list-style-type: none">• Cottage Housing | 17C.110.350 | |
| Items for Plan Commission feedback: | | |
| ○ Should a greater density bonus be granted for units with smaller floor area (tiny homes), with provision of a community building/clubhouse? | (D)(3)(a) | 18 |
| ○ Should height be limited on buildings with footprints of 1,000 sq. ft. or less, in order to address such concerns as “skinny” houses and view impacts in back yards adjacent to new cottage development? | (D)(4) | 19 |
| ○ Should the code specify no chain link fences in cottage developments? | (D)(8)(c) | 22 |
| ○ Do design guidelines that address landscaping and structural form/mass help assure a transition to the surrounding development and ensure compatibility? | (E)(2)(a-i), (E)(5)(a) | 26-27 28 |
| ○ Anticipating required tracking in the case of development in subdivisions, if units are built at different times, should the City continue to regulate variety in placement of cottage housing units that repeat the same combinations of architectural elements? | (E)(5)(d) | 29 |
| <ul style="list-style-type: none">• Additional Public Outreach Opportunities | | |
| ○ Virtual open house – Early November 2017 (Date TBD) | | |
| ○ Plan Commission hearing (tentative) – December 13, 2017 | | |
| ○ City Council hearing (tentative) – January 2018 | | |

For more information, please see the project webpage:

<https://my.spokanecity.org/projects/infill-housing-strategies-infill-development/>

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 | 30 |
| 17C.230.130 Parking Exceptions | 40 |
| 17G.080.065 Unit Lot Subdivision | 44 |

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

17A.020.010 “A” Definitions

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

17A.020.030 “C” Definitions

AQ. **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 or may not 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.
4. The types of units allowed in cottage housing developments are detached cottages, attached unit homes and carriage units. For the purposes of SMC 17C.110.350, the definitions of these types are:
 - a. Cottage. A detached, single-family residential building.



b. Attached Unit Home. A structure containing two dwelling units designed to look like a single-family home.



c. Carriage Unit. A single-family dwelling unit located above a garage structure.



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

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

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>N</u> CU | <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 |
| 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. |

| Compact Lot Standards [2] | | | | | | |
|------------------------------|---|--|---|--|-------------------|-------------------|
| Minimum Lot Area [3] | | 3,000 sq. ft. | | | | |
| Minimum Lot Width | | 36 ft. | | | | |
| Minimum Lot Depth | | 80 ft. | | | | |
| Minimum Front Lot Line | | 30 ft. | | | | |
| 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.

This section allows for development of sites one and a half acres or less for the purpose of compact residential development. It is the intent of these standards 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.

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.

B. Applicability.

The compact lot development standards apply for the housing types allowed in Table 17C.110-2 on sites defined in SMC 17C.110.209(B)(1) below 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 developments meeting the size requirements of subsection (3) below and located:
 - a. At least partially within one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay; or
 - b. On a lot that is a transitional site as described in SMC 17C.110.330.

The text of (1)(a) and (b) above extends the smaller lot size and dimensions in Table 17C.110-3 within one quarter mile of CC zones, and to sites next to zoning districts with higher density zones; these are currently only available by RSF-C rezone.

2. To determine eligibility of a site, the distance in subsection (1)(a) above is measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.

3. The maximum 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:

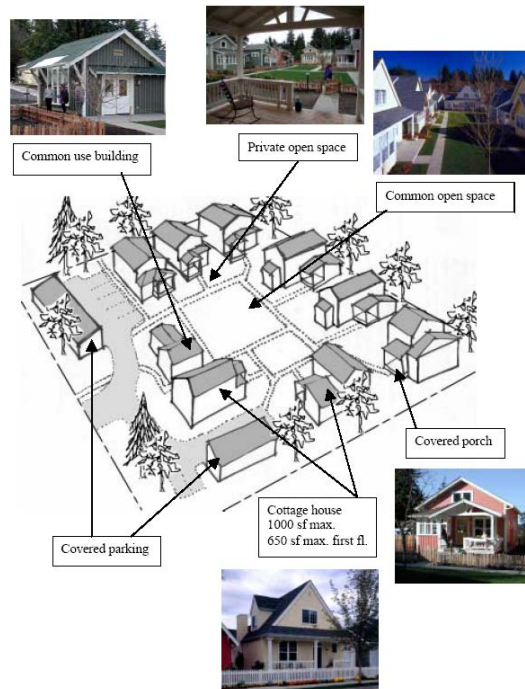
1. ~~support~~ Support the diversity of housing, choices citywide by providing a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single-person households); increases the variety of housing types for smaller households and provides the opportunity for small, detached single-family dwelling units within existing neighborhoods.

2. Require specific design standards on the perimeter of the development to improve compatibility with the surrounding neighborhood;

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

4. Provide opportunities for ownership of small, detached and attached single-family housing types clustered around a centrally located, functional common open space that fosters a sense of community; and

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



B. Qualifying Situations.

Cottage housing developments are allowed in the RA through RTF zones 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. When cottage housing development involves subdivision of land, the permit application shall be processed concurrently with a Type II or Type III application for subdivision in accordance with the procedures of SMC 17G.080.065, Alternative

Residential Subdivisions. If processed concurrently with a subdivision of greater than nine lots, the permit application shall be processed concurrently with the Type III subdivision application. 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 requiredfor consistency with this chapter.

Note: Currently cottage housing does not allow subdivision. The text above would allow small lot subdivision.

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 permit application 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, and private open space landscaping for those units, shall be completed in accordance with the approved landscaping plans. Occupancy of the last fifty percent shall be contingent upon the completion of all site landscaping.

- 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">TABLE 17C.110.350-1 COTTAGE HOUSING SITE DEVELOPMENT STANDARDS</p> | |
|--|--|
| STANDARD | SITE REQUIREMENTS |
| <u>Cluster Size</u> | <u>4 or more units</u> |
| <u>Maximum Floor Area [1]</u> | <u>Detached 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>Density Bonus [2]</u> | <u>120 percent of density allowed in the underlying zone</u> |
| <u>Maximum wall height for Cottage Housing Units [3]</u> | <u>20 ft.</u> |
| <u>Maximum height for buildings with minimum roof slope of 6:12 [4]</u> | <u>30 ft.</u> |
| <u>Minimum common open space per unit [5]</u> | <u>300 sq. ft.</u> |
| <u>Minimum private open space per unit [6]</u> | <u>200 sq. ft.</u> |
| <u>Common Open Space Setback [7]</u> | <u>10 ft.</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) [8]</u> | <u>10 ft.</u> |
| <p><u>Notes:</u> <u>[1] See SMC 17C.110.350(D)(2) for limitation on total unit floor area and exclusions for below-grade basements and other spaces from floor area calculation.</u> <u>[2] See SMC 17C.110.350(D)(3)</u> <u>[3] The height of the lowest point of the roof structure intersects with the outside plane of the wall. See SMC 17C.110.350(D)(4)</u> <u>[4] All parts of the roof above 20 ft. shall be pitched with a minimum roof slope of 6:12.</u> <u>[5] No dimension of the common open space shall be less than 20 ft. See SMC 17C.110.350(D)(5)</u> <u>[6] No dimension of the private open space shall be less than 10 ft. See SMC 17C.110.350(D)(6)</u> <u>[7] Porches or patios are allowed up to 6 ft. within this setback.</u> <u>[8] See SMC 17C.110.350(D)(7) for exceptions.</u></p> | |

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 SMC 17C.110.350(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.

~~dc. Exclusions from Total Floor Area Calculation.~~

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

~~i. Unheated storage space located under the main floor of the cottage~~Below-grade basement;

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 five 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 development where all units are 500 sf or less and detached, as long as a shared community facility is provided for the use of the residents.]

~~b. To calculate the permitted density, divide the lot area by the minimum lot size of the base zone, and then multiply that number by 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.

c. The following formula is used to determine the maximum number of units allowed on the site:

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by maximum density from Table 17C.110-3;

To achieve the density bonus, multiply by 1.2;

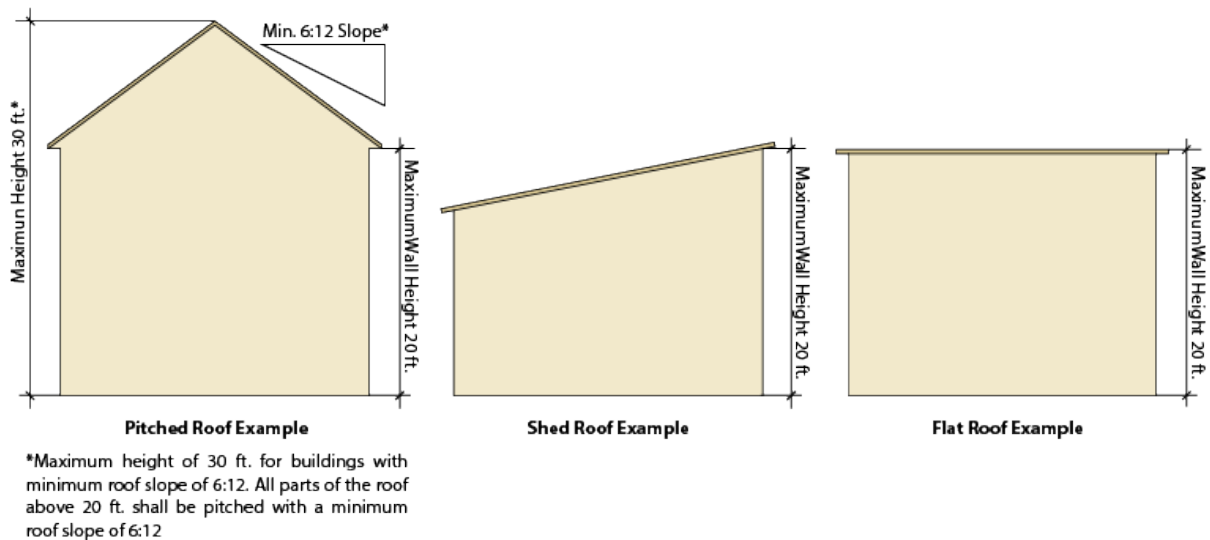
Equals maximum number of units allowed. If this formula results in a decimal fraction, the resulting maximum number of units allowed is rounded to the next whole number. Decimal fractions of five tenths or greater are rounded up. Fractions less than five tenths are rounded down.

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.



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 fiftythree hundred~~ square feet per cottage housing unit. Open space with a any 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.

~~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 altered and moved to the Procedures section, in paragraph (C)(4) above.

c. 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)(d) 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 open space and landscaping design standards and guidelines; and

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

d. 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 shall be provided for each cottage housing unit, which may include porches or balconies. Open space with any dimension of less than ten feet shall not be included in the calculated private open space. 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 paragraph (b) below.

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

i. Eaves may extend up to ~~twelve~~ twenty-four inches.

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

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

~~bc.~~ 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 be fifteen feet.

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

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



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

c. 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 L2 see-through buffer in SMC 17C.200.030, Landscape Types.
- iii. 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.
- iv. 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 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 five hundred square feet.

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. 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.
- b. Direct pedestrian access should be provided to adjacent, publicly accessible parks, open space, and trails, transit, rideshare, and bicycle storage facilities, where feasible.
- c. Pedestrian walkways shall be separated from structures by at least three feet.
- d. Pathways in common open space and other shared areas of the development must be at least five 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.
- b. Retained existing structures will be counted in calculating density and building coverage on the site.
- c. Existing structures 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.

13. Community Buildings.

- a. Community buildings are permitted as accessory structures in cottage developments, and shall not contain a dwelling unit.
- b. Community buildings shall be located within the cottage housing development.
- c. Community buildings shall be clearly incidental in use to the dwelling units.

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 preceding sentence is moved to (E)(5)(d), 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.~~

~~c.i. 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.~~

nvi. 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. (R)

e. Attached unit homes abutting public streets shall be designed to appear like a detached single-family home, with only one entry per building face/elevation. 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. 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)

2. Open Space and Landscaping.

a. A planting strip five feet in width shall be provided along exterior rear and side property lines consistent with L2 see-through buffer landscape standard of SMC 17C.200.030. (R)

b. 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)

c. 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)

- d. Generous use of planting materials and landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged, consistent with L3 open area landscaping standard of SMC 17C.200.030. (R)

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).

- e. 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)
- f. 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)
- g. No more than one driveway per cottage cluster should be permitted, except along an alley or where clusters front onto more than one street. (P)
- h. Landscaping and trees should be used to achieve compatibility in areas where these are unifying elements of community character. (C)
- i. 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 (i)(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. 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.

5. Variety in Design and Architectural Features.

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

2.c. Modulation and Articulation.

- i. 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-reducing~~ the apparent appearance of mass and scale of the buildings. ~~The use of these techniques shall be varied between adjacent buildings.~~ (P)

ii. Attached units 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)

- ~~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.

d. 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.

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

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

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

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 RTF zone a community meeting with the Planning Department and the neighborhood is required 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.

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. The parent site shall have a minimum of twenty-four feet of frontage on a public street.~~
- 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



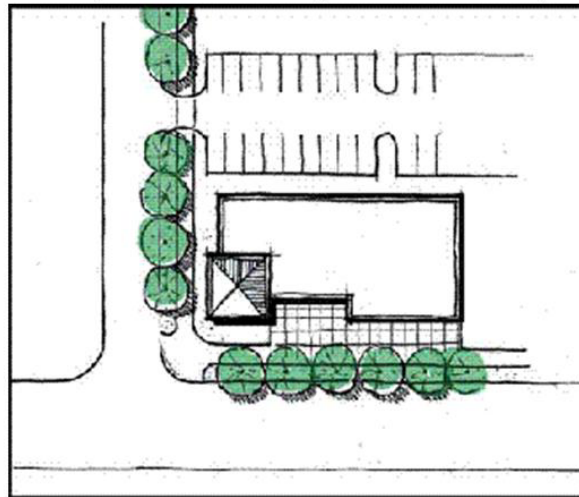
2. Parking Lots.

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. landscape type L2 see-through buffer in SMC 17C.200.030, Landscape Types.~~ 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.

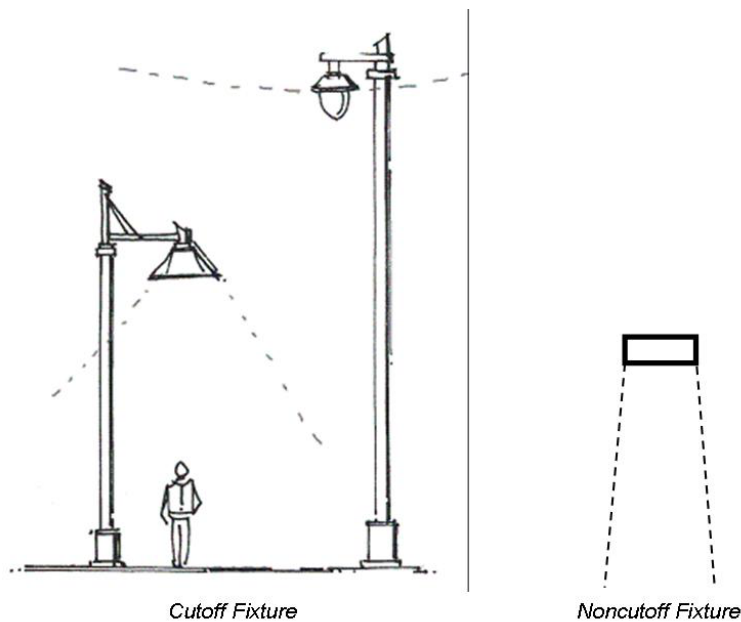
Planting Material Screen



Example of Surface Parking Screened from Street

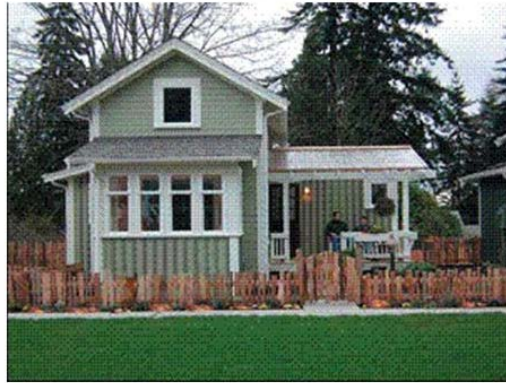


- c. Paving: All surface parking shall be improved in accordance with the standards of SMC 17C.230.140.
- 3. Lighting.
To diminish the amount of glare and spillover from lighting, the following standards shall apply:
 - a. Intensity: Exterior lighting fixtures shall not exceed one foot-candle in intensity.
 - 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, consistent with L3 open area landscaping standard of SMC 17C.200.030.(PR)

- 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. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent ~~lot~~ site;
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. 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) 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.

7. 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. Separation requirements for utilities must be met. 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.

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, 08.02.065, and 03.01A.320; and enacting a new section 07.08.151 of the Spokane Municipal Code.

WHEREAS, Spokane is rich in history, including a large number of historic buildings and structures throughout the city, all of which help ensure our city is distinctive, attractive, and vibrant; and

WHEREAS, a strong set of historic preservation protections are therefore necessary to implement our comprehensive plan so that we can fulfill our goal to “[r]ecognize and preserve unique or outstanding landmark structures, buildings, and sites” (Comprehensive Plan Goal DP 1.1); and

WHEREAS, the comprehensive plan requires that the city “[u]tilize design guidelines and criteria for sub-areas and historic districts that are based on local community participation and the particular character and development issues of each sub-area or historic district” (Goal DP 2.7); and

WHEREAS, the city will “[e]stablish historic preservation as a high priority within city programs” (Goal DP 3.1), “[i]dentify historic resources to guide decision making in planning” (Goal DP 3.3) and “[m]aintain and utilize the expertise of the Landmarks Commission in decision making by the City Council, City Plan Commission, City Parks Board, and other city agencies in matters of historic preservation” (Goal DP 3.5), all of which are accomplished by this historic preservation code update; and

WHEREAS, the city seeks to “[p]rovide incentives to property owners to encourage historic preservation” (Goal DP 3.9) and “[a]ssist and cooperate with owners of historic properties to identify, recognize, and plan for the use of their property to ensure compatibility with preservation objectives” (Goal DP 3.11) as well as “[e]ncourage the deconstruction and reuse of historic materials and features when historic buildings are demolished.” (Goal DP 3.12); and

WHEREAS, because our neighborhoods are one of our finest assets, the city strives to “[a]ssist neighborhoods and other potential historic districts to identify, recognize, and highlight their social and economic origins and promote the preservation of their historic heritage, cultural resources, and built environment.” (Goal DP 3.13); and

WHEREAS, protecting historic landmarks and historic districts implements our recently-established strategic planning goals by increasing our social capital, building on the strengths of our neighborhoods and urban experience, strongly supporting our cultural heritage and fabric and, most importantly, extending our own distinctive urban

advantage and experience, by “[p]romoting significant growth that connects people to place and builds upon cultural, historic, and natural resource assets”; and

WHEREAS, the City of Spokane’s historic preservation ordinance is in need of amendment to clarify and update the protections for historic properties and districts, as shown by the experiences of the community and the historic landmarks commission in recent years, particularly with respect to the process for establishing historic districts; and

WHEREAS, the City Council intends to update the historic preservation ordinance to provide more tools to the landmarks commission and the historic preservation officer so that we can more effectively protect our historic properties, districts, and neighborhoods, while protecting property rights and enabling new development in ways and locations that implement our comprehensive and strategic plans.

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. Upon receipt of an application for designation of a property from a non-owner of the property, the HPO must immediately transmit the application to the property owner.
- C. 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.
- D. 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.
- E. 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, within ten days of the execution of the findings of fact set forth in SMC 17D.100.050. 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. For purposes of this requirement, "owners of property" includes owners of units within a condominium association.
- 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, and a notice of the management agreement shall be recorded. 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.100.200 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);
 - 2. Relocation of an historic landmark or a contributing 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. Any application for an action which requires a certificate of appropriateness under this chapter or which may be within the scope of agreed management standards under this chapter must meet minimum submittal requirements established by the HPO. Prior to taking action on the application, 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 or a contributing building located within a local historic district shall be processed or issued until the commission issues a certificate of appropriateness for the proposed action. A building permit for a replacement structure under this section may not 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 or a contributing building located within a local historic district, 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. salvage of any historically significant artifacts or fixtures, determined in consultation with the HPO prior to demolition;
 4. if no replacement structure is constructed on the site within six (6) 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;
 5. abatement of any hazardous substances on the property prior to demolition;
 6. requirement for dust control during the demolition process; and

7. that the certificate of appropriateness for demolition of the building is valid for three (3) 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 or greater than 60% of that of the landmark structure to be demolished. The square footage of the footprint may be reduced:
 1. to accommodate an area intended for public benefit, such as public green space and/or public art;
 2. 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
 3. if 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 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 thirty (30) 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:

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. salvage of any historically significant artifacts or fixtures, determined in consultation with the HPO prior to demolition;
4. if construction on a replacement structure is not commenced on the site within six (6) 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;
5. abatement of any hazardous substances on the property prior to demolition;
6. requirement for dust control during the demolition process; and
7. 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.

B. For purposes of this section, fair market value is established an appraisal of the property conducted by a Washington state certified real estate appraiser.

C. The commission shall create a subcommittee to make recommendations to the full commission concerning economic hardship determinations. Such subcommittee shall composed of at least two members of the commission and

such other subject matter experts (such as architects, real estate developers, contractors, and the like) as the commission requires in order to fully and fairly evaluate requests for economic hardship determinations.

- D. 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 established pursuant to this section that maintaining and rehabilitating the historic structure would impose an economic hardship on the property owner.
- E. The commission may issue a determination of economic hardship if, based on the recommendation of the subcommittee formed pursuant to this section, (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; or (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, each of which must be addressed by the subcommittee's recommendation:
 - 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 chosen from a pre-approved list maintained by the HPO as to the structural soundness of the building under consideration;
 - 3. a 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.

E. The owner of a property listed on the Spokane historic register may request an advance determination that the property qualifies for an economic hardship exemption for purposes of eventual demolition or marketing of the property for sale or refinance with certainty of the property's status. To do so, the owner may make a written request to the HPO, upon the receipt of which, the HPO shall transmit the request and any supporting documentation to the commission for its convening of the subcommittee established by SMC 17D.100.240(C). Upon receipt of the subcommittee's recommendation, the commission shall hold an economic hardship hearing, at which it shall take testimony from the owner or the owner's representative, and shall make findings upon the application, the subcommittee recommendation, and the property owner's testimony. The

commission's findings shall be binding and conclusive upon the property owner, the city, and to third parties including but not limited to prospective purchasers and lenders.

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 17D.100.400 Enforcement; Violations; Penalty

- A. This chapter shall be enforced by the HPO under the city's civil infraction system, pursuant to chapter 01.05 SMC. The HPO is the "code enforcement officer" as designated by SMC 01.05.020(B).
- B. A violation of SMC 17D.100.200-17D.100.230 is a class 1 civil infraction.
- C. Pursuant to SMC 01.02.950(A), the HPO may refer violations or imminent violations of this chapter to the city attorney for actions in Superior Court seeking declaratory or injunctive relief.

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.

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 and contributing buildings within an historic district or located within the Downtown Boundary Area: 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 | 631.00 plus 25.00 for each |

| | |
|------|---------------------|
| more | 10,000 over 100,000 |
|------|---------------------|

- 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 |

- Failure to obtain a grading permit is a class one infraction under SMC 1.05.150.
- The processing fee is twenty-five dollars.

G. Sign Permits.

- Sign permit fees are:
 - thirty dollars for each wall sign, projecting sign and incidental sign;
or
 - seventy-five dollars for each pole sign, including billboards and off-premises signs.
- 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.
- The planning services review fee is fifty dollars for all signs.
- 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 or a contributing building located 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 section 03.01A.320 of the Spokane Municipal Code is amended to read as follows:

Section 03.01A.320 Historic Preservation

The office of historic preservation shall be directed by the historic preservation officer (HPO), who shall ((serves)) shall serve as staff to the historic landmarks commission established in chapter 04.35, SMC, providing:

- A. current inventories of historic places;
- B. technical information on the proper preparation and processing of nominations to historic registers;
- C. design review for Spokane Register properties;
- D. assistance to applicants in the preparation of documentation for special valuation;
- E. technical assistance to City departments on projects impacting historic resources;
- F. review of projects for impacts on historic properties, including Section 106 review;
- G. technical information and referral regarding rehabilitation/restoration of local historic properties, as well as information pertaining to tax incentives for historic preservation.

Section 7. 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

BRIEFING PAPER
City of Spokane
Plan Commission
November 8, 2017

Subject

Updates to the SMC as a result of proposed changes to the Sign Code.

Background

Staff began working on updates to the City's sign code in May 2017. Three workshops were held with the Plan Commission on June 14, September 13, and September 27 and a public hearing was held on October 11, 2017. Within that time frame, public outreach was conducted and a SEPA determination of non-significance was issued. The Plan Commission unanimously recommended the City Council adopt the changes proposed at the hearing.

As a result of those changes to the City's sign code, several housekeeping changes were needed in other parts of the SMC. The proposed changes impact chapters 17A.020 – Definitions, 17C.340.110 – Home Occupation Development Standards, and 17C.370.030 - Existing Neighborhood Commercial Structures in Residential Zones.

As discussed in the workshops, the current organization of sign related definitions is confusing, with some terms being listed under specific letters and others being listed under "S" for sign. For example interpretative signs are listed under 17A.020.090 – "I" Definitions while animated sign is listed under 17A.020.190 "S" Definitions. Because these definitions are particular to the sign code and it is common practice for these definitions to be included in the chapter, staff has recommended incorporating all sign related definitions into the sign code chapter. The changes proposed today provide a reference in the definitions chapter to where the term can be found in the sign code chapter.

The current sign code, under Section 17C.240.260(C), states that "sites with home occupations must meet the sign regulations for household living." However, Section 17C.340.110 (E) of the Home Occupation chapter provides conflicting signage standards. Staff is recommending that the standards listed in the sign code chapter be applied.

The recently updated Existing Neighborhood Commercial Structures in Residential Zones chapter provides that signage for projects regulated under that chapter shall comply with the signage standards listed for the CC4 zone. Staff is recommending this provision be changed so that projects will comply with the signage standards listed in table 17C.240-1 – Standards for Permanent Signs in Residential Zones. These standards are similar to those for CC4 zones but

provides for an additional 5 feet of height and slightly more flexibility under certain circumstances.

Impact

The proposed changes will be applied citywide and have a corresponding impact.

Action

Staff is requesting Plan Commission's comments and feedback on the proposed changes. A public hearing with the Plan Commission is scheduled for December 13, 2017.

Funding

Not applicable.

Section 17A.020.010 "A" Definitions

A. Abandoned Sign Structure.

~~A sign structure where no sign has been in place for a continuous period of at least six months.~~
See SMC 17C.240.015

Section 17A.020.020 "B" Definitions

A. Backed Sign.

~~A sign where the faces of the sign are parallel or within twenty degrees of parallel to each other.~~
See SMC 17C.240.015

B. Balloon Sign.

~~A sign that is blown up with air or gas.~~ See SMC 17C.240.015

F. Banner.

~~A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind. See also Flag.~~ See SMC 17C.240.015

Section 17A.020.030 "C" Definitions

Y. 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.~~ See SMC 17C.240.015

PP. 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~~ See SMC 17C.240.015

Section 17A.020.040 "D" Definitions

Z. Directional Sign.

~~A sign exclusively limited to guiding the circulation of motorists or pedestrians on the site.~~ See SMC 17C.240.015.

Section 17A.020.050 "E" Definitions

H. Electric Sign.

~~Any sign containing electrical wiring, lighting, or other electrical components, but not including signs illuminated by a detached exterior light source.~~ [See SMC 17C.240.015.](#)

Section 17A.020.060 "F" Definitions

A. Facade.

~~All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.~~ [See SMC 17C.240.015.](#)

F. 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.~~ [See SMC 17C.240.015.](#)

M. Flag.

~~A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also "Banner."~~ [See SMC 17C.240.015.](#)

X. Freestanding Sign.

~~A sign on a frame, pole, or other support structure that is not attached to any building.~~ [See SMC 17C.240.015.](#)

Section 17A.020.090 "I" Definitions

Q. Interpretive Signs.

~~A sign that identifies historic buildings or sites where important events occurred or which serve educational, cultural, historical, or scientific purposes.~~ [See SMC 17C.240.015.](#)

Section 17A.020.130 "M" Definitions

E. Marquee Sign.

~~A sign incorporated into or attached to a marquee or permanent canopy.~~ [See SMC 17C.240.015.](#)

R. 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.~~ [See SMC 17C.240.015.](#)

Section 17A.020.140 "N" Definitions

P. 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.~~ [See SMC 17C.240.015.](#)

Section 17A.020.160 "P" Definitions

A. Painted Wall Highlights.

~~Painted areas that highlight a building's architectural or structural features and that do not convey a message or image.~~ [See SMC 17C.240.015.](#)

B. Painted Wall Sign.

~~A sign applied to a building wall with paint or a thin layer of vinyl, paper, or similar material adhered directly to the building surface and that has no sign structure.~~ [See SMC 17C.240.015.](#)

J. 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.~~ [See SMC 17C.240.015.](#)

O. Permanent Sign.

~~Any sign not classified as a temporary sign.~~ [See SMC 17C.240.015.](#)

AU. 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.~~ [See SMC 17C.240.015.](#)

Section 17A.020.190 "S" Definitions

A. 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.~~ [See SMC 17C.240.015.](#)

A. Sign.

~~1. Materials placed or constructed or light projected, but not including any lawful display of merchandise, that:~~

~~a. Conveys a message or image, and~~

~~b. Is used to inform or attract the attention of the public~~

~~2.—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.~~

~~3.1. The scope of the term sign does not depend on the content of the message or image conveyed. [See SMC 17C.240.015.](#)~~

B. Sign – Animated Sign.

~~A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene. [See SMC 17C.240.015.](#)~~

C. Sign – 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. [See SMC 17C.240.015.](#)~~

D. Sign Face.

~~The portion of a sign which contains lettering, logo, trademark, or other graphic representations. (See [SMC 17C.240.140](#), Sign Face Area.) [See SMC 17C.240.015.](#)~~

E. Sign – Flashing Sign.

~~1.—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.~~

~~2.—Time and temperature signs are excluded from this definition.~~

~~3.1. For the purpose of this title, electronic message centers consistent with the standards of [SMC 17C.240.240\(J\)](#) shall not be considered flashing signs. [See SMC 17C.240.015.](#)~~

F. Sign Maintenance.

~~Normal care needed to keep a sign functional, such as cleaning, painting, oiling, and changing of light bulbs. [See SMC 17C.240.015.](#)~~

G. Sign – Off-premises.

~~A sign relating, through its message and content, to a business activity, use, product, or service not available on the premises upon which the sign is erected. [See SMC 17C.240.015.](#)~~

H. 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. [See SMC 17C.240.015.](#)~~

I. Sign Structure.

~~A structure specifically intended for supporting or containing a sign. [See SMC 17C.240.015.](#)~~

A. Special Event Sign.

~~A temporary sign used to announce a circus, a carnival, festivals, or other similar events. See [SMC 17C.240.015](#).~~

J. 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.~~1. 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. [See SMC 17C.240.015](#).

[Title 17C](#) Land Use Standards

[Chapter 17C.340](#) Home Occupations

[Section 17C.340.110](#) Development Standards

Structural alteration to accommodate the occupation is not permitted:

- A. unless required by code, a separate outside access to the area devoted to the occupation is not permitted;
- B. the occupation, including storage, does not occupy more than twenty-five percent of the residence's finished floor area, nor in any case more than two hundred square feet;
- C. the occupation does not occupy any accessory structure, including an attached garage;
- D. the number of persons engaged in the home occupation may not exceed two persons. This may consist of either one family member and one nonfamily member or two family members;
- E. [the sign standards are stated in chapter 17C.240 SMC, Signs.](#)~~there is no commercial advertising, except that there may be one nonilluminated sign, up to three square foot in area, bearing the name and occupation of the occupant, placed flat against the building;~~
- F. There is no window or outdoor display.
- G. Any stock of goods has been produced on the premises.
- H. No use is made of equipment or material that produces vibration, noise, dust, smoke, odor, or electrical interference to the detriment of surrounding residences.
- I. There are no deliveries or shipments to or from the premises of such quantities or frequency as would involve commercial motor vehicles or suggest a need for a customer parking area.
- J. The property shall retain its residential appearance and character.
- K. No commercial use of the streets shall be allowed as specified in [SMC 17C.319.100.](#)

Date Passed: Monday, April 25, 2011

Effective Date: Friday, June 3, 2011

ORD C34717 Section 26

[Chapter 17C.370](#) Existing Neighborhood Commercial Structures in Residential Zones

[Section 17C.370.030](#) Procedure

- A. Planning Director Administrative or Hearing Examiner Decision.
 - 1. Establishing a use under this chapter in an eligible structure requires following the same application and posting process as a Type II or III Conditional Use Process as provided in [chapter 17G.060 SMC](#). A Type III application is required for projects that have a floor area of three thousand square feet or more, including building additions, and for any non-residential project on a site that does not have frontage on a designated arterial (principal, minor, or collector). For projects that do not exceed this threshold, a Type II conditional use permit application is required, except the planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest.
 - 2. The planning director administrative decision or hearing examiner decision is only for the use approved through the process. If a proposed change of use for the site proposes other uses that are not within the use category description approved for the site, a new planning director administrative decision or hearing examiner decision is required to determine the requirements that the new use shall follow.
- B. The fee for the planning director administrative decision is the same as a Type I application. The fee for a Type III hearing examiner decision shall be the same as a Type III application.
- C. A predevelopment meeting as provided in [SMC 17G.060.040](#) is required before an application may be submitted.
- D. Decision criteria are found in [SMC 17G.060.170](#) and applications shall follow the same procedures for a Type II or III conditional use process, as may be applicable depending on the type of application reviewed.
- E. If the planning director or hearing examiner makes a determination with supporting findings that the benefits of the proposed use and improvements to the existing structure and the property on which the structure is located would mitigate potential negative impacts on the residential character of the area, then a planning director administrative decision or hearing examiner decision may be granted consistent with the following uses. The director or hearing examiner may make a determination with supporting findings that a proposed use is not permitted because the nature of the use would have negative impacts on the residential character of the area that cannot be mitigated with conditions of approval.
 - 1. Uses Not Allowed.
 - Sale or leasing of:
 - a. motorized consumer vehicles,

- b. fire arms,
- c. weapons,
- d. marijuana.

2. Uses Allowed:

- a. Office uses found in [SMC 17C.190.250](#);
- b. Retail sales and service uses found in [SMC 17C.190.270](#); and
- c. Uses allowed within the RMF zone found in [SMC 17C.110.100](#).

F. Development and operation standards in addition to the base zone:

- 1. The structure on the site must have been originally legally built to accommodate a non-residential use and, at the time of application, its existing use must not be classified within the institutional use category as described in Article V of [chapter 17C.190 SMC](#), which may be converted under [SMC 17C.320.060](#).
- 2. Reserved.
- 3. The site must be located within the RA, RSF, RTF, RMF, or RHD zones.
- 4. The site size may not be expanded and the uses approved under this section may not expand onto surrounding sites beyond the site area existing on July 26, 2012. Any expansion of existing structures is subject to the current applicable development standards, except structures larger than five thousand square feet shall not be expanded. A planting of L2 see-through buffer as described by [SMC 17C.200.030](#) shall be required for any structural expansion or provision of additional off-street parking.
- 5. Parking and loading requirements are specific to the use authorized by the hearing examiner or director and shall follow the standards in [chapter 17C.230 SMC](#) Parking and Loading for a Neighborhood Retail Zone (NR).
- 6. Business operation hours shall be determined by the hearing examiner or director. Operational hours for non-residential uses operating later than ten p.m. and earlier than five a.m. will need to demonstrate that all off-site impacts will be fully mitigated.
- 7. Drive though facilities are prohibited.
- 8. Outdoor storage is prohibited. Outdoor seating areas and daytime display of merchandise is allowed.

9. Lighting shall be provided within parking lots and along pedestrian walkways. Lighting fixtures shall be limited to sixteen feet in height. All lighting shall be shielded from producing off-site glare.
 10. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt.
 11. The signage standards ~~for the CC4 zones~~ in SMC 17C.240.150, Table 17C.240-1 shall apply. ~~Temporary outdoor signage is prohibited except that one sandwich board sign is permitted.~~ If ~~the~~ a sandwich board sign is erected in the public right-of-way it must be consistent with ~~SMC 17C.240.240~~ SMC 17C.240.244.
- G. If the hearing examiner or planning director determines that proposed use is appropriate for the site, the hearing examiner or director may attach additional conditions to the decision that may include items such as:
1. Building and property improvements that must be completed prior to issuance of a certificate of occupancy.
 2. Conditions needed to mitigate off-site impacts consistent with SMC 17C.220 Off-Site Impacts.
 3. Specific conditions under which the use may operate.
- H. Appeals.
- The decisions of the planning director may be appealed to the hearing examiner as provided for in SMC 17G.060.210 and follow an appeal process consistent with a Type II Conditional Use Permit application. The decisions of the hearing examiner may be appealed to superior court as provided for in SMC 17G.060.210.

Date Passed: Monday, August 21, 2017

Effective Date: Sunday, September 24, 2017

ORD C35535 Section 3