

# MEMO

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To: Plan Commission

From: Ken Pelton, Planning and Development Services

Date: August 8, 2013

Re: UDC Maintenance

1. Changes have been made to (changes since June 12 in purple):

- 17G.050.310 Right of Appeal
- 17G.060.210 Appeals

2. Staff recommends at this time to pull the *recommendation to remove the requirement for a fence permit in the right of way* from the current UDC packet and consider the item at a future date.

## **Unified Development Code Maintenance Project**

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### Introduction:

The attached document represents the list of suggestions for changes to the Spokane Municipal Code recommended by City Planning and Development Services staff. To help understand the types of changes that are recommended, the amendments are generally categorized under three types.

The three types are:

Minor: These include changes such as corrections to cross references or moving code sections directly from chapter 11.19 to Title 17 without changing their substance.

Clarification: These include changes such as fixing conflicting provisions within the code, or fixing code provisions that were either oversights or mistakes when the code was adopted.

Substantive: These include changes such as adjusting permitted uses, adjusting a development standard, or improving the practical application of the code.

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## Table of Contents

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### 17A.020.030 “C” Definitions

*Update definition to Critical Areas.*

- Type of code amendment: Minor

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### 17A.020.060 “F” Definitions

*Update definition to Floodway (prompted by state change).*

- Type of code amendment: Minor

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### ~~Title 17C ————— Various Code Sections~~

~~*Remove requirement for fence permit*~~

- ~~• Type of code amendment: Substantive~~

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### Table 17C.110-1 Residential Zone Primary Uses

*Clarify error.*

- Type of code amendment: Clarification

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### Table 17C.110-3 Development Standards

*Clarify error.*

- Type of code amendment: Clarification

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### 17C.120.110 Limited Use Standards “Drive-through Facility”

*Add reference.*

- Type of code amendment: Minor

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### Table 17C.124-2 Development Standards

*Remove minimum lot size and lot depth, and reduce minimum front lot line in downtown zones.*

- Type of code amendment: Substantive

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### Table 17C.200.020 Plan Submittal Requirements

*Require landscaping plan for higher density housing projects.*

- Type of code amendment: Substantive

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### Table 17E.060.280 Physical and Visual Public Access

*Correct typo.*

- Type of code amendment: Clarification

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### Table 17E.060-4 Shoreline Primary Uses

*Correct conflict for launch ramps in the Waste Water Treatment Plant (WWTP) Shoreline Environment.*

- Type of code amendment: Clarification

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### 17G.050.310 Right of Appeal

*Remove uncertainties regarding the City’s land use appeal process.*

- Type of code amendment: Minor

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### 17G.060.210 Appeals

*Remove uncertainties regarding the City’s land use appeal process and clean up state mandated shoreline language.*

- Type of code amendment: Minor

## TOPICS, COMMENTARIES, PROPOSED AMENDMENTS

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
<b>Chapter 17A.020 Definitions</b>			
<b>17A.020.030 "C" Definitions</b>	Minor	Update definition to Critical Areas	Aligns the city definition with the state definitions, in case they change. Also, clarifies bad language
<p>Section 17A.020.030 "C" Definitions</p> <p>TT. Critical Areas.  <u>As defined under chapter 36.70A RCW, or as amended, Any areas of frequently flooding flooded areas</u>, geologic<u>ally</u> hazard<u>ous areas</u>, fish and wildlife habitat <u>conservation areas</u>, aquifer sensitive areas, or wetlands as <u>defined under described in</u> chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, and chapter 17E.070.SMC.</p>			
<b>17A.020.060 "F" Definitions</b>	Minor	Update definition to Floodway	State required a change to the definition. Change language to refer to state regulations. Prevents need to make amendments to the code in the future.
<p>Section 17A.020.060 "F" Definitions</p> <p>R. Floodway.  <del>The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.</del>  <u>As defined under Section 90.58.030 RCW, or as amended.</u></p>			
<b>Title 17C Land Use Standards</b>			
<b>Title 17C Various Code Sections</b>	Substantive	Remove requirement for a fence permit not in the ROW.	No amendments to the standards for fence height or location are proposed. Permit would be required for fences in the public right-of-way.
<b>RESIDENTIAL ZONES</b>			
<p>Section 17C.110.230 Fences</p> <p>A. Purpose.  The fence standards promote the positive benefits of fences without negatively affecting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access and the safe movement of pedestrians and vehicles, and create an unattractive appearance.</p> <p>B. Types of Fences.  The standards apply to walls, fences, trellises, arbors, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.</p>			

C. Location.

1. Front Lot Line.  
Fences up to forty-two inches high are allowed in required front lot line setbacks.
2. Sides and Rear Lot Line.  
Fences up to six feet high are allowed in required sides or rear lot line setbacks. Except in an instance where a rear lot line joins the front lot line of another lot, the fence must be either:
  - a. forty-two inches high or less, or
  - b. right isosceles triangle having sides of seven feet measured along the right-of-way line of a side yard and the front property line.
3. Other.  
The height for fences that are not in required building setbacks is the same as the height limits of the zone for detached accessory structures in Table 17C.110-3.
4. Alleys.  
Fences shall not obstruct the clear width required in SMC 17H.010.130(G).

D. Reference to Other Standards.

Building permits are required by the building services department for all fences over 6 feet in height. All fences in the public right-of-way require approval of an Application for Approval of Encroachment as provided in SMC 17G.010.160. including the replacement of existing fences. A permit is not required to repair an existing fence.

**COMMERCIAL ZONES**

Section 17C.120.310 Fences

A. Purpose.

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Types of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design.

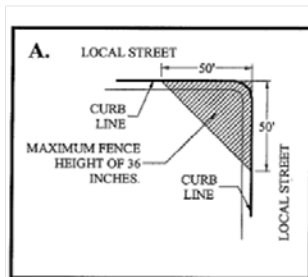
1. Street Setbacks.  
No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.120.230.
  - a. Measured from Front Lot Line.  
Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.
  - b. Measured from a Side Lot Line.  
Fences up to six feet high are allowed in a required setback that is measured from a side lot line.
2. Side and Rear Structure Setbacks.  
Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.
3. Not in Setbacks.  
The height for fences that are not in required setbacks is the same as the regular height limits of the zone.
4. Sight-obscuring Fences and Walls.  
Sight-obscuring fences, walls and other structures over three and one-half feet high, and within fifteen feet of a street lot line are subject to SMC 17C.120.570, Treating Blank Walls – Building Design.

D. Prohibited Fences.

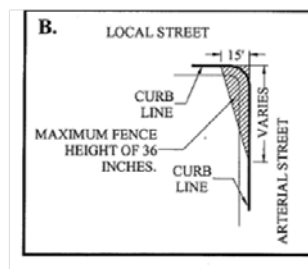
1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that in a CB or GC zone up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.
2. No person may maintain a fence or barrier charged with electricity.
3. A fence, wall or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. No fence may be closer than twelve feet to the curb.

E. Visibility at Intersections.

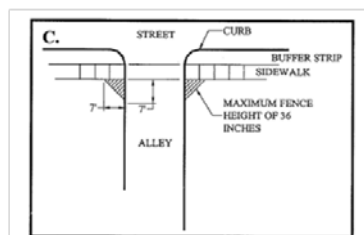
1. A fence, wall, hedge or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.
2. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no fence exceeding a height of thirty-six inches above the curb may be inside the:
  - a. a right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or



- b. right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or



- c. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
  - i. the inside line of the sidewalk; or
  - ii. if there is no sidewalk, a line seven feet inside the curb line.



F. Enclosures for Pools, Hot Tubs, or Ponds.

1. A person maintaining a swimming pool, hot tub, pond, or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.
2. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building, or other structure approved by the building services department.
3. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
4. No opening, except a door or gate may exceed four inches in any dimension.
5. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.

G. Reference to Other Standards.

Building permits are required by the building services department for all fences over 6 feet in height. All fences in the public right-of-way require approval of an Application for Approval of Encroachment as provided in SMC 17G.010.160. including the replacement of existing fences. A permit is not required to repair an existing fence.

## **CENTER AND CORRIDOR ZONES**

### Section 17C.122.135 Fences

A. Purpose.

The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Type of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design.

1. Street Setbacks.

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.130.230.

a. Measured From Front Lot Line.

Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.

b. Measured From a Side Lot Line.

Fences up to six feet high are allowed in required setback that is measured from a side lot line.

c. Fences shall not reduce the required setback width of SMC 17C.130.210.

2. Side or Rear Structure Setbacks.

Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.

3. Not In Setbacks.

The height for fences that are not in required setbacks is the same as the regular height limits of the zone.

4. Sight-obscuring Fences and Walls.

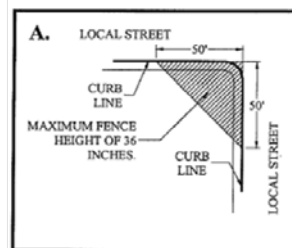
Any required or nonrequired sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall either be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening), or meet the treatment of blank walls intent outlined in SMC 17C.122.060 – Initial Design Standards and Guidelines for Center and Corridors.

D. Prohibited Fences.

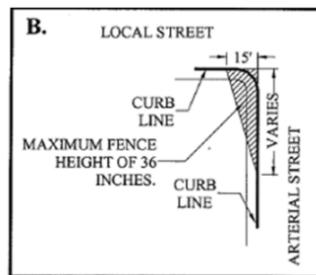
1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.
2. No person may maintain a fence or barrier charged with electricity.
3. A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. No fence may be closer than twelve feet to the curb.

E. Visibility at Intersections.

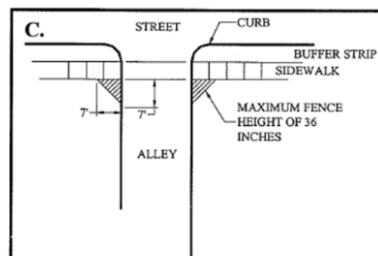
1. A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.



2. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no fence exceeding a height of thirty-six inches above the curb may be inside the:
  - a. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or
  - b. right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five-foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or



- c. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
  - i. the inside line of the sidewalk; or
  - ii. if there is no sidewalk, a line seven feet inside the curb line.





F. Enclosures for Pools, Hot Tubs, or Ponds.

1. A person maintaining a swimming pool, hot tub, pond, or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.
2. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building, or other structure approved by the building services department.
3. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
4. No opening, except a door or gate may exceed four inches in any dimension.
5. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.
6. outside of the door or gate must be at least fifty-four inches above the ground.

G. Reference to Other Standards.

Building permits are required by the building services department for all fences over 6 feet in height. All fences in the public right-of-way require approval of an Application for Approval of Encroachment as provided in SMC 17G.010.160. including the replacement of existing fences. A permit is not required to repair an existing fence.

**DOWNTOWN ZONES**

Section 17C.124.310 Fences

A. Purpose.

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists.

B. Types of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design.

1. Fencing along streets, alleys, and pedestrian connections. No fence over three and one-half feet in height is allowed within the right-of-way or the required sidewalk width of SMC 17C.124.230.
  - a. Measured from the lot line or required sidewalk width, fencing up to six feet high is allowed within the first two feet behind the lot line or required sidewalk width. Greater than two feet back from the street lot line and the required sidewalk width; fencing is subject to the building heights for the zone.
  - b. Within two feet of a pedestrian connection through the interior of a site or block, fences are limited to three and one-half feet in height.
2. Fencing shall be behind any required parking lot or site perimeter landscaping.
3. Fencing Material and Color.

Colors shall complement the primary color of the development and shall not be so extreme in contrast or intensity that the color competes with the building for attention. Proposed fencing materials and colors that differ from these standards are subject to an administrative design review process.

  - a. Fence color within the public right-of-way or visible from streets shall be a dark material, preferable black or dark matte finish earth tones. Dark earth tone colored fence materials are preferred. (P)
  - b. Fencing shall be of a durable material. (P)
  - c. Fence materials within the public right-of-way or within eight feet of a street lot line may be wrought iron or similar in appearance, aluminum, metal, or other durable material that meets the objective. (P)
  - d. Walls visible from streets shall be masonry, stone, or brick construction. Masonry walls shall have a stucco finish or a textured manufactured finish such as "split face" or "fluted" block. (P)
  - e. Chain link fencing is not allowed that is visible from and/or adjacent to a public street. Chain link fencing must be painted or vinyl coated and all part must be a uniform dark matte color such as black or other

dark color.

4. Sight-obscuring Fences and Walls.

Sight-obscuring fences, walls, and other structures over three and one-half feet high and visible from a street are subject to SMC 17C.124.570, Treating Blank Walls – Building Design.

D. Prohibited Fences.

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire. Three strands of barbed wire may be placed atop a lawful fence if the fence is not visible from an adjacent street or is placed behind a sight-obscuring fence or wall. The fence must be placed upon private property.
2. No person may maintain a fence or barrier charged with electricity.
3. A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160.
4. No permanent fence may reduce the required sidewalk width.

E. Visibility at Intersections.

1. A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.
2. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no fence exceeding a height of thirty inches above the curb may be inside the:
  - a. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or
  - b. right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or
  - c. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
    - i. the inside line of the sidewalk; or
    - ii. if there is no sidewalk, a line seven feet inside the curb line.

F. Reference to Other Standards.

Building permits are required by the building services department for fences over 6 feet in height. All fences in the public right-of-way require approval of an Application for Approval of Encroachment as provided in SMC 17G.010.160.

**INDUSTRIAL ZONES**

Section 17C.130.310 Fences

A. Purpose

The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Type of Fences

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design

1. Street Setbacks.

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.130.230.

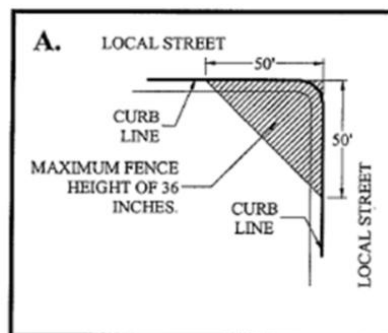
- a. Measured from Front Lot Line.  
Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.
  - b. Measured from a Side Lot Line.  
Fences up to six feet high are allowed in required setback that is measured from a side lot line.
  - c. Fences shall not reduce the required setback width of SMC 17C.130.210.
2. Side or Rear Structure Setbacks.  
Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.
3. Not in Setbacks.  
The height for fences that are not in required setbacks is the same as the regular height limits of the zone.
4. Sight-obscuring Fences and Walls.  
Any required or non-required sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening).

D. Prohibited Fences

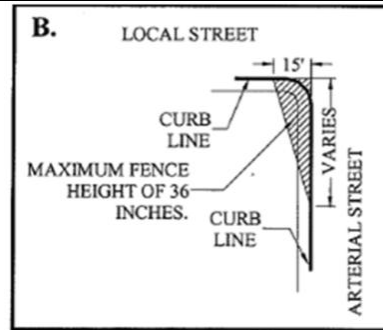
1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.
2. No person may maintain a fence or barrier charged with electricity.
3. A fence, wall or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. No fence may be closer than twelve feet to the curb.

E. Visibility at Intersections

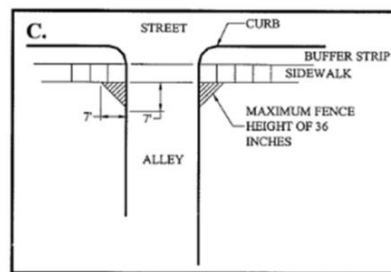
1. A fence, wall, hedge or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.
2. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no fence exceeding a height of thirty-six inches above the curb may be inside the:
  - a. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or



- b. right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or



- c. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
  - i. the inside line of the sidewalk; or
  - ii. if there is no sidewalk, a line seven feet inside the curb line.



#### F. Enclosures for Pools, Hot Tubs, or Ponds

1. A person maintaining a swimming pool, hot tub, pond, or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.
2. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building or other structure approved by the building services department.
3. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
4. No opening, except a door or gate may exceed four inches in any dimension.
5. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.

#### G. Reference to Other Standards

Building permits are required by the building services department for all fences over 6 feet in height. All fences in the public right-of-way require approval of an Application for Approval of Encroachment as provided in SMC 17G.010.160. including the replacement of existing fences. A permit is not required to repair an existing fence.

**STAFF RECOMMENDS REMOVING ITEM FROM UDC MAINTENANCE PACKAGE.**

<b>Table 17C.110-1</b> Residential Zone Primary Uses	Clarification	Correction needed to align with previously adopted ordinance #C34717.	Table 17C.110-1 was amended by Ordinance #C34717 to change Daycare to an outright permitted use in the RMF and RHD zones. Table 17C.110-1 was incorrectly amended by Ordinance #C34911 to change Daycare from an outright permitted use to a limited use in the RMF and RHD zones. Table 17C.110-1 needs to be corrected to show that Daycare is an outright permitted use as amended by Ordinance #C34717.
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<b>Table 17C.110-1</b> <b>RESIDENTIAL ZONE PRIMARY USES</b>					
Use is: <b>P</b> - Permitted <b>N</b> - Not Permitted <b>L</b> - Allowed, but special limitations <b>CU</b> - Conditional Use review required	<b>RA</b>	<b>RSF &amp; RSF-C</b>	<b>RTF</b>	<b>RMF</b>	<b>RHD</b>
<b>Institutional Categories</b>					
Basic Utilities [3]	L	L	L	L	L
Colleges	CU	CU	CU	P	P
Community Service	L[4]/CU	L[4]/CU	L[4]/CU	P	P
Daycare [5]	L	L	L	<del>L</del> <b>P</b>	<del>L</del> <b>P</b>
Medical Center	CU	CU	CU	CU	CU
Parks and Open Areas	P	P	P	P	P
Religious Institutions	L[6]/CU	L[6]/CU	L[6]/CU	P	P
Schools	L[7]/CU	L[7]/CU	L[7]/CU	P	P
Notes: • The use categories are described in chapter 17C.190 SMC. • Standards that correspond to the bracketed numbers [ ] are stated in SMC 17C.110.110. • Specific uses and development may be subject to the standards in SMC 17C.320.080-110.115 through 17C.110.575					

<b>Table 17C.110-1</b> Development Standards – “Notes”	Clarification	Correction needed to align with previously adopted ordinances.	<p>Footnote 6 was amended by Ordinance #C34717 to change allowed structure height in a rear yard from seventeen feet to twenty feet. Table 17C.110-3 was incorrectly amended by Ordinance #C34911 to change renumbered footnote 6 (renumbered to footnote 4) to permit a maximum structure height of seventeen feet rather than twenty feet as was previously amended by Ordinance #C34717.</p> <p>Footnote 13 was amended by Ordinance #C34717 to change the setback requirement for a covered accessory structure. Table 17C.110-3 was incorrectly amended by Ordinance #C34911 to change renumbered footnote 13 (renumbered to footnote 11) by not including the underlined text below: Setback for a detached accessory structure <u>and a covered accessory structure</u> 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).</p>
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**TABLE 17C.110-3  
DEVELOPMENT STANDARDS [1]**

**Notes:**

- No requirement
- [1] Plan district overlay zone or SMC 17C.110.300, Alternative Residential Development, may supersede these standards.
- [2] 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).
- [3] FAR may be increased to 0.65 for attached housing development only.
- [4] No structure located in the rear yard may exceed ~~seventeen~~ **twenty** feet in height.
- [5] Base zone height may be modified according to SMC 17C.110.215, Height.
- [6] Attached garage or carport entrance on a street is required to be setback twenty feet from the property line.
- [7] See SMC 17C.110.220(D)(1), setbacks regarding the use of front yard averaging.
- [8] See SMC 17C.110.220(D)(2), setbacks regarding reduction in the rear yard setback.
- [9] 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.
- [10] Maximum site coverage for accessory structures is counted as part of the maximum site coverage of the base zone.
- [11] 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).
- [12] The setback for a covered accessory structure may be reduced to five feet from the property line.

<b>17C.120.110</b> <b>Limited Use</b> <b>Standards</b>	Minor	Add reference “Drive-through Facility”	
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**Section 17C.120.110 Limited Use Standards**

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

**4. Drive-through Facility.**

This regulation applies to all parts of Table 17C.120-1 that have a [4]. In the O and OR zones, a drive-through facility is permitted only when associated with a drive-through bank. In addition, in the OR zone, for a florist use approved by a special permit, sales of non-alcoholic beverages, and sale of food items not prepared on site, including drive-through sales of such items are allowed as an accessory use at locations situated on principal arterials or a designated state route. Drive-through facilities are subject to the additional standards of SMC 17C.120.290 **and SMC 17C.325**.

<b>Table 17C.124-2 Development Standards</b>	Substantive	Remove minimum lot size and lot depth, and reduce minimum front lot line in downtown zones.	Difficult to place restrictions on lot sizes in the Downtown.
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Table 17C.124-2 Development Standards [1]				
Standard	DTC (Downtown Core)	DTG (Downtown General)	DTU (Downtown University)	DTS (Downtown South)
Maximum FAR [2]	No Limit	6	6	4
Maximum height [3]	No Limit	12 Stories [3]	12 Stories [3]	12 Stories [3]
Minimum setback from street lot line [4,5]	0 ft.	0 ft.	0 ft.	0 ft.
Minimum setback from R-zoned lots [5]	10 ft.	10 ft.	10 ft.	10 ft.
Minimum setback from lot lines [5]	0 ft.	0 ft.	0 ft.	0 ft.
Minimum lot size	2,500 sq.ft.	2,500 sq.ft.	2,500 sq.ft.	2,500 sq.ft.
Minimum front lot line	<u>10</u> 25 ft.	<u>10</u> 25 ft.	<u>10</u> 25 ft.	<u>10</u> 25 ft.
Minimum lot depth	80 ft.	80 ft.	80 ft.	80 ft.
Landscaping required [6]	[6]	[6]	[6]	[6]
Parking required [7]	[7]	[7]	[7]	[7]

<b>17C.200.020 Plan Submittal Requirements</b>	Minor	Require landscaping plan for higher density housing projects.	The suggested revision clarifies the uses which require preparation of a landscape plan for submittal along with a building permit application. Landscape plans are not usually necessary for a house, an attached house or a duplex on an individual lot. However, a landscaping plan is needed for higher density housing projects as well as multiple houses, attached houses, and more than one duplex on a single lot.
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Section 17C.200.020 Plan Submittal Requirements

Landscape plans are not required for a houses, an attached houses ~~and~~ or a duplexes on a lot. For all other types of development on sites, including planned unit developments, of more than seven thousand square feet of lot area, landscape plans shall:

- A. be prepared and stamped by a licensed landscape architect, registered in the state of Washington;
- B. be submitted at the time of application for a development permit; and
- C. include the following elements:

1. The footprint of all structures.
2. The final site grading.
3. All parking areas and driveways.
4. All sidewalks, pedestrian walkways and other pedestrian areas.
5. The location, height and materials for all fences and walls.
6. The common and scientific names of all plant materials used, along with their size at time of planting.
7. The location of all existing and proposed plant materials on the site.
8. A proposed irrigation plan; and
9. Location of all overhead utility and communication lines, location of all driveways and street signs.

### Chapter 17E.060 Shoreline Master Program

#### 17E.060.280 Physical and Visual Public Access

Clarification

Typo

#### Section 17E.060.280 Physical and Visual Public Access

D. Except as provided in ~~SMC 17E.060.290(U) and (V)~~ **SMC 17E.060.280(U) and (V)**, and subject to the limitations set forth in ~~SMC 17E.060.290(A)~~ **SMC 17E.060.280(A)**, public access shall be provided for any new development activity that requires a shoreline substantial development permit, conditional use permit, and/or variance permit where any of the following conditions are present:

1. Where a new development activity will create increased demand for public access to the shoreline, the development shall provide public access proportional to the degree of impact as mitigation.
2. Where a new development will interfere with an existing public access way, the development shall provide public access to mitigate this impact. Such interference may be caused by blocking access or by discouraging use of existing on-site or nearby accesses; or
3. Where a new development will interfere with a public use of lands or waters waterward of the ordinary-high-water-mark, the development shall provide public access.

#### Table 17E.060-4 Shoreline Primary Uses

Minor

Correct conflict between  
"Boating Facilities" and  
"Water Enjoyment  
Recreational Facilities" for  
launch ramps in the  
WWTP Shoreline  
Environment.

"Water enjoyment recreation" includes boat ramps.  
Therefore, the two categories were in conflict in the WWTP  
Environment.



**Table 17E.060-4  
Shoreline Primary Uses**

Use is: <b>P:</b> Permitted (with shoreline substantial development permit or exemption) <b>N:</b> Not permitted <b>L:</b> Allowed, but special limitations <b>CU:</b> Conditional use review required	Shoreline Environments					
	<i>NE</i>	<i>UCE</i>	<i>SRE</i>	<i>LUE</i>	<i>IUE</i>	<i>WTPE</i>
<b>Boating Facilities</b>						
Marinas	N	N	N	N	N	N
Launch ramps for small non-motorized water-craft	CU	CU	CU	CU	N	CU
<b>Recreational Development</b>						
Water-dependent recreation	CU	CU	CU	CU	CU	N
Water-related recreation	CU	CU	CU	CU	CU	N
Water-enjoyment recreation	L <sup>(7)</sup> /CU	CU	CU	CU	CU	<del>N</del> CU
Non-water oriented recreation	N	CU	CU	CU	CU	N

### Title 17G Administration and Procedures

<b>17G.050.310 Right of Appeal</b>	Minor	Remove uncertainties regarding the City's land use appeal process.	
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#### Section 17G.050.310 Right of Appeal

- A. The applicant ~~of or~~ a person with standing as defined in chapter 17A.020 SMC may appeal to the hearing examiner a decision of the director of planning services, engineering services, the building official, the responsible official under SEPA as provided in SMC 17G.060.210 and the landmarks commission related to applications for certificate of appropriateness and determination of eligibility under SMC 17D.040.230 by filing with the permit application department a written appeal within fourteen days of the date of the written decision.
- B. The applicant, a person with standing, or a City department may appeal ~~to the city council any decision of the~~ decisions of the hearing examiner, ~~except as provided in~~ as provided in SMC 17G.060.210, ~~by filing with the permit application department a written appeal within fourteen days of the date of the written decision of the hearing examiner.~~

17G.060.210 Appeals	Minor	Remove uncertainties regarding the City's land use appeal process and clean up state mandated shoreline language.	
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Section 17G.060.210 Appeals

- ~~A.~~ The provisions of this section shall apply to any written order, requirement, permit, decision, or determination made under the land use codes. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.
- ~~B.~~ Appeal ~~or request for reconsideration~~ of a director's decision on a ~~Type I and Type II~~ project permit application is to the hearing examiner as an open record appeal, except appeals of building permits that are not related to the land use codes shall go before the building construction review board pursuant to chapter 4.06 SMC and appeals related to the fire code shall be heard by the fire code advisory board pursuant to chapter 4.08 SMC. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.
- C. Appeal of ~~the a~~ hearing examiner's decisions ~~on a Type III project permit application are~~ is to superior court, except rezones, PUDs, preliminary long plats, and skywalk permits are appealable to city council as a closed record appeal hearing and are subject to the procedures in chapter 17G.050 SMC.
- D. Shoreline substantial development permits decisions, after final decision by the City, may be appealed within twenty-one days from the "date of filing" or the date of actual receipt by the Department of Ecology ~~date the department of ecology receives the final decision;~~ appeal is made to the shorelines hearings board.
- E. Shoreline conditional use permits and shoreline variance permits may be appealed to the shorelines hearings board within twenty-one days from the "date of filing" or the date the decision of the Department of Ecology is transmitted to the City of Spokane ~~date of transmittal by the department of ecology of the final decision to the City.~~ If, as a result of the appeal process, the project has been modified, the director must reissue the permit according to WAC chapter 173-27-130 and submit a copy of the reissued permit to the department of ecology.
- F. Except as otherwise provided, Appeals or requests for reconsideration from decisions ~~or rulings~~ shall be ~~made filed~~ made filed within fourteen calendar days of the date of the ~~written order decision, or within seven days of the date of issuance of the decision on a request for reconsideration.~~ If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day. The appeal or request for reconsideration is filed in the department that is responsible for the permit application, except an appeal to superior court must be filed as a land use petition to the court within twenty-one days of the date of the written decision is signed issued.
- G. An appeal or request for reconsideration ~~of the director or hearing examiner~~ shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal or reconsideration. The following information, accompanied by an appeal fee as specified in chapter 8.02 SMC, shall be submitted. All fees including transcript deposit fees must be paid by the appellant no later than the last day to file the appeal. The appellant shall pay the cost of a written transcript within five days of the receipt of the hearing examiner's statement for the cost. An appeal application is not considered complete until all required fees are paid. Failure to timely pay all fees results in dismissal of the appeal with prejudice. The appeal or request for reconsideration application shall contain:
  - a. file number of the decision;
  - b. an indication of facts that establish the appellant's right to ~~appeal or request reconsideration~~ the relief requested;
  - c. an identification of exceptions and objections to the decision being appealed or reconsidered, or an identification of errors in fact or conclusion;
  - d. the requested relief from the decision being appealed or reconsidered;
  - e. any other information reasonably necessary to make a decision on the appeal or reconsideration;

- f. failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal or reconsideration request.

H. The appeal or request for reconsideration is rejected if:

- a. it is filed by a person without standing as specified in [chapter 17A.020 SMC](#);
- b. an appeal decision is being sought from a decision-maker not authorized by this chapter to make such a decision;
- c. it is not timely filed;
- d. the appeal fees have not been paid; or
- e. it is not filed in accordance with the procedures of this chapter.

- I. An appeal [or request for reconsideration](#) stays the [underlying](#) decision pending final disposal of the appeal ~~or other requests for relief~~, unless the action ordered in the decision is necessary to protect the public health or safety, or unless the appeal is required to be filed in superior court. Filing a suit or action in court does not stay the final decision unless and until the court, pursuant to RCW 36.70C.100, issues an order.

J. Notice of Appeal.

Notice of a hearing by the hearing examiner on [an request for reconsideration or appeal of a Type I or Type II project permit](#) is given to the director, appellant, applicant, and any party of record. This notice is mailed through regular U.S. mail or personally served at least fourteen days prior to the hearing. The notice of appeal contains the following information:

- a. Location of the property including a map sufficient to clearly locate the site.
- b. Description of the proposed action.
- c. Name of the applicant.
- d. Application name and number.
- e. Decision made on the application, including the environmental threshold determination.
- f. Name of the appellant if other than the applicant.
- g. Date, time, and place of hearing.
- h. A statement of whether the appeal is on the record or if new information will be allowed; and
- i. Name, address, and office telephone number of the City official from whom additional information may be obtained.