



*NOTE: The information contained in this handout is direct text taken from the Peaceful Valley Design Plan and may contain references to codes or zones that are no longer applicable. This information is provided as a courtesy for reference to general standards and guidelines when developing in these neighborhoods. For interpretation to relevance to current zoning classifications and Spokane Municipal Code references, please contact City Planning Staff.*

## Overview

The Peaceful Valley Neighborhood is a special development environment. It exhibits a distinct historic character, is situated within a unique geographic setting, and lies at the west edge of the Central Business District core area. These factors, detailed in the design plan text, support the Neighborhood's designation as a "Design Area" (Appendix "H") and also require a special approach to regulating development to ensure that the goals of the design plan are realized.

The Zoning Ordinance is the principal regulatory mechanism, providing the underlying framework for controlling land use, density, intensity and site development. The zone designations applied to Peaceful Valley -the "underlying" zoning - reflect the general intent of the Land Use and Design elements of the design plan as they relate to private development. Concurrent with the Neighborhood's designation as a Design Area, a special set of development regulations overlays the underlying zoning. These "overlay" regulations are required to address the development conditions that apply uniquely to the Neighborhood. These provisions supplement the "underlying" zoning, applying in-lieu-of the standard zoning regulations where there is a conflict, and adding additional specificity to zoning where the underlying zone category contains insufficient control to meet the design plan's objectives. In some cases, the overlay regulations may impose development limitations beyond those stated in the underlying zone designation, while in others, the "overlay" may provide relief from regulations or flexibility in site development to respond to development constraints inherent to the Neighborhood's situation. The "overlay" development regulations are contained in the "Land Use Element" (policies 1-5, pp. 27 to 32) of the Peaceful Valley Design Plan, presented in detail in the discussion paragraphs which elaborate the intent and application of each policy. This overlay approach establishes the total Design Area as an "overlay district", where both the underlying zoning and supplemental overlay regulations function to control development.

Flexibility in regulation to accommodate innovative and meritorious design is provided by "Plans-In-Lieu" and "Zoning Agreements" in the Zoning Ordinance. A project review mechanism, "Project Compliance", is also utilized to ensure that the Plan's detailed design, as well as general intent, is realized.

Development proposals in Peaceful Valley may also come under the purview of City plans and ordinances adopted to pursue other public special purpose goals. The area of the Neighborhood east of the Maple Street Bridge has a geographic and functional relationship to the Central Business District and is included as a planning element of the Central Business District Plan (978). The entire Neighborhood also lies within the "Central Falls Design" element of the Riverfront Development Program (1975) and is a part of the Riverfront Conservation District established by the Program. While no special ordinances have been adopted to implement the land use and design objectives within this district, the 1976 Shoreline Master Program is based largely on the Riverfront Plan, and the Shoreline Use Regulations regulate development within 200 feet of the River's edge within the Conservation District. State Environmental Policy Act (SEPA) regulations may also apply to development proposals to avoid adverse environmental impacts. The Ordinance provides specific local application of the environmental review and evaluation procedures prescribed in SEPA. Flood plain regulations have been adopted by the City to ensure safe development on lands subject to flooding.

The following sections provide a guide for policy-makers, administrators, residents, and developers to understand these regulatory mechanisms and provisions in detail. Rather than duplicate regulations contained in other plans and ordinances, the relevant source documents are referenced. While this guide is comprehensive in the areas of land use and design, it does not identify every ordinance or code affecting development. It is still incumbent on property owners and developers to adhere to permit procedures established by the City for building permits, certificates of occupancy, etc. Contact with staff personnel of the respective City departments will be of benefit prior to preparing development plans.

## Zoning

### **UNDERLYING ZONING/OVERLAY REGULATIONS**

The underlying zoning regulations for Peaceful Valley are established by the Comprehensive Zoning Ordinance (No. 15434). The underlying zone districts are indicated in Figure 20 (p. 74) and on Figure 21 (p. 75). The overlay development regulations are contained in the "Land Use Element" (policies 1 through 5, pp. 27 to 32) of the Peaceful Valley Design Plan and apply to the underlying zone as indicated in Figures 20 and 1, pursuant to Sec. 310.10 of the Zoning Ordinance. Where there is any conflict between the provisions of the underlying zoning and the overlay regulations, the overlay regulations shall supersede the underlying zoning.

Development proposals within the Peaceful Valley Design Area shall be subject to review for "Project Compliance," pursuant to Sec. 310.25 of the Zoning Ordinance (see following section, "Project Compliance").

Figures 20 and 21 are provided only for reference, information and convenience. For official information, see the Official Zoning Map, City Zoning Department, Room 250, City Hall.

### **PROJECT COMPLIANCE (SEC.310.25 OF THE ZONING ORDINANCE)**

Within the Peaceful Valley Design Area, applications for development permits for building construction, including free-standing accessory structures, site improvements, or remodeling which alters the use or external appearance of the building or site, shall be reviewed by the Planning Director to determine if the proposal complies with the implementing development regulations of the Design Plan, except that construction of structures appurtenant to the main building, such as fences, chimneys and decks, and normal maintenance and repair of existing structures shall be excluded from this requirement. No building permit or certificate of occupancy shall be issued for projects which require review for compliance until the Planning Director has issued a written determination to the Director of Property Development Services that the proposal is in substantial compliance with the development regulations of the Plan for the Design Area or unless the Planning Director has not replied within the time limit specified below. If the proposal is not in compliance with the development regulations of the Plan, the Planning Director shall issue a negative determination which identifies elements of the development proposal which do not comply.

All rezonings, special permits, zoning agreements, plans-in-lieu, variances, plat approvals and planned unit developments within the Design Area shall aim toward achieving the spirit, intent and objectives of the Design Plan. No application for any of the above-mentioned approvals shall be scheduled for hearing until the Planning Director issues a written determination that the proposal is in substantial compliance with the Design Plan or unless the Planning Director has not made a determination within the time limit described below. Any proposal not in compliance may be submitted to the Plan Commission for consideration of a Plan amendment under Ordinance C27220.

The Planning Director may refer development proposals to the Urban Design Committee for an advisory report of "Project Compliance" due to the complexity of the proposal or the potential magnitude of the impact the project could have on the Design Area.

The Planning Director shall make a determination of project compliance within seven days after receipt of the essential development plans from the Director of Property Development Services or essential information on the applications for rezones and other above-mentioned approvals from the Zoning Director, except that this time period may be extended by mutual agreement of the applicant and the Planning Director. Appeal of "Project Compliance" determination issued by the Planning Director shall be made to the City Plan Commission in accordance with Section 440.40 of the Zoning Ordinance.

### **ZONING AGREEMENTS AND PLANS-IN-LIEU (SEC 325.10 OF THE ZONING ORDINANCE)**

In any zone in the Peaceful Valley Design Area, the Zoning Board may accept and prescribe conditions by development plans and written agreement governing the use of specific property, where such conditions are in the best public interest and necessary to assure compatibility of land uses or orderly planned development of specified arrangement and type. Plans and agreements for such development may be proposed and filed by the owners of the property in the development and may include (but shall not be limited to) provisions for site layout, traffic movement, exterior building appearance, signs, landscaping, building setbacks, height, lot area requirements, provisions for additional street and utility improvements necessitated by the proposed development, appropriate time limits for accomplishments, performance bond, and the specification of types of uses, provided such uses are permitted uses in the zone where located. Except where the Design Plan specifically prohibits a density bonus, density of residential dwelling units in the development, considered by the Board to be innovative residential development, may be allowed up to 30% above the density allowed in the underlying zone in which the "L" suffix is added or in PUDs and plans-in-lieu. All proposals for density bonuses shall be subject to criteria in Section 330.65, paragraph 3, of the Zoning Ordinance.

When a development proposal is consistent with the Comprehensive Plan and is of appropriate character so as to maintain fully or advance the intent of this Ordinance and the quality of development, the Zoning Board may, after public hearing, accept said planned development and conditions by written agreement in lieu of compliance with one or more of the regulations in the underlying zone where located. Such plans-in-lieu of compliance are to provide a more desirable development without being unduly detrimental to surrounding properties and with more benefit than would be obtained by full compliance with the regulations. Before approving a plan-in-lieu on property located in a Design Area, the Zoning Board shall request and consider an advisory report from the Urban Design Committee on the merits of the proposed development design and its achievement of Design Plan objectives. Such plans when approved by the zoning agreement will be considered as "plans-in-lieu" of compliance with zoning regulations and not as hardship variances.

Zoning agreements and plans-in-lieu shall be notarized and recorded with the County Auditor and filed with the City's Property Development Services, Planning and Zoning Departments and shall be a Binding Site Plan for the development.

For more information contact:  
**Planning Services Department**  
**3<sup>rd</sup> Floor, City Hall, 808 W. Spokane Falls Blvd.**  
**Spokane, Washington 99201**  
**(509) 625-6060**

**[www.spokaneplanning.org](http://www.spokaneplanning.org)**