

ORDINANCE NO. _____

AN ORDINANCE relating to Design Review Board, Residential Zones Primary Uses, Downtown Zones Limited Use Standards, Off-site impacts Noise, SEPA Categorical Exemptions Applicability Appendix B, Construction Standards General Provisions Notice of Hearing, Building Code Awnings, Design Review Board Procedures, Design Review Board Criteria, Administration and procedures, Planned Unit Developments, Subdivision Design Standards, and Street Development Standards, amending Spokane Municipal Code (SMC) sections 04.13.015, 17C.110.100, 17C.124.110, 17C.220.060, 17E.050.080 Appendix B, 17F.010.050, 17F.040.140, 17G.040.040, 17G.060.020, 17G.060.070, 17G.070.220, and 17G.080.070.

WHEREAS, the maintenance of the Unified Development Code (UDC) and in general the Spokane Municipal Code (SMC) has been a periodic, recurring project of Planning and Development Services as well as other City departments over the course of the last two decades to maintain consistency and clarity as local policy documents needs or local, State and Federal regulations change; and

WHEREAS, Planning & Development Services has identified Phase I of multiple sections of SMC chapters require minor corrections, elimination of redundancy, or other non-substantive action; and

WHEREAS, Shaping Spokane, the 2017 adopted City of Spokane Comprehensive Plan Chapter 3 Land Use policy 7.2 calls out a continuing review process; and

WHEREAS, the continuing need for periodic maintenance of the SMC is intended to aid the public in preparing applications for development by relying on code citations and the enforcement of same necessitates active review and corrections; and

WHEREAS, the processing of applications and enforcement activity is anticipated to be more efficient by eliminating the time spent on resubmittal after explanation of the current SMC Title 17 affecting the applicant, improving customer service; and

WHEREAS, amendments to SMC Title 17 does require Plan Commission review or recommendation whether or not the amendment affects a land use action; and

WHEREAS, this repeal action is categorically exempt from the State Environmental Policy Act (SEPA) as stated in Washington Administrative Code (WAC) Procedural Actions 197-11-800(19)(a)(b); and

WHEREAS, a Notice of Intent to amend and adopt SMC multiple chapter sections including 04.13.015, 17C.110.100, 17C.124.110, 17C.220.060, 17E.050.080 Appendix B, 17F.010.050, 17F.040.140, 17G.040.040(B), 17G.060.020(A)(3), 17G.060.070(B)(5)(c), 17G.070.220(A), and 17G.080.070(C)(5) as part of periodic maintenance of the SMC was published in the City Gazette November 23, 2020 and November 30, 2020 and the **Spokesman Review XXXXX 2021 and XXXXX 2021;**

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its repeal of these sections of chapter 11.19; --

Now, Therefore, The City of Spokane does ordain:

Section 1. That SMC 04.13.015(E) is amended:

04.13.015(E) Administrative Agencies and Procedures; Design Review Board Purpose.

The design review board is hereby established to:

- A. improve communication and participation among developers, neighbors, and the City early in the design and siting of new development subject to design review under the Spokane Municipal Code;
- B. ensure that projects subject to design review under the Spokane Municipal Code are consistent with adopted design guidelines and help implement the City's comprehensive plan;
- C. advocate for the aesthetic quality of Spokane's public realm;
- D. encourage design and site planning that responds to context, enhances pedestrian characteristics, considers sustainable design practices, and helps make Spokane a desirable place to live, work, and visit;
- E. provide flexibility in the application of ((development)) design standards as allowed through ((development)) design standard departures; and
- F. ensure that public facilities and projects within the City's right-of-way:
 1. wisely allocate the City's resources,
 2. serve as models of design quality.

Section 2. That SMC 17C.110.100(B) & (C) is amended:

17C.110.100(B) & (C) Residential Zones; Residential Zones Primary Uses; Limited Uses (L) and Conditional Uses (CU)

A. Permitted Uses (P). Uses permitted in the residential zones are listed in Table 17C.110-1 with a "P." These uses are allowed if they comply with the development standards and other standards of this chapter.

B. Limited Uses (L). Uses permitted that are subject to limitations are listed in Table 17C.110-1 with an "L." These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in SMC 17C.320.080, ((Design Criteria)) Decision Criteria, is also subject to the standards of this chapter. The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.110-1.

C. Conditional Uses (CU). Uses that are allowed if approved through the conditional use review process are listed in Table 17C.110-1 with a "CU." These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards and other standards of this chapter. Uses listed with a "CU" that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in SMC 17C.320.080, ((Design Criteria)) Decision Criteria, is also subject to the standards of this chapter. The conditional use review process and approval criteria are stated in chapter 17C.320 SMC, Conditional Uses.

D. Uses Not Permitted (N).

Uses listed in Table 17C.110-1 with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.

Section 3. That SMC 17C.124.110 (A)(7)(a) is amended:

Chapter 17C.124 Downtown Zones

Section 17C.124.110 Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.124-1.

1. Group Living.

This regulation applies to all parts of Table 17C.124-1 that have a [1].

a. General Standards.

All group living uses except for alternative or post-incarceration facilities are allowed by right.

b. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are conditional uses.

2. Adult Business.

This regulation applies to all parts of Table 17C.124-1 that have a [2]. Adult businesses are subject to the additional standards of chapter 17C.305 SMC.

3. Commercial Parking.

This regulation applies to all parts of Table 17C.124-1 that have a [3]. See SMC 17C.230.310 for the parking structure design guidelines. See SMC 17C.124.340, Parking and Loading, for ground level parking structure use standards.

- a. New standalone surface commercial parking lots are not allowed as the primary use within the area shown on Map 17C.124-M1, Surface Parking Limited Area. Within the area shown on Map 17C.124-M1, standalone commercial parking as a primary use must be located entirely within a parking structure.

4. Drive-through Facility.

This regulation applies to all parts of Table 17C.124-1 that have a [4]. Drive-through facilities are subject to the additional standards of SMC 17C.124.290.

5. Quick Vehicle Servicing.

This regulation applies to all parts of Table 17C.124-1 that have a [5]. Quick vehicle servicing uses are permitted only on sites that have frontage on a Type III or IV complete street. Quick vehicle servicing uses must be fully contained within a structure. Quick vehicle servicing uses are subject to the additional standards of SMC 17C.124.290.

6. Retail Sales and Services Uses Motorized Vehicle Limitation.

This regulation applies to all parts of Table 17C.124-1 that have a [6]. Sale, rental, or leasing of motor vehicles, including passenger vehicles, light and medium trucks is not allowed. Sale, rental, and leasing of motorcycles and other recreational vehicles not able to be licensed for normal on street use is allowed. For sale or leasing of motorcycles and other recreational vehicles see SMC 17C.124.270, Outdoor Activities

7. Industrial Limitation.

This regulation applies to all parts of Table 17C.124-1 that have a [7]. These types of uses are limited to assure that they will not dominate the downtown area and to limit their potential impacts on residential and commercial uses. In addition, if the planning director determines that the proposed use will not be able to comply with the off-site impact standards of chapter 17C.220 SMC, the planning director may require documentation that the development will be modified to conform with the standards.

- a. Limited industrial uses are allowed. ~~((Only limited industrial uses are allowed.))~~ Industrial uses more intensive than the limited industrial definition are not allowed.
- b. Industrial buildings and industrial sites are subject to the same design standards as commercial buildings and commercial sites.

8. Mini-storage, Storage, Warehousing, Industrial and Parking Structure Limitation.
This regulation applies to all parts of Table 17C.124-1 that have an [8]. See SMC 17C.124.340.

9. Mini-storage Facilities Limitation.

This regulation applies to all parts of Table 17C.124-1 that have an [9]. Mini-storage facilities are subject to the additional standards of chapter 17C.350 SMC, Mini-storage Facilities.

10. Outdoor Activity Limitation.

This regulation applies to all parts of Table 17C.124-1 that have a [10]. Outdoor display, storage, or use of industrial equipment or other industrial items such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.

11. Community Services.

This regulation applies to all parts of Table 17C.124-1 that have a [11]. Most community service uses are allowed by right.

12. Wireless Communication Facilities.

See chapter 17C.355A SMC.

13. Existing Light Industrial and Self-service Storage Uses.

This regulation applies to all parts of Table 17C.124-1 that have an [13]. Light industrial and self-service storage uses in operation on the effective date of this ordinance, are considered to be a conforming use.

14. Mobile Food Vending.

This standard applies to all parts of Table 17C.124-1 that have a [14]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010.

Section 4. That SMC 17C.220.060 is amended:

The City noise standards are stated in ((SMC 10.08.020)) SMC 10.08D.090, Public Disturbance Noise. In addition, the department of ecology has standards that apply to environments within which maximum permissible noise levels are established.

Section 5. That SMC 17E.050.080 Appendix B is amended:

Chapter 17E.050 SEPA

Article III. Categorical Exemptions and Threshold Determinations

Section 17E.050.080 Categorical Exemptions – Applicability

- A. If a proposal fits within any of the provisions in SMC 17E.050.230 (Part Nine) and 17E.050.070, the proposal shall be categorically exempt from the threshold determination requirements (WAC 197-11-720), except when the proposal is a segment of a proposal that includes:
1. a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or
 2. a series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction. If so, that agency shall be the lead agency unless the agencies with jurisdiction agree that another agency should be the lead agency. Agencies may petition the department of ecology to resolve disputes (WAC 197-11-946).

For such proposals, the agency or applicant may proceed with the exempt aspects of the proposals, prior to conducting environmental review, provided the requirements of WAC 197-11-070 are met. See Appendix B for an informational matrix of exempt and nonexempt activities.

- B. The lead agency is not required to document that a proposal is categorically exempt. The lead agency may note on an application that a proposal is categorically exempt or place such a determination in the agency's files.

APPENDIX "B"

SMC 17E.050.080
SMC 17E.050.230
(ORD C33583)

SEPA EXEMPTION LEVELS MATRIX (INFORMATIONAL ONLY)

The following matrix serves for informational purposes only and should not be interpreted as law. Departments may administratively update this matrix for their own information. See Washington

Administrative Code (WAC) chapter 197-11, and the provisions set forth in this ordinance for specific SEPA exemption rules and regulations.

ACTIVITY	EXEMPT	NON-EXEMPT
Rezone		X
((Special Permit Use Permit)) <u>Conditional Use Permit</u> When Project Meets Flexible Thresholds	X	
Variances (Not including change in use or density)	X	
Short Plats or Short Subdivisions	X ¹	
Short Plat Within Land Previously Platted		X
License for Discharge to Water		X
Activities Critical Areas		X ²
Annexation Into A City	X	
License for Discharge to Air		X
< 20 Dwelling Units	X	
Agricultural Buildings <20,000 Square Foot	X	
Office, School, Commercial, Recreational, Service, Storage Buildings < 12,000 Square Feet And Up to 40 Parking Spaces	X	
Parking Lots < 40 Parking Spaces	X	
Landfills And Excavations < 500 Cubic Yards	X	

ACTIVITY	EXEMPT	NON-EXEMPT
Transit Stops	X	
Signs And Signals	X	
Minor Road Repair Including Pedestrian and Bike Facilities	X	
Additions To Building Below the Flexible Thresholds	X	
Building Demolition Below Flexible Thresholds	X	
Demolition of Buildings of Historic Significance		X
Underground Tanks < 10,000 gallons	X	
Vacation of Streets And Roads	X	
Hydrological Measuring Devices	X	
Survey and Boundary Markers	X	
Repair, Remodeling, Maintenance or Existing Structures	X ¹	
Minor Repair or Replacement of Structures	X ¹	
Dredging		X
Reconstruction/Maintenance Shoreline Protection Measures		X
Replacement of Utilities/ Utility Lines	X ³	
Repair/Rebuilding Dams, Dikes or Reservoirs		X
Water Rights and Structures For <50 c/f/s of Surface Water for Irrigation	X	
Water Rights and Structures For 1 c/f/s or 2,250 g/p/m or Ground Water	X	
Sale, Transfer, Exchange or Lease of Land	X	

ACTIVITY	EXEMPT	NON-EXEMPT
Closure of Schools (Plan)	X	
Open Burning	X	
Variances Under the Clean Air Act	X	
Issuance, Renewal, Revision of Air Operating Permit	X	
Water Quality Certifications	X	
Activities of Fire and Law Enforcement Exempt Construction	X	
Proposal Or Adoption of Rules, Regulations, Resolutions Ordinance or Plan Relating To Procedures and Contains No Standards	X	
Adoption of State Building Codes	X	
Adoption of Noise Ordinances	X	
Installation, Construction, Relocation Of Utilities Except The Following: 1. Communication Towers or Relay Stations 2. Stormwater, Water and Sewer with lines > 8 inches 3. Electrical Facilities and Lines > 55,000 Volts	X ¹	
Grants Of Franchise By Agencies To Utilities	X	
Class I, II, III Forest Practice Permits/Regulations	X	
Recreational Sites Development <12 Campsites	X	
Watershed Restoration Projects Pursuant To a Restoration Plan	X	
Microcell Attached To Structure– No Residence or School On-site	X	

ACTIVITY	EXEMPT	NON-EXEMPT
Personal Wireless Service Antennas Attached To Structure– No Residence or School On-site And in a Commercial, Industrial, Forest or Agricultural Zone.	X	
Personal Wireless Service Tower <60 Feet In a Commercial, Industrial, Forest or Agricultural Zone.	X	

¹Applies to land not covered by water.

²Under section 197-11-305 WAC, each County/City may adopt provisions to exclude exemptions listed in 197-11-800 for those sites listed in Critical Areas.

³Some utility replacements are non exempt. See WAC for specifics (i.e. replacement of transmission line for natural gas is not exempt).

Section 6. That SMC 17F.010.050(A)(1) is amended:

Section 17F.010.050 Notice of Hearing

A. Existing Building and Conservation Code.

1. ~~((Pursuant to chapter 11.11 SMC, notice of hearing,))~~ Notice of hearing by the building official is given by ~~((the department of neighborhood services and code enforcement))~~ the Developer Services Center department in the complaint which is:
 - a. served personally or by certified mail with return receipt, or if the whereabouts of a person to be served cannot be ascertained, by publication once a week for two consecutive weeks in a legal newspaper, upon all persons having a record interest in the subject property; and
 - b. posted on the subject property; and
 - c. filed in the manner of a lis pendens in the office of the Spokane County auditor.
2. Personal service, service by certified mail and filing in the auditor's office are between ten and thirty days before the hearing. Posting and first publication are between fifteen and thirty days before the hearing.
3. Notice of the public hearing of the hearing examiner on an appeal from the order of the building official is given by the office of the hearing examiner by personally serving on, or mailing to, the appellant and all persons having a record interest who have not disclaimed all interest, notice at least ten days prior to the hearing.

B. Effect of Notice.

The notice provisions of this chapter are not jurisdictional or exclusive. The failure of any person to receive notice under this section does not affect the validity of any hearing under this chapter. This section is subject to any specific notice provisions of state and federal law. This section does not prevent any City agency from adopting further provisions for notice by rule or preclude other methods of notice.

Section 7. That SMC 17F.040.140(A) is amended:

Section 17F.040.140 Awnings

In addition to the requirements of IBC Section 3105, these provisions apply:

~~A. ((A fixed awning not more than ten feet in length may be erected over a doorway to the building.))~~

A. An awning which defines an entrance to a nonresidential use and which provides shelter between a passenger loading point and the entrance may be installed in accordance with the standards of this section so long as any portion of the awning that does not project at least forty-two inches over the pedestrian way is confined along the facade to a width not to exceed the width of the doorway plus six feet on both sides.

B. Projection.

Awnings may extend over public property (whether the building is conforming or nonconforming) but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally.

C. An awning which projects more than eighteen inches into the public right-of-way must provide a minimum forty-two-inch coverage over any sidewalk adjacent to the property.

D. Clearance.

All portions of any awning shall be at least eight but not more than twelve feet above any public walkway.

EXCEPTION: Any valance attached to an awning shall not project above the roof of the awning at the point of attachment and shall not extend more than twelve inches below the roof of the awning at the point of attachment, but in no case shall any portion of a valance be less than seven feet in height above a public way.

E. Signs.

If an awning also carries advertising copy, the copy is regulated as a sign, but the awning is not thereby exempted from the provisions of this chapter as provided in Section 3107.

Section 8. That SMC17G.040.040(B) is amended:

Design Review Criteria.

The board shall base its review, report, and/or recommendation on the following criteria:

A. The requirements, guidelines, and applicable provisions of Title 17 SMC that apply to the property in question including all additional zoning regulations which may apply to the use or to its area by provision for overlay district, or made

applicable by any conditional use or variance approval.

- B. ~~((A summary of the design guidelines adopted by the City is found in the))~~ The Design Review Application Handbook, outlining the design review process, with application forms and submission checklists, is on file in the planning department.

Section 9. That SMC 17G.060.020(A)(3) is amended:

Section 17G.060.020 Administration

A. Responsibility for the administration, application and interpretation of these procedures pursuant to this ordinance is as is set forth below:

1. The director of building services or his designee is responsible for chapter 17E.050 SMC, Division F; chapter 17G.010 SMC, Division I; and the development codes.
2. The director of engineering services or his designee is responsible for chapter 17D.020 SMC, chapter 17D.070 SMC, chapter 17E.010 SMC, chapter 17E.050 SMC, chapter 17G.080 SMC, Division H and the development codes.
2. The director of planning services or his designee is responsible for SMC ~~((Division B, Division C,))~~ Title 17B and Title 17C and ((chapter 11.15 SMC, chapter 11.17 SMC, chapter 11.19 SMC,)) chapter 17D.010 SMC, chapter 17D.060 SMC, chapter 17D.080 SMC, chapter 17D.090 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.050 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, chapter 17G.020 SMC, chapter 17G.030 SMC, chapter 17G.040 SMC, chapter 17G.060 SMC, chapter 17G.070 SMC and chapter 17G.080 SMC

B. The procedures for requesting interpretations of the land use codes and development codes shall be made by the department and may be contained under the specific codes.

Section 10. That SMC 17G.060.070(B)(5)(c) is amended:

Section 17G.060.070 Application Requirements

A. Application requirements for Type I, II, and III project permit applications shall contain the following:

1. Predevelopment meeting summary as provided in SMC 17G.060.050(B), if required in Table 17G.060-3.
2. Application documents provided by the department specifically including:
 - a. General application;
 - b. Supplemental application;

- c. Environmental checklist, if required under chapter 17E.050 SMC;
- d. Filing fees as required under chapter 8.02 SMC;
- e. A site plan drawn to scale showing:
 - i. property dimensions;
 - ii. location and dimensions of all existing and proposed physical improvements;
 - iii. location and type of landscaping;
 - iv. walkways and pedestrian areas;
 - v. off-street parking areas and access drives;
 - vi. refuse facilities; and
 - vii. significant natural features, such as slopes, trees, rock outcrops including critical areas.
- f. Required number of documents, plans, or maps (as set forth in the application checklist);
- g. Written narrative identifying consistency with the applicable policies, regulations, and criteria for approval of the permit requested;
- h. Other plans, such as building elevations, landscaping plans, or sign plans, which are determined by the permitting department to be necessary to support the application; and
- i. Additional application information may be requested by the permitting department and may include, but is not limited to, the following:
 - i. geotechnical studies,
 - ii. hydrologic studies,
 - iii. critical area studies,
 - iv. noise studies,

- v. air quality studies,
- vi. visual analysis, and
- vii. transportation impact studies.

3. A certificate of appropriateness if required by chapter 17D.100 SMC.

B. The following Type II and III applications shall meet the requirements in this subsection in addition to the provisions of subsection (A) of this section:

1. Shoreline – Substantial Development Permit, Conditional Use Permit and Variance.
 - a. Name, address, and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
 - b. Name, address, and phone number of the applicant's representative if other than the applicant.
 - c. Name, address, and phone number of the property owner, if other than the applicant.
 - d. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute.
 - e. Identification of the name of the shoreline (water body) with which the site of the proposal is associated.
 - f. General description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
 - g. General description of the property as it now exists, including its physical characteristics and improvements and structures.
 - h. General description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

- i. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
 - i. the boundary of the parcels(s) of land upon which the development is proposed;
 - ii. the ordinary high-water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location, provided that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high-water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high-water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high-water mark of a shoreline;
 - iii. existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area;
 - iv. a delineation of all wetland areas that will be altered or used as a part of the development;
 - v. the dimensions and locations of all existing and proposed structures and improvements, including but not limited to: buildings, paved or graveled areas, roads, utilities, material stockpiles or surcharge, and stormwater management facilities;
 - vi. an inventory of the existing vegetation on the proposed project site, including the location, type, size, and condition, pursuant to SMC 17E.060.240, Shoreline Vegetation Inventory;
 - vii. a landscape plan prepared and stamped by a licensed landscape architect, registered in the state of Washington;

- viii. where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included;
- ix. quality, source and composition of any fill material that is placed on the site, whether temporary or permanent;
- x. quantity, composition and destination of any excavated or dredged material;
- xi. vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments, and uses on adjacent properties;
- xii. where applicable, a depiction of the impacts to views from existing residential uses;
- xiii. on all variance applications, the plans shall clearly indicate where development could occur without the approval of a variance, the physical features and circumstances of the property that provide a basis for the request, and the location of adjacent structures and uses.

2. Certificate of Compliance.

- a. Site plan is to be prepared by a licensed surveyor; and
- b. Copies of building permits or other data necessary to demonstrate the building was erected in good faith and all reasonable efforts comply with the code.

3. Plans-in-lieu of Compliance.

- a. Alternative development plan designed in conformance with the applicable development regulations; and
- b. A written narrative of how the proposed development plan is superior, or more innovative, or provides greater public benefit.

4. Preliminary Plat, Short Plat, and Binding Site Plan.

As provided in chapter 17G.080 SMC.

5. PUD.

- a. Profiles of any structures more than one story, shown in relation to finished grade.
- b. Location, dimension, and boundary of proposed open space.
- c. Site plan demonstrating compliance with ~~((chapter 11.19 SMC))~~ chapter 17C.110 and chapter 17G.070 including signs, off-street parking, structure height, building coverage, yards, density, screening, buffering, and lighting.

6. Skywalk.

- a. A legal description of airspace to be occupied.
- b. Architectural and engineering plans.
- c. Artist's rendering of the proposed skywalk; and
- d. Written narrative of the access for the public from the street, other buildings, and other skywalks.

7. Floodplain – Floodplain Development Permit and Variance.

As provided in chapter 17E.030 SMC.

Section 11. That SMC 17G.070.220 is amended:

Section 17G.070.220 Vesting

A. Applicability.

A planned unit development shall be reviewed under this chapter, the zoning, development and other land use control ordinances contained in ~~((Title 11 SMC and))~~ Title 17 SMC of the Spokane Municipal Code, and any uncoded ordinances modifying the same, in effect on the date a concept plan application has been deemed fully complete by the City. For the purposes of this section, a vested concept plan application shall mean that the applicant is entitled to implement the planned unit development or any portion of it described in the application under the zoning, development and land use ordinances applied by the City in its review of the planned unit development application.

B. Subsequent Regulations.

An applicant may have the option of subjecting its development to any subsequently enacted land use ordinances. However, should an applicant choose to subject its development to a subsequently enacted land use ordinance, this shall have the effect of subjecting the development to all land use ordinances enacted after the application is vested. In order for the director to grant such a request, the applicant must demonstrate how later enacted ordinance(s) will benefit both the project and the City while maintaining consistency with the comprehensive plan and will not be significantly detrimental to the health, safety, or general welfare of the City. The

director shall review and either approve the request or determine if a new application must be submitted.

Section 12. That SMC 17G.080.070(C)(5) is amended:
Section 17G.080.070 Subdivision Design Standards

A. Street Design and Improvements.

1. Street design is governed by the comprehensive plan, city design standards, chapter 17H.010 SMC and chapter 17E.030 SMC. Streets within and along a subdivision are to be designed in light of topography and existing and planned street patterns.
2. Except in unusual cases a plat must dedicate a full width street.
3. Entry gates are prohibited on public streets.
4. The following statement shall appear in the dedication of the final plat, final short plat or final binding site plan:
 - a. "All street identification and traffic control signs required by this project will be the responsibility of the developer."

B. Easements.

1. Where alleys are not provided, easements for public utilities shall be provided adjacent to any right-of-way. Such easements shall be the minimum necessary to provide public utilities. Insofar as possible, the easements shall be continuous and aligned from block to block within the subdivision and with adjoining subdivisions.
2. Easements for sewers, drainage, water main, electric lines or other public use utilities shall be dedicated whenever necessary. The size and location of the easement dedication shall be reviewed and approved by the appropriate utility provider.
3. Adequate provisions for public access to publicly owned parks, conservation areas or open space land shall be provided when a subdivision, short plat or binding site plan is adjacent to such lands.
4. The following statements are required to appear in the dedication of the final plat, final short plat and final binding site plan:

- a. "Slope easements for cut and fill, as deemed necessary by the Engineering Services – Developer Services Department in accordance with the City's Design Standards, are hereby granted to the City of Spokane for the construction and maintenance of public streets adjoining this plat."
- b. "A ___ foot easement for utilities, including cable television, is hereby granted along all street frontages to the City and its permittees."
- c. "Utility easements shown hereon the described plat are hereby dedicated to the City and its permittees for the construction, reconstruction, maintenance and operation of utilities and cable television, together with the right to inspect said utilities and to trim and/or remove brush and trees which may interfere with the construction, maintenance and operation of same."

C. Design of Lots and Blocks.

1. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated; consideration of the needs for convenient access, circulation, control, safety of the street traffic, provision for utilities and recognition of limitations and opportunities of topography.
2. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines or a combination of the two, unless an alley is desired, in which case a block may be comprised of two closed polygons separated by the adjoining alley.
3. Blocks shall ordinarily be sufficient to allow for two tiers of lots of depths sufficient to meet the underlying zone. Double-frontage lots should be avoided.
4. All plat lots shall begin with lot one block one and shall be numbered consecutively by lots and blocks, provided that for plats sequenced by phasing, and which adjoin a previously recorded phase of the approved preliminary plat, lots may continue with lot one and the next consecutively sequenced block number. Lots from one plat shall not cross plat boundaries into another plat.
5. Lot widths, lot areas and frontage upon a public street (or private street within a PUD or binding site plan) shall conform to the underlying zone. For PUDs the hearing examiner may adjust the standards of the underlying zone subject to the provisions of ((SMC 11.19.366)) SMC 17G.070 and for binding site plans the director may adjust the standards of the underlying zone subject to provision of SMC 17G.060.170(D)(4). Corner lots shall be

designed to ensure setbacks are met from both streets. Lots shall be as nearly rectangular as possible with side lot lines approximately at right angles or radial to street lines.

6. Lots shall not be divided by the boundary of any zoning designation or public right-of-way.
7. Where a lot is plotted into one acre or more in size, the director may require an arrangement of the lot such as to permit a subsequent redivision in conformity with plans adopted by the City.

D. Stormwater Improvements.

Stormwater facilities design and improvements shall be in accordance with chapter 17D.060 SMC and other applicable design standards. The following statements shall appear in the dedication of the final plat, final short plat or final binding site plan:

1. "Development of the subject property, including grading and filling, are required to follow an erosion/sediment control plan that has been submitted to and accepted by Engineering Services – Developer Services prior to the issuance of any building and/or grading permits."
2. "All stormwater and surface drainage generated on-site must be disposed on-site in accordance with chapter 17D.060 SMC, Stormwater Facilities, and City Design Standards, and as per the Project Engineer's recommendations, based on the drainage plan accepted for the final plat."
3. "No building permit shall be issued for any lot in this subdivision/PUD until evidence satisfactory to the Director of Engineering Services has been provided showing that the recommendations of chapter 17D.060 SMC, Stormwater Facilities, and the Project Engineer's recommendations, based on the drainage plan accepted for the final subdivision/PUD, have been complied with."

E. Sewer Improvements.

Sewer design and improvements shall be in accordance with chapter 13.03 SMC and the city's design standards. The following statements shall appear in the dedication of the final plat, final short plat or final binding site plan:

1. "Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private sanitary sewer system complying with the requirements of the Engineering Services Department."

F. Water and Utility Improvements.

Water and city utility design and improvements shall be in accordance with chapter 13.04 SMC and the city's design standards. The following statements shall appear in the dedication of the final plat, final short plat or final binding site plan.

1. "Only City water and sanitary sewer systems shall serve the plat; the use of individual on-site sanitary waste disposal systems and private wells is prohibited."
2. "All required improvements serving the plat, including streets, sanitary sewer, stormwater and water, shall be designed and constructed at the developer's expense. The improvements must be constructed to City Standards by the developer prior to the occupancy of any structures within the development."
3. "Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private water system complying with the requirements of the Engineering Services Department and having adequate pressure for domestic and fire uses, as determined by the Water and Hydroelectric Services Department."
4. "Prior to the issuance of any building permits, the lots shall be served by fire hydrants and shall have appropriate access to streets as determined by the requirements of the City Fire Department and the Engineering Services Department."
5. "Water mains and fire hydrants must be installed at the developer's expense, in locations approved by the City Fire Department and in accordance with applicable State and Federal provisions."
6. "All private improvements constructed within the boundaries of a PUD are required to be maintained by a homeowner's association or comparable entity established for this PUD." (applies to PUDs).

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date