

ORDINANCE NO. _____

AN ORDINANCE relating to expansion of the area shown in Spokane Municipal Code [Map 17C.370-M1](#), into additional areas in residential zones, where existing neighborhood commercial structures may restore a discontinued or other approved commercial use during a two-year pilot period; and amending SMC sections 17C.370.010, 17C.370.020, and 17C.370.030.

The City of Spokane does ordain:

Section 1. That SMC section 17C.370.010 is amended to read as follows:

17C.370.010 Purpose

The purpose of this chapter is to allow existing neighborhood commercial structures that once housed a legal neighborhood commercial use to be reused for low impact neighborhood scale and neighborhood serving businesses. The neighborhood commercial structure must have been in existence at the time of the adoption of this chapter. Several examples exist of structures that once housed neighborhood serving businesses, which are now vacant, underutilized or are in disrepair. When ~~((located on arterial streets, or when listed on the Spokane Register of Historic Places, and when))~~ meeting the code standards of this chapter, these neighborhood commercial structures are allowed to be re-occupied with neighborhood scaled services. This chapter is not intended to provide an alternative review process for conversion of public and semi-public facilities under SMC 17C.320.060.

Section 2. That SMC section 17C.370.020 is amended to read as follows:

17C.370.020 Applicability

The provisions of this chapter apply only to those existing structures where it can be documented that they once contained a legal non-residential use and where these structures are now located in a residential zone and located on a parcel with frontage on an arterial street as classified on the official City [Arterial Street Map](#). The provisions of this chapter apply only to the area shown on [Map 17C.370-M1](#) and, during a two-year period beginning August 1, 2017, and ending July 31, 2019, the provisions of this chapter shall also apply to the RA, RSF, RTF, RMF, and RHD zones in other areas of the city.

Section 3. That SMC section 17C.370.030 is amended to read as follows:

17C.370.030 Procedure

A. Planning Director Administrative [or Hearing Examiner](#) Decision.

1. Establishing a ~~((non-residential))~~ use under this chapter in an eligible structure requires following the same application and posting process as a Type II or III Conditional Use Process as provided in chapter 17G.060 SMC. A Type III application is required for projects whose site, use, or structure's size or expansion exceeds one or more thresholds described under Subsection (F)(4) below. For projects that do not exceed any of the thresholds, a Type II conditional use permit application is required, except the planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest.
 2. The planning director administrative decision or hearing examiner decision is only for the use approved through the process. If a proposed change of use for the site proposes other uses that are not within the use category description approved for the site, a new planning director administrative decision or hearing examiner decision is required to determine the requirements that the new use shall follow.
- B. The fee for the planning director administrative decision is the same as a Type I application. The fee for a Type III hearing examiner decision shall be the same as a Type III application.
- C. A predevelopment meeting as provided in SMC 17G.060.040 is required before an application may be submitted.
- D. Decision criteria ~~((is))~~ are found in SMC 17G.060.170 and applications shall follow the same procedures for a Type II or III conditional use process, as may be applicable depending on the type of application reviewed.
- E. If the planning director or hearing examiner makes a determination with supporting findings that the benefits of the proposed use and improvements to the existing structure and the property on which the structure is located would mitigate potential negative impacts on the residential character of the area, then a planning director administrative decision or hearing examiner decision may be granted consistent with the following uses. The director or hearing examiner may make a determination with supporting findings that a proposed use is not permitted because the nature of the use would have negative impacts on the residential character of the area that cannot be mitigated with conditions of approval.
1. Uses Not Allowed.
Sale or leasing of:
 - a. motorized consumer vehicles,
 - b. fire arms,

- c. weapons,
- d. medical marijuana.

2. Uses Allowed:

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

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

1. The structure on the site must have been originally legally built to accommodate a non-residential use and, at the time of application, its existing use must not be classified within the institutional use category as described in Article V of chapter 17C.190 SMC.
2. The site must have frontage on a designated arterial (principal, minor, or collector) street as shown on [SMC 12.08.040 Official Arterial Street Map](#)~~((, or the building must be listed on the Spokane Register of Historic Places at the time of application))~~.
3. The site must be located within the RA, RSF, RTF, RMF, or RHD zones during a two-year pilot period from August 1, 2017, through July 31, 2019. After the pilot period has expired on July 31, 2019, no additional applications will be accepted until further City Council action is taken, unless the site is located within an eligible area as shown on [Map 17C.370-M1](#).
4. ~~((The site size may not be expanded and the uses approved under this section may not expand onto surrounding sites beyond the site area at the time of this chapter's date of adoption.))~~ The site, structure, and expansion sizes for uses approved under this section are measured at the time of this chapter's date of adoption. Size shall be limited, and applications shall be reviewed according to the size and expansions of existing sites and structures, described as follows:
 - a. Applications reviewed under this section that propose any or all of the following shall automatically require a conditional use permit and be processed as a Type III application:
 - i. Any building with uses approved under this section with a ground-floor area of three thousand square feet or greater,

including the existing building and building additions, to a maximum of five thousand square feet;

ii. Any development of an additional amount of off-street motor vehicle parking that is devoted to or required for the use; and/or

iii. Any other expansion of the site or use onto surrounding sites beyond the site area.

b. Applications reviewed under this section that do not exceed one or more of the thresholds described in subsection (F)(4)(a) above, or are required to be reviewed by a Type III process under subsection (A)(1) above, shall require a conditional use permit and are processed as a Type II application.

c. No ground floor of a structure containing a land use approved under this section shall have a footprint larger than five thousand gross square feet, including any building additions.

5. Parking and loading requirements are specific to the use authorized by the hearing examiner or director and shall follow the standards in chapter 17C.230 SMC Parking and Loading for a Neighborhood Retail Zone (NR).

~~((Exceptions to the required parking and loading include:~~

~~a. On-street parking that is immediately adjacent to the frontage(s) of the site shall count toward the minimum parking required.~~

~~b. The minimum parking required for this section is the amount specified in chapter 17C.230 SMC Parking and Loading minus the first five parking spaces. (Example: If the minimum parking required as determined in chapter 17C.230 SMC Parking and Loading is calculated at five spaces then the required parking is five minus five equals zero.))~~

6. Business operation hours shall be determined by the hearing examiner or director. Operational hours for non-residential uses operating later than ten p.m. and earlier than five a.m. will need to demonstrate that all off-site impacts will be fully mitigated.

7. Drive through facilities are prohibited.

8. Outdoor storage is prohibited. Outdoor seating areas and daytime display of merchandise is allowed.

9. Lighting shall be provided within parking lots and along pedestrian walkways. Lighting fixtures shall be limited to sixteen feet in height. All lighting shall be shielded from producing off-site glare.

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

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date