

ORDINANCE NO. C35730

An ordinance relating to dimensional standards for attached housing and multifamily development in residential zones, amending Spokane Municipal Code (SMC) sections 17C.110.200, 17C.110.215, 17C.110.310, and 17C.110.360.

WHEREAS, it is a planning goal of the Washington State Growth Management Act under RCW 36.70A.020(1) to "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner;" and

WHEREAS, in compliance with Chapter 36.70A RCW, the City of Spokane adopted a Comprehensive Plan on May 21, 2001; and

WHEREAS, the City of Spokane is required under RCW 36.70A.040(4)(d) to implement the goals and policies of the City's Comprehensive Plan by adoption of implementing development standards; and

WHEREAS, the Washington Administrative Code 365-196-300(3)(b)(i) states "Development regulations must allow development at the densities assumed in the comprehensive plan;" and

WHEREAS, the City of Spokane's Comprehensive Plan encourages the efficient use of land in proximity to Centers and Corridors designated on the Land Use Plan Map (Goal LU 3), provides minimum and maximum residential densities (Land Use Chapter, Section 3.4), and provides opportunities for a variety of housing types that are safe and affordable for all income levels (Goal H1); and

WHEREAS, the City of Spokane Comprehensive Plan, Land Use Chapter, Goal LU 5, Development Character, states: "*Promote development in a manner that is attractive, complementary, and compatible with other land uses;*" and

WHEREAS, the City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 7.1, Regulatory Structure, states: "*Develop a land use regulatory structure that utilizes a variety of mechanisms to promote development that provides a public benefit;*" and

WHEREAS, according to the Washington Commerce Department's 2015 Housing Needs Assessment ("Assessment"), more than 24,000 of homeowner households at every income level assessed in the Spokane Urbanized Area paid more than 30 percent of their income on housing, a status defined as "cost-burdened;" and

WHEREAS, more than 28,000 renter households were also cost-burdened, according to the Assessment; and

WHEREAS, together these households represented a third of the total number of households; meanwhile, only 43 percent of households earning less than \$31,500 (50% of median family income) had access to affordable and available housing, according to the Assessment; and

WHEREAS, according to American Community Survey 1-year estimates, rental vacancies in 2017 in Spokane County and the city of Spokane were at 2.4 percent, the lowest level for at least thirteen years; and

WHEREAS, in 2016, a Plan Commission subcommittee ("committee") was formed to identify local issues and develop strategies to overcome obstacles to infill development that would enable and promote high-quality development on vacant land; and

WHEREAS, during a public engagement process that solicited community input, the committee learned of interest in construction of attached housing, such as townhouses, and identified potential barriers that are making it difficult or impossible to achieve the densities and housing options envisioned in the Comprehensive Plan; and

WHEREAS, the committee prepared a series of recommendations that included proposed regulatory changes, including amendments to update dimensional and other standards such as smaller lot sizes to support attached housing and more efficient use of land (SMC 17C.110.200); and

WHEREAS, the Spokane City Council adopted Resolution 2016-94 on November 21, 2016, recognizing the committee's summary report and recommendation as a guide for future program development and potential regulatory implementation measures; and

WHEREAS, in January 2018, the City Council adopted, and in February 2018, the Mayor signed Ordinance C35575, which carried out committee recommendations related to lower-density residential zones by providing alternative residential development standards in those areas; and

WHEREAS, it is necessary to create opportunities in higher-density residential zones for development that can achieve the densities envisioned in the Comprehensive Plan, thus reducing impacts on City service delivery; and

WHEREAS, it is necessary to create additional opportunities to compatibly increase the affordable housing supply and respond to demands of citizens of every income level experiencing a shortage of housing, as indicated by comments received and the historic low vacancy rates; and

WHEREAS, related to public health, safety, welfare, and protection of the environment, this ordinance is intended to make more efficient use of available lands, and encourage development in closer proximity to services, effectively reducing sprawl; and

WHEREAS, the changes are aligned with the committee recommendations to remove identified barriers that make it difficult or impossible to achieve the densities and housing options envisioned in the Comprehensive Plan; and

WHEREAS, the City complied with RCW 36.70A.370 in the process of adopting this Ordinance; and

WHEREAS, the City conducted open house meetings on May 3 and May 9, 2018; and

WHEREAS, the City encouraged public participation and provided information on the amendments on its website (<http://my.spokanecity.org/projects>); and

WHEREAS, the City of Spokane Plan Commission held workshops throughout the process; and

WHEREAS, a State Environmental Policy Act ("SEPA") Checklist was prepared and a Determination of Non-Significance ("DNS") was issued on June 27, 2018, for the proposed amendments; and

WHEREAS, public notice was published in the Spokesman Review on June 27, and July 4, 2018, giving notice of the Plan Commission public hearing and SEPA Checklist and DNS; and

WHEREAS, on July 11, 2018, the City Plan Commission held a public hearing on the proposed amendments, where the Plan Commission heard testimony from the public; and

WHEREAS, during the hearing, the Plan Commission entertained a number of proposals to amend the draft regulations; and

WHEREAS, the Plan Commission voted to consider several of the amendments and asked staff to conduct research regarding the proposed amendments and their impacts; and

WHEREAS, the Plan Commission continued the hearing to November 14, 2018, for the purposes of allowing additional public comment and testimony on the proposed amendments; and

WHEREAS, a revised SEPA Checklist was prepared and a revised DNS was issued on October 31, 2018, for the proposed amendments; and

WHEREAS, public notice was published in the Spokesman Review on October 31, and November 7, 2018, giving notice of the Plan Commission public hearing and of the revised SEPA Checklist and DNS; and

WHEREAS, on November 14, 2018, the Plan Commission held a public hearing on the recommended amendments and continued its deliberations until November 28, 2018; and

WHEREAS, on November 28, 2018, the Plan Commission recommended, by a vote of 8-0, approval of the amendments in this Ordinance and in two separate ordinances related to text amendments in chapter 17C.230 SMC, Parking and Loading; and in SMC 17G.080.065, Alternative Residential Subdivisions; and

WHEREAS, the City Council adopts the findings and conclusions of the Plan Commission and further incorporates the Planning Department's entire file into the record in support of the Council's adoption of this Ordinance; and

WHEREAS, the public has had opportunities to participate throughout the process and all persons desiring to comment were given an opportunity to be heard; -- Now, Therefore

The City of Spokane does ordain:

Section 1. That SMC section 17C.110.200 is amended to read as follows:

17C.110.200 Lot Size

A. Purpose.

The standards of this section allow for development on lots, but do not legitimize lots that were divided in violation of chapter 17G.080 SMC, Subdivisions. The required minimum lot size, lot depth, lot width and frontage requirements for new lots ensure that development will, in most cases, be able to comply with all site development standards. The standards also prevent the creation of very small lots that are difficult to develop at their full density potential. Finally, the standards also allow development on lots that were reduced by condemnation or required dedications for right-of-way.

B. Existing Lot Size.

1. Development is prohibited on lots that are not of sufficient area, dimension and frontage to meet minimum zoning requirements in the base zone. Except:
 - a. one single-family residence may be developed on a lot that was legally created under the provisions of chapter 58.17 RCW, Plats – Subdivisions – Dedications, or applicable platting statutes;
 - b. a PUD lot may be less than the minimum size of the base zone, if such lot is delineated on a PUD plan, which has been approved by the hearing examiner. All use and development standards of the zone wherein such lot is located, shall be complied with, unless modified through the PUD process by the hearing examiner. A PUD shall comply with the requirements of subsection (C) of this section.
2. No lot in any zone may be reduced so that the dimension, minimum lot area, frontage or area per dwelling unit is less than that required by this chapter, except as modified through the PUD process by the hearing examiner.
3. Lots Reduced by Condemnation or Required Dedication for Right-of-way. Development that meets the standards of this chapter is permitted on lots,

or combinations of lots, that were legally created and met the minimum size requirements at the time of subdivision, but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way.

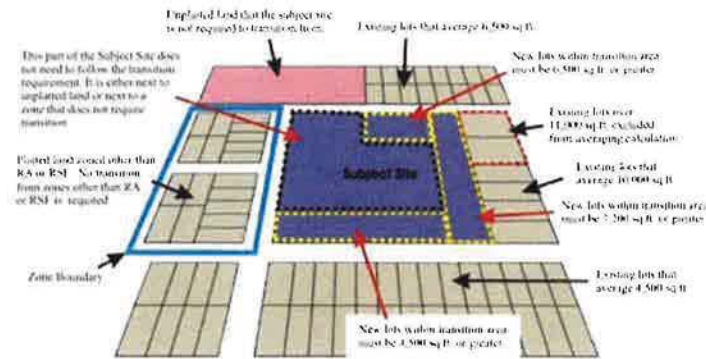
C. Land Division.

All new lots created through subdivision must comply with the standards for the base zone listed in Table 17C.110-3.

1. Transition Requirement.

For sites two acres or greater, transition lot sizes are required to be included as a buffer between existing platted land and new subdivision subject to the requirements of this section. The purpose of this section is to transition lot sizes between the proposed and existing residential developments in order to facilitate compatible development and a consistent development pattern. In the RA and RSF zones, the minimum lot size is subject to transitioning of lots sizes. Lots proposed within the initial eighty feet of the subject property are required to transition lot sizes based on averaging under the following formulas:

- a. Transitioning is only required of properties adjacent to or across the right-of-way from existing residential development. "Existing residential development" in this section shall mean existing lots created through subdivision or short plat.
- b. Lot size in the transition area is based on the average of the existing lot size in subdivisions adjacent to, or across the street from, the subject property. Lots greater than eleven thousand square feet are not counted in the averaging.
- c. If the existing average lot size is greater than seven thousand two hundred square feet, then the lot size in the transition area can be no less than seven thousand two hundred square feet.
- d. If the existing average lot size is less than seven thousand two hundred square feet, then the lot size in the transition area can be equal to or greater than the average.
- e. If the subject site shares boundaries with more than one subdivision, the minimum lot size in the transition area shall be based on the average lot sizes along each boundary. When two boundaries meet, the lot size shall be based on the larger of the two boundaries. See example below; and



- f. If the subject site shares a boundary with property zoned other than RA or RSF, then there are no transition requirements along that boundary.
- g. After the first set of lots in the transition area, lot sizes may be developed to the minimum lot size of the base zone, i.e., four thousand three hundred fifty square feet in the RSF zone.

2. Planned unit developments, combined with a subdivision, may reduce the minimum lot size, lot width, lot depth and frontage requirements in the RA and RSF zones pursuant to SMC 17G.070.030(C)(1), except in the transition area required by subsection (C)(1) of this section.

D. Ownership of Multiple Lots.

Where more than one adjoining lot is in the same ownership, the ownership may be separated as follows:

1. If all requirements of this chapter will be met after the separation, including lot size, density and parking, the ownership may be separated through either a boundary line adjustment (BLA) or plat, as specified under chapter 17G.080 SMC, Subdivisions.
2. If one or more of the lots does not meet the lot size standards in this section, the ownership may be separated along the original plat lot lines through a boundary line adjustment (BLA).

- E. New Development on Standard Lots. New development on lots that comply with the lot size standards in this section are allowed subject to the development standards and density requirements of the base zone as required under Table 17C.110-3.

- F. Lot Frontage. All residential lots shall front onto a public street and meet the minimum lot frontage requirements of Table 17C.110-3. Except, that frontage on a public street is not required for lots created through alternative residential subdivision under SMC 17G.080.065, and lots approved in a planned unit

development or a manufactured home park may have lots or spaces fronting onto private streets, subject to the decision criteria of SMC 17H.010.090.

TABLE 17C.110-3 DEVELOPMENT STANDARDS [1]					
DENSITY STANDARDS					
	RA	RSF & RSF-C	RTF	RMF	RHD
Density - Maximum	4,350 (10 units/acre)	4,350 (10 units/acre)	2,100 (20 units/acre)	1,450 (30 units/acre)	--
Density - Minimum	11,000 (4 units/acre)	11,000 (4 units/acre)	4,350 (10 units/acre)	2,900 (15 units/acre)	2,900 (15 units/acre)
MINIMUM LOT DIMENSIONS LOTS TO BE DEVELOPED WITH:					
Multi-Dwelling Structures or Development					
	RA	RSF & RSF-C	RTF	RMF	RHD
Minimum Lot Area				2,900 sq. ft.	2,900 sq. ft.
Minimum Lot Width				25 ft.	25 ft.
Minimum Lot Depth				70 ft.	70 ft.
Minimum Front Lot Line				25 ft.	25 ft.
Compact Lot Standards [2]					
Minimum Lot Area [3]		3,000 sq. ft.			
Minimum Lot Width		36 ft.			
Minimum Lot Depth		80 ft.			
Minimum Front Lot Line		30 ft.			
Attached Houses <u>as defined in SMC 17A.020.010</u>					
Minimum Lot Area [3]	7,200 sq. ft.	4,350 sq. ft.	1,600 sq. ft.	((1,600)) 1,450 sq. ft.	None

Minimum Lot Width	40 ft.	40 ft.	36 ft. or 16 ft. with alley parking and no street curb cut	Same	Same
Minimum Lot Depth	80 ft.	80 ft.	50 ft.	((25 ft.)) None	((25 ft.)) None
Minimum Front Lot Line	40 ft.	40 ft.	Same as lot width	Same as lot width	Same as lot Width
Detached Houses					
Minimum Lot Area [3]	7,200 sq. ft.	4,350 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	None
Minimum Lot Width	40 ft.	40 ft.	36 ft.	25 ft.	25 ft.
Minimum Lot Depth	80 ft.	80 ft.	40 ft.	25 ft.	25 ft.
Minimum Front Lot Line	40 ft.	40 ft.	30 ft.	25 ft.	25 ft.
Duplexes					
Minimum Lot Area			4,200 sq. ft.	2,900 sq. ft.	None
Minimum Lot Width			25 ft.	25 ft.	25 ft.
Minimum Lot Depth			40 ft.	40 ft.	25 ft.
Minimum Front Lot Line			25 ft.	25 ft.	25 ft.
PRIMARY STRUCTURE					
Maximum Building Coverage					
	RA	RSF & RSF-C	RTF	RMF	RHD
Lots 5,000 sq. ft. or larger	40%	2,250 sq. ft. +35% for portion of lot over 5,000 sq. ft.	2,250 sq. ft. +35% for portion of lot over 5,000 sq. ft.	50%	60%
Lots 3,000 - 4,999 sq. ft.	1,500 sq. ft. + 37.5% for portion of lot over 3,000 sq. ft.				
Lots less than 3,000 sq. ft.	50%				

<u>Attached housing as defined in SMC 17A.020.010, lots any size</u>	<u>Same as above</u>			<u>Up to 70%</u>	<u>Up to 80%</u>
Building Height					
Maximum Roof Height (([5]))	35 ft. [5]	35 ft. [5]	35 ft. [5]	35 ft. [6]	35 ft. [6]
Maximum Wall Height	25 ft.	25 ft.	25 ft.	((30 ft.)) = [6]	--
Floor Area Ratio (FAR)					
FAR	0.5	0.5 [4]	0.5 [4]	--	--
Setbacks					
Front Setback [7, 8]	15 ft.				
Side Lot Line Setback – Lot width more than 40 ft.	5 ft.				
Side Lot Line Setback – Lot width 40 ft. or less	3 ft.				
Street Side Lot Line Setback [7]	5 ft.				
Rear Setback [9, 10]	25 ft.	25 ft. [11]	15 ft.	10 ft.	10 ft.
Required Outdoor Area					
Required Outdoor Area for attached and detached houses. Minimum dimension (See SMC 17C.110.223)	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	200 sq. ft. 10 ft. x 10 ft.	48 sq. ft. 7 ft. x 7 ft.
ACCESSORY STRUCTURES					
	RA	RSF & RSF-C	RTF	RMF	RHD
Maximum Roof Height	30 ft.	20 ft.	20 ft.	35 ft.	35 ft.

Maximum Wall Height	30 ft.	15 ft.	15 ft.	35 ft.	35 ft.
Maximum Coverage [12]	20%	15%	15%	See Primary Structure	See Primary Structure
Front Setback	20 ft.				
Side Lot Line Setback – Lot width 40 ft. or wider [13]	5 ft.				
Side Lot Line Setback – Lot width less than 40 ft. [13]	3 ft.				
Street Side Lot Line [14]	20 ft.				
Rear [13]	5 ft.				
Rear with Alley	0 ft.				

Notes:

-- No requirement

[1] Plan district, overlay zone, or development standards contained in SMC 17C.110.310 through 360 may supersede these standards.

[2] See SMC 17C.110.209, Compact Lot Standards.

[3] For developments two acres or greater, lots created through subdivision in the RA, RSF and the RSF-C zones are subject to the lot size transition requirements of SMC 17C.110.200(C)(1).

[4] In the RSF-C and RTF zones, and sites in the RSF zone qualifying for compact lot development standards, described in SMC 17C.110.209, FAR may be increased to 0.65 for attached housing development only.

[5] No structure located in the rear yard may exceed twenty feet in height.

[6] Base zone height may be modified according to SMC 17C.110.215, Height.

[7] Attached garage or carport entrance on a street is required to be setback twenty feet from the property line.

[8] See SMC 17C.110.220(D)(1), setbacks regarding the use of front yard averaging.

[9] See SMC 17C.110.220(D)(2), setbacks regarding reduction in the rear yard setback.

[10] Attached garages may be built to five feet from the rear property line except, as specified in SMC 17C.110.225(C)(6)(b), but cannot contain any living space.

[11] In the RSF-C zone and sites in the RSF zone qualifying for compact lot development standards, described in SMC 17C.110.209, the rear setback is 15 feet.

[12] Maximum site coverage for accessory structures is counted as part of the maximum site coverage of the base zone.

[13] Setback for a detached accessory structure and a covered accessory structure may be reduced to zero feet with a signed waiver from the neighboring property owner, except, as specified in SMC 17C.110.225(C)(5)(b).

[14] The setback for a covered accessory structure may be reduced to five feet from the property line.

Section 2. That SMC section 17C.110.215 is amended to read as follows:

17C.110.215 Height

A. Purpose.

The height standards promote a reasonable building scale and relationship of one residence to another and they promote privacy for neighboring properties. The standards contained in this section reflect the general building scale and placement of houses in the City's neighborhoods.

B. Height Standards.

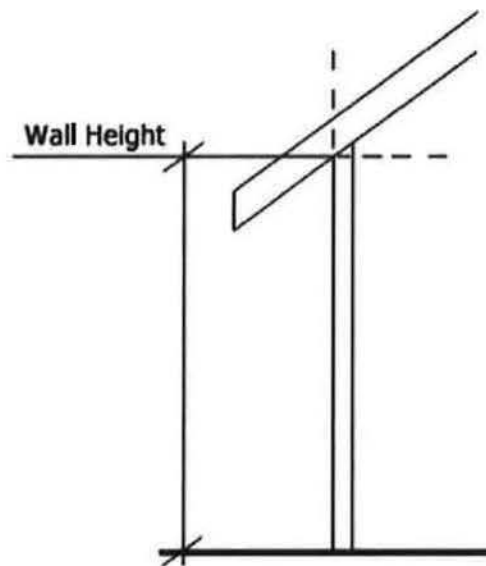
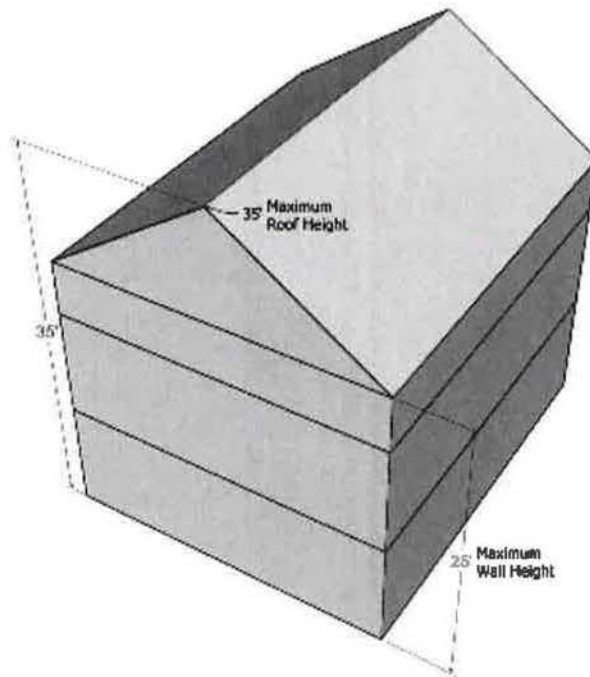
The maximum height standards for all structures are stated in Table 17C.110-3. The building height shall be measured using the following method:

1. The height shall be measured at the exterior walls of the structure. Measurement shall be taken at each exterior wall from the existing grade or finished grade, whichever is lower, up to a plane essentially parallel to the existing or finished grade. For determining structure height, the exterior wall shall include a plane between the supporting members and between the roof and the ground. The vertical distance between the existing grade, or finished grade, if lower, and the parallel plane above it shall not exceed the maximum height of the zone.
2. When finished grade is lower than existing grade, in order for an upper portion of an exterior wall to avoid being considered on the same vertical ~~((plan))~~ plane as a lower portion, it must be set back from the lower portion a distance equal to two times the difference between the existing and finished grade on the lower portion of the wall.
3. Depressions such as window wells, stairwells for exits required by other codes, "barrier free" ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.
4. No part of the structure, other than those specifically exempted or excepted under the provisions of the zone, shall extend beyond the plan of the maximum height limit.
5. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
6. For purposes of ~~((measure))~~ measuring building height in residential zones, the following terms shall be interpreted as follows:

- a. "Grade" means the ground surface contour (see also "existing grade" and "finished grade").
- b. "Fill" means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.
- c. "Finished grade" means the grade upon completion of the fill or excavation.
- d. "Excavation" means the mechanical removal of earth material.
- e. "Existing grade" means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.

TABLE 17C.110.215-1 MAXIMUM HEIGHT	
Maximum Wall Height [1]	25 ft.
Maximum Roof Height [2]	35 ft.
[1] The height of the lowest point of the roof structure intersects with the outside plane of the wall. [2] The height of the ridge of the roof. See "Example A" below.	

((G-)) **Example A**



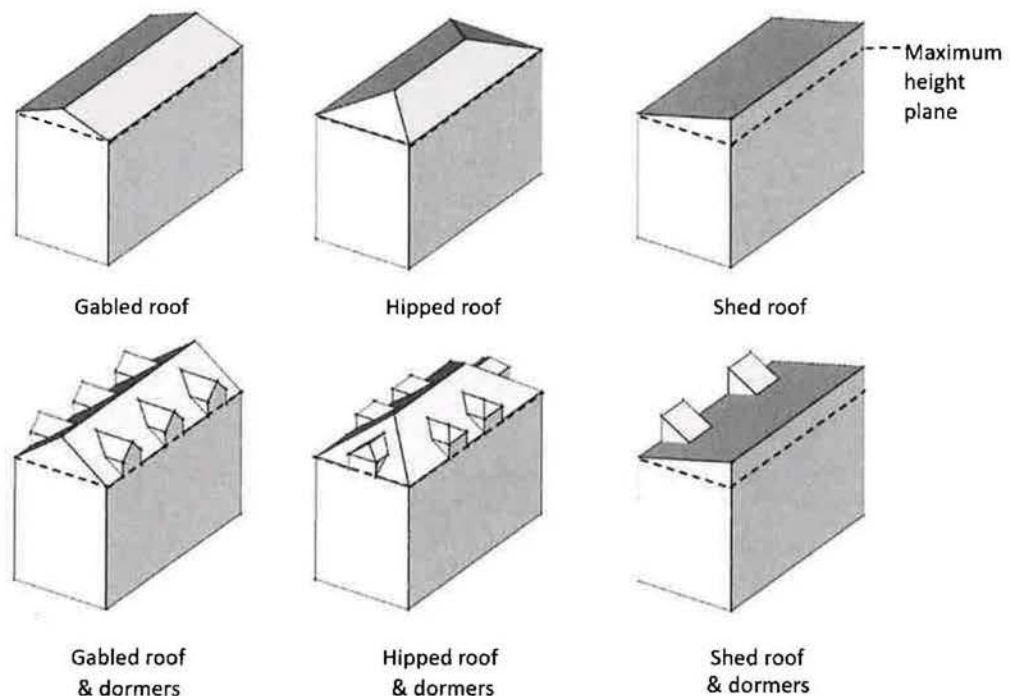
C. Exceptions to the maximum height standard are stated below:

1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., ((GB)) RHD-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are ~~((thirty feet,))~~

thirty-five feet, forty feet, fifty-five feet, seventy feet, or one hundred fifty feet depending on location.

2. In RMF and RHD zones where the maximum structure height is thirty-five feet, pitched roof structures are allowed an additional fifteen feet above the maximum height standard stated in Table 17C.110-3, provided that the roof incorporates all of the following:
 - a. pitched roof forms having slopes between 4:12 and 12:12; and
 - b. a minimum of one roof plane that intersects the maximum height plane (see Figure 17C.110-A for eligible examples); and
 - c. establishes sense of “top” per SMC 17C.110.455.

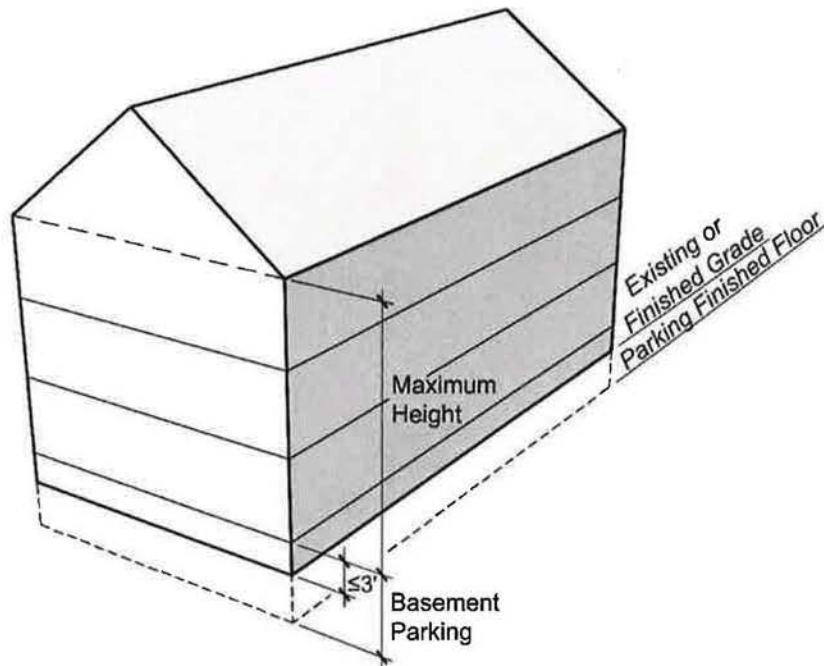
Figure 17C.110-A: Roof Type Examples for Height Exception.



[Note: Add the graphic above.]

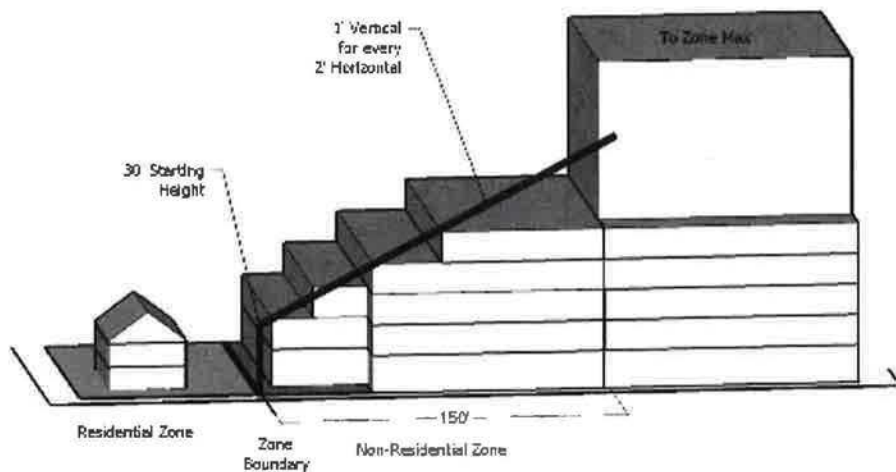
3. In the RMF and RHD zones, height does not include up to three feet of the above-grade portions of basement parking, where the elevation of the first residential finished floor is three feet or less above the lowest elevation of the existing grade or finished grade, whichever is lower. See Figure 17C.110-D.

Figure 17C.110-D: Basement Parking Excluded from Height.



[Note: Add the graphic above.]

- ((2)) 4. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in chapter 17C.250 SMC, Tall Building Standards.
- ((3)) 5. Adjacent to Single-family and Two-family Residential Zones.
To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent single-family and two-family residential zones:
 - a. for all development within one hundred fifty feet of any single-family or two-family residential zone the maximum building height is as follows:
 - i. Starting at a height of thirty feet ((;)) at the residential zone boundary additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.



6. In the RMF zone within forty feet of a common boundary with a RSF zone, the maximum wall height is thirty feet.

((4)) 7. Projections Allowed.

Chimneys, flagpoles, satellite receiving dishes and other similar items with a width, depth or diameter of three feet or less may extend above the height limit, as long as they do not exceed three feet above the top of the highest point of the roof. If they are greater than three feet in width, depth or diameter, they are subject to the height limit.

8. In addition to the projections allowed under subsection (7) above, in the RMF and RHD zones, the following projections above the roof height are allowed:

a. Parapets and rooftop railings may extend four feet above the height limit.

b. Walls or fences located between individual rooftop decks may extend six feet above the height limit if the wall or fence is set back at least four feet from the edges of the roof.

c. Stairway enclosures that provide rooftop access and cumulatively cover no more than ten percent of the roof area may extend up to ten feet above the height limit, provided that the enclosures are setback at least fifteen feet from all roof edges on street facing facades.

((5)) 9. Farm Buildings.

Farm buildings such as silos, elevators and barns are exempt from the height limit as long as they are set back from all lot lines at least one foot for every foot in height.

((6)) 10. Utility power poles and public safety facilities are exempt from the height limit.

((7)) 11. Radio and television antennas are subject to the height limit of the applicable zoning category.

((8)) 12. Wireless communication support towers are subject to the height requirements of chapter 17C.355A SMC, Wireless Communication Facilities.

((9)) 13. Uses approved as a conditional use may have building features such as a steeple or tower which extends above the height limit of the underlying zone. Such building features must be set back from the side property line adjoining a lot in a residential zone a distance equal to the height of the building feature or one hundred fifty percent of the height limit of the underlying zone, whichever is lower.

D. Special Height Districts.

Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See chapter 17C.170 SMC, Special Height Overlay Districts.

E. Accessory Structures.

The height of any accessory structure located in the rear yard, including those attached to the primary residence, is limited to twenty feet in height, except a detached ADU above a detached accessory structure may be built to twenty-three feet in height.

Section 3. That SMC section 17C.110.310 is amended to read as follows:

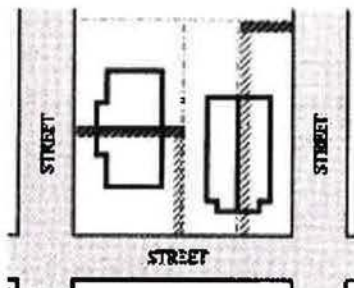
17C.110.310 Attached Housing, Detached Houses on Lots Less than Forty Feet Wide, and Duplexes

A. Purpose.

Attached housing, detached houses on narrow lots and duplexes allow for energy-conserving housing and a more efficient use of land. See definition of attached housing under chapter 17A.020 SMC.



- B. **Qualifying Situations.**
 Sites located in the ((RSF)) RA through the RHD zones. All lots must be under the same ownership or a signed and recorded agreement to participate in an attached housing development must be submitted to the City by all property owners at the time of building permit application.
- C. **Lot Development Standards.**
 Each house must be on a lot that complies with the lot development standards in the base zone as provided in Table 17C.110-3.
- D. **Building Setbacks for Attached Housing.**
1. **Interior Lots.**
 On interior lots, the side building setback on the side containing the common wall is reduced to zero. ~~((The side building setbacks on the side opposite the common wall must be double the side setback standard of the base zone.))~~
 2. **Corner Lots.**
 On corner lots, either the rear setback or non-street side setback may be reduced to zero. However, the remaining street side lot line setback must comply with the requirements for a standard side or rear setback.



On corner lots, either the rear setback or the nonstreet side setback can be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback.

~~~~~ Rear lot line

/////// Nonstreet side lot line

E. Design Standards.

This section is subject to the provisions of SMC 17C.110.015, Design Standards Administration.

1. A multi-family residential building of three or more units ~~((is))~~ and attached housing in the RMF and RHD zones are subject to the design standards of SMC 17C.110.400 through 17C.110.465.
2. For detached houses on lots forty feet or less wide ~~((and attached housing))~~ and duplexes, where permitted, in the RSF, RSF-C, RTF, RMF and RHD zones, as well as attached housing in the RA, RSF, RSF-C, and RTF zones, the following design standards must be met:
  - a. All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every three lineal feet of foundation. (R)
  - b. Sixty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with living ground cover. Up to one-third of the required landscaped area may be for recreational use, or for use by pedestrians. Examples include walkways, play areas, or patios. (R)
  - c. ~~((Generous))~~ Use of planting materials and landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged, with plantings consistent with L3 open area landscaping standard of SMC 17C.200.030. (P)
  - d. Front facade.  
Fire escapes, or exterior stairs that provide access to an upper level are not allowed on the front facade of the building. (R)
  - e. Duplexes and attached houses on corner lots ~~((should))~~ shall be designed so each unit is oriented towards a different street. This gives the structure the overall appearance of a house when viewed from either street. (R)
  - f. Detached houses on lots forty feet or less wide and both units of a duplex or attached houses must meet the following standards to ensure that the units have compatible elements. Adjustments to this paragraph are prohibited, but modifications may be requested through a design departure. The standards are:
    - i. Entrances. Each of the units must have its address and main entrance oriented toward a street frontage. Where an existing house is being converted to two units, one main entrance with internal access to both units is allowed. (R)



- ii. Each unit must have a covered, main entry-related porch or stoop area of at least fifty square feet with no dimension less than five feet. (R)
- iii. Buildings must be modulated along the public street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. (R)
- iv. Reduce the potential impact of new duplex and attached housing development on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (P)
- v. Create a human scale streetscape by including vertical and horizontal patterns as expressed by bays, belt lines, doors and windows. (P)
- g. Garages are subject to the garage limitation standards of SMC 17C.110.208(E). (R)
- h. Where off-street parking for two or more dwellings will be developed on abutting lots that are each less than forty feet in width, only one curb cut and sidewalk crossing for each two lots may be permitted, to promote pedestrian-oriented environments along streets, reduce impervious surfaces, and preserve on-street parking and street tree opportunities. (P)

F. Number of Units.

- 1. RA, RSF and RSF-C Zones.  
A maximum of two houses may be with a common wall. Structures made up of three or more attached houses are prohibited unless approved as a planned unit development.
- 2. RTF Zone.  
Up to eight attached houses may have a common wall. Structures made up of nine or more attached houses are prohibited unless approved as a planned unit development.
- 3. RMF and RHD zones.  
There is no limit to the number of attached houses that may have common walls.

Section 4. That SMC section 17C.110.360 is amended to read as follows:



**17C.110.360****Pocket Residential Development****A. Purpose.**

The purpose of the pocket residential development is to:

1. Encourage greater efficiency of land use by allowing compact infill development on aggregate sites.
2. Stimulate new housing that is compatible in scale and character to established surrounding residential areas.
3. Produce a broader range of building forms for residential development.
4. Expand opportunities for affordable home ownership.
5. Promote high quality housing of a character compatible with existing neighborhoods.
6. Encourage adequate, usable open space.

**B. Applicability.**

Pocket residential development is permitted within the RSF, RSF-C, RTF, RMF, RHD, O, OR, CC, NR, CB, and GC zones.

**C. Application Procedure.**

Pocket residential development is allowed outright with a building permit. When pocket residential development involves subdivision of land, the application shall be processed in accordance with the procedures of chapter 17G.080 SMC, Subdivisions.

**D. Basic Development Standards.****1. Maximum Building Height.**

The maximum height of structures within a pocket residential development is as allowed in the underlying zone.

**2. Maximum Building Coverage.**

The maximum building coverage of the aggregate buildings located upon the parent site shall not exceed the maximum building coverage permitted by the underlying zone. Maximum building coverage is not limited in the O, OR, CC, NR, CB, and GC zones.

**3. Setbacks.**

Setbacks in a pocket residential development are measured from the exterior boundary of the parent site. The following setbacks are required except in commercial and center and corridor zones where the setbacks are as required in the underlying zoning district.

- a. Front Setback.  
The front yard requirement for the parent site shall be fifteen feet except as allowed under the front yard averaging provisions of SMC 17C.110.220(D)(1).
  - b. Side Setback, Abutting a Residential Zoning District.  
If the side yard of the site is adjacent to other residentially zoned property the side yard shall be a minimum of five feet.
  - c. Side Setback, Interior to Parent Site.  
If platted, the side yard, interior to the parent site, may be zero, provided, however, that any structure located upon a lot created under SMC 17G.080.065 shall comply with applicable building and fire code and the setbacks applicable to the underlying site development plan.
  - d. Side Setback, Street.  
The street side yard requirement for the parent site shall be a minimum of five feet.
  - e. Rear Setback of the Parent Site.  
Twenty-five feet or as required in the underlying zoning district.
4. Minimum and Maximum Parent Site Size:
- a. The minimum parent site size for a pocket residential development is as follows:
    - i. RSF and RSF-C zone: Eight thousand seven hundred square feet.
    - ii. RTF zone: Four thousand two hundred square feet.
    - iii. RMF, RHD zones: Two thousand nine hundred square feet.
    - iv. O, OR, CC, NR, CB, and GC zones: No minimum parent site size.
  - b. The maximum parent site size for a pocket residential development is as follows:
    - i. RSF, RSF-C, and RTF zones: One and a half acres. Pocket residential developments in the RSF, RSF-C, and RTF zones over one and a half acres must be approved as a planned unit development.



ii. RMF, RHD, O, OR, CC, NR, CB, and GC zones: No maximum parent site size.

5. Density.  
The maximum density allowed in a pocket residential development is limited to that allowed in the underlying zoning district in which the parent site is located, except as permitted by SMC 17C.110.330(C) for transitional sites.
6. Frontage and Access.  
Frontage on a public street is not required for lots created in a pocket residential development. Private streets or private access may be used to provide lot frontage when a private street or private access is approved in accordance with chapter 17H.010 SMC. The parent site shall have frontage on a public street sufficient for adequate access and utilities.
7. Parking.  
The minimum required off-street parking for a pocket residential development shall comply with the required parking standards of the underlying zone for residential uses in chapter 17C.230 SMC Parking and Loading.
8. Required Outdoor Area.  
Pocket residential developments shall comply with the required outdoor area standards of the underlying zone in accordance with SMC 17C.110.223 and Table 17C.110-3 Development Standards. Common outdoor areas designated to meet this requirement will be permanently maintained by the owner or an appropriate property management entity, if under singular ownership. ~~((In the event that the development is subdivided or condominium platted, a homeowners' association is required to be created for the maintenance of the common open space within the development.))~~ This requirement shall be included in deed restrictions as required in SMC 17G.080.065(D).
9. Permitted Housing Types.  
The housing types allowed in a pocket residential development are those allowed in the underlying zone in accordance with Table 17C.110-2.
10. Lot Size.  
There is no minimum lot size for lots created within a pocket residential development.

E. Design Standards.

This section is subject to the provisions of SMC 17C.110.015, Design Standards Administration. A multi-family residential building of three or more units and attached housing in the RMF and RHD zones are subject to the design standards of SMC 17C.110.400 through 17C.110.470.

1. Ground Level Access.

In order to create the appearance of individual homes, rather than apartments, each attached dwelling unit shall have its own individual access from grade. Stacked units are permitted to have one main entrance with an internal stair accessed from grade to internal individual unit entrances.

*Individual Access from Grade*



*Example of Individual Access for Each Unit*



*Example of Individual Access with Shared Open Space*



2. Parking Lots.

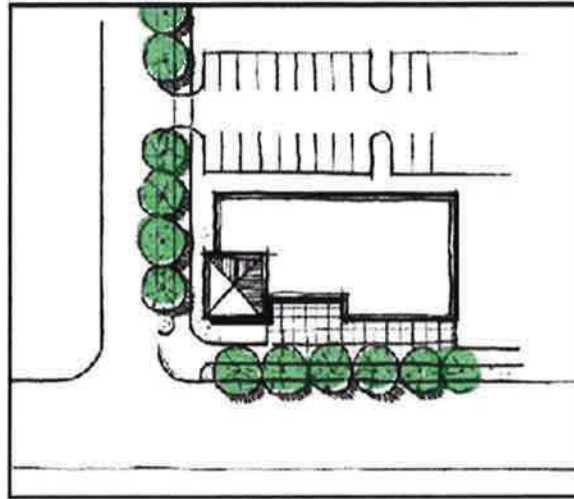
To ensure that parking is as unobtrusive as possible the following standards must be met:

a. Alley Access.

If the development abuts an alley, parking must be accessed from the alley.



*Example of Surface Parking Accessed from Alley*



- b. Screening: Surface parking lots shall be screened both from the street and adjacent residential development by landscape type L2 see-through buffer in SMC 17C.200.030, Landscape Types. Decorative walls or fences no more than forty-two inches in height may be used in lieu of shrubs. Parking is not allowed in a required front yard setback area.

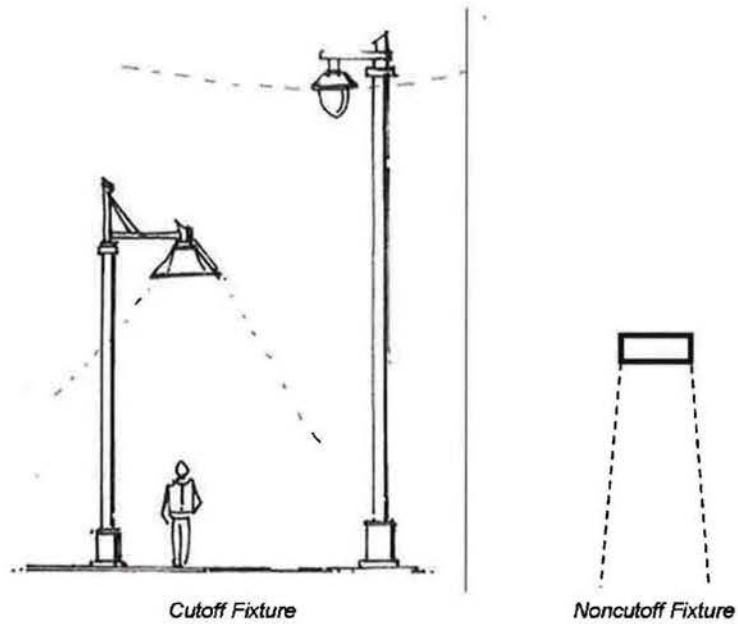
*Planting Material Screen*



*Example of Surface Parking Screened from Street*



- c. Paving: All surface parking shall be improved in accordance with the standards of SMC 17C.230.140.
- 3. Lighting.  
To diminish the amount of glare and spillover from lighting, the following standards shall apply:
  - a. Intensity: Exterior lighting fixtures shall not exceed one foot-candle in intensity.
  - b. Cutoffs Required: Lighting fixtures shall comply with the standards of SMC 17C.220.080



4. Fencing: To ensure a residential atmosphere, fencing higher than forty two inches shall not be permitted along any street frontage.

*Residential Fencing*



*Residential Fence Along Street Frontage No Higher than 42 inches*



5. Residential Building Design.

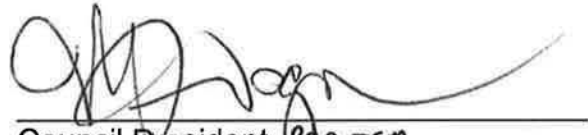
This section is subject to the provisions of SMC 17C.110.015, Design Standards Administration. For pocket residential development, the following design standards must be met:

- a. All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every three lineal feet of foundation. (R)
- b. Sixty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with living ground cover. Up to one-third of the required landscaped area may be for recreational use, or for use by pedestrians. Examples include walkways, play areas, or patios. (R)
- c. Use of planting materials and landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged, with plantings consistent with L3 open area landscaping standard of SMC 17C.200.030.(P)
- d. Front facade. Fire escapes, or exterior stairs that provide access to an upper level are not allowed on the front facade of the building. (R)
- e. Duplexes and attached houses on corner lots shall be designed so each unit is oriented towards a different street. This gives the structure the overall appearance of a house when viewed from either street. (R)
- f. All units must meet the following standards. Adjustments to this paragraph are prohibited, but modifications may be requested through a design departure. The standards are:
  - i. Entrances. Each of the units fronting on the street must have its address, windows, and main entrance oriented toward a street frontage. Units that are on the interior of a parent site may be oriented toward a private access or shared open space. Where an existing house is being converted to two units, one main entrance with internal access to both units is allowed. (R)
  - ii. Each unit must have a covered, main entry-related porch or stoop area of at least fifty square feet with no dimension less than five feet. (R)
  - iii. Attached units must be modulated along the public street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. (R)




- iv. Reduce the potential impact of new Pocket Residential Development on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (P)
- v. Create a human scale streetscape by including vertical and horizontal patterns as expressed by bays, belt lines, doors and windows. (P)

PASSED BY THE CITY COUNCIL ON JANUARY 14, 2019

  
Council President PRO-TEM

Attest:

  
City Clerk

  
Mayor

Approved as to form:

  
Assistant City Attorney

FEBRUARY 11, 2019  
Date

Returned after Mayoral Signature Deadline  
Returned: FEBRUARY 11, 2019

FEBRUARY 27, 2019  
Effective Date



## ORDINANCE NO. C35731

An ordinance relating to parking and loading standards, amending Spokane Municipal Code (SMC) sections 17C.230.100, 17C.230.130, and 17C.230.140.

WHEREAS, it is a planning goal of the Washington State Growth Management Act under RCW 36.70A.020(1) to "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner;" and

WHEREAS, in compliance with Chapter 36.70A RCW, the City of Spokane adopted a Comprehensive Plan on May 21, 2001; and

WHEREAS, the City of Spokane is required under RCW 36.70A.040(4)(d) to implement the goals and policies of the City's Comprehensive Plan by adoption of implementing development standards; and

WHEREAS, the Washington Administrative Code 365-196-300(3)(b)(i) states "Development regulations must allow development at the densities assumed in the comprehensive plan;" and

WHEREAS, the City of Spokane's Comprehensive Plan encourages the efficient use of land in proximity to Centers and Corridors designated on the Land Use Plan Map (Goal LU 3), provides minimum and maximum residential densities (Land Use Chapter, Section 3.4), and provides opportunities for a variety of housing types that are safe and affordable for all income levels (Goal H1); and

WHEREAS, the City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 7.1, Regulatory Structure, states: "*Develop a land use regulatory structure that utilizes a variety of mechanisms to promote development that provides a public benefit,*" and

WHEREAS, the City of Spokane Comprehensive Plan, Transportation Chapter, Goal TR 18, Parking, states: "*Develop and administer vehicle parking policies that appropriately manage the demand for parking based upon the urban context desired,*" and

WHEREAS, according to the Washington Commerce Department's 2015 Housing Needs Assessment ("Assessment"), more than 24,000 of homeowner households at every income level assessed in the Spokane Urbanized Area paid more than 30 percent of their income on housing, a status defined as "cost-burdened;" and

WHEREAS, more than 28,000 renter households were also cost-burdened, according to the Assessment; and

WHEREAS, together these households represented a third of the total number of households; meanwhile, only 43 percent of households earning less than \$31,500 (50% of median family income) had access to affordable and available housing, according to the Assessment; and

WHEREAS, according to American Community Survey ("ACS") 5-year estimates ending in 2016, more than ten percent of all households in the city of Spokane had no vehicle, while 36 percent of households in the city had one vehicle; and

WHEREAS, according to ACS 1-year estimates, rental vacancies in 2017 in Spokane County and the city of Spokane were at 2.4 percent, the lowest level for at least thirteen years; and

WHEREAS, in 2016, a Plan Commission subcommittee ("committee") was formed to identify local issues and develop strategies to overcome obstacles to infill development that would enable and promote high-quality development on vacant land; and

WHEREAS, during a public engagement process that solicited community input, the committee learned of interest in construction of attached housing, such as townhouses, and identified potential barriers that are making it difficult or impossible to achieve the densities and housing options envisioned in the Comprehensive Plan; and

WHEREAS, the committee prepared a series of recommendations that included proposed regulatory changes, including amendments to update development standards to support attached housing and more efficient use of land; and

WHEREAS, the Spokane City Council adopted Resolution 2016-94 on November 21, 2016, recognizing the committee's summary report and recommendation as a guide for future program development and potential regulatory implementation measures; and

WHEREAS, it is necessary to create opportunities to compatibly increase the affordable housing supply and respond to demands of citizens of every income level experiencing a shortage of housing, as indicated by comments received and the historic low vacancy rates; and

WHEREAS, related to public health, safety, welfare, and protection of the environment, this ordinance is intended to make more efficient use of available lands, and encourage development in closer proximity to services, effectively reducing sprawl; and

WHEREAS, the changes are aligned with the committee recommendations to remove identified barriers that make it difficult or impossible to achieve the densities and housing options envisioned in the Comprehensive Plan; and

WHEREAS, the City complied with RCW 36.70A.370 in the process of adopting this Ordinance; and

WHEREAS, the City conducted open house meetings on May 3 and May 9, 2018; and

WHEREAS, the City encouraged public participation and provided information on the amendments on its website (<http://my.spokanecity.org/projects>); and

WHEREAS, the City of Spokane Plan Commission held workshops throughout the process; and

WHEREAS, a State Environmental Policy Act ("SEPA") Checklist was prepared and a Determination of Non-Significance ("DNS") was issued on June 27, 2018, for the proposed amendments; and

WHEREAS, public notice was published in the Spokesman Review on June 27, and July 4, 2018, giving notice of the Plan Commission public hearing and SEPA Checklist and DNS; and

WHEREAS, on July 11, 2018, the City Plan Commission held a public hearing on the proposed amendments, where the Plan Commission heard testimony from the public; and

WHEREAS, during the hearing, the Plan Commission entertained a number of proposals to amend the draft regulations; and

WHEREAS, the Plan Commission voted to consider several of the amendments and asked staff to conduct research regarding the proposed amendments and their impacts; and

WHEREAS, the Plan Commission continued the hearing to November 14, 2018, for the purposes of allowing additional public comment and testimony on the proposed amendments; and

WHEREAS, a revised SEPA Checklist was prepared and a revised DNS was issued on October 31, 2018, for the proposed amendments; and

WHEREAS, public notice was published in the Spokesman Review on October 31, and November 7, 2018, giving notice of the Plan Commission public hearing and of the revised SEPA Checklist and DNS; and

WHEREAS, on November 14, 2018, the Plan Commission held a public hearing on the recommended amendments and continued its deliberations until November 28, 2018; and

WHEREAS, on November 28, 2018, the Plan Commission recommended, by a vote of 8-0, approval of the amendments in this Ordinance and in two separate ordinances related to text amendments in chapter 17C.110 SMC, Residential Zones; and in SMC 17G.080.065, Alternative Residential Subdivisions; and

WHEREAS, the City Council adopts the findings and conclusions of the Plan Commission and further incorporates the Planning Department's entire file into the record in support of the Council's adoption of this Ordinance; and



WHEREAS, the public has had opportunities to participate throughout the process and all persons desiring to comment were given an opportunity to be heard; -- Now, Therefore

The City of Spokane does ordain:

Section 1. That SMC section 17C.230.100 is amended to read as follows:

**17C.230.100            General Standards**

- A.    Where the Standards Apply.  
The standards of this chapter apply to all parking areas in RA, RSF, RTF, RMF, RHD, O, OR, NR, NMU, CB, GC, Downtown, CC, industrial, and FBC zones, whether required by this code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, part of a commercial parking use, or for a park and ride facility in the basic utilities use category. Some zoning categories have unique parking standards as provided in Table 17C.230-1.
- B.    Occupancy.  
All required parking areas must be completed and landscaped prior to occupancy of any structure except as provided in chapter 17C.200 SMC, Landscaping and Screening.
- C.    Calculations of Amounts of Required and Allowed Parking.
1.    When computing parking spaces based on floor area, floor area dedicated for parking is not counted.
  2.    The number of parking spaces is computed based on the uses on the site. When there is more than one use on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual uses. For joint use parking, see SMC 17C.230.110(B)(2).
  3.    If the maximum number of spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.
  4.    If the maximum number of spaces allowed is less than one, then the maximum number is automatically increased to one.
  5.    When the calculation of required or allowed parking results in a decimal fraction, the number of parking spaces required or allowed is rounded up to the next whole number.
- D.    Use of Required Parking Spaces.  
Required parking spaces must be available for the use of residents, customers, or employees of the use. Fees may be charged for the use of required parking

spaces, except for group living and residential household living uses. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. Required parking spaces must be made available to employees; it cannot be restricted only to customers. See SMC 17C.230.110(B)(2). Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.

E. Proximity of Parking to Use.

1. Required parking spaces for all industrial and commercial zones, except center and corridor zones, must be located on the site of the use or in parking areas whose closest point is within four hundred feet of the site. In center and corridor zones, parking is required to be located within six hundred feet of the use.
2. Required parking spaces for uses in the RA, RSF, RTF, and RMF zones must be located on the site of the use. Required parking for the uses in the RHD zone must be located on the site of the use or in parking areas whose closest point is within four hundred feet of the site.

F. Stacked Parking.

Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking.

G. On-Street Parking.

The minimum number of required parking spaces may be reduced by the number of on-street parking spaces immediately adjacent to a site's public right-of-way frontages, located on the same side of the street. The street must be paved, with sidewalks that are ADA accessible. Each complete twenty linear foot section of right-of-way where parallel parking is permitted is considered a parking space. Where parallel, diagonal or other on-street parking is marked on the street or officially designated by other means; the number of complete parking spaces that are adjacent on the same side of the street to the site's frontage are counted. An on-street parking space shall not be counted if it is restricted in its use as a designated loading, taxi or other special use zone or if parking is prohibited for more than five hours any twenty four-hour period. When calculating the number of required bicycle parking spaces per SMC 17C.230.200, the number of vehicle off-street parking spaces that would be required before this reduction is applied is the figure that is used.

H. Curb Cuts.

Curb cuts and access restrictions are regulated by the City engineering services department. Other zoning standards or design guidelines may apply.

Section 2. That SMC section 17C.230.130 is amended to read as follows:

**17C.230.130            Parking Exceptions**

- A. In center and corridor downtown, and FBC CA1, CA2, and CA3 zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement.
- B. In the neighborhood retail zone, any existing building, new building, or building addition, having a floor area less than three thousand square feet shall have no parking requirement. In addition, if a building has a floor area of five thousand square feet or less, the parking requirement will be determined after deducting the three thousand square foot exemption from the building's floor area. For example, the parking requirement for a four thousand square foot building would be based on one thousand square feet of floor area – i.e., a four thousand square foot building size minus the three thousand square foot exemption.
- C. The director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the character of the proposed use.
- D. If property owners and businesses establish a parking management area program with shared parking agreements, the director may reduce or waive parking requirements.
- E. Except in the residential single-family and residential two-family zones, existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when remodeling which increases the amount of required parking occurs within the existing structure.

**F. Attached Housing.**

The following exceptions apply only to attached housing (defined in SMC 17A.020.010) in the RMF and RHD zones. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.

- 1. On a lot at least partially within one thousand three hundred twenty feet of CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-



street vehicle parking spaces required is fifty percent less than the minimum required for Residential Household Living in Table 17C.230-2.

2. On a lot farther than one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is thirty percent less than the minimum required for Residential Household Living in Table 17C.230-2.

| <b>TABLE 17C.230-2</b><br><b>PARKING SPACES BY USE [1]</b><br><b>(Refer to Table 17C.230-1 for Parking Space Standards by Zone)</b><br><b>CU = Conditional Use</b> |                       |                                                                                                                                 |                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>RESIDENTIAL CATEGORIES</b>                                                                                                                                      |                       |                                                                                                                                 |                                 |
| <b>USE CATEGORIES</b>                                                                                                                                              | <b>SPECIFIC USES</b>  | <b>MINIMUM PARKING</b>                                                                                                          | <b>MAXIMUM PARKING</b>          |
| Group Living                                                                                                                                                       |                       | 1 per 4 residents                                                                                                               | None                            |
| Residential Household Living                                                                                                                                       |                       | 1 per unit plus 1 per bedroom after 3 bedrooms; 1 per Accessory Dwelling Unit (ADU); Single Resident Occupancy (SRO) are exempt | None                            |
| <b>COMMERCIAL CATEGORIES</b>                                                                                                                                       |                       |                                                                                                                                 |                                 |
| <b>USE CATEGORIES</b>                                                                                                                                              | <b>SPECIFIC USES</b>  | <b>MINIMUM PARKING</b>                                                                                                          | <b>MAXIMUM PARKING</b>          |
| Adult Business                                                                                                                                                     |                       | 1 per 500 sq. ft. of floor area                                                                                                 | 1 per 200 sq. ft. of floor area |
| Commercial Outdoor Recreation                                                                                                                                      |                       | 20 per acre of site                                                                                                             | 30 per acre of site             |
| Commercial Parking                                                                                                                                                 |                       | Not applicable                                                                                                                  | None                            |
| Drive-through Facility                                                                                                                                             |                       | Not applicable                                                                                                                  | None                            |
| Major Event Entertainment                                                                                                                                          |                       | 1 per 8 seats or per CU review                                                                                                  | 1 per 5 seats or per CU review  |
| Office                                                                                                                                                             | General Office        | 1 per 500 sq. ft. of floor area                                                                                                 | 1 per 200 sq. ft. of floor area |
|                                                                                                                                                                    | Medical/Dental Office | 1 per 500 sq. ft. of floor area                                                                                                 | 1 per 200 sq. ft. of floor area |



|                                                      |                                                                                                                    |                                                                         |                                                                           |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Quick Vehicle Servicing                              |                                                                                                                    | 1 per 500 sq. ft. of floor area                                         | 1 per 200 sq. ft. of floor area                                           |
| Retail Sales and Service                             | Retail, Personal Service, Repair-oriented                                                                          | 1 per 330 sq. ft. of floor area                                         | 1 per 200 sq. ft. of floor area                                           |
|                                                      | Restaurants and Bars                                                                                               | 1 per 250 sq. ft. of floor area                                         | 1 per 60 sq. ft. of floor area                                            |
|                                                      | Health Clubs, Gyms, Lodges, Meeting Rooms and similar continuous entertainment, such as Arcades and Bowling Alleys | 1 per 330 sq. ft. of floor area                                         | 1 per 180 sq. ft. of floor area                                           |
|                                                      | Temporary Lodging                                                                                                  | 1 per rentable room; for associated uses such as Restaurants, see above | 1.5 per rentable room; for associated uses such as Restaurants, see above |
|                                                      | Theaters                                                                                                           | 1 per 4 seats or 1 per 6 feet of bench area                             | 1 per 2.7 seats or 1 per 4 feet of bench area                             |
|                                                      | Retail sales and services of large items, such as appliances, furniture and equipment                              | 1 per 1,000 sq. ft. of floor area                                       | 1 per 200 sq. ft. of floor area                                           |
| Mini-storage Facilities                              |                                                                                                                    | Same as Warehouse and Freight Movement                                  | Same as Warehouse and Freight Movement                                    |
| Vehicle Repair                                       |                                                                                                                    | 1 per 750 sq. ft. of floor area                                         | 1 per 200 sq. ft. of floor area                                           |
| <b>INDUSTRIAL CATEGORIES</b>                         |                                                                                                                    |                                                                         |                                                                           |
| <b>USE CATEGORIES</b>                                | <b>SPECIFIC USES</b>                                                                                               | <b>MINIMUM PARKING</b>                                                  | <b>MAXIMUM PARKING</b>                                                    |
| Industrial Services, Railroad Yards, Wholesale Sales |                                                                                                                    | 1 per 1,000 sq. ft. of floor area                                       | 1 per 200 sq. ft. of floor area                                           |

|                                |  |                                                                                                                                   |                                 |
|--------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Manufacturing and Production   |  | 1 per 1,000 sq. ft. of floor area                                                                                                 | 1 per 200 sq. ft. of floor area |
| Warehouse and Freight Movement |  | 1 per 1,000 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 3,500 sq. ft. of floor area thereafter | 1 per 200 sq. ft. of floor area |
| Waste-related                  |  | Per CU review                                                                                                                     | Per CU review                   |

#### INSTITUTIONAL CATEGORIES

| USE CATEGORIES         | SPECIFIC USES                  | MINIMUM PARKING                                                                   | MAXIMUM PARKING                                                                    |
|------------------------|--------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Basic Utilities        |                                | None                                                                              | None                                                                               |
| Colleges               |                                | 1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms | 1 per 200 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm room |
| Community Service      |                                | 1 per 500 sq. ft. of floor area                                                   | 1 per 200 sq. ft. of floor area                                                    |
| Daycare                |                                | 1 per 500 sq. ft. of floor area                                                   | 1 per 200 sq. ft. of floor area                                                    |
| Medical Centers        |                                | 1 per 500 sq. ft. of floor area                                                   | 1 per 200 sq. ft. of floor area                                                    |
| Parks and Open Areas   |                                | Per CU review for active areas                                                    | Per CU review for active areas                                                     |
| Religious Institutions |                                | 1 per 100 sq. ft. of main assembly area or per CU review                          | 1 per 60 sq. ft. of main assembly area                                             |
| Schools                | Grade, Elementary, Junior High | 1 per classroom                                                                   | 2.5 per classroom                                                                  |
|                        | High School                    | 7 per classroom                                                                   | 10.5 per classroom                                                                 |

#### OTHER CATEGORIES

| USE CATEGORIES | SPECIFIC USES | MINIMUM PARKING       | MAXIMUM PARKING       |
|----------------|---------------|-----------------------|-----------------------|
| Agriculture    |               | None or per CU review | None or per CU review |

|                                                                                                                  |  |                       |                       |
|------------------------------------------------------------------------------------------------------------------|--|-----------------------|-----------------------|
| Aviation and Surface Passenger Terminals                                                                         |  | Per CU review         | Per CU review         |
| Detention Facilities                                                                                             |  | Per CU review         | Per CU review         |
| Essential Public Facilities                                                                                      |  | Per CU review         | Per CU review         |
| Wireless Communication Facilities                                                                                |  | None or per CU review | None or per CU review |
| Rail Lines and Utility Corridors                                                                                 |  | None                  | None                  |
| [1] The director may approve different amounts of parking spaces under the exceptions listed in SMC 17C.230.130. |  |                       |                       |

Section 3. That SMC section 17C.230.140 is amended to read as follows:

**17C.230.140 Development Standards**

- A. Purpose  
The parking area layout standards are intended to promote safe circulation within the parking area and provide for convenient entry and exit of vehicles.
- B. Where These Standards Apply  
The standards of this section apply to all vehicle areas whether required or excess parking.
- C. Improvements
  - 1. Paving.  
In order to control dust and mud, all vehicle areas must be surfaced with a minimum all-weather surface. Such surface shall be specified by the city engineer. Alternatives to the specified all-weather surface may be provided, subject to approval by the city engineer. The alternative must provide results equivalent to paving. All surfacing must provide for the following minimum standards of approval:
    - a. Dust is controlled.
    - b. Stormwater is treated to City standards; and
    - c. Rock and other debris is not tracked off-site.

The applicant shall be required to prove that the alternative surfacing provides results equivalent to paving. If, after construction, the City determines that the alternative is not providing the results equivalent to

paving or is not complying with the standards of approval, paving shall be required.

2. Striping.

All parking areas, except for stacked parking, must be striped in conformance with the parking dimension standards of subsection (E) of this section, except parking for single-family residences, duplexes, and accessory dwelling units.

3. Protective Curbs Around Landscaping.

All perimeter and interior landscaped areas must have continuous, cast in place, or extruded protective curbs along the edges. Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. Tire stops, bollards or other protective barriers may be used at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers. This provision does not apply to single-family residence, duplexes and accessory dwelling units.

D. Stormwater Management

Stormwater runoff from parking lots is regulated by the engineering services department.

E. Parking Area Layout

1. Access to Parking Spaces.

All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.

2. Parking Space and Aisle Dimensions.

a. Parking spaces and aisles in RA, RSF, RSF-C, RTF, RMF, RHD, FBC CA4, O, OR, NR, NMU, CB, GC, and industrial zones must meet the minimum dimensions contained in Table 17C.230-3.

b. Parking spaces and aisles in Downtown CC, and FBC CA1, CA2, CA3 zones must meet the minimum dimensions contained in Table 17C.230-4.

c. In all zones, on dead end aisles, aisles shall extend five feet beyond the last stall to provide adequate turnaround.

3. Parking for Disabled Persons.

The city building services department regulates the following disabled person parking standards and access standards through the building code and the latest ANSI standards for accessible and usable buildings and facilities:



- a. Dimensions of disabled person parking spaces and access aisles.
  - b. The minimum number of disabled person parking spaces required.
  - c. Location of disabled person parking spaces and circulation routes.
  - d. Curb cuts and ramps including slope, width and location; and
  - e. Signage and pavement markings.
4. A portion of a standard parking space may be landscaped instead of paved, as follows:
- a. The landscaped area may be up to two feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space, as shown in Figure 17C.230-3. Any vehicle overhang must be free from interference from sidewalks, landscaping, or other required elements.

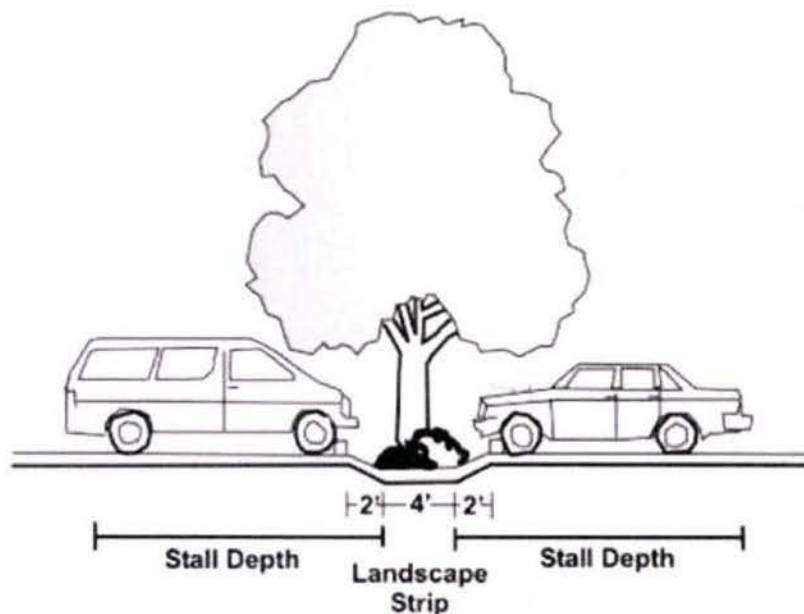


Figure 17C.230-3 Landscaped area at front of parking space

- b. Landscaping must be ground cover plants; and
  - c. The landscaped area counts toward parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.
5. Engineering Services Department Review

The engineering services department reviews the layout of parking areas for compliance with the curb cut and access restrictions of chapter 17H.010 SMC.

**Table 17C.230-3**  
**RA, RSF, RSF-C, RTF, RMF, RHD, FBC CA4, O, OR, NMU, CB, GC and Industrial Zones**  
**Minimum Parking Space and Aisle Dimensions [1, 2]**

| <b>Angle<br/>(A)</b> | <b>Width<br/>(B)</b> | <b>Curb Length<br/>(C)</b> | <b>1-way<br/>Aisle Width<br/>(D)</b> | <b>2-way<br/>Aisle Width<br/>(D)</b> | <b>Stall Depth<br/>(E)</b> |
|----------------------|----------------------|----------------------------|--------------------------------------|--------------------------------------|----------------------------|
| 0° (Parallel)        | 8 ft.                | 20 ft.                     | 12 ft.                               | 22 ft.                               | 8 ft.                      |
| 30°                  | 8 ft. 6 in.          | 17 ft.                     | 12 ft.                               | 22 ft.                               | 15 ft.                     |
| 45°                  | 8 ft. 6 in.          | 12 ft.                     | 12 ft.                               | 22 ft.                               | 17 ft.                     |
| 60°                  | 8 ft. 6 in.          | 9 ft. 9 in.                | 16 ft.                               | 22 ft.                               | 18 ft.                     |
| 90°                  | 8 ft. 6 in.          | 8 ft. 6 in.                | 22 ft.                               | 22 ft.                               | 18 ft.                     |

Notes:

[1] See Figure 17C.230-4.

[2] Dimensions of parking spaces for the disabled are regulated by the building code.  
See SMC 17C.230.140(E)(3).

**Table 17C.230-4**  
**Downtown, CC, NR, FBC CA1, CA2, and CA3 Zones**  
**Minimum Parking Space and Aisle Dimensions [1, 2]**

| <b>Angle<br/>(A)</b> | <b>Width<br/>(B)</b> | <b>Curb Length<br/>(C)</b> | <b>1-way<br/>Aisle Width<br/>(D)</b> | <b>2-way<br/>Aisle Width<br/>(D)</b> | <b>Stall Depth<br/>(E)</b> |
|----------------------|----------------------|----------------------------|--------------------------------------|--------------------------------------|----------------------------|
| 0° (Parallel)        | 8 ft.                | 20 ft.                     | 12 ft.                               | 20 ft.                               | 8 ft.                      |
| 30°                  | 8 ft. 6 in.          | 17 ft.                     | 12 ft.                               | 20 ft.                               | 15 ft.                     |
| 45°                  | 8 ft. 6 in.          | 12 ft.                     | 12 ft.                               | 20 ft.                               | 17 ft.                     |
| 60°                  | 8 ft. 6 in.          | 9 ft. 9 in.                | 16 ft.                               | 20 ft.                               | 17 ft. 6 in.               |
| 90°                  | 8 ft. 6 in.          | 8 ft. 6 in.                | 20 ft.                               | 20 ft.                               | 16 ft.                     |

Notes:

[1] See Figure 17C.230-4.

[2] Dimensions of parking spaces for the disabled are regulated by the building code. See SMC 17C.230.140(E)(3).

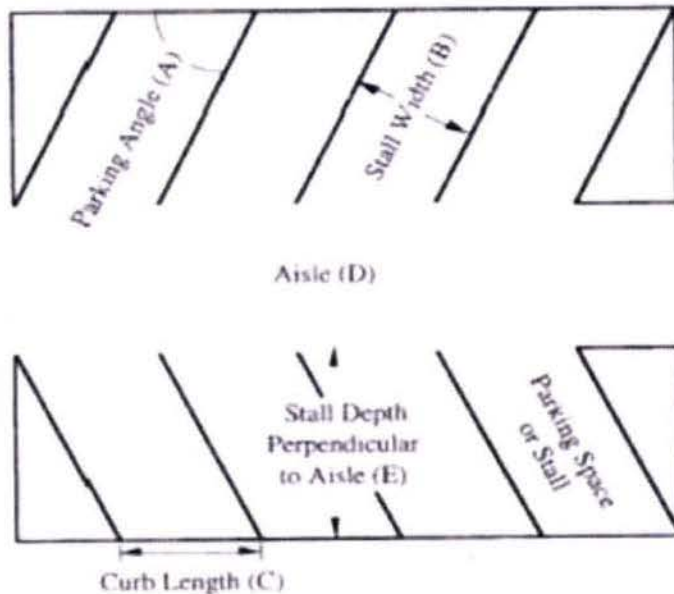
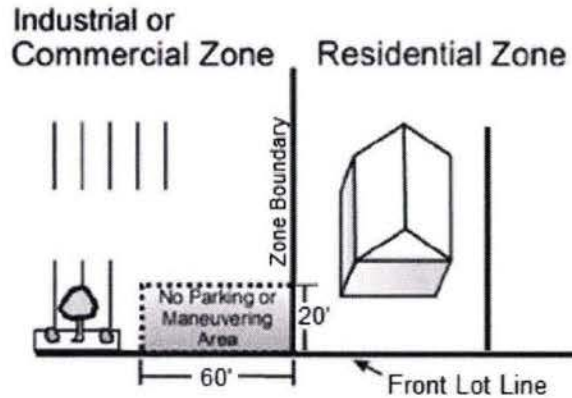


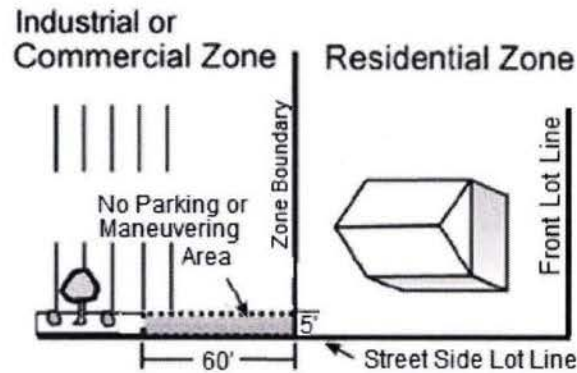
Figure 17C.230-4 Parking Dimension Factors

#### F. Parking Area Setbacks and Landscaping

1. For parking areas on sites abutting residential zoning districts, parking spaces or maneuvering areas for parking spaces, other than driveways that are perpendicular to the street, are ~~((not allowed within the first twenty feet from a street lot line for the first sixty feet from the boundary of))~~ required to be setback a distance equal to the setback specified in SMC 17C.230.145(C)(1) of the adjacent residential zoning district for the first sixty feet from the zoning district boundary (Figure 17C.230-5).



A. Setback adjacent to front lot line.




B. Setback adjacent to street side lot line.

Figure 17C.230-5 Parking Area Setback

[Note: Add the graphic above.]

2. All landscaping must comply with the standards of chapter 17C.200 SMC, Landscaping and Screening.

PASSED BY THE CITY COUNCIL ON JANUARY 14, 2019

  
Council President PRO-TEM



Attest:

  
City Clerk

  
Mayor

Approved as to form:

  
Assistant City Attorney

FEBRUARY 5, 2019  
Date

Returned after Mayoral Signature Deadline  
Returned: FEBRUARY 5, 2019

FEBRUARY 27, 2019  
Effective Date



## ORDINANCE NO. C35732

An ordinance relating to alternative residential subdivisions, amending Spokane Municipal Code (SMC) section 17G.080.065.

WHEREAS, it is a planning goal of the Washington State Growth Management Act under RCW 36.70A.020(1) to "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner;" and

WHEREAS, in compliance with Chapter 36.70A RCW, the City of Spokane adopted a Comprehensive Plan on May 21, 2001; and

WHEREAS, the City of Spokane is required under RCW 36.70A.040(4)(d) to implement the goals and policies of the City's Comprehensive Plan by adoption of implementing development standards; and

WHEREAS, the Washington Administrative Code 365-196-300(3)(b)(i) states "Development regulations must allow development at the densities assumed in the comprehensive plan;" and

WHEREAS, the City of Spokane's Comprehensive Plan encourages the efficient use of land in proximity to Centers and Corridors designated on the Land Use Plan Map (Goal LU 3), provides minimum and maximum residential densities (Land Use Chapter, Section 3.4), and provides opportunities for a variety of housing types that are safe and affordable for all income levels (Goal H1); and

WHEREAS, the City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 7.1, Regulatory Structure, states: "*Develop a land use regulatory structure that utilizes a variety of mechanisms to promote development that provides a public benefit,*" and

WHEREAS, the City of Spokane Comprehensive Plan, Economic Development Chapter, Goal ED 7.6, Development Standards and Permitting Process, states: "*Periodically evaluate and improve the City of Spokane's development standards and permitting process to ensure that they are equitable, cost-effective, timely, and meet community needs and goals;*" and

WHEREAS, according to the Washington Commerce Department's 2015 Housing Needs Assessment ("Assessment"), more than 24,000 of homeowner households at every income level assessed in the Spokane Urbanized Area paid more than 30 percent of their income on housing, a status defined as "cost-burdened;" and

WHEREAS, more than 28,000 renter households were also cost-burdened, according to the Assessment; and



WHEREAS, together these households represented a third of the total number of households; meanwhile, only 43 percent of households earning less than \$31,500 (50% of median family income) had access to affordable and available housing, according to the Assessment; and

WHEREAS, according to American Community Survey 1-year estimates, rental vacancies in 2017 in Spokane County and the city of Spokane were at 2.4 percent, the lowest level for at least thirteen years; and

WHEREAS, in 2016, a Plan Commission subcommittee ("committee") was formed to identify local issues and develop strategies to overcome obstacles to infill development that would enable and promote high-quality development on vacant land; and

WHEREAS, during a public engagement process that solicited community input, the committee learned of interest in construction of attached housing, such as townhouses, and identified potential barriers that are making it difficult or impossible to achieve the densities and housing options envisioned in the Comprehensive Plan; and

WHEREAS, the committee prepared a series of recommendations that included proposed regulatory changes, including amendments to update development standards to support attached housing and more efficient use of land; and

WHEREAS, the Spokane City Council adopted Resolution 2016-94 on November 21, 2016, recognizing the committee's summary report and recommendation as a guide for future program development and potential regulatory implementation measures; and

WHEREAS, it is necessary to create opportunities to compatibly increase the affordable housing supply and respond to demands of citizens of every income level experiencing a shortage of housing, as indicated by comments received and the historic low vacancy rates; and

WHEREAS, related to public health, safety, welfare, and protection of the environment, this ordinance is intended to make more efficient use of available lands, and encourage development in closer proximity to services, effectively reducing sprawl; and

WHEREAS, the changes are aligned with the committee recommendations to remove identified barriers that make it difficult or impossible to achieve the densities and housing options envisioned in the Comprehensive Plan; and

WHEREAS, the City complied with RCW 36.70A.370 in the process of adopting this Ordinance; and

WHEREAS, the City conducted open house meetings on May 3 and May 9, 2018; and

WHEREAS, the City encouraged public participation and provided information on the amendments on its website (<http://my.spokanecity.org/projects>); and

WHEREAS, the City of Spokane Plan Commission held workshops throughout the process; and

WHEREAS, a State Environmental Policy Act ("SEPA") Checklist was prepared and a Determination of Non-Significance ("DNS") was issued on June 27, 2018, for the proposed amendments; and

WHEREAS, public notice was published in the Spokesman Review on June 27, and July 4, 2018, giving notice of the Plan Commission public hearing and SEPA Checklist and DNS; and

WHEREAS, on July 11, 2018, the City Plan Commission held a public hearing on the proposed amendments, where the Plan Commission heard testimony from the public; and

WHEREAS, during the hearing, the Plan Commission entertained a number of proposals to amend the draft regulations; and

WHEREAS, the Plan Commission voted to consider several of the amendments and asked staff to conduct research regarding the proposed amendments and their impacts; and

WHEREAS, the Plan Commission continued the hearing to November 14, 2018, for the purposes of allowing additional public comment and testimony on the proposed amendments; and

WHEREAS, a revised SEPA Checklist was prepared and a revised DNS was issued on October 31, 2018, for the proposed amendments; and

WHEREAS, public notice was published in the Spokesman Review on October 31, and November 7, 2018, giving notice of the Plan Commission public hearing and of the revised SEPA Checklist and DNS; and

WHEREAS, on November 14, 2018, the Plan Commission held a public hearing on the recommended amendments and continued its deliberations until November 28, 2018; and

WHEREAS, on November 28, 2018, the Plan Commission recommended, by a vote of 8-0, approval of the amendments in this Ordinance and in two separate ordinances related to text amendments in chapter 17C.110 SMC, Residential Zones; and in chapter 17C.230 SMC, Parking and Loading; and



WHEREAS, the City Council adopts the findings and conclusions of the Plan Commission and further incorporates the Planning Department's entire file into the record in support of the Council's adoption of this Ordinance; and

WHEREAS, the public has had opportunities to participate throughout the process and all persons desiring to comment were given an opportunity to be heard;

-- Now, Therefore

The City of Spokane does ordain:

Section 1. That SMC section 17G.080.065 is amended to read as follows:

**17G.080.065            Alternative Residential Subdivisions**

**A.     Purpose.**

The purpose of these provisions is to allow for the creation of lots for alternative residential development as described in SMC 17C.110.300, including attached housing, cottage housing, and similar developments with multiple dwelling units on a parent site, while applying only those site development standards applicable to the parent site as a whole, rather than to individual lots resulting from the subdivision.

**B.     Applicability.**

The types of ~~((existing-))~~ development that may use the alternative residential subdivision are:

1.     Cottage housing projects approved under SMC 17C.110.350;
2.     Housing developed under SMC 17C.110.360 Pocket Residential Development; or
3.     A similar existing development that consists of multiple dwelling units on a single parcel or site, provided that such existing structures shall comply with applicable building and fire code.

**C.     Application Procedure.**

Alternative residential subdivisions of nine or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in SMC chapter 17G.060.

**D.     General Regulations.**

1.     An alternative residential subdivision shall meet development standards applicable to the underlying site development plan approval, if any, the basic development standards and design standards of SMC 17C.110.350

Cottage Housing, ((or)) SMC 17C.110.360 Pocket Residential Development, or design standards of SMC 17C.110.400 through 17C.110.465 for attached housing in RMF and RHD zones, and the provisions of this section. As a result of the alternative residential subdivision, development on individual lots may be nonconforming as to some or all of the development standards based on analysis of the individual lot. So long as the parent site meets the criteria of the underlying site development plan or the dwelling units are already in existence, each lot will be deemed to be in conformance. If existing dwelling units do not comply with development standards (i.e.: minimum building setbacks, maximum density, etc.), a lot may be created for each existing dwelling unit. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site;

2. Alternative residential subdivisions shall be subject to all applicable requirements of Title 17 SMC, except as otherwise modified by this section;
3. Each lot's area and width for purposes of subdivision may be as small as the footprint of the individual dwelling unit;
4. Portions of the parent site not subdivided for individual lots shall be owned in common by the owners of the individual lots, or by a homeowners association comprised of the owners of the individual lots located within the parent site. ~~((A homeowners' association is required to be created for the maintenance of any shared required outdoor area or other open space, shared parking areas, and other common use areas, buildings, and utilities within the development.))~~ This requirement shall be included in deed restrictions as required in paragraph 7;
5. Maximum building coverage of the aggregate buildings located upon the parent site shall not exceed the maximum building coverage permitted by the underlying zone;
6. Except for existing nonconforming development, building setbacks shall be as required for the zone as applied to the underlying parent site as a whole. There shall be no setback required from individual lot lines which are interior to the perimeter of the parent site; provided, however, that any structure located upon a lot created hereunder shall comply with the setbacks applicable to the underlying site development plan;
7. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space;



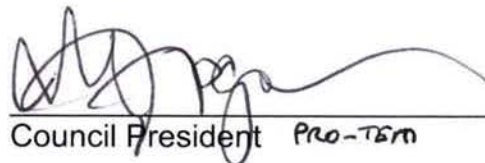
exterior building facades and roofs; and other similar features, and shall be recorded with the county auditor's office. Separation requirements for utilities must be met. Each alternative residential subdivision shall make adequate provisions for ingress, egress and utilities access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan ((;)) .

8. Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:
- a. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (stating the subject project file number if applicable);
  - b. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;
  - c. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
  - d. Additional development of the individual lots may be limited as a result of the application of development standards to the parent site.

E. Conflicts.

Any conflicts between the provisions of this section and the text of other sections in the Unified Development Code shall be resolved in favor of the text of this section.

PASSED BY THE CITY COUNCIL ON JANUARY 14, 2019

  
\_\_\_\_\_  
Council President PRO-TEM

Attest:

*Leri H. H. H.*  
City Clerk

*David A. Cawin*  
Mayor

Approved as to form:

*Jan*  
Assistant City Attorney

FEBRUARY 5, 2019  
Date

FEBRUARY 27, 2019  
Effective Date

Returned after Mayoral Signature Deadline  
Returned: FEBRUARY 5, 2019

