

# HAMILTON FORM-BASED CODE SUBAREA PLAN

Plan Commission Hearing  
December 10, 2014

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**BRIEFING PAPER**  
**City of Spokane**  
**Plan Commission Hearing**  
**December 10, 2014**

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**Subject**

Hamilton Form Based Code Subarea Plan

**Background**

In July, 2012 the Logan Neighborhood Stakeholder Team with the City of Spokane Planning Department began a public planning and engagement process for the preparation of a form-based model zoning code for a segment of Hamilton Street corridor generally from Desmet Avenue on the south to a block and a half north of Augusta Avenue. The Form Based Code is a plug-in set of regulations, replacing existing zoning and design guidelines within the affected geographical area and is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of code limits. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses and achieve a development pattern that is more consistent with the intent of the underlying comprehensive plan policies for this area. The entire project area is approximately 36.15 acres.

This proposal falls into two actions:

1. Comprehensive Plan Amendment to Land Use Plan Map. The Land Use designations of the affected geographic area will be amended from R 4-10 to CC Transition (see attached maps in the Staff Report).
2. Amending Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter 17C.123 Form Based Code (attached). Amending the City of Spokane Zoning Map and replacing CC1-DC, CC2-DC, RSF, and RTF zones with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories (attached). Amending SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and 17A.020.010 Definitions (attached).

**Impact**

The adoption of new zoning categories utilizing a Form Based Code will require a Comprehensive Plan Amendment via a subarea plan for the affected geographical area. This Comprehensive Plan Amendment will modify land use in



some areas within the affected geographical area and introduce new zoning categories. Additionally, a new chapter will be added to the Spokane Municipal Code that is specific to the affected geographical area.

### **Action**

The Plan Commission is being asked to provide a recommendation to the City Council to approve the Hamilton Form Based Code Subarea Plan, the Proposed Land Use Map Change and the new development regulations SMC 17C.123 Form Based Code, in addition to subsequent amendments to the Spokane Municipal Code. The public comment period for this proposal ended on November 25, 2014.

### **Funding**

The project was funded under the Neighborhood Planning Program.



**STAFF REPORT ON COMPREHENSIVE PLAN  
LAND USE MAP CHANGE & ZONING MAP CHANGE  
HAMILTON FORM BASED CODE SUBAREA PLAN  
FILE NO. Z1400055COMP**

**I. SUMMARY OF REQUEST AND RECOMMENDATIONS:**

**DESCRIPTION OF PROPOSAL:** In July, 2012 the Logan Neighborhood Stakeholder Team with the City of Spokane Planning Department began a public planning and engagement process for the preparation of a form-based model zoning code for a segment of Hamilton Street corridor generally from Desmet Avenue on the south to a block and a half north of Augusta Avenue. The Form Based Code is a plug-in set of regulations, replacing existing zoning and design guidelines within the affected geographical area and is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of code limits. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses and achieve a development pattern that is more consistent with the intent of the underlying comprehensive plan policies for this area.

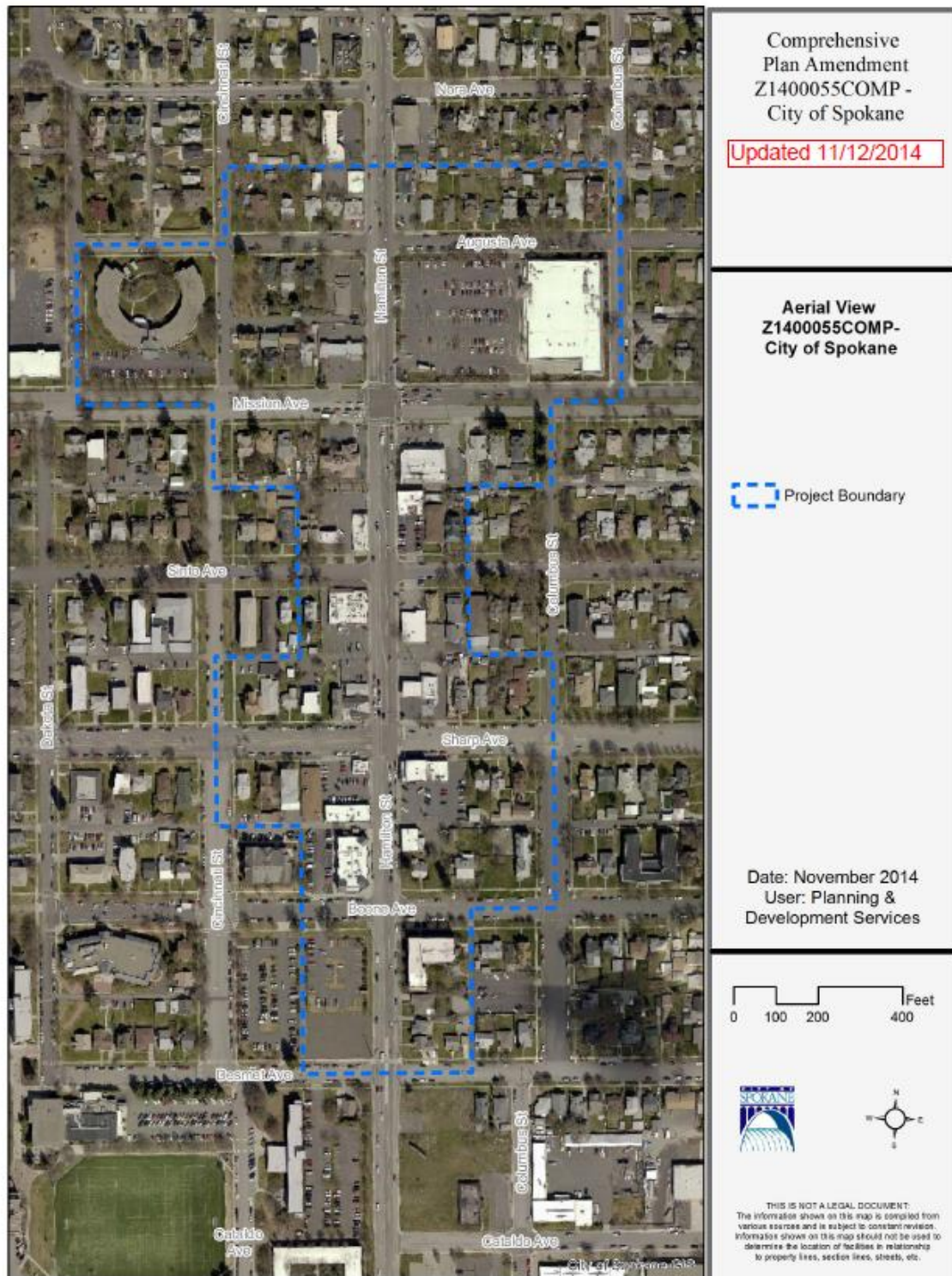
**II. GENERAL INFORMATION:**

<b>Applicant</b>	City of Spokane
<b>Location of Proposal:</b>	The affected geographic area is centered on the Hamilton Street corridor, bordered by Desmet Ave. to the south and the alley between Augusta Ave. and Nora Ave. to the north. The east/west boundaries vary. Please see attached project area maps.
<b>Legal Description</b>	A full legal description of the subject properties and all related project documents are available at Planning and Development, located on the third Floor of City Hall, 808 West Spokane Falls Blvd., Spokane, WA 99201-3329
<b>Existing Land Use Plan Designation:</b>	"Residential, 4 to 10 units per acre"
<b>Proposed Land Use Plan Designation:</b>	"Center & Corridor Transition"
<b>Existing Zoning:</b>	CC1-DC (Center & Corridor 1 District Center); CC2-DC (Center & Corridor 2 District Center); RSF (Residential Single Family); and RTF (Residential Two-family)
<b>Proposed Zoning:</b>	New, Form Based Code Zoning Categories: CA1, CA2, CA3, CA4 (Context Areas)
<b>SEPA Status:</b>	A SEPA threshold Determination of Non-Significance (DNS) was made on November 26, 2014. The appeal period closed on December 10, 2014 at 4pm.
<b>Enabling Code Section:</b>	SMC 17G. 020, Comprehensive Plan Amendment Procedure
<b>Plan Commission Hearing Date:</b>	December 10, 2014



<b>Staff Contact:</b>	Boris Borisov, Assistant Planner; <a href="mailto:bborisov@spokanecity.org">bborisov@spokanecity.org</a>
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### **III. FINDINGS OF FACT:**





- A. Site Description: The proposed project area is approximately 36.15 acres. There are approximately 82 affected parcels. This proposal retains the current “Center and Corridor Core” Land Use Plan Map Designation along the Hamilton Corridor. The proposed zoning categories of Context Areas 1, 2, and 3 along Hamilton are commercial in nature and fit the current Land Use Designation of the Comprehensive Plan.

Context Area 4 (CA4) is a buffer zone between the commercial core and the residential neighborhood. The Hamilton Form Based Code Subarea Plan amends the Land Use Plan Map from Residential 4-10 to Center & Corridor Transition (see maps below). The newly proposed CA4 zoning category allows commercial on a small scale but is predominantly residential in nature. This new zoning category also retains current height standards of the residential single-family zoning standards for the purposes of keeping these areas residential in scale.

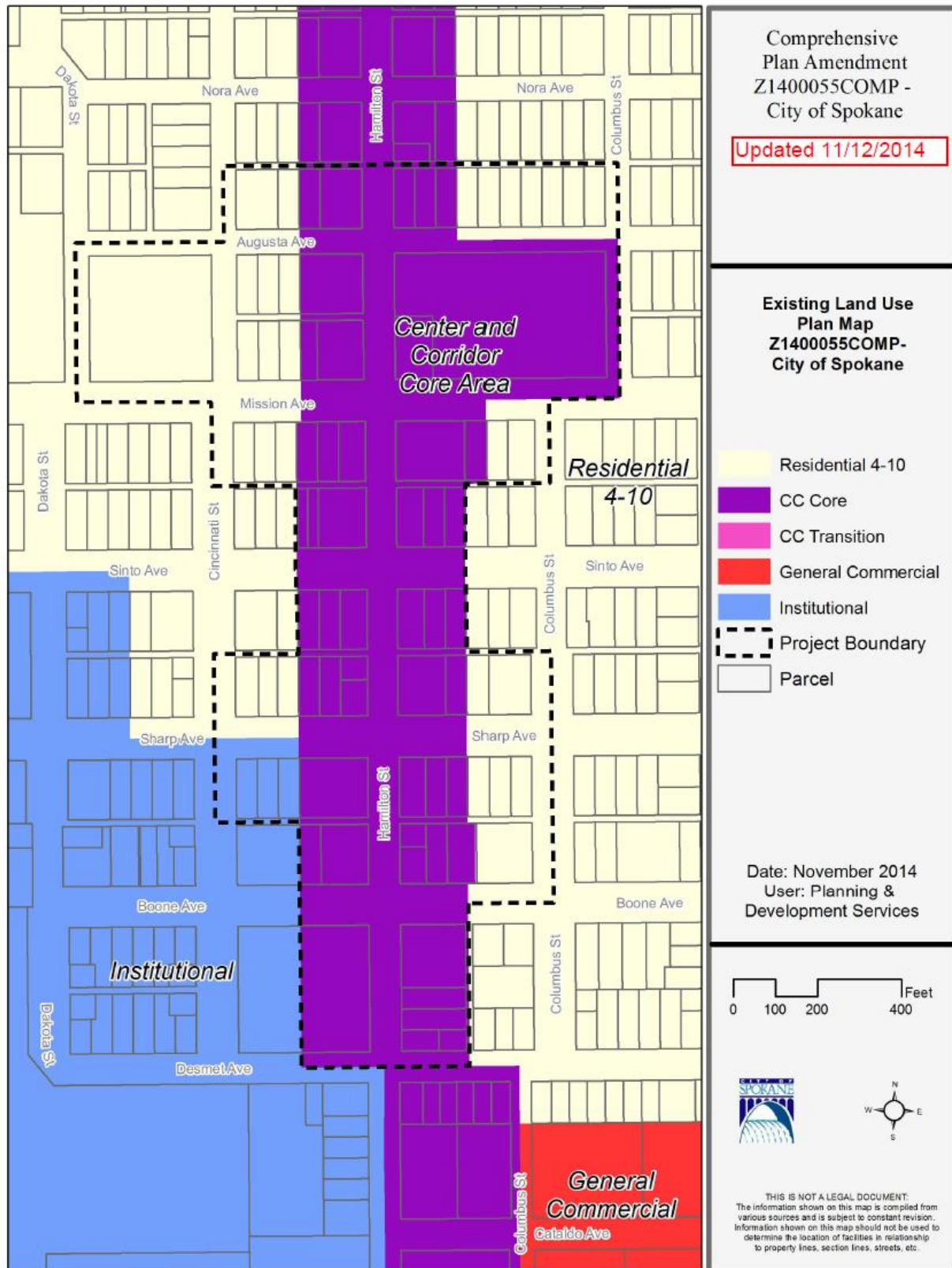
- B. Project Description: The Form Based Code replaces existing zoning and design guidelines within the affected geographical area. This code regulates land development by setting controls on building form, coupled with performance-based parameters relative to building use and density.

This proposal falls into two actions:

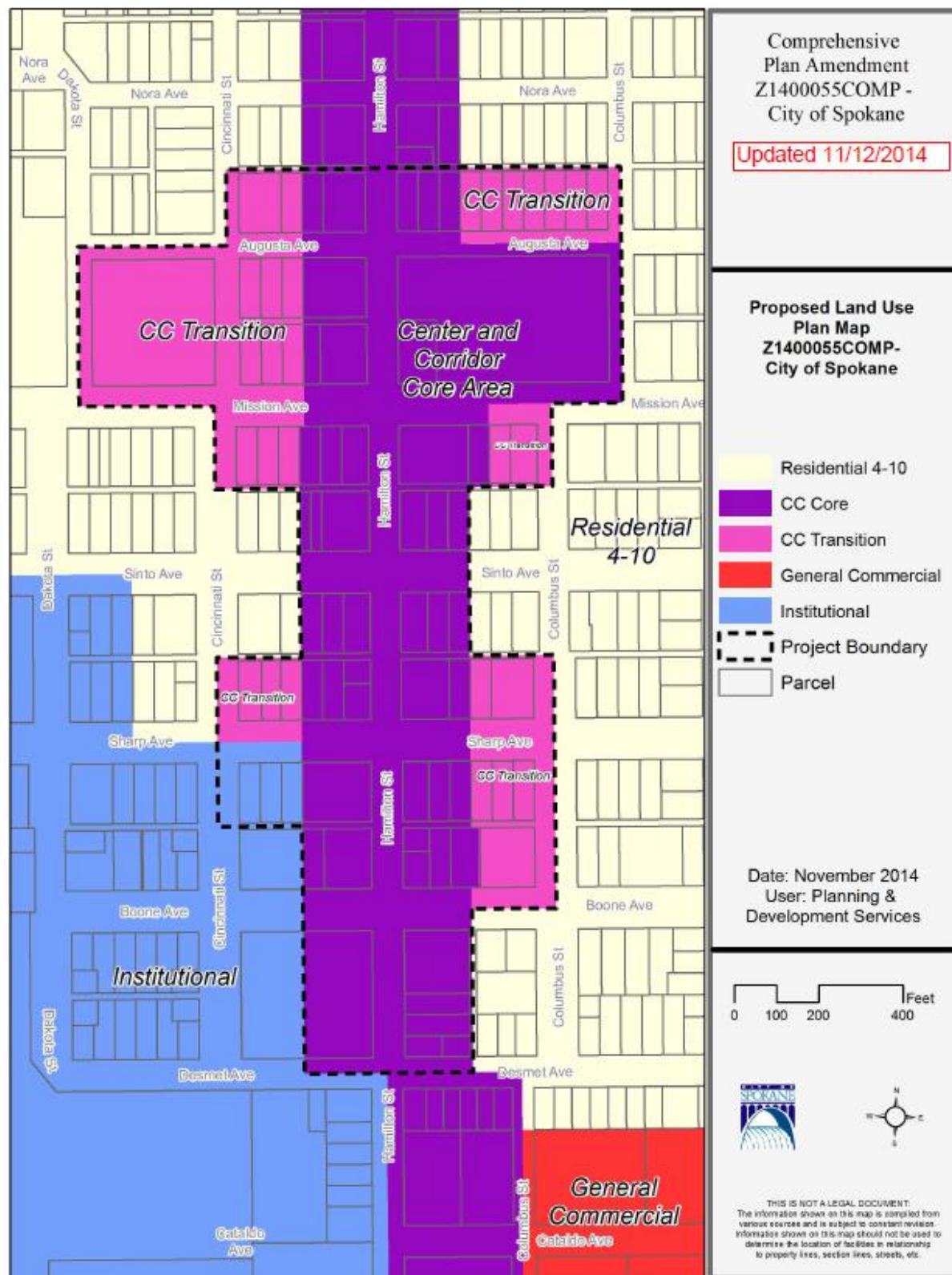
1. Comprehensive Plan Amendment to Land Use Plan Map. The Land Use designations of the affected geographic area will be amended from R 4-10 to CC Transition (see maps below).
2. Amending Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones. Amending SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amending the City of Spokane Zoning Map and replacing CC1-DC, CC2-DC, RSF, and RTF zones with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories.



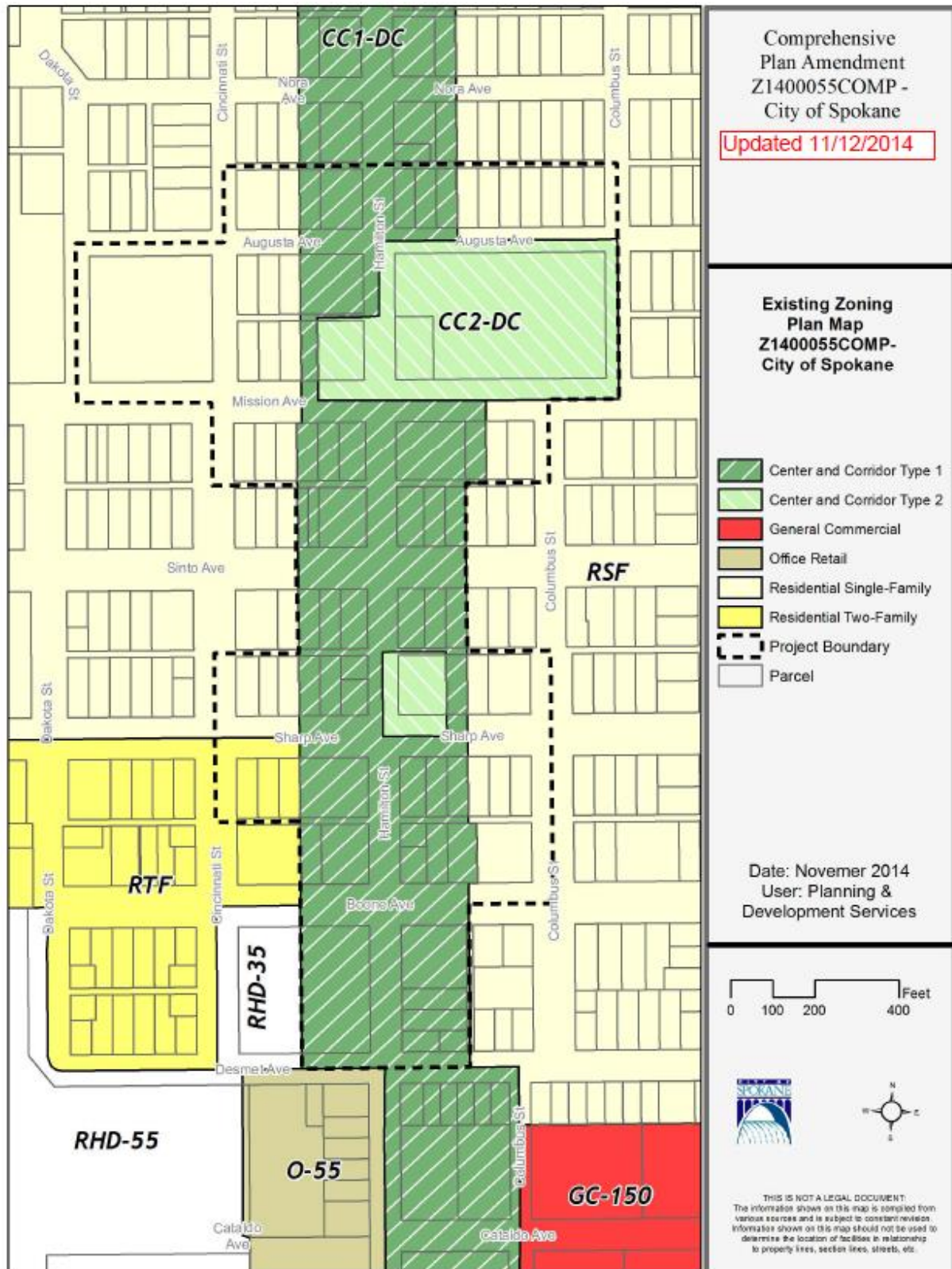
### C. Existing Land Use Plan Map Designations





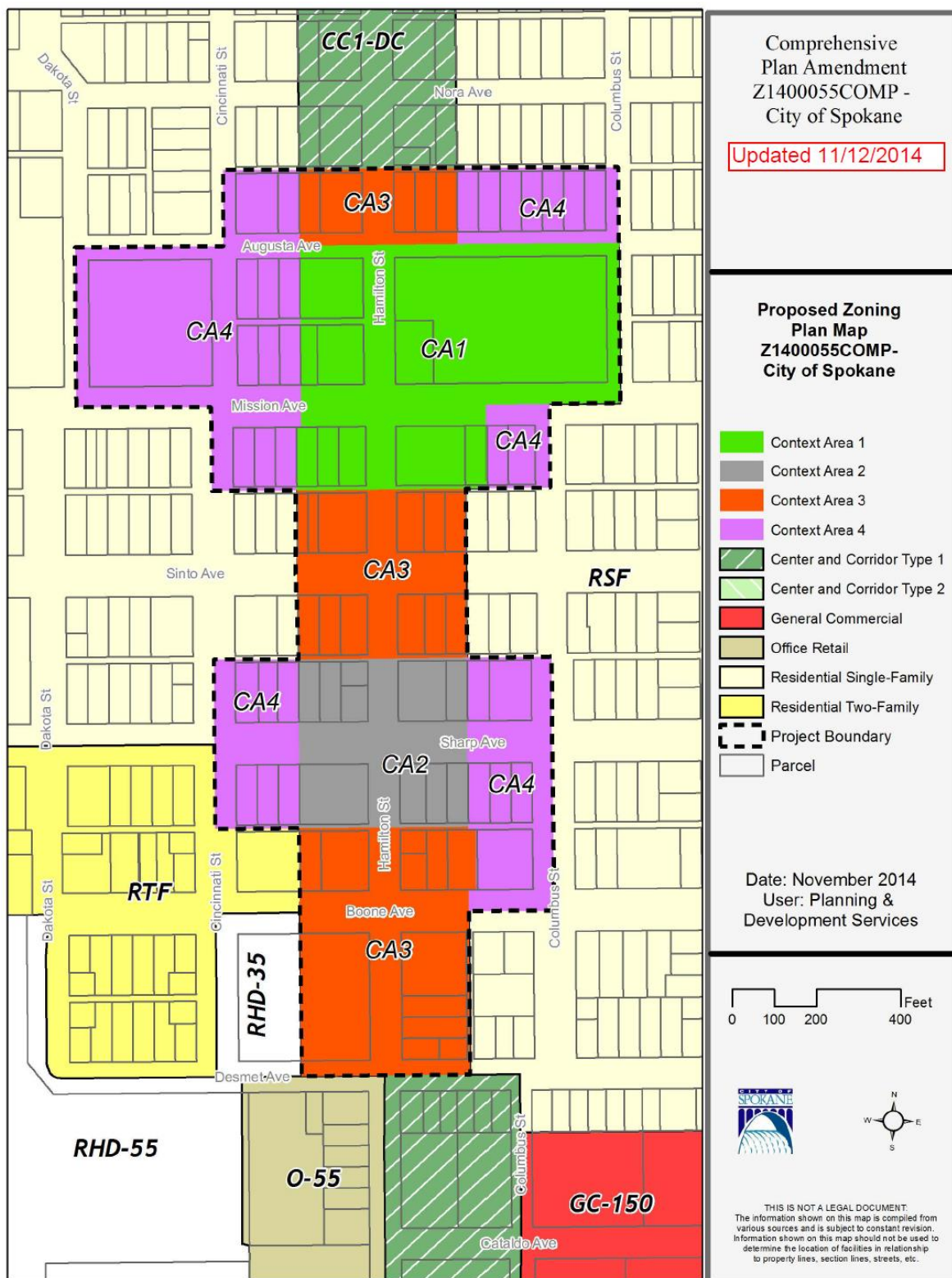
**D. Proposed Land Use Plan Map**



E. Existing Zoning Map



## F. Proposed Zoning Map





G. Zoning and Land Use Designation History:

The 1982 Logan Neighborhood Design Plan had several Land Use Designations for the project area being considered as part of this proposal. Land along Hamilton Street was classified as Neighborhood Business and Community Business, while the surrounding land has historically been designated as Low Density Residential. Other designations included Medium Density Residential, Institutional/Residential, and Institutional. In 2006, the Land Use Designations within the project boundary were amended to Center & Corridor Core (CC Core) and Residential 4-10 (R4-10). Corresponding zoning was amended to Residential Single-Family (RSF) and Center & Corridor 1 District Center (CC1-DC).

H. Adjacent Land Use:

Land use to the south of the project boundary is designated as CC Core and Institutional. Gonzaga University is immediately to the west of the lower half of the project boundary and is designated Institutional. Land use to the east and west of project boundary is designated Residential 4-10. Hamilton Street, which runs through the center of the project area, is classified as a major arterial. Local streets running east/west within the boundary include Desmet Ave, Boone Ave, Sinto Ave, and Augusta Ave. Sharp Ave is a minor arterial and Mission Ave is a major arterial. Other north/south local streets within the project boundary include Cincinnati St. and Columbus St. Spokane Transit Authority Bus Route 28 has service on Hamilton Street. The most recent traffic counts indicate that the average daily total trips per day range from 26,000 to 30,800 depending on the block.

I. Applicable Municipal Code Regulations: SMC 17G.020, Comprehensive Plan Amendment Procedures.

J. Outreach and Public Process:

- Meetings with the Logan Stakeholder Group (subcommittee of the Logan Neighborhood Council): May 29, 2014; June 25, 2014; August 19, 2014; and November 6, 2014.
- Open House, July 30, 2014: Mailed postcards to all affected property owners/taxpayers/occupants and those within 400 ft. of project boundary.
- Property Owner Meeting, August 18, 2014: Mailed invitation letter to all affected property owners/taxpayers/occupants within project boundary.

K. Procedural Requirements:

- Application was submitted on October 06, 2014.
- Environmental Checklist was routed to City Departments and outside agencies for review on October 6, 2014. Consultation period ended on October 20, 2014.
- Notice of Application was mailed on October 27, 2014 to all affected property owners/taxpayers/occupants in addition to those within 400 ft. of project boundary. This initiated a 30 day public comment period. Notice was also published in *The Spokesman Review* on October 27, 2014 and November 3, 2014 and the *Official Gazette* on October 29, 2014. The comment period ended November 25, 2014.



- Planning & Development Services made a presentation regarding the proposal to the Logan Neighborhood Council on November 18, 2014. The Neighborhood Council voted unanimously to support the proposal.
- A SEPA Determination of Non Significance was issued on November 26, 2014.
- Notice of SEPA Determination and Plan Commission Hearing was mailed to all affected property owners/taxpayers/occupants in addition to those within 400 ft. of project boundary on November 26, 2014.
- Notice of SEPA Determination and Plan Commission Hearing was published in *The Spokesman Review* on November 26, 2014 and December 3, 2014.
- Hearing Date is scheduled with the Plan Commission for December 10, 2014.

#### **IV. DEPARTMENT REPORTS and PUBLIC COMMENT**

Notice of this proposal was sent to City departments and outside agencies for their review. Department comments are included in the file.

As of the date of the staff report, several comments about the project were received from property owners and other interested parties via email, telephone calls, and letters. A summary of comments in addition to copies of correspondence are included in the file.

#### **V. CONCLUSIONS**

SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, in evaluating proposal to amend the comprehensive plan. The following is a list of those considerations followed by staff analysis relative each.

##### **A. Regulatory Changes.**

Amendments to the Comprehensive Plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.

Relevant facts: The proposal is being considered and processed in accordance with the most current regulations of the Growth Management Act, the Washington State Environmental Policy Act (SEPA) and the Spokane Municipal Code. There are no known recent state or federal or local legislative actions with which the proposal would be in conflict. Staff concludes this criterion is met.

##### **B. GMA.**

The change must be consistent with the goals and purposes of the state Growth Management Act.

Relevant facts: The “Legislative findings” included in the Revised Code of Washington pertaining to GMA is essentially a call for coordinated and planned growth that is done cooperatively between citizens, government, and the private sector. The complete text of the “Legislative findings” follows:

*RCW 36.70A.010, Legislative findings.*

*The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the*



*wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.*

The Growth Management Act contains 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW 36.70A.020, "Planning Goals"). The goals that are most directly related to the land use element state:

- ♦ *Urban growth. "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner."*
- ♦ *Reduce sprawl. "Reduce the inappropriate conversion of undeveloped land into sprawling, low density development."*
- ♦ *Housing. "Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock."*
- ♦ *Citizen participation and coordination. "Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts."*

Based on the evaluation provided elsewhere in this report, staff concludes that the application is consistent with these and the rest of the GMA Planning goals and the overall purpose of the Growth Management Act.

C. **Financing.**

In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.

Relevant facts: This proposal has been reviewed by city departments responsible for providing public services and facilities. No comments have been made to indicate that this proposal creates issues with any public services and facilities. Comments are provided in the file.

Staff concludes that this criterion is met.

D. **Funding Shortfall.**

If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and capital facilities program.

Relevant facts: Staff has concluded that this criterion is not applicable to this proposal. There are no funding shortfall implications.



E. Internal Consistency.

The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

Relevant facts: The Proposal implements the Centers and Corridor goals and policies of the Comprehensive Plan. In 2006, the Spokane Comprehensive Plan Land Use Chapter was changed, designating the Mission and Hamilton Center from Neighborhood Center to Hamilton Street Corridor District Center. This was done as part of the Center and Corridor planning aimed at implementing the City's Comprehensive Plan. The Form Based Code Subarea Plan builds on this designation and works to create an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor. The Comprehensive Plan Land Use Plan Map change is supplemented by new development regulations which are part of the proposal.

Below are applicable Goals and Policies from the Comprehensive Plan which support this proposal. Staff discussion follows:

Relevant Comprehensive Plan Goals and Policies

From Chapter 3, Land Use

**Goal: LU 1 CITYWIDE LAND USE**

*Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and nonresidential development and design, and proactively reinforcing downtown Spokane's role as the urban center.*

- Policy: LU 1.4 Higher Density Residential Uses: *Direct new higher density residential uses to centers and corridors designated on the land use plan map*

**Goal: LU 3 EFFICIENT LAND USE**

*Promote the efficient use of land by the use of incentives, density and mixed-use development in proximity to retail businesses, public services, places of work, and transportation systems.*



- Policy: LU 3.2 Centers and Corridors: *Designate centers and corridors (neighborhood scale, community or district scale, and regional scale) on the land use plan map that encourage a mix of uses and activities around which growth is focused.*

#### **Goal: LU 4 TRANSPORTATION**

*Promote a network of safe and cost effective transportation alternatives, including transit, carpooling, bicycling, pedestrian-oriented environments, and more efficient use of the automobile, to recognize the relationship between land use and transportation.*

- Policy: LU 4.2 Land Uses that Support Travel Options: *Provide a compatible mix of housing and commercial uses in neighborhood centers, districts centers, employment centers, and corridors.*
- Policy LU 4.4 Connections: *Design residential, commercial, and industrial development that takes into consideration the connections, both vehicular and pedestrian, to adjoining sites to reduce personal automobile trips.*
- Policy: LU 7.1 Regulatory Structure: *Develop a land use regulatory structure that utilizes creative mechanisms to promote development that provides a public benefit.*
- Policy: LU 7.4 Sub-Area Planning Framework: *Use the Comprehensive Plan overall guidance and undertake more detailed sub-area and neighborhood planning in order to provide a forum for confronting and reconciling issues and empowering neighborhoods to solve problems collectively.*

#### From Chapter 4, Transportation

#### **Goal: TR 2 TRANSPORTATION OPTIONS**

*Provide a variety of transportation options, including walking, bicycling, taking the bus, carpooling, and driving private automobiles, to ensure that all citizens have viable travel options and reduce dependency on automobiles.*

- Policy: TR 2.1 Physical Features: *Incorporate site design and other physical features into developments that encourage alternatives to driving.*
- Policy: TR 2.4 Parking Requirements: *Develop and maintain parking requirements for vehicles that adequately meet the demand for parking yet discourages dependence on driving.*
- Policy TR 2.6 Viable Walking Alternative: *Promote and provide for walking as a viable alternative to driving.*
- Policy TR 2.7 Safe Sidewalks: *Provide for safe pedestrian circulation within the city; wherever possible, this should be in the form of sidewalks with a pedestrian buffer strip or other separation from the street.*

#### **Goal: TR 3 TRANSPORTATION AND LAND USE**

*Recognize the key relationship between the places where people live, work, and shop and their need to have access to these places; use this relationship to promote land use*



*patterns, transportation facilities, and other urban features that advance Spokane's quality of life.*

- Policy: TR 3.1 Transportation and Development Patterns: *Use the City's transportation system and infrastructure to support desired land uses and development patterns, especially to reduce sprawl and encourage development in urban areas.*

### **Goal: TR 7 SENSE OF PLACE**

*Foster a sense of community and identity through availability of transportation choices and transportation design features, recognizing that both profoundly affect the way people interact and experience the city.*

- Policy: TR 7.1 Character and Pride: *Create transportation improvements that promote Spokane's character, enhance the character of its neighborhoods, and foster community pride*
- Policy: TR 7.2 Street Life: *Promote a healthy street life in commercial areas, especially downtown, through transportation facilities that are designed with care to enhance both their use and the surrounding street environment.*
- Policy: TR 7.3 Street Trees: *Plant street trees wherever possible to enhance the transportation environment.*
- Policy: TR 7.4 Pedestrian Buffer Strips: *Develop pedestrian buffer strips in a way that is appropriate to the surrounding area and desired outcomes.*
- Policy TR 7.5 Building Setbacks: *Reduce building setbacks from the street and distances between buildings in neighborhood commercial areas to improve pedestrian access and develop an urban form.*
- Policy TR 7.6 Sidewalk Use: *Allow businesses to utilize available sidewalks as long as pedestrian travel is not unreasonably impacted and the sidewalk's use and design is in character with the neighborhood.*

Staff Discussion: The Hamilton Form Based Code Subarea Plan promotes a street environment for pedestrians by placing buildings close to the street with wide sidewalks and street trees, attractive landscaping, benches, and frequent transit stops. Parking lots are placed to the side or the back of buildings. This proposal promotes compatible mix of housing and commercial uses along the corridor and into the transition zones between the corridor and surrounding neighborhood. This provides opportunities for people to walk, enables less reliance on automobiles, reduces commuting times and distances, makes mass transit more viable, and provides greater convenience for area residents. By promoting a vibrant public realm, the proposal takes into consideration the connections, both vehicular and pedestrian to adjoining sites to reduce personal automobile trips. The proposal also regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public



spaces and a healthy mix of uses. This regulatory structure utilizes creative mechanisms to promote development that provides a public benefit. The proposal is a detailed sub-area neighborhood planning process that provides a forum to confront and reconcile issues by empowering the neighborhood to solve problems collectively. The Logan Neighborhood Stakeholder Team has been working on the preparation of the form-based model zoning code since 2012.

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

Relevant facts: This amendment will not impact regional consistency.

G. Cumulative Effect.

All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.

i. Land Use Impacts.

In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.

ii. Grouping.

Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

Relevant facts: Per SMC 17G.020.040(A), this application is being reviewed as an initial adoption of a specific/subarea plan.

Staff concludes that this criterion is met.

H. SEPA.

SEPA review must be completed on all amendment proposals.

1. Grouping.

When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.

2. DS.

If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).



Relevant facts: The application has been reviewed in accordance with the State Environmental Policy Act (SEPA) that requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of information contained with the environmental checklist, the written comments from local and State departments and agencies concerned with land development within the city, a review of other information available to the Director of Planning Services, and in recognition of the mitigation measures that will be required by State and local development regulations at the time of development, a Determination of Non-Significance (DNS) was issued on November 26, 2014.

Staff concludes that this criterion is met.

I. Adequate Public Facilities.

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Relevant facts: All affected departments and outside agencies providing services to the subject properties have had an opportunity to comment on the proposal and no agency or department offered comments suggesting the proposal would affect the City's ability to provide adequate public facilities to the property or surrounding area or consume public resources otherwise needed to support comprehensive plan implementation strategies. Any specific site development impacts can be addressed at time of application for a building permit, when actual site development is proposed. Staff concludes that this criterion is met.

J. UGA.

*Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County.*

Relevant facts: The proposal does not involve amendment of the urban growth area boundary. This criterion is not applicable to this proposal.

K. Consistent Amendments.

1. Policy Adjustments.

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:

- a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- b. the capacity to provide adequate services is diminished or increased;
- c. land availability to meet demand is reduced;



- d. population or employment growth is significantly different than the plan's assumptions;
- e. plan objectives are not being met as specified;
- f. the effect of the plan on land values and affordable housing is contrary to plan goals;
- g. transportation and/or other capital improvements are not being made as expected;
- h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.

**Relevant facts:** This proposal is a request for a Comprehensive Plan Land Use Plan Map amendment, not a policy adjustment. This criterion is not applicable to this proposal.

## 2. Map Changes.

Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);

**Relevant facts:** Relevant Comprehensive Plan policies are addressed in Criterion E above.

Staff concludes that the proposed amendment is compatible with neighboring land uses and is consistent with the Comprehensive Plan.

- b. The map amendment or site is suitable for the proposed designation;

**Relevant facts:** This proposal amends several areas designated as Residential Single Family (RSF) to Center & Corridor Transition (CC Transition) which are adjacent to the Hamilton Corridor. A new Form Based Code zoning category, Context Area 4 (CA4) will replace current zoning. Context Area 4 allows small scale commercial but is predominately residential in nature and functions as a transition zone. Staff finds that these sites are suitable for the amendment being proposed.

- c. The map amendment implements applicable comprehensive plan policies better than the current map designation.

**Relevant facts:** Staff finds that the proposed amendment is consistent with the Comprehensive Plan policies.

## 3. Rezones, Land Use Plan Map Amendment.

Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.



Relevant facts: This proposal includes the adoption of new development regulations which specify corresponding rezones. Staff concludes that this criterion is met.

L. Inconsistent Amendments.

1. Review Cycle.

Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.

Relevant facts: This is not an inconsistent Comprehensive Plan Land Use Map Plan amendment request.

2. Adequate Documentation of Need for Change.

- a. The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:
- b. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- c. the capacity to provide adequate services is diminished or increased;
- d. land availability to meet demand is reduced;
- e. population or employment growth is significantly different than the plan's assumptions;
- f. transportation and/or other capital improvements are not being made as expected;
- g. conditions have changed substantially in the area within which the subject property lies and/or Citywide;
- h. assumptions upon which the plan is based are found to be invalid; or
- i. sufficient change or lack of change in circumstances dictates the need for such consideration.

Relevant facts: This is not an inconsistent Comprehensive Plan Land Use Map Plan amendment request.

3. Overall Consistency.

If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.

Relevant facts: This is not an inconsistent Comprehensive Plan Land Use Map Plan amendment request.



## **VI. RECOMMENDATIONS**

STAFF CONCLUSION: For reasons outlined within this report, staff recommends that two actions be approved as part of the Hamilton Form Based Code Subarea Plan:

1. Action #1: Comprehensive Plan Amendment to Land Use Plan Map. Amend the Land Use designations within the project boundary from R 4-10 to CC Transition (as identified in the maps above).
2. Action #2: Amend Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones. Amend SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amend the City of Spokane Zoning Map and replace CC1-DC, CC2-DC, RSF, and RTF zones with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories within project boundary (see maps above).



**SPOKANE ENVIRONMENTAL ORDINANCE  
NONPROJECT DETERMINATION OF NONSIGNIFICANCE**

**FILE NO(S):** Z1400055COMP - Proposed Comprehensive Plan Amendment for the Hamilton Form Based Code Subarea Plan

**PROPONENT:** City of Spokane, Planning & Development

**DESCRIPTION OF PROPOSAL:** The Form Based Code replaces existing zoning and design guidelines within the affected geographical area. This code regulates land development by setting controls on building form, coupled with performance-based parameters relative to building use and density. The entire project area is approximately 37.6 acres. This proposal falls into two actions:

1. Comprehensive Plan Amendment to Land Use Plan Map. The Land Use designations of the affected geographic area will be amended from R 4-10 to CC Transition (See Exhibit 2: Existing Land Use Plan Map and Exhibit 3: Proposed Land Use Plan Map at: <https://beta.spokanecity.org/projects/logan>).
2. Amending Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones (See Exhibit 1: SMC 17C.123 Form Based Code Zones Draft at: <https://beta.spokanecity.org/projects/logan>). Amending SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amending the City of Spokane Zoning Map and replacing CC1, CC2, RSF, and RTF zones with CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories (See Exhibit 4: Existing Zoning and Exhibit 5: Proposed Zoning at: <https://beta.spokanecity.org/projects/logan>).

**LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:** The affected geographic area is centered on the Hamilton Street corridor, bordered by Desmet Ave. to the south and the alley between Augusta Ave. and Nora Ave. to the north. The east/west boundaries vary. Please see attached project area map or visit <https://beta.spokanecity.org/projects/logan/> for a project map.

**LEAD AGENCY:** City of Spokane, Planning & Development

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- ☐ There is no comment period for this DNS.
- ☐ This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.
- ☒ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments must be submitted no later than December 10, 2014 at 4:00 p.m. if they are intended to alter the DNS.

\*\*\*\*\*  
**Responsible Official:** Louis Meuler

**Position/Title:** Interim Director, Planning and Development      **Phone:** (509) 625-6300

**Address:** 808 West Spokane Falls Boulevard, Spokane, WA 99201-3329

**Date Issued:** November 26, 2014      **Signature:** 

\*\*\*\*\*  
**APPEAL OF THIS DETERMINATION**, after it becomes final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane, WA 99201. The appeal deadline is fourteen (14) calendar days after the signing of the DNS. This appeal must be on forms provided by the Responsible Official, make specific factual objections and be accompanied by the appeal fee. Contact the Responsible Official for assistance with the specifics of a SEPA appeal.

\*\*\*\*\*



**Environmental Checklist**  
**UPDATED 11-7-2014**

**File No. Z1400055COMP**

**Purpose of Checklist:**

The State Environmental Policy Act (SEPA) chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An Environmental Impact Statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

**Instructions for Applicants:**

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

**Use of checklist for nonproject proposals:**

Complete this checklist for nonproject proposals, even though questions may be answered "*does not apply*."

IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.



## A. BACKGROUND

1. Name of proposed project, if applicable: Hamilton Form Based Code Subarea Plan and Zoning Change.
2. Name of applicant: City of Spokane
3. Address and phone number of applicant or contact person: Planning & Development Services, 3<sup>rd</sup> Floor, Spokane City Hall, 808 West Spokane Falls Boulevard, Spokane, WA 99201-3329, (509) 625-6300. Contact Person: Boris Borisov, Assistant Planner
4. Date checklist prepared: October 6, 2014
5. Agency requesting checklist: City of Spokane
6. Proposed timing or schedule (including phasing, if applicable): A Plan Commission hearing on this proposal is scheduled to take place in December of 2014. Then the subarea plan must be approved by City Council and signed by the Mayor to be adopted.
7.
  - a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Yes, the Form Based Code is being applied to a small area of the Logan neighborhood as a pilot project. This type of zoning may be applied to other parts of the City if successful. A separate approval process, including SEPA would be completed if applied to other parts of the City.
  - b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. No.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to his proposal. None that is directly related to this proposal.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. None.
10. List any government approvals or permits that will be needed for your proposal, if known. The adoption of new zoning categories utilizing a Form Based Code will require a Comprehensive Plan Amendment via a subarea plan for the affected geographical area. This Comprehensive Plan Amendment will modify land use in some areas within the affected geographical area and introduce new zoning categories. Additionally, a new chapter will be added to the Spokane Municipal Code that is specific to the affected geographical area. These amendments require approval of the Spokane City Council and Mayor.



11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. In July, 2012 the Logan Neighborhood Stakeholder Team with the City of Spokane Planning Department began a public planning and engagement process for the preparation of a form-based model zoning code for a segment of Hamilton Street corridor generally from Desmet Avenue on the south to a block and a half north of Augusta Avenue. The Form Based Code is a plug-in set of regulations, replacing existing zoning and design guidelines within the affected geographical area and is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of code limits. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses and achieve a development pattern that is more consistent with the intent of the underlying comprehensive plan policies for this area. The entire project area is approximately 37.6 acres.

This proposal falls into two actions:

1. Comprehensive Plan Amendment to Land Use Plan Map. The Land Use designations of the affected geographic area will be amended from R 4-10 to CC Transition and from Institutional to CC Transition. (See Exhibit 2: Existing Land Use Plan Map and Exhibit 3: Proposed Land Use Plan Map).
2. Amending Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter 17C.XXX123 Form Based Code (See Exhibit 1: 17C.XXX123 Form Based Code Draft at: <https://beta.spokanecity.org/projects/logan>). Amending SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and 17A.020.010 Definitions. Amending the City of Spokane Zoning Map and replacing CC1, CC2, RSF, and RTF zones with CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories (See Exhibit 4: Existing Zoning and Exhibit 5: Proposed Zoning)

See Exhibit 6, Aerial Map of Project Boundary for an overview of entire affected geographic area.

All exhibits and supporting documents can be found at:  
<https://beta.spokanecity.org/projects/logan>

12. Location of the proposal. Give sufficient information to a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity



map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist. The affected geographic area is centered on the Hamilton corridor, bordering Desmet to the south and the alley between Augusta and Nora to the north. The east/west boundaries vary. Please see Exhibit 6: Aerial Map of Project Boundary at: <https://beta.spokanecity.org/projects/logan>.

13. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries.)  
Yes.

14. The following questions supplement Part A.

a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA)

(1) Describe any systems, other than those designed for the disposal of sanitary waste, installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities).  
Not applicable, this is a non-project action. Systems designed for stormwater disposal would be included in new development projects, if the adopted amendments will apply to new development. These are reviewed on a project basis and mitigated as required under SMC Section 17D.060.

(2) Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored?  
Not applicable, this is a non-project action.

(3) What protective measures will be taken to insure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems.  
Not applicable, this is a non-project action.

(4) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater?  
Not applicable, this is a non-project action.

b. Stormwater



(1) What are the depths on the site to groundwater and to bedrock (if known)?

Not applicable, this is a non-project action

(2) Will stormwater be discharged into the ground? If so, describe any potential impacts?

Not applicable, this is a non-project action

**TO BE COMPLETED BY APPLICANT**

**B. ENVIRONMENTAL ELEMENTS**

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**1. Earth**

- a. General description of the site (circle one): *flat, rolling, hilly, steep slopes, mountains, other.* The affected geographic area is predominately flat.
- b. What is the steepest slope on the site (approximate percent slope)? The affected geographic area is predominately flat. The slopes range from 0 to 16 percent.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. The soils are generally described as Garrison gravelly loam 0 to 5% slope. Please see the "Soil Survey, Spokane County Washington, 1968" for additional information regarding this and other soil classifications within the City of Spokane.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. The affected geographic area has no history of unstable soils in the immediate vicinity according to the Potential Erosion Hazard map of the City of Spokane.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill: There are no fills or grading proposed directly related to this proposal, this is a non-project action.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. There should not be any erosion directly related to this proposal, as this is a non-project action. Impacts would be project based and would be evaluated on a project-by-project basis.



- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? Not applicable, this is a non-project action. The Form Based Code specifies maximum impervious coverage for specific zones in the affected geographic area. These standards would apply to new projects and would limit the amount of impervious surfaces (see Exhibit 1: 17C.XXX123 Form Based Code Draft, Section 17C.XXX123.040-1 at: <https://beta.spokanecity.org/projects/logan>).
- h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: Not applicable, this is a non-project action. The Form Based Code sets maximum impervious surface coverage areas within the geographic area as well as landscaping standards.

## 2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. Construction of required accesses and other infrastructure required as conditions of approval, if any, and other development permitted by the zoning code will generate emissions to the air. Impacts will be evaluated as projects are proposed.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. No, this is a non-project action.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: This specific proposal contains no provisions to reduce or control emissions.

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### 3. Water

#### a. SURFACE:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. There is no surface water body within the affected geographic area. The Spokane River is approximately ½ mile to the south of the project boundary and ¼ of a mile to the east
- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. No
- (3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.  
There is no fill or dredge material that is proposed to be placed or removed in relation to this proposal, this is a non-project action. The development standards of the Shorelines Master Program (SMP) and the Title 17E.070 (wetlands) of the SMC regulate the filling and dredging of surface water and wetlands.
- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.  
No, this proposal will not require surface water withdrawals or diversions. This is a non-project action.
- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. The affected geographic area does not lie within a 100-year floodplain.
- (6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.  
No, this proposal does not involve any discharge of water materials to surface waters. This is a non-project action.

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b. GROUND:

- (1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No, this proposal does not involve any discharge of water materials to surface waters. This is a non-project action.

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sanitary waste treatment facility. Describe the general size of the system, the number of houses to be served (if applicable) or the number of persons the system(s) are expected to serve.

Not applicable, this is a non-project action. All buildings within the affected geographic area are served by city sewer.

c. WATER RUNOFF (INCLUDING STORMWATER):

- (1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable, this is a non-project action.

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable, this is a non-project action.

- d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water impacts, if any. I

The provisions of SMC 17D.060 Stormwater Facilities regulates stormwater and requires appropriate on-site storage and disposal. New development is reviewed under these regulations and required to build appropriate stormwater facilities.

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#### 4. Plants

- a. Check or circle type of vegetation found on the site:

x \_\_\_\_\_ Deciduous tree: *alder, maple, aspen, other.*

x \_\_\_\_\_ Evergreen tree: *fir, cedar, pine, other.*

x \_\_\_\_\_ Shrubs

x \_\_\_\_\_ Grass

\_\_\_\_\_ Pasture

\_\_\_\_\_ Crop or grain

\_\_\_\_\_ Wet soil plants, *cattail, buttercup, bullrush, skunk cabbage, other.*

\_\_\_\_\_ Water plants: *water lilly, eelgrass, milfoil, other.*

x \_\_\_\_\_ Other types of vegetation.

- b. What kind and amount of vegetation will be removed or altered? No vegetation is proposed to be removed or altered as part of this proposal, this is a non-project action.

- c. List threatened or endangered species known to be on or near the site. Not-applicable, this is a non-project action.

- c. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: The Form Based Code imposes landscaping standards prescribed in SMC 17C.200. These landscaping requirements ensure properties developed within the affected geographical area enhance vegetation on site (see: Supporting Amendments to SMC, Landscaping & Screening at: <https://beta.spokanecity.org/projects/logan/>)

3.

#### 5. Animals

- a. Circle any birds and animals which have been observed on or near the site are known to be on or near the site: Not-applicable, this is a non-project action.

birds: *hawk, heron, eagle, songbirds, other.* \_\_\_\_\_

mammals: *deer, bear, elk, beaver, other.* \_\_\_\_\_

fish: *bass, salmon, trout, herring, shellfish, other.* \_\_\_\_\_

other: \_\_\_\_\_

- b. List any threatened or endangered species known to be on or near the site. Not-applicable, this is a non-project action.



- a. Is the site part of a migration route? If so, explain.  
Not-applicable, this is a non-project action.
- d. Proposed measures to preserve or enhance wildlife, if any:  
The provisions of Spokane Municipal Code Section 17E.020 Fish and Wildlife Habitat contain development standards for the protection of animals listed as threatened, endangered and priority species.

## 6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.  
Not applicable, this is a non-project action. New development in the affected geographic area could use any combination of electric, natural gas, wood stove, and/or solar to meet energy needs.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. Not applicable, this is a non-project action.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:  
The Form Based Code is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor. The affected geographic area will benefit from an environment that supports multiple modes of transportation including automobile, walking, cycling, and transit.

## 7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. No, this proposal is a non-project action and should not directly increase the risk of any of these hazards.
- (1) Describe special emergency services that might be required.  
Not applicable, this is a non-project action.
- (2) Proposed measures to reduce or control environmental health hazards, if any:

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Not applicable, this is a non-project action.

b. NOISE:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable, this is a non-project action.

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

New development could create construction noise as redevelopment occurs with the affected geographic area. Any such noise would be subject to the provisions of SMC 10.0D Noise Control.

- (3) Proposed measure to reduce or control noise impacts, if any:

Noise is regulated under SMC 10.D Noise Control. This section of the Spokane Municipal Code outlines maximum permissible environmental sound levels by zone type (residential, commercial, office, retail, industrial, etc). Projects within the affected geographic area would be subject to these standards.

**8. Land and shoreline use**

- a. What is the current use of the site and adjacent properties?

Uses within the affected geographic area are a mix of residential and commercial. Approximately 39% of the parcels within the boundary are zoned for residential use and 61% are zoned Center & Corridor. The Centers and Corridor zones have a variety of uses including retail, commercial and personal services.

- b. Has the site been used for agriculture? If so, describe. No

- c. Describe any structures on the site. The affected geographic area has numerous structures. Approximately 39% of the area is zoned for residential use and has single family/multi-family. The Center and Corridor zones which make up roughly 61% of the affected geographic area has commercial structures that range from 3,000 sf to 10,000 sf.

- d. Will any structures be demolished? If so, which? This is a non-project action and as such demolition of structures is not being proposed. Structures could be demolished as part of normal redevelopment activity.

- e. What is the current zoning classification of the site? The affected geographic area has a mix of zones including

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residential single family (RSF), residential two-family (RTF), and center and corridor (CC1, and CC2).

- f. What is the current comprehensive plan designation of the site? The Comprehensive Land Use Map designation for the affected geographic area is Center and Corridor Core Residential 4-10, and Institutional.
- g. If applicable, what is the current shoreline master program designation of the site? Not applicable.
- h. Has any part of the site been classified as a critical area? If so, specify. Yes. The entire affected geographic area is within the critical aquifer recharge area.
- i. Approximately how many people would reside or work in the completed project? Not applicable, this is a non-project action
- j. Approximately how many people would the completed project displace? Not applicable, this is a non-project action
- k. Proposed measures to avoid or reduce displacement impacts, if any: Not applicable, this is a non-project action
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: This project implements the centers and corridors goals and policies and land use map designations of the comprehensive plan. Several areas of the affected geographic area will require a Comprehensive Plan Amendment to the Land Use Plan Map.

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## **9. Housing**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing. Not applicable, this is a non-project action.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. Not applicable, this is a non-project action.
- c. Proposed measures to reduce or control housing impacts, if any: Not applicable, this is a non-project action.

## **10. Aesthetics**



- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? This is a non-project action and does not include the construction of buildings. The standards for building height are regulated in this proposal. There are four Context Areas (zones) within the affected geographic area. The tallest building allowed would be in a Context Area 1 zone at 6 5 stories or 80-66 feet (see figures 17C.XXX123.040GD through 17C.XXX123.040FG under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>) along a shop front street (designated along Hamilton and commercial nodes/intersections). A wide variety of building materials will be allowed within each zone.
  
- b. What views in the immediate vicinity would be altered or obstructed? Views may be altered if developers take advantage of allowable maximum height standards within the affected geographic area. The proposal has design requirements to ensure the proper “fit” within the surrounding neighborhood. These include architectural requirements, articulating façade requirements, roofline objectives, mechanical screening, and other considerations. These requirements establish important functional and aesthetic characteristics sought by the community. (See Section 17C.XXX123.060 Architectural Requirements under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>). Areas adjacent to residential zones have lower height maximum standards to ensure smooth transitions between intense uses and a neighborhood context.
  
- c. Proposed measures to reduce or control aesthetic impacts, if any: The proposal has design requirements to ensure the proper “fit” within the surrounding neighborhood. These include architectural requirements, articulating façade requirements, roofline objectives, mechanical screening, and other considerations. These requirements establish important functional and aesthetic characteristics sought by the community (See Section 17C.XXX123.060 Architectural Requirements under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>).

## 11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? This is a non-project action. Development within the affected geographic area would be required to adhere to lighting standards (see section 17C.XXX123.040G(1)(2) under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>). These standards help reduce glare, especially at night.



- b. Could light or glare from the finished project be a safety hazard or interfere with views? This is a non-project action. Development within the affected geographic area would be required to adhere to lighting standards (see section 17C.XXX123.040G(1)(2) under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>). These standards help reduce glare, especially at night.
- c. What existing off-site sources of light or glare may affect your proposal? Development within the affected geographic area would be required to adhere to lighting standards (see section 17C.XXX123.040G(1)(2) under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>).
- d. Proposed measures to reduce or control light and glare impacts, if any: The Hamilton Form Base Code prescribes lighting standards within parking lots to reduce glare and contribute to the character and safety of sites and adjacent right of way. Pedestrian scale fixtures are required for all lighting illuminating pedestrian paths. Vehicle scale fixtures are allowed for general surface lot and site lighting. Parking lot lighting is required to provide adequate night visibility and security by distributing a minimum of two foot-candles to a maximum of six foot-candles of illumination at ground level. All lighting is required to be shielded to minimize off-site glare, directing light downward and away from adjacent properties (see section 17C.XXX123.040G(1)(2) under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>).

## **12. Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity? Not applicable, this is non-project action
- b. Would the proposed project displace any existing recreational uses? If so, describe. Not applicable, this is non-project action
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: Not applicable, this is non-project action

## **13. Historic and cultural preservation**

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. A portion of the Mission Avenue Historic District is within the northwest part



of the affected geographic area. This accounts for approximately 10 parcels that are both within the affected geographic area and the Mission Avenue Historic District. One parcel, located at 1226-1228 N. Hamilton is on the local preservation register. This property commonly known as Jack and Dan's, is one of five remaining beer parlors in Spokane that has operated continuously as a parlor/tavern since the repeal of prohibition in Washington in 1933.

- b. Generally describe any landmarks or evidence of historic archaeological, scientific or cultural importance known to be on or next to the site. Jack and Dan's Tavern, located at 1226-1228 N. Hamilton is one of five remaining beer parlors in Spokane that has operated continuously as a parlor/tavern since the repeal of prohibition in Washington in 1933.
- c. Proposed measures to reduce or control impacts, if any: This proposal does not specifically have measures to reduce impacts on historic properties. The proposal encourages compatible use of existing properties with the surrounding neighborhood.

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#### 14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. The main north/south route in the affected geographic area is served by Hamilton Street. This street supports a mixed-use corridor environment. Mission Ave serves existing east/west arterial needs and includes a median with turn lanes. Boone Ave, Sharp Ave, and Sinto Ave serve east/west arterial needs and provide for and support a mixed-use district environment. Augusta Ave, Columbus St, Cincinnati St, and Dakota St, provide for and support an environment bridging between mixed-use and residential areas. Access to all streets would not change as part of this proposal as this is a non-project action.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? Yes.
- c. How many parking spaces would the completed project have? How many would the project eliminate? This is a non-project action. The proposal has maximum parking requirements for each context area. Context Areas 1, 2, and 3 have a maximum of 2 spaces/500 sf of floor area. Context Area 4 (residential in character) has a minimum off-street parking requirement of 1 space per dwelling unit.



- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets not including driveways? If so, generally describe (indicate whether public or private). No.
- e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. Not applicable, this is a non-project action.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak would occur. Not applicable, this is a non-project action.

*(Note: to assist in review and if known indicate vehicle trips during PM peak, AM Peak and Weekday (24 hours).)*

- g. Proposed measures to reduce or control transportation impacts, if any: Not applicable, this is a non-project action.

Evaluation for  
Agency Use  
Only

## 15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. This proposal is a non-project action and should not directly increase the need for fire, police, health care or school services.
- d. Proposed measures to reduce or control direct impacts on public services, if any: Impacts will be addressed at the time of permit application.

## 16. Utilities

- a. Circle utilities currently available at the site: *electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.* The project area is fully served with urban utilities.
- b. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might be needed. Not applicable, this is non-project action.



### C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the *agency* must withdraw any determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

***Please Print or Type:***

Proponent: City of Spokane

Address: 808 W. Spokane Fall Blvd. Spokane, WA 99201

Phone: 509-625-6300

Person completing  
form (if different

from proponent): Boris Borisov, Assistant Planner

Address: 808 W. Spokane Fall Blvd. Spokane, WA 99201

Phone: 509-625-6156

Email: [bborisov@spokanecity.org](mailto:bborisov@spokanecity.org)

[Updated November 7, 2014](#)

#### **FOR STAFF USE ONLY**

Staff member(s) reviewing checklist: \_\_\_\_\_

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- ☐ A. there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- ☐ B. probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- ☐ C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.



**D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS**  
***(Do not use this sheet for project actions)***

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage or release of toxic or hazardous substances; or production of noise?  
The proposal would not directly increase discharge to water, emissions to air, the production and storage of toxic or hazardous substances or noise.

Proposed measures to avoid or reduce such increases are:  
No such measures are included in this proposal.

2. How would the proposal be likely to affect plants, animals, fish or marine life?  
This proposal is unlikely to directly affect plants and animals.

Proposed measures to protect or conserve plants, animals, fish or marine life are:  
No measures are proposed to specifically address the conservation of plants and animals in this proposal. However, the SMC includes standards related to protection of critical areas and habitat.

3. How would the proposal be likely to deplete energy or natural resources?  
The proposed code amendments will not directly affect energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:  
The proposal does not directly address energy and natural resource conservation.



4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands?

This proposal will not directly affect environmentally sensitive areas. If the amendments adopted will apply to new development, the new development will be subject to the critical area standards of the Spokane Municipal Code.

Proposed measures to protect such resources or to avoid or reduce impacts are:

No new measures are proposed. Project impacts will be addressed at the time of permit application in accordance with the standards of the Spokane Municipal Code.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The amendments are intended to implement the policies of the City's Comprehensive Plan. Development approved under the proposed amendments are required to meet the development regulations adopted under the Comprehensive Plan.

Proposed measures to avoid or reduce shoreline and land use impacts are:

No additional measures are proposed.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

This proposal increases the height maximum in the Context Area 1 zone from 54' to 66' along Shopfront streets. It also increases the height maximum in Context Area 2 from 54' to 66' along Shopfront streets (See Figure 17C.XXX.040-DG through Figure 17C.XXX.040-ED under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>). This type of increase is only allowed on streets adjacent to Hamilton and corner lots. This is consistent with the Comprehensive Plan's Corridor designations which call for increase of densities.

Proposed measures to reduce or respond to such demand(s) are:

Any development proposals would individually go through the SEPA process and would be required to mitigate impacts on transportation or public services and utilities.

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.

The proposal should not conflict with local, state or federal laws or requirements for the protection of the environment.



### C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the *agency* may withdraw any Determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

***Please Print or Type:***

Proponent: City of Spokane

Address: 808 W. Spokane Fall Blvd. Spokane, WA 99201

Phone: 509-625-6300

Person completing  
form (if different

from proponent): Boris Borisov, Assistant Planner

Address: 808 W. Spokane Fall Blvd. Spokane, WA 99201

Phone: 509-625-6156

Email: [bborisov@spokanecity.org](mailto:bborisov@spokanecity.org)

[Updated November 7, 2014](#)

#### **FOR STAFF USE ONLY**

Staff member(s) reviewing checklist: \_\_\_\_\_

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- A. ☐ there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- B. ☐ probable significant adverse impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- C. ☐ there are probable significant adverse environmental impacts and recommends a Determination of Significance.



## Borisov, Boris

---

**From:** Black, Tirrell  
**Sent:** Thursday, October 30, 2014 10:41 AM  
**To:** Neff, Julie; Borisov, Boris  
**Cc:** Brast, Ali; Palmquist, Tamara  
**Subject:** RE: SEPA for Hamilton Form-Based code

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Yes. Commercial Parking Lots are subject to parking lot development standards.

---

**From:** Neff, Julie  
**Sent:** Thursday, October 30, 2014 9:50 AM  
**To:** Black, Tirrell; Borisov, Boris  
**Subject:** RE: SEPA for Hamilton Form-Based code

Thanks Tirrell. So are commercial lots subject to parking lot standards?



Julie Neff, Associate Planner | City of Spokane | Planning & Development  
509.625-6082 | fax 509.625.6013 | [jneff@spokanecity.org](mailto:jneff@spokanecity.org) | [spokanecity.org](http://spokanecity.org)



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**From:** Black, Tirrell  
**Sent:** Wednesday, October 29, 2014 8:23 AM  
**To:** Neff, Julie; Borisov, Boris; Kells, Patty  
**Cc:** Note, Inga; Chesney, Scott  
**Subject:** RE: SEPA for Hamilton Form-Based code

This may help the discussion:

Centers & Corridors zoning allows for "Public Parking Lot" (SMC Section 17C. 122.070, Center and Corridor Zone Allowed Uses)

In the Commercial Use Table, the use is identified as Commercial Parking (SMC Table 17C.120-1) and is permitted in most zones (but not all)

Section 17C.190.220 Commercial Parking is defined:

Section 17C.190.220 Commercial Parking



A. Characteristics.

Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

B. Accessory Uses.

In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service to autos parked in the garage, and not towards general traffic.

C. Examples.

Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking and mixed parking lots (partially for a specific use, partly for rent to others).

D. Exceptions.

1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility.
3. Public transit park-and-ride facilities are classified as Basic Utilities.

Date Passed: Tuesday, May 31, 2005

Effective Date: Wednesday, July 6, 2005

ORD C33636 Section 3

---

**From:** Neff, Julie

**Sent:** Tuesday, October 28, 2014 5:16 PM

**To:** Borisov, Boris; Kells, Patty

**Cc:** Note, Inga; Chesney, Scott; Black, Tirrell

**Subject:** RE: SEPA for Hamilton Form-Based code

I didn't see a restriction that would prevent a parcel from becoming a parking lot.

But the tables do reference the parking lot code standards. Patty, does that address your concern?



Julie Neff, Associate Planner | City of Spokane | Planning & Development  
509.625-6082 | fax 509.625.6013 | [jneff@spokanecity.org](mailto:jneff@spokanecity.org) | [spokanecity.org](http://spokanecity.org)



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**From:** Borisov, Boris

**Sent:** Tuesday, October 28, 2014 5:00 PM

**To:** Kells, Patty



**Cc:** Note, Inga; Chesney, Scott; Black, Irrell; Neff, Julie

**Subject:** RE: SEPA for Hamilton Form-Based code

Hi Patty and Inga,

Thank you both for providing this input. As far as the model code goes, I don't believe it would allow outright just a parking lot. Depending on zone we have various "frontage" requirements for buildings. The idea behind this code is to create a form that is compatible with the vision of the neighborhood for an urban environment.

We do have parking maximum standards. If we need to chat more in depth about tweaks to the code to accommodate the issues you brought, let's do that. For the purposes of SEPA, if I understand correctly, the comments you provided below are the sum total for the official record for SEPA review from Transportation/Engineering?

Thanks,



**Boris Borisov** | Assistant Planner | Planning & Development Services

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---

**From:** Kells, Patty

**Sent:** Monday, October 20, 2014 4:55 PM

**To:** Borisov, Boris

**Cc:** Note, Inga

**Subject:** RE: SEPA for Hamilton Form-Based code

Hi Boris -

The only issue I had with parking is what we discussed - will these changes in the zoning code allow for pod or stand alone parking lots? How does this overly meld with GU's master plan since they have now expanded to the eastside of Hamilton? I'm not sure what overall mitigation will be addressed as part of Chapter 4 being re-worked but will trust that this will be taken into consideration for the existing failing intersections that currently exist.

Other than that I think we can deal with most issues at building permit review.

Thank you!

Patty



**Patty Kells** | City of Spokane | Traffic Engineering Assistant

509.625-6447 | fax 509.625-6349 | [pkells@spokanecity.org](mailto:pkells@spokanecity.org) | [spokanecity.org](http://spokanecity.org)





---

**From:** Note, Inga  
**Sent:** Monday, October 20, 2014 4:06 PM  
**To:** Borisov, Boris  
**Cc:** Kells, Patty  
**Subject:** FW: SEPA for Hamilton Form-Based code

Boris,

My understanding is that the proposed code changes won't be much different from that allowed by the current zoning, it's more a change in the form of the buildings. I also looked at the regional travel demand model to see what we assumed for growth to 2040. There are a few places where adjustments could be made in the next model update, but overall it assumes some significant growth in the area. As long as the proposal isn't a big departure from what's in the model then I'm not concerned from a SEPA standpoint. We already have a project on the books to address traffic issues on Hamilton.

Parking is another issue though that Patty may want to address.

Thanks,

Inga

---

**From:** Note, Inga  
**Sent:** Wednesday, October 15, 2014 2:58 PM  
**To:** Kells, Patty; Brown, Eldon  
**Subject:** SEPA for Hamilton Form-Based code

Patty and Eldon,

There is a map at the bottom. We've got some pretty significant growth programmed for the area. See the red highlights in the 2040 column. I wouldn't mind seeing a higher increase in TAZ 152 (in green below) to better match the new zoning proposal, but I don't think it will make a noticeable difference in the network.

Thanks,

Inga

**TAZ 152 (both sides Hamilton from Mission to Illinois, and Avista campus)**

	<u>2010</u>	<u>2040</u>
SF Homes (units)	323	323
MF Homes (units)	105	111
Hotels (rooms)	0	0
Industrial (employees)	0	0
Non-CBD_Retail (employees)	156	231
Office (employees)	35	60
Univ Students	0	0
Medical (employees)	0	20

**TAZ 156 (GU campus – w/o Hamilton s/o Sharp)**

	<u>2010</u>	<u>2040</u>



SF Homes (units)	22	22
MF Homes (units)	15	907
Hotels (rooms)	245	245
Industrial (employees)	178	183
Non-CBD_Retail (employees)	302	346
Office (employees)	78	128
Univ Students	2595	3595
Medical (employees)	34	84

**TAZ 157 (e/o Hamilton s/o Mission)**

	<b><u>2010</u></b>	<b><u>2040</u></b>
SF Homes (units)	110	110
MF Homes (units)	318	318
Hotels (rooms)	0	0
Industrial (employees)	206	211
Non-CBD_Retail (employees)	154	204
Office (employees)	119	136
Univ Students	0	0
Medical (employees)	129	148

**TAZ 253 (w/o Hamilton from Sharp to Mission)**

	<b><u>2010</u></b>	<b><u>2040</u></b>
SF Homes (units)	128	128
MF Homes (units)	179	185
Hotels (rooms)	0	0
Industrial (employees)	0	0
Non-CBD_Retail (employees)	182	232
Office (employees)	3	28
Univ Students	0	0
Medical (employees)	2	22





---

**From:** Kells, Patty  
**Sent:** Wednesday, October 15, 2014 2:20 PM  
**To:** Borisov, Boris  
**Cc:** Note, Inga; Brown, Eldon  
**Subject:** RE: SEPA

Hi Boris -

By chance is there a comparison analysis that Planning did for the existing and proposed differences in the land uses that we could review?

Patty





**Patty Kells** | City of Spokane | Traffic Engineering Assistant

509.625-6447 | fax 509.625-6349 | [pkells@spokanecity.org](mailto:pkells@spokanecity.org) | [spokanecity.org](http://spokanecity.org)



---

**From:** Borisov, Boris  
**Sent:** Wednesday, October 15, 2014 8:17 AM  
**To:** Kells, Patty  
**Subject:** RE: SEPA

Hi Patty.

I've attached the email for you.

Thanks!



**Boris Borisov** | Assistant Planner | Planning & Development Services

509.625.6156 | [bborisov@spokanecity.org](mailto:bborisov@spokanecity.org) | [www.spokaneplanning.org](http://www.spokaneplanning.org)



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---

**From:** Kells, Patty  
**Sent:** Tuesday, October 14, 2014 3:13 PM  
**To:** Borisov, Boris  
**Subject:** SEPA

Hi Boris -

I have looked through all of my emails and I cannot find the SEPA for the form-based code we discussed. Could you please send me the information....I'd appreciate it!

Thank you!

Patty





**Patty Kells** | City of Spokane | Traffic Engineering Assistant

509.625-6447 | fax 509.625-6349 | [pkells@spokanecity.org](mailto:pkells@spokanecity.org) | [spokanecity.org](http://spokanecity.org)



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## Action #1:








*Comprehensive Plan Amendment to Land Use Plan Map: Amend the Land Use designations within the project boundary from Residential 4-10 (R4-10) to Center & Corridor Transition (CC Transition).*



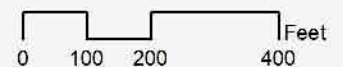
Comprehensive  
Plan Amendment  
Z1400055COMP -  
City of Spokane

Updated 11/12/2014

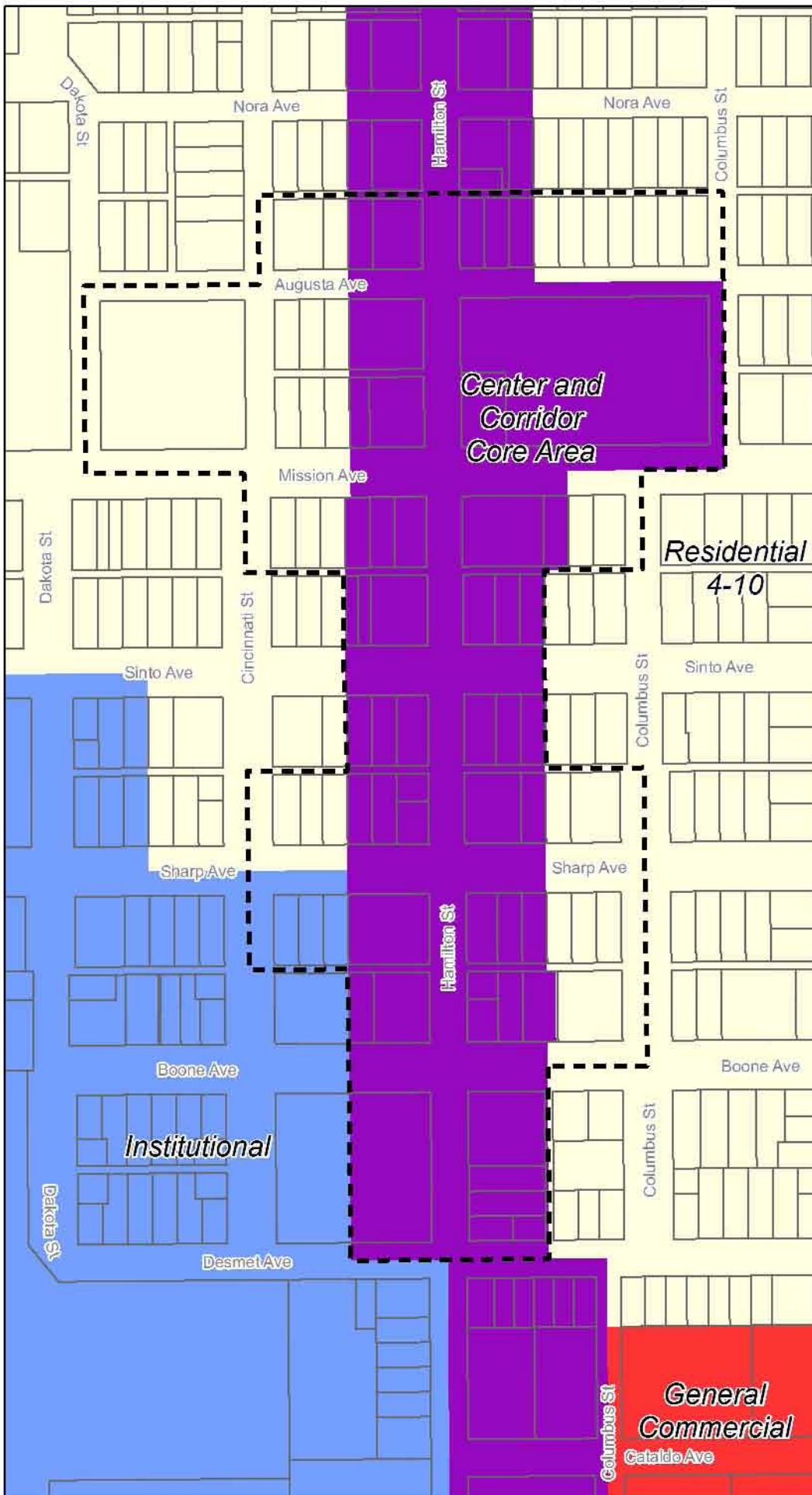
Existing Land Use  
Plan Map  
Z1400055COMP-  
City of Spokane

-  Residential 4-10
-  CC Core
-  CC Transition
-  General Commercial
-  Institutional
-  Project Boundary
-  Parcel

Date: November 2014  
User: Planning &  
Development Services



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various sources and is subject to constant revision.  
Information shown on this map should not be used to  
determine the location of facilities in relationship  
to property lines, section lines, streets, etc.












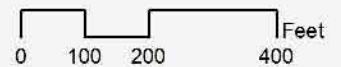
Comprehensive  
Plan Amendment  
Z1400055COMP -  
City of Spokane

Updated 11/12/2014

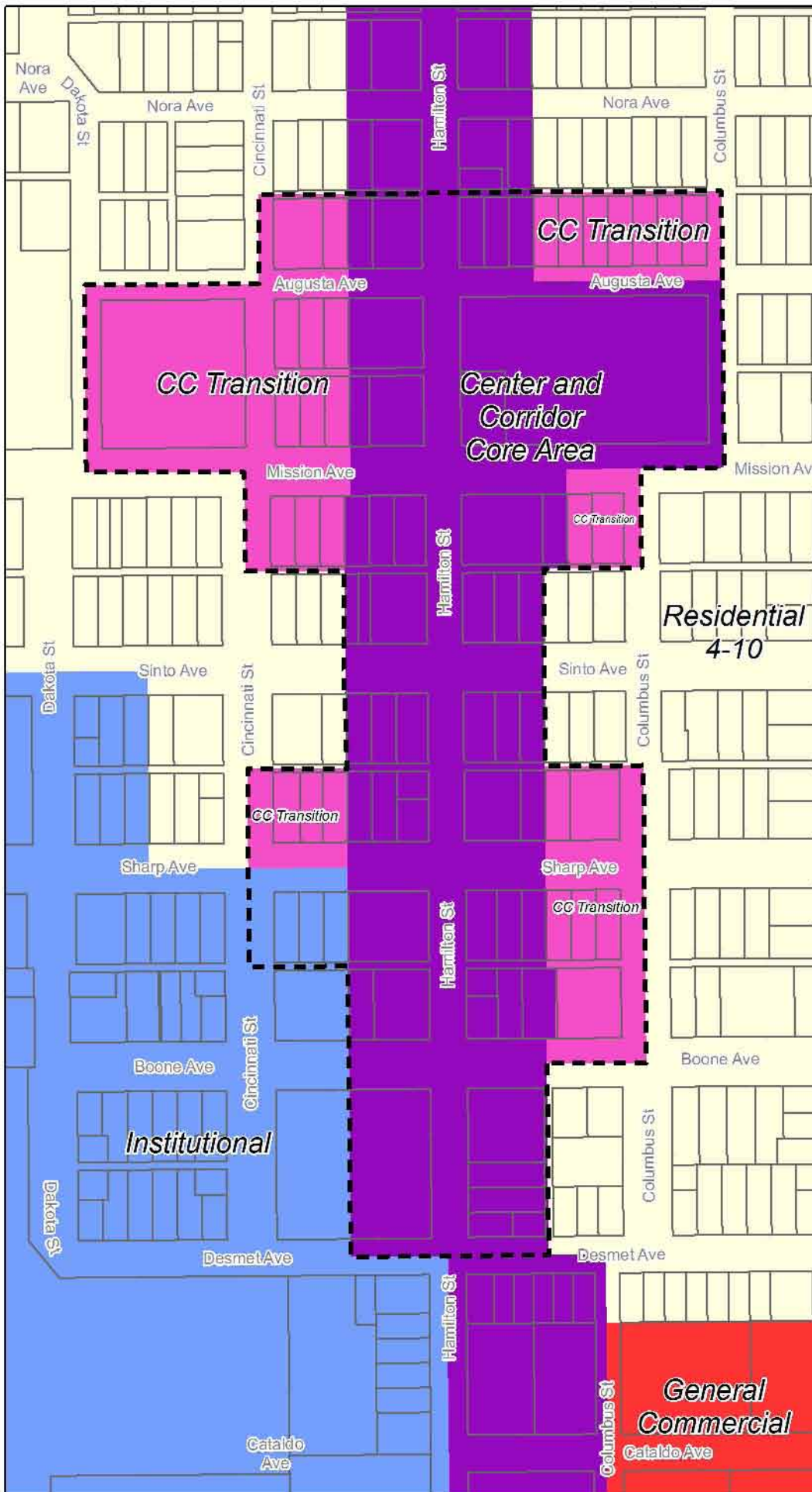
Proposed Land Use  
Plan Map  
Z1400055COMP-  
City of Spokane

-  Residential 4-10
-  CC Core
-  CC Transition
-  General Commercial
-  Institutional
-  Project Boundary
-  Parcel

Date: November 2014  
User: Planning &  
Development Services



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## Action #2:









*Amend Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones. Amend SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amend the City of Spokane Zoning Map and replace CC1-DC, CC2-DC, RSF, and RTF zones with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories within project boundary*



Comprehensive  
Plan Amendment  
Z1400055COMP -  
City of Spokane

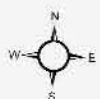
Updated 11/12/2014

Existing Zoning  
Plan Map  
Z1400055COMP-  
City of Spokane

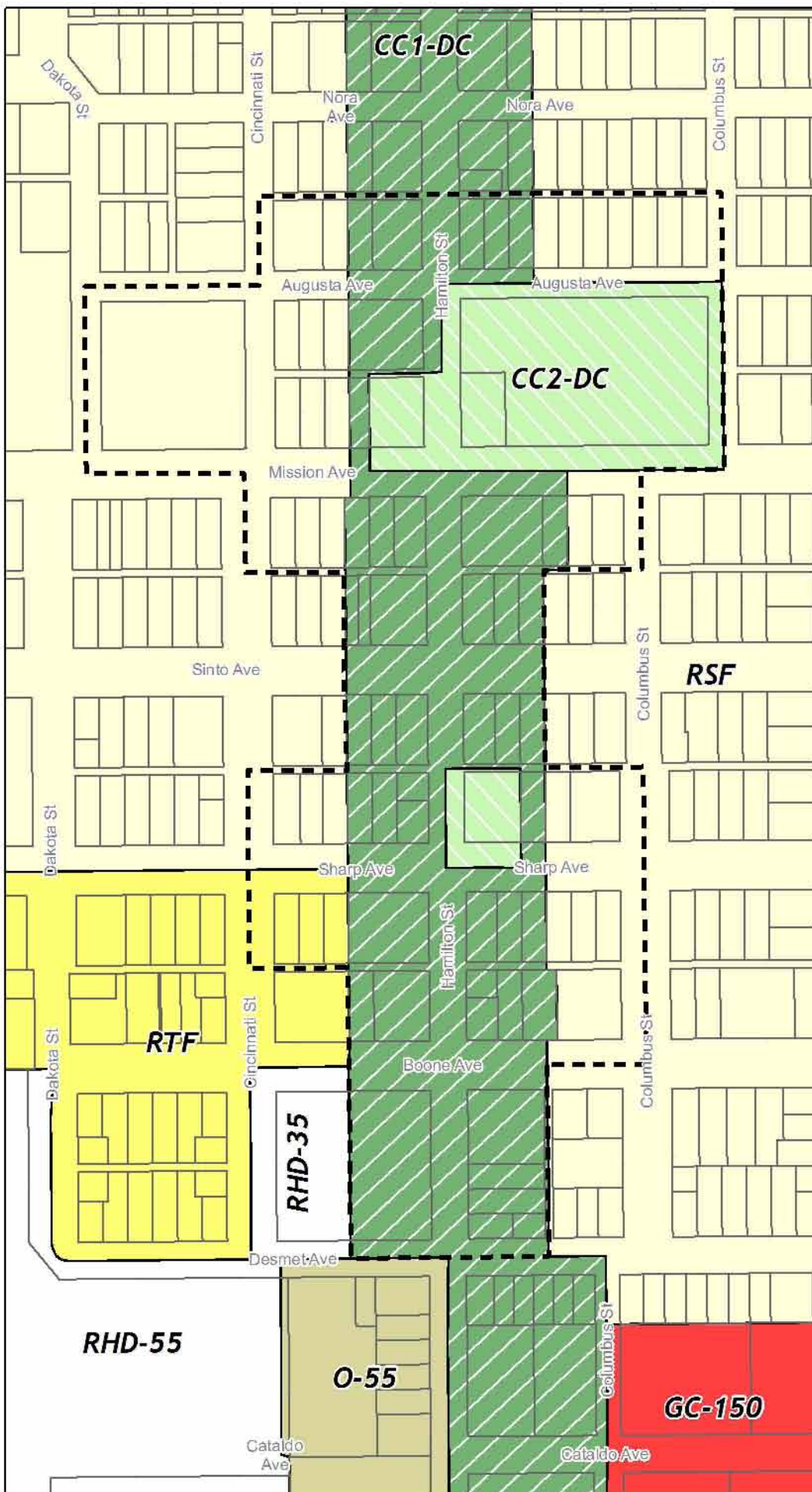
-  Center and Corridor Type 1
-  Center and Corridor Type 2
-  General Commercial
-  Office Retail
-  Residential Single-Family
-  Residential Two-Family
-  Project Boundary
-  Parcel

Date: November 2014  
User: Planning &  
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0 100 200 400 Feet



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Plan Amendment  
Z1400055COMP -  
City of Spokane

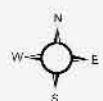
Updated 11/12/2014

Proposed Zoning  
Plan Map  
Z1400055COMP-  
City of Spokane

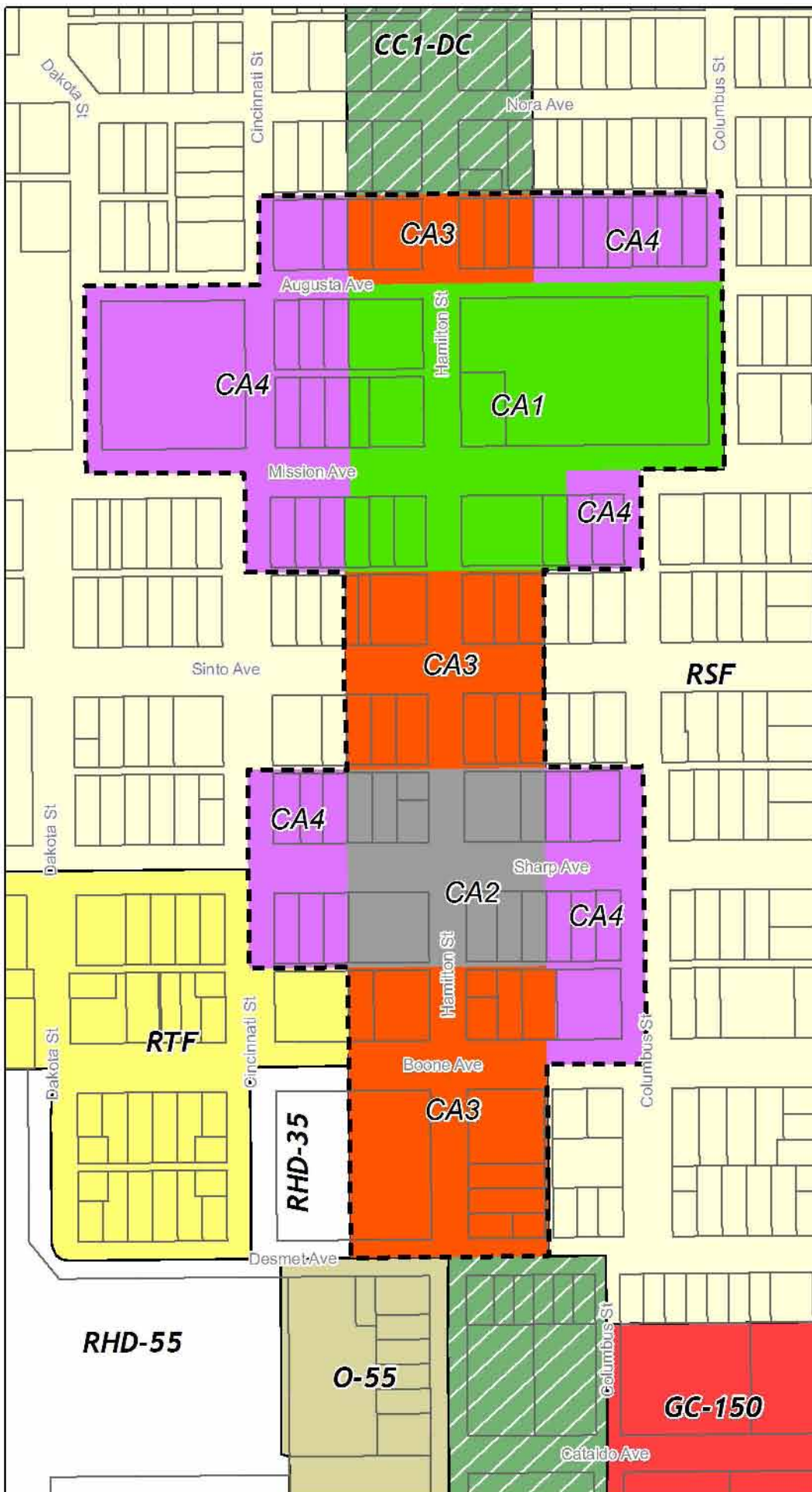
- Context Area 1
- Context Area 2
- Context Area 3
- Context Area 4
- Center and Corridor Type 1
- Center and Corridor Type 2
- General Commercial
- Office Retail
- Residential Single-Family
- Residential Two-Family
- Project Boundary
- Parcel

Date: November 2014  
User: Planning &  
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0 100 200 400 Feet



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# 17C.123 Form-Based Code (FBC)

## 17C.123.010 Purpose

The form-based zoning categories implement the centers and corridors goals and policies and land use map designations of the comprehensive plan. This form-based code (FBC) is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of code. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses.

The FBC is a pilot program and is configured as a plug-in set of regulations, replacing existing zoning and design guidelines within the FBC Limits. This pilot program is consistent with the Logan Identify Plan. All code provisions expressed herein present development requirements unless otherwise indicated, including information preceded by the word "Guidelines." Additional, specific City of Spokane standards may be required as referenced.

## 17.123.020 Code OrganizationUse

Using this code: Criteria for development within the code boundaries is expressed in six sections. Use of the FBC, relating to each of these sections, is described below:

A. Regulating & Street Section Plans - Find the property of interest, noting its location relative to the "Context Areas" established by the Regulating Plan, as well as the location of any "Shopfront Streets" abutting the property. These elements direct many of the allowances provided in the FBC. Use Provisions - Using criteria from the Regulating Plan, note the class of uses permitted for the property of interest. This section also describes allowed uses along Shopfront Street areas by building story.

B. Height, Placement & Coverage - Using criteria from the Regulating Plan, note the allowed maximum building heights; build-to lines; minimum building frontages, and impervious surface coverage allowances detailed in this section.

C. Parking Criteria & Site Access - Using criteria from the Regulating Plan and the Street Section Plan, note the various allowances regarding off-street surface parking, lot placement, lot and site lighting.

D. Streetscape Requirements - Using type criteria from the Street Section Plan, note the basic configuration and feature specifications for sidewalks and pedestrian buffer zones within the FBC Limits.

E. Architectural Requirements - Using criteria from the Regulating Plan, note the various façade treatments, screening, detailing and other requirements specific to the appearance and public-realm function of buildings. Additional Provisions - This section identifies additional requirement not covered by the HFBC.

F. Additional Requirements - This section identifies additional requirement not covered by the HFBC

E.G. Building Type Catalogs - This section provides a visual catalog of desired building characteristics.

## 17C.123.030 Regulating & Street Section Plans

This section provides and describes the FBC Regulating Plan and Street Section Plan - two map illustrations showing the location and limits of various features and physical characteristics required under this code. The Regulating Plan also indicates placement and extents of "Shopfront Street" areas, triggering specific use, building placement and other requirements.



A.Regulating Plan - The Regulating Plan for the FBC is included here as Figure 17C.123.030-1, and provides the organizing framework for many of the requirements described herein. The Regulating Plan divides land within the code boundaries into four distinctive context areas and identifies shopfront streets, listed and described as follows:

1. CA-1 - Context Area 1 provides for and supports the most intense development patterns, generally allowing greater height and building intensities than other context areas. CA-1 is intended to grow as a mixed-use center and focal point for the neighborhood and corridor, supporting significant commercial offerings, service activities, and high-density housing.
2. CA-2 - Context Area 2 provides for and supports mid-range development intensities, allowing somewhat lesser height and building intensities than CA-1. CA-2 is intended to grow as a second-tier mixed-use center for the neighborhood and corridor, supporting commercial offerings, service activities, and high-density housing.
3. CA-3 - Context Area 3 provides for and supports low to mid-range development intensities, allowing lesser height and building intensities than CA-1 or CA-2. CA-3 is intended to grow as a second-tier mixed-use area for the neighborhood and corridor, providing continuity along Hamilton by linking CA-1 and CA-2, while at the same time acting as a transition zone between the corridor environment and CA-4 and neighborhood areas immediately outside the HFBC Limits.
4. CA-4 - Context Area 4 provides for and supports low to mid-range development intensities, allowing lesser height and building intensities than other context areas. CA-4 is intended to grow as a third-tier mixed-use area for the neighborhood and corridor, acting as a transition zone between the corridor environment and lower-density residential development immediately outside the FBC Limits. Though a mix of uses are allowed in CA-4, the area is envisioned as generally residential in scale and character.
5. Shopfront Street, provides for areas where specific uses, building placement, and other requirement apply. The shopfront street is generally applied to areas where business or retail use level with and directly along the public right-of-way is seen as critical.

B.Street Section Plan: The Context Area Zones are complemented by the Street Section Plan which is included here as Figure 17C.123.030-2 and guides public and private development within the FBC Limits. The Street Section Plan defines four section types and describes amenities based upon the intended use, desired qualities, and community objectives. Right-of-ways shall not be vacated as the space is needed to incorporate the elements described in street designations below. Curb to property line and the sidewalk width shall not be reduced in order to allow for future Street Section elements. The four section types are listed and generally described in order of intensity, as follows:

1. Street Type 1 (Hamilton Street) - Type 1 provides for and supports a mixed-use corridor environment (CA-1, CA-2, CA-3). Type 1 streets have wide, well-maintained sidewalks and pedestrian amenities to encourage strolling, walking, and shopping. They maintain a Planting Zone and Clear Pedestrian Zone on each side of the street.
2. Street Type 2 (Mission Avenue) - Type 2 provides for and supports a blend of mixed-use and residential environments (CA-1, CA-4). Type 2 serves existing east/west arterial needs, and includes a median with turn lanes (at Hamilton), a Planting Zone and Clear Pedestrian Zone on each side of the street.
3. Street Type 3 (Includes Sinto, Sharp, Boone)- Type 3 provides for and supports a mixed-use district environment (CA-2, CA-3, CA-4). Type 3 includes a Planting Zone and Clear Pedestrian Zone on each side of the street.
4. Street Type 4 (Includes Augusta and Dakota)- Type 4 provides for and supports an environment bridging between mixed-use and residential areas (CA-4). Type 4 includes a Planting Zone and Clear Pedestrian Zone on each side of the street.



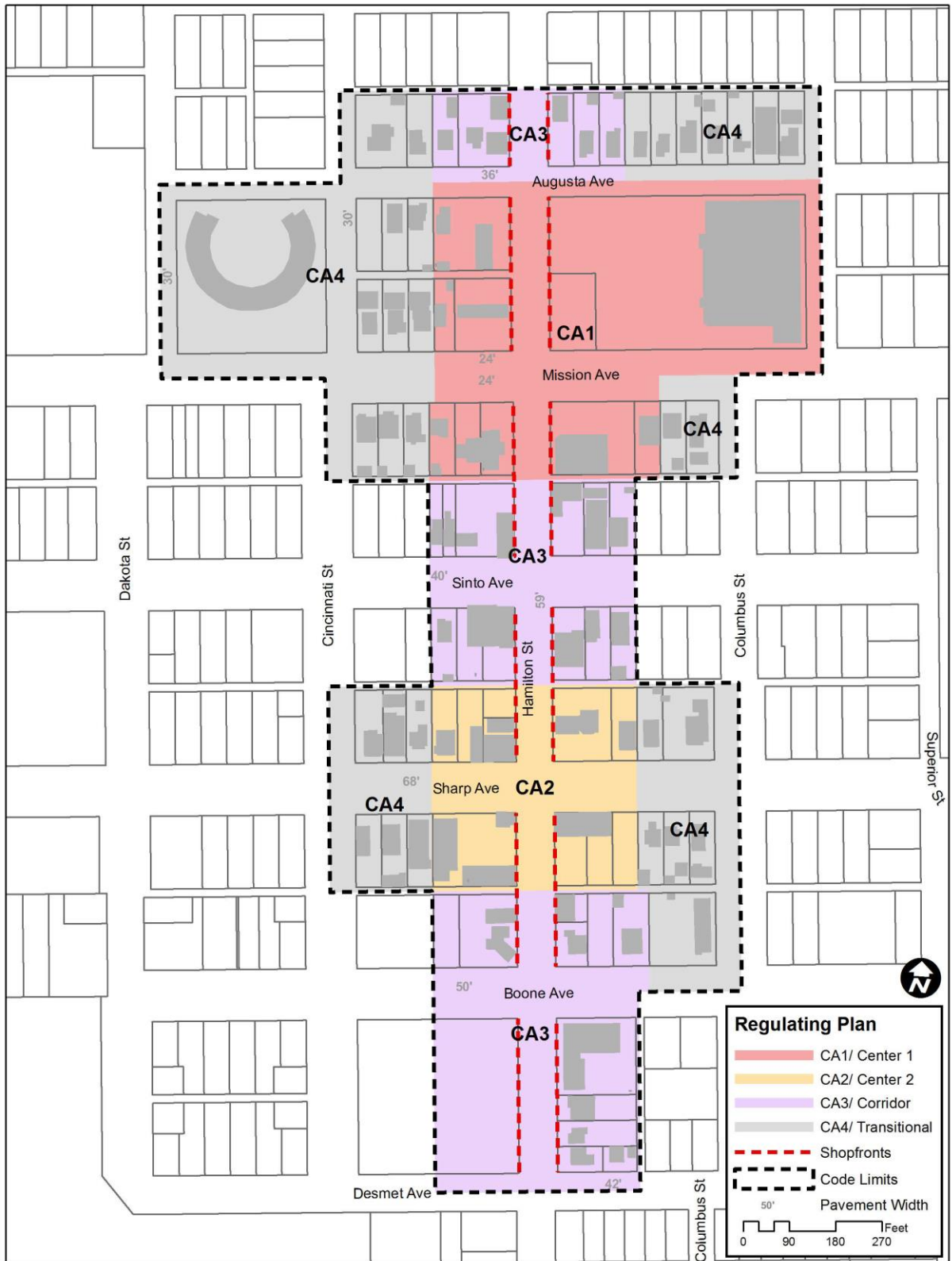


Figure 17C.123.030-1 Regulating Plan for the Form Based Code



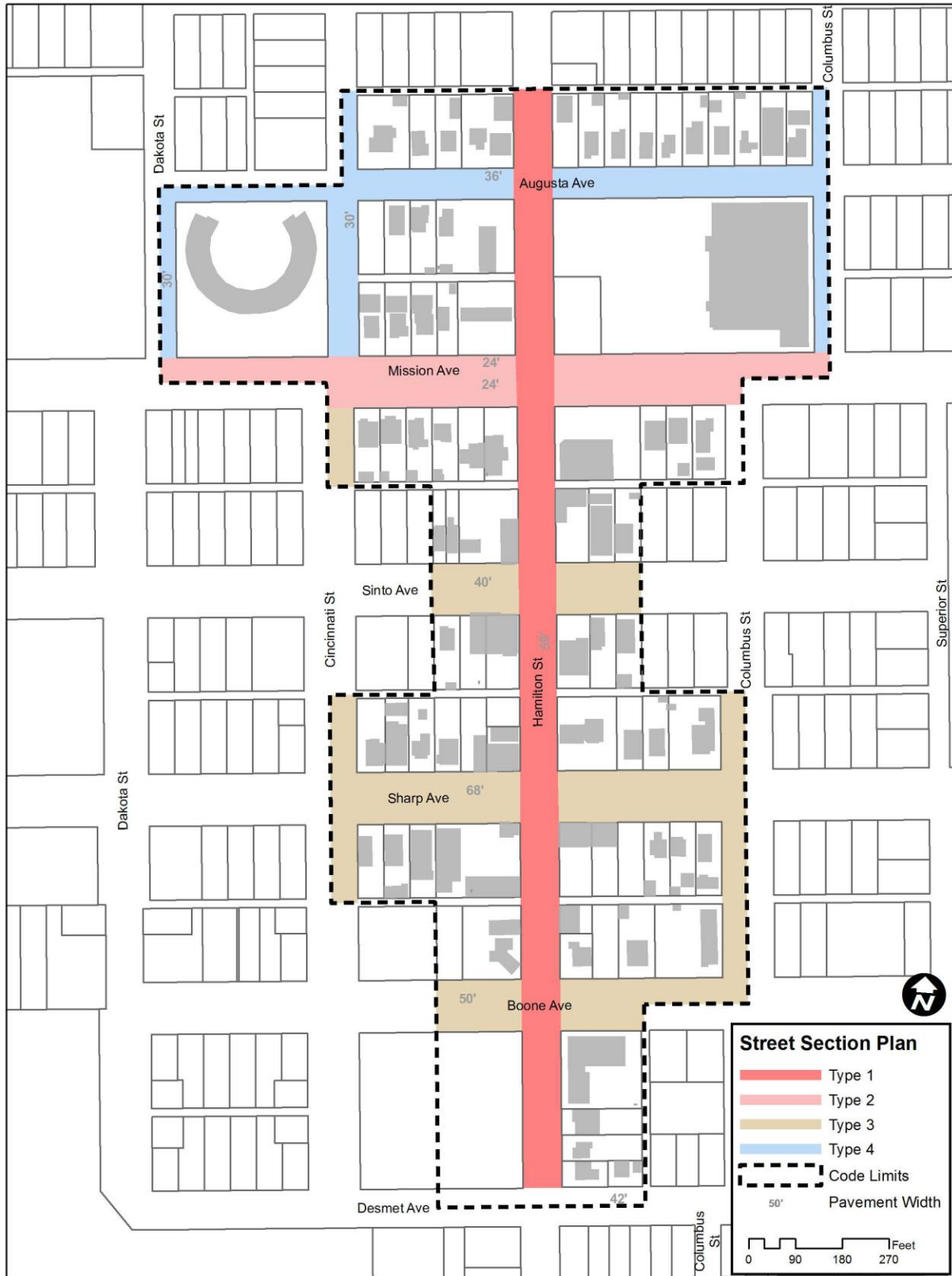


Figure 17C.123.030-2 Street Section Plan for the Form Based Code



## 17C.123.040 Land Use, Height, Placement and Parking

This section provides a broad range of allowable use categories within the Regulating Plan limits, specifying permitted and prohibited uses according to building story reflecting the development patterns expressed in the Regulating Plan. This section also regulates building height, placement, frontage and impervious surface coverage, specifying each within the Context Areas provided in the Regulating Plan and managing the transition between high-intensity mixed-use areas and low-intensity residential areas outside the limits of this form-based code. This section also regulates parking, parking lot location and treatment, and site lighting, consistent with the Regulating Plan. Conformance with these standards is critical to establishing the type of pedestrian and vehicular access patterns needed for the area to thrive as a vibrant, walkable district.

A. Use Provisions - Use regulations are provided in figures 17.123.040-D through 17.123.040-G for all areas within the Regulating Plan. Uses deemed unsuitable for areas within the Regulating Plan area are specifically identified.

B. Building Height - The height of buildings shall be measured from mean grade to top of cornice or roof eave and shall meet the specifications provided in figures 17.123.040-D through 17.123.040-G. Building height measurements express regulatory standards.

1. Maximum height limits in CA-1, CA-2, and CA-3 are allowed only within 100' of the Hamilton right of way. Beyond 100' from Hamilton, proposals shall be designed with respect for the height, scale and character of adjacent zone as described in Figure 17C.123.040-A:

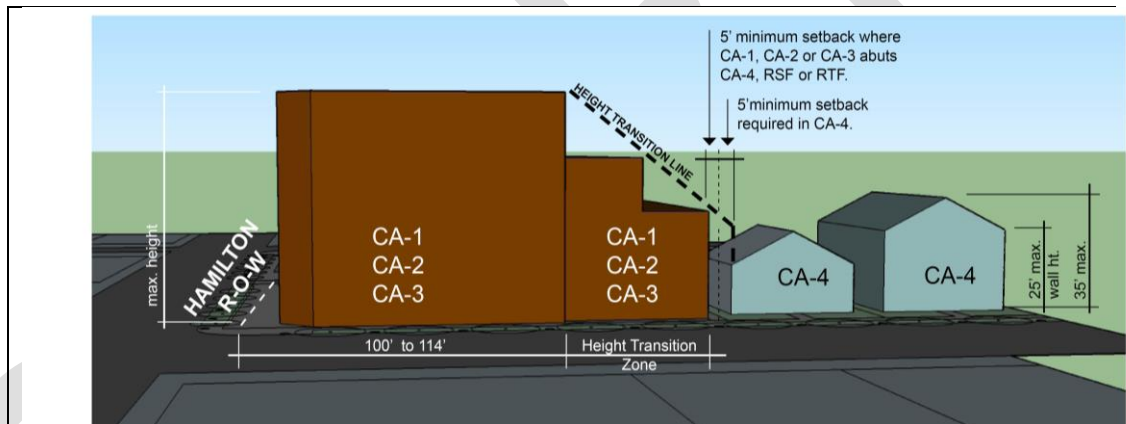


Figure 17C.123.040-A - The maximum height designation for CA-1, CA-2, CA-3 is allowed within 100' to 114' of the Hamilton right of way line to match the platting pattern along Hamilton. Beyond this point, the maximum height may not exceed a transition line to the maximum wall height allowed in the adjacent zone.

C. Story listings are provided for reference purposes only, expressing typical outcomes for listed heights. Allowable height exceptions apply to the overall distance extending beyond the measured building height, as follows:

1. Pitched roofs may extend above the height limit, but if the space within the pitched roof is habitable, it shall only be used for residential purposes.
2. For flat roofs, Open Roof Structures (pergolas, arbors) and Architectural Roof Structures (turrets, etc.) may extend beyond the height limit by no more than 12'.
3. For flat roofs, enclosed roof structures (penthouses) may extend above the height limit by no more than 18' from the roof line if set back no less than 20'.

D. Shopfront Street Provisions - Building placement along Shopfront Streets shall prioritize street corner locations, precluding the development of parking, open spaces or other lot features at street corners.

E. Impervious Surface Coverage - Impervious surfaces shall not exceed the maximum impervious surface percentages (calculated on the basis of the lot) specified in Table 17C.123.040-1



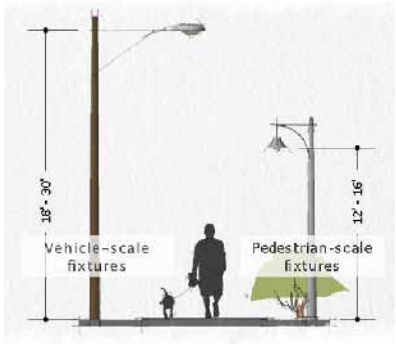
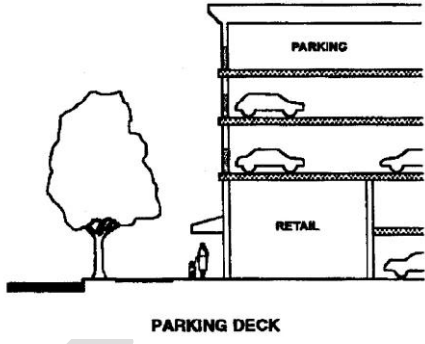
Table 17C.123.040-1 Impervious Surface Coverage

	CA-1	CA-2	CA-3	CA-4
<b>Maximum Impervious Surface</b>	90%	80%	70%	50%

F. Parking

1. Off-Street Surface Parking - Off-street surface parking shall not be placed between the street right-of-way and the building fronting the street.
  2. Parking Space and Aisle Dimensions - Standards for parking space and aisle dimension can be found in SMC 17C.230.140.
  3. Bicycle Parking - Requirements for bicycle parking are found in SMC 17C.230.200~~(1)(b)~~. Bicycle parking provided in the streetscape can contribute to requirements in SMC 17C.230.200~~(1)(b)~~.
  4. Other Provisions - Additional parking requirements are stated in 17C.230 SMC, Parking and Loading. The FBC supersedes the location and amount requirements for parking; these standards are identified for each context area in figures 17.123.040-D through 17.123.040-G.
- G. Surface parking and site lighting - Surface parking lot and site lighting shall contribute to the character and safety of the site and adjacent rights of way, while not disturbing adjacent properties. Surface lot and site lighting shall adhere to the following standards:
1. Lighting types - Pedestrian-scale fixtures shall be used for all lighting illuminating required Pedestrian Paths. Vehicle-scale fixtures may be used for general surface lot and site lighting. (See Figure 17C.123.040-B)
  2. Performance - Parking lot and site lighting shall provide adequate night visibility and security by distributing a minimum of two foot-candles to a maximum of six foot-candles of illumination at ground level. All lighting shall be shielded from producing off-site glare, directing light downward and away from adjacent properties.
  3. Driveways/Site Access - Driveway widths shall not exceed 24 feet, and curb cuts shall not exceed 30 feet for combined entry/exits.
  4. Pedestrian Walkways - Within surface lots containing more than 30 parking stalls, pedestrian-friendly walkways shall be provided between the surface lots and building entrances. Pedestrian Paths shall be not less than five feet wide and be clearly defined, using at least two of the following:
    - a. Six-inch vertical curbing
    - b. Textured paving, including across vehicle lanes
    - c. Continuous landscaped area at a minimum of 3 feet wide on at least one side of the walkway.
  5. Shopfront Street Provisions - If fronting on a Shopfront Street, above-ground parking structures shall provide continuous ground level commercial or office spaces and uses along the street, except at ingress and egress points into the structure. (See Figure 17C.123.040-C)



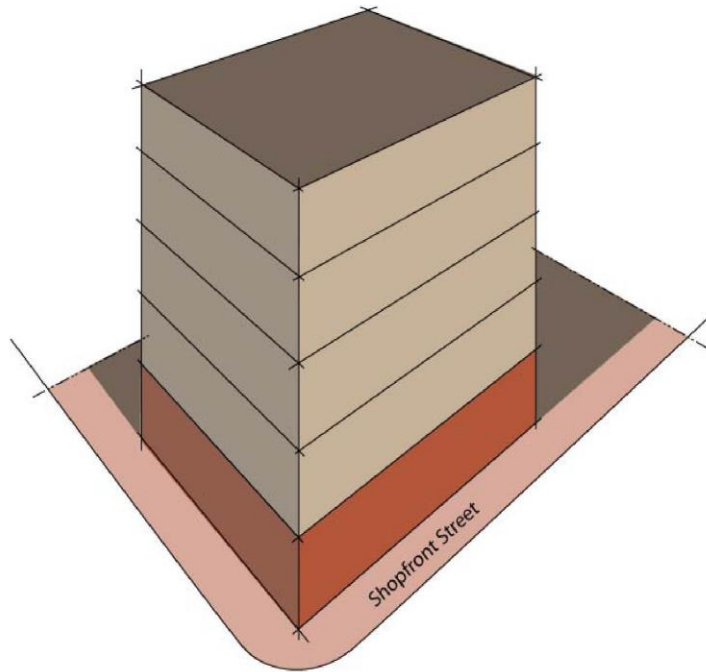
	
<p>Figure 17C.123.040-B – Unless otherwise specified, Vehicle-Scale and Pedestrian Scale lighting fixtures must meet height criteria illustrated here.</p>	<p>Figure 17C.123.040-C –Parking garages (decks) along shopfront streets must provide ground-level retail, commercial or office space fronting the street.</p>

- H. Regulatory Cutsheets – The information presented in the tables in figures 17.123.040-D through 17.123.040-G represent the regulations for height, parking, land uses, build-to-lines, and building frontage for all Context Areas.
- I. Figure 17C.123.040-H supplements the regulatory cutsheets by providing visual representation for build-to-lines, interior lot lines and other standards.



Figure 17C.123.040-D

## Context Area 1 (CA-1)



Images above are representational only and are not to be considered regulatory. The Regulating Plan, this chapter's general provisions and the information contained in the table to the right constitute the regulatory framework related to land use, height, parking, build-to-lines, coverage and frontage.

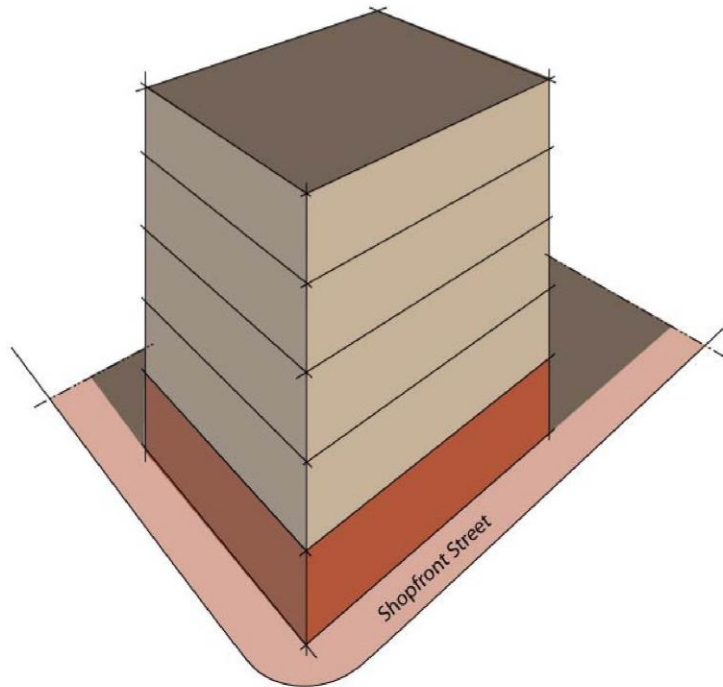
<sup>(1)</sup> Build-to-lines shall establish a 12' foot minimum and up to 22' maximum space from the back of the curb to the building along Street Type I. If existing width is less than 12' structures shall be allowed no closer than 12' from the back of the curb.

Shopfront within 100'-114' of Hamilton property line	66' (five stories w/ <del>18'-high ground-floor</del> )	Height max.	
Beyond 100'-114' Hamilton property line	Transition Standards as identified in 17C.123.040-A		
Maximum surface parking	2 spaces/500 sf floor area	Parking	
Landscaping	See Section SMC 17C.200		
Location	To side or rear of building		
Additional Parking Requirements	See Sections: SMC 17C.230.100 SMC 17C.230.120 <del>SMC 17C.230.130</del> SMC 17C.230.140 <del>SMC 17C.230.145</del> SMC 17C.230.200		
Residential, except where prohibited		Land uses	
Non-Residential all floors			
Prohibited uses: Single-family (detached and townhouse) Heavy industrial, storage or warehouse Adult businesses Residential uses on shopfront street Structured parking on shopfront street  Auto-Related Uses  Drive-through Facilities  <del>Cell Towers</del>			
Street Type 1			5' min - 15' max <sup>[1]</sup>
Street Type 2 and 4			0'
When within 50' of CA4			5'
Street Type 3		Not applicable	
Alley		0'	Setback line
Interior lot line		0'	
Interior lot line if abutting CA-4		5'	Building frontage min.
Street Type 1		80%	
Street Type 2		60%	
Street Type 3		N/A	
Street Type 4		0%	



Figure 17C.123.040-E

## Context Area 2 (CA-2)



Images above are representational only and are not to be considered regulatory. The Regulating Plan, this chapter's general provisions and the information contained in the table to the right constitute the regulatory framework related to land use, height, parking, setbacks (building lines), coverage and frontage.

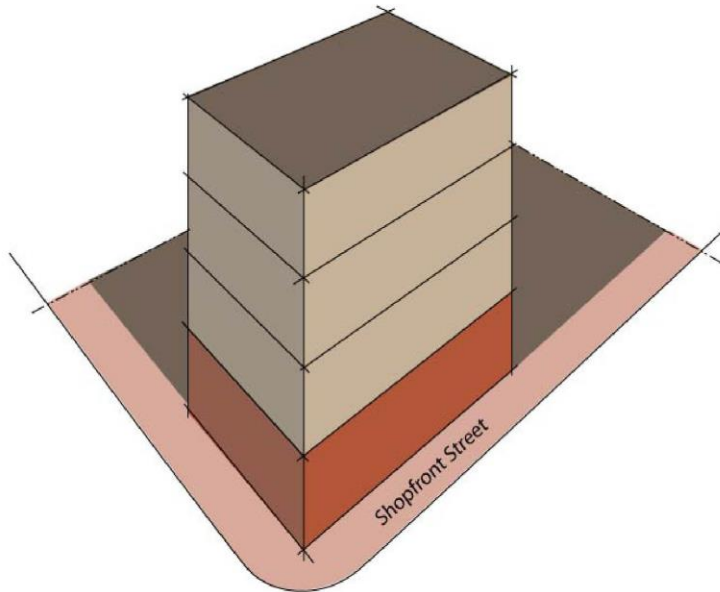
<sup>[1]</sup> Build-to-lines shall establish a 12' foot minimum and up to 22' maximum space from the back of the curb to the building along Street Type I. If existing width is less than 12' structures shall be allowed no closer than 12' from the back of the curb.

Shopfront within 100'-114' of Hamilton property line	66' (five stories w/ <del>18'</del> high ground floor)	Height max.
Beyond 100'-114' Hamilton property line	Transition Standards as identified in 17C.123.040-A	
Maximum surface parking	2 spaces/500 sf floor area	Parking
Landscaping	See Section SMC17C.200	
Location	To side or rear of building	
Additional Parking Requirements	See Sections: SMC 17C.230.100 SMC 17C.230.120 <del>SMC 17C.230.130</del> SMC 17C.230.140 <del>SMC 17C.230.145</del> SMC 17C.230.200	
Residential, except where prohibited		Land uses
Non-Residential all floors		
Prohibited uses:  Single-family (detached and townhouse) Heavy industrial, storage or warehouse Adult businesses  Residential uses on shopfront street (ground floor)  Structured parking on shopfront street (ground floor)  Auto Related Uses  Drive-Through Facilities  <del>Cell Towers</del>		
Street Type 1	5'min - 15' max <sup>[1]</sup>	Build-to line
Street Type 2	Not applicable	
Street Type 3	0'	
When within 50' of CA4	5'	
Street Type 4	Not applicable	Setback line
Alley	0'	
Interior lot line	0'	
Interior lot line if abutting CA-4	5'	
Street Type 1	80%	Building frontage min.
Street Type 2	60%	
Street Type 3	N/A	
Street Type 4	N/A	



Figure 17C.123.040-F

## Context Area 3 (CA-3)



Images above are representational only and are not to be considered regulatory. The Regulating Plan, this chapter's general provisions and the information contained in the table to the right constitute the regulatory framework related to land use, height, parking, setbacks (building lines), coverage and frontage.

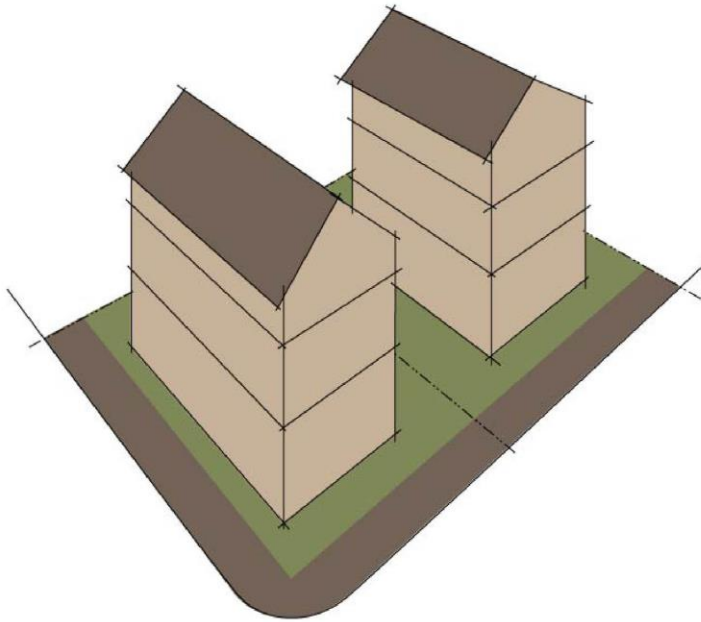
<sup>[1]</sup> Build-to-lines shall establish a 12' foot minimum and up to 22' maximum space from the back of the curb to the building along Street Type I. If existing width is less than 12' structures shall be allowed no closer than 12' from the back of the curb.

Shopfront within 100'-114' of Hamilton property line	54' (four stories w/18' high-ground floor)	Height max.
Beyond 100'-114' Hamilton property line	Transition Standards as identified in 17C.123.040-A	
Maximum surface parking	2 spaces/500 sf floor area	Parking
Landscaping	Section SMC 17C.200	
Location	To side or rear of building	
Additional Parking Requirements	See Sections: SMC 17C.230.100 SMC 17C.230.120 SMC 17C.230.130 SMC 17C.230.140 SMC 17C.230.145 SMC 17C.230.200	
Residential, except where prohibited		Land uses
Non-Residential all floors		
Prohibited uses:  Single-family (detached and townhouse) Heavy industrial, storage or warehouse Adult businesses Residential uses on shopfront street (ground floor) Structured parking on shopfront street (ground floor)  Auto Related Uses  Drive-Through Facilities  <del>Cell Towers</del>		
Street Type 1	5' min - 15' max <sup>[1]</sup>	Build-to line
Street Type 2	Not Applicable	
Street Type 3, 4	0'	
When within 50' of CA4, RSF, or RTF	5'	
Alley	0'	Setback line
Interior lot line	0'	
Interior lot line if abutting CA4, RSF, or RTF	5'	
Street Type 1	70%	Building frontage min.
Street Type 2	60%	
Street Type 3	N/A	
Street Type 4	N/A	



Figure 17C.123.040-F

## Context Area 4 (CA-4)



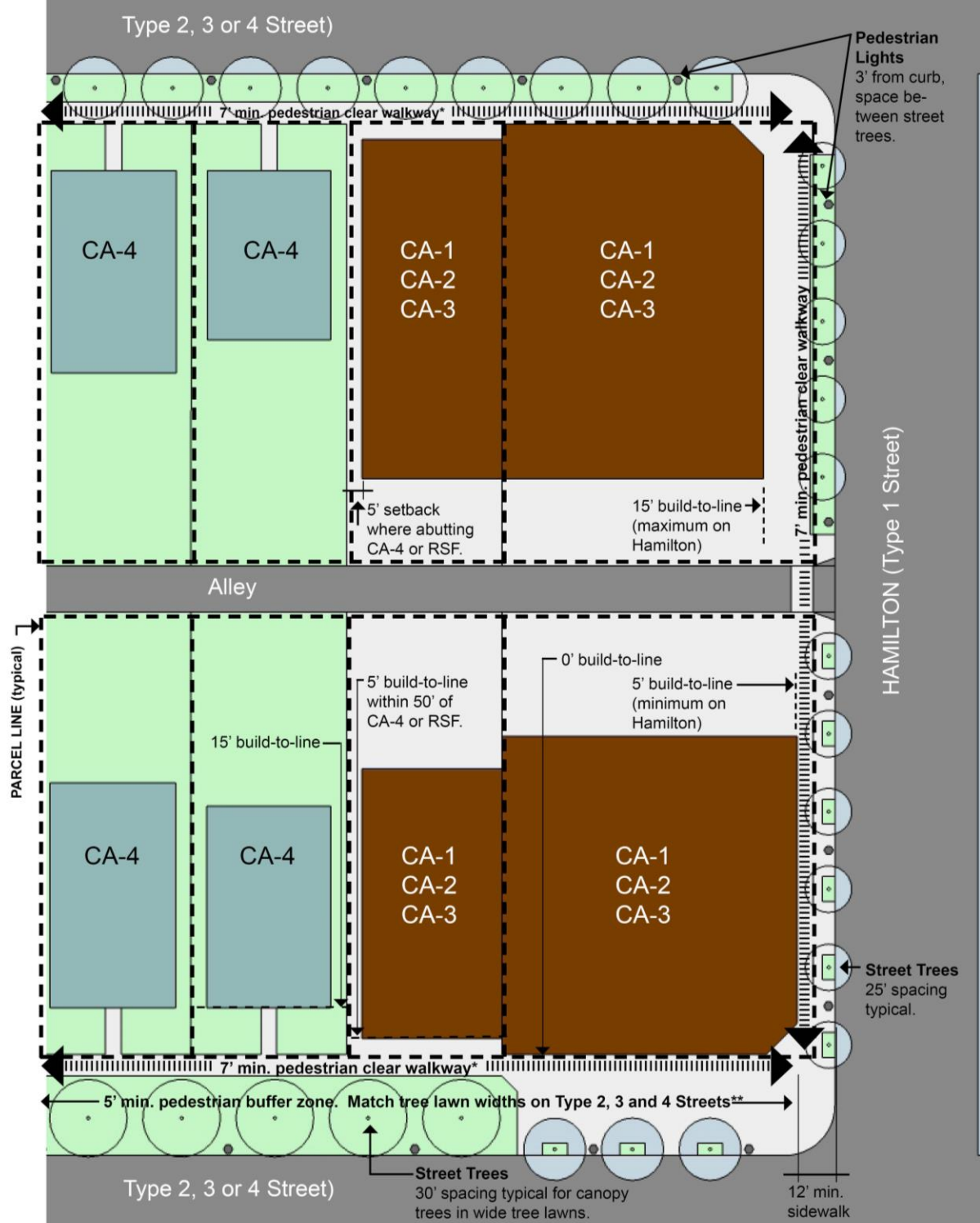
Images above are representational only and are not to be considered regulatory. The Regulating Plan, this chapter's general provisions and the information contained in the table to the right constitute the regulatory framework related to land use, height, parking, setbacks (building lines), coverage and frontage.

<sup>[1]</sup> Attached garage or carport entrance is required to be setback twenty feet from the property line.

<sup>[2]</sup> See SMC 17C.110.220(D)(1), setbacks regarding the use of front yard averaging.

Roof Height	35 feet	Height max.
Wall Height	25 feet	
Minimum off-street parking	1 space/ dwelling unit	Parking
Landscaping	See Section SMC17C.200	
Location	See Section SMC 17C.200	
Additional Parking Requirements	See Sections: SMC 17C.230.100 SMC 17C.230.120 SMC 17C.230.140 SMC 17C.230.145 <del>SMC 17C.230.200</del>	
Residential		Land uses
Non-Residential (on ground floor)		
Non-Residential Development shall have a Residential Component. Non Residential shall be no more than 3,000 sf floor area		
Prohibited uses:  All industrial categories  Parking (primary use), adult business, outdoor retail sales, outdoor storage, vehicle repair and servicing, and drive-through facility  Mining  Auto Related Uses  Drive-Through Facilities  Cell Towers		
Street Type 1	N/A	Build-to line
Street Type 2	15' <sup>(1) (2)</sup>	
Street Type 3	15' <sup>(1) (2)</sup>	
Street Type 4	15' <sup>(1) (2)</sup>	
Alley	0'	Setback line
Interior lot line	5'	
Street Type 1	N/A	Building frontage min.
Street Type 2	60%	
Street Type 3	50%	
Street Type 4	None	





\*If necessary to meet minimum standard widths, a portion of the pedestrian walkway may be on private property.

\*\*Existing tree lawn widths vary on Type 2, Type 3 and Type 4 Streets. For tree health and enhanced pedestrian comfort, a wide pedestrian buffer zone to match existing is encouraged. Please see 17C.200.050 for additional street tree requirements.

Figure 17C.123.040-H Visual Diagram



## 17C.123.050 - Streetscape Requirements

This section identifies features and specifications for commercial and residential streets and alleys within FBC Limits, keyed to the street types identified in the Street Section Plan and to Shopfront Street areas noted on the Regulating Plan. These criteria work to establish the type of active, economically-vibrant public realm sought by the community, balancing vehicular access with the safety and convenience of pedestrians and other non-motorized modes of travel.

- A. Streetscape Requirements - Required streetscape features and dimensions of those elements are identified in Table 17C.123.050-1.

Table 17C.123.050-1 Streetscape Requirements <sup>[1]</sup>

	Type 1	Type 2	Type 3	Type 4	Alley
<b>Sidewalks</b>					
Overall Width (each side)	12' to 22'	12'	12'	12'	N/A
Type	A	A	A	A	N/A
Clear Pedestrian Zone	7'	7'	7'	7'	N/A
Planting Zone (each side) <sup>[2]</sup>	5'	5'	5'	5'	N/A
<b>Street Furnishings</b>					
Lighting, types	p <sup>[3]</sup>	p <sup>[3]</sup>	p <sup>[3]</sup>	p <sup>[3]</sup>	V
Planting, types	S	S/M	S/M	S	N/A
Benches	R	R	R	N/R	N/A
Trash receptacles	R	R	R	N/R	N/A
Bicycle parking	N/R	N/R	N/R	N/R	N/A

[1] See City of Spokane Department of Engineering Design Standards for additional specifications.

[2] Minimum size; Existing tree lawn widths vary on Type 2, 3 and 4 Streets. Additional setbacks, if any, should match existing tree lawn widths in the CA-4 zone. Please see 17C.200 for additional street tree requirements.

[3] See Figure 17C.123.050-B (below) for Pedestrian-Scale Lighting Standards

Parking Stall types: "A" = 8.5' W x 18' L parallel stalls; "B" = 9' W x 16' L angled stalls, back-in (60°)

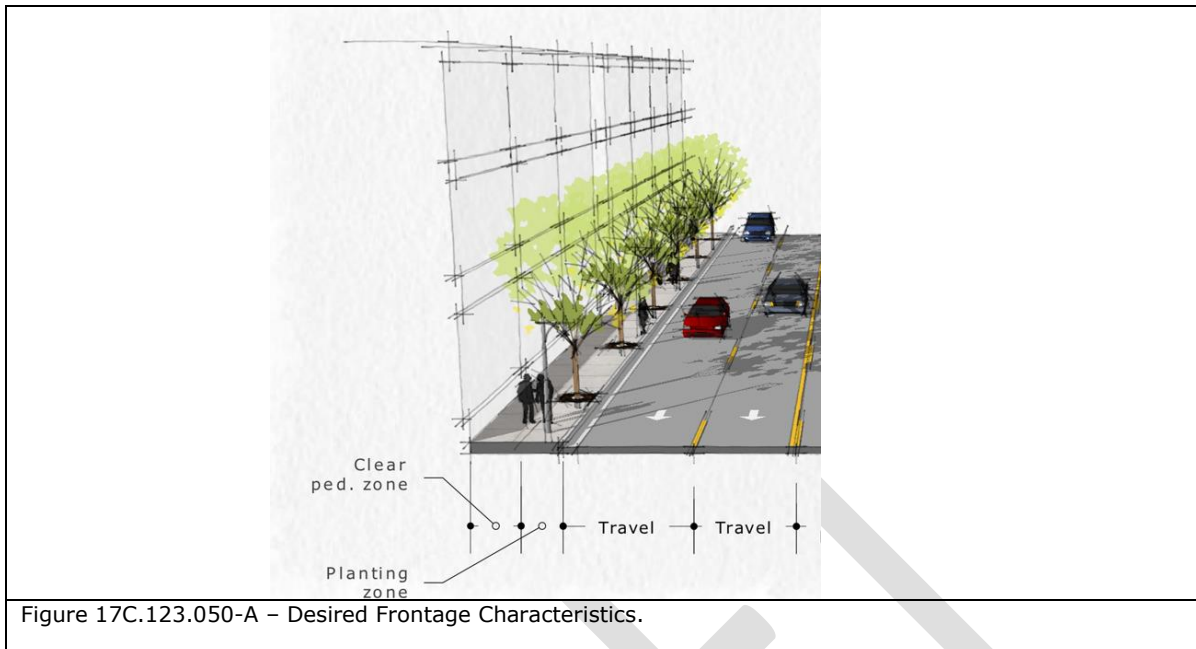
Sidewalk types: "A" = 4' x 2' scored concrete

Lighting types: "P" = Pedestrian scale; "V" = Vehicle scale

Planting types: "S" = Street trees; "M" = Median planting

Benches, Trash receptacles, Bicycle parking: "R" = Required; "N/R" = Not required





- B. Sidewalks - The composition and color of sidewalks shall be as described in Table 17C.123.050-1, and shall be continued as they cross vehicular driveways. (See Figure 17C.123.050-E)
1. When the existing sidewalk width is less than 12 feet structures shall be allowed no closer than 12 feet from the back of the curb.
  2. When the existing sidewalk width is greater than the bare minimum of 12 feet the sidewalk environment shall be designed to meet the intent of the Street Type designation of the street. Existing sidewalk width shall not be reduced or encroached upon by new development.
- C. Street Furnishings, Placement - Street furnishings including light poles, benches, and trash receptacles shall be placed between tree locations within the Planting Zone. Street furnishings shall not impede the clear view triangle. Temporary and intermittent sidewalk encroachments including café seating, planters, ramps, steps, and sandwich board signs may be located in the Planting Zone without restriction, or in the Clear Pedestrian Zone provided a pathway of at least six (6) feet wide remains free of such obstructions (See Figure 17C.123.050-F). Bicycle parking is encouraged where the requirement for the Planting Zone and Clear Pedestrian Zone can be met. Bicycle parking provided in the streetscape can contribute to requirements in SMC 17C.230.200(1)(b). Street furnishings required in Table 17C.123.050-1 are to be provided in all Context Areas as follows:
1. Planting - Street trees must be installed and maintained by the adjacent property in all streets bordering development. Generally, street trees should be spaced on average 25 feet apart. At a minimum, street trees shall provide a continuous row of City-approved trees spaced according to mature canopy size, plus one or more types of City-approved ground cover. Additional requirements for landscaping are stated in chapter 17C.200, Landscaping and Screening.
  2. Lighting - City-approved Traditional Series pedestrian scale lighting as shown in Figure 17C.123.050-B (flower basket optional) shall be provided and spaced at an average 50 to 60 feet apart, generally midway between required street trees and centered thirty-six (36") from the curb to ensure a uniform distance from the street edge along the entire street.
  3. City approved benches and trash receptacles shall be provided for all buildings larger than 10,000 sf. Buildings less than this size are encouraged to include such amenities.



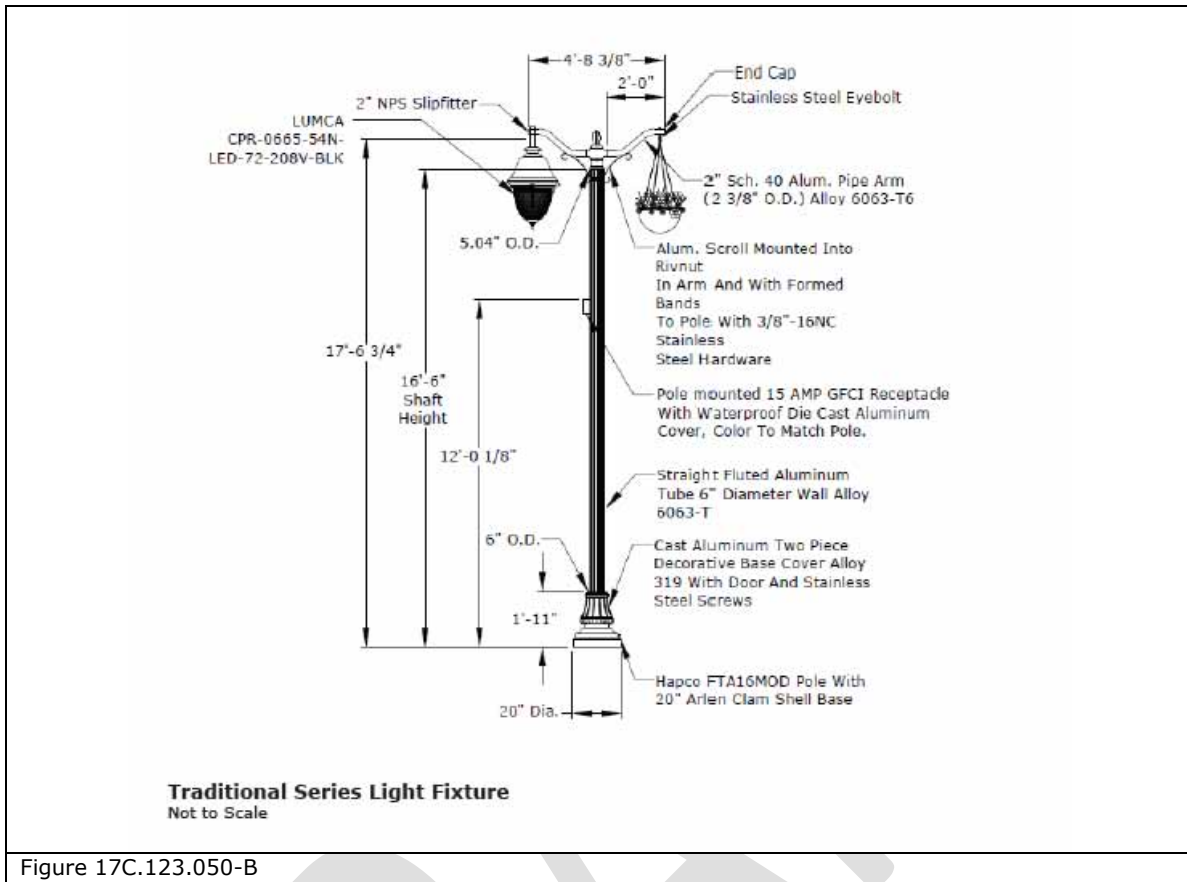


Figure 17C.123.050-B



Figure 17C.123.050-E – Curb cuts and driveways may not interrupt sidewalk material and pattern requirements. Ramps may not encroach on Clear Pedestrian Zones.



Figure 17C.123.050-F – Temporary sidewalk encroachments are allowed in the Planting Zone, or in the Clear Pedestrian Zone as per Table 17C.123.060-1



## 17C.123.060 - Architectural Requirements

This section identifies general architectural requirements and guidelines, articulating basic façade requirements, roofline objectives, mechanical screening and other considerations. These requirements and guidelines establish important functional and aesthetic characteristics sought by the community and expressed by the Regulating Plan, ensuring the proper “fit” within the surrounding neighborhood.

- A. Building Base - For CA-1, CA2, CA3 and all Shopfront Street areas, building façades shall include a visually prominent plinth or base, helping establish pedestrian-scaled features and aesthetically tying the building to the street level. Building bases shall measure between 9” and 16” above adjacent grade, and utilize at least one of the following:

1. “Heavier” material composition, such as a stronger, more permanent material than used on upper portions of the façade.
2. A horizontal projection showing visible thickening of the wall surface that may be accompanied by a change of material and/or color.
3. A horizontal architectural line or feature, such as a belt course or secondary cornice, at or below the top of the first story and providing visual separation between the first two floors.

(See Figure 17C.123.060-A)

- B. Primary Building Entries - For CA-1, CA2, CA3 and all Shopfront Street areas, Primary Building Entries shall face the street and be made visually prominent, including the use of a recommended accent material and at least one of the following:

1. Recessed entrance. Recessed entrance shall be recessed at least 3’ from the building face.
2. Canopy or awning. Canopy or awning shall extend at least 5’ from the building face, with a minimum height clearance of 8’ above the sidewalk.
3. Inclusion of a volume that protrudes from the rest of building surface or an Architectural Roof Structure element physically or visually integrated with the Primary Building Entry. (See Figure 17C.123.060-B)
4. For mixed-use buildings, entrances to residential, office or other upper story uses shall be clearly distinguishable in form and location from retail entrances.

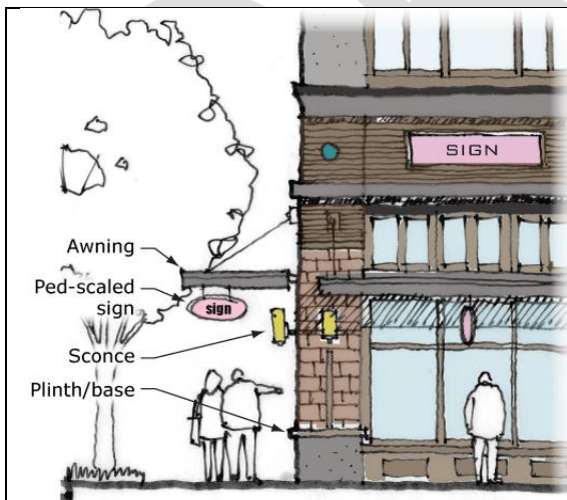


Figure 17C.123.060-A– Illustration of building base, pedestrian scale signs and other building elements described in the HFBC.



Figure 17C.123.060-B – Primary Building Entrances must face the street and be made visually prominent using one or more architectural approaches listed in 17C.123.070 B.



C. Street-level Detailing - For CA-1, CA2, CA3 and all Shopfront Street areas, street-level façades shall help create a more welcoming, aesthetically-rich pedestrian environment by incorporating at least four of the following elements:

1. Canopies or awnings spanning at least 25% of the building façade. Canopy or awning shall extend at least 5' from the building face and shall not be closer than 2' from the curb, with a minimum height clearance of 8' above the sidewalk.
2. Pedestrian-Scaled Signs, mounted to the building or permanent overhang.
3. Decorative sconce, lantern or similar lighting, mounted to the building.
4. Projecting windowsills.
5. Decorative kick plates for entry doors.
6. Hanging planters supported by brackets mounted to the building.

D. Façade Transparency - Building façades shall include substantial glazing, providing visual connectivity between activities inside and outside a building. Regarding glazing, the following provisions shall apply:

1. If fronting along a Shopfront Street, ground floor glazing shall be at least ten feet (10') in height and no more than three feet (3') above adjacent sidewalk or grade.
2. If facing a public street, upper floor façades shall include a minimum of 30% clear glass windows.
3. The total glazing expressed as a minimum percentage of ground floor façades shall meet the specifications provided in Table 17C.123.060-1.

Table 17C.123.060-1 Glazing minimums, ground floor facades\*

	CA-1	CA-2	CA-3	CA4
<b>Along Shopfront Street</b>	60%	60%	50%	N/A
<b>Along Non-Shopfront Street</b>	40%	30%	30%	30%

\*Glazing percentages may include windows and doors.

E. Blank Walls - Minimizing blank or undifferentiated façade walls helps ensure that buildings contribute to an engaging pedestrian environment. In all CA areas, blank façade walls longer than 30' along any public right-of-way shall be enhanced or screened by incorporating the following:

1. Vegetation such as espalier trees and/or vines planted adjacent to the wall surfaces.
2. Architectural detailing, such as reveals, contrasting materials, bas-relief detailing, artwork, murals, or decorative trellises.

F. Roof Lines - In all CA areas, roof line elements shall adhere to the following standards:

1. Pitched or sloping roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12 (rise:run).
2. Buildings with flat roofs shall include an extended parapet on all building sides, creating a defined cornice or prominent top edge.
3. Non-Enclosed, Enclosed and Architectural Roof Structure elements as defined by this code in are exempt from sections 17C.123.060 F.1 and 17C.123.060 F.2. Height limitations for such elements are provided in 17C.123.040.

G. Equipment Screening - In all CA zones visible from public rights-of-way, mechanical and electrical equipment including HVAC units, transformers, antennae and receiving dishes shall be screened from view, adhering to the following standards:

7. Rooftop mechanical and electrical equipment shall be screened by a parapet wall, enclosed within roof volumes or other building elements designed as an integral part of the building's architecture.



8. Ground-level mechanical and electrical equipment shall be enclosed within secondary building elements, or screened by features designed to coordinate with the architectural character of the primary structure. Picket or chain-link fencing may not be used (See Figure 17C.123.060-C).
- H. Service Area Screening - In all CA zones, service, loading and trash collection areas shall be hidden or screened from view along public rights-of way, and shall not face any public street or residential area unless no other location is possible. Service areas shall be hidden from view using a screen wall constructed of masonry, wood or metal, designed to coordinate with the architectural character of the primary structure. Screen walls shall also include one or more of the following:
  1. Vegetation such as espalier trees and/or vines planted adjacent to the wall surfaces.
  2. Architectural detailing, such as reveals, contrasting materials, bas-relief detailing, artwork, murals, or decorative trellises.
- I. Sign Standards - For sign standards applying to all CA zones, see City of Spokane Municipal Code, Chapter 17C.240. For the purposes of signs standards CA1 and CA2 shall be evaluated as CC1 zone; CA3 shall be evaluated as CC2; and CA4 shall be evaluated as a residential zone.
- J. Materials - Use of quality building materials ensures that projects contribute to the overall value and character of properties within and adjacent to HFBC Limits. Buildings shall employ durable and high quality materials, such as steel, glass, brick, stone, and/or wood. (See Figure 17C.123.060-D).

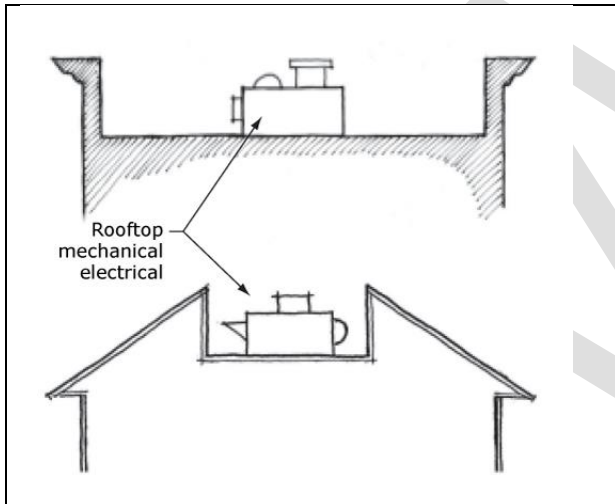


Figure 17C.123.060-C – Rooftop and ground-level equipment must be screened from view along public rights-of-way. Here mechanical systems are hidden by cornice and roof elements.



Figure 17C.123.060-D – The HFBC provides standards and guidelines regarding building materials, helping realize community expectations for the corridor and neighborhood.

- K. **Guidelines** - In addition to the material standards defined in this section, the following guidelines are included to further define community expectations for projects within all CA zones within Regulating Plan limits. The guidelines presented in this section are optional and intended to express desirable characteristics for the district.
  1. The use of sustainably harvested, salvaged, recycled reused products is encouraged wherever possible.
  2. Optional - Recommended entry treatments include special paving materials such as ceramic tile; ornamental ceiling treatments; decorative light fixtures; decorative door pulls, escutcheons, hinges, and other hardware.
  3. Authentic materials and methods of construction should be used to the greatest degree possible. Materials made to simulate higher-value materials and construction types may be used for reasons



of economy, but should be durable and closely match the proportions, surface finishes, and colors of the materials they simulate.

4. When veneers are used, detailing and installation should give the appearance of full-depth material, avoiding the exposure of veneer sides, including use of wrap-around corner pieces.
5. The location and spacing of panel or expansion joints should be incorporated into the façade composition. Castings should be shaped to form architectural profiles that create bases, cornices, pilasters and other elements contributing to the façade composition.
6. Cladding and/or accent materials on the primary building should be carried over onto additions, accessory buildings and site features.
7. Recommended cladding materials include:
  - a. Brick. Red brick is characteristic of the Spokane region, although other colors may be used as well. Full size brick veneer is preferable to thin brick tile.
  - b. Stone. Granite, limestone, sandstone, and river rock are preferred stone types. Stone veneer and cast stone simulating these types is allowable.
  - c. Cast concrete. Precast or exposed site-cast structural concrete is acceptable. Pigments, special aggregates and surface textures should be exploited to achieve architectural effects.
  - d. Concrete block. Where used, creativity in selecting block sizes, surface textures, course patterns and colors is encouraged.
  - e. Wood. Horizontal sidings such as clapboard, tongue-in-groove, shingles or shakes, or vertical sidings such as board and batten are acceptable. Trim elements should be used for all wood siding types. Heavy timber detailing and exposed bracing may be used where appropriate to the building style.
  - f. Fiber-cement or cementitious siding. Fiber-cement planks, panels and shingles and are an acceptable substitute for wood siding when used in the formats described above under "Wood."
  - g. Stucco. Stucco, cement plaster or stucco-like finishes such as EIFS may be used along ground floor portions of rear or side service and parking exposures, provided the building base treatment used along the street façade is continued. Stucco of any type should not be used along ground floor portions of street exposures.
8. Accent materials are typically used at building entrances, window and door frames, wall bases, cornices, wainscot materials and for copings, trim, and other special elements. Recommended accent materials include:
  - a. Brick. Red brick is characteristic of the Spokane region, although other colors may be used as well. Full size brick veneer is preferable to thin brick tile.
  - b. Stone. Granite, limestone, sandstone, and river rock are preferred stone types. Stone veneer and cast stone simulating these types is allowable.
  - c. Cast concrete. Precast or exposed site-cast structural concrete is acceptable. Pigments, special aggregates and surface textures should be exploited to achieve architectural effects.
  - d. Concrete block. Where used, creativity in selecting block sizes, surface textures, course patterns and colors is encouraged.
  - e. Tile. Ceramic, terra cotta and cementitious tile, whether glazed or unglazed is acceptable.
  - f. Metal. Profile, corrugated and other sheet, rolled or extruded metal is acceptable. Metal accents should have trim elements to protect edges, and be of adequate thickness to resist dents and impacts. Surfaces should be treated with a high quality, fade-resistant

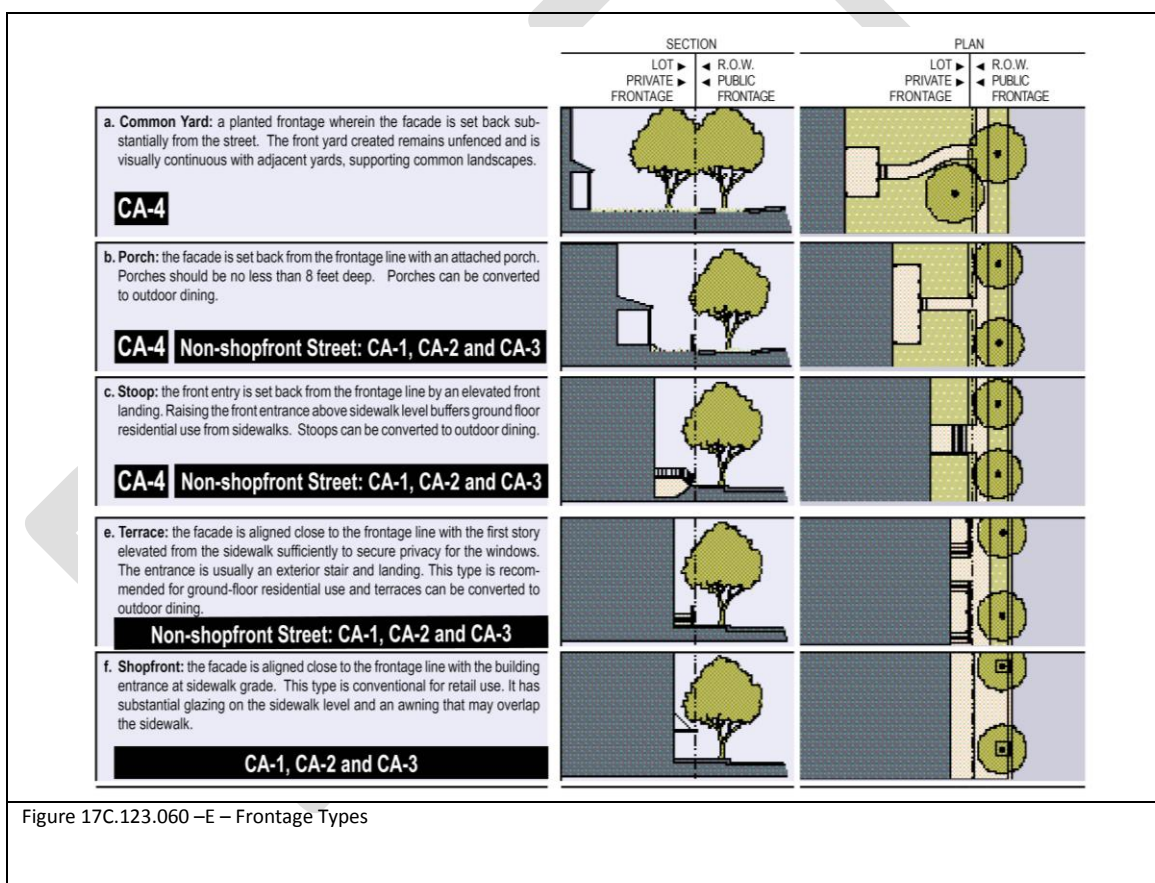


coating system or paint such as Kynar and Tnemec. Copper, zinc and weathering steel may be left exposed.

9. Rooflines. Varied roof planes, cornice elements, overhanging eave and roof decks are encouraged, as they increase visual interest and help implement desired character objectives.
10. Recommended materials for roofs exposed and visible from public rights of way include:
  - a. Metal seam roofing. Finishes should be anodized, fluoro-coated or painted. Copper, zinc and weathering steel may be left exposed.
  - b. Slate or slate-like materials.
  - c. Sheet metal shingles.
  - d. Asphalt shingles. Projects using asphalt shingles should use the highest quality commercial grade materials, and be provided with adequate trim elements.

Special Paving. Cobblestones or a stamped concrete cobblestone or brick pattern are recommended for special paving and pedestrian buffer strips

11. Frontage Types. Figure 17C.123.060E clarifies expectations for how buildings will meet the street.





## 17C.123.070 – Additional Requirements

### A. Drive Through Facilities

1. Drive-Through Facilities are prohibited in all Context Areas of the FBC.

### B. Nonconforming Situations

1. Existing development that does not conform to the development standards of this chapter is subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.

### C. Nuisance-related Impacts

1. Off-site impacts. All nonresidential uses including their accessory uses must comply with the standards of Chapter 17C.220, Off Site Impacts.
2. Other nuisances are further regulated by state and local laws.

### D. Outdoor Activities

1. The standards of this section are intended to assure that outdoor sales, display, storage, and work activities:
  - a. will be consistent with the desired character of the zone;
  - b. will not be a detriment to the overall appearance of an area;
  - c. will not have adverse impacts on adjacent properties, especially those with residential uses; and
  - d. will not have an adverse impact on the environment.
2. Outdoor activities associated with permitted uses shall be permitted subject to the standards of the zone and as described below.
3. Outdoor Sales and Display Areas
  - a. In the CA1 – CA3 zones, outdoor sales, and display areas are limited to forty percent of lot area or one thousand five hundred square feet, whichever is less.
  - b. Outdoor sales and display areas for uses in the industrial use categories are not allowed in the CA zones.
  - c. In the CA 4zone, outdoor sales and display areas are prohibited.
4. Outdoor Storage Areas.
  - a. Outdoor storage areas are not permitted in the CA1 – CA3 zones.
  - b. Outdoor storage areas in CA4 zones are subject to the standards of SMC 17C.110.270 Exterior Storage – Residential Zones.
5. Outdoor Activity Area Improvements.
  - a. Outdoor activities shall be screened and landscaped according to the provisions of chapter 17C.200 SMC, Landscaping and Screening.
  - b. In order to control dust and mud, all vehicle circulation areas must be paved.

### E. Fences

1. Purpose: The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.
2. Type of Fences The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
3. Location, Height, and Design.
  - a. Street Setbacks
    - i. No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.123.060.



- ii. Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.
    - iii. Fences up to six feet high are allowed in required setback that is measured from a side lot line.
    - iv. Fences shall not reduce the required setback width of SMC 17C.123.060.
    - v. Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.
    - vi. The height for fences that are not in required setbacks is the same as the regular height limits of the zone.
  - b. Sight-obscuring Fences and Walls.
    - i. Any required or non-required sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall either be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening), or meet the treatment of blank walls intent outlined in SMC 17C.122.060 – Initial Design Standards and Guidelines for Center and Corridors.
4. Prohibited Fences.
- a. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.
  - b. No person may maintain a fence or barrier charged with electricity.
  - c. A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
  - d. No permanent fence may reduce the required sidewalk width.
5. Visibility at Intersections.
- a. A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets
  - b. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no fence exceeding a height of thirty-six inches above the curb may be inside the:
    - i. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or
    - ii. right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five-foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or
    - iii. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
      - 1. the inside line of the sidewalk; or
      - 2. if there is no sidewalk, a line seven feet inside the curb line.
6. Enclosures for Pools, Hot Tubs, or Ponds.
- a. A person maintaining a swimming pool, hot tub, pond, or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.
  - b. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building, or other structure approved by the building services department.
  - c. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
  - d. No opening, except a door or gate may exceed four inches in any dimension.
  - e. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when



not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.

- f. Outside of the door or gate must be at least fifty-four inches above the ground.

7. Reference to Other Standards.

- a. Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence.

- E. Creation of new lots is subject to the standards of chapter 17G.080 SMC

DRAFT



## 17C.123.080 – Building Type Catalogs

This section provides a visual catalog of desired building characteristics for each Context Area. The purpose is to create a visual representation of building styles that are typical of the valued neighborhood character.

### Context Area 1 (CA-1)

#### Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 1. Images are representational only.

Less Urban

More Urban

<b>CA-1 Non-Shopfront</b> See also CA-2, CA-3 and CA-4 Non-Shopfront.	<b>CA-1 Corner</b> See also CA-2 and CA-3 Corner.	<b>CA-1 Shopfront</b> See also CA-2 and CA-3 Shopfront.
		

**CA-1 - 1 to 5 Story Buildings**



## Context Area 2 (CA-2)

### Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 2. Images are representational only.



#### CA-2 Non-Shopfront

See also CA-3 and CA-4  
Non-Shopfront.



#### CA-2 Corner

See also CA-3 Corner.

#### CA-2 Shopfront

See also CA-3 Shopfront.



#### CA-2 - 1 to 4 Story Buildings



# Context Area 3 (CA-3)

## Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 3. Images are representational only.



CA-3 Non-Shopfront

CA-3 Corner

CA-3 Shopfront

See also CA-4.



### CA-3 - 1 to 2 Story Buildings



# Context Area 4 (CA-4)

## Hamilton FBC Building Character Visual Catalog

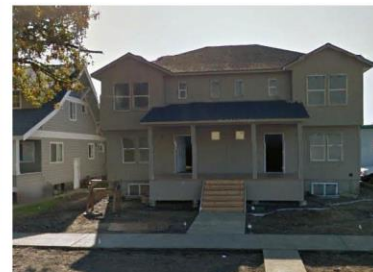
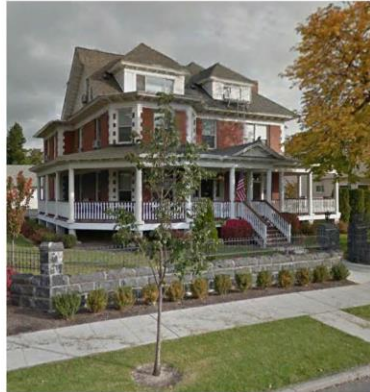
This visual catalog showcases the type, form, and general character of desired development within Context Area 4. Images are representational only.



### CA-4 Small Footprint



### CA-4 Medium Footprint





## Context Area 4 (CA-4)

### Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 4. Images are representational only.



#### CA-4 Large Footprint



*Image borrowed from daybreakutah.com*



*Image borrowed from daybreakutah.com*



**Section 1. That SMC section 17C.200.010 is amended to read as follows:**

**Section 17C.200.010 Purpose**

- A. The City of Spokane recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:
1. promote the distinct character and quality of life and development expected by the community as indicated and supported in the policies of the comprehensive plan;
  2. maintain and protect property values;
  3. enhance the visual appearance of the City;
  4. enhance the compatibility of new development with surrounding properties;
  5. preserve and enhance Spokane's urban forest;
  6. preserve and enhance existing vegetation;
  7. reduce stormwater runoff pollution, temperature, and volume;
  8. aid in energy conservation by providing shade and shelter from the wind; and
  9. promote water conservation and reduced maintenance.
- B. The following landscaping and screening standards are applicable to all sites in RA, RSF, RTF, RMF, RHD, O, OR, NR, NMU, CB, GC, CC, LI, PI HI, **and downtown zones and FBC zones**. These standards address materials, placement, layout, and timing of installation.

**Section 2. That SMC section 17C.200.040 is amended to read as follows:**

**Section 17C.200.040 Site Planting Standards**

Sites shall be planted in accordance with the following standards:

- A. Street Frontages.
1. The type of plantings as specified below shall be provided inside the property lines:
    - a. along all commercial, light industrial, and planned industrial zoned properties except where buildings are built with no setback from the property line: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3.
    - b. along all downtown, CC1, CC2, **and CC4, and FBC** zoned properties except where buildings are built with no setback from the property line **or along a Type 1 Street of the FBC**: a five-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#), Street Tree Requirements. Remaining setback areas shall be planted in L3. Living ground cover shall be used, with non-living materials (gravel,



river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, or raised masonry planters (overall height including any plantings shall not exceed three feet) may be used to screen parking lots from adjacent streets and walkways.

- c. in the heavy industrial zone, along a parking lot, outdoor sales, or
- d. outdoor display area that is across from a residential zone: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3.
- e. in industrial zones, all uses in the commercial categories (see [chapter 17C.190 SMC](#), Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.
- f. along all RA, RSF, RTF, RMF, and RHD zones, except for single-family residences and duplexes: six feet of L3 open area landscaping, including street trees as prescribed in [SMC 17C.200.050](#). For residential development along principal and minor arterials, a six-foot high fence with shrubs and trees may be used for screening along street frontages. The fence and landscaping shall comply with the standards of [SMC 17C.120.310](#) for the clear view triangle and must be placed no closer than twelve feet from the curb line. A minimum of fifty percent of the fence line shall include shrubs and trees. The landscaping is required to be placed on the exterior (street side) of the fence.

2. Except for attached and detached single-family residences and duplexes, plantings may not exceed thirty-six inches in height or hang lower than ninety-six inches within the clear view triangle at street intersections on corner lots and at driveway entries to public streets. The clear view triangle is defined in [SMC 17C.120.310](#). The director of engineering services may further limit the height of plantings, landscaping structures, and other site development features within the clear view triangle or may expand the size of the clear view triangle as conditions warrant.



#### B. Other Property Perimeters.

A planting strip of five feet in width shall be provided along all other property lines except where buildings are built with no setback from the property line or where a parking lot adjoins another parking lot. The type of planting in this strip varies depending upon the zone designation of the properties sharing the property line (with or without an intervening alley) as indicated in the matrix below. Where properties with dissimilar zones share a common boundary, the property with the more intense zone shall determine the required type of planting. The owners of adjacent properties may agree to consolidate their perimeter plantings along shared boundaries. Therefore, instead of each property providing a five-foot wide planting strip, they together could provide one five-foot wide planting strip, so long as the required planting type, as indicated in the matrix, is provided. Types of landscaping to be provided in planting strips alongside and



rear property lines:

SUBJECT PROPERTY ZONE (vertical)	ADJACENT PROPERTY ZONE (horizontal)												
	RA	RSF	RTF	RMF	RHD	O, OR	NR, NMU	CB	GC	CC, FBC	LI, PI	HI	DT
RA	--	--	--	--	--	--	--	--	--	--	--	--	--
RSF	--	--	--	--	--	--	--	--	--	--	--	--	--
RTF	--	--	--	--	--	--	--	--	--	--	--	--	--
RMF	L2	L2	L2	L3	L2	L2	L2	L1	L1	L1	--	--	L1
RHD	L2	L2	L2	L2	L3	L2	L2	L2	L2	L2	--	--	L2
O, OR	L2	L2	L2	L2	L2	L3	L2	L2	L2	--	--	--	L2
NR, NMU	L2	L1	L2	L2	L2	L2	L3	L3	L2	--	--	--	L3
CB	L1	L1	L1	L1	L2	L2	L3	L3	L3	--	--	--	L3
GC	L1	L1	L1	L1	L2	L2	L2	L3	L3	--	--	--	L3
CC, FBC	L1	L1	L1	L1	L2	--	--	--	--	--	--	--	--
LI, PI [3]	L1	L1	L1	L1	L1	L1	L2	--	--	--	--	--	--
HI [3]	L1	L1	L1	L1	L1	L1	L1	--	--	--	--	--	--
DT	L1	L1	L1	L1	L1	L2	L2	L3	L3	--	--	--	--
Notes: [1] In the industrial zones, all uses in the commercial categories (see <a href="#">chapter 17C.190 SMC</a> , Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.													

C. Planning Director Discretion.

The planning director shall have the discretion to waive or reduce the requirements of subsections (A)(1) and (B) of this section based on the following factors:

1. No useable space for landscaping exists between the proposed new structure and existing structures on adjoining lots or alleys because of inadequate sunlight or inadequate width.
2. The building setback provided in front of the new structure is less than six feet or is developed as a plaza with decorative paving/pavers, trees, planters, or other amenities.
3. Xeriscape landscaping is utilized in designated stormwater control areas.
4. When existing trees and other vegetation serves the same or similar function as the required landscaping, they may be substituted for the required landscaping if they are healthy and appropriate for the site at mature size. When existing trees are eight inches or more in diameter, they shall be equivalent to three required landscape trees. If necessary, supplemental landscaping shall be provided in areas where existing vegetation is utilized to accomplish the intent of this chapter.



D. Other Areas.

All other portions of a site not covered by structures, hard surfaces, or other prescribed landscaping shall be planted in L3 open area landscaping until the maximum landscape requirement threshold is reached (see [SMC 17C.200.080](#)).

E. Parking Lot Landscaping Design.

1. Purpose.

To reduce the visual impact of parking lots through landscaped areas, trellises, and/or other architectural features that complement the overall design and character of developments.



2. Parking Lot Landscaping Design Implementation.

This section is subject to the provisions of [SMC 17C.120.015](#), Design Standards Administration.

3. The parking lot landscape shall reinforce pedestrian and vehicle circulation, especially parking lot entrances, ends of driving aisles, and pedestrian walkways leading through parking lots. (P)

4. Planted areas next to a pedestrian walkways and sidewalks shall be maintained or plant material chosen to maintain a clear zone between three and eight feet from ground level. (R)



5. Low walls and raised planters (a maximum height of three feet), trellises with vines, architectural features, or special interest landscape features shall be used to define entrances to parking areas. Where signs are placed on walls, they shall be integrated into the design and complement the architecture or character of other site features. (P)

6. Landscape plant material size, variety, color, and texture within parking lots should be integrated with the overall site landscape design. (C)

F. Parking, Outdoor Sales, and Outdoor Display Areas.

1. In residential, commercial, [and](#) center and corridor, [and FBC](#) zones, a six-foot wide planting area of L2 see-through buffer landscaping shall be provided between any parking lot, outdoor sales, outdoor display area, and a street right-of-way. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, raised masonry planters, or L1 visual screen landscaping shall be used to screen parking lots from adjacent streets and walkways (overall height including any plantings or structures shall not exceed three feet). Trees required as a part of the L2 landscape strip shall be located according to the standards for street trees in [SMC 17C.200.050](#), Street Tree Requirements.

2. In residential, commercial, [and](#) center and corridor, [and FBC](#) zones all parking stalls shall be within sixty feet of a planted area with L3 open area landscaping.



All individual planting areas within parking lots shall be at least one hundred fifty square feet in size.

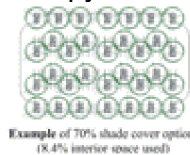
3. In residential, commercial, **and** center and corridor, **and FBC** zones all paved parking areas on a site with more than fifty cumulative parking spaces shall have plantings that satisfies one of the following options:

- a. Option 1.

Interior landscaping consisting of L3 open area landscaping, including trees amounting to at least ten percent of the total area of the paved parking area, excluding required perimeter and street frontage strips. A minimum of one interior tree shall be planted for every six parking spaces.

- b. Option 2.

Tree plantings shall be spaced in order that tree canopies cover a minimum of seventy percent of the entire paved area of the parking lot within fifteen years of project completion. Canopy coverage shall be measured in plan view, and be based on projected mature size of the selected tree species. All individual planting areas within parking lots shall be a minimum of eight feet in width, be at least one hundred fifty square feet in size, and in addition to the required trees, shall be planted with a living groundcover. See the "Landscape Plants for the Inland Northwest" issued by the Washington State University cooperative extension and the U.S. department of agriculture, available from the City planning services department, for acceptable mature tree size to be used when calculating canopy size.



4. Where parking lots are located between the building and a street, the amount of required interior landscaped area shall be increased by fifty percent and the minimum amount of tree shade cover shall increase to eighty percent. Where parking lots are behind buildings, the amount of interior landscaping may be decreased by fifty percent of what the code requires and the minimum amount of tree shade cover shall decrease to fifty percent.
5. A planting strip of five feet in depth with L1 visual screen landscaping or site-obscuring decorative wood, iron, etc. fences or masonry walls at least six feet in height shall be installed along property lines where any adjacent single-family residential zone would have views of parking or service areas.
6. A minimum of two-foot setback shall be provided for all trees and shrubs where vehicles overhang into planted areas.



7. In industrial zones, parking lots, outdoor sales, and outdoor display areas that are abutting or across the street from residential zones are subject to all of the requirements of subsections (E) and (F) of this section.



8. In industrial zones, all uses in the commercial categories (see [chapter 17C.190 SMC](#), Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zones.
9. In downtown zones an applicant must demonstrate to the director that the following required elements meet the intent of the Downtown Design Guidelines. Key design elements for these features include integrating storm water facilities, improving the pedestrian environment, and adding public amenities next to surface parking; outdoor sales and outdoor display areas so that they help to define space and contribute to a more active street environment.

- a. Surface Parking Lot Liner Walls in the Downtown Zones.

Surface parking lots must have a solid, decorative concrete or masonry wall adjacent to a complete street and behind a sidewalk. The wall must have a minimum height above the surface of the parking lot of two and one-half feet and a maximum height of three feet. The wall shall screen automobile headlights from surrounding properties. A wrought iron fence may be constructed on top of the wall for a combined wall and fence height of six feet. An area with a minimum width of two feet, measured from the property line, must be provided, landscaped and maintained on the exterior of the required wall. Such walls, fences, and landscaping shall not interfere with the clear view triangle. Pedestrian access through the perimeter wall shall be spaced to provide convenient access between the parking lot and the sidewalk. There shall be a pedestrian access break in the perimeter wall at least every one hundred fifty feet and a minimum of one for every street frontage. Any paving or repaving of a parking lot over one thousand square feet triggers these requirements.



Parking liner walls with plantings contribute to an interesting pedestrian environment. The parking liner wall and screen pictured above is enhanced by larger wall sections near automobile crossing points and a change in sidewalk scoring pattern. Both give cues to pedestrians and drivers.

- b. Surface parking lots in the Downtown zones are subject to the interior parking lot landscaping standard sections (F)(2) through (F)(6).
- c. The exterior boundary of all surface parking lots adjacent to any public right-of-way must include trees spaced no more than twenty-five feet apart. The leaves of the trees or any other landscaping features at maturity shall not obscure vision into the parking lot from a height of between three and eight feet from the ground. The species of trees shall be selected from the city's street tree list. If street trees exist or are provided consistent with [SMC 17C.200.050](#) then this landscaping strip may be omitted.
- d. Outdoor sales and display areas shall contribute to an interesting streetscape by providing the following:
  - i. Monument Features or Artistic Elements along the Street Edge between the Outdoor Display Area and the Sidewalk. These shall be integrated with display area lighting and pedestrian amenities.



- ii. Additional Streetscape Features in the Sidewalk Environment. Items may include elements that improve the health of street trees and plantings, improve storm water management, or artistic features that improve the pedestrian environment. This may include items such as permeable pavers in the pedestrian buffer strip, increased soil volumes for street trees, suspended sidewalks around the street tree to increase the amount of un-compacted soils, and engineered soils to support larger and healthier trees.

**Section 3. That SMC section 17C.200.050 is amended to read as follows:**

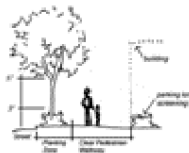
**Section 17C.200.050** Street Tree Requirements

**A. Purpose.**

To provide consistent street frontage character within the street right-of-way. The street tree standards also maintain and add to Spokane's tree canopy and enhance the overall appearance of commercial and neighborhood development. Trees are an integral aspect of the Spokane landscape and add to the livability of Spokane. They provide aesthetic and economic value to property owners and the community at large.

**B. Street Tree Implementation.**

1. Street trees are required along all city streets in downtown, commercial, center and corridor, industrial zones, ~~and in residential zones~~ **and in FBC zones.**
2. Street trees shall be planted between the curb and the walking path of the sidewalk.



3. Street trees and other landscaping shall be maintained and irrigated by the adjacent property owner.
4. If a street has a uniform planting of street trees or a distinctive species within the right-of-way, then new street trees should be of a similar form, character and planting pattern.
5. For a full list of approved trees in the city of Spokane, see the urban forestry program's approved street tree list. Species selection should be guided by individual site conditions including hydrology, soil, solar orientation, and physical constraints.

**C. Planting Zones.**

1. Provide continuous planting strips or individual planting areas per Table 17C.200.050-1, Tree Planting Dimensional Standards.

**TABLE 17C.200.050-1**  
**Tree Planting Dimensional Standards [1]**



<b>ZONE</b>	<b>CONTINUOUS PLANTING STRIP</b> (minimum width as measured from back of curb)	<b>INDIVIDUAL PLANTING AREA</b> (width as measured from back of curb)
Downtown	Individual Planting Areas (tree vaults) required [1]	4 ft. minimum 6 ft. maximum [2]
CC	5 ft.	4 ft. minimum 6 ft. maximum [2]
<b>FBC</b>	<b>Individual Planting Areas (tree vaults ) required [1]</b>	<b>4 ft [2]</b>
Commercial	5 ft.	4 ft. minimum 6 ft. maximum [2]
Industrial	6 ft.	Continuous Planting Strip required [3]
RA, RSF, RTF	6 ft.	Continuous Planting Strip required [3]
RMF, RHD	6 ft.	Continuous Planting Strip required [3]
School/Church Loading Zone	Not Applicable	4 ft. minimum 6 ft. maximum [2, 4]
Notes: [1] Individual Planting Areas (tree vaults) are the standard for the Downtown <b>and FBC Zones</b> . Proposals for Continuous Planting Strips may be evaluated on a case by case basis. [2] Un-compacted soils are necessary for street trees. Individual planting areas (or tree vaults) must be of a size to accommodate a minimum of 100 cubic feet of un-compacted soils per tree at a maximum depth of three feet. Refer to the Engineering Design Standards for examples of potential options in individual planting areas. [3] Continuous Planting Strips are the standard for Industrial and Residential Zones. However, individual planting areas meeting the CC standard may be proposed and evaluated on a case by case basis in Industrial, RMF and RHD Zones. [4] In all zones, within a school/church loading zone, street tree location may vary from the standard as long as street trees are located within the right-of-way. [5] In all zones, when a continuous planting strip will double as a stormwater swale, the minimum width shall be 6.5 feet.		

## 2. Continuous Planting Strips.

- a. Continuous planting strips may be planted with living ground cover or low plantings that are maintained at a height less than three feet from ground level.
- b. When auto traffic is immediately adjacent to the curb, new street trees must be planted at least three feet from the edge of the automobile travel way.



## 3. Individual Planting Areas.

- a. When an individual planting area is not symmetrical, the longer dimension shall run along the curb.



- b. Tree grates or plantings are acceptable. However, when there is on-street parking, a tree grate or a paved walk eighteen inches wide behind the curb are encouraged to help avoid conflicts with car doors and foot traffic. The minimum clear pedestrian walking path as required for the zone shall be maintained.



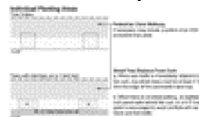
tings up to 3 ft.

- c. Where tree grates are used, they shall be ADA accessible and have a similar size and material as tree grates found in adjacent developments. Where tree grates are used, tree guards are encouraged for tree protection.

Tree Grate with Tree Guard



- d. Un-compacted soils are necessary for street trees. A minimum of one hundred cubic feet per tree at a maximum depth of three feet is required. See Engineering Design Standards for examples of potential options in individual planting areas and for retrofitting sidewalks.



#### D. Size Requirements for New Street Trees.

1. Street trees shall meet the most recent ANSI standards for a two-inch caliper tree at the time of planting
2. Larger shade trees with spreading canopies or branches are desirable where possible. Species of street trees within the public rights-of-way shall be approved by the City urban forester and reviewed by the director of engineering services.
3. If overhead power lines are present, street trees shall be limited to a mature height of twenty-five feet to avoid conflict with utility lines and maintenance



crews.

E. Spacing Requirements for Street Tree Spacing.

The objective is to create a continuous tree canopy over the sidewalk.

1. Continuous planting strips.

Average spacing shall be twenty five feet for small and columnar trees and thirty feet for canopy trees. The planning director may allow increased spacing for exceptionally large trees or upon the recommendation of the urban forester.

2. Individual planting areas.

Average spacing for all tree sizes and types shall be twenty-five feet. Trees planted adjacent to parallel parking stalls with meters may be spaced twenty feet apart.

3. Street tree plantings shall consider the location of existing utilities, lighting, driveways, business entrances and existing and proposed signs. See the Engineering Design Standards for required dimensions.

F. Clear View Zone.

Landscaped areas between the curb and sidewalk, as well as landscaped areas within the clear view triangle as defined in [SMC 17C.120.310](#) shall be maintained or plant material chosen to maintain a vertical clear view zone between three and eight feet from ground level.





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

**Section 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, **and industrial zones, 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.

**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.200.120 is amended to read as follows:**

**Section 17C.230.120 Maximum Allowed Parking Spaces**

- A. Purpose.
- Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality. The maximum ratios in this section vary with the use the parking it is accessory to. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use.
- B. Maximum Number of Parking Spaces Allowed.
- Standards in a plan district or overlay zone may supersede the standards in this subsection.



1. Surface Parking.  
The maximum number of parking spaces allowed is stated in Table 17C.230-1 and [Table 17C.230-2](#), except as specified in subsection (B)(2) of this section.
2. Structure Parking.  
Parking provided within a building or parking structure is not counted when calculating the maximum parking allowed.

<b>TABLE 17C.230-1</b> <b>PARKING SPACES BY ZONE [1]</b> <b>(Refer to Table 17C.230-2 for Parking Spaces Standards by Use)</b>		
ZONE	SPECIFIC USES	REQUIREMENT
RA, RSF, RTF, RMF, RHD	All Land Uses	Minimum and maximum standards are shown in <a href="#">Table 17C.230-2</a> .
O, OR, NR, NMU, CB, GC, Industrial		
CC1, CC2, CC3 [2]	Nonresidential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is the same as for nonresidential uses.
CC4 [2]	Nonresidential	Minimum ratio is 2 stalls per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is the same as for nonresidential uses.
Downtown [2]	All Land Uses	See the <a href="#">Downtown Parking Requirement Map 17C.230-M1</a> to determine if parking is required. Minimum ratio for areas shown on the map that require parking is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is



		less. Maximum ratio is 3 stalls per 1,000 gross square feet of floor area.
<b>FBC [2]</b>	<b>All Land Uses</b>	<b>See SMC 17C.XXX.050, <del>Hamilton</del> Form Based Code for off-street parking requirements.</b>
Overlay	All Land Uses	No off-street parking is required. See the <a href="#">No Off-Street Parking Required Overlay Zone Map 17C.230-M2</a> and <a href="#">No Off-Street Parking Required Overlay Zone Map 17C.230-M3</a> .
<p>[1] Standards in a plan district or overlay zone may supersede the standards of this table.</p> <p>[2] See exceptions in <a href="#">SMC 17C.230.130</a>, CC and Downtown Zone Parking Exceptions.</p>		

**Section 3. That SMC section 17C.230.130 is amended to read as follows**

**Section 17C.230.130** Parking Exceptions

- A. In center and corridor **and** downtown **zones, 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. 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.
- C. If property owners and businesses establish a parking management area program with shared parking agreements, the director may reduce or waive parking requirements.
- D. 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.

**TABLE 17C.230-2**  
**PARKING SPACES BY USE**  
**(Refer to [Table 17C.230-1](#) for Parking Space Standards by Zone)**



CU = Conditional Use			
RESIDENTIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
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
COMMERCIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
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	1 per 330 sq. ft. of floor area	1 per 180 sq. ft. of floor area



	entertainment, such as Arcades and Bowling Alleys		
	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

#### INDUSTRIAL CATEGORIES

USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
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	SPECIFIC USES	MINIMUM PARKING	MAXIMUM
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CATEGORIES			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

**Section 4. That SMC section 17C.230.140 is amended to read as follows**

[Section 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, RTF, 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 **and 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.
- 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, RTF, RMF, RHD, FBC CA4, O, OR, NR, NMU, CB, GC and Industrial Zones**  
**Minimum Parking Space and Aisle Dimensions [1, 2]**

<b>Angle (A)</b>	<b>Width (B)</b>	<b>Curb Length (C)</b>	<b>1-way Aisle Width (D)</b>	<b>2-way Aisle Width (D)</b>	<b>Stall Depth (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 and CC, FBC CA1, CA2, and CA3 Zones**  
**Minimum Parking Space and Aisle Dimensions [1, 2]**

Angle (A)	Width (B)	Curb Length (C)	1-way Aisle Width (D)	2-way Aisle Width (D)	Stall Depth (E)
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\(E\)\(3\)](#).

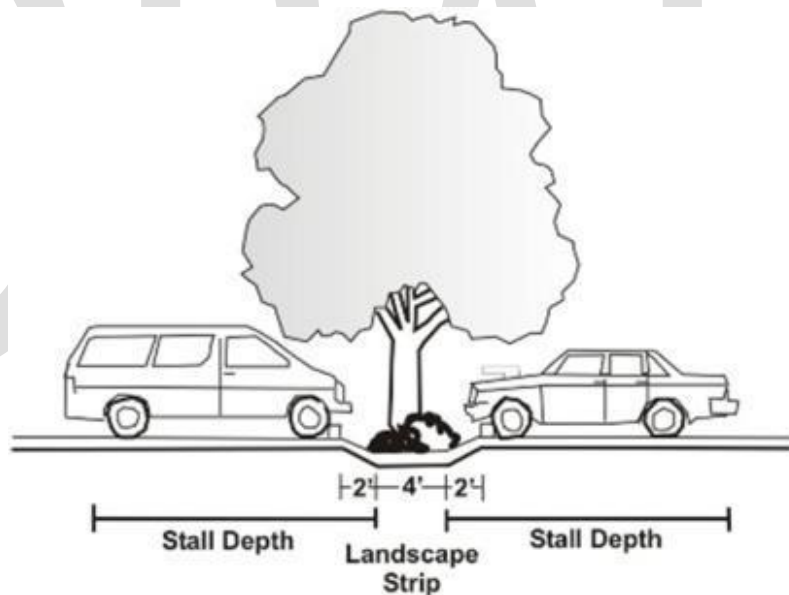


Figure 17C.230-3 Landscaped area at front of parking space



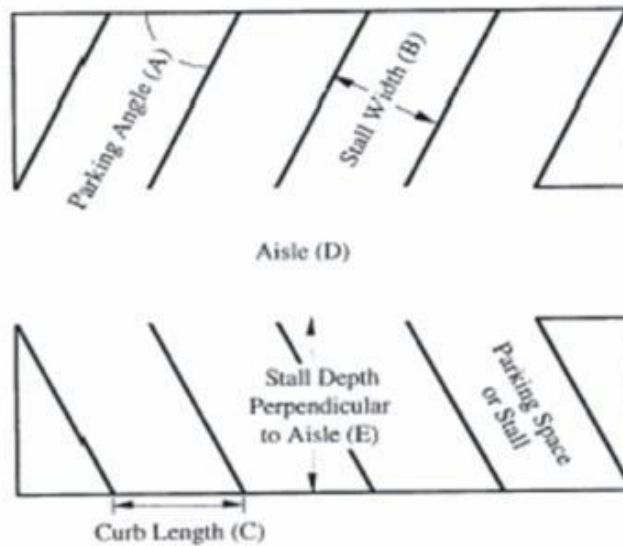
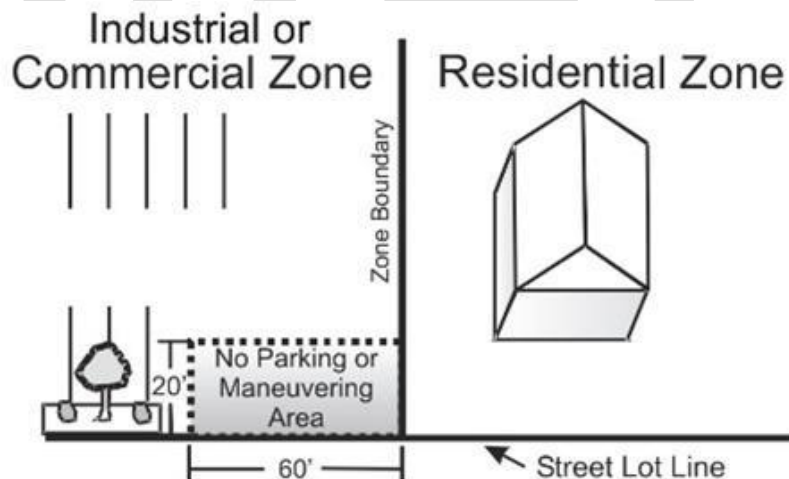


Figure 17C.230-4 Parking Dimension Factors

#### 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 the residential zoning district.



2. All landscaping must comply with the standards of [chapter 17C.200 SMC](#), Landscaping and Screening.

**Section 5. That SMC section 17C.230.145 is amended to read as follows**

[Section 17C.230.145](#) Development Standards for Residential Uses



A. Purpose

The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.



B. Structures These Regulations Apply To

The regulations of this section apply to residential uses in the RA, RSF, RTF, RMF, and RHD, FBC CA4 zones. The regulations apply to required and excess parking areas. Parking for mobile home parks is regulated in [chapter 17C.345 SMC](#), Manufactured Homes and Manufactured Home Parks.

C. Parking Area Locations

1. Required Parking.

Required parking spaces are not allowed within the first twenty feet from a front lot line or within side street lot line setback.

2. Non-required Parking.

Non-required parking spaces for personal passenger vehicles may be located in the first twenty feet from a front lot line or the side lot line setback in a driveway. The vehicle cannot overhang or block the sidewalk.

3. Utility trailers, motorized recreations vehicles and non-motorized accessory recreational vehicles cannot be stored in the first twenty feet from the front lot line nor the side street line.

4. Driveway Width.

- a. In the RA and RSF zones, no more than forty percent of the land area between the front lot line and the front building line may be



paved or used for vehicle areas. In addition, on corner lots, no more than twenty percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas. As an exception to the area limitations in this subparagraph, a lot is allowed at least a nine-foot wide vehicle area.

- b. In the RTF, RMF, and RHD **FBC CA4** zones, no more than twenty percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. In addition, on corner lots no more than twenty percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas. As an exception to the area limitations in this paragraph, a lot is allowed at least a nine-foot wide vehicle area.
- c. Exception.  
Driveway coverage in the residential zones may exceed the size limitations of (4)(a) and (4)(b) above when the subject property is located on a principal arterial and the increase in site coverage is due to inadequate maneuvering area for the safe exit of vehicles from the site. The exception to driveway coverage is reviewed by the engineering services department as a portion of the driveway access permit.



5. Parking in Garages.  
Parking in garages is subject to the garage setback standards of the base



zone, overlay zone or plan district.

#### D. Parking Space Sizes

A parking space must be at least nine feet by eighteen feet. The minimum driveway width on private property is nine feet.

#### E. Paving

##### 1. Generally.

All driveways and parking areas must be covered in an all weather surface.

##### 2. Exceptions.

- a. Gravel surfaces may be approved by engineering services when the abutting street is not paved, and the applicant executes a covenant agreeing to pave the area if the street is paved in the future.
- b. Utility trailers, motorized recreational vehicles and non-motorized accessory recreational vehicles may be stored on unpaved surfaces. A gravel surface is not required.

### **Section 6. That SMC section 17C.230.200 is amended to read as follows**

#### **Section 17C.230.200 Bicycle Parking**

##### 1. Purpose.

Bicycle parking is required to encourage the use of bicycles by providing safe and convenient places to park bicycles.

- a. Bicycle parking facilities, either off-street or in the street right-of-way, shall be provided in RMF, RHD, CC1, CC2, CC3, CC4, O, OR, NR, NMU, CB, GC, and industrial zones for any new use which requires twenty or more automobile parking spaces according to [Table 17C.230-1](#) or [Table 17C.230-2](#). All bicycle parking facilities in the street right-of-way shall conform to City engineering services department standards.
  - a. The number of required bicycle parking spaces shall be five percent of the number of required off-street auto parking spaces.
  - b. When any covered automobile parking is provided, all bicycle parking shall be covered.
- b. Within downtown **and FBC CA1, CA2, CA3** zones bicycle parking facilities, either off-street or in the street right-of-way, shall be provided. The number of spaces shall be the largest amount based on either subsections (a) or (b) below.
  - a. The number of required bicycle parking spaces shall be five percent of the number of off-street auto parking spaces being



provided, whether the auto parking spaces are required by code or not.

- b. A minimum of one bicycle parking space shall be provided for every ten thousand square feet of building area. When a building is less than ten thousand square feet in building area at least one bicycle parking space shall be provided.
- c. When any covered automobile parking is provided, all bicycle parking shall be covered.
- d. All bicycle parking facilities in the street right-of-way shall conform to City engineering services department standards.
- c. Bicycle parking facilities accessory to nonresidential uses shall be located on the lot or within eight hundred feet of the lot. Bicycle parking accessory to residential uses shall be located on-site. Bicycle parking facilities shared by more than one use are encouraged. Bicycle and automobile parking areas shall be separated by a barrier or painted lines.

DRAFT



**Section 1. That SMC section 17A.020.010 is amended to read as follows:**

**AA. Abandoned Sign Structure.**

A sign structure where no sign has been in place for a continuous period of at least six months.

**AB. Aboveground Storage Tank or AST.**

Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.

**AC. Accepted.**

A project for which the required plans have been found to be technically adequate.

**AD. Accessory Dwelling Unit (ADU).**

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. "Mother-in-law apartments,"
2. "Accessory apartments," or
3. "Second units."

**AE. Accessory Structure.**

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
  - a. Garages,
  - b. Decks,
  - c. Fences,
  - d. Trellises,
  - e. Flagpoles,
  - f. Stairways,
  - g. Heat pumps,
  - h. Awnings, and
  - i. Other structures.

3. See also [SMC 17A.020.160](#) ("Primary Structure").

**AF. Accessory Use.**

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.



AG. Activity.

See Regulated Activity.

AH. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

AI. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified anatomical areas," as defined in [SMC 17A.020.190](#), or "specified sexual activities," as defined in [SMC 17A.020.190](#). A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:
  - a. At least thirty percent of the establishment's displayed merchandise consists of said items; or
  - b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
  - c. At least thirty percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
  - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
  - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
  - f. The establishment regularly offers for sale or rental at least two thousand of said items; or
  - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using "adult," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests.
2. For purposes of this definition, the term "floor space" means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

AJ. Adult Business.

An "adult bookstore or adult video store," an "adult entertainment establishment," or a "sex paraphernalia store."

AK. Adult Entertainment Establishment.

1. An "adult entertainment establishment" is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to "specified sexual activities" as defined in [SMC 17A.020.190](#) or "specified



anatomical areas” as defined in [SMC 17A.020.190](#) for observation by patrons therein.

2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of "specified sexual activities" or "specified anatomical areas."
3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

AL. Adult Family Home.

A residential use as defined and licensed by the state of Washington in a dwelling unit.

AM. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

AN. Agricultural Activities.

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
  - a. Producing, breeding, or increasing agricultural products;
  - b. Rotating and changing agricultural crops;
  - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
  - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
  - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
  - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;
  - g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
  - h. Maintaining agricultural lands under production or cultivation.
2. The City of Spokane shoreline master program defines agriculture activities as:
  - a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
  - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.

AO. Agricultural Land.

Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.



AP. AKART.

An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

AQ. Alkali Wetlands.

Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

AR. Alley.

See “Public Way” ([SMC 17A.020.160](#)).

AS. Alteration.

A physical change to a structure or site.

1. Alteration does not include normal maintenance and repair or total demolition.
2. Alteration does include the following:
  - a. Changes to the facade of a building.
  - b. Changes to the interior of a building.
  - c. Increases or decreases in floor area of a building; or
  - d. Changes to other structures on the site, or the development of new structures.

AT. Alteration of Plat, Short Plat, or Binding Site Plan.

The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

AU. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

AV. Alternative Tower Structure (“Stealth” Technology).

Manmade trees, clock towers, bell steeples, light poles, flag poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also “Low Visual Impact Facility”—[SMC 17A.020.120](#)).

AW. Antenna Array (Wireless Communication Antenna Array).

1. One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
2. Wireless communication antenna array shall be considered an accessory use provided they are located upon an existing structure.

AX. Antenna Height.

The vertical distance measured from the base of the antenna support structure at



grade to the highest point of the structure including the antenna.

AY. Antenna Support Structure.

Any pole, telescoping mast, tower tripod, or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

AZ. API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

AA. Appeal.

A request for review of the interpretation of any provision of Title 17 SMC.

AB. Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
  - a. The land use decision has prejudiced or is likely to prejudice that person;
  - b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
  - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
  - d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

AC. Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:

1. Holder of fee title or a life estate;
2. Holder of purchaser's interest in a sale contract in good standing;
3. Holder of seller's interest in a sale contract in breach or in default;
4. Grantor of deed of trust;
5. Presumptively, a legal owner and a taxpayer of record;
6. Fiduciary representative of an owner;
7. Person having a right of possession or control; or
8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.



AD. Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in [SMC 17G.060.090](#).

AE. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

AF. Aquatic Life.

Shall mean all living organisms, whether flora or fauna, in or on water.

AG. Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

AH. Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of [SMC 17E.050.260](#).

AI. Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

1. Calcium,
2. Magnesium,
3. Sodium,
4. Total hardness,
5. Chloride,
6. Nitrate-nitrogen, and
7. Phosphorus.

AJ. Archaeological Areas and Historical Sites.

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

AK. Architectural feature

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

AL. Architectural Roof Structure

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the HFBC, such features may not be occupied.

~~AK-AM.~~ Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.



3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

~~AL~~AN. Area of Special Flood Hazard.

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

~~AM~~AO. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#),
3. "Collector Arterial" – [SMC 17A.020.030](#), or
4. "Parkway" – [SMC 17A.020.160](#).

~~AN~~AP. Assisted Living Facility.

A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.
2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

~~AQ~~AQ. Attached Housing.

Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:

1. Townhouses,
2. Row houses, and
3. Other similar structures

~~AP~~AR. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

~~AQ~~AS. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

~~AR~~AT. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot,



parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

~~AS-AU.~~ Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

**Section 2. That SMC section 17A.020.020 is amended to read as follows:**

AA. Backed Sign.

A sign where the faces of the sign are parallel or within twenty degrees of parallel to each other.

AB. Balloon Sign.

A sign that is blown up with air or gas.

AC. Bank Carving.

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

AD. Bank Erosion.

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

AE. Bankfull Width.

1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
2. For lakes, ponds, and impoundments, line of mean high water.
3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

AF. Banner.

A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind. See also Flag.

AG. Bas-relief

Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.

~~AG-AH.~~ Base Flood.

1. The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the "one hundred year flood."
2. Designation on maps always includes the letters A or V.



~~AH-AI.~~        Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

~~AI-AJ.~~        Bedrock.

Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.

~~AJ-AK.~~        Bee.

Any stage of development of the common domestic honeybee, *Apis mellifera* species.

~~AK-AL.~~        Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

~~AL-AM.~~        Best Available Science.

Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.

~~AM-AN.~~        Best Management Practices.

The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.

~~AN-AO.~~        Bikeways/Pathways.

Facilities designated for use by commuters and recreational users on foot or bicycle. The following types of bikeway facilities are identified and further defined in the Spokane Regional Pedestrian/Bikeway Plan published by the Spokane Regional Transportation Council:

1. Residential bikeway.
2. Shared-use lane.
3. Paved shoulder.
4. Bicycle lane.
5. Shared-use pathway.

~~AO-AP.~~        Binding Site Plan – Final.

A drawing to a scale which:

1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in [SMC 17G.080.060](#);
2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and
3. contains provisions making any development be in conformity with the site plan.

A binding site plan can only be used on property zoned commercial or industrial.

~~AP-AQ.~~        Binding Site Plan – Preliminary.

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

~~AQ-AR.~~        Block.

A group of lots, tracts, or parcels within well-defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two, unless an alley is desired, in which case a block is



comprised of two closed polygons bordered by street and alley right-of-way lines.

~~AR-AS.~~ Block Frontage.

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

~~AS-AT.~~ Board.

The board of county commissioners of Spokane County.

~~AT-AU.~~ Boating Facilities.

Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.

~~AU-AV.~~ Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

~~AV-AW.~~ Breakaway Wall.

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

~~AW-AX.~~ Breezeway.

A breezeway is a roofed passageway joining two separate structures.

~~AX-AY.~~ Building.

1. A "building" is a structure, or part, used or intended for supporting or sheltering any use or occupancy.
2. The term includes "factory-built structure" and "mobile home."
3. "Building" does not include a recreational vehicle.
4. "Building" means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

AZ. Building Base

The plinth or platform upon which a building wall appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

AA. Building Coverage.

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.
3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not



include the eave overhang.

**AB. Building Envelope.**

The area of a lot that delineates where a building may be placed.

**AC. Building Frontage**

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street

**AD. Build-to Line**

An alignment establishing a certain distance from the property line (street right-of-way line) along which the building is required to be built.

**AC-AE. Bulkhead.**

A solid or open pile wall erected generally parallel to and near the ordinary high-water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a "hard" shoreline stabilization measure.

**Section 3. That SMC section 17A.020.030 is amended to read as follows:**

**A. Candidate Species.**

A species of fish or wildlife, which is being reviewed, for possible classification as threatened or endangered.

**B. Carport.**

A carport is a garage not entirely enclosed on all sides by sight-obscuring walls and/or doors.

**C. Cellular Telecommunications Facility.**

They consist of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

**D. Central Business District.**

The general phrase "central business district" refers to the area designated on the comprehensive plan as the "downtown" and includes all of the area encompassed by all of the downtown zoning categories combined.

**E. Certificate of Appropriateness.**

Written authorization issued by the commission or its designee permitting an alteration or significant change to the controlled features of a landmark or landmark site after its nomination has been approved by the commission.

**F. Certificate of Capacity.**

A document issued by the planning services department indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

**G. Certified Erosion and Sediment Control Lead (CESCL).**

An individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess the:

1. site conditions and construction activities that could impact the quality of stormwater, and
2. effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.



The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State department of ecology.

- H. Change of Use.  
For purposes of modification of a preliminary plat, "change of use" shall mean a change in the proposed use of lots (e.g., residential to commercial).
- I. Channel Migration Zone (CMZ).  
A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.
- J. Channelization.  
The straightening, relocation, deepening, or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.
- K. City.  
The City of Spokane, Washington.
- L. Clear Street Width.  
The width of a street from curb to curb minus the width of on-street parking lanes.
- M. Clear Pedestrian Zone  
Area reserved for pedestrian traffic; typically included herein as a portion of overall sidewalk width to be kept clear of obstructions to foot traffic.
- N. Clear Zone.  
An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles.
- O. Clearing.  
The removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.
- P. Cliffs.
  - 1. A type of habitat in the Washington department of fish and wildlife (WDFW) priority habitat and species system that is considered a priority due to its limited availability, unique species usage, and significance as breeding habitat. Cliffs are greater than twenty-five feet high and below five thousand feet elevation.
  - 2. A "cliff" is a steep slope of earth materials, or near vertical rock exposure. Cliffs are categorized as erosion landforms due to the processes of erosion and weathering that produce them. Structural cliffs may form as the result of fault displacement or the resistance of a cap rock to uniform downcutting. Erosional cliffs form along shorelines or valley walls where the most extensive erosion takes place at the base of the slope.
- Q. Closed Record Appeal Hearing.  
A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application. No new testimony or submission of new evidence and information is allowed.



- R. Collector Arterial.  
A relatively low speed street serving an individual neighborhood.
1. Collector arterials are typically two-lane roads with on-street parking.
  2. Their function is to collect and distribute traffic from local access streets to principal and minor arterials.
- S. Co-location.  
Is the locating of wireless communications equipment from more than one provider on one structure at one site.
- T. Colony.  
A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen, and brood.
- U. Commercial Driveway.  
Any driveway access to a public street other than one serving a single-family or duplex residence on a single lot.
- V. Commercial Vehicle.  
Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.
- W. Commission – Historic Landmarks.  
The City/County historic landmarks commission.
- X. Community Banner.  
A temporary banner made of sturdy cloth or vinyl that is not commercial advertising that has the purpose of the promotion of a civic event, public service announcement, holiday decorations, or similar community and cultural interests and is placed on a structure located in the public right-of-way, subject to procedures authorized by city administrator.
- Y. Community Meeting.  
An informal meeting, workshop, or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.
1. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public, and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
  2. A community meeting does not constitute an open record hearing.
  3. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.
- Z. Compensatory Mitigation.  
Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:
1. Restoration.  
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.
  2. Re-establishment.  
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland.



Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

3. Rehabilitation.  
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.
4. Creation (Establishment).  
The manipulations of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.
5. Enhancement.  
The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.
6. Protection/Maintenance (Preservation).  
Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

AA. Comprehensive Plan.

The City of Spokane comprehensive plan, a document adopted pursuant to chapter 36.70A RCW providing land use designations, goals and policies regarding land use, housing, capital facilities, housing, transportation, and utilities.

AB. Conceptual Landscape Plan.

A scale drawing showing the same information as a general site plan plus the location, type, size, and width of landscape areas as required by the provisions of [chapter 17C.200 SMC](#).

1. The type of landscaping, L1, L2, or L3, is required to be labeled.
2. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.

AC. Concurrency Certificate.

A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to [chapter 17D.010 SMC](#), Concurrency Certification.



AD. Concurrency Facilities.

Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:

1. transportation,
2. public water,
3. fire protection,
4. police protection,
5. parks and recreation,
6. libraries,
7. solid waste disposal and recycling,
8. schools, and
9. public wastewater (sewer and stormwater).

AE. Concurrency Test.

The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in [SMC 17D.010.020](#).

AF. Conditional Use Permit.

A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.

AG. Condominium.

Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

AH. Confidential Shelter.

Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.

AI. Congregate Residence.

A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.

AJ. Conservancy Environments.

Those areas designated as the most environmentally sensitive and requiring the most protection in the current shoreline master program or as hereafter amended.

AK. Container.

Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.

AL. Context Areas

Established by the Regulating Plan, Context Area designations describe and direct differing functions and features for areas within HFBC limits, implementing community goals for the built environment.



~~AK-AM.~~ Conveyance.

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means a mechanism for transporting water from one point to another, including pipes, ditches, and channels.

~~AL-AN.~~ Conveyance System.

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, and most flow control and water quality treatment facilities.

~~AM-AO.~~ Copy.

Letters, characters, illustrations, logos, graphics, symbols, writing, or any combination thereof designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental, or lease of premises.

~~AN-AP.~~ Cottage Housing.

1. A grouping of individual structures where each structure contains one dwelling unit.
2. The land underneath the structures is not divided into separate lots.
3. A cottage housing development may contain no less than six and no more than twelve individual structures in addition to detached accessory buildings for storing vehicles. It may also include a community building, garden shed, or other facility for use of the residents.

~~AQ-AQ.~~ Council.

The city council of the City of Spokane.

~~AP-AR.~~ County.

Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.

~~AQ-AS.~~ Covenants, Conditions, and Restrictions (CC&Rs).

A document setting forth the covenants, conditions, and restrictions applicable to a development, recorded with the Spokane County auditor and, typically, enforced by a property owner's association or other legal entity.

~~AR-AT.~~ Creep.

Slow, downslope movement of the layer of loose rock and soil resting on bedrock due to gravity.

~~AS-AU.~~ Critical Amount.

The quantity component of the definition of critical material.

~~AT-AV.~~ Critical Areas.

Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas, or wetlands as defined under [chapter 17E.010 SMC](#), [chapter 17E.020 SMC](#), [chapter 17E.030 SMC](#), [chapter 17E.040 SMC](#), and [chapter 17E.070.SMC](#).

~~AU-AW.~~ Critical Facility.

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to:



1. schools;
2. nursing homes;
3. hospitals;
4. police;
5. fire;
6. emergency response installations; and
7. installations which produce, use, or store hazardous materials or hazardous waste.

AV-AX. Critical Material.

1. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
  - a. domestic and industrial water supply,
  - b. agricultural irrigation,
  - c. stock water, and
  - d. fish propagation.

Used herein, the designation is distinguished from state or other designation.
2. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

AW-AY. Critical Material Activity.

1. A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials.
2. A list of critical materials activities is contained in the Critical Materials Handbook.

AX-AZ. Critical Materials Handbook.

1. The latest edition of a publication as approved and amended by the division director of public works and utilities from time to time to accomplish the purposes of this chapter. The handbook is based on the original prepared by the Spokane water quality management program ("208") coordination office, with the assistance of its technical advisory committee. It is on file with the director of engineering services and available for public inspection and purchase.
2. The handbook, as approved and modified by the division director of public works and utilities , contains:
  - a. a critical materials list,
  - b. a critical materials activities list, and
  - c. other technical specifications and information.
3. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

AY-AAA. Critical Review.

The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer



and/or implementation of the Spokane aquifer water quality management plan.

**BA. Critical Review Action.**

1. An action by a municipal official or body upon an application as follows:
  - a. Application for a building permit where plans and specifications are required, except for Group R and M occupancies ([SMC 17G.010.140](#) and [SMC 17G.010.150](#)).
  - b. Application for a shoreline substantial development permit ([SMC 17G.060.070\(B\)\(1\)](#)).
  - c. Application for a certificate of occupancy ([SMC 17G.010.170](#)).
  - d. Application for a variance or a certificate of compliance ([SMC 17G.060.070\(A\)](#) or [SMC 17G.060.070\(B\)\(1\)](#)).
  - e. Application for rezoning ([SMC 17G.060.070\(A\)](#)).
  - f. Application for conditional permit ([SMC 17G.060.070\(A\)](#)).
  - g. Application for a business license ([SMC 8.01.120](#)).
  - h. Application for a permit under the Fire Code ([SMC 17F.080.060](#)).
  - i. Application for a permit or approval requiring environmental review in an environmentally sensitive area ([SMC 17E.050.260](#)).
  - j. Application for connection to the City sewer or water system.
  - k. Application for construction or continuing use of an onsite sewage disposal system ([SMC 13.03.0149](#) and [SMC 13.03.0304](#)).
  - l. Application for sewer service with non-conforming or non-standard sewage ([SMC 13.03.0145](#), [SMC 13.03.0314](#), and [SMC 13.03.0324](#)).
  - m. Application involving a project identified in [SMC 17E.010.120](#).
  - n. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
  - o. Application for an underground storage tank permit ([SMC 17E.010.210](#)); and
  - p. Application for permit to install or retrofit aboveground storage tank(s) ([SMC 17E.010.060\(A\)](#) and [SMC 17E.010.400\(D\)](#)).
2. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

**BA. Critical Review Applicant.**

A person or entity seeking a critical review action.

**BB. Critical Review Officer – Authority.**

1. The building official or other official designated by the director of public works and utilities.
2. For matters relating to the fire code, the critical review officer is the fire official.
3. The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.



4. The critical review officer imposes requirements based upon this chapter, regulations, and the critical materials handbook.
5. The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter.

**BC. Critical Review Statement.**

A checklist, disclosure form, or part of an application for a critical review action, disclosing the result of critical review. Where not otherwise provided as part of the application process, the critical review officer may provide forms and a time and place to file the statement.

**BD. Cumulative Impacts.**

The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

**BE. Curb Ramp.**

A ramp constructed in the sidewalk to allow wheelchair access from the sidewalk to the street.

**BF. Cutbank.**

The concave bank of a moving body of water that is maintained as a steep or even overhanging cliff by the actions of water at its base.

**Section 4. That SMC section 17A.020.050 is amended to read as follows:**

**A. Early Notice.**

The lead agency's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (Mitigated Determination of Nonsignificance [DNS] procedures).

**B. Easement.**

A right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes.

**C. Eave**

The lower border of a roof that overhangs the wall, typically associated with exposed sloped roof elements.

**D. Ecological Functions.**

Or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201(2)(c).

**E. Ecologically Intact Shorelines.**

Those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is



intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Ecologically intact status of a shoreline is determined on a case-by-case basis.

**E-F. Economic Hardship.**

An owner's inability to make reasonable economic use of a historic structure as determined pursuant to [SMC 17D.040.230](#).

**F-G. Ecosystem-wide Processes.**

The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

**G-H. Electric Sign.**

Any sign containing electrical wiring, lighting, or other electrical components, but not including signs illuminated by a detached exterior light source.

**H-I. Elevated Building.**

For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**I-J. Emergent Wetland.**

A wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous wetland vegetation as the uppermost vegetative strata.

**K. Enclosed Roof Structure**

Conditioned, occupiable structure extending beyond the roof line of a building; commonly termed a penthouse. For purposes of the HFBC, Enclosed Roof Structures must be set back from the parapet of a building to qualify for height limit exceptions.

**J-L. Endangered Species.**

A wildlife species whose prospects for survival are in immediate danger because of a loss or change in habitat, exploitation, predation, competition, disease, disturbance, or contamination and that are designated as such by a governmental agency.

**K-M. Enhancement.**

See "Compensatory Mitigation" ([SMC 17A.020.030](#)).

**L-N. Erosion.**

The wearing away of the ground surface as a result of mass wasting or the movement of wind, water, soil, and/or ice.

**M-O. Essential Habitat.**

Habitat necessary for the survival of federally listed threatened, endangered and sensitive species and state listed priority species.

**N-P. Ex Parte Communication.**

Any oral or written communication made by any person, including a City employee or official, pertaining to a matter that is or will be within the jurisdiction of the hearing examiner made outside of a public record.

**O-Q. Existing Manufactured Home Park or Subdivision – Floodplain.**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a



minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 1, 2004.

~~P-R.~~ P-R. Exotic.

Any species of plants or animals that are not indigenous and are foreign to the planning area.

~~Q-S.~~ Q-S. Expansion to an Existing Manufactured Home Park or Subdivision – Floodplain.

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

~~R-T.~~ R-T. Extirpation.

The local destruction of or extermination of a species.

~~S-U.~~ S-U. Extraordinary Hardship.

That the strict application of the provisions of this code and/or rules adopted to implement this code would prevent all economically viable use of the property.

**Section 5. That SMC Section 17A.020.060 is amended to read as follows:**

A. Facade.

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.

A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner's exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.

The department, district, or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.

1. "Factory-built housing" is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

E. Fair Market Value.

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

F. Fascia Sign.

A single-faced sign attached flush to a building or other structure or a sign consisting



of light projected onto a building or other structure. Fascia signs do not include signs that are attached to or projected onto structures defined as sign structures by this chapter.

G. Feasible (Shoreline Master Program).

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
  - a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
  - b. The action provides a reasonable likelihood of achieving its intended purpose; and
  - c. The action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

H. Feature.

To give special prominence to.

I. Feeder Bluff.

Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

J. Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under [chapter 17D.020 SMC](#), Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.



3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
  4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
  5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
  6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.
- M. Flag.  
A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also "Banner."
- N. Float.  
A floating platform similar to a dock that is anchored or attached to pilings.
- O. Flood Insurance Rate Map or FIRM.  
The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.
- P. Flood Insurance Study (FIS).  
The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- Q. Flood or Flooding.  
A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland waters; or
  2. The unusual and rapid accumulation of runoff of surface waters from any source.
- R. Flood-proofing.  
Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.
- S. Floodway.  
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- T. Floor Area.  
The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:
1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
  2. Roof area, including roof top parking.
  3. Roof top mechanical equipment.
  4. Attic area with a ceiling height less than six feet nine inches.
  5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and



6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).

U. Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

V. Focused Growth Area.

W. Form-Based Code; FBC; FBC Limits

The Form-Based Code; physical limits or boundaries where the Hamilton Form-Based Code applies. FBC Limits are expressed in SMC 17C.XXX

~~V~~.X.

Includes mixed-use district centers, neighborhood centers, and employment centers.

~~W~~.Y. Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

~~X~~.Z. Freestanding Sign.

A sign on a frame, pole, or other support structure that is not attached to any building.

~~Y~~.AA. Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

**Section 5. That SMC section 17A.020.070 is amended to read as follows:**

A. Gabions.

Works composed of masses of rock, rubble, or masonry tightly enclosed usually by wire mesh so as to form massive blocks. They are used to form walls on beaches to retard wave erosion or as foundations for breakwaters or jetties.

B. Garage.

1. A covered structure designed to provide shelter for vehicles, and which is accessory to a use in these structure types:
  - a. houses,
  - b. attached houses,
  - c. duplexes, or
  - d. mobile homes.
2. Carports are considered garages.
3. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage.
4. A garage may be attached to or detached from another structure.

C. Garage Wall Length.

The garage wall length is determined by measuring the length of the specific side of a structure that is backed by garage space. The garage wall length is not limited to the

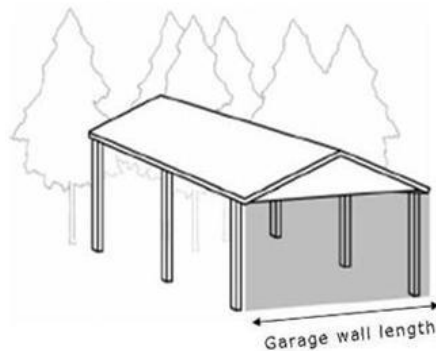


length of the garage door; it includes all the length on the specified side of a structure between the walls of the garage (see Figure 17A.020.070.A). For carports, the garage wall length is determined by measuring the length extending from the outer edges of the roof. (See Figure 17A.020.070.B)

Figure 17A.020.070.A



Figure 17A.020.070.B



D. General Site Plan.

1. An informal map of a proposed subdivision; or
2. A scale drawing showing the:
  - a. actual dimensions and shape of the site to be built upon;
  - b. size and location of existing buildings on the site to the nearest foot; and
  - c. location and dimensions of proposed building(s), structure(s) and alteration(s).

E. Genetic Diversity.

The variety of different genes within a species. The larger the variety of genes in the gene pool of a species, or the less related the breeding individuals are, the greater the chances of that species surviving various adversities, such as disease.

F. Geologically Hazardous Area.

An area that because of its susceptibility to erosion, sliding, or other geological events is not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns.



G. Geotechnical Report.

1. Or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified professional that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions, and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties.
2. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local geology and processes.

H. Glazing

Glass as used in building façades, including windows, transoms and glass portions of storefronts.

H.I. Grade.

The "grade" of a building is defined in the International Building Code, Sec. 502.1 as a grade plane representing the average of finished ground level adjoining the building of exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (one thousand eight hundred twenty-nine mm) from the building, between the building and a point six feet (one thousand eight hundred twenty-nine mm) from the building.

I.J. Groins.

A bank of shore-protection structure in the form of a barrier oblique to primary motion of water, deigned to control movement of bed material.

J.K. Ground Disturbing Activity.

Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Ground disturbing activities include, but are not limited to demolition, construction, clearing, grading, filling, logging, and excavation.

K.L. Ground Water.

Water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

L.M. Group Living Structure.

A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for group living uses.

**Section 6. That SMC section 17A.020.080 is amended to read as follows:**

A. Habitat.

What plants and animals call "home." Habitat for a particular plant or animal consists of the elements it needs to survive. These elements may be tied to temperature, water, soil, sunlight, source of food, refuge from predators, place to reproduce and other living and non-living factors. (taken from department of fish and wildlife).



- B. **Habitat Blocks.**  
Sections of habitat, such as grasslands, forest lands, or riparian areas. These can be either adjacent to other sections, or blocks, of habitat or isolated within urban areas.
- C. **Habitat Conservation.**  
Protection or preservation of habitat by various means, such as regulation or acquisition.
- D. **Habitat Fragmentation.**  
The separation or breakup of a habitat area into smaller sections or habitat blocks by activities, such as development, logging, and agriculture, often resulting in degraded habitat due to blocked migration corridors and decreased access to water and feeding areas. It can also create isolated populations of wildlife and a decrease in their genetic diversity.
- E. **Habitat Management Plan.**  
A fish and wildlife management plan developed to preserve and protect the ecological conditions and habitat specific to a particular site or location. Habitat management plans incorporate best management practices.
- F. **Hazard Tree.**  
Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which, because of its location, is at risk of damaging permanent physical improvements to property or causing personal injury.
- G. **Hazardous Material.**  
Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.
- H. **Hearing Officer.**
1. A person or reviewing body appointed by the mayor to consider appeals under [SMC 17E.010.140](#).
  2. The officer makes reasonable rules and procedures for the conduct of the hearings authorized hereunder.
- I. **Height.**  
The height of a building is as defined in the International Building Code, Sec. 502.1 as "building height," the vertical distance from grade plane to the average height of the highest roof surface. Building height for structures in the residential zones is referenced in [SMC 17C.110.215](#), Building Height.
- J. **High Quality Vegetative Buffer.**  
A wetland buffer comprised of multilevel dense native vegetation including shrubs.
- K. **Historic Landmark.**  
An historic site, object, building or structure designated pursuant to this chapter that serves as an example of the cultural, historical, architectural or archaeological development of Spokane and Spokane County.
- L. **Historic Preservation Officer (HPO).**  
The person charged with the daily operation of the historic preservation office and who:
1. under the administrative direction of the director of planning, community and economic development, conducts the work program of the City/County historic preservation office; and



2. serves as the primary staff person for the City/County landmarks commission.
- M. Hive.  
Any Langstroth type structure with movable-frames intended for the housing of a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.
- N. Homeowners' Association.  
Any combination or group of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision, or planned unit development. A homeowners' association shall be an entity legally created under the laws of the State of Washington.
- O. House.  
A detached dwelling unit located on its own lot.
- P. Household.  
A housekeeping unit consisting of:
1. an individual;
  2. two or more persons related by blood or marriage;
  3. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
  4. adult family homes as defined under Washington State law; or
  5. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and
  6. up to six residents not related by blood or marriage, or in conjunction with any of the above individuals or groups, may occupy a dwelling unit. For purposes of this section, minors living with parent or legal guardian shall not be counted as part of the maximum number of residents.
- Q. Household Pet.  
Any animal such as a cat, dog, rabbit, or bird (canary, parakeet, etc.), amphibian/reptile (turtle, lizard, etc.), rodent (rat, mouse, gerbil, etc.), or tropical fish that lives in or is kept within a residence or on a property contain the owner's residence. Young household pets under the age of four months are not included when counting household pets.
- R. Hydraulic Project Approval (HPA).  
A permit issued by the State department of fish and wildlife for modifications to waters of the State in accordance with RCW 77.55.
- S. Hydric Soil.  
Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Field Indicators of Hydric Soils in the United States 6.0 or as amended.
- T. Hydrophytic Vegetation.  
Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

**Section 7. That SMC section 17A.020.090 is amended to read as follows:**



- A. Illegal Discharge.  
Any direct or indirect non-storm water discharge to MS4.
- B. Illicit Connection(s).  
Any man-made conveyance that is connected to the MS4 in violation of [chapter 17D.060 SMC](#).
- C. Illicit Discharge.  
This term is covered in [SMC 17D.060.190](#).
- D. Illuminated Wall Highlights.  
Lighted areas that highlight a building's architectural or structural features and that do not convey a message or image. Illuminated wall highlights can either be created by light projected onto a feature or highlighting a feature with neon tubing or other light fixture.
- E. Impact Fee.  
A charge or fee assessed by the City which mitigates all or any portion of a direct impact.
- F. Impermeable Sediment.  
Sediment restricting the flow of water.
- G. Impervious Surface  
Ground surfaces and coverings composed of water-impenetrable materials such as asphalt, concrete, brick, stone and rooftops.
- G.H. Improvements.  
Improvements require under conditions of approval such as streets, drainage facilities, and utilities.
- H.I. Incentives.  
Such rights or privileges as may from time to time exist to compensate the owner for the imposition of controls on a designated district or landmark.
- I.J. In-ground Storage Tank (IST).  
Any one or a connected combination of tanks that is used to contain an accumulation of liquid critical materials, the aggregate of which (including the volume of piping connected thereto) is more than sixty gallons that is situated to any degree within the ground, and the entire exterior surface of the tank cannot be fully visually inspected. The surface area of tank located above the ground will be treated as an aboveground storage tank (AST), and the area below the ground will be treated as an underground storage tank (UST).
- J.K. In-kind Compensation.  
The restoration or replacement of a wetland with hydrogeomorphic characteristics closely approximating those of a specified wetland.
- K.L. Inner Gorge Slope.  
Canyon walls created by a combination of stream downcutting/undercutting and mass wasting on the slope walls. Inner gorges may show evidence of recent movement, such as landslides, surface erosion, vertical tracks of disturbance vegetation, or areas that are concave in contour and/or profile. The steepness of inner gorges varies with the underlying materials. Slope gradients as gentle as about twenty-eight degrees (fifty-three percent) can be unstable in gorges, cut into incompetent bedrock, weathered materials or unconsolidated deposits. A minimum vertical height of ten feet is usually applied to distinguish between inner gorges and slightly incised streams. The top edge of an inner gorge is typically distinguished by a distinct break in slope. The upper boundary of an inner gorge is assumed to be a line along the first break in slope



of at least ten degrees (seventeen percent).

**L.M.** In-stream Structure.

A structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

**M.N.** Infiltration.

The downward entry of water into the immediate surface of soil.

**N.O.** Integral Curb and Gutter.

Concrete curb and gutter which is formed and placed as one unit.

**O.P.** "Interior Noise Level" means the average level of sound expressed in decibels (dB) measured in any habitable room with exterior windows and doors closed.

**P.Q.** Interpretive Signs.

A sign that identifies historic buildings or sites where important events occurred or which serve educational, cultural, historical, or scientific purposes.

**Q.R.** Interstitial Monitoring.

A method of leak detection based on determining if there has been a failure of one of the containment layers surrounding an interstitial space. Monitoring methods may include the:

1. detection of pressure changes within the space;
2. detection of vapors from the contained material within the space; or
3. physical detection of contained material, or water from outside the container, within the space.

**R.S.** Interstitial Space.

The volume between two separate layers of a secondary or multiple containment system. The space may be filled with air or other gas or it may be filled with a porous material.

**S.T.** Invasive Species.

A species that is:

1. non-native (or alien) to city of Spokane; and
2. whose introduction causes or is likely to cause economic or environmental harm, or harm to human health.

Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive species introductions.

**T.U.** Isolated Wetlands.

Those wetlands which:

1. are outside of and not contiguous to any hundred-year floodplain of a lake, river, or stream; and
2. have no contiguous hydric soil or hydrophytic vegetation between the wetland and any waters of the United States.

**Section 8. That SMC section 17A.020.150 is amended to read as follows:**



- A. Object.  
A thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
- B. Off-site Compensation.  
Restoration or replacement of a wetland within its primary drainage basin, but not adjacent to the site on which a wetland has been or will be degraded. Locations within the City and in the same drainage are preferred and required when feasible. Spokane County locations in reasonable proximity and preferably in the same drainage will be considered when no practicable City location exists.
- C. On-site Compensation.  
Restoration or replacement of wetland at or very near the site where a wetland has been or will be degraded by a regulated activity.
- D. On-site Stormwater Facilities.
1. Physical improvements or design characteristics on a premises with a function to control, prevent, diminish, dissipate, treat, deflect or slow down the rate and/or volume of stormwater runoff or flows entering the public right-of-way, the public sanitary or storm sewer system, or to reduce flooding and erosion on public or private property.
  2. Examples include, but are not limited to, catch basins, pipes, ponds, impoundments, inlets and drains, as well as biotic or landscaping components such as grassy swales, drainage areas, easements, or other kinds of onsite drainage systems.
- E. Open Record Hearing.  
A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that creates a record through testimony and submission of evidence and information (RCW 36.70B.050(2)).
- F. Open Roof Structure  
A non-conditioned, open structure typically providing shade and casual gathering space and incorporating a pergola, arbor or trellis. For purposes of the HFBC, Open Roof Structures may include partial-height screen walls on no more than one side.
- F-G. Open Water Component.  
Wetlands having any areas of standing water present for more than one month at any time of the year without emergent, scrub-shrub or forested vegetation. Open water includes any aquatic beds.
- G-H. Ordinance.  
The ordinance, resolution, rules or other procedure used by the City of Spokane, Spokane County, Spokane regional health district, and Spokane County air pollution control authority to adopt regulatory requirements.
- H-I. Ordinary High Water Mark.  
The mark that is found by examining the bed and banks of a water body and ascertaining where the presence and action of waters are so common and usual and so long continued in all ordinary years as to mark upon the soil and vegetation a character distinct from that of the abutting upland.
- I-J. Ordinary Repair and Maintenance.  
Work the purpose and effect of which is to correct any deterioration or decay of, or damage to, the real property or structural appurtenance thereon and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.
- J-K. Outdoor Display.



1. The outdoor display of products, vehicles, equipment and machinery for sale or lease.
2. Outdoor display is an outdoor showroom for customers to examine and compare products.
3. There is variety or a distinction among the goods on display, through different products, brands or models.
4. The display area does not have to be visible to the street.
5. Exterior display does not include goods that are being stored or parked outside. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Outdoor display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered outdoor storage.
6. Examples of uses that often have outdoor display are car and boat sales and leasing, and plant nurseries.
7. See also, "Outdoor Work Activities and Outdoor Storage."

#### K-L. Outdoor Storage.

1. The outdoor storage of goods that generally have little or no differentiation by type or model.
2. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare.
3. Outdoor storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare.
4. Outdoor storage includes the storage of raw or finished goods (packaged or bulk), including:
  - a. gases, oil, chemicals, gravel, building materials, packing materials, salvage goods, machinery, tools and equipment;
  - b. vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare;
  - c. vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; and
  - d. other similar items.
5. The storage of recreational vehicles outdoors is also considered outdoor storage.
6. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are also included as outdoor storage.
7. Examples of uses that often have outdoor storage are lumberyards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments and port facilities.
8. See also "Outdoor Display" and "Outdoor Work Activities."

#### L-M. Outdoor Work Activities.

1. Include the outdoor processing, assembly or fabrication of goods; the maintenance, repair and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation.
2. Outdoor work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, outdoor eating areas, outdoor recreation or outdoor markets.



3. See "Outdoor Display" and "Outdoor Storage."

~~M.N.~~ Out-of-kind Compensation.

The restoration or creation of a wetland with vegetation and other characteristics not resembling those of a specified wetland.

~~N.O.~~ Owner/Ownership Interest.

Owners are all persons having a real property interest. Owners include with respect to real property:

1. holder of fee title or a life estate;
2. holder of purchaser's interest in a sale contract in good standing;
3. holder of seller's interest in a sale contract in breach or in default;
4. grantor of deed of trust;
5. presumptively, a legal owner and a taxpayer of record;
6. fiduciary representative of an owner;
7. person having a right of possession or control; or
8. any one of a number of co-owners, including joint, in common, by entireties and spouses as to community property.

**Section 9. That SMC section 17A.020.160 is amended to read as follows:**

A. Painted Wall Highlights.

Painted areas that highlight a building's architectural or structural features and that do not convey a message or image.

B. Painted Wall Sign.

A sign applied to a building wall with paint or a thin layer of vinyl, paper, or similar material adhered directly to the building surface and that has no sign structure.

C. Parcel.

See "Lot" ([SMC 17A.020.120](#)).

D. Parkway.

1. A street serving as a principal, minor, or collector arterial, typically with recreational or scenic opportunities.
2. Parkways will often have landscaped medians.

E. Party of Record.

Any person who has appeared at a hearing of the hearing examiner by presenting testimony or making written comment.

F. Paved Area.

1. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses.
2. Graveled areas are not paved areas.

G. Pedestrian Buffer Strips (PBS).

A hard-surfaced or planted area(s) between travel or parking lanes and sidewalks, also called planting strips. PBS improves safety by separating vehicles and pedestrians and



provide space for drainage, street trees and snow storage.

H. Pedestrian Path

A continuous, unobstructed, reasonably direct route between an on-site parking lot and a Primary Building Entry designed and suitable for pedestrian use. Minimum requirements for Pedestrian Paths are listed in Section 4.2b of the HFBC.

I. Pedestrian-Scaled Fixtures (lighting)

Pole-mounted light fixtures placed and designed to illuminate foot-traffic areas including exterior lots, pathways or sidewalks. For purposes of the HFBC, Pedestrian-Scaled Fixtures are defined by height as measured from ground to bottom of shade or bulb.

J. Pedestrian-Scaled Signs

Permanent, first-floor, exterior signs designed and placed to address pedestrian traffic; may be mounted flush with or projecting from a column, building wall, awning or transom.

H-K. \_\_\_\_\_ Pedestrian Street.

1. A street designated on the official zoning map as a pedestrian street where development standards are required to promote a pedestrian friendly street. Pedestrian streets offer a pleasant and safe walking environment.
2. Design features include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk.

I-L. Performance Guarantee.

A "financial guarantee" providing for and securing to the City the actual construction and installation of the required improvements.

J-M. \_\_\_\_\_ Performance/Warranty Retainer.

A "financial guarantee" both providing for and securing to the City the actual construction and installation of such improvements, and securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of the improvements.

K-N. \_\_\_\_\_ Permanent Erosion and Sediment Control Measures.

A combination of plants, mulch, sod, matting, erosion control blankets, and permanent structures that will provide long-term soil stabilization.

L-O. \_\_\_\_\_ Permanent Sign.

Any sign not classified as a temporary sign.

M-P. \_\_\_\_\_ Permanent Stabilization.

See Permanent Erosion and Sediment Control Measures.

N-Q. \_\_\_\_\_ Permeable Sediment.

Sediment permitting the flow of water.

O-R. \_\_\_\_\_ Person.

Any natural person, whether acting individually or in a representative capacity, partnership, joint venture, corporation, or other legal entity.

P-S. \_\_\_\_\_ Pier.

Any platform structure, fill, or anchored device in or floating upon water bodies to provide moorage for watercraft engaged in commerce, including, but not limited to, wharves, mono-buoys, quays, ferry terminals, and fish weighing station.



~~Q-T~~.          Pitched Roof Sign.

A sign attached to a roof with a pitch of one-to-four or greater and placed parallel to the building wall.

~~R-U~~.          Planned Capacity.

For all capital facilities, except transportation, capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion, or modification project is contained in the current adopted City of Spokane comprehensive plan, capital improvement program and scheduled to be completed within six years. (RCW 36.70A.020).

~~S-V~~.          Planned Capacity for Transportation Facilities.

Capacity for transportation facilities, including roads and transit, that does not exist, but where transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

1. These strategies may include:
  - a. increased public transportation service,
  - b. ride sharing programs,
  - c. demand management, and
  - d. other transportation systems management strategies.
2. For transportation facilities, "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(b)).

~~T-W~~.          Planned Unit Development (PUD).

1. A planned unit development is a project permit for an overlay zone, approved by the hearing examiner, which does not fully comply with all of the development standards of the base zone in which it is located, but is approved based on superior or innovative design.
2. The City may permit a variety of types, design, and arrangement of structures and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety, and welfare.

~~U-X~~.          Plans.

Planning documents, which are developed by the various departments of the City, pertaining to the orderly development of public facilities.

Y. Planting Zone

Area for street trees, ground cover or other plantings; typically included herein as a portion of overall sidewalk width reserved for locating permanent trees and tree grates.

~~V-Z~~.          Plat – Final.

A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys, or other divisions and dedications and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

~~W-AA~~.          Plat – Preliminary.

1. A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a subdivision required by this chapter and chapter 58.17 RCW.



2. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

AA. Plaza.

1. Areas generally open to the public on a controlled basis and used for passive recreational activities and relaxation.
2. Plazas are paved areas typically provided with amenities, such as seating, drinking, and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

AB. Plinth

The base or platform upon which a building wall or column appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

~~AB-AC.~~ Pollutant.

1. Any substance which is prohibited or limited by applicable laws or regulations, which is released or discharged in conjunction with development.
2. Any substance that causes or contributes to violation of water quality standards, released or discharged.

~~AC-AD.~~ Pollution.

Contamination, or other alteration of the physical, chemical, or biological properties of wetlands, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into wetlands as will or is likely to cause a nuisance or render such wetlands harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation, or other aquatic life.

AA. Potential Geologically Hazardous Areas.

Areas designated on maps maintained in the City's planning services department. They are classified "potential" because they have not been confirmed by field investigation nor do they necessarily include the full extent of all geologically hazardous areas within the City. The maps are intended to alert property owners, purchasers, developers, etc., to the possible existence of significant geological hazards, which may warrant further geotechnical study.

AB. Practicable Alternative.

An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes and having less impact to critical areas. It may involve using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.

AC. Predevelopment Meetings.

Meetings between City or agency staff and an applicant or their representatives prior to formal submission of a detailed application. They are intended to provide an overview of the regulatory requirements, application process, and procedural submission requirements.

AA. Principal Buildings

Where multiple buildings occupy a single lot, those buildings that are associated with the prevailing use of that site



AB. Primary Building Entry

Access or entrance of first rank, importance or value, visually associated with the prevailing ground-floor use of a building.

~~AA-AC.~~ Primary Building Walls.

Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. (See Figure 1, [SMC 17C.240.130](#), Primary Building Walls)

~~AB-AD.~~ Primary Container.

The container that is in direct contact with the material of concern during the course of normal transport, use, or storage.

~~AC-AE.~~ Primary Drainage Basin.

The basin of the stream or tributary within which a project is proposed, not including basins of major tributaries. For the purpose of this regulation the primary drainage basin of:

1. Latah Creek is not a part of the primary drainage basin of the Spokane River,
2. Marshall Creek is not a part of the primary drainage basin of Latah Creek.

~~AD-AF.~~ Primary Structure.

1. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.
2. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

~~AE-AG.~~ Primary Use.

1. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed or ordinarily used.
2. A site may have more than one primary use.

~~AF-AH.~~ Principal Arterials.

A four- to six-lane street serving as a primary facility for access between the central business district, major employment districts, and major shopping centers.

~~AG-AI.~~ Priority Habitats.

Habitat areas determined by WDFW to have unique or significant value to many species and that meet one or more of the following criteria:

1. High wildlife density.
2. High species diversity.
3. Important wildlife breeding habitat.
4. Important wildlife seasonal ranges.
5. Important movement corridors.
6. Limited availability.
7. High vulnerability to habitat alteration.

~~AH-AJ.~~ Priority Species.

A wildlife species requiring protective measures for their perpetuation due to their



population status, their sensitivity to habitat alteration, and/or their recreational importance.

~~AI-AK.~~ Private Street.

Roadway which is not controlled or maintained by a public authority, and which serve two or more properties.

~~AJ-AL.~~ Project Permit or Project Permit Application.

Any land use or environmental permit or license required for a project action, including, but not limited to, building permits, short plats, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits, or approvals required by the critical area ordinance, and site specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations, except as otherwise specifically identified under RCW 36.70B.140.

~~AK-AM.~~ Projecting Sign.

A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

~~AL-AN.~~ Protected Species.

A general classification of animals by WDFW that includes all those species not classified as listed, game, fur-bearing, or non-protected. This also includes all birds not classified as game or non-protected.

~~AM-AO.~~ Proximity.

That two or more properties are either adjacent or separated by a street or alley.

~~AN-AP.~~ Public Access.

The public's right to get to and use the City's public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic streets and overlooks, viewing towers, and other public sites or facilities.

~~AO-AQ.~~ Public Facilities.

Any City-owned, operated, or contracted public facility or service in whole, or in part, whether existing or planned, including, but not limited to:

1. parks,
2. recreation facilities,
3. playgrounds,
4. streets,
5. transportation facilities,
6. open spaces,
7. fire facilities,
8. storm water drainage ponds, and
9. all such appurtenances and improvements.

~~AP-AR.~~ Public Property.

Any City-owned real property, air space, or other interest in real estate, including streets, alleys, or other public rights-of-way, owned by or controlled by this municipality or any other governmental unit.



~~AQ-AS.~~ Public Way.

1. A dedicated "public way" is a tract of land:
  - a. conveyed or reserved by deed,
  - b. dedicated by plat, or
  - c. acquired by decree of court,which has been accepted and dedicated by action of the city council to the public right-of-way and for secondary use as an easement for public utilities.
2. An "alley" is a public way, usually not exceeding sixteen feet in width, designed or intended to provide secondary access to abutting properties.

**Section 11. That SMC section 17A.020.220 is amended to read as follows:**

A. Variance.

A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by [Title 17 SMC](#).

B. Vegetative Classes.

Certain types of wetlands as defined by the U.S. fish and wildlife service's classification of wetlands and deepwater habitats of the United States, FWS/OBS-79-31 (Cowardin et al., 1979) and which are at least one-half acre in size or comprise at least ten percent of the entire wetland.

C. Vehicle-Scaled Fixtures (lighting)

Pole-mounted light fixtures placed and designed to illuminate vehicular-traffic areas including exterior lots, driveways and roadways. For purposes of the HFBC, Pedestrian-Scaled Fixtures are defined by height as measured from ground to bottom of shade or bulb

~~C.D.~~ Vehicle Types.

1. Commercial Vehicle.  
See "Commercial Vehicle" ([SMC 17A.020.030](#)).
2. Motor Vehicle.  
Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes:
  - a. motorcycles,
  - b. passenger vehicles,
  - c. trucks, and
  - d. recreational vehicleswith motive power. See also Passenger Vehicle, Recreational Vehicle, and Truck.
3. Passenger Vehicle.
  - a. A motor vehicle designed to carry ten persons or less including the driver.
  - b. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road use.
  - c. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and jeeps.



- d. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multi-purpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.
- 4. Recreational Vehicle.  
See "Recreational Vehicle" ([SMC 17A.020.180](#)).
- 5. Truck.
  - a. A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons.
  - b. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes, and other similar vehicles.
  - c. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.
  - d. Trucks are divided into three categories by size as stated below.
    - i. Light Truck.  
Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.
    - ii. Medium Truck.  
Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the "Heavy Truck" category.
    - iii. Heavy Truck.  
Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.
    - iv. Utility Trailer.  
A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is sixteen feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than sixteen feet in length are considered industrial vehicles and are regulated as heavy trucks.
  - e. See also Passenger Vehicle, and Recreational Vehicle.

**D.E. \_\_\_\_\_ Vernal Wetland System.**

Seasonal depressional wetlands typically occurring high in the drainage that derive their hydrology from rainfall and snow and a small immediate watershed. Vernal systems are formed as a result of accumulation of surface water in an isolated basin that at no time of the year would have a natural inlet or outlet and water is entirely absent from the surface part of the year.

**E.F. \_\_\_\_\_ Vested.**

The right to development or continue development in accordance with the laws, rules, and other regulations in effect at the time vesting is achieved.

**F.G. \_\_\_\_\_ Video Display Method.**

A video display method is a method of display characterized by real-time, full-motion imagery.

**G.H. \_\_\_\_\_ Vulnerable Species.**

Those species susceptible to significant population declines because they are



uncommon either within a specific area or statewide, have a very limited distribution, or have special space or habitat requirements.





OAKVILLE

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 10, 2010

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**FROM:** Planning Services

PD-024-10

**DATE:** April 19, 2010

**SUBJECT:** Drive-Through Facilities Zoning By-Law Amendment

**LOCATION:** Town wide

**WARD:** Town wide

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#### RECOMMENDATION:

That Zoning By-law Amendment 2010-047, a by-law to amend the Town's Comprehensive Zoning By-law 1984-63, as amended, regarding drive-through facilities, be passed.

#### KEY FACTS:

- On November 10, 2008, Planning and Development Council passed Interim Control By-law 2008-177 to prohibit drive-through facilities in order to provide staff the opportunity to undertake a study in respect of land use planning policies for drive-throughs and to prepare recommendations for amendments to the Zoning By-law as necessary.
- On September 14, 2009, Planning and Development Council brought forward a report entitled "Drive-through Facilities Study and Proposed Directions" which was received. Planning Services staff were directed to proceed with additional public consultation and also requested to review the setback requirements of drive-throughs from residential zones.
- Planning Services staff has held additional consultation with the public, further assessed the issues raised and prepared updated recommendations to the Town's Zoning By-law relating to drive-throughs.
- Planning Services staff are recommending amendments to the Town's Zoning By-law to define drive-throughs, restrict them from the Central Business District and Growth Area locations as provided for in Livable



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Oakville, require locational criteria and setbacks in C1, C2 and C6 zones; and define additional regulations for buffers and stacking spaces.

## **BACKGROUND**

On November 10, 2008, Planning and Development Council passed Interim Control By-law 2008-177 to prohibit drive-through facilities in order to provide staff with the opportunity to undertake a study in respect of land use planning policies for drive-throughs and to prepare recommendations for amendments to the Zoning By-law as necessary.

Planning Staff completed the Drive-Through Study in the summer of 2009 and it was presented to Planning and Development Council on September 14, 2009 for endorsement. Due to time limitations the drive-through study was not dealt with at the September 14<sup>th</sup> meeting and was forwarded onto the September 28, 2009 meeting for consideration. Discussions at that meeting focused largely on the proposed 15m separation distance from residential areas as suggested in the staff report and the need for further consultation on the proposed recommendations in general. There was consensus that further consultation should be undertaken and that an extension to the Interim Control By-law be passed to allow additional time for this consultation to be undertaken. The Interim Control By-law was therefore extended at the September 28, 2009 and the following motion was passed by Council:

- "1 The Planning Services Report #PD-072-09 entitled "Drive-Through Facilities Study and Proposed Direction" be received.*
- 1. That Planning Services be requested to review the setback requirements from residential zones taking into consideration the comments received at the public meeting and the setback requirements of other municipalities.*
  - 2. That Planning Services be requested to undertake further consultation and prepare a draft Zoning By-law for consideration at a future Planning and Development Council meeting."*

Following the Council resolution, staff undertook a further review of the setback requirements by updating its analysis of the regulations and setback requirements of other municipalities. Staff also undertook further consultation with the industry stakeholders and the community.



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## **POLICY FRAMEWORK**

The policy framework applicable to drive-throughs was set out in detail in PD-072-09. It is summarized again to provide the policy context in which the analysis has taken place.

### **Official Plan**

The Town's current Official Plan does not provide specific policies related to drive-through facilities. The Livable Oakville Plan prohibits new drive-through facilities within all of the Growth Areas:

- Downtown Oakville;
- Kerr Village;
- Uptown Core;
- Palermo Village;
- Bronte Village; and,
- Midtown Oakville.

These areas represent the majority of the areas where Mixed Use land use designations are applied. There are also some commercially designated areas, outside of the Growth Areas where the Mixed Use land use designations apply and as such drive-through facilities are not permitted. These areas include the Central Business District south of Kerr Village and west of the Downtown.

The Livable Oakville Plan also provides for a hierarchy of commercial land use designations to allow for a distribution of commercial centres to serve the community. Drive-throughs are generally permitted within the Core Commercial and Community Commercial centres as well as Business Commercial nodes which are predominantly located along arterial roads. The Livable Oakville Plan also contains numerous urban design policies which will work in conjunction with the Drive-Through Urban Design Guidelines to provide further direction for drive-through facilities throughout Oakville. The new urban design policies in the Livable Oakville Plan contain direction regarding site access, circulation, landscaping, parking, service, loading and storage areas, and signage and lighting.

The Urban Design Guidelines for drive-throughs will be updated as part of the comprehensive review being undertaken to develop a town-wide set of urban design guidelines which will further implement the Livable Oakville Plan.



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### **Existing Zoning Regulations**

The Town of Oakville Zoning By-law permits drive-through facilities in the majority of commercial and employment zones subject to varying regulations. Drive-throughs are currently permitted within the C1, C2, C6 and C3R zone subject to certain regulations. They are permitted through interpretation as “take-outs” in these zones (as noted by the “x” in the chart). Drive-throughs are also permitted within the C3, C3A, E1, E2 and T1 zones. However they are not permitted on a lot abutting a residential zone within these zones. The table below provides a summary of the current zoning regulations pertaining to drive-throughs.

Zone	Take outs	Drive-through	Regulation
<b>Commercial</b>			
<b>C1</b>	✓	X	9m side yard abutting a residential zone 13.5m rear yard abutting a residential zone 7.62m buffer strip abutting a residential zone
<b>C2</b>	✓	X	15m side and rear yard abutting a residential zone 7.62m buffer strip abutting a residential zone
<b>C3</b>	✓		Not permitted on a lot abutting a residential zone
<b>C3R</b>	✓		3m side and rear yard abutting a residential zone
<b>C3A</b>	✓		Not permitted on a lot abutting a residential zone
<b>C4</b>			Not a permitted use
<b>C5</b>			Not a permitted use
<b>C6</b>	✓	X	15m abutting a residential zone
<b>C7</b>			Not a permitted use
	<b>Take outs</b>	<b>Drive – through</b>	<b>Regulation</b>
<b>Employment</b>			
<b>E1</b>		✓	Not permitted on a lot abutting a residential zone
<b>E2</b>		✓	Not permitted on a lot abutting a residential zone
<b>T1</b>		✓	Not permitted on a lot abutting a residential zone

### **North Oakville Secondary Plans and Zoning By-law**



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The North Oakville East Secondary Plan specifically restricts drive-throughs in the Trafalgar Urban Core Area. The North Oakville West Secondary Plan does not have any specific references to drive-throughs. The North Oakville Zoning By-law defines drive-throughs but they are not identified as a permitted use in any of the existing zones.

Since the North Oakville lands were not part of the Interim Control By-law, any changes to the regulations for drive-throughs in the North Oakville Zoning By-law would have to come from a separate amendment. It is recommended that any resulting regulations approved through this Interim Control By-law study process be implemented into the North Oakville Zoning By-law by separate amendment to ensure a consistent approach to drive-throughs is applied to all areas of Town.

## **COMMENTS/DISCUSSION**

### **Review of setback requirements**

Planning staff have undertaken a further review of setback requirements imposed by other municipalities, particularly those located within the GTA, as directed by Council. Staff has compiled these regulations within a table which is attached to this report as Appendix "A". As shown in the table the setbacks vary among the municipalities surveyed and generally range anywhere from 10 meters to 60 metres. There is also a significant difference with respect to setbacks required from a residential zone to a building containing a drive through or to an intercom ordering station. It was also noted that some municipalities have provided for unique situations which could result in a reduction to the setback being considered such as the installation of noise attenuation barriers and/or landscaped buffers.

The review undertaken by planning staff reveals that there is not a consistent setback utilized by municipalities in dealing with drive-through facilities. In fact the setback requirements imposed by other municipalities vary greatly and are based on a variety of factors including the specific context of each community.

### **Additional Public Consultation**

In total six meetings have been held to receive input from the public on drive-through facilities. In addition to the public meetings, an informal qualitative on-line survey was undertaken to collect information on the views and attitudes towards drive-throughs. The on-line survey responses are not reliable as a source of statistically valid data by which to develop future policy on drive-through facilities and were only used to consider views and opinions..



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The first public meeting hosted by Planning Staff was a public open house held on May 7, 2009 to hear the views of the community on drive-throughs. Two residents and several stakeholders attended this open house. The second meeting was a statutory public meeting on September 14, 2009 before Planning and Development Council. Members of the public and stakeholders groups were present at this meeting and expressed their comments and concerns to Council.

As directed by Council at the September 14<sup>th</sup>, 2009 Planning and Development Council meeting additional meetings were held to further consult with the community. Four additional meetings were held to provide further opportunity for discussion and clarification of the issues. A summary of the additional meetings is provided as follows:

#### *Stakeholder Consultation Meeting*

The first meeting was a stakeholder meeting held on January 14, 2010. It was a well attended meeting with representatives from the Ontario Restaurant Hotel and Motel Association, McDonalds and Tim Horton's. There was a review of the current policies and design guidelines and there was discussion on the proposed directions as presented to the Planning and Development Council meeting on September 14, 2010. The stakeholders were concerned that any further regulations and restrictions would compromise the interests of local businesses in providing drive-through facilities which they believe are an essential customer service. The industry stakeholders also stressed the need to use evidentiary based noise and impact setbacks. The provision of a minimum site size was also discussed and the industry stressed that smaller sites can be very efficient if appropriately located. The industry further presented and discussed the RWDI study on air emissions and noted that the science was clear to show drive-throughs had less impact on air emissions than parking lots.

#### *Public Workshop Session*

The second meeting was a facilitated workshop session for those members of the public who attended and addressed Council at the September 14<sup>th</sup> P/D Council meeting as well as representatives from resident/neighbourhood groups were also invited to attend this meeting. The session provided an update on the drive-through study and generated considerable input from those who attended using the POWER tool for consultation. The discussion was focused around what people thought about the recommendations from the September 14<sup>th</sup> meeting including the positive aspects, objections to the recommendations, what else was important to people (other ideas and questions) as well as enhancements and other remedies. A summary of the session is found in Appendix "B". Among the many concerns expressed throughout the meeting the main issue was that drive-throughs should



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not be permitted within residential neighbourhoods and should be directed away from residential uses.

### *Second Stakeholder Meeting*

The third consultation meeting was held with the Canadian Petroleum Products Institute and followed the same format as the meeting held on January 14, 2010 with the larger stakeholders group. The main issues conveyed to staff by the group were similar to those expressed in the first industry meeting and those outlined in the Institute's letter to the Town dated March 18, 2010.

### *Public Open House*

A fourth consultation meeting was a Public Open House held on April 7<sup>th</sup>, 2010. There were approximately 80 people in attendance at this meeting. A brief presentation was followed by a question and answer period and an opportunity for attendees to express their comments and concerns to the group as a whole and on an individual basis with staff. A request was also made for written comments using the POWER tool. A summary of the comments provided at this meeting is attached to this report as Appendix "B".

### **Summary of Additional Comments and Information**

The focus of the additional consultation was in relation to the original six recommendations proposed within the Drive-Through Facilities Study and Proposed Directions report as presented to Planning and Development Council on September 14<sup>th</sup>, 2009, specifically:

1. that drive-throughs be restricted from locating within the C3R (commercial/residential) zones of Downtown Oakville, Bronte and Kerr Villages and further the Midtown Core, Palermo Village and the Uptown Core growth areas.
2. that a minimum 15m (50') setback be required for all yards of a drive-through facility, including the order station (intercom ordering station) which abuts a residential zone.
3. that a 7.62m (15') wide landscaped buffer and 1.8m (6') high board or masonry wall be provided along all property boundaries abutting a residential zone.
4. that a minimum of 10 vehicle stacking spaces for a restaurant and a minimum of 4 vehicle stacking spaces for all other drive-throughs be required.
5. that a minimum site size of 0.3 hectares be established.
6. that new definitions for "drive-through facility" and "stacking lane" be provided.



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### *Stakeholders and Industry Representative Input and Responses*

In the meetings with the stakeholders and industry representatives there was general discussion regarding existing zoning regulations for drive-throughs and the design guidelines that were approved in 2003. It was noted by the industry representatives that the Town's Urban Design Guidelines function relatively well when assessing site plan applications for drive-throughs and they felt that additional zoning regulations relating to setbacks and buffer areas were not necessary. They did agree that clarification on the definition of drive-throughs in the zoning by-law would be useful. They recognize that drive-throughs are not permitted in the Growth Areas through the Livable Oakville Plan and strongly disagree with this position. However, there are only two site specific appeals to the Livable Oakville Plan related to this restriction.

Although planning staff acknowledge that the Urban Design Guidelines have been an effective mechanism in the past by which to assess applications they are still only guidelines which are not mandatory and may not be adhered to on a site by site basis. Planning staff therefore remain of the opinion that Urban Design Guidelines need to be strengthened through an amendment to the Zoning By-law which will implement the guidelines.

Another concern expressed from the industry stakeholders was with respect to the proposed minimum site size for drive-throughs of 0.3 ha. They felt that requiring a minimum site size may be contrary to the Town's commitment to making the most efficient use of land as possible and may restrict flexibility in site design. Staff noted that a minimum site size requirement may not be necessary if all the other regulations proposed by staff in the initial report were approved. Based on these discussions staff have given this matter some further consideration and are not recommending a minimum site size requirement be added to the Zoning By-law. Staff recognizes the industry's efforts to continue to improve drive-through functions and efficiencies to reduce impacts and minimize idling. While the RWDI study identifies less impact from idling than parking lots, the fundamental direction for redevelopment through the Livable Oakville Plan and the plans for North Oakville are to reduce car usage and increase active transportation in communities.

### *Community and Public Input and Responses*

In the meetings with the public the primary concern expressed was with respect to the incompatibility of drive-through facilities in close proximity to residential uses and neighbourhoods. Many clearly stated that drive-throughs do serve a function by providing a convenience choice to consumers but the impacts associated with the operations and functions of drive-throughs as well as the built form they represent do not make them suitable land uses to be developed within or adjacent to stable



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residential areas. Many referred to the protection and enhancement of Oakville's stable residential areas being provided in the Livable Oakville Plan and the need for future development to uphold that principle. Most agreed that clarification of the definition of drive-throughs was needed. They also agreed that where drive-throughs are appropriate, zoning regulations should be in place to address stacking lanes and design and setbacks.

### *Setback Regulations*

As noted earlier in the report, the setbacks imposed in the zoning regulations of other municipalities vary greatly. The intent of a setback used to separate a use or building from another use or building should ensure the area between the uses and/or buildings is utilized in a way that mitigates impacts. Setbacks alone, however, do not ensure impacts are completely mitigated. Impacts related to traffic are best addressed through the zoning of uses at site locations that have adequate traffic capacity to provide for the use. The information provided through the Interim Control By-law study identified that most drive-throughs are located on major arterials to maximize usage and accommodate traffic volumes. Staff is recommending that this locational criteria be implemented in the zoning regulations in addition to the setbacks.

### **Staff Analysis and Recommendations**

Through the Interim Control By-law study a review of existing official plan policies, zoning regulations, drive-through guidelines and other municipalities' policies and guidelines was undertaken. Staff also reviewed the location of existing facilities and existing conditions. This review, in addition to the public consultation, identified a number of issues with respect to drive-through facilities which can generally be classified into the following categories:

- *Compatibility of drive-throughs and Impacts on adjacent residential land uses;*
- *Traffic and noise;*
- *Streetscape and urban design; and.*
- *Air quality.*

Drive-through facilities are dependent on a high volume of vehicular traffic and a high turnover of customers. As such they can have significant traffic impacts with respect to site access, stacking or queuing lanes, and can create conflicts between internal traffic, parking areas, and pedestrian traffic. Drive-through fast food restaurants also require outdoor speakers/ ordering boards which may create visual and noise impacts.



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Issues relating to drive-through facilities are often addressed through land use planning policies, provisions and regulations to ensure impacts are minimized and uses are adequately separated from residential uses. The Town's Urban Design Guidelines have proven to be an effective mechanism by which to mitigate the negative impacts associated with drive-through facilities in many cases. While the Town's Drive-Through guidelines provide assistance on these issues, the Town's current Zoning By-law does not implement the approved guidelines.

In addition, the Livable Oakville Plan is intended to move the Town towards greater sustainability. Sustainability is not just about reducing current environmental impacts but must address a change in policy to affect behaviour to eliminate such impacts. Staff understands there is a need to provide the community with a choice for convenience but also recognizes the importance of ensuring development within the stable residential communities and the commercial centres within those communities is in a form that is appropriate and one that moves away from car dependency. It is therefore being proposed that the zoning by-law be amended to implement the policies and direction as set out in the Livable Oakville Plan, as well as the implementation of the existing design guidelines on sites where drive-throughs would be permitted.

#### 1. Locational criteria

Staff has investigated numerous ways to address the land use compatibility issue associated with drive-through facilities. While many municipalities have addressed compatibility through setback requirements, staff believes that the most appropriate method of regulating drive-throughs in Oakville is to address compatibility through locational criteria. The most acceptable and the most appropriate location for drive-through facilities, even by admission of the industry stakeholders, is along major arterial roads where traffic volumes are significant. This locational criterion has been reviewed and considered in accordance with the current drive-through facility locations and the Town's Livable Oakville Plan as well as the current zoning provisions for drive-through facilities.

The drive-through guidelines currently discourage the location of drive-throughs in certain areas of the Town such as the downtowns where a traditional main street with a pedestrian streetscape is encouraged. In addition downtown locations have lot sizes and lot patterns that are generally not conducive to drive-throughs. The Growth Areas and Central Business Districts are all evolving urban areas. They are not appropriate areas in which to locate drive-throughs. It is recommended that the Zoning By-law be amended to prohibit the location of new drive-throughs in these areas to be consistent with the Town's Livable Oakville policies.



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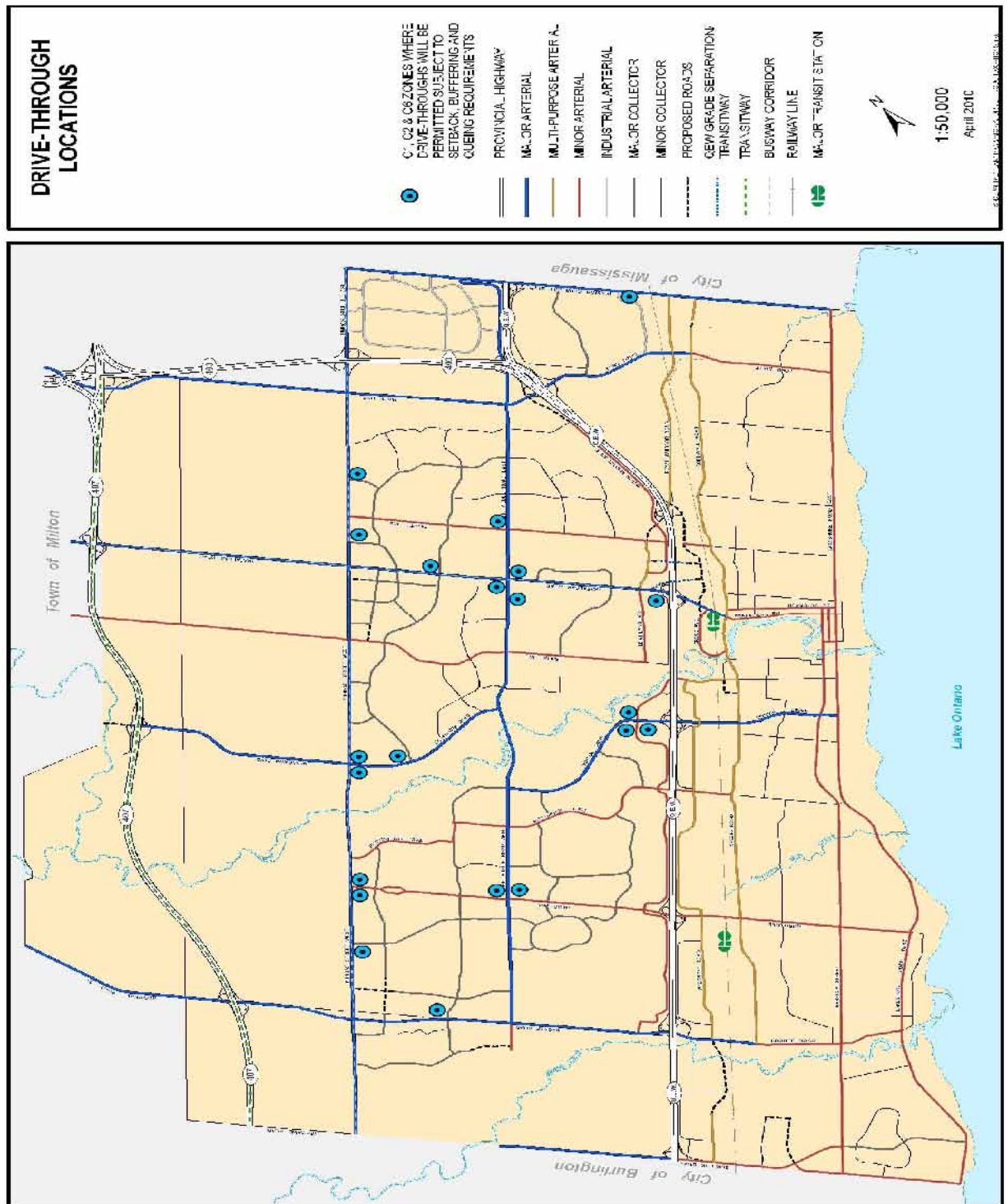
Staff are proposing to allow drive-throughs to continue to be permitted within the C1, C2 and C6 zones, but with the added requirement that they only be permitted in these zones where the sites are on roadways which are classified as major arterials within the Town's Official Plan. These locations are designed to facilitate large volumes of traffic moving between communities. Limiting drive-through facility locations within the C1, C2 and C6 zones to only major arterials will direct them away from residential neighbourhood areas.

Drive-throughs therefore would only be permitted to locate within the C1, C2 and C6 commercial zones on the following roads as depicted on the following map:

- Burloak – north of the Q.E.W.
- Bronte Road – north of Speers Road
- Dorval Drive-north of Lakeshore Road to Upper middle Road
- Neyagawa Blvd. – entire length
- Trafalgar – north of the Q.E.W.
- Ford Drive/ Ninth Line – north of Cornwall
- Winston Churchill Blvd.
- Upper Middle Road – entire length
- Dundas Street – entire length

Drive-throughs at these locations would also continue to be subject to all the additional regulations which implement the design guidelines







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Existing drive-throughs which are not at these locations would be deemed legal non-conforming and would be permitted to continue and could also apply to enlarge or expand in accordance with the applicable regulations.

## 2. Separation distance from adjacent residential uses

The existence of drive-through facilities adjacent to residential uses creates a number of concerns, particularly regarding noise and traffic impacts related to fast food restaurants. Drive-through facilities are traffic intensive, with a large amount of vehicles driving through the site during the day and evening hours and as such has the potential to affect adjacent residential areas with exhaust fumes, noise and traffic congestion. An additional tool by which to reduce the negative impacts on drive-through facilities is to provide a separation distance from abutting residential uses. A 15 m separation distance has proven in the past to be an effective separation distance from residential uses when used in conjunction with landscaped buffers and acoustic fencing. A minimum 15m setback is therefore being recommended for all yards of a drive-through facility, including the order station (intercom ordering station) which abuts a residential zone. Again, this setback would only apply in those areas where the use would be permitted which is in the C1, C2 and C6 zones on major arterial roads.

## 3. Landscaped buffers and fencing

As previously mentioned one of the main concerns of drive-throughs next to residential uses is the noise related to the order station of fast food restaurants and the idling of vehicles awaiting service. In order to offset these concerns order stations and stacking lanes should ideally be located as far away from the abutting residential uses as possible. In addition, acoustic and visual barriers in the form of fencing and landscaped buffers should be provided along property lines abutting residential uses. Staff are proposing a 7.62m wide landscaped buffer be required for all yards abutting a residential zone, and further, that a 1.8m high solid board fence or masonry wall be provided along all property boundaries abutting a residential zone for the purpose of screening the drive-through use. Again, this setback would only apply in those areas where the use would be permitted which is in the C1, C2 and C6 zones on major arterial roads.

## 4. Stacking or queuing spaces

Adequate vehicle stacking spaces is critical to preventing on and off-site traffic problems. Typically for fast food eating establishments, there are two component parts of a stacking lane as follows:

- The area between the beginning of the stacking area and the order station



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- The area between the order station and the pick up window.

There is a marked difference between the stacking requirements for fast food establishments and others such as financial institutions. Generally, drive-throughs for financial institutions require less stacking spaces as there is no need for an order board for a bank machine patron. A number of municipalities have studied this issue and found that different uses require different amounts of stacking spaces.

Oakville's urban design guidelines for drive-throughs require fast food establishments provide 10 stacking spaces whereas 4 are required for banking institutions. The primary objective is to ensure that the queuing spaces are all maintained on private property and do not back up onto the public road allowance. These stacking space requirements have proven to be appropriate for effective vehicular traffic flow since the adoption of the guidelines in 2003. Staff is recommending that a minimum of 10 vehicle stacking spaces be provided for fast food eating establishments, 7 of which shall be accommodated between the entrance to the stacking lane and the order station, and further, that for all other drive-throughs a minimum of 4 vehicle stacking spaces shall be provided. It should be noted that the 10 and 4 requirement is a minimum requirement set out in the drive through guidelines. Through the development process the Town has the right to request a queuing study to confirm minimum lengths are appropriate.

## 5. Definitions

The Zoning by-law contains two definitions pertaining to drive-through facilities. It is being proposed to create one consistent drive-through definition to be applied Town-wide and also to provide a definition of stacking lane for clarity of interpretation of the by-law regulations as follows:

"drive-through facility" means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be in combination with other uses. A drive-through facility does not include a car washing establishment, automobile service station or a gas bar.

"stacking lane" means a continuous on-site queuing lane that includes stacking tandem spaces for motorized vehicles which is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs."



## CONCLUSION

Permitting drive-through facilities in certain locations with restrictions is an effective way of minimizing their impacts on surrounding land uses, particularly residential uses, while providing a needed service to the community. It is also a balanced approach that meets the needs of the business community and the traveling public while at the same time addressing the concerns of residents regarding noise, air quality, traffic and litter.

The prohibition of drive-throughs in the downtown areas of the Town and the Growth Areas will help maintain and promote these areas as urban centres consistent with the Livable Oakville Plan. The restriction of drive-throughs within the residential communities by requiring them to be located on major arterial roads will also implement the direction of Livable Oakville to maintain and protect stable residential areas and address sustainability.

In summary, the proposed recommended zoning amendments are as follows:

- that drive-throughs be restricted from locating within the C3R (commercial/residential) zones of the Central Business Districts including Downtown Oakville, Bronte and Kerr Villages, the Midtown Core, Palermo Village and the Uptown Core.
- That drive-through only continue to be permitted in the C1, C2 and C6 zones abutting a residential zone if they are located on a classified as a major arterial within the Town's Official Plan.
- that a minimum 15m (50') setback be required for all yards of a drive-through facility, including the order station (intercom ordering station) which abuts a residential zone.
- that a 7.62m (15') wide landscaped buffer and 1.8m (6') high board or masonry wall be provided along all property boundaries abutting a residential zone.
- that a minimum of 10 vehicle stacking spaces for a restaurant and a minimum of 4 vehicle stacking spaces for all other drive-throughs be required.
- that new definitions for "*drive-through facility*" and "*stacking lane*" be provided.



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## CONSIDERATIONS:

### (A) PUBLIC

A statutory public meeting to gather public input was held on September 14<sup>th</sup>, 2009 and May 10<sup>th</sup>, 2010.

### (B) FINANCIAL

There have been costs associated with the drive-through study which have been accommodated through the Planning Services Department budget.

### (C) IMPACT ON OTHER DEPARTMENTS & USERS

Other Town Departments and agencies were consulted through the study process and had no comments within the proposed directions contained within the report. The Environmental Policy staff responded that in summary they were in support of the proposed enhanced regulations and were pleased with the direction the Planning Department was moving on this issue although they would prefer to see a complete ban on drive-throughs.

### (D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

The proposed amendments for drive-throughs have been evaluated in the context of the Town's Corporate Strategic Goals to ensure that they address the principles of responsible land use planning and promotion of a vibrant, attractive and healthy community.

### (E) COMMUNITY SUSTAINABILITY

This report addresses the pillars of environmental and social sustainability by recommending the development of appropriate regulations for drive-through facilities in the Town.

## APPENDICES:

**Appendix A** - Setbacks and stacking spaces required in other municipalities

**Appendix B** - Notes from public consultation



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Date: **April 19, 2010**

Subject: **Drive-Through Facilities Zoning By-Law Amendment**

Prepared by:

Ramona Boddington, MCIP, RPP  
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Recommended by:

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Manager, Long Range Planning

Submitted by:

Dana Anderson, MCIP, RPP  
Director of Planning Services



### Setbacks and stacking spaces required in other municipalities

Municipality	Setbacks from building containing a drive through	Setbacks from intercom ordering station	Number of stacking spaces	Notes
<b>Aurora</b>	10m	--	--	--
<b>Burlington</b>	30m	15m	--	
<b>Caledon</b>	10.5m-12m -- side yard 19.5m -- rear yard	--	10 - restaurant 3 - other	There is a Council direction to prepare a zoning by-law amendment to establish a 90 m setback for new drive-throughs from a residential zone or lot containing a residential use. This is expected to occur in the spring of 2010.
<b>Kitchener</b>	1.2m -- 6.0m for a side yard 4.0 – 14.0 m for a rear yard **refer to notes section for further details	--	--	<p>All commercial uses having a drive-through facility which contains an intercom order station shall comply with the Ministry of the Environment's noise levels for stationary sources of noise. Where a drive-through facility contains an intercom order station and is situated within 60 metres of a Residential Zone, or an Institutional Zone the drive-through facility shall not be permitted unless:</p> <ul style="list-style-type: none"> <li>a) a noise study certified by a professional engineer demonstrates that noise levels will not exceed the maximum levels specified by the Ministry of the Environment in publication NPC-206 as amended from time to time;</li> <li>b) a noise study certified by a professional engineer demonstrates that noise levels will not exceed the maximum levels set out in clause a) above by the employment of measures to mitigate noise and such measures are employed prior to occupancy of the drive-through facility; or</li> <li>c) a noise wall certified by a professional engineer is installed prior to occupancy of the drive-through facility which will ensure that noise levels do not exceed the maximum levels set out in clause a) above.</li> </ul>



Municipality	Setbacks from building containing a drive through	Setbacks from intercom ordering station	Number of stacking spaces	Notes
<b>London</b>	6m-15m for side and or rear yard depending on zone in which it is situated	15m with a 2.4m nose attenuation fence  30m with a privacy fence  Note: these setbacks also apply to stacking lanes	12 -- restaurant 4 - other	SEPARATION DISTANCE - INTERIOR AND REAR YARD  The minimum separation distance, measured from the edge of the drive-through lane or speaker location, whichever is closer, to the closest residential/facility/institutional use lot line and/or zone line shall be 30 metres. This setback may be reduced to 15 metres if a 2.4 metre high noise attenuation barrier is installed between the residential/facility/institutional use and the drive-through lane. Further reductions to the setback may be considered upon the City's review and acceptance of mitigation measures identified by a noise study prepared by a qualified noise consultant. A minimum 3 metre wide landscaped strip is required consisting of new and/or existing vegetation immediately adjacent to any noise barrier.
<b>Milton</b>	5m to 6m depending which zone they are located in however buildings containing a drive-through service use are required to be located an additional 2.0m from the front lot line or exterior side lot line	7.5 m  Note: these setbacks also apply to stacking lanes	10 - restaurant 3 - other	



Municipality	Setbacks from building containing a drive through	Setbacks from intercom ordering station	Number of stacking spaces	Notes
<b>Mississauga</b>	60m for a convenience restaurant which includes a drive through window		10 - restaurant 5 - other	
<b>Newmarket</b>	9m to 15m – rear yard setback 9m– side yard setback		12- restaurant 2 to 5 -- other	
<b>Orangeville</b>	30m	30m for outdoor speakers and or order boxes but <i>not</i> including stacking lanes		
<b>Ottawa</b>	3m – side yard 6m – rear yard	3m including stacking lanes  ** please refer to notes	11 - restaurant 3 - other	where a queuing line, drive-through window or order board is located 3 metres or more from a residential zone, but is still within a yard abutting a residential zone, it must be screened from view from that residential zone by an opaque screen with a minimum height of 1.5 metres.
<b>Toronto</b>	30m	30m	10 - restaurant 4 - other	



Municipality	Setbacks from building containing a drive through	Setbacks from intercom ordering station	Number of stacking spaces	Notes
<b>Windsor</b>	15m Please refer to note *	30m	12 - restaurant 5 - other--	*Where there is a noise barrier wall having a minimum height of 1.8m or a building wall located between the stacking spaces and the dwelling unit, a minimum separation shall be 15m



**Notes of meeting held with drive-through stakeholders****Thursday January 14, 2010 – Trafalgar Room****10 – 12 noon****Attendees:**

Michelle Saunders, Manager of Government Relations	ORHMA
Maurice Luchich, Planning Manager	Tim Hortons
Paul Hewer	McDonalds
Victor Labreche, Planner	Labreche Patterson & Ass. On behalf of ORHMA+
Dana Anderson	Planning Director
Diane Childs	Acting Manager of Long Range Planning
Lynn Rogers	Traffic Engineering Co-ordinator
Trisha Collingwood	Transportation Planner
Ramona Boddington	Polciy Planner,
Brenda Stan	Current Planner

**Regrets:**

Jean Roy, Engineer	Canadian Petroleum Products Institute
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**1. Welcome and Introductions**

The meeting commenced with a brief welcome and introduction session.

**2. Overview of progress to date**

- Planning Report went to Council September 14, 2009 outlining proposed directions (report was distributed at meeting)
- Council passed a motion to defer recommendation of report to allow for additional consultation with both the stakeholders and the general public and also to allow for further research of other municipalities practices
- This meeting is the first step in the additional consultation directed by Council
- Comment, concerns and additional input would be appreciated at this time.



### **3. Overview of progress to date**

There was a general discussion regarding existing zoning provisions for drive-throughs and the design guidelines that were approved in 2003.

### **4. Discussion on directions from September 14, 2009 staff report**

Each of the six directions were discussed as follows:

#### **a) Direction 1 – Locational Criteria**

There was a lengthy discussion regarding the prohibition of drive-throughs in the C3R zones and the growth areas. It was conveyed that Livable Oakville prohibited the location of drive-throughs in these areas and therefore the by-law must be updated to implement Livable Oakville – the new official plan.

#### **b) Direction 2 – Separation Distance from adjacent residential uses**

A table was distributed outlining other municipality's setback requirements for drive throughs abutting residential uses. Staff undertook to review the table based on the discussion which evolved and update the table as necessary.

Staff also explained the rationale used in arriving at the 15m from residential as proposed in the staff report.

#### **c) Direction 3 – Landscape Buffers and fencing**

It was noted that the landscape buffer was an existing requirement in the by-law however the 1.8 m high fencing would be a new requirement for such uses.

#### **d) Direction 4 – Stacking or queuing spaces**

There was little discussion on this topic. The issue of reduced parking standards for drive-throughs was also discussed. The rationale was brought forward that drive-throughs require less parking spaces as the cars using the drive through portion of the facility would not require a parking space. The Ottawa example, which allows for a 20% reduction in required spaces for drive throughs, was used as an example. Staff agreed to investigate this example further and give it further consideration.



***e) Direction 5 – Minimum site size***

It was noted by the industry representatives that a minimum site size may not be required if the previous 4 directions were implemented. Requiring a minimum site size may be contrary to the Town's commitment to making the most efficient use of land as possible and may also restrict flexibility in site design. Staff agreed and will give consideration to removing this direction.

***f) Direction 6 – Definitions***

There is currently no definition in the zoning by-law for drive-through facilities. A definition will provide clarity for interpretation purposes.

**5. Next Steps**

A number of possibilities for the manner in which the next public meeting might be undertaken. Input from the group was solicited and will be given consideration.

**6. Adjournment**

The meeting adjourned at 11:40am.

Notes taken by Ramona Boddington



## **Drive Through Study — March 4/10 Information Meeting**

### ***Summary of Flip-Chart Notes***

#### **Noted Questions and Information Requests:**

- What is the separation distance requirement between restaurant patios and residential areas in Oakville? [Note: Question was addressed later in the meeting.]
- What were the protocols/data quality protection mechanisms/overall methodology used in the online survey? Can the survey data be proven to be reliable and statistically accurate? Can the respondent e-mail addresses be checked for multiple questionnaire completions; the residential address of the respondent (to ensure the person resides in Oakville); time of survey completion; etc.? If the survey cannot be proven to be reliable and an accurate picture of community sentiment — and not over-weighted with industry-generated responses — then less emphasis should be placed on it.
- What are the profiles of drive-through facility users — what demographic or other segments of the public use them...and for what and how frequently?

#### **Positives (noted ‘likes/strengths’ of the Town’s proposed directions)**

- The explicit Town understanding that drive through facilities do require some level of restriction and regulation.
- The attempt — though as yet inadequate — to provide some measure of protection for neighbourhoods.
- The Town’s ongoing work on the drive through issue and the determination to finalize an approach (including a By-law or By-laws).
- The 0.3 hectare site requirement may help reduce drive through applications.
- The drive through prohibitions identified in the locational criteria (i.e. not allowing drive throughs in certain parts of the Town).
- Willingness to consider community input.

#### **Objections (noted ‘dislikes/weaknesses’ of the Town’s proposed directions)**

- No explicit reference to or policies concerning the tendency for drive throughs to attract rodents/raccoons/other animals — there is nothing explicit in the directions concerning the storage of garbage/waste.
- Failure to fully consider the safety issues associated with drive throughs — from vehicle egress/ingress (criteria re: safely



entering/exiting the site), to potential car-jackings, to accidents caused by distracted drivers.

- The 15m setback is inadequate — this distance does not allow for appropriate mitigation of noise (voice-box chatter, car stereos, general in vehicle chatter, vehicle/motor sounds, etc.), air pollutants, etc, [the participant recommended minimum distance was 75-100 metres].
- Insufficient requirements re: screening/buffers around drive through facilities — and consideration of such things as fences, lighting, etc.
- Allowing drive throughs in C2 zoned areas, particularly in cases where they abut residential areas — drive throughs shouldn't be allowed in C2 zones; such zones were never intended to accommodate them.
- The proposed 10 vehicle stacking spaces are insufficient — vehicles will back-out on roads or otherwise cause congestion/safety issues [a minimum of 20 spaces was proposed].
- The need to add extra stacking spaces means a site size requirement larger than 0.3 hectares.
- The 7.62 metre landscaped buffer is insufficient in size [there was a suggestion to quadruple the size of the buffer or remove the need for a buffer by ensuring that no drive through is placed adjacent to a residential area].
- The directions insufficiently speak to the Town's anti-idling By-law — this By-law needs to be more aggressively enforced.
- The directions are too permissive — they should be seeking to reduce or eliminate drive throughs in keeping with the spirit and intent of Livable Oakville.
- In there totality, the directions do not do enough to keep drive throughs out of Oakville or minimize their number.
- This second report from the Town is too liberal/soft with regard to allowing the placement of drive-throughs in some parts of Oakville (the requirements to be met are fewer/lesser) — the first report was more restrictive.
- There is an absence of retailer justification for the use of drive throughs.
- The Town's approach places no cap on the number of drive throughs permitted in a particular area or territory.
- The directions place no time limits on the use of the external intercoms ('squawk boxes') — other municipalities do this.
- The Town's directions are not as enlightened as those in place in other jurisdictions — Oakville is not showing enough leadership...there is an opportunity to do so.
- There is an absence of references to or directions in support of attractive streetscaping.
- There is a need for more official and consistent terminology — for example, the term 'restaurant drive through' should be used if the establishment serves any food or beverages; there should be different terms for food-related drive throughs, banking-related drive throughs, etc.



- The directions do not adequately challenge assumptions and the status quo — there is an opportunity for the Town to remove the choice for people to use drive throughs (particularly in residential areas).

### **Enhancements and Remedies (noted ideas for addressing objections and strengthening the directions — beyond those already noted above)**

- Require mandatory emissions and noise sensors at drive through locations — periodically measure performance against standards (successful performance should be a pre-condition of annual renewal of the ability to offer a drive through service at the location).
- Use site-specific drive through zoning for new areas of the Town — establish a minimum/maximum number for a particular population size and, in so doing, provide certainty to both residents and industry re: locations and available drive through spots.
- Place a tax on those businesses offering drive throughs or on the products they sell through the drive through (simply put, make it either more expensive to offer a drive through or to use a drive through).
- Tie allowance of drive throughs to road requirements — i.e. make drive throughs acceptable or unacceptable based on certain road characteristics.

### **What Else? (noted additional ideas and questions)**

- Setbacks from residential areas are the key issue.
- Look at trends in other jurisdictions regarding drive throughs — and allow Oakville to set new trends.
- Look at whether drive throughs can be restricted to a single type of business or service.
- Should consumers who use drive throughs require a license (for example, a person with a disability or parent with young children would have to obtain a license that permits their use of a drive through)?
- License drive throughs — subject to annual renewals based on performance against established criteria.
- Consider banning drive throughs altogether in the Town of Oakville.



## **CPPI meeting with Town of Oakville, March 17, 2010**

CPPI summary comments for consideration regarding Drive-through Facilities:

1. Drive-through Facilities serve a useful purpose if designed and located properly within the Town.
2. The Oakville Drive-through Facilities guidelines (# 25, 32) may reflect the preference for not having drive-Through Facilities located between the building and the street but should indicate that it can be an alternative which may be accommodated if necessary with proper siteplan design and landscaping. (Refer to existing drawing examples)
3. In general the zoning bylaw should be modified to focus the minimum 15 m setback distances on the area of the stacking lane which is located between the order box and the pick-up window (or automated machine) as opposed to the full length of the stacking lane.
4. The minimum setback for the remaining portion of the stacking lane should be as per existing commercial Buffer Strip abutting residential zone as stated in section #42 of the zoning bylaw which may vary between 3m and 7.62m.
5. The 15m minimum setback to residential should be flexible to contemplate a possible relief down to a minimum of 7.5m if supported by some site specific noise mitigation measures identified by a noise study prepared by a qualified noise consultant and acceptable to the Town.
6. The minimum 1.8m fence required immediately adjacent to any lot line abutting a lot in a residential zone should be limited to the area of the stacking lane which is within the minimum setback area of the stacking lane which is located between the order box and the pick-up window (or automated machine) as opposed to the full length of the full lot line.
7. In part III, Section 41 1) within the permitted use table on the drive-through facilities line; the footnote #1 (“not permitted on a lot abutting a residential zone”) should be deleted as it is somewhat inconsistent (and/or confusing) with regards to footnote #13



## **Notes from April 7<sup>th</sup>, 2010 Public Open House**

Trafalgar Room, Town Hall

7:00pm – 9:00pm

There were approximately 80 people in attendance.

The meeting commenced with a brief presentation followed by a question and answer session. Many viewpoints, comments and concerns regarding drive throughs were expressed which included but not limited to:

- Emissions from vehicles idling excessive
- air quality concerns
- Restricting drive throughs excessively
- Drive throughs are a growing trend
- No regard for how residents are affected
- Need to find middle ground between residents and drive through operators
- Convenience for the average person, disabled individuals, and mothers with young children
- There is a demand for drive throughs that is why they exist
- Prefer at least a 60m separation distance
- traffic congestion
- Efficient use of land to facilitate a large amount of customers in a short period of time
- Average person gets through in 17 seconds
- Average wait is no longer than 45 seconds

Approximately 30 written responses were received by staff which largely reiterated the above comments.



## Resources/Studies on Drive-Through Facilities

**From:** Carol Tobin

**Sent:** Tuesday, November 25, 2014 9:48 AM

**To:** Jim Doherty

**Subject:** Drive-through facilities and walkability

Jim,

I didn't find any studies, but perhaps the following might be useful:

- Quotation from Andres Duany (nationally known traditional neighborhood development pioneer) - <http://walkablestreets.wordpress.com/roaddiets/>
  - There are components of modern life that are necessary but which intrinsically create bad street frontage: They are the parking lot, the drive-through, and the solid walls of certain businesses and institutions that can't have windows. So there is a certain percentage of modern street frontage that will not deliver pedestrian quality. The only questions are: what percentage of your city must you give over to these uses and where do you locate them. – Andres Duany
- Phoenix Walkable Urban Code - <https://www.phoenix.gov/pdds/site/Documents/FINAL%20DRAFT%20Walkable%20Urban%20Code.pdf> – Includes limits on drive-through facilities
- Montgomery County, PA New Town Mixed-Use District (walkable) <http://www.montcopa.org/DocumentCenter/View/4101> (See p. 25 – Drive-through prohibited)
- Guide to Creating Walkable Communities (May 9, 2012) - [http://www.wrcog.cog.ca.us/uploads/media\\_items/guide-to-walkable-communities.original.pdf](http://www.wrcog.cog.ca.us/uploads/media_items/guide-to-walkable-communities.original.pdf) (See p. 26) "Discourage automobile-oriented users such as drive-through businesses, auto sales, and large retail outlets."
- "Take A Walk," *Green Living Arizona* - <http://www.greenlivingaz.com/2014/09/18/take-a-walk/> (see paragraph 2)
- "To Drive-Through or Not to Drive Through," *CalcoastNews.com*, April 3, 2014 - <http://calcoastnews.com/2014/04/drive-drive/>
- "West Hollywood Named Most Walkable in California," *NBC News* - <http://www.nbclosangeles.com/news/local/West-Hollywood-Named-Most-Walkable-126210613.html> (City prohibits drive-through facilities)

Carol

**Carol Tobin**

Planning Consultant

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