



Memo

To: Plan Commission Members
From: Nathan Gwinn and Amanda Beck, Assistant Planner IIs
Date: May 4, 2022
Re: Changes to Draft Text for ADUs and Short Plat Notification Following 4/27 Workshop

Below is a summary of five changes to proposed draft text with new text highlighted, based on discussion at your workshop on April 27, 2022:

17C.300.110 Criteria

1. **17C.300.110(A)(2)** new text to read: “(a) The maximum detached ADU size is subject to building coverage per SMC 17C.300.130(B)(3) and floor area ratio per subsection (3) of this subsection (A); and (b) A detached ADU shall not exceed ((six hundred square feet)) seventy-five percent of the floor area of the principal structure, or eight hundred sixty-four square feet of floor area, whichever is greater.”

17C.300.130 Development Standards

2. **17C.300.130(A)(1)(e)** add language: “In the RTF, RMF, or RHD zone, constructing an attached or detached accessory dwelling unit on a site with any existing or new principal structure. All new structures and additions shall comply with all applicable building, fire, and engineering standards.”
3. **17C.300.130(A)(2)** to address question as to what regulates the number of individuals in a household, text refers back to RCW [35.21.682](#). Add language: “The total number of individuals that reside in both units may not exceed ((the number that is allowed for a household)) any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building or fire code, as provided in RCW 35.21.682.”

17G.080.040 Short Subdivisions

4. **17G.080.040(C)(2)(b)** – page A-32 – Add language to help clarify required proximity of improvements adjacent water/sewer mains that will result in new lots with standard service connections. “There is direct water and sewer main lot frontage on an existing and improved right-of-way;”
5. **17G.080.040(C)(2)(f)** strike the 2 lot limit per PC’s discussion.

See attached **EXHIBIT A** to staff report with text updated May 4, 2022.

DRAFT TEXT

Accessory Dwelling Unit (ADU), Lot Size Transition

Spokane Municipal Code Title 17C

17C.110.200	Lot Size.....	A-2
17C.110.225	Accessory Structures.....	A-9
17C.300.100	General Regulations	A-15
17C.300.110	Criteria	A-15
17C.300.120	Application Procedures.....	A-16
17C.300.130	Development Standards	A-17
17C.300.140	ADU Expiration	A-24

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

17C.110.200 Lot Size

A. Purpose.

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

B. Existing Lot Size.

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

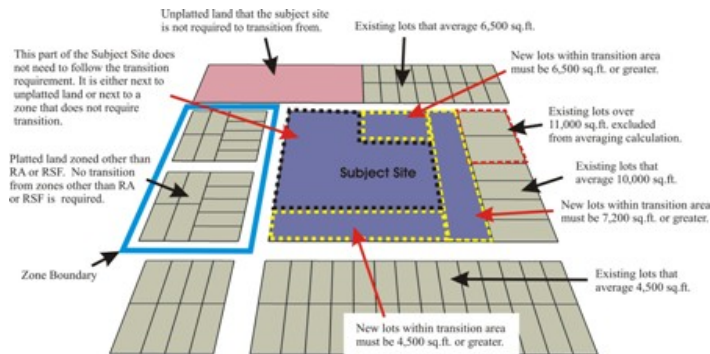
C. Land Division.

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

~~((1. Transition Requirement:~~

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

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



[Note: Delete graphic above.]

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

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

D. Ownership of Multiple Lots.

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

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

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

F. Lot Frontage. All residential lots shall front onto a public street and meet the minimum lot frontage requirements of Table 17C.110-3. Except, that frontage on

a public street is not required for lots created through alternative residential subdivision under SMC 17G.080.065, and lots approved in a planned unit development or a manufactured home park may have lots or spaces fronting onto private streets, subject to the decision criteria of [SMC 17H.010.090](#).

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

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

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

Maximum Coverage [12]	20%	15%	15%	See Primary Structure	See Primary Structure
<u>Maximum Coverage with Accessory Dwelling Unit, Lots less than 5,500 sq. ft. [12]</u>		<u>20%</u>		<u>See Primary Structure</u>	<u>See Primary Structure</u>
Front Setback	20 ft.				
Side Lot Line Setback – Lot width 40 ft. or wider [13]	5 ft.				
Side Lot Line Setback – Lot width less than 40 ft. [13]	3 ft.				
Street Side Lot Line [14]	20 ft.				
Rear [13]	5 ft.				
Rear with Alley	0 ft.				

Notes:

-- No requirement

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

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

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

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

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

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

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

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

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

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

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

[12] Maximum site coverage for accessory structures is counted as part of the maximum site coverage of the base zone. See SMC 17C.110.225(D).

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

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

Section ___. That SMC section 17C.110.225 is amended to read as follows:

17C.110.225 Accessory Structures

A. Purpose.

This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to adjoining lots and maintain open front setbacks.

B. General Standards.

1. Accessory structures are allowed on a lot only in conjunction with a primary building, and may not exist on a lot prior to the construction of the primary structure, except as allowed by subsection (B)(2) of this section.

2. An accessory structure that becomes the only structure on a lot as the result of a land division may remain on the lot if the owner has submitted a financial guarantee to the City for the cost of demolition and removal of the structure. The financial guarantee will be used by the City if the owner has not removed the accessory structure if, within one year of final plat approval or boundary line adjustment (BLA), a primary structure has not been built and received final inspection. The financial guarantee must be accepted by the City prior to approval of the final plat or boundary line adjustment.
3. An accessory structure shall not contain a kitchen or space for living, sleeping, eating, or cooking unless it is approved as an accessory dwelling unit under chapter 17C.300 SMC.

C. Setbacks.

1. Mechanical Structures.
Mechanical structures are items such as heat pumps, air conditioners, emergency generators, and water pumps.
 - a. Front Setback Standard.
Mechanical structures are not allowed in required front building setbacks.
 - b. Side and Rear Setback Standard.
Mechanical structures are allowed inside and rear building setbacks if the structure is no more than forty-eight inches high.
2. Vertical Structures.
Vertical structures are items such as flagpoles, trellises and other garden structures, radio antennas, satellite receiving dishes and lampposts. Fences are addressed in SMC 17C.110.230. Sign standards are in chapter 17C.240 SMC, Signs.
 - a. Setback Standard.
Vertical structures are allowed in required side and rear building setbacks if they are no larger than four feet in width, depth or diameter and no taller than seven feet. If they are larger or taller, they are not allowed in required building setbacks. Trellises and other gate features are allowed in front yard if they are no larger than four feet in width, depth or diameter and no taller than seven feet and do not conflict with the clear view triangle provisions under SMC 17C.110.230, Fences.
3. Uncovered Horizontal Structures.
Uncovered horizontal structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs, tennis courts, and boat docks that are not covered or enclosed.

- a. Setback Standard.
 - i. Projection Allowed.

The following structures are allowed in required building setbacks, as follows:

 - A. Structures that are no more than two and one-half feet above the ground are allowed in side and rear building setbacks. Handrails required by the IBC/IRC are not included in the maximum height.
 - B. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than two and one-half feet above the average sidewalk elevation are allowed in all building setbacks; and
 - C. Stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed in street setbacks.
4. Covered Accessory Structures.

Covered accessory structures are items such as greenhouses, storage buildings (not used to cover motor vehicles), sheds, covered decks, covered porches, gazebos, and covered recreational structures.

 - a. Setback Standard.

Covered accessory structures are not allowed in the required front ~~((and side))~~ building setbacks. Covered accessory structures are not allowed in the required side building setback without a signed waiver from the neighboring property owner.
5. Detached Accessory Structures.

Detached accessory structures are garages, carports, and other structures utilized to cover motorized vehicles.

 - a. Setback Standard.

A detached accessory structure is not allowed in the front building setback. A detached accessory structure is not allowed in the required side building setback without a signed waiver from the neighboring property owner. A detached accessory structure that has an entrance, which faces a street, is required to be setback twenty feet from the property line or from the back of the sidewalk, as stated in Table 17C.110-3.
 - b. Detached accessory structures may be built to the rear property line, unless parking in front of the structure is proposed, then the structure

is required to be built a minimum of eighteen feet from the edge of the alley tract, easement, or right-of-way.

6. Attached Accessory Structures.

Accessory structures are garages, carports or other structures utilized to cover motorized vehicles that are connected by a common wall to the primary structure.

a. Setback Standard.

An attached accessory structure is not allowed in the front building setback. An attached accessory structure that has an entrance which faces a street is required to be setback twenty feet from the property line as stated in Table 17C.110-3.

b. Attached accessory structures may be built to within five feet of the rear property line, unless parking in front of the structure is proposed, then the structure is required to be built a minimum of eighteen feet from the edge of the alley tract, easement or right-of-way.

D. Building Coverage.

1. Except as provided in subsection (2) of this subsection (D), ((The)) the combined building coverage of all detached accessory structures and covered accessory structures may not exceed fifteen percent of the total area of the site, and when combined with all other structures on-site shall not exceed the maximum building coverage of the base zone.

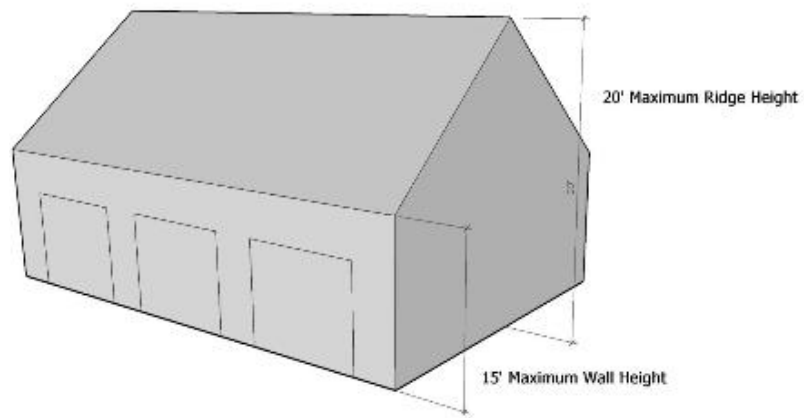
2. On lots smaller than five thousand five hundred square feet with an accessory dwelling unit, combined building coverage of all detached accessory structures and covered accessory structures may not exceed twenty percent of the total area of the site, and when combined with all other structures on-site shall not exceed the maximum building coverage of the base zone.

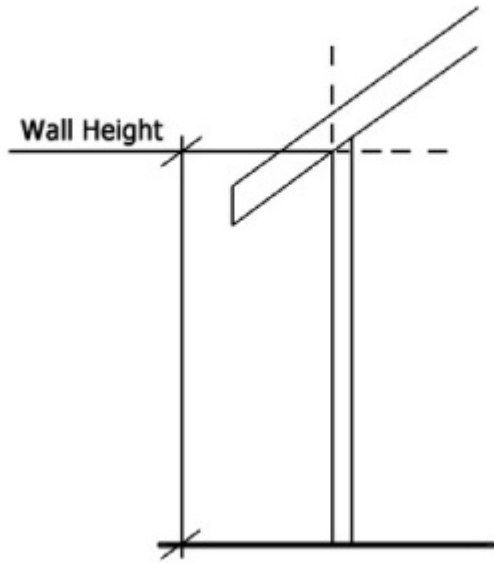
E. Building Height.

The building height of detached accessory structures and covered accessory structures is listed in Table 17C.110-3. Accessory structures, which contain an ADU over a garage, are subject to the height limitations in chapter 17C.300 SMC, Accessory Dwelling Units.

TABLE 17C.110.225-1	
MAXIMUM HEIGHT – DETACHED ACCESSORY BUILDING [1]	
Maximum Wall Height [2]	15 ft.
Maximum Roof Height [3]	20 ft.
<p>[1] Cannot include living area, nor any storage areas with a ceiling height of six-feet eight-inches or greater.</p> <p>[2] The height of the lowest point of the roof structure intersects with the outside plane of the wall.</p> <p>[3] The height of the ridge of the roof.</p> <p>See “Example A” below.</p>	

Example A





17C.300.100 General Regulations

- A. Where the Regulations Apply.
Attached and detached accessory dwelling units are permitted in the RA through RHD zones, including planned unit developments, subject to the limitations of subsection (B) of this section.
- B. Limitation.
- ~~((1. One ADU is allowed per lot as an accessory use in conjunction with a detached single-family residence.~~
- ~~2. A detached ADU must either be combined with a garage or shall be the only detached structure in the rear yard setback area.~~
- ~~3. Detached)) One accessory dwelling ((units are)) unit is allowed per lot in the RA, RSF, RTF, RMF, and RHD zones subject to the development standards of the underlying zoning district.~~

Section __. That SMC 17C.300.110 is amended to read as follows:

17C.300.110 Criteria

~~((A. Minimum Lot Size.
The minimum lot size for ADU is five thousand square feet.))~~
~~((B.)) A. ((ADU Minimum and)) Maximum Size.~~

1. Internal ADU.
Before the establishment of an internal ADU the ~~((footprint))~~ floor area of the principal structure, excluding an attached garage, must be not less than eight hundred square feet.
- ~~a. The ((size)) internal ADU shall contain no more than two bedrooms and the floor area of the internal ADU must be ((not less than two hundred fifty square feet and)) not more than eight hundred square feet, excluding any related garage area.~~
- ~~b. The conversion of an existing interior basement or attic space of a principal structure into an ADU may exceed the maximum floor area for an internal ADU specified in subsection (1)(a) of this subsection.~~
2. Detached ADU.
~~a. The maximum detached ADU size is subject to building coverage per SMC 17C.300.130(B)(3) and floor area ratio per subsection (3) of this subsection (A); and~~

b. A detached ADU shall not exceed ~~((six hundred square feet))~~ seventy-five percent of the floor area of the principal structure, or eight hundred sixty-four square feet of floor area, whichever is greater.

3. FAR.

a. The ~~square footage floor area~~ of an ADU, excluding any garage, is counted as part of the floor area ratio (FAR). ~~((Internal ADUs may not exceed fifty percent of the total square footage of the principal structure's building footprint.))~~

b. To offer greater flexibility in integrating an ADU on smaller lots, the maximum allowable FAR may be increased to 0.6 on lots smaller than seven thousand two hundred square feet in area, with an ADU, and to 0.7 on lots smaller than five thousand square feet in area with an ADU.

~~((C.))~~ B. Occupancy for Short-Term Rentals.

~~((One))~~ Where a lot with an ADU also has a Short-Term Rental under chapter 17C.316 SMC, one of the dwelling units ~~((in the structure or))~~ on the lot shall be occupied by one or more owners of the property as the owner's permanent and principal residence. The owner-occupant must occupy the owner-occupied dwelling unit for more than six months of each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling unit. If a complaint that an owner has violated these requirements is filed, the owner shall:

1. submit evidence to the director showing good cause, such as a job dislocation, sabbatical leave, education or illness, for waiver of this requirement for up to one year absence from the property. Upon such showing the director may waive the requirement;
2. re-occupy the structure; or
3. remove the accessory dwelling unit.

Section __. That SMC 17C.300.120 is amended to read as follows:

17C.300.120 Application Procedures

A. Application.

Any property owner seeking to establish an ADU must obtain a building permit and a certificate of occupancy from the building services department.

B. Covenants.

((A)) Where a lot with an ADU also has a Short-Term Rental under chapter 17C.316 SMC, a covenant and deed restriction identifying the ADU and limitations of occupancy and ownership is required to be recorded and filed with

the Spokane county auditor's office. A copy of the recorded covenant must be provided to the City of Spokane planning and economic development services department prior to the issuance of a building permit or safety inspection.

Section __. That SMC 17C.300.130 is amended to read as follows:

17C.300.130 Development Standards

A. Development Standards – Requirements for All Accessory Dwelling Units.
All accessory dwelling units must meet the following:

1. Creation.
An accessory dwelling unit may only be created through the following methods:
 - a. Converting existing living area, attic, basement or garage.
 - b. Adding floor area.
 - c. Constructing a detached accessory dwelling unit on a site with an existing house, attached house or manufactured home ~~((;of))~~.
 - d. Constructing a new house, attached house or manufactured home with an internal or detached accessory dwelling unit.
 - e. In the RTF, RMF, or RHD zone, constructing an attached or detached accessory dwelling unit on a site with any existing or new principal structure. All new structures and additions shall comply with all applicable building, fire, and engineering standards.
2. Number of Residents.
The total number of individuals that reside in both units may not exceed ~~((the number that is allowed for a household))~~ any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building or fire code, as provided in RCW 35.21.682.
- ~~((3. Other Uses.
An accessory dwelling unit is prohibited on a site with a home occupation.))~~
- ~~((4.))~~ 3. Location of Entrances for Internal ADUs.
Only one entrance may be located on the facade of the ~~((house, attached house or manufactured home))~~ principal structure facing the street, unless the ~~((house, attached house or manufactured home))~~ principal structure contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

~~((5-))~~ 4. Parking.

~~a. Studio and one-bedroom ADUs require no additional parking. One additional off-street parking space is required for the accessory dwelling unit with more than one bedroom, plus one per bedroom after two bedrooms. Existing required parking for the ~~((house, attached house or manufactured home))~~ principal structure must be maintained ~~((or replaced on-site)).~~~~

~~b. As an exception to subsection (a), no additional off-street parking space is required for the ADU within one-quarter-mile of stops for a bus or other transit mode providing actual fixed route service at intervals of no less frequently than fifteen minutes for at least five hours during the peak hours of operation on weekdays, defined as a major transit stop under RCW 36.70A.696.~~

~~((6. — Exterior Finish Materials.~~

~~The exterior finish material must be the same or visually match in type, size, and placement the exterior finish material of the house, attached house or manufactured home.))~~

~~7. — Roof Pitch.~~

~~The roof pitch must be the same as the predominant roof pitch of the house, attached house or manufactured home.~~

~~8. — Trim.~~

~~Trim must be the same in type, size and location as the trim used on the house, attached house or manufactured home.~~

~~9. — Windows.~~

~~Windows must match those in the house, attached house or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical). This standard does not apply when it conflicts with building code regulations.-))~~

B. Additional Development Standards for Detached ADUs.

1. Setbacks.

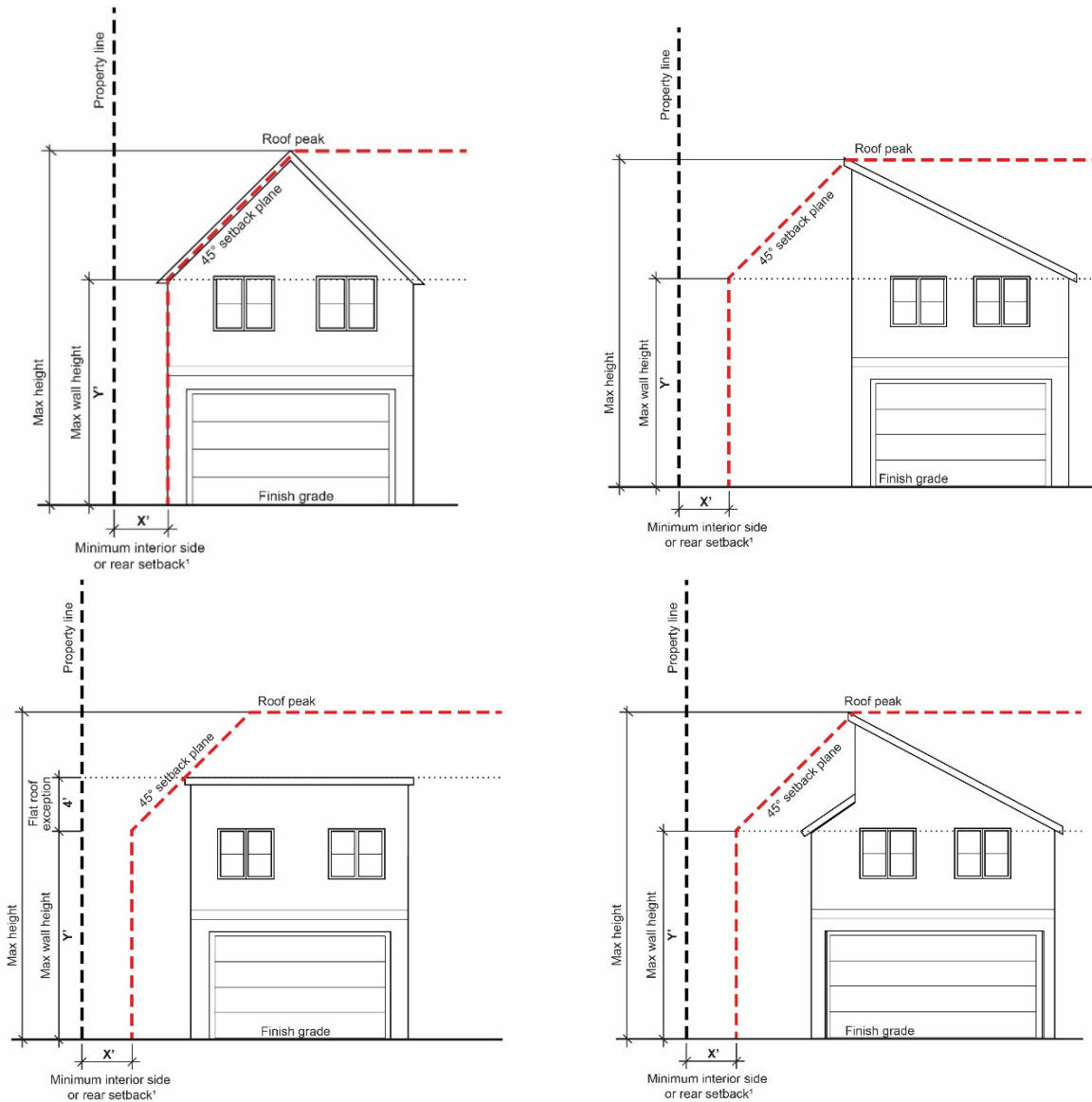
~~((The)) Except for conversion of existing accessory structures, the accessory dwelling unit must be ((at least)):~~

~~((a. — sixty feet from the front lot line; or~~

~~b. — six feet behind the house, attached house or manufactured home;))~~

- ~~((e.))~~ a. as specified for ~~((rear and side yard))~~ setbacks in Table 17C.110-3 for ~~((primary structures for attached ADUs and))~~ accessory structures ~~((for detached ADUs.))~~; and
- b. in conformance with the forty-five degree setback plane:
- i. The forty-five degree setback plane is measured at the maximum wall height listed in Table 17C.300-1, from the interior side lot line setback, or rear setback without an alley, as listed in Table 17C.110-3 for accessory structures. The setback plane does not apply on side or rear setbacks measured from alley or street lot lines.
 - ii. The setback plane increases at a forty-five degree angle away from the interior side and rear lot lines without an alley, up to the maximum roof height in Table 17C.300-1. See Figure 17C.300-A for examples.
 - iii. No portion of the accessory dwelling unit may project beyond the forty-five degree setback plane described in this subsection, except for the roof structure and minor extensions allowed by SMC 17C.110.220(C)(1).
 - iv. The setback may be reduced to zero feet with a signed waiver from the neighboring property owner. In that case, the forty-five degree setback plane would be measured from the maximum wall height and the property line.

Figure 17C.300-A. Setback Plane [1]



[Note: Add the four graphics above.]

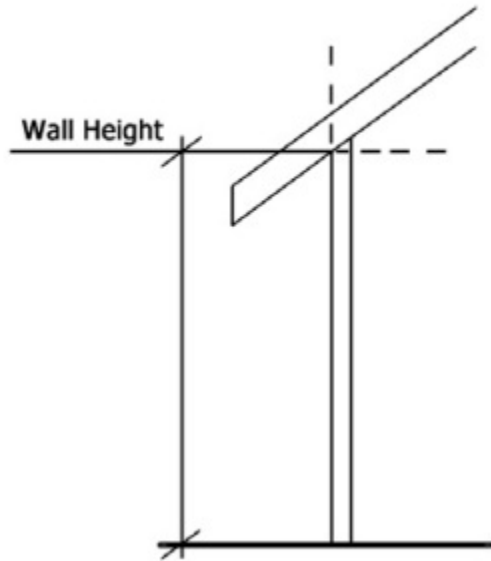
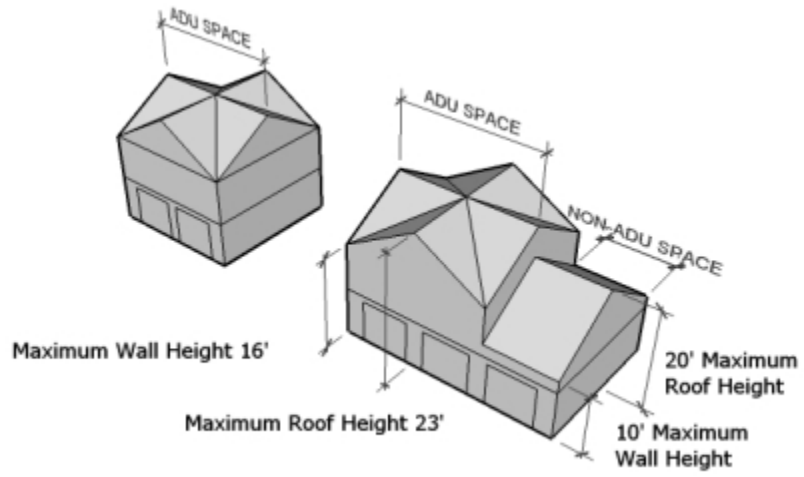
[1] The setback plane does not apply on side setbacks or rear setbacks measured from alley lot lines or street lot lines.

2. Height.

The maximum height allowed for a detached accessory dwelling unit is shown in Table 17C.300-1. ~~A detached ADU over a detached accessory structure with flat or terraced roof forms with slopes of less than 3:12 that conform to the forty-five-degree setback plane in subsection (B)(1)(b) of this section may be granted a wall height exception up to four feet.~~

TABLE 17C.300-1 MAXIMUM ROOF AND WALL HEIGHT		
	Maximum Height – Detached Accessory Building Attached to an ADU or Detached ADU [1]	Maximum Height – Detached ADU Over a Detached Accessory Structure
Maximum Wall Height [2]	10 ft.	((16)) <u>17</u> ft.
Maximum Roof Height [3]	20 ft.	((23)) <u>25</u> ft.
<p>[1] Detached accessory structures cannot include living area, nor any storage areas with a ceiling height of six-feet eight-inches or greater.</p> <p>[2] The height of the lowest point of the roof structure intersects with the outside plane of the wall.</p> <p>[3] The height of the ridge of the roof. See “Figure ((A)) <u>17C.300-B</u>” below.</p>		

Figure ((A)) 17C.300-B



3. Bulk Limitation.

The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the ~~((house, attached house or manufactured home))~~ principal structure.

 - a. ~~((The))~~ On lots five thousand five hundred square feet or larger, the combined building coverage of all detached accessory structures may not exceed fifteen percent of the total area of the site.
 - b. On lots smaller than five thousand five hundred square feet, the combined building coverage of all detached accessory structures may not exceed twenty percent of the total area of the site.
4. Conversion of Existing Detached Accessory Structures.
 - a. In RA through RTF zones, conversion of an existing detached accessory structure that is in a front building setback required by [Table 17C.110-3](#) is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by [SMC 17C.110.220](#), Setbacks, and [SMC 17C.110.225](#), Accessory Structures.
 - b. In RMF through RHD zones, conversion of an existing detached accessory structure that is in a front building setback required by [Table 17C.110-3](#) is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by [SMC 17C.110.220](#), Setbacks, and [SMC 17C.110.225](#), Accessory Structures.
 - c. If the accessory dwelling unit is proposed for an existing detached accessory structure that meets any of the standards of subsections ~~((A)(6) through (9) and))~~ (B)(2) and (3) of this section, alterations that will move the structure out of conformance with the standards that are met are not allowed.
 - d. If the accessory dwelling unit is proposed as a conversion of an existing detached accessory structure or a portion of the building, and ~~((the existing detached accessory structure does not meet the standards of subsections (A)(6) through (9) of this section, the structure is exempt from those standards. If))~~ any floor area is added to the existing detached accessory structure to accommodate an ADU, then the entire structure must meet the ~~((standards of subsections (A)(6) through (9) of this section and the))~~ underlying zoning development standards.

- C. Utilities and Addressing.
The ADU must utilize those municipal utilities and address established for the principal dwelling unit.
- D. Code Compliance.
The ADU must meet all technical code standards of this title including building, electrical, fire, and plumbing code requirements and permits.

Section __. That SMC 17C.300.140 is amended to read as follows:

17C.300.140 ADU Expiration

- A. Transfer.
~~((An))~~ In the case where a lot with an ADU also has a Short-Term Rental under chapter 17C.316 SMC, an ADU permit is not transferable to any other property or any other person except to the new owner of the subject property when the property will be owner occupied.
- B. Expiration.
Approval of an ADU expires when the:
 - 1. accessory dwelling unit is altered and is thus no longer in conformance with the plans approved by the building services department; or
 - 2. property ceases to maintain the required off-street parking spaces for the accessory and principal dwelling units; or
 - 3. in the case where a lot with an ADU also has a Short-Term Rental under chapter 17C.316 SMC, legal titleholder of the property ceases to own and reside in either the principal or the accessory dwelling unit.

DRAFT TEXT
Short Plat Notification
Spokane Municipal Code Title 17G Administration and Procedures

17G.060.100 Notice of Application	A-26
17G.060T.003 Table 17G.060-3 Type of Public Notice Required / Project Permit Review Process	A-26
17G.060.130 Public Comment Period	A-29
17G.080.040 Short Subdivisions	A-29

Section __. That SMC section 17G.060.100 is amended to read as follows:

17G.060.100 Notice of Application

Within fourteen days of the issuance of a determination of a complete application, a notice of application shall be provided for Type I, II and III project permit applications in accordance with this section (RCW 36.70B.110.2), except that notice of application is not required for short subdivision applications involving minor engineering review as defined in SMC 17G.080.040(C)(2). The notice of application shall follow the public notice requirements contained in SMC 17G.060.110 through 17G.060.120. The notice of application may be combined with the notice of public hearing, if a hearing has been scheduled by notice of application. The date, time, place and type of hearing, SEPA determination and SEPA appeal deadline (using the optional DNS process) are required to be added to the notice of application if this provision is used (RCW 36.70B.110(2)(f)).

Section __. That SMC section 17G.060T.003 is amended to read as follows:

17G.060T.003 Table 17G.060-3 Type of Public Notice Required / Project Permit Review Process

TABLE 17G.060-3 TYPE OF PUBLIC NOTICE REQUIRED / PROJECT PERMIT REVIEW PROCESS (Click here to view PDF)						
Project Permit Type	Notice of Community Meeting	Notice of Application	Notice of Public Hearing	Review Official	City Council Review	Expiration of Permit [1]
Building and Code Enforcement – Type I Application						
Building Permit	No	No	No	Building Official	No	180 days
Grading Permit	No	No	No	Building Official	No	180 days
Demolition Permit	No	No [5]	No [2]	Building Official	No	180 days
Building Permit with SEPA	No	Posted / Legal	No	Building Official	No	180 days

Grading Permit with SEPA	No	Posted / Legal	No	Building Official	No	180 days
Demolition Permit with SEPA	No	Posted / Legal [5]	No	Building Official	No	180 days
Planning Services – Type I Application						
Floodplain with SEPA	Posted / Individual	Posted / Individual	No	Planning Director	No	180 days
Planning Services – Type II Application						
Binding Site Plan	No	Posted / Individual	No	Planning Director	No	5 years
Certificate of Compliance	No	Posted / Individual	No	Planning Director	No	None
Conditional Use Permit	No [3]	Posted / Individual	No	Planning Director	No	3 years
Plans-in-lieu	No	Posted / Individual	No	Planning Director	No	3 years
Shoreline SDP	No	Posted / Individual	No	Planning Director	No	Must Comply with WAC 173-27-90
Short Plat with SEPA	No	Posted / Individual	No	Planning Director	No	5 years
<u>Short Plat with minor engineering review</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Planning Director</u>	<u>No</u>	<u>5 years</u>
<u>Short Plat with SEPA exemption and standard engineering review</u>	<u>No</u>	<u>Individual</u>	<u>No</u>	<u>Planning Director</u>	<u>No</u>	<u>5 years</u>
Planning Services – Type III Application (Hearing Required)						
Certificate of Compliance	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	None
Conditional Use Permit	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	3 years

Floodplain Variance	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	3 years
Long Plat	Posted / Individual	Posted / Individual	Newspaper / Posted / Individual	Hearing Examiner	No	5 years
Plans-in-lieu	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	3 years
PUD	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	Yes	5 years [4]
Rezone	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	Yes	3 years
Shoreline CUP	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	Must Comply with WAC 173-27-90
Shoreline Variance	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	Must Comply with WAC 173-27-90
Skywalk	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	Yes	2 years
Variance	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	3 years

Notes:

[1] Approval expires after the specified time if no permit to develop the project is issued by the City of Spokane or building permit expires without completion of the improvements.

[2] Public Hearing is required if the structure is on the National Historic Register.

[3] Conditional Use Permits required under SMC 17C.110.110, Limited Use Standards for Religious Institutions and Schools, will complete posted/individual notification requirements for a Community Meeting.

[4] If a PUD is approved together with a preliminary plat, the expiration date for the PUD shall be the same as the expiration date of the preliminary plat.

[5] Applications for demolition permits for the demolition of an entire building or structure shall, in addition to any applicable requirements under chapter 43.21C RCW, be subject to a ten day review and comment period. This review and comment period shall run concurrently with any other applicable notice and comment period. Following receipt of such applications, copies shall be forwarded to the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the building or structure is located, at the address for such neighborhood council designee(s) that is on file with the department. Any comments submitted to the department by the neighborhood council during this review and comment period shall be provided to the applicant prior to issuing the demolition permit.

Section ___. That SMC section 17G.060.130 is amended to read as follows:

17G.060.130 Public Comment Period

- A. The public comment period for Type I, II, and III applications is fifteen days, except short subdivision applications with minor engineering review as provided in SMC 17G.080.040(C)(2) shall have no public comment period.
- B. The public comment period for a shoreline substantial development permit, shoreline conditional use, or shoreline variance shall be thirty days.
- C. The public comment period for a shoreline substantial development permit for limited utility extensions and bulkheads shall be twenty days (WAC 173-27-120).
- D. The longest public comment period shall prevail.

Section ___. That SMC section 17G.080.040 is amended to read as follows:

17G.080.040 Short Subdivisions

- A. Predevelopment Meeting

A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.
- B. Preliminary Short Plat Application and Map Requirements
 - 1. Applications for approval of a preliminary short subdivision shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall include the following:
 - a. The general application.
 - b. The supplemental application.
 - c. The environmental checklist, if required under chapter 17E.050 SMC.
 - d. Title report no older than thirty days from issuance from the title company.
 - e. The filing fees as required under chapter 8.02 SMC.
 - f. The required number of documents, plans or maps drawn to a minimum scale of one inch equals one hundred feet, on a sheet

twenty-four by thirty-six inches, as set forth in the application checklist.

- g. A written narrative identifying consistency with the applicable policies, regulations and criteria for approval of the permit requested; and
- h. Additional application information which may be requested by the permitting department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, critical area studies, noise studies, air quality studies, visual analysis and transportation impact studies.
- i. One copy of the predevelopment conference notes (if applicable); and
- j. One copy of the notification district map.

2. Contents of Preliminary Short Plat Map

The preliminary short plat shall be prepared by a land surveyor and shall show the following:

- a. Plat name and the name of any subdivision to be replatted.
- b. The name, mailing address and phone number of the owner and the person with whom official contact should be made regarding the application.
- c. Surveyor's name, mailing address and phone number.
- d. Legal description.
- e. Section, township and range.
- f. Vicinity map.
- g. North arrow, scale and date.
- h. Datum plane.
- i. Acreage.
- j. Number of lots and proposed density.
- k. Zoning designation.
- l. The boundary lines of the proposed subdivision.
- m. City limits and section lines.
- n. Park or open space (if proposed).
- o. Existing topography at two-foot maximum interval.
- p. The boundaries and approximate dimensions of all blocks and lots, together with the numbers proposed to be assigned each lot and block, and the dimensions, square footage and acreage of all proposed lots and tracts.
- q. Proposed names of streets.

- r. The location and widths of streets, alleys, rights-of-way, easements (both public and private), turn around and emergency access, parks and open spaces.
- s. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown along with any and all recorded covenants and easements.
- t. The names and address of the record owners and taxpayers of each parcel adjoining the subdivision.
- u. Indicate any street grades in excess of eight percent.
- v. The location and, where ascertainable, sizes of all permanent buildings, wells, wellhead protection areas, sewage disposal systems, water courses, bodies of water, flood zones, culverts, bridges, structures, overhead and underground utilities, railroad lines, and other features existing upon, over or under the land proposed to be subdivided, and identifying any which are to be retained or removed.
- w. Proposed one-foot strips for right-of-way conveyed to the City, in cases where a proposed public street or alley abuts unplatted land.
- x. If a body of water forms the boundary of the plat, the ordinary high water mark as defined in chapter 90.58 RCW.
- y. Critical areas as defined in chapters 17E.020, 17E.030, 17E.070 and 17G.030 SMC.
- z. Significant historic, cultural or archaeological resources; and
- aa. If the proposal is located in an irrigation district, the irrigation district name.

C. Review of Preliminary Short Plat

1. The application shall be reviewed in accordance with the procedures set forth in chapter 17G.060 SMC for a Type II application, except an application that meets the requirements for minor engineering review as provided in subsection (2) of this section shall be excluded from the public notice requirements contained in SMC 17G.060.110 through 17G.060.120 and public comment period under SMC 17G.060.130.
2. Minor Engineering Review.
A preliminary short plat application may qualify for a minor engineering review if it meets all of the following conditions:
 - a. The application is categorically exempt from chapter 43.21C RCW (SEPA);

- b. There is direct water and sewer main lot frontage on an existing and improved public right-of-way;
- c. No extensions of public water, sewer, or other utility services will be needed;
- d. No public easements for water, sewer, or other utility service exists on the lot; and
- e. The lot is not situated in a Special Drainage District as defined in SMC 17D.060.130.

D. Public Notice

All public notice of the application shall be given in accordance with the procedures set forth in chapter 17G.060 SMC for a Type II application, except a short plat that meets the requirements for minor engineering review as provided in subsection (C)(2) of this section shall not require a notice of application.

E. Preliminary Short Plat Approval Criteria

Prior to approval of a short plat application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in chapter 17G.060 SMC. The director has the authority to approve or disapprove a proposed preliminary short plat under the provisions of this chapter, subject to appeal as provided in chapters 17F.050 and 17G.060 SMC.

F. Final Short Plat Review Procedure

1. The subdivider shall submit to the director for review the following:
 - a. A final short plat, prepared by a registered land surveyor licensed in the state of Washington, consistent with the approved preliminary short plat.
 - b. A title report less than thirty days old confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
 - c. Covenants, conditions and restrictions, if applicable; and
 - d. Fees pursuant to chapter 8.02 SMC.
2. Within thirty days, unless the applicant has consented to a longer period of time, of receipt of a proposed final short plat, the director shall review the plat for conformance with all conditions of the preliminary short plat approval, the requirements of this chapter and that arrangements have been made to insure the construction of required improvements. If all such conditions are met, the director shall approve the final short plat and authorize the recording of the plat. If all conditions are not met, the director shall provide the applicant in writing a statement of the necessary changes to bring the final short plat into conformance with the conditions.

- a. If the final short plat is required to be resubmitted, the subdivider is required to provide the following:
 - b. A cover letter addressing the corrections, additions or modifications required.
 - c. Title report no older than thirty days from issuance of a title company conforming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication; and
 - d. The required number of copies of the corrected final short plat map.
3. If the final short plat is approved, the surveyor causes the plat to be signed by the Spokane county treasurer and file of record with the Spokane county auditor. The surveyor is required to file the appropriate number of mylar and bond copies of the recorded short plat with the director.

G. Final Short Plat Map Requirements

The subdivider shall submit to the director a final short plat in the same form and with the same content as the preliminary short plat, as provided in subsections (B)(1) and (2) of this section, with the following exceptions or additional requirements:

1. A final short plat shall contain all the information required of the preliminary plat, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final short plat shall include the following:
 - a. Surveyor's certificate, stamp, date and signature, as follows:

The following land surveyor's certificate to be shown on each sheet of the plat: "I, _____ registered land surveyor, hereby certify the plat of _____, as shown hereon, is based upon actual field survey of the land described and that all angles, distances, and courses are correctly shown and that all non fronting lot corners are set as shown on the plat. Monuments and fronting lot corners shall be set upon completion of the utility and street improvements.

Signed _____(Seal)"
 - b. A certification by the city treasurer, as applicable:
 - i. "I hereby certify that the land described by this plat, as of the date of this certification, is not subject to any local improvement assessments. Examined and approved, this _____ day of _____, 20__.

City of Spokane Treasurer”

- ii. “I hereby certify that the land described by this plat, as of the date of this certificate, is not subject to any delinquent local improvement assessment. Future installments, if any, shall remain due and payable and it shall be the responsibility of the owners to initiate the segregation of the LID assessment. Examined and approved, this ____ day of _____, 20__.

City of Spokane Treasurer”

- iii. “A preliminary local improvement assessment exists against this property. It shall be the responsibility of the owner’s to initiate the segregation of the LID assessment. After this assessment is finalized, it shall be due and payable. Examined and approved this ____ day of _____, 20__.

City of Spokane Treasurer”

- c. The certification by the planning director, as follows:
“This plat has been reviewed on this ____ day of _____, 20__ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner’s/Planning Director’s approval of the preliminary plat # - -PP/SP.

City of Spokane Planning Director”

- d. The certification by the city engineer, as follows:
“Approved as to compliance with the survey data, the design of public works and provisions made for constructing the improvements and permanent control monuments this ____ day of _____, 20__.

City of Spokane Engineer”

- e. The certification by the Spokane county treasurer, as follows:
“I hereby certify that the land described in this plat, as of the date of this certification, is not subject to any outstanding fees or assessments. Examined and approved ____ day of _____, 20__.

Spokane County Treasurer”

- f. The certification by the Spokane county auditor on each page of the final short plat including the time, date, book and page number of the recording of the final mylar.

- g. Signature of every owner certifying that:
 - i. the plat is made with the free consent and in accordance with the desires of the owners of the land;
 - ii. the owners are the owners of the property and the only parties having interest in the land and is not encumbered by any delinquent taxes or assessments;
 - iii. the owners adopt the plan of lots, blocks and streets shown;
 - iv. owner dedicates to the City and the City's permittees the easements shown for utilities and cable television purposes;
 - v. owner dedicates to the City the streets, alleys and other public places, including slope and construction easements and waives all claims for damages against any governmental authority including, without limitation, the City which may be occasioned to the adjacent land by the establishment, construction, drainage and maintenance of any public way so dedicated; and
 - vi. owner conveys to the City as general City property the buffer strips adjoining unplatted property.
- h. The drawing shall:
 - i. be a legibly drawn, printed or reproduced permanent map;
 - ii. if more than one sheet is required, each sheet shall show sheet numbers for the total sheets;
 - iii. have margins that comply with the standards of the Spokane county auditor;
 - iv. show in dashed lines the existing plat being replatted, if applicable;
 - v. show monuments in accordance with SMC 17G.080.020(H)(1);
 - vi. include any other information required by the conditions of approval; and
 - vii. include any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas and connections to adjacent state highways.

H. Filing.

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final short plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the short plat have been submitted to the planning services department.

I. Redivision.

No land within the boundaries of a short subdivision may be further divided in any manner which will create additional lots within a period of five years except by subdivision in accordance with SMC 17G.080.050.