



memo

to City of Spokane Staff
from Kate Rogers, Brandon Crawford, and Matt Hastie, MIG|APG
re City of Spokane Building Opportunities for Housing (BOH) Phase II
Revised Community Review Draft Code Amendments
date 9/1/2023

Introduction

This document contains draft amendments to Title 17 of the Spokane Municipal Code (SMC) as part of the Spokane Building Opportunity for Housing (BOH) Phase 2 project. The primary intent of these amendments is to make permanent changes to the SMC to allow middle housing types (e.g., duplexes, triplexes, and attached housing) in Spokane's single-family residential zones by incorporating the City's Interim Housing Regulations (SMC 17C.400) into other sections of the Code. Further proposed changes to the SMC are intended to support housing production, expand housing options, and improve the Code's readability and administration. These Code updates will also support the City's work toward compliance with House Bill 1110, which is described in the Background section below.

Background

The City of Spokane adopted the Interim Housing Regulations in 2022 to modify permitted housing types in residential zones to accelerate construction of more housing and allow for a greater variety of housing types throughout Spokane. The ordinance, named Building Opportunities and Choices for All (BOCA), builds on several years of engagement and outreach around the need for housing, through the adopted Housing Action Plan and the on-going Shaping Spokane Housing effort. The Interim Housing Regulations went into effect in August 2022 and expire in December 2023.

The Interim Regulations make the following temporary changes to Title 17:

- Allow between 1 and 4 units on all residential lots citywide.
- Allow attached homes (i.e., "townhouses") on all residential lots and remove the maximum attached unit limits in all zoning districts for attached homes.
- Modify lot development standards that control the size, placement, and physical design of attached houses, detached single-family homes, duplexes, triplexes, and fourplexes. This helps remove barriers to construction for all low-scale housing types.

- Apply uniform design standards based on existing multifamily standards, with modifications appropriate to low-scale residential projects.

The proposed amendments make permanent Code changes based on the Interim Regulations and take further steps to support housing production and expand housing options.

House Bill 1110

In July 2023, the Washington State Legislature passed House Bill 1110 (HB 1110), which requires cities to allow certain middle housing types in all residential zones, including zones that only allow single-family detached housing.¹ Large cities like Spokane must allow up to four units per lot in all such zones, plus up to six units per lot in areas near transit and where some of the units are dedicated as affordable housing. The legislation also requires cities to generally treat middle housing the same as single-family housing in terms of regulations and review procedures.

The City of Spokane is not required to comply with HB 1110 until six months after its next periodic update in 2026; however, the City is using the BOH Phase 2 project as an opportunity to work toward compliance with the legislation. The City's BOCA regulations already had resulted in compliance with many of the baseline HB 1110 requirements. The proposed approach to middle housing allowances in the current effort goes well above and beyond HB 1110 by allowing all middle housing types, including fiveplexes and sixplexes, throughout the RSF and RTF zones (proposed to be renamed as R1 and R2). The City also proposes to increase flexibility and promote more attainable housing options by focusing less on maximum density and using form-based standards such as height, setbacks, and building coverage to regulate development intensity.

Document Format

The draft SMC amendments are presented as underlined [added text] and ~~strikeout~~ [removed text]. Sections that are not being amended have been omitted, as indicated by "[...]".

Commentary Boxes

Explanations for the proposed amendments in various sections of the Code are provided in blue commentary boxes.

¹ House Bill 1110, 2023. <https://app.leg.wa.gov/billssummary?BillNumber=1110&Initiative=false&Year=2023>

Table of Contents

The following table of contents identifies the sections of the Code that are included in the draft amendments.

| | |
|---|-----------|
| TITLE 17A ADMINISTRATION | 4 |
| Chapter 17A.020 Definitions | 4 |
| TITLE 17C LAND USE STANDARDS | 10 |
| Chapter 17C.110 Residential Zones..... | 10 |
| Section 17C.110.000 Purpose and Administration..... | 10 |
| Section 17C.110.100 Land Use | 16 |
| Section 17C.110.200 Development Standards | 25 |
| Section 17C.110.300 Single-Unit Residential and Middle Housing Design Standards | 63 |
| Section 17C.110.400 Multi-Unit Design Standards | 73 |
| Section 17C.110.600 Residential Visitability Standards | 74 |
| Chapter 17C.120 Commercial Zones | 75 |
| Chapter 17C.122 Center and Corridor Zones | 75 |
| Chapter 17C.200 Landscaping and Screening | 76 |
| Chapter 17C.230 Parking | 78 |
| Chapter 17C.300 Accessory Dwelling Units..... | 82 |
| TITLE 17D CITY-WIDE STANDARDS..... | 89 |
| Chapter 17D.060 Stormwater Facilities | 89 |
| Section 17D.060.135 Areas of Drainage Concern..... | 90 |
| TITLE 17G ADMINISTRATION AND PROCEDURES | 90 |
| Chapter 17G.020 Comprehensive Plan Amendment Procedure..... | 90 |
| Chapter 17G.025 Unified Development Code Amendment Procedure..... | 92 |
| Chapter 17G.030 Design Departures..... | 95 |
| Chapter 17G.060T Land Use Application Tables | 98 |
| Chapter 17G.061 Land Use Application Procedures..... | 98 |
| Chapter 17G.070 Planned Unit Developments | 138 |
| Chapter 17G.080 Subdivisions..... | 142 |

TITLE 17A ADMINISTRATION**Chapter 17A.020 Definitions****Commentary**

The proposed amendments to definitions in this chapter are intended to achieve the following:

- Add definitions for the Building Official, City Engineer, and Planning Director.
- Add a new definition of “affordable housing” consistent with the RCW that will be used in proposed new incentives provisions for single-unit and middle housing in Section 17C.110.225.
- Create a new definition for “middle housing” that can be referenced throughout the Code. The City’s proposed approach for middle housing is to allow any configuration of building types containing 6 or fewer units. The units could be all be detached, all attached, or a mixture of attached and detached units.
- Redefine multi-family housing as “multi-unit housing,” which must contain more than 6 units (to distinguish multi-unit buildings from middle housing).
- Add definitions for building types in the middle housing category that are not yet defined – including triplex, fourplex, fiveplex, sixplex, courtyard apartments, and stacked flat. The proposed definitions are consistent with HB 1110.
- Revise the “cottage housing” definition to make it more flexible and consistent with HB 1110.
- Add a definition for “religious organization” to implement the requirements of RCW 35A.21.360, which allows development bonuses for housing developed on sites owned by religious organizations.
- Add or clarify other terms used in the proposed Code amendments.

Section 17A.020.010 “A” Definitions

[...]

D. 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~~structure(s), on a ~~residential~~single-family lot. ADUs are known variously as:

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

[...]

M. Affordable Housing.

Affordable housing means residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income for a single person, family, or unrelated persons living together whose adjusted incomes meet the following income brackets:

1. Extremely low-income (RCW 36.70A.030(11)) – 30% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
2. Very low-income (RCW 36.70A.030(30)) – 50% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
3. Low-income (RCW 36.70A.030(16)) – 80% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
4. Moderate-income (RCW 36.70A.030(18)) – 120% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.

[...]

AR. Attached Housing.

Two or more dwelling units that are single-family-unit residences on individual lots attached by a common wall at a shared property line. Attached housing is also sometimes known as townhouses, townhomes, or row houses. These include:

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

[...]

Section 17A.020.020 “B” Definitions

[...]

AE. Building Official.

The officer or other designated authority charged with the administration and enforcement of the Building Code.

[...]

Section 17A.020.030 “C” Definitions

[...]

L. City Engineer.The Director of the Engineering Services department, or their designee for approval authority.

[...]

AR. Cottage Housing.

A grouping of residential units with a common open space~~individual structures where each structure contains one or two dwelling units.~~

~~2. The land underneath the structures may or may not be divided into separate lots.~~

~~3. A cottage housing development may contain detached accessory buildings for storing vehicles. It may also include a community building, garden shed, or other facility for use of the residents.~~

~~4. The types of units allowed in cottage housing development are detached cottages, attached unit homes and carriage units. For the purposes of SMC 17C.110.350, the definitions of these types are:~~

~~a. Cottage. A detached, single family residential building.~~

~~b. Attached Unit Home. A structure containing two dwelling units designed to look like a single family home.~~

~~c. Carriage Unit. A single family dwelling unit located above a garage structure.~~

[...]

AU. Courtyard apartmentsThree or more attached dwelling units arranged on two or three sides of a yard or court.

[...]

Section 17A.020.040 "D" Definitions

[...]

AC. Director.

The administrative official of the department responsible for compliance with this code, the development codes, and the land use codes. These include the ~~director of building services~~Building Official, ~~director of engineering services~~the City Engineer, and the ~~director of planning and economic development services~~Planning Director.

AD. Director, Planning.The Director of the Planning and Economic Development department.

AR. Driveway approach.

The edge of a driveway where it abuts a public right-of-way.

[...]

AS. Duplex

A building that contains two primary dwelling units on ~~the same one~~ lot. ~~The units must that~~ share a common wall or common floor/ceiling.

[...]

AT. Dwelling Unit.

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. A dwelling unit shall not contain more than one kitchen. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

[...]

Section 17A.020.060 "F" Definitions

[...]

M. Fiveplex

A building that contains five dwelling units on the same lot that share a common wall or common floor/ceiling.

[...]

AB. Fourplex.

A building that contains four primary dwelling units on the same lot that share a common wall or common floor/ceiling.

[...]

Section 17A.020.120 "L" Definitions

[...]

M. Living ground cover.

Living plant species which reach a height of less than three feet at maturity, planted in such a manner so as to form a continuous cover over the ground. Areas that meet Spokanescape guidelines with drought tolerant plants covering at least half of the project area at maturity and bark or rock mulch covering all exposed soil are considered to meet this definition.

Section 17A.020.130 “M” Definitions

[...]

C. Major Transit Stop.

1. A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;
2. A stop on bus rapid transit routes or routes that run on high occupancy vehicle lanes.
3. A stop for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

[...]

J. Middle Housing

A residential development that contains two or more attached, stacked, or clustered dwelling units. Middle housing includes any combination of the housing types listed below. (A middle housing development could meet more than one building type definition – e.g., it could be both a stacked flat and a triplex.)

1. Single-Unit Residential Building
2. Duplex
3. Triplex
4. Fourplex
5. Fiveplex
6. Sixplex
7. Attached housing
8. Cottage housing
9. Accessory Dwelling Unit
10. Stacked flat
11. Courtyard apartments

[...]

UV. Multi-family Unit Residential Building (or “Multi-unit Residential”).

A common wall dwelling or apartment house that consists of three or more dwelling units on the same lot.

[...]

Section 17A.020.180 “R” Definitions

M. Religious Organization (or Faith Based Organization)

A federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property (see RCW 35A.21.360).

[...]

Section 17A.020.190 “S” Definitions

AU. Single-~~family~~Unit Residential Building

A ~~dwelling building~~ containing only one dwelling unit.

[...]

AZ. Sixplex

A building that contains six dwelling units on the same lot that share a common wall or common floor/ceiling.

[...]

BN. Stacked flat

Dwelling units in a residential building of no more than three stories in which each floor may be separately rented or owned.

[...]

Section 17A.020.200 “T” Definitions

N. Triplex

A building that contains three dwelling units on the same lot that share a common wall or common floor/ceiling.

Chapter 17A.040 Map and Text Interpretation

Commentary

The proposed amendments to this chapter are more clerical in nature and either modify terminology or update a code reference to be consistent with proposed changes elsewhere.

Section 17A.040.020 Establishment of Map and Text

To accomplish the intent and purpose outlined in SMC 17A.010.002, this development code includes both a map, by which the City of Spokane is divided into various zones, and a text, by which the uses, development standards, and other regulations for each zoning district are set forth. The map and text are found to provide proper zoning for the City and to meet all criteria of this development code. The location and boundaries of all zoning districts designated in this title are as shown on the map entitled zoning map of the City of Spokane, dated with the effective date of adoption of new development code and signed by the mayor and the clerk of the City, and as amended, is hereinafter referred to as the ~~zoning~~Zoning map~~Map~~ or Official Zoning Map.

Section 17A.040.030 Maintenance of the Map

The original signed copy of the zoning map containing the zoning districts designated at the time of adoption of this title shall be filed in the office of the city clerk and a duplicate shall be filed in the ~~planning~~ Planning and ~~economic~~ Economic development ~~Development services~~ Services department to keep the maps up to date at all times. Copies of all zoning maps and amendments shall be dated with the effective date of the document adopting the map and amendments and shall be maintained without change, together with the adopting documents, on file in the ~~planning~~ Planning and ~~economic~~ Economic development ~~Development services~~ Services department.

Section 17A.040.040 Amendments to Map and Text

A. Amendments.

Amendments may be proposed by the city council on its own motion or may be proposed by the plan commission on its own motion, or the amendment may be proposed by an applicant or City staff pursuant to chapter 17G.~~060~~ 061 SMC. A correct copy of each amendment to the text or to the map established by this title shall be maintained on file in the offices of the city clerk and the ~~planning~~ Planning and ~~economic~~ Economic development ~~Development services~~ Services department.

[...]

Section 17A.040.050 Interpretation of the Zoning Map

Where, due to the scale, lack of detail, or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the ~~planning and economic development services director~~ Planning Director shall make an interpretation in writing of said map upon request of any person pursuant to chapter 17A.050 SMC. Any person aggrieved by any such interpretation may appeal such interpretation to the hearings examiner under SMC 17G.~~060~~ 061.~~240~~ 340. The director, in interpreting the zoning map or the hearings examiner in deciding any appeal, shall apply the following standards:

TITLE 17C LAND USE STANDARDS

Chapter 17C.110 Residential Zones

Section 17C.110.000 Purpose and Administration

Commentary

The proposed amendments in this section are consistent with the Comprehensive Plan updates in Phase I of the Building Opportunities for Housing project. Those updates shifted away from low-versus-high density and single-family versus multi-family distinctions to allow more flexibility,

account for middle housing allowances, and focus more on development intensity rather than density.

Section 17C.110.010 Purpose

The residential zones implement the ~~single-family and higher density~~ residential goals and policies and land use plan map designations of the comprehensive plan. They are intended to preserve land for housing and to provide housing opportunities for individual households. The zones are distinguished by the uses allowed and the intensity of development allowed. The differences in the zoning categories reflect the diversity of residential areas in the City. The limits on the intensity of uses and the development standards promote the desired character for the residential area. The standards are intended to provide certainty to property owners, developers, and neighbors of what is allowed in the various categories.

A. Use Standards.

The use standards are intended to create, and maintain ~~single-family and higher density~~ residential neighborhoods. They allow for some nonhousehold living uses but not to such an extent as to sacrifice the overall residential neighborhood form and function ~~image and character~~.

B. Development Standards.

The development standards preserve the character of neighborhoods by providing six different zones with different densities-intensities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy and recreational opportunities. The site development standards allow for flexibility of development while ensuring new development complements existing development and maintaining compatibility within the City's various neighborhoods. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.

Section 17C.110.015 Design Standards Administration

Commentary

The Design Standards Administration is proposed to be reworked for increased clarity, consistency with current practice, and consistency with HB 1110. The legislation requires local governments to apply only objective design and development standards to middle housing (i.e., standards that involve no discretion or interpretation by staff when applied to a proposal), unless an applicant opts into a discretionary review path. The residential design standards in this chapter have been updated to meet this requirement, which is reflected below.

All projects must address the pertinent design standards and guidelines. A determination of consistency with the standards and guidelines will be made by the ~~p~~Planning ~~Director and economic development services director~~ following an administrative design review process. Design standards are in the form of ~~r~~R~~equirements~~ (R), ~~p~~P~~resumptions~~ (P), and ~~c~~C~~onsiderations~~ (C). Regardless of which term is used, an applicant must address each guideline. The City will expect to see how the design of a project has responded to every one of the guidelines. An applicant may seek to deviate from eligible standards and guidelines through the design departure process; see chapter 17G.030 SMC, Design Departures.

A. Requirements (R).

1. Requirements are objective standards that involve no discretion by the reviewer, using language not permissive in that they contain language that is not discretionary, such as "shall," "must," and "will." Requirements must be satisfied by any plan prior to building permit approval. Requirements are listed with an (R) after the standard.

2. Design departures from Requirements.

An applicant may seek a deviation from certain R~~equirements~~ through the design departure process, chapter 17G.030 SMC, Design Departures.

a. A design departure to a Requirement may only be approved if the proposed design is found to be an improvement over the non-discretionary standards – so long as the purpose of the Requirement is satisfied.

b. Design departures for Requirements are typically reviewed by the City's Urban Design staff. At the discretion of the applicant, a request to deviate from a Requirement may be referred to the Design Review Board pursuant to the procedures set forth in chapter 17G.030 SMC. In cases of involving projects of unusual complexity and/or situations where it is not clear whether or not the proposal satisfies the intent of the design standards, City staff may refer the project application to the Design Review Board. Requirements are listed with an (R) after the standard.

B. Presumptions (P).

1. Presumptions are objective standards that involve no discretion by the reviewer, but may include guidelines that are meant to be applied but with some flexibility for how the standards may be met. For example, some Presumptions offer a list or menu of options for meeting the standard. Presumptions must be satisfied by any plan prior to building permit approval. indicate that the City is open to design features that are equal to, or better than, that stated—so long as the purpose is satisfied. A submitted plan is incomplete and will be rejected if it does not demonstrate that the presumptive elements have been in some way incorporated or overcome. Presumptions are listed with an (P) after the standard.

2. Design departures and waivers from Presumptions.

An applicant may seek a waiver of a Presumption, as provided in subsections (a) and (b), or may request a design departure pursuant to subsection (c) and chapter 17G.030 SMC, Design Departures.

a.1. ~~Overcoming a~~Waiving a Presumption.

A ~~P~~presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate ~~to the planning and economic development services director~~ that there is a good reason why the ~~p~~Ppresumption is inappropriate. ~~The director may approve a~~An alternative may be approved that achieves the intent of the ~~P~~presumption. ~~At the discretion of the applicant, a request to deviate from a presumption may be referred to the design review board pursuant to the procedures set forth in chapter 17G.030 SMC. In rare cases involving projects of unusual complexity and/or situations where it is not clear to the director whether or not the proposal satisfies the intent of the design standards and the comprehensive plan, the director, may also refer the project application to the design review board.~~

b.2. Appropriate reasons for ~~overcoming~~waiving a ~~p~~Ppresumption include:

- i.a. demonstrating that in this instance the underlying design principles will not be furthered by the application of the ~~p~~Ppresumption;
- ii.b. showing that another design principle is enhanced by not applying the ~~p~~Ppresumption;
- iii.c. demonstrating an alternative method for achieving the intent of the ~~p~~Ppresumption;
- iv.d. explaining the unique site factors that make the ~~p~~Ppresumption unworkable such as lot size and shape, slope, natural vegetation, drainage, and characteristics of adjacent development, which are identified through their use of materials, colors, building mass and form, and landscaping.

Note: Increases in the cost of development and/or compliance with applicable standards generally will not be an acceptable reason to waive a Presumption guideline or determine that a Presumption guideline is inappropriate.

- c. A design departure to a Presumption may only be approved if the proposed design is found to be either equal to or better than the non-discretionary standards – so long as the purpose of the Presumption is satisfied.
- d. Waivers and design departures for Presumptions are typically reviewed by the Planning Director through an administrative review. At the discretion of the applicant, a request to waive or deviate from a Presumption may be referred to

the Design Review Board pursuant to the procedures set forth in chapter 17G.030 SMC. In cases involving projects of unusual complexity and/or situations where it is not clear to the Planning Director whether or not the proposal satisfies the intent of the Presumption, the Director may also refer the project application to the design review board.

C. Considerations (C).

Design standards listed as ~~e~~Considerations are features and concepts that an applicant should consider in preparing a plan. Considerations are only reviewed as part of the design departure process, pursuant to chapter 17G.030 SMC. In reviewing a design departure request, the Design Review Board, Urban Design staff, or Planning Director (as applicable) will review an applicant's response to a consideration, which ~~Their omission is not grounds for rejecting a plan, but their inclusion or recognition is encouraged and~~ may assist in ~~overcoming certain presumptions and in~~ gaining acceptance for a plan. Outside of a design departure, Considerations are encouraged, but not required or enforceable. Considerations are listed with an (C) after the standard.

Section 17C.110.020 List of the Residential Zones

Commentary

Because all middle housing types will be permitted in the City's low-intensity (i.e., "single-family") zones, the zone names for Residential Single-family (RSF) and Residential Two-family (RTF) are proposed to be renamed as R1 and R2. Also, the Residential Single-family Compact (RSF-C) zone is proposed to be removed; because the RSF (now R1) zone will be made more flexible and will allow smaller lots, the RSF-C zone is no longer necessary.

The zone descriptions in Section 17C.110.030 are proposed to be updated to reflect the increased flexibility and additional housing allowances in the R1 and R2 zones and the focus on intensity rather than density.

The full names, short names and map symbols of the ~~single-family and higher density~~ residential zones are listed below. When this chapter refers to the ~~single-family low-intensity~~ residential zones, it is referring to the RA, ~~and R1SF, and R2~~ zones listed herein. When this chapter refers to the residential zones, ~~or R zones,~~ it is referring to the ~~single-family low-intensity~~ residential and higher-~~intensity density~~ residential zones in this chapter.

| Full Name | Short Name/Map Symbol |
|--|-----------------------|
| Residential Agricultural | RA |
| Residential 1 Single-family | R 1 SF |
| Residential Single family Compact | RSF-C |

| | |
|--|-------------------------|
| Residential 2 <u>Two-family</u> | R2 <u>TF</u> |
| Residential Multifamily | RMF |
| Residential High Density | RHD |

Section 17C.110.030 Characteristics of Residential Zones

A. Residential Agriculture (RA).

The RA zone is a low-~~intensitydensity~~single-family residential zone that is applied to areas that are designated agriculture on the land use plan map of the comprehensive plan. Uses allowed in this zone include farming, green house farming, single-~~unit~~family residences and minor structures used for sales of agricultural products produced on the premises.

B. Residential ~~1 (R1)~~Single-family (RSF)

The ~~R1~~RSF zone is a low-~~intensitydensity~~single-family residential zone. The zone allows a range of housing choices built at the general scale and height of detached houses. This includes both detached and attached homes and middle housing types. It allows a minimum of four and a maximum of ten dwelling units per acre. One and two-story buildings characterize the allowed housing. The major type of new development will be attached and detached single-family residences. In appropriate areas, more compact development patterns are permitted. The RSF zone is applied to areas that are designated residential 4-10 on the land use plan map of the comprehensive plan.

~~C. Residential Single-family Compact (RSF-C).~~

~~The RSF-C zone is a low-density single-family residential zone that is applied to areas that are designated residential 4-10 on the land use plan map of the comprehensive plan. It allows a minimum of four and a maximum of ten dwelling units per acre. One and two-story attached and detached single-family residences characterize the allowed housing. The RSF-C zone allows lots as small as three thousand square feet provided that the overall maximum density of the development does not exceed ten units per acre. It is the intent of this zone to allow somewhat smaller lots in appropriate locations and to allow new development to move closer to achieving the maximum density of the residential 4-10 designation. To promote compatible infill development, the design standards of SMC 17C.110.310 are applied in this zone. The RSF-C zone is intended to be applied to parcels that are wholly or partially within one-quarter mile of a CC Core designated on the land use plan map of the comprehensive plan. The RSF-C zone may also be implemented on parcels that are adjacent to or across a street or alley from a zoning category that allows higher density uses than the RSF zone, including the RTF, RMF, RHD, Commercial, Center and Corridor and Downtown zones.~~

~~D-C.~~ Residential ~~2 (R2)~~Two-family (RTF)

The ~~R2~~RTF zone is a low-~~intensitydensity~~ residential zone. ~~It allows a minimum of ten and a~~

~~maximum of twenty dwelling units per acre. Allowed housing is characterized by one and two story buildings. It allows a range of housing choices built at the general scale and height of detached houses—including both detached and attached homes and middle housing types—but at a slightly larger development intensity amount of building coverage than the R1RSF zone. The major type of new development will be duplexes, townhouses, row houses and attached and detached single-family residences. Cottage style and pocket residential development are allowed. The RTF zone is applied to areas that are designated residential 10-20 on the land use plan map of the comprehensive plan. Generally, the RTF zone is applied to areas in which the predominant form of development is trending toward duplexes rather than single-family residences.~~

E.D. Residential Multifamily (RMF).

The RMF zone is a medium-~~intensity~~density residential zone. Allowed housing includes larger multi-unit structures while also including a mix of lower intensity middle housing and detached housing. ~~is characterized by one to four story structures and a higher percentage of building coverage than in~~ The RMF zone allows higher development intensity as compared to the R2RTF zone. ~~The major types of development will include attached and detached single-family residential, condominiums, apartments, duplexes, townhouses and row houses. The minimum and maximum densities are fifteen and thirty units per acre.~~

F.E. Residential High Density (RHD).

The RHD is a high-~~intensity~~density residential zone that allows the highest ~~density~~intensity and scale of ~~dwelling units~~housing in the residential zones. The allowed housing developments including those found in the RMF zone but also including taller and more intense apartment complexes. ~~are characterized by high amount of building coverage. The major types of new housing development will be attached and detached single-family residential, duplexes, medium and high-rise apartments, condominiums (often with allowed accessory uses). The minimum density is fifteen units per acre; the maximum is limited by other code provisions (i.e., setbacks, height, parking, etc.).~~

Section 17C.110.040 Other Zoning Standards

[...]

Section 17C.110.100 Land Use

Commentary

The only proposed changes in the next few sections are to update the section numbers, table numbers, and zone names.

Section 17C.110.10~~50~~ Residential Zone Primary Uses

- A. Permitted Uses (P). Uses permitted in the residential zones are listed in [Table ~~17C.110-17C.110.105-1~~](#) with a "P." These uses are allowed if they comply with the development standards and other standards of this chapter.
- B. Limited Uses (L). Uses permitted that are subject to limitations are listed in [Table ~~17C.110-17C.110.105-1~~](#) with an "L." These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in [SMC 17C.320.080](#), Decision Criteria, is also subject to the standards of this chapter. The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table ~~17C.110-17C.110.105-1~~](#).
- C. Conditional Uses (CU). Uses that are allowed if approved through the conditional use review process are listed in [Table ~~17C.110-17C.110.105-1~~](#) with a "CU." These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards and other standards of this chapter. Uses listed with a "CU" that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in [SMC 17C.320.080](#), Decision Criteria, is also subject to the standards of this chapter. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.
- D. Uses Not Permitted (N). Uses listed in [Table ~~17C.110-17C.110.105-1~~](#) with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

| TABLE 17C.110-1 17C.110.105-1 RESIDENTIAL ZONE PRIMARY USES (Click here to view PDF) | | | | | |
|---|------|----------------------------------|------------------|-------|-------|
| Use is: P - Permitted N - Not Permitted L - Allowed, but special limitations CU - Conditional Use review required | RA | R1RSF & RSF-C | R2RTF | RMF | RHD |
| RESIDENTIAL CATEGORIES | | | | | |
| Group Living [1] | L/CU | L/CU | L/CU | L/CU | L/CU |
| Residential Household Living | P | P | P | P | P |
| COMMERCIAL CATEGORIES | | | | | |
| Adult Business | N | N | N | N | N |
| Commercial Outdoor Recreation | N | CU | CU | CU | CU |
| Commercial Parking | N | N | N | N | N |
| Drive-through Facility | N | N | N | N | N |
| Major Event Entertainment | N | N | CU | CU | CU |
| Office | N | N | N | CU[2] | CU[2] |
| Quick Vehicle Servicing | N | N | N | N | N |
| Retail Sales and Service | N | N | N | N | N |
| Mini-storage Facilities | N | N | N | N | N |
| Vehicle Repair | N | N | N | N | N |
| INDUSTRIAL CATEGORIES | | | | | |
| High Impact Uses | N | N | N | N | N |
| Industrial Service | N | N | N | N | N |
| Manufacturing and Production | N | N | N | N | N |

| | | | | | |
|--|---------|---------|---------|----|----|
| Railroad Yards | N | N | N | N | N |
| Warehouse and Freight Movement | N | N | N | N | N |
| Waste-related | N | N | N | N | N |
| Wholesale Sales | N | N | N | N | N |
| INSTITUTIONAL CATEGORIES | | | | | |
| Basic Utilities [3] | L | L | L | L | L |
| Colleges | CU | CU | CU | P | P |
| Community Service | L[4]/CU | L[4]/CU | C[4]/CU | P | P |
| Daycare [5] | L | L | L | P | P |
| Medical Center | CU | CU | CU | CU | CU |
| Parks and Open Areas | P | P | P | P | P |
| Religious Institutions | L[6]/CU | L[6]/CU | L[6]/CU | P | P |
| Schools | L[7]/CU | L[7]/CU | L[7]/CU | P | P |
| OTHER CATEGORIES | | | | | |
| Agriculture | L[8] | N | N | N | N |
| Aviation and Surface Passenger Terminals | N | N | N | N | N |
| Detention Facilities | N | N | N | CU | CU |
| Essential Public Facilities | CU | CU | CU | CU | CU |
| Mining | N | N | N | N | N |
| Rail Lines and Utility Corridors | CU | CU | CU | CU | CU |
| Notes: * The use categories are described in chapter 17C.190 SMC. * Standards that correspond to the bracketed numbers [] are stated in SMC 17C.110.110. * Specific uses and development may be subject to the standards in SMC 17C.320.080. | | | | | |

Section 17C.110.110 Limited Use Standards

The uses listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.110-17C.110.105-1](#).

A. Group Living.

This regulation applies to all parts of [Table 17C.110-17C.110.105-1](#) that have a note [1]. Group living uses are also subject to the standards of [chapter 17C.330 SMC](#), Group Living.

1. General Standards.

All group living uses in RA, ~~R1RSF~~, ~~R2RTF~~, ~~RTF~~, RMF and RHD zones, except for alternative or post incarceration facilities, are regulated as follows:

- a. All group living uses are subject to the requirements of [chapter 17C.330 SMC](#), Group Living, including the maximum residential density provisions of [Table 17C.330-1](#).
- b. Group living uses for more than six residents are a conditional use in the RA and ~~R1RSF~~ zones, subject to the standards of [chapter 17C.320 SMC](#), Conditional Uses, and the spacing requirements of [SMC 17C.330.120\(B\)\(2\)](#).
- c. Group living uses for more than twelve residents are a conditional use in the ~~R2RTF~~ and RMF zones, subject to the standards of [chapter 17C.320 SMC](#), Conditional Uses, and the spacing requirements of [SMC 17C.330.120\(B\)\(2\)](#).

d. Exception.

Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in subsections (A)(1)(a), (b) and (c) of this section. The only exception is residential facilities licensed by or under the authority of the state of Washington. In these cases, staff persons are not counted as residents to determine whether the facility meets the twelve-resident cut-off above, for which a conditional use permit is required.

2. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size and are subject to the provisions of [chapter 17C.320 SMC](#), Conditional Uses. They are also subject to the standards of [chapter 17C.330 SMC](#), Group Living.

B. Office.

This regulation applies to all parts of [Table ~~17C.110-1~~17C.110.105-1](#) that have a note [2]. Offices in the RMF and RHD zones and are subject to the provisions of [chapter 17C.320 SMC](#), Conditional Uses and are processed as a Type III application.

C. Basic Utilities.

This regulation applies to all parts of [Table ~~17C.110-1~~17C.110.105-1](#) that have a note [3]. Basic utilities that serve a development site are accessory uses to the primary use being served. In the RA, [R1RSF](#) and [R2RTF](#) zones, a one-time addition to an existing base utility use is permitted, provided the addition is less than fifteen hundred square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing base utilities uses are permitted in the RMF and RHD zones.

D. Community Service Facilities.

This regulation applies to all parts of [Table ~~17C.110-1~~17C.110.105-1](#) that have a note [4]. In the RA, [R1RSF](#) and [R2RTF](#) zones, a one-time addition to an existing community services use is permitted, provided the addition is less than fifteen hundred square feet and three or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing community services uses are permitted in the RMF and RHD zones.

E. Daycare.

This regulation applies to all parts of [Table ~~17C.110-1~~17C.110.105-1](#) that have a note [5]. Daycare uses are allowed by right if locating within a building or residence, and providing services to no more than twelve (children or clients). Daycare facilities for more than twelve children are a conditional use and are processed as a Type II application in the RA, [R1RSF](#) and [R2RTF](#) zones. However, in the [RSF-R1](#) zone, daycare centers up to forty children are permitted if locating within a building that currently contains or did contain a college, medical center, school, religious institution or a community service facility.

F. Religious Institutions.

This regulation applies to all parts of [Table ~~17C.110-1~~17C.110.105-1](#) that have a note [6]. In the RA, [R1RSF](#) and [R2RTF](#) zones, a one-time addition to religious institutions is permitted, provided the addition is less than one thousand five hundred square feet and fifteen or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The ~~p~~Planning ~~Director and economic development services director~~ may require a Type II conditional use permit application be processed as a Type III application when the

~~e~~Director issues written findings that the Type III process is in the public interest. Applicants must comply with the [community meeting](#) requirements set forth in [SMC 17G.060061.050110](#) prior to submitting an application. New buildings or additions to existing religious institutions uses are permitted in the RMF and RHD zones.

G. Schools.

This regulation applies to all parts of the [Table 17C.110-117C.110.105-1](#) that have a note [7]. In the RA, [R1RSF](#) and [R2RTF](#) zones, a one-time addition to schools is permitted, provided the addition is less than five thousand square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The ~~p~~Planning ~~Director and economic development services director~~ may require a Type II conditional use permit application be processed as a Type III application when the ~~e~~Director issues written findings that the Type III process is in the public interest. Applicants must comply with the [community meeting](#) requirements set forth in [SMC 17G.060061.050110](#) prior to submitting an application.

H. Agriculture.

This regulation applies to all parts of [Table 17C.110-117C.110.105-1](#) that have a note [8]. The keeping of large and small domestic animals, including bees, is permitted in the RA zone. See [chapter 17C.310 SMC](#), Animal Keeping, for specific standards.

I. [Deleted]

Section 17C.110.115 Housing Types Allowed

Commentary

The Housing Types table is proposed to be updated to include Middle Housing and remove specific housing types that fall into that category.

A. Purpose.

~~In the RA through RTF zones, housing types are limited to maintain the overall image and character of the city's residential neighborhoods. Housing types allowed in each zone are consistent with the intended intensity and scale of the zone, as described in section 17C.110.030. However, t~~The standards allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing. Other housing types, including [large](#) multifamily [units](#)~~buildings~~, are allowed in the higher ~~intensity~~[density](#) zones under the RMF and RHD categories.

B. The kinds of housing types allowed in the residential zones are stated in Table ~~17C.110-217C.110.115-1~~.

TABLE ~~17C.110-2~~17C.110.115-1
RESIDENTIAL ZONE HOUSING TYPES ALLOWED
 (Click here to view PDF)

| P – Permitted N – Not Permitted CU – Conditional Use review required | RA | R1RSF and RSF-C | R2RTF | RMF | RHD |
|---|-------------------------------------|---|---------------------------|--------------|--------------|
| Single- family Unit Residential Building (detached) | P | P | P | P | P |
| Middle housing [1] | N | P | P | P | P |
| Attached Single-family Residence [1] | P | P | P | P | P |
| Cottage Housing [1] | CU | CU | CU | - | - |
| Housing on Transitional Sites [1] | P | P | P | - | - |
| Zero Lot Line [1] | P | P | P | P | P |
| Accessory Dwelling Unit (ADU) [2] | P | P | P | P | P |
| Detached ADU [2] | P | P | P | P | P |
| Duplexes | N | N | P | P | P |
| Manufactured Home [3] | P | P | P | P | P |
| Mobile Home Parks [3] | CU | CU | N | N | N |
| Single Room Occupancy (SRO) | N | N | N | P | P |
| Group Living | See SMC 17C.330.100 | | | | |
| Multi- Unit Residential Building dwelling Structure [1] | N | N P | N P | P | P |
| Short Term Rentals [4] | P/CU | P/CU | P/CU | P/CU | P/CU |
| Notes: [1] See SMC 17A.020.130 for definitions of middle housing and multi-unit residential building. [1] See SMC 17C.110.300 through 17C.110.360, Alternative Residential Development Standards. [2] See chapter 17C.300 SMC, Accessory Dwelling Units. | | | | | |

[3] See [chapter 17C.345 SMC](#), Manufactured Homes and Mobile Home Parks.

[4] See chapter [17C.316 SMC](#), Short Term Rentals.

[...]

DRAFT

Commentary

In the current Code, the Development Standards table (Table 17C.110-3) is organized under Section 17C.110.200, Lot Size. For clearer organization of the Development Standards section, the following changes are proposed:

- Add a new header Section, 17C.110.200 Development Standards.
- Move the Development Standards summary tables to the top of the section.
- Separate the lot standards (lot size, lot coverage, etc. – proposed Table 17C.110.205-1) from the building and siting standards (height, setbacks, etc. – proposed Table 17C.110.205-2).
- Also add a separate table that allows increased development intensity for housing developed on sites owned by religious organizations, consistent with RCW 35A.21.360.

In terms of the substance of the Lot Development Standards, the following changes are proposed:

- Remove maximum density limits on sites two acres or less. The proposal is to allow any number of units on these smaller sites and to allow form-based standards (height, setbacks, building coverage, maximum building footprint, outdoor areas, etc.), as well as parking requirements to control the intensity of development. Density limitations would continue to apply to larger developments, such as subdivisions over two acres.
- Reduce minimum lot size in the R1 zone.
- Increase building coverage limits when a stormwater drainage plan is provided and impose restrictions on total impervious coverage when a drainage plan is not provided.

Section 17C.110.200 Development Standards

Section 17C.110.205 Development Standards Tables

Development standards that apply within the residential zones are provided in Tables 17C.110.205-1 through 17C.110.205-3.

| <u>TABLE 17C.110.205-1</u> | | | | | |
|--------------------------------------|-----------|-----------|-----------|------------|------------|
| <u>LOT DEVELOPMENT STANDARDS [1]</u> | | | | | |
| | <u>RA</u> | <u>R1</u> | <u>R2</u> | <u>RMF</u> | <u>RHD</u> |

| <u>DENSITY STANDARDS</u> | | | | | |
|---|----------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| <u>Maximum density on sites 2 acres or less [2][3]</u> | <u>No maximum</u> | <u>No maximum</u> | <u>No maximum</u> | <u>No maximum</u> | <u>No maximum</u> |
| <u>Maximum density on sites larger than 2 acres [2]</u> | <u>10 units/acre</u> | <u>10 units/acre</u> | <u>20 units/acre</u> | <u>No maximum</u> | <u>No maximum</u> |
| <u>Minimum density [2]</u> | <u>4 units/acre</u> | <u>4 units/acre</u> | <u>10 units/acre</u> | <u>15 units/acre</u> | <u>15 units/acre</u> |
| <u>LOT DIMENSIONS FOR SUBDIVISIONS AND SHORT SUBDIVISIONS</u> | | | | | |
| <u>Minimum lot area</u> | <u>7,200 sq. ft.</u> | <u>1,800 sq. ft.</u> | <u>1,800 sq. ft.</u> | <u>1,800 sq. ft.</u> | <u>1,800 sq. ft.</u> |
| <u>Minimum lot width with no driveway approach [4]</u> | <u>40 ft.</u> | <u>15 ft.</u> | <u>15 ft.</u> | <u>15 ft.</u> | <u>15 ft.</u> |
| <u>Minimum lot width with driveway approach [4]</u> | <u>40 ft.</u> | <u>36 ft.</u> | <u>36 ft.</u> | <u>25 ft.</u> | <u>25 ft.</u> |
| <u>Minimum lot width within Airfield Overlay Zone</u> | <u>40 ft.</u> | <u>40 ft.</u> | <u>36 ft.</u> | <u>25 ft.</u> | <u>25 ft.</u> |
| <u>Minimum lot depth</u> | <u>80 ft.</u> | <u>80 ft.</u> | <u>40 ft.</u> | <u>N/A</u> | <u>N/A</u> |
| <u>Minimum lot frontage</u> | <u>40 ft.</u> | <u>Same as minimum lot width</u> | <u>Same as minimum lot width</u> | <u>Same as minimum lot width</u> | <u>Same as minimum lot width</u> |
| <u>MINIMUM LOT DIMENSIONS FOR UNIT LOT SUBDIVISIONS</u> | | | | | |
| <u>Minimum parent lot area</u> | <u>No minimum</u> | <u>No minimum</u> | <u>No minimum</u> | <u>No minimum</u> | <u>No minimum</u> |
| <u>Maximum parent lot area</u> | <u>2 acres</u> | <u>2 acres</u> | <u>2 acres</u> | <u>2 acres</u> | <u>2 acres</u> |
| <u>Minimum child lot area</u> | <u>No minimum</u> | <u>No minimum</u> | <u>No minimum</u> | <u>No minimum</u> | <u>No minimum</u> |
| <u>Minimum child lot depth</u> | <u>No minimum</u> | <u>No minimum</u> | <u>No minimum</u> | <u>No minimum</u> | <u>No minimum</u> |
| <u>LOT COVERAGE</u> | | | | | |
| <u>Maximum total building coverage [5][6][7]</u> | <u>50%</u> | <u>65%</u> | <u>80%</u> | <u>100%</u> | <u>100%</u> |
| <u>Maximum lot impervious coverage without stormwater drainage plan - not in ADC [5][8]</u> | <u>50%</u> | <u>60%</u> | <u>60%</u> | <u>N/A</u> | <u>N/A</u> |
| <u>Maximum lot impervious coverage without stormwater drainage plan - inside ADC [5][8]</u> | <u>40%</u> | <u>40%</u> | <u>40%</u> | <u>N/A</u> | <u>N/A</u> |
| <u>Notes:</u> <u>[1] Plan district, overlay zone, or other development standards contained in SMC 17C may supersede these standards.</u> | | | | | |

[2] See SMC 17C.110.215 for applicability of minimum and maximum density standards in the residential zones.

[3] Development within Airfield Overlay Zones is further regulated as described in SMC 17C.180.090, Limited Use Standards.

[4] Lots with vehicle access only from an alley are not considered to have a “driveway approach” for the purposes of this standard.

[5] Lot and building coverage calculation includes all primary and accessory structures.

[6] Building coverage for attached housing is calculated based on the overall development site, rather than individual lots.

[7] Development within one-half mile of a Major Transit Stop or Center & Corridor zone, or that includes qualifying affordable units, ~~are~~ is allowed building coverage up to 80% in R1 and 90% in R2. See SMC 17C.110.235 for detailed eligibility criteria.

[8] Projects may exceed impervious coverage requirements by including a drainage plan in submittals, subject to review by the City Engineer as described in SMC 17D.060.135. “ADC” means Area of Drainage Concern.

Commentary

The following changes to Building and Siting Standards are proposed:

- Establish standards for maximum building footprint per primary building to preclude out-of-scale buildings in the R1 and R2 zones.
- Reduce front setbacks to 10 feet.
- Establish new angled setback standards to limit building bulk on the sides of lots – see Section 17C.110.235 for more info.
- Increase requirements for outdoor area per unit.
- Incorporate standards specific to ADUs, consistent with Section 17C.300.

| <u>TABLE 17C.110.205-2</u> | | | | | |
|--|----------------------------------|----------------------|----------------------|----------------------|----------------------|
| <u>BUILDING AND SITING STANDARDS [1]</u> | | | | | |
| | <u>RA</u> | <u>R1</u> | <u>R2</u> | <u>RMF</u> | <u>RHD</u> |
| <u>PRIMARY BUILDINGS</u> | | | | | |
| <u>Floor area ratio</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> |
| <u>Maximum building footprint per primary building - lot area 7,000 sq. ft. or less</u> | <u>N/A</u> | <u>2,450 sq. ft.</u> | <u>2,450 sq. ft.</u> | <u>N/A</u> | <u>N/A</u> |
| <u>Maximum building footprint per primary building - lot area more than 7,000 sq. ft.</u> | <u>N/A</u> | <u>35%</u> | <u>35%</u> | <u>N/A</u> | <u>N/A</u> |
| <u>Maximum building height [2]</u> | <u>35 ft.</u> | <u>40 ft.</u> | <u>40 ft.</u> | <u>40 ft.</u> | <u>40 ft.</u> |
| <u>Minimum Setbacks</u> | | | | | |
| <u>Front [3]</u> | <u>15 ft.</u> | <u>10 ft.</u> | <u>10 ft.</u> | <u>10 ft.</u> | <u>10 ft.</u> |
| <u>Interior side lot line - lot width 40 ft or less [4]</u> | <u>3 ft.</u> | <u>3 ft.</u> | <u>3 ft.</u> | <u>3 ft.</u> | <u>3 ft.</u> |
| <u>Interior side lot line - lot width more than 40 ft [4]</u> | <u>5 ft.</u> | <u>5 ft.</u> | <u>5 ft.</u> | <u>5 ft.</u> | <u>5 ft.</u> |
| <u>Street side lot line – all lot widths</u> | <u>5 ft.</u> | <u>5 ft.</u> | <u>5 ft.</u> | <u>5 ft.</u> | <u>5 ft.</u> |
| <u>Attached garage or carport entrance from street</u> | <u>20 ft.</u> | <u>20 ft.</u> | <u>20 ft.</u> | <u>20 ft.</u> | <u>20 ft.</u> |
| <u>Rear</u> | <u>25 ft.</u> | <u>15 ft.</u> | <u>15 ft.</u> | <u>10 ft.</u> | <u>10 ft.</u> |
| <u>ACCESSORY DWELLING UNITS</u> | | | | | |
| <u>Maximum building footprint for accessory dwelling unit - lot area 5,500 sq. ft. or less</u> | <u>1,100 sq. ft.</u> | <u>1,100 sq. ft.</u> | <u>1,100 sq. ft.</u> | <u>1,100 sq. ft.</u> | <u>1,100 sq. ft.</u> |
| <u>Maximum building footprint for accessory dwelling unit - lots larger than 5,500 sq. ft.</u> | <u>15%</u> | <u>15%</u> | <u>15%</u> | <u>15%</u> | <u>15%</u> |
| <u>Maximum building height</u> | <u>25 ft.</u> | <u>25 ft.</u> | <u>25 ft.</u> | <u>25 ft.</u> | <u>25 ft.</u> |
| <u>Minimum side lot line setbacks [4]</u> | <u>Same as Primary Structure</u> | | | | |
| <u>Minimum rear setback with alley</u> | <u>0 ft.</u> | <u>0 ft.</u> | <u>0 ft.</u> | <u>0 ft.</u> | <u>0 ft.</u> |
| <u>Minimum rear setback no alley</u> | <u>5 ft.</u> | <u>5 ft.</u> | <u>5 ft.</u> | <u>5 ft.</u> | <u>5 ft.</u> |
| <u>OTHER ACCESSORY STRUCTURES</u> | | | | | |

| | | | | | |
|---|----------------------------------|--------------------|--------------------|------------------------------|------------------------------|
| <u>Maximum lot coverage for accessory structures – lots 5,500 sq. ft. or less</u> | <u>20%</u> | <u>20%</u> | <u>20%</u> | <u>See Primary Structure</u> | <u>See Primary Structure</u> |
| <u>Maximum lot coverage for accessory structures – lots larger than 5,500 sq. ft.</u> | <u>20%</u> | <u>15%</u> | <u>15%</u> | <u>See Primary Structure</u> | <u>See Primary Structure</u> |
| <u>Maximum building height</u> | <u>30 ft.</u> | <u>20 ft.</u> | <u>20 ft.</u> | <u>35 ft.</u> | <u>35 ft.</u> |
| <u>Minimum side lot line setbacks</u> | <u>Same as Primary Structure</u> | | | | |
| <u>Minimum rear setback with alley</u> | <u>0 ft.</u> | <u>0 ft.</u> | <u>0 ft.</u> | <u>0 ft.</u> | <u>0 ft.</u> |
| <u>Minimum rear setback no alley</u> | <u>5 ft.</u> | <u>5 ft.</u> | <u>5 ft.</u> | <u>5 ft.</u> | <u>5 ft.</u> |
| <u>OPEN SPACE</u> | | | | | |
| <u>Minimum outdoor area per unit [5]</u> | <u>250 sq. ft.</u> | <u>250 sq. ft.</u> | <u>250 sq. ft.</u> | <u>200 sq. ft.</u> | <u>48 sq. ft.</u> |
| <u>Minimum common outdoor area per unit as a substitute for private area - first six units</u> | <u>200 sq. ft.</u> | <u>200 sq. ft.</u> | <u>200 sq. ft.</u> | <u>150 sq. ft.</u> | <u>48 sq. ft.</u> |
| <u>Minimum common outdoor area per unit as a substitute for private area - all units after six</u> | <u>150 sq. ft.</u> | <u>150 sq. ft.</u> | <u>150 sq. ft.</u> | <u>100 sq. ft.</u> | <u>48 sq. ft.</u> |
| <u>Notes:</u> <u>[1] Plan district, overlay zone, or other development standards contained in SMC 17C may supersede these standards.</u> <u>[2] Base zone height may be modified according to SMC 17C.110.230, Height.</u> <u>[3] Certain elements such as covered porches may extend into the front setback. See SMC 17C.110.235, Setbacks.</u> <u>[4] There is an additional angled setback from the interior side lot line. Refer to Section 17C.110.230(C) for more detail.</u> <u>[5] Common outdoor area may be substituted for private outdoor area according to SMC 17C.110.310.</u> | | | | | |

| TABLE 17C.110.205-3 DEVELOPMENT STANDARDS FOR LAND OWNED BY RELIGIOUS ORGANIZATIONS [1] | | | | | |
|--|-----|---------------|---------------|------|------|
| | RA | R1 | R2 | RME | RHD |
| LOT COVERAGE | | | | | |
| Maximum total building coverage | N/A | 80% | 90% | 100% | 100% |
| PRIMARY BUILDINGS | | | | | |
| Floor area ratio | N/A | N/A | N/A | N/A | N/A |
| Maximum building footprint per primary building - lot area 7,000 sq. ft. or less | N/A | 2,450 sq. ft. | 2,450 sq. ft. | N/A | N/A |
| Maximum building footprint per primary building - lot area more than 7,000 sq. ft. | N/A | 35% | 35% | N/A | N/A |
| Notes: [1] Standards not addressed in this table are consistent with the general standards in Tables 17C.110.205-1 and 17C.110.205-2. | | | | | |

Section 17C.110.2~~1000~~ Lot Size and Dimensions

Commentary

The purpose statements for lot dimensions, below, are relocated here from current Section 17C.110.208.

Under subsection (B) Existing Lot Size, the proposed changes allow development on existing lots even if they don't meet current lot dimension standards. Other updates are proposed for clarity.

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.

The lot dimension standards further ensure that:

1. Each lot has enough room for a reasonably-sized house;
2. Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
4. Housing units have access to private or shared open space;
6. Lots don't narrow to an unbuildable width close to the street;
7. Lots have access from public rights-of-way;
8. Each lot has access for utilities and services;
10. Lots are an appropriate size and shape so that development can be oriented toward the street;
12. Housing goals for the City are met; and
13. To avoid having the garage door as the dominant feature of the front of a house on narrow lots.

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 I(C) of this section.~~

1. 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 follows:

- a. Through a Planned Unit Development modified through the PUD process as described in Chapter 17G.070, by the hearing examiner
- b. Through a unit lot subdivision pursuant to Section 17G.080.065.

2. 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. ~~205-1-3.~~
- 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 ~~RSFR1~~ zones pursuant to SMC 17G.070.030(C)(1).

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.~~

E. Lot Frontage. All residential lots shall front onto a public street and meet the minimum lot frontage requirements of Table 17C.110. ~~205-1-3~~ except as follows:-

1. Except, that frontage on a public street is not required for lots created through ~~alternative residential unit lot~~ subdivisions approved under SMC 17G.080.065
2. For, and lots approved in a planned unit development approved under SMC 17G.070
- 1.3. For lots in a manufactured home park ~~may have lots or spaces fronting onto private streets, subject to the decision criteria of~~ approved under 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 |

| | | | | | |
|-----------------------------------|---------------|---------------|--|-------------------|-------------------|
| 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. | 2,250 sq. ft. + 35% for portion of lot over 5,000 sq. ft. | 50% | 60% |
| Lots 3,000 – 4,999 sq. ft. | 1,500 sq. ft. + 37.5% for portion of lot over 3,000 sq. ft. | | | | |

| | | | | | |
|---|---------------|-------------|------------|------------|------------|
| Lots less than 3,000 sq. ft. | 50% | | | | |
| 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 |
| Maximum Coverage with Detached Accessory Dwelling Unit, Lots less than 5,500 sq. ft. [12] | 20% | | | See Primary Structure | See Primary Structure |
| Front Setback | 20 ft. | | | | |
| Side Lot Line Setback—Lot width 40 ft. or wider [13] | 5 ft. | | | | |
| Side Lot Line Setback—Lot width less than 40 ft. [13] | 3 ft. | | | | |
| Street Side Lot Line [14] | 20 ft. | | | | |
| Rear [13] | 5 ft. | | | | |

| | |
|---|-------|
| Rear with Alley | 0 ft. |
| <p>Notes:</p> <p>— No requirement</p> <p>{1} Plan district, overlay zone, or development standards contained in SMC 17C.110.310 through 360 may supersede these standards.</p> <p>{2} See SMC 17C.110.209, Compact Lot Standards.</p> <p>{3} [Deleted.]</p> <p>{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.</p> <p>{5} No structure located in the rear yard may exceed twenty feet in height.</p> <p>{6} Base zone height may be modified according to SMC 17C.110.215, Height.</p> <p>{7} Attached garage or carport entrance on a street is required to be setback twenty feet from the property line.</p> <p>{8} See SMC 17C.110.220(D)(1), setbacks regarding the use of front yard averaging.</p> <p>{9} See SMC 17C.110.220(D)(2), setbacks regarding reduction in the rear yard setback.</p> <p>{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.</p> <p>{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.</p> <p>{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).</p> <p>{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).</p> <p>{14} The setback for a covered accessory structure may be reduced to five feet from the property line.</p> | |

Section 17C.110.2~~1505~~ Density**Commentary**

As noted above, the City's proposed new approach to regulating density is to only limit maximum density for sites over 2 acres. That approach is reflected below, in addition to amendments intended to clarify how the density regulations are administered.

A. Purpose.

The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services. ~~The density standards also allow the housing density to be matched with the carrying capacity of the land.~~ The use of density minimums ensures that in areas with the highest level of public services, that the service capacity is not wasted and that the City's housing goals are met.

~~**B. Single dwelling or duplex development.**~~

~~When single dwelling or duplex development is proposed for some or all of the site, the applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in Table 17C.110-3. Site area devoted to streets is subtracted from the total site area in order to calculate minimum and maximum density.~~

~~**C. All other development. When development other than single dwelling or duplex is proposed, minimum and maximum density must be met at the time of development.**~~**B. Calculating Density.**

The calculation of density for a subdivision or residential development is net area, and is based on the total area of the subject property, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities. Land within a critical area (see definitions under [chapter 17A.020 SMC](#)) may be subtracted from the calculation of density. When the calculation of density results in a fraction, the density allowed is rounded updown to the next whole number. For example, a calculation in which lot area, divided by minimum unit area equals 4.35 units, the number is rounded updown to four-five units.

C. Maximum Density Applicability and Calculation.

~~The maximum densities for the single-family and multi-dwelling zones are stated in Table 17C.110-3. All new housing built, or converted from other uses, must be on sites large enough to comply with the density standards. The number of units allowed on a site is based on the presumption that all site development standards will be met.~~

1. The maximum density standards in Table 17C.110.205-1 shall be met only when the development site exceeds 2 acres in area. In such cases, the following apply:

- a. If a land division is proposed, the applicant must demonstrate how the proposed lots can meet maximum density once construction is completed.
- b. If no land division is proposed, maximum density must be met at the time of development.

a-c. Maximum density is based on the zone and size of the site. The following formula is used to determine the maximum number of units allowed on the site:

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by maximum density from [Table 17C.110.205-1-3](#);

Equals maximum number of units allowed. If this formula results in a decimal fraction, the resulting maximum number of units allowed is rounded up to the next whole number. Decimal fractions of five tenths or greater are rounded up. Fractions less than five tenths are rounded down.

- 2. If the development site is 2 acres or less in area, the maximum density standards do not apply.
- 3. The number of units allowed on a site is based on the presumption that all site development standards will be met.

D. Minimum Density Applicability and Calculation.

~~The minimum density requirements for the single-family and multi-dwelling zones are stated in Table 17C.110-3. All subdivision is required to comply with the minimum density requirements of the base zone, unless modified by a PUD under SMC 17G.070.030(B)(2).~~

- 1. The minimum density standards in Table 17C.110.205-1 shall be met under the following circumstances:
 - a. A land division is proposed.
 - i. In such cases, the applicant must demonstrate how the proposed lots can meet minimum density once construction is completed.
 - ii. Minimum density standards can be modified by a PUD under SMC 17G.070.030(B)(2).
 - b. Development is proposed in the RMF or RHD zones. In such cases, minimum density must be met at the time of development.
- 2. Except as provided in subsection (3), when development is proposed on an existing legal lot in the RA, R1, or R2 zones, minimum density standards do not apply.
- 3. A site ~~that is nonconforming in minimum density with pre-existing development~~ may not move out of conformance or further out of conformance with the minimum density standard, including sites in the RA, R1, and R2 zones (regardless of whether a land division is proposed).

~~1.4.~~ Minimum density is based on the zone and size of the site, and whether there are critical areas (see definitions under [chapter 17A.020 SMC](#)). Land within a critical area may be subtracted from the calculation of density. The following formula is used to determine the minimum number of lots required on the site.

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by minimum density from [Table 17C.110.205-1-3](#);

Equals minimum number of units required.

~~F.—Unit/Area.~~

~~The maximum units per net lot area are stated in [Table 17C.110-3](#). These provisions allow for one single family residence per lot in the RA, RSF, and RSF-C zones, one duplex per lot in the RTF and increases in the number units in the multifamily zones based on size of the lot.~~

E. Transfer of Density.

Density may be transferred from one site to another subject to the provisions of [chapter 17G.070 SMC](#), Planned Unit Developments.

Commentary

Section 17C.110.208, Lot Dimension Standards is proposed to be removed. As noted above, the purpose statements in this section have been moved to the consolidated section 17C.110.210, Lot Size and Dimensions, above. The remainder of the text in this section simply points to the development standards tables, which is not necessary.

~~Section 17C.110.208 Lot Dimension Standards~~

~~A.—Purpose.~~

~~These standards ensure that:~~

- ~~1.—Each lot has enough room for a reasonably sized house and garage;~~
- ~~2.—Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;~~
- ~~3.—Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;~~
- ~~4.—Each lot has room for at least a small, private outdoor area;~~
- ~~5.—Lots are compatible with existing lots;~~

- ~~6.—Lots don't narrow to an unbuildable width close to the street;~~
- ~~7.—Each lot has adequate access from the street;~~
- ~~8.—Each lot has access for utilities and services;~~
- ~~9.—Lots are not landlocked;~~
- ~~10.—Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible;~~
- ~~11.—The multi-dwelling zones can be developed to full potential;~~
- ~~12.—Housing goals for the City are met; and~~
- ~~13.—To avoid having the garage door as the dominant feature of the front of a house on narrow lots.~~

~~B.—Lot Dimensions.~~

~~Minimum lot dimensions are stated in Table 17C.110-3. Minimum lot dimensions for lots that will be developed with residential structures are stated in Table 17C.110-3.~~

~~C.—Minimum Lot Width.~~

~~Each lot must meet the minimum lot width standard stated in Table 17C.110-3. Lots that do not meet these regulations may be requested through a planned unit development.~~

~~D.—Lot Access.~~

~~If the lot abuts a public alley, then vehicle access shall be from the alley unless this requirement is waived by the planning and economic development services director as provided in SMC 17C.110.245(B). This requirement will be imposed as a condition of approval of the subdivision;~~

~~E.—Garage Wall Limitation.~~

~~Lots in the RA, RSF, RSF-C and RTF zones must be configured so that development on the site will be able to meet the following garage limitation standards at the time of development:~~

~~1.—Application.~~

~~Unless exempted by (2) of this subsection, the regulations of this subsection apply to garages on lots accessory to houses, attached houses, manufactured homes, and middle housing duplexes in the RA, RSF, RSF-C and RTF zones.~~

~~2.—Exemptions.~~

- ~~a.—Garages that are accessory to development on lots which slope up or down from the street with an average slope of ten percent or more are exempt from the standards of this subsection.~~



~~b.—Garages in subdivisions and PUDs that received preliminary approval prior to November 2, 2012 are exempt from the standards of this subsection.~~

~~c.—On corner lots, only one street-facing garage wall must meet the standards of this subsection.~~

~~d.—The garage wall limitation is not required on lots that are more than thirty-six feet wide.~~

~~3.—Standards.~~

~~a.—The length of the garage wall facing the street may be up to fifty percent of the length of the street-facing building façade. For attached houses, this standard applies to the combined length of the street-facing façades of each unit. For all other lots and structures, the standards apply to the street-facing façade of each unit.~~

~~b.—Where the street-facing façade of a unit is less than twenty-two feet long, an attached garage is not allowed as part of that façade.~~

~~c.—Modifications to the standards of this subsection are allowed through a planned unit development.~~

~~F.—Minimum Front Lot Line.~~

~~Each lot must have a front lot line that meets the minimum front lot line standard stated in [Table 17C.110-3](#). Lots that do not meet the minimum front lot line standard may be requested through a planned unit development.~~

- ~~G.— Minimum lot depth. Each lot must meet the minimum lot depth standard stated in Table 17C.110-3. Lots that do not meet the minimum lot depth standard may be requested through planned unit development.~~

Commentary

Section 17C.110.209 Compact Lot Standards is proposed to be removed. Because the general lot standards in the RSF (now R1) zone are being made more flexible and will allow smaller lots, the compact lot standards are no longer necessary.

~~Section 17C.110.209 Compact Lot Standards~~

~~A.— Purpose.~~

~~This section allows for development of sites one and a half acres or less for the purpose of compact residential development. It is the intent of these standards to allow somewhat smaller lots in appropriate locations and to allow new development to move closer to achieving the maximum density of the residential 4-10 designation.~~

~~B.— Applicability.~~

~~The compact lot development standards in Table 17C.110-3 apply for the housing types allowed in Table 17C.110-2 on sites defined in SMC 17C.110.209(B)(1) below in the RSF zone, and throughout the RSF-C zone, unless superseded by development standards of a plan district, overlay zone, or development standards contained in sections SMC 17C.110.310 through 17C.110.360.~~

- ~~1.— The standards apply within the RSF zone only on developments meeting the size requirements of subsection (3) below and located:~~

- ~~a.— At least partially within one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay; or~~
- ~~b.— On a lot that is a transitional site as described in SMC 17C.110.330.~~

- ~~2.— To determine eligibility of a site, the distance in subsection (1)(a) above is measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.~~

- ~~3.— The maximum size for a development using the compact lot standards of Table 17C.110-3 in the RSF zone is one and a half acres. Compact lot developments over one and a half acres must be approved as a planned unit development.~~

- ~~C.— The design standards of SMC 17C.110.310 apply to projects using the compact lot standards in Table 17C.110-3 in order to complement and reinforce positive residential character.~~

Commentary

The proposed updates to Section 17C.110.220, below, are intended to explain the applicability of the proposed new Impervious Coverage standards in Table 17C.110.205-1. .

Section 17C.110.~~220-10~~ Building Coverage and Impervious Coverage

A. Purpose.

The building coverage standards, together with the floor area ratio (FAR), height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. ~~Additionally, the standards~~ also help define the character of the different zones by limiting the amount of building area allowed on a site. Additionally, the impervious coverage standards ensure that there is adequate space on a site for stormwater infiltration.

B. Building Coverage and Impervious Coverage Standards.

The maximum combined building coverage allowed on a site for all covered structures is stated in Table 17C.110.205-1-3.

1. "Impervious surface" is defined in SMC 17A.020.090.
2. For development applications that submit a stormwater drainage plan pursuant to SMC 17C.060.140, total impervious coverage on a lot is not limited by this chapter, and the building coverage standards control.
3. For development applications that do not submit a stormwater drainage plan, the maximum impervious coverage standards in Table 17C.110.205-1 must be met. The impervious coverage standards vary depending on whether or not the subject site is located in an Area of Drainage Concern pursuant to SMC 17D.060.135.

~~B-C.~~ How to Use FAR with Building Coverage.

The FAR determines the total amount of living space within a residential structure while the maximum building site coverage determines the maximum building footprint for all structures, including garages and the primary residence(s). The FAR is defined under chapter 17A.020 SMC, Definitions. FAR does not apply to Residentially zoned areas.

Section 17C.110.225 Development Near Major Transit Stop or Center & Corridor Zone, or with Qualifying Affordable Units

Commentary

This is a new proposed section in the Code. The intent is to allow increased development intensity for sites in the R1 and R2 zones that are located near transit, near Center and Corridor Zones, or that include affordable units. The increased development intensity would be achieved through increased building coverage.

These development bonuses are in the spirit of HB 1110, which requires local governments to allow additional density (up to six units per lot) on sites within ¼ mile walking distance of transit or for projects that include affordable housing units. However, Spokane is proposing to go above and beyond the legislation by allowing six units per lot (or more – density would not be limited) throughout the R1 and R2 zones – so the increased density required by HB 1110 does not apply. Therefore, the proposal is instead to allow development bonuses in areas near transit and for projects that include affordable units.

A. Residential developments that meet one or more of the eligibility criteria in subsection (B) are eligible for increased building coverage, as follows:

1. R1 zone: Maximum 80% building coverage.
2. R2 zone: Maximum 90% building coverage.

B. Eligibility Criteria.

1. The property is within one half mile of a major transit stop, as defined in SMC 17A.020.130; or
2. The property is within one half mile of a Center & Corridor Zone; or
3. At least 25 percent of the units are dedicated as affordable housing for low-income households, as defined in Section 17A.020.010, and the following standards are met:
 - a. When the calculation of units required as affordable housing results in a fraction, the number of units shall be rounded up to the next whole number. For example, if there are 5 total units proposed, at least 2 units must be affordable housing (25% of 5 units equals 1.25, rounded up to 2 units).
 - b. The affordable units must be maintained as affordable for a term of at least 50 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions in accordance with RCW 84.14. The applicant must record a covenant or deed restriction that ensures the continuing rental of units subject to these affordability requirements consistent with the conditions in RCW 84.14 for a period of no less than 50 years. The covenant or deed restriction must also address criteria and policies

to maintain public benefit if the property is converted to a use other than which continues to provide for permanently affordable housing.

- c. The units dedicated as affordable must be no smaller in size than the smallest market rate unit in the development.
- d. The number of bedrooms in affordable units must be in the same proportion as the number of bedrooms in units within the entire development. The affordable units must be distributed throughout the development and have substantially the same functionality as the other units in the development.

Section 17C.110.230~~215~~ Height

Commentary

The current method of calculating and regulating building height is rather confusing and has been challenging for both staff and applicants to interpret. The proposed amendments to the height regulations would simplify the calculation method and bring it more in line with how the Building Code measures height.

The proposed changes also remove the differentiation between wall height and building height and would simply regulate the total roof height of a building. The current wall height standards help limit the scale and bulk of buildings near side property lines. However, the proposed new Angled Setback provisions in Section 17C.110.235(E) will make the wall height standards unnecessary in the R1 and R2 zones.

A. Purpose.

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

B. Height Standards.

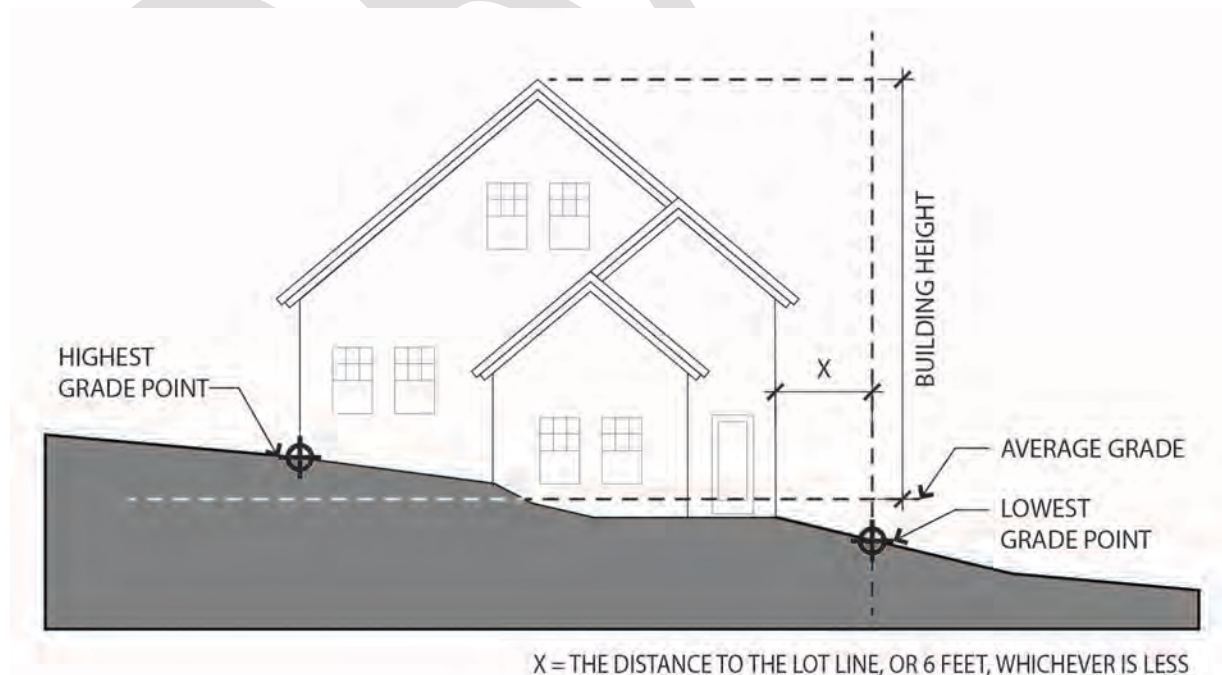
The maximum height standards for all structures are stated in [Table 17C.110.205-2-3](#). The building height shall be measured using the following method [\(see Figure 17C.110.230-A\)](#):

1. Building height is the vertical distance from the average grade to the highest point of the roof or structure that is not listed as an exception to the maximum building height limits as listed in Section 17C.110.230(C).
2. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
3. "Average grade" means the average of the ground level adjoining the building at all exterior walls. Where the ground level slopes away from the exterior walls, the reference point 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 6 feet from the building, use the reference point between the structure and a point 6 feet from the building.

4. Measurements shall be taken at the existing grade or finished grade, whichever is lower.
1. ~~The height shall be measured at the exterior walls of the structure. Measurement shall be taken at each exterior wall from the existing grade or finished grade, whichever is lower, up to a plane essentially parallel to the existing or finished grade. For determining structure height, the exterior wall shall include a plane between the supporting members and between the roof and the ground. The vertical distance between the existing grade, or finished grade, if lower, and the parallel plane above it shall not exceed the maximum height of the zone.~~
2. ~~When finished grade is lower than existing grade, in order for an upper portion of an exterior wall to avoid being considered on the same vertical plane as a lower portion, it must be set back from the lower portion a distance equal to two times the difference between the existing and finished grade on the lower portion of the wall.~~
5. Depressions such as window wells, stairwells for exits required by other codes, “barrier free” ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.

Figure 17C.110.230-A Height Measurement

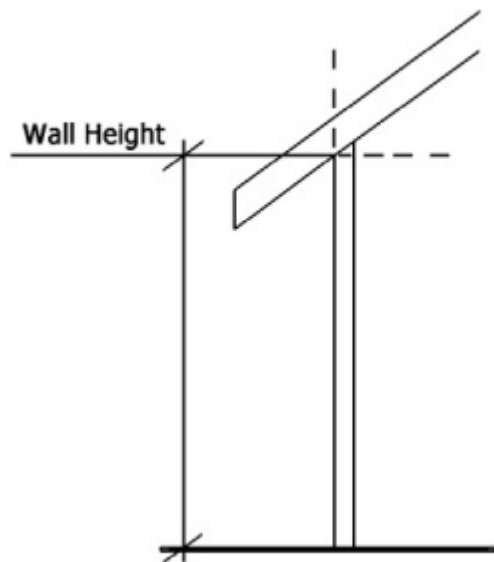
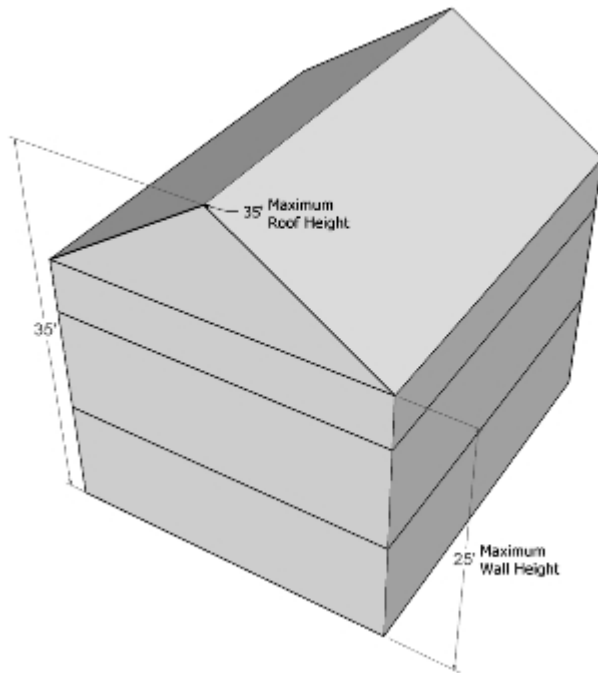


- ~~3.—No part of the structure, other than those specifically exempted or excepted under the provisions of the zone, shall extend beyond the plane of the maximum height limit.~~
- ~~4.—Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.~~
- ~~5.6.~~ For purposes of measuring building height in residential zones, the following terms shall be interpreted as follows:
- a. “Grade” means the ground surface contour (see also “existing grade” and “finished grade”).
 - b. “Fill” means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.
 - c. “Finished grade” means the grade upon completion of the fill or excavation.
 - d. “Excavation” means the mechanical removal of earth material.
 - e. “Existing grade” means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.

TABLE 17C.110.215-1
MAXIMUM HEIGHT

| | |
|---|--------|
| Maximum Wall Height [1] | 25 ft. |
| Maximum Roof Height [2] | 35 ft. |
| [1] The height of the lowest point of the roof structure intersects with the outside plane of the wall. [2] The height of the ridge of the roof. See “Example A” below. | |

~~1.—Example A~~



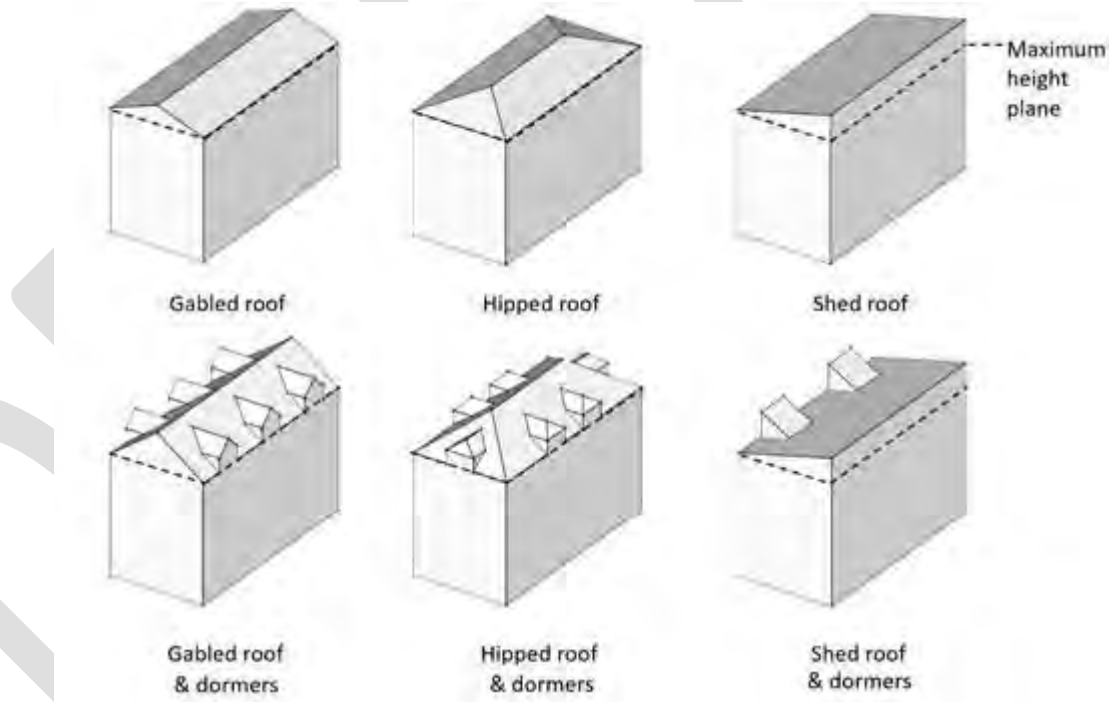
C. Exceptions to the maximum height standard are stated below:

1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map

symbol (i.e., RHD-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are thirty-five feet, forty feet, fifty-five feet, seventy feet, or one hundred fifty feet depending on location.

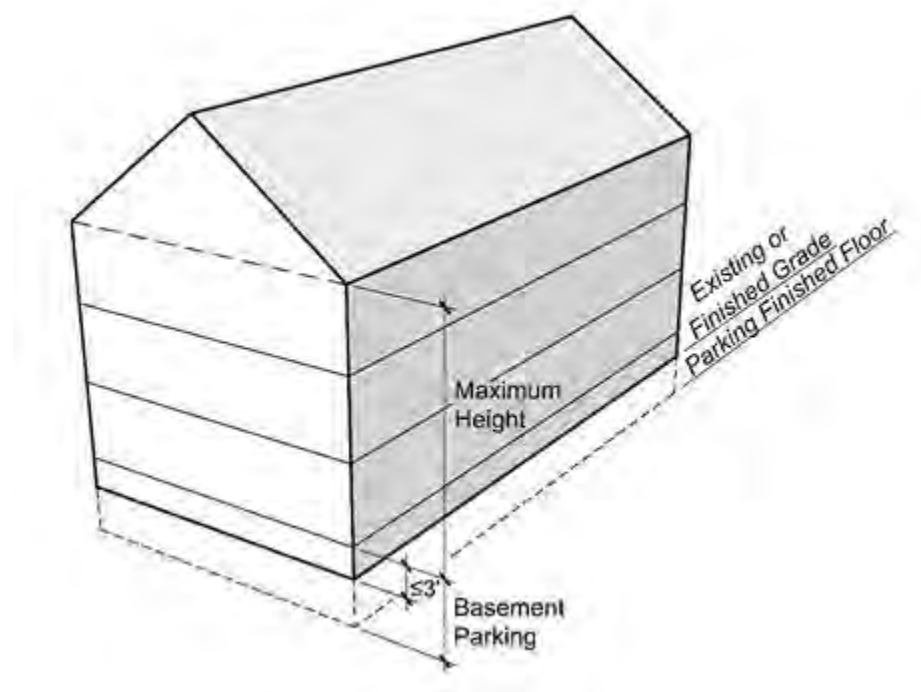
2. In RMF and RHD zones where the maximum structure height is ~~thirty-five~~ forty feet, pitched roof structures are allowed an additional fifteen feet above the maximum height standard stated in Table 17C.110. 205-2-3, provided that the roof incorporates all of the following:
 - a. pitched roof forms having slopes between 4:12 and 12:12; and
 - b. a minimum of one roof plane that intersects the maximum height plane (see Figure 17C.110. 230-B-A for eligible examples); and
 - c. establishes sense of “top” per SMC 17C.110.455.

Figure 17C.110. 230-B-A: Roof Type Examples for Height Exception

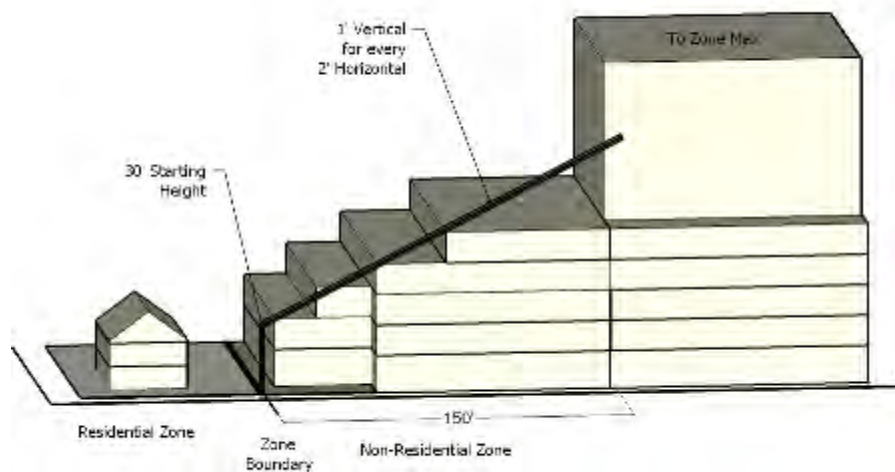


3. In the RMF and RHD zones, height does not include up to three feet of the above-grade portions of basement parking, where the elevation of the first residential finished floor is three feet or less above the lowest elevation of the existing grade or finished grade, whichever is lower. See Figure 17C.110. 230-C-D.

Figure 17C.110.230-C-D: Basement Parking Excluded from Height



4. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards
5. Adjacent to [Single-familyR1](#) and [Two-family ResidentialR2](#) Zones.
To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent [single-familyR1](#) and [two-familyR2](#) residential zones:
 - a. ~~f~~For all development within one hundred fifty feet of any [single-familyR1](#) or [two-familyR2](#) residential zone the maximum building height is as follows:
 - i. Starting at a height of thirty feet the residential zone boundary additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the [single-familyR1](#) or [two-familyR2](#) residential zone and then full building height allowed in the zone applies.



6. In the RMF zone within forty feet of a common boundary with a RSF-R1 zone, the maximum wall height is thirty feet.
7. Projections Allowed.
Chimneys, flagpoles, satellite receiving dishes and other similar items with a width, depth or diameter of three feet or less may extend above the height limit, as long as they do not exceed three feet above the top of the highest point of the roof. If they are greater than three feet in width, depth or diameter, they are subject to the height limit.
8. In addition to the projections allowed under subsection (75) above, in the RMF and RHD zones, the following projections above the roof height are allowed:
 - a. Parapets and rooftop railings may extend four feet above the height limit.
 - b. Walls or fences located between individual rooftop decks may extend six feet above the height limit if the wall or fence is set back at least four feet from the edges of the roof.
 - c. Stairway enclosures that provide rooftop access and cumulatively cover no more than ten percent of the roof area may extend up to ten feet above the height limit, provided that the enclosures are setback at least fifteen feet from all roof edges on street facing facades.
9. Farm Buildings.
Farm buildings such as silos, elevators and barns are exempt from the height limit as long as they are set back from all lot lines at least one foot for every foot in height.

10. Utility power poles and public safety facilities are exempt from the height limit.
 11. Radio and television antennas are subject to the height limit of the applicable zoning category.
 12. Wireless communication support towers are subject to the height requirements of chapter 17C.355A SMC, Wireless Communication Facilities.
 13. Uses approved as a conditional use may have building features such as a steeple or tower which extends above the height limit of the underlying zone. Such building features must set back from the side property line adjoining a lot in a residential zone a distance equal to the height of the building feature or one hundred fifty percent of the height limit of the underlying zone, whichever is lower.
- D. Special Height Districts.
Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.
- E. Accessory Structures.
The height of any accessory structure located in the rear yard, including those attached to the primary residence, is limited to twenty feet in height, except a detached ADU above a detached accessory structure may be built to twenty-three feet in height.

Section 17C.110.235220 Setbacks

Commentary

There are two proposed changes to the setbacks section:

- Remove the Setback Averaging section. This section currently requires development on infill sites match the average setbacks for existing residences on either side. In existing neighborhoods where setbacks are very large, this would require any infill development to also have a large front yard, which is not an efficient use of a site. The intent is to allow more flexibility by simply applying the standard setback requirement in Table 17C.110.205-2.
- Add new Angled Setbacks standards, similar to the angled setback plane standards for ADUs in Chapter 17C.300. The intent of these standards is to help new development respond to the scale and form of existing residential areas and to limit the perceived bulk and scale of buildings from adjoining properties. Above 25 feet, buildings must be further set from side property lines. This can either be achieved by angling the roof or by setting the whole building back further from the property line.

The angled setbacks function somewhat similarly to the current wall height regulations – this is why wall height limitations are proposed to be removed, as discussed above.

A. Purpose

The setback standards for primary and accessory structures serve several purposes. They maintain light, air, separation for fire protection, and access for fire fighting. They reflect the general building scale and placement of houses in the City's neighborhoods. They promote options for privacy for neighboring properties. They provide adequate flexibility to site a building so that it may be ~~compatible with~~ complementary to the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

B. Required Setbacks

The required setbacks for primary and accessory structures are stated in [Table 17C.110.205-2-3](#). Other setbacks may apply to specific types of development or situations. Setbacks for parking areas are stated in [chapter 17C.230 SMC](#), Parking and Loading. Angled setback standards are described in Section 17C.110.235(E) and listed in Table 17C.110.235-1.

C. Extensions into Required Building Setbacks

1. Minor features of a structure such as eaves, awnings, chimneys, fire escapes, bay windows and uncovered balconies may extend into a required building setback up to twenty-four inches. Bays and bay windows extending into the setback also must meet the following requirements:
 - a. Each bay and bay window may be up to twelve feet long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent of the area of the facade.
 - b. Bays and bay windows must cantilever beyond the foundation of the building; and
 - c. The bay may not include any doors.

2. Accessory Structures.

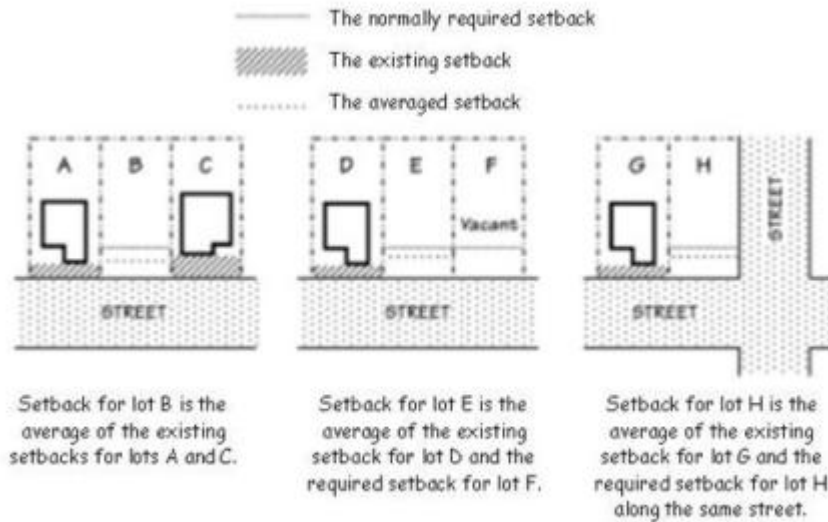
The setback standards for accessory structures are stated in [Table 17C.110.205-2-3](#). Fences are addressed in [SMC 17C.110.245-2-30](#). Detached accessory dwelling units are addressed in [chapter 17C.300 SMC](#), Accessory Dwelling Units. Signs are addressed in [chapter 17C.240 SMC](#), Signs.

D. Exceptions to the Required Setbacks

~~1. Setback Averaging.~~

~~The front building setback is as provided in Table 17C.110-3, unless there exists a residence on both sides of the subject property; or in the case of a corner lot the lot~~

~~to side in the same block. In this case, the setback is based on the average of the respective setbacks on the two adjoining lots, or one side of a corner lot. If one of the adjoining lots is vacant, the setback for the adjoining vacant lot for purposes of averaging is presumed to be as provided in Table 17C.110-3. The setback based on averaging shall not be greater than twenty feet.~~



~~2.1. The rear yard of a lot established as of May 27, 1929, may be reduced to provide a building depth of thirty feet.~~

~~3.—Split Zoning.~~

~~Where a site is split between more than one zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.~~

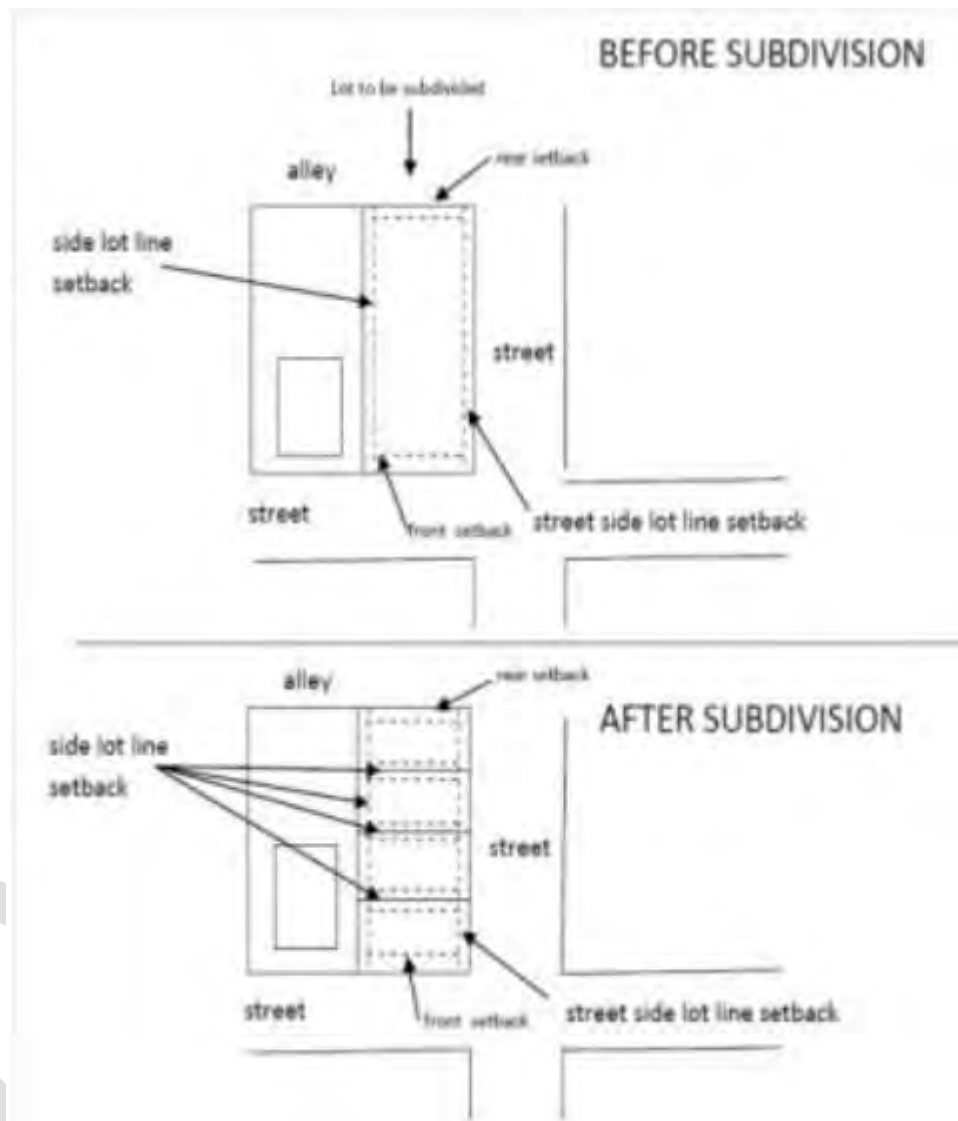
~~4.—Setback—Corner Lot Subdivisions.~~

~~a.—The planning and economic development services director upon an application for a building permit, a subdivision, short subdivision, or a boundary line adjustment determines the building setback requirements for lots resulting from a corner lot subdivision. The determination of required building setbacks is based on:~~

- ~~i.—the purposes of the various setback requirements with respect to neighboring improvements, including setback averaging,~~
- ~~ii.—the platting pattern in the block, and~~
- ~~iii.—the designation of front yards on the plat, if any.~~

~~b.—In general, the building setbacks for the lots that are created through a subdivision, short subdivision, or a boundary line adjustment shall remain~~

consistent with building setbacks as required prior to the corner lot subdivision. The figures below will be used to guide the planning and economic development services director decision.



E. Angled Setbacks.

1. Purpose.

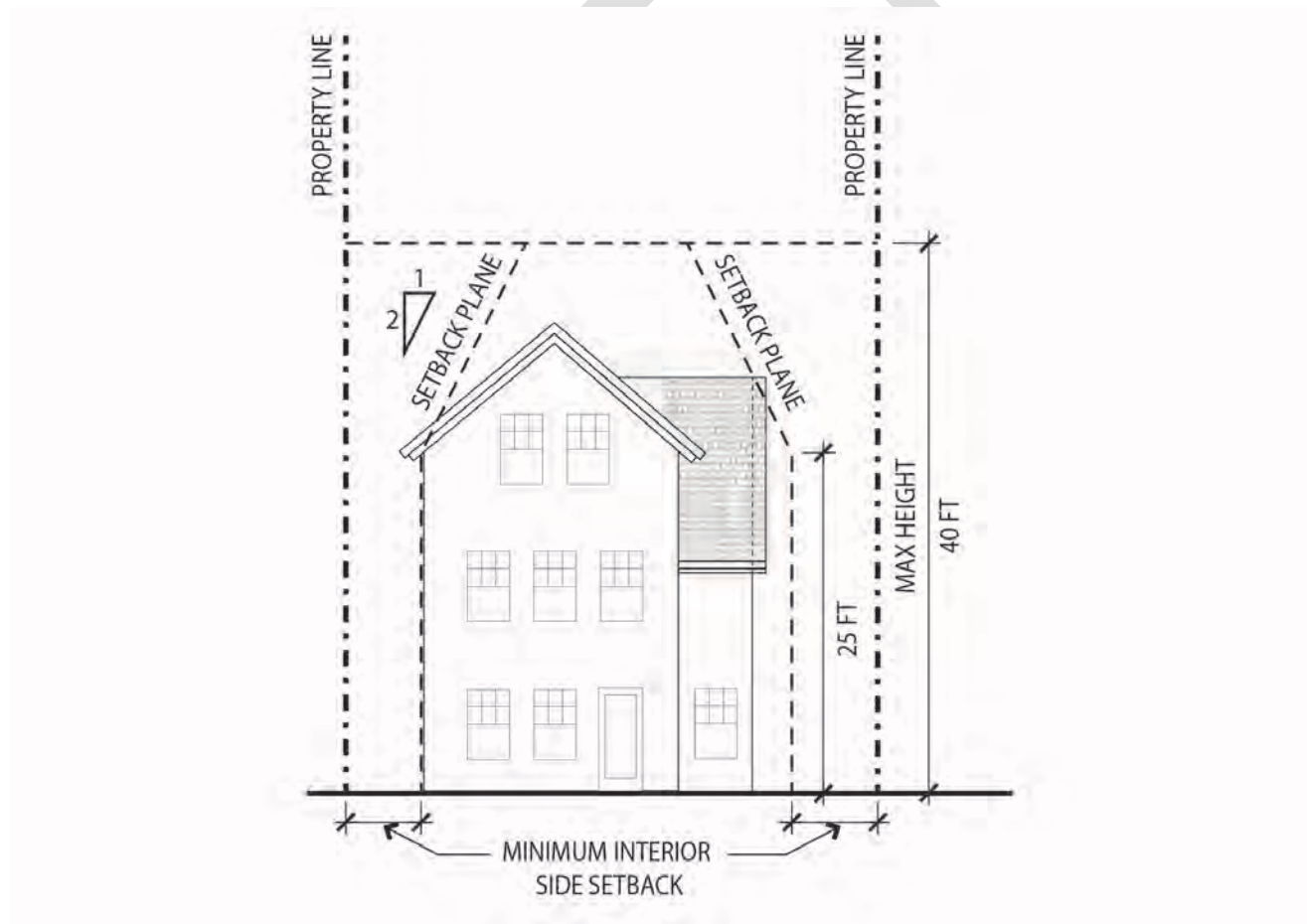
To help new development respond to the scale and form of existing residential areas and to limit the perceived bulk and scale of buildings from adjoining properties.

2. Applicability. Angled setbacks apply in the R1 and R2 zones.

3. Angled Setback Implementation. Interior side setbacks are subject to an angled setback plane as follows:

- a. Starting at a height of 25 feet, the setback plane increases along a slope of 2:1 (a rate of 2 feet vertically for every 1 foot horizontally) away from the interior side setback, up to the maximum building height in Table 17C.110.205-2. The minimum setbacks that are paired with each height measurement are provided in Table 17C.110.235-1. See Figure 17C.110.235-A for examples.
- b. The setback plane does not apply on side setbacks abutting an alley or street lot line.
- c. No portion of the building may project beyond the setback plane described in this subsection, except for the roof structure and minor extensions allowed by SMC 17C.110.235(C)(1).

Figure 17C.110.235-A. Angled Setback Plane Examples



| TABLE 17C.110.235-1 ROOF SETBACK FROM SIDE LOT LINE ON LOTS IN R1 and R2 ZONES | |
|--|----------|
| LOT WIDTHS 40 FT. OR LESS | |
| Height | Setback |
| 25 ft. | 3 ft. |
| 27 ft. | 4 ft. |
| 29 ft. | 5 ft. |
| 31 ft. | 6 ft. |
| 33 ft. | 7 ft. |
| 35 ft. | 8 ft. |
| 40 ft. | 10.5 ft. |
| LOT WIDTHS MORE THAN 40 FT. | |
| Height | Setback |
| 25 ft. | 5 ft. |
| 27 ft. | 6 ft. |
| 29 ft. | 7 ft. |
| 31 ft. | 8 ft. |
| 33 ft. | 9 ft. |
| 35 ft. | 10 ft. |
| 40 ft. | 12.5 ft. |

Commentary

The Outdoor Areas regulations are proposed to be moved to the new design standards section for single-unit and middle housing (Section 17C.110.300).

Section 17C.110.223 Required Outdoor Areas

A.—Purpose.

The required outdoor areas standards assure opportunities in the residential zones for outdoor relaxation or recreation. The standards work with the maximum building coverage standards to ensure that some of the land not covered by buildings is of an adequate size and shape to be usable for outdoor recreation or relaxation. The location requirements provide options for private or semiprivate areas. The requirement of a required outdoor area serves in lieu of a large rear setback requirement and is an important aspect in addressing the livability of a residential structure.

B.—Required Outdoor Area Sizes.

~~The minimum sizes of required outdoor areas per dwelling unit are stated in Table 17C.110-3. The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area.~~

~~C. Requirements.~~

- ~~1. The required outdoor area must be a contiguous area and may be on the ground or above ground.~~
- ~~2. The area must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed area.~~

Section 17C.110.240-225 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. [This section does not apply to accessory dwelling units \(ADUs\).](#)

[...]

Section 17C.110.245 Fences

[...]

Commentary

The sections for Demolitions, Nonconforming Situations, Parking, Signs, and Landscaping mostly point to other sections of the SMC. For the sake of clarity and better organization, these sections are proposed to be consolidated into a new section 17C.110.255 for “Other Applicable Standards.”

The Access to Parking provisions in Section 17C.110.245 are proposed to be relocated to the design standards in Section 17C.110.300.

~~Section 17C.110.235 Demolitions~~

~~The demolition of historic structures is regulated by chapter 17D.040 SMC, Landmarks Commission.~~

~~Section 17C.110.240 Nonconforming Situations~~

~~Existing developments that do not conform to the development standards of this chapter are subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.~~

~~Section 17C.110.245 Parking and Loading~~

~~A. The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and internal parking lot pedestrian connections are stated in chapter 17C.230 SMC, Parking and Loading.~~

~~B. Access to Parking.~~

~~1. Vehicular access to parking from an improved street, alley or easement is required if parking is required pursuant to chapter 17C.230 SMC, Parking and Loading.~~

~~2. Access to parking is permitted through a required front or street side lot line setback only if the planning and economic development services director determines that one of the following conditions exists:~~

~~a. There is no alley in common usage that currently provides access to parking on the lot or to parking on adjacent lots in the same block; or~~

~~b. Existing topography does not permit alley access; or~~

~~c. A portion of the alley abuts a nonresidential zone; or~~

~~d. The alley is used for loading or unloading by an existing nonresidential use; or~~

~~e. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.~~

~~Section 17C.110.250 Signs~~

~~The sign standards are stated in chapter 17C.240 SMC, Signs.~~

~~Section 17C.110.255 Landscaping and Screening~~

~~The landscaping and screening standards are stated in chapter 17C.200 SMC, Landscaping and Screening.~~

Section 17C.110.250 Exterior Storage - Residential Zones

[...]

Section 17C.110.255 Parking, Demolitions, Signs, and Other Applicable Standards

The following additional standards also apply to development in residential zones:

A. Demolitions. The demolition of historic structures is regulated by chapter 17D.040 SMC, Landmarks Commission.

- B. Nonconforming Situations. Existing developments that do not conform to the development standards of this chapter are subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.
- C. Parking and Loading. The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and internal parking lot pedestrian connections are stated in chapter 17C.230 SMC, Parking and Loading.
- D. Signs. The sign standards are stated in chapter 17C.240 SMC, Signs.
- E. Landscaping and Screening. The landscaping and screening standards are stated in chapter 17C.200 SMC, Landscaping and Screening.

Commentary

Because the RSF and RTF (now R1 and R2) zones are being made much more flexible and will allow all types of middle housing, the Alternative Residential Development provisions are no longer necessary. For example, attached housing and duplexes will be permitted throughout R1 and R2, so Section 17C.110.310 is not needed to provide special standards for these housing types. Also, the cottage housing provisions are no longer needed since multiple detached units will already be permitted on any lot. Cottage housing will still be allowed, but it has been redefined to be consistent with HB 1110, which defines it as residential units on a lot with common open space.

Section 17C.110.300 Alternative Residential Development

[Repealed]

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

[Repealed]

Section 17C.110.320 Planned Unit Developments

[Repealed]

Section 17C.110.330 Transitional Sites

[Repealed]

Section 17C.110.340 Zero Lot Line

[Repealed]

Section 17C.110.350 Cottage Housing

[Repealed]

Section 17C.110.360 Pocket Residential Development

[Repealed]

Section 17C.110.300 Single-Unit Residential and Middle Housing Design Standards

Commentary

The standards in this section are mostly pulled from Section 17C.400.030 Pilot Low-Intensity Residential Design Standards. Those interim regulations (from the BOCA ordinance) were adopted in 2022 to allow middle housing development (up to four units per lot) in the RSF and RTF (now R1 and R2) zones and are set to expire in 2023. The design standards for single-unit dwellings and middle housing are proposed to be made permanent in this section, with the following changes:

- The Requirements (R) and Presumptions (R) have been updated to be objective, as required by HB 1110. This includes replacing discretionary language such as “should provide” with unambiguous terms (such as “shall provide”), and clarifying how requirements are defined or measured.
- Some of the menus of options for meeting a standard have been expanded to provide more flexibility. For example, features were added to the list of building articulation options.
- The standards have been adjusted to work for a wider range of middle housing types (up to six units per building).
- Standards that are unnecessary or redundant have been removed, such as the Front Yard requirements in Section 17C.400.030.

Except as specified in this section, all new development of single-unit residential and middle housing must address the following design standards, administered pursuant to SMC 17C.110.015, Design Standards Administration. When existing single-unit residential or middle housing development is expanded or additional dwelling units are added, only those portions of the development that are new or renovated must meet the standards in this section.

Section 17C.110.305 Landscaping

A. Purpose.

The standards for landscaped areas are intended to enhance the overall appearance of residential developments. Landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy for residents, and provides separation from streets. Landscaped areas also reduce stormwater run-off by providing a pervious surface.

B. Landscaping Implementation.

1. Fifty percent of the area between the front lot line and the front building line must be planted with living ground cover or landscaped to the L3 standard, per SMC 17C.200.030 and 17C.200.040. A patio or porch may be included in the calculation of ground cover area. (R)
2. The front landscaped area may be counted towards required outdoor areas, pursuant to Section 17C.110.310. (R)
3. Landscaping is encouraged to follow the Spokanescape guidelines for design, soil and compost, drip irrigation, planting & mulch, raised beds, maintenance, and plant list. (C)
4. Use of landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged. (C)

Section 17C.110.310 Outdoor AreasA. Purpose.

To create usable areas through the use of engaging outdoor spaces for the enjoyment and health of the residents.

B. Outdoor Areas Implementation.

1. Developments shall provide outdoor areas in the quantity required by Table 17C.110.205-2. (R)
2. The outdoor area may be configured as either:
 - a. A private outdoor area, such as a balcony or patio directly accessible from the unit;
 - b. A common outdoor area accessible by all units in the building. (R)
3. If a common outdoor area is provided, it shall meet the following:
 - a. Connected to each unit by pedestrian paths. (R)
 - b. At least 50 percent of units shall have windows or doors that face the common outdoor area. (R)
 - c. Common outdoor areas shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities may include, but are not limited to: (P)
 - Site furnishings (benches, tables, bike racks when not required for the development type, etc.);
 - Picnic areas;
 - Patios, plazas or courtyards;

- Shaded playgrounds;
 - Rooftop gardens, planter boxes, or garden plots; or
 - Fenced pet area.
4. Outdoor spaces shall not be located adjacent to dumpster enclosures, loading/service, areas or other incompatible uses that are known to cause smell or noise nuisances. (P)

Section 17C.110.315 Entrances

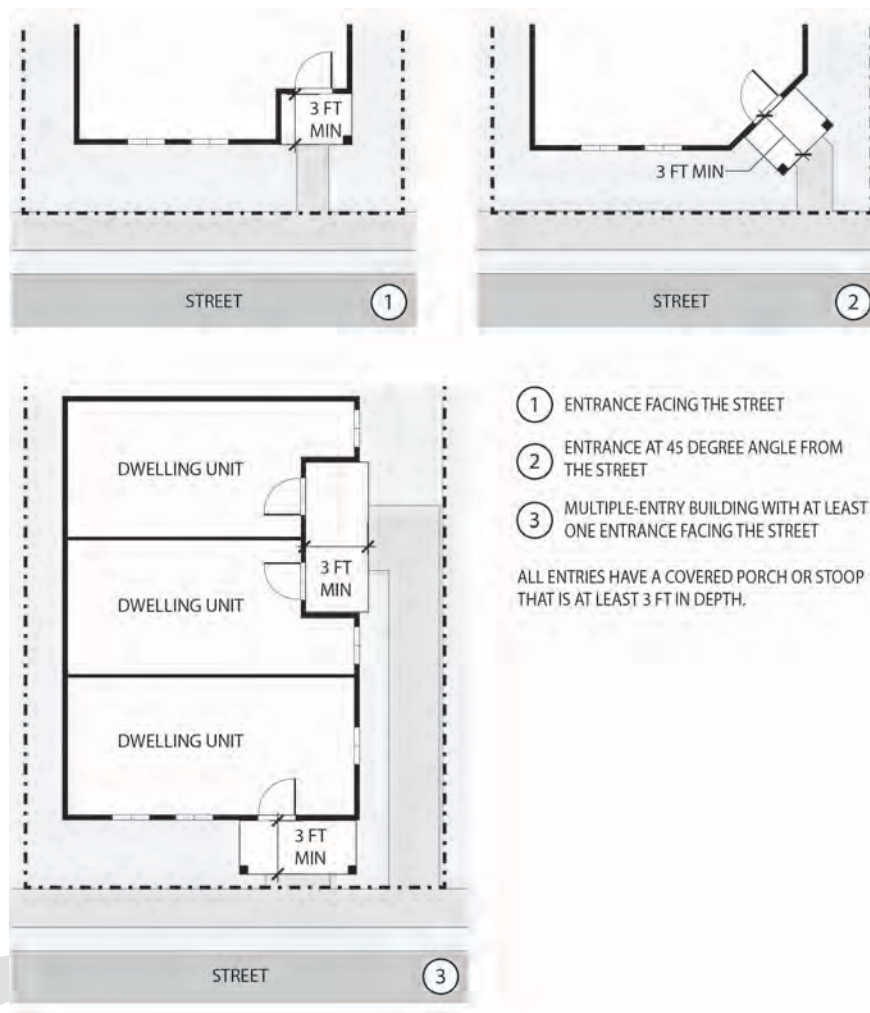
A. Purpose.

To ensure that entrances are easily identifiable, clearly visible, and accessible from streets, sidewalks, and common areas, to encourage pedestrian activity and enliven the street.

B. Applicability. The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

C. Entrances Implementation. See Figure 17C.110.315-A.

1. Each residential structure fronting a public or private street must have at least one address and main entrance facing or within a 45 degree angle of a street frontage. Buildings with multiple units may have shared entries. (R)
2. Each unit with individual ground-floor entry and all shared entries must have a porch or stoop cover that is at least 3-feet deep. (P)
3. On corner lots, buildings with multiple units must have at least one entrance facing or within a 45 degree angle on each street frontage. (C)

Figure 17C.110.315-A. Building Entrances**Section 17C.110.320 Windows****A. Purpose.**

To maintain a lively and active street face while increasing safety and general visibility to the public realm.

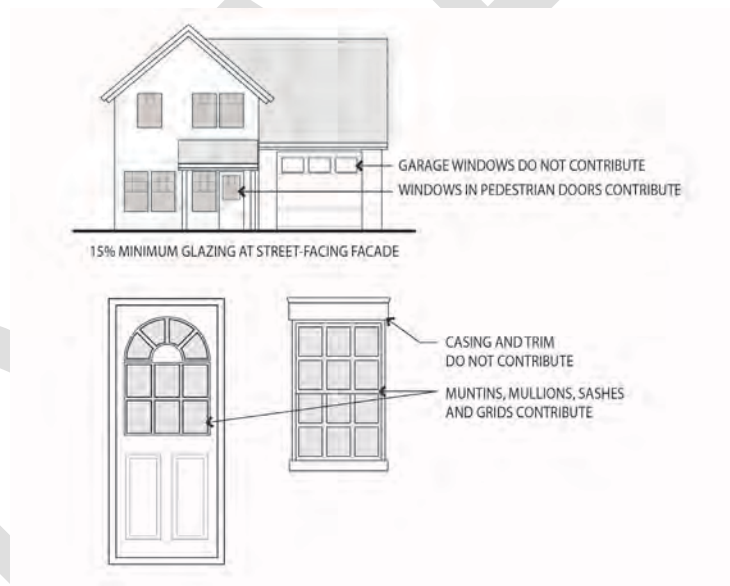
B. Windows Implementation. See Figure 17C.110.320-A.

1. Windows shall be provided in façades facing public or private streets, comprising at least fifteen percent of the façade area (R).
2. Window area is considered the entire area within, but not including, the window casing, including any interior window grid.
3. Windows in pedestrian doors may be counted toward this standard. Windows in garage doors may not be counted toward this standard.

4. At least one of the following decorative window features must be included on all of the windows on street facing facades: (R)

- a. Arched or transom windows.
- b. Mullions.
- c. Awnings or bracketed overhangs.
- d. Flower boxes.
- e. Shutters.
- f. Window trim with a minimum width of three inches.
- g. Pop-outs or recesses greater than three inches.
- h. Bay windows.
- i. Dormers.

Figure 17C.110.320-A. Window Coverage



Section 17C.110.325 Building Articulation

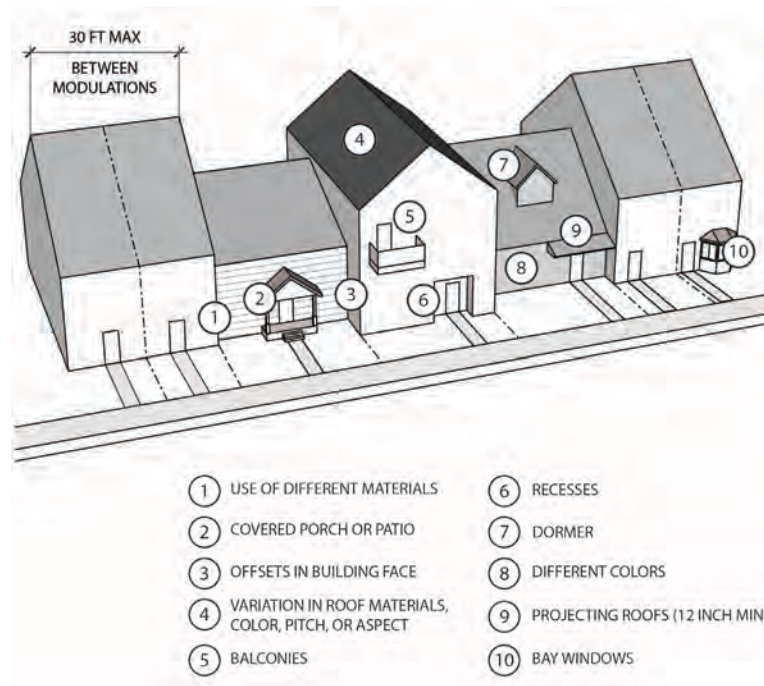
A. Purpose.

To ensure that buildings along any public or private street display the greatest amount of visual interest and reinforce the residential scale of the streetscape and neighborhood.

- B. Applicability. The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building. The standards apply to facades of attached housing irrespective of underlying lot lines.

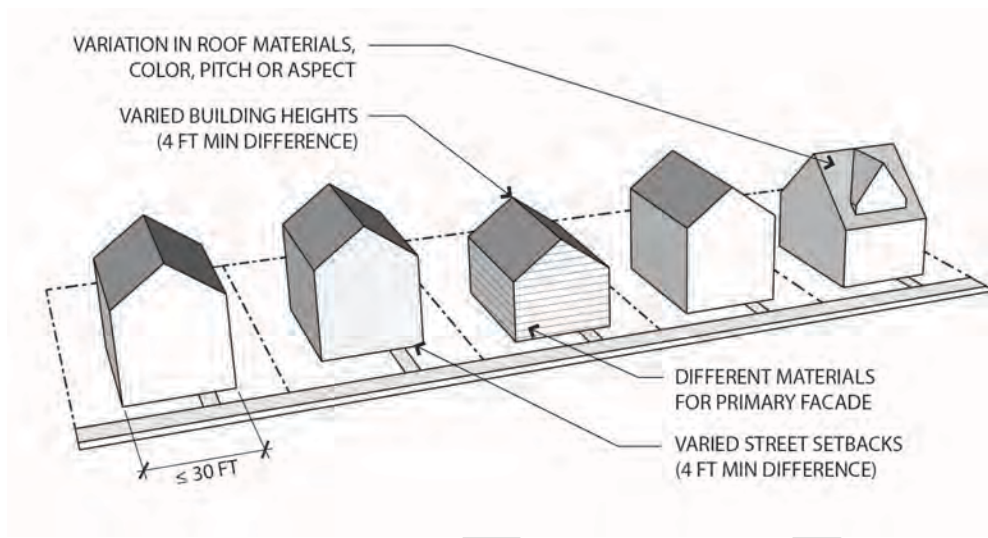
C. Building Articulation Implementation.

1. Buildings must be modulated along the street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. See Figure 17C.110.325-A. (R)
2. The scale of buildings must be moderated to create a human scale streetscape by including vertical and horizontal delineation as expressed by bays, belt lines, doors, or windows. (P)
3. Horizontal street-facing facades longer than thirty feet must include at least four of the following design features per façade. At least one of these features must be used every thirty feet. (P)
 - a. Varied building heights.
 - b. Use of different materials.
 - c. Different colors.
 - d. Offsets.
 - e. Projecting roofs (minimum of twelve inches).
 - f. Recesses.
 - g. Bay windows.
 - h. Variation in roof materials, color, pitch, or aspect.
 - i. Balconies
 - j. Covered porch or patio.
 - k. Dormers

Figure 17C.110.325-A. Building Articulation for Long Facades

4. The following standard applies when detached housing units or individual units of attached housing have street-facing facades that are thirty feet or less in width. Each such unit shall provide variation from adjacent units by using one or more of the following design features (see Figure 17C.110.325-B):

- a. Street setbacks that differ by at least four feet.
- b. Building heights that differ by at least four feet.
- c. Use of different materials for the primary façade.
- d. Variation in roof materials, color, pitch, or aspect.

Figure 17C.110.325-B. Building Variation for Narrow Facades

5. Development should reduce the potential impact of new housing on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (C)

Section 17C.110.330 Screening

A. Purpose.

The screening standards address specific unsightly features, which detract from the appearance of residential areas, such as garbage and recycling areas, mechanical equipment, and exterior storage.

B. Screening shall comply with the clear view triangle requirements defined in SMC 17C.110.245(G).

C. Screening Implementation.

1. Except as provided below, fire escapes, or exterior stairs that provide access to an upper level shall be located behind the front façade of the building and screened or enclosed so that they are not visible from a public or private street. (R)
 - a. Exception: The initial half flight of stairs on the ground floor is not required to be screened from view of a street provided it is under the roof of the building and located behind the front façade.
2. Garbage and Recycling Areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. (R)

3. Exterior storage shall take place from the rear of the main dwelling unit to the rear of the property line and meet the standards of SMC 17C.110.250. (R)
4. Screening must comply with at least one of the following criteria: (R)
 - a. L1 Visual Screen meeting SMC 17C.200.030(A).
 - b. A sight-obscuring fence that meets height requirements set forth in SMC 17C.110.245 or through the use of screening pursuant to SMC 17C.200.070(A)(1).
 - c. Be located inside a storage shed or garage that meets all applicable setback standards and provides full sight obstruction.
5. Storage areas are not allowed within fifteen feet of a street lot line. (R)
6. Mechanical Equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any adjoining residential uses by walls, fences or vegetation that is at least as tall as the equipment. Mechanical equipment on roofs must be screened from the ground level of any adjoining residentially zoned properties. (R)

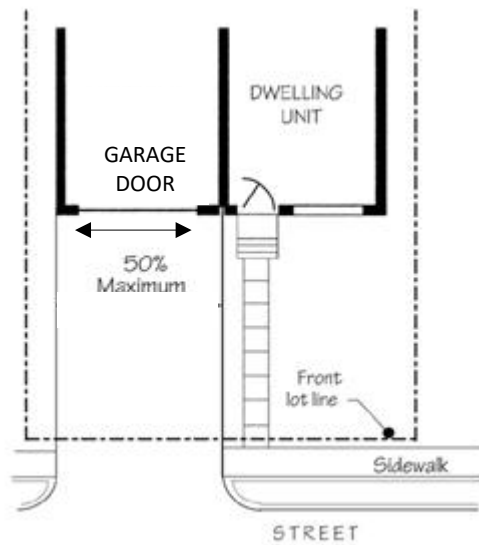
Section 17C.110.335 Parking Facilities

A. Purpose.

To integrate parking facilities with the building and surrounding residential context, promote pedestrian-oriented environments along streets, reduce impervious surfaces, and preserve on-street parking and street tree opportunities.

B. Parking Facilities Implementation.

1. The combined width of all garage doors facing the street may be up to fifty percent of the length of the street-facing building façade. For attached housing, this standard applies to the combined length of the street-facing façades of all units. For all other lots and structures, the standards apply to the street-facing façade of each individual building. See Figure 17C.110.335-A. (R)

Figure 17C.110.335-A. Garage Door Standard

2. Street-facing garage walls must be set back at least two feet from the primary street-facing building façade. (R)

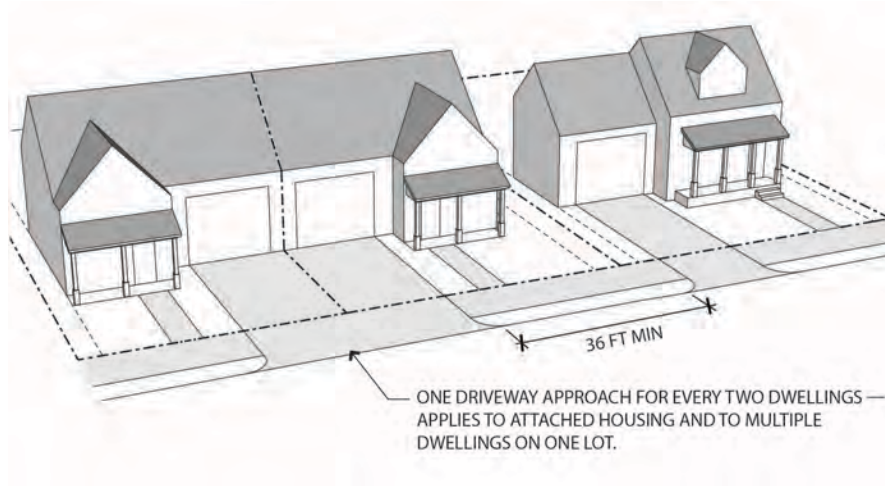
3. Access to Parking.

- a. Vehicular access to parking from an alley, improved street, or easement is required if parking is required pursuant to chapter 17C.230 SMC Parking and Loading. (R)
- b. If the lot abuts a public alley, then vehicle access shall be from the alley unless the applicant requests a waiver of the requirement and the Planning Director determines that one of the following conditions exists: (R)
 - Existing topography does not permit alley access; or
 - A portion of the alley abuts a nonresidential zone; or
 - The alley is used for loading or unloading by an existing nonresidential use; or
 - Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.
- c. For lots with vehicle access through an alley, garages shall not be accessed from the street. (R)
- d. Where off-street parking is provided for attached housing or for two or more units on one lot, only one driveway approach and sidewalk crossing for each two dwellings may be permitted. See Figure 17C.110.335-B. (R)

e. Driveway approaches shall be separated by a minimum distance of 36 feet. The Planning Director will grant an exception to this standard if the 36-foot separation from existing driveways on adjacent lots would preclude vehicular access to the subject lot. See Figure 17C.110.335-B. (R)

4. Parking structures, garages, carports, and parking areas other than driveways shall not be located between the principal structure and streets. (P)

Figure 17C.110.335-B. Paired Driveways and Minimum Spacing



Section 17C.110.400 Multi-Unitfamily Design Standards

Commentary

The design standards for multi-unit housing are not being modified as part of this project. The proposed changes below are simply intended to clarify the intent and applicability of the standards, in light of changes to single-unit and middle housing regulations.

A. Purpose.

~~The multifamily zones contain uses that are~~Multi-unit housing at intensities above Middle Housing types is often more intensive than ~~single-unit or middle housing development and can have different design considerations.~~the single-family and two-family zones. Due to the increased floor area, reduced setbacks and increased height, these uses may not complement the neighboring residential development. These standards are intended to address the specific needs of multi-unit housing; mitigate impacts to light, air, visual intrusions, and noise; and assist these buildings in ~~blending with complementing~~ surrounding development. These standards may also be used to make higher density housing more livable communities.

B. ~~Where It Applies~~Applicability.

These ~~development~~ standards apply to multi-unit development in the RMF and RHD zones where permitted unless otherwise noted.

[...]

Commentary

This is a new section that is intended to encourage “visitability” features in new housing development. Visitability is a design approach for housing that allows anyone who uses a wheelchair or other mobility device to visit a home. A visitable home typically includes:

- A zero-step entrance;
- Wide interior doors; and
- A half bathroom on the main floor.

The proposed standards encourage (but do not require) visitability features by allowing applicants to deviate from height, setback, and footprint coverage standards to accommodate the features.

Section 17C.110.600 Residential Visitability Standards

A. Purpose

The purpose of the following section is to encourage the development of housing units for people with disabilities by providing allowances for accessible design and design considerations.

B. Applicability

The provisions of this section apply to residential development in all zones where permitted. These guidelines encourage residential developments to incorporate visitable designs into at least a portion of the provided units. Any development seeking a reasonable deviation pursuant to 17C.110.600(C) must comply with all standards of 17C.110.600(D) for the unit(s) intended to benefit from the accessibility features requiring the deviation, and clearly note on submitted plans how the project meets each visitable design element. Director may waive full compliance with 17C.110.600(D) in cases of retrofits, commensurate with the significance of changes being made.

C. To encourage the development of housing units for people with disabilities, the Planning Director may allow reasonable deviation from height, setback, and footprint coverage standards to install features that facilitate accessibility. Such facilities shall be in conformance with the city adopted Building Code.

D. Visitable designs are encouraged for residential development, whether or not such accessible design considerations are required by the city adopted Building Code due to unit count. Elements of a visitable dwelling design include:

1. Visitable entrance. At least one entrance that is accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route does not exceed 1:8 (one foot in height for every 8 feet in length).
2. Visitable bathroom. At least one bathroom with a sink and toilet is designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an

alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. The visitable bathroom is on the same floor as the visitable entrance or is accessible from the visitable entrance via a ramp, elevator, or lift.

3. Visitable living area. There is at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area is accessible from the visitable entrance via a ramp, elevator, or lift.
4. Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom is at least 34 inches wide.
5. Visitable light switches and environmental controls. The first floor contains light switches and environmental controls that are no higher than 48 inches above the interior floor level and outlets.

Chapter 17C.120 Commercial Zones

[...]

Commentary

In the current Code, it is not clear what design standards should apply to housing development when it's proposed outside the residential zones. The design standards in the Commercial and Center and Corridor Zones are not geared toward residential uses. Therefore, City staff has been applying the residential design standards in Chapter 17C.110 that are applicable to the housing type. The proposed changes below are simply intended to codify that current practice.

Section 17C.120.500 Design Standards Implementation

- A. The design standards and guidelines found in SMC 17C.120.500 through 17C.120.580 follow SMC 17C.120.015, Design Standards Administration. Except as provided in subsection (B) of this section, aAll projects must address the pertinent design standards and guidelines. Design standards are in the form of Requirements (R), Presumptions (P), and Considerations (C). Regardless of which term is used, an applicant must address each guideline. An applicant may seek relief through chapter 17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.

- B. Residential development in Commercial Zones is subject to the residential design standards of SMC 17C.110.300-.465 that are applicable to the proposed housing type.

[...]

Chapter 17C.122 Center and Corridor Zones

[...]

Section 17C.122.060 Design Standards and Guidelines for Centers and Corridors

- A. The document titled “Design Standards and Guidelines for Centers and Corridors” is adopted by reference as a part of the land use code for centers and corridors and incorporated as Attachment “A” to the land use code for centers and corridors. Except as provided in subsection (C) of this section, aAll projects must address these standards and guidelines. The applicant assumes the burden of proof to demonstrate how a proposed design addresses these standards and guidelines. For design standards and guidelines in “Attachment A” that are designated Requirement (R), an applicant may apply to the Design Review Board pursuant to the procedures set forth in chapter 17G.040 SMC, and the board may recommend approval of alternatives to strict compliance, upon a finding that the alternative satisfies the decision criteria for a design departure in SMC 17G.030.040.
- B. The design standards and guidelines for all centers and corridors are also applicable to the sites located in the Type 4 mixed use transition zone. In addition, the design standards and guidelines for Type 1 centers and corridors are also applicable to the sites located in the Type 4 mixed use transition zone.
- C. Residential development in Centers and Corridor Zones is subject to the residential design standards of SMC 17C.110.300-.465 that are applicable to the proposed housing type.

[...]

Chapter 17C.200 Landscaping and Screening

Commentary

The landscaping standards in Chapter 17C.200 include a few exceptions for single-unit and duplex development. HB 1110 precludes any standards or procedures for middle housing that are more restrictive than for single-unit housing. Also, the City has a general interest in treating single-unit and middle housing the same. Therefore, the proposed amendments clarify how the landscaping requirements apply to these housing types. For plan submittal requirements, the proposed approach is to require landscape plans for all development, but to provide exceptions for some of the specific requirements (e.g., preparation by a licensed landscape architect) for development of up to six units on a lot.

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, ~~RSFR1~~, ~~RTFR2~~, RMF, RHD, O, OR, NR, NMU, CB, GC, CC, LI, PI HI, downtown zones and FBC zones. These standards address materials, placement, layout, and timing of installation.

Section 17C.200.020 Plan Submittal Requirements

Landscape plans are ~~not~~ required for ~~a house, an attached houses or a duplex on a lot. For all other types of development on sites, including planned unit developments, all development~~ of more than seven thousand square feet of lot area. ~~landscape plans shall:~~

A. For all development types, landscape plans shall:

~~A. be prepared and stamped by a licensed landscape architect, registered in the state of Washington;~~

1. be submitted at the time of application for a development permit; and
2. include the following elements:
 - a. The footprint of all structures.
 - ~~b. The final site grading.~~
 - ~~c. b.~~ All parking areas and driveways.
 - ~~d. c.~~ All sidewalks, pedestrian walkways and other pedestrian areas.
 - ~~e. d.~~ The location, height and materials for all fences and walls.
 - ~~f. e.~~ The common and scientific names of all plant materials used, along with their size at time of planting.
 - ~~g. f.~~ The location of all existing and proposed plant materials on the site; and
 - ~~h. A proposed irrigation plan; and~~
 - ~~i. g. Location of all overhead utility and communication lines, location of all driveways and street signs.~~

B. In addition, for development except residential construction of six or fewer dwelling units on a lot, landscape plans shall:

1. be prepared and stamped by a licensed landscape architect, registered in the state of Washington;
2. include the following elements:
 - a. The final site grading.

b. Location of all overhead utility and communication lines, location of all driveways and street signs.

[...]

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:

[...]

- e. along all RA, ~~RSFR1~~, ~~RTFR2~~, RMF, and RHD zones: six feet of L3 open area landscaping and street trees as prescribed in [SMC 17C.200.050](#) are required, except that for ~~single-family residences and duplex~~single-unit residential and middle housing development, only street trees are required in addition to the landscaping design standards of SMC 17C.110.305. 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.

[...]

Section 17C.200.100 Irrigation Requirement

The owners of the adjacent property shall keep and maintain all required planting areas and street trees in a healthy condition. For development of ~~six or fewer dwelling units~~new single family and duplex homes on ~~individual~~an infill lots and modification of non-conforming development that fall below thresholds found in 17C.210.090, the Planning ~~and Economic Development Services~~ Director, in consultation with the Urban Forester, may approve the use of species-specific alternative methods of irrigation. For all other forms of new construction and modification of non-conforming development that meet thresholds found in 17C.210.090 the installation and maintenance of an automatic irrigation system is required.

[...]

Chapter 17C.230 Parking

[...]

Section 17C.230.110 Minimum Required Parking Spaces

A. Purpose.

The purpose of required parking spaces is to provide enough parking to accommodate the majority of traffic generated by the range of uses, which might locate at the site over time. As provided in subsection (B)(3) of this section, bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long-term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

B. Minimum Number of Parking Spaces Required.

1. The minimum number of parking spaces for all zones is stated in [Table 17C.230-1](#). [Table 17C.230-2](#) states the required number of spaces for use categories. The standards of [Table 17C.230-1](#) and [Table 17C.230-2](#) apply unless specifically superseded by other portions of the city code.

| TABLE 17C.230-1 PARKING SPACES BY ZONE [1] (Refer to Table 17C.230-2 for Parking Spaces Standards by Use) | | |
|--|----------------|--|
| ZONE | SPECIFIC USES | REQUIREMENT |
| RA, RSFR1 , RTFR2 , RMF, RHD | All Land Uses | Minimum and maximum standards are shown in Table 17C.230-2 . |
| 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 plus one per bedroom after 3 bedrooms. 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 Downtown Parking Requirement Map 17C.230-M1 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. |

| | | |
|--|---------------|--|
| FBC [2] | All Land Uses | See SMC 17C.123.040 , Hamilton Form Based Code for off-street parking requirements. |
| Overlay | All Land Uses | No off-street parking is required. See the No Off-Street Parking Required Overlay Zone Map 17C.230-M2 and No Off-Street Parking Required Overlay Zone Map 17C.230-M3 . |
| [1] Standards in a plan district or overlay zone may supersede the standards of this table. | | |
| [2] See exceptions in SMC 17C.230.130 , CC and Downtown Zone Parking Exceptions. | | |

Section 17C.230.130 Parking Exceptions

Commentary

The Spokane City Council recently announced an interim ordinance eliminating residential parking requirements within 1/2 mile of major transit stops for all residential development. The proposed changes to this section (subsection G) and in Table 17C.230-2 are intended to make those interim regulations permanent.

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

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

1. On a lot at least partially within one thousand three hundred twenty feet of CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is fifty percent less than the minimum required for Residential Household Living in Table 17C.230-2.
 2. On a lot farther than one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is thirty percent less than the minimum required for Residential Household Living in Table 17C.230-2.
- G. No parking is required for residential development on sites located within one-half mile of a Major Transit Stop, as defined in SMC 17A.020.130.

Commentary

HB 1110 limits the amount of parking that can be required for middle housing in single-family zones. These limitations (which would only be relevant in areas more than ½ mile from a major transit stop) are included as a footnote in Table 17C.230-2.

| TABLE 17C.230-2 PARKING SPACES BY USE [1] (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 [2] | | 1 per unit plus 1 per bedroom after 3 bedrooms; [3] 1 per Accessory Dwelling Unit (ADU) – see Note [4] ; Single Resident Occupancy (SRO) are exempt | None |
| [...] | [...] | [...] | [...] |

[1] The Planning Director may approve different amounts of parking spaces under the exceptions listed in SMC 17C.230.130.

[2] No parking is required for residential development on sites located within one-half mile of a Major Transit Stop, as defined in SMC 17A.020.130.

[3] For middle housing developed in the R1 and R2 zones, the following standards apply:

- On lots smaller than 6,000 square feet, only one parking space per unit is required regardless of bedroom count.
- On lots 6,000 square feet and larger, each unit with 4 or more bedrooms must provide a minimum of two parking spaces.

[4] Parking requirements for ADUs are provided in SMC 17C.300.130(A)(4).

[...]

Chapter 17C.300 Accessory Dwelling Units

Commentary

A few amendments to the ADU standards in chapter 17C.300 are proposed for consistency with updates in other sections of the Code.

Section 17C.300.010 Purpose

This chapter establishes the standards for the location and development of accessory dwelling units in residential zones. The purpose of accessory dwelling units is to create new housing units that complement the principal dwellings on the properties on which they are located, while respecting the look and scale of single-dwelling development. They can increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives. Accessory dwelling units allow more efficient use of existing housing stock and infrastructure and provide a mix of housing that responds to changing family needs and smaller households. They provide a means for residents, particularly seniors, single parents and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and provide a broader range of accessible and more affordable housing.

Section 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.

One accessory dwelling unit is allowed per lot in the RA, ~~RSFR1~~, ~~RTFR2~~, RMF, and RHD zones subject to the development standards of the underlying zoning district.

C. ADU versus principal dwelling.

Section 17C.300.130(A)(1) establishes the methods by which an ADU may be created. In cases where a proposed dwelling unit meets the definitions and criteria for both an ADU and an additional principal dwelling (e.g., the second unit of a duplex or a second single-unit residential building on a lot), applicants may choose whether the proposed dwelling unit is permitted as an ADU or a principal dwelling.

Section 17C.300.110 Criteria

A. Maximum Size.

1. Internal ADU.

Before the establishment of an internal ADU the floor area of the principal structure, excluding an attached garage, must be not less than eight hundred square feet.

- a. The internal ADU shall contain no more than two bedrooms and the floor area of the internal ADU must be 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 seventy-five percent of the floor area of the principal structure, or nine hundred seventy-five square feet of floor area, whichever is greater.

c. The maximum detached ADU size is subject to the maximum building footprint standards for ADUs in Table 17C.110.205-2.

~~3.—FAR.~~

- ~~a.—The floor area of an ADU, excluding any garage, is counted as part of the floor area ratio (FAR).~~
- ~~b.—To offer greater flexibility in integrating an ADU in the RA zone 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.~~

[...]

Section 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 residential use house, attached house, duplex, or manufactured home.
- d. Constructing a new residential use house, attached house or manufactured home with an internal or detached accessory dwelling unit.
- e. In the ~~RSFR1~~, ~~RTFR2~~, RMF, or RHD zone, constructing an attached or detached accessory dwelling unit on a site with any existing or new principal structure (including non-residential uses or structures). Any structure shall comply with all applicable building, fire, and engineering standards.

2. Number of Residents.

The total number of individuals that reside in ~~both all~~ units on the site may not exceed 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. Location of Entrances for Internal ADUs.

Only one entrance may be located on the facade of the structure facing the street, unless the 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.

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 principal structure must be maintained.
- 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.

B. Additional Development Standards for Detached ADUs.

1. Setbacks.

Except for conversion of existing accessory structures, the accessory dwelling unit must be:

a. as specified for setbacks in [Table 17C.110.205-2-3](#) for ~~ADU~~~~accessory structures~~ and

~~b. in conformance with the forty-five degree setback plane:~~

~~i. The forty-five degree setback plane is measured from a height of 17 feet 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.110.205-2-3 for ~~ADU~~~~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.110.23520(C)(1).~~

~~b. The interior side lot line or rear setback without an alley 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 a height of 17 feet from the maximum wall height and the property line.~~

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



2. Height.

The maximum height allowed for a detached accessory dwelling unit is ~~shown~~provided in Table 17C.110.205-2300-1. 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**

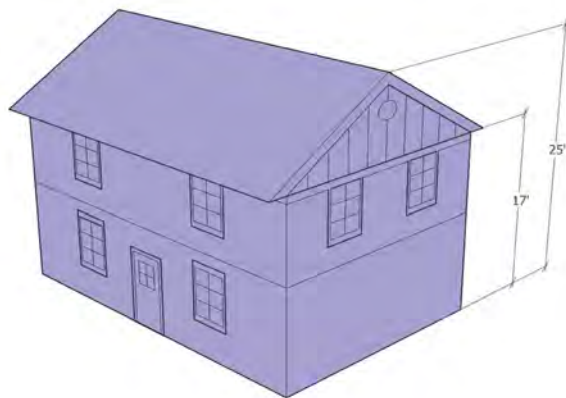
| | Maximum Height — Detached Accessory Building Attached to an ADU or Detached ADU [1] | Maximum Height — Detached ADU Over a Detached Accessory Structure |
|-------------------------|--|--|
| Maximum Wall Height [2] | 17 ft. | 17 ft. |
| Maximum Roof Height [3] | 25 ft. | 25 ft. |

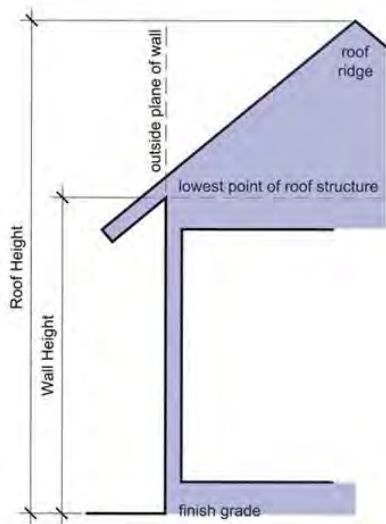
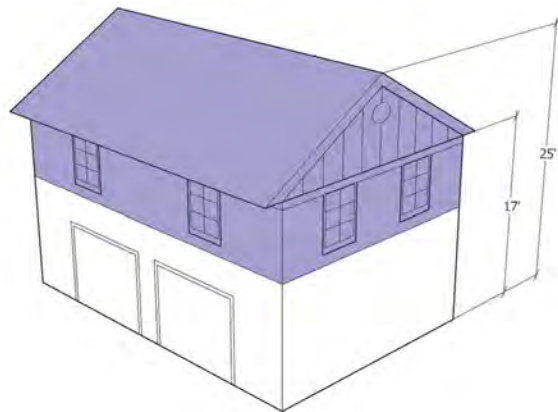
[1] Detached accessory structures cannot include living area, nor any storage areas with a ceiling height of six feet eight inches or greater.

[2] The height of the lowest point of the roof structure intersects with the outside plane of the wall.

[3] The height of the ridge of the roof.

See “Figure 17C.300-B” below.

Figure 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 principal structure.

- a. 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, c~~Conversion of an existing detached accessory structure that is in a front building setback required by [Table 17C.110.205-2-3](#) 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.110.255~~220~~](#), Setbacks, and [SMC 17C.110.240~~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.~~

~~e.b.~~ If the accessory dwelling unit is proposed for an existing detached accessory structure that meets any of the standards of subsections (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.c.~~ If the accessory dwelling unit is proposed as a conversion of an existing detached accessory structure or a portion of the building, and any floor area is added to the existing detached accessory structure to accommodate an ADU, then the entire structure must meet 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.

[...]

TITLE 17D CITY-WIDE STANDARDS

Chapter 17D.060 Stormwater Facilities

Commentary

The proposed amendments to Stormwater Facilities in this chapter are intended to achieve the following:

- Identify special geographic considerations that increase the likelihood of harmful impacts resulting from stormwater events.
- Allow for impervious surface regulation dependent on location within or outside of an Area of Drainage Concern.

[...]

Section 17D.060.135 Areas of Drainage Concern

Commentary

Updates to this chapter are proposed to allow for the identification of Areas of Drainage Concern to ensure compatible development within existing stormwater facilities.

A. Purpose.

Areas of Drainage Concern are identified due to special geographic considerations that increase the likelihood of harmful impacts resulting from stormwater events. These impacts may include flooding, direct drainage to waterways, or capacity limitations in the combined sewer overflow system.

B. Identification, Designation, and Mapping of Areas of Drainage Concern.

Data sources are available from the City of Spokane that are used in identifying Areas of Drainage Concern. Public mapping related to Areas of Drainage Concern is not guaranteed to pinpoint a drainage issue that may require submittal of a drainage plan. Use of maps of Areas of Drainage Concern shall be for informational purposes only. In the event of a conflict between the map and the criteria set forth in this section, the criteria shall prevail.

C. Characteristics.

Areas of Drainage Concern generally have at least one of the following characteristics:

1. Poorly draining soils;
2. Historic overflows of the wastewater system during rainfall events;
3. Direct drainage to waterways;
4. Topography

D. The City Engineer shall decide whether a lot is considered an Area of Drainage Concern and whether a drainage plan is required.

[...]

TITLE 17G ADMINISTRATION AND PROCEDURES

Chapter 17G.020 Comprehensive Plan Amendment Procedure

Commentary

Updates to this chapter change references to the planning and economic development services director to say "Planning Director".

Section 17G.020.060 Process for Application, Review and Decision

[...]

B. Final Review.

[...]

2. Review by City Staff and Agencies.

Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket and request review and comments. SEPA review and in-depth staff analysis of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. Timely review is dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements. Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning ~~and Economic Development Services~~ Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.

3. Notice of Application/SEPA.

When the review described in subsection (C) above is complete, staff sends a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within thirty days of the date the notice of application is provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If ~~the planning and economic development services director~~ Planning Director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

[...]

7. Notice of SEPA and Hearing.

The combined notice of SEPA determination and notice of plan commission hearing must be published fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a ~~planning and economic development services director's~~ Planning Director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

[...]

Chapter 17G.025 Unified Development Code Amendment Procedure

Commentary

Updates to this chapter are proposed to clarify and reorganize existing sections.

Section 17G.025.010 Text Amendments to the Unified Development Code

A. Purpose.

This section provides for orderly and transparent modifications to the Unified Development Code with significant opportunities for public review and participation.

B. Definitions.

1. Construction Standards.

The following chapters of the Spokane Municipal Code are referred to herein as Construction Standards:

- a. SMC 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code);
- b. SMC 17F.050 (National Electrical Code);
- c. SMC 17F.080 (International Fire Code)
- d. SMC 17F.090 (International Mechanical Code)
- e. SMC 17F.100 (Uniform Plumbing Code)

C. Applicability.

The requirements of this section apply to all proposed modifications to SMC Title 17.

D. Amendments to Construction Standards.

1. Adoption Process.

Amendments to Construction Standards do not follow the remainder of this section. Instead, they follow City Council's regular legislative process. When a proposal combines modifications to Construction Standards with other proposed amendments to SMC Title 17, the portion pertaining to Construction Standards is not subject to the same approval process but should be clearly identified in public notices.

2. Application of State Code.

Adoption of changes to the Construction Standards is also subject to the following sections of state code:

- a. RCW 43.21C, if any;
- b. RCW 19.27.040; and
- c. RCW 19.27.060.

3. State Building Code Council.

Changes to Construction Standards that apply to single-dwelling or multi-dwelling residential buildings shall be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

AE. Initiation.

Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:

- 1. Property owner(s) or their representatives;
- 2. Any citizen, agency, neighborhood council, or other party; or
- 3. A eCity department, the pPlan eCommission, or the eCity eCouncil.

B. Applications.

~~Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specified in chapter 8.02 SMC.~~

~~CF.~~ ~~Application Submittal for Amendment~~ Proposals Initiated by Persons or Entities other than ~~at the~~ City ~~department or the City Council.~~

~~1.~~ Applications.

~~Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specified in SMC 8.02.~~

~~12.~~ Docketing.

Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to the threshold review and docketing procedures set forth in ~~chapter SMC 17G.020.025-SMC~~, using the following criteria:

- a. The proposed amendment presents a matter appropriately addressed through an amendment to ~~SMC~~ Title 17-~~SMC~~; and
- b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
- c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and
- e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
- f. State law required, or a decision of a court or administrative agency has directed such a change.

~~23.~~ If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application should be placed on the next available plan commission agenda for a workshop.

~~DG.~~ Notice of Intent to Adopt and SEPA Review

Proposals to amend ~~SMC~~ Title 17-~~SMC~~ may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.

~~EH.~~ Notice of Public Hearing.

Amendments to ~~SMC~~ Title 17-~~SMC~~ require a public hearing before the plan commission.

1. Contents of Notice.

A notice of public hearing shall include the following:

- a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
- b. A statement of how the proposal would change the affected provision;
- c. The date, time, and place of the public hearing;
- d. A statement of the availability of the official file; and

- e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and
- f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.

2. Distribution of Notice.

The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC 17G.060061.120210, Public Notice – Types of Notice.

FI. Plan Commission Recommendation – Procedure.

Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:

- 1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
- 2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
- 3. If the plan commission is unable to take either of the actions specified in ~~subsection (E)~~(1) or (2) of this ~~subsection~~, the proposal will be sent to city council with the notation that the plan commission makes no recommendation.

~~GJ.~~ Approval Criteria.

The City may approve amendments to this code if it finds that:

- 1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
- 2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

HK. City Council Action.

Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the Official Gazette. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. The city council may:

- 1. Approve the application;
- 2. Disapprove the application;
- 3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
- 4. Refer the proposal back to the plan commission for further consideration.

~~IL.~~ Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the Washington ~~department-Department~~ of ~~commerce-Commerce~~ ("~~commerceCommerce~~") shall be provided

with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to ~~commerce~~Commerce.

~~Inapplicability to certain chapters.~~

~~This section does not apply to the following chapters of the Spokane Municipal Code: 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code), 17F.050 (National Electrical Code), 17F.080 (International Fire Code), 17F.090 (International Mechanical Code), and 17F.100 (Uniform Plumbing Code) (collectively referred to as the “construction standards”). The construction standards specified in this subsection may be amended, after notice to the Plan Commission, pursuant to the City Council’s regular legislative process, subject to the requirements of Chapter 43.21C RCW, if any, and further subject to RCW 19.27.040 and 19.27.060, and shall, to the extent they apply to single family or multifamily residential buildings, be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).~~

Chapter 17G.030 Design Departures

Commentary

Updates to this chapter are proposed for consistency with the changes to Section 17C.119.015 Design Standards Administration and to reflect current practice.

Section 17G.030.010 Purpose

The purpose of this chapter is to coordinate the design review and the land use permit review process for projects seeking a design departure. Whenever a design departure is sought from the design standards of the land use code, the following review procedures are to be followed. Design departures are sought in order to modify or waive a design Requirement (R) or waive a design Presumption (P) contained within the design standards.

[...]

Section 17G.030.030 Review Process

Procedures for the review of design departures vary with the type of proposal being reviewed.

C. Type III Procedure.

The following proposals are processed through a Type III procedure:

1. A permit for a development seeking a design departure, which also requires a discretionary decision of the hearing examiner after a public hearing such as a conditional use permit, zone change, or a variance shall follow the Type III application process.
2. Role of Design Review Board.

The design review board reviews the design departure request and makes a recommendation to the hearing examiner. The review of the design review board may

occur either before or during the public comment period on the underlying permit application.

3. Notice of Application.

The notice for the design departure shall be included as part of the notice required for the discretionary decision permit application.

4. Hearings and Decision.

The hearing examiner considers the recommendation of the design review board regarding the design departure during the public hearing on the permit application. A decision is made on the design departure as a part of the decision on the Type III application. The decision criteria for design departures are provided in [SMC 17G.030.040](#), Decision Criteria.

5. Appeals.

Follows appeal process of the underlying permit application.

B. Type II Procedure.

The following proposals are processed through a Type II procedure:

1. A permit for a development seeking a design departure, which does not require a discretionary decision of the hearing examiner, shall follow the Type II application process.
2. Role of Design Review Board.

The design review board reviews the application and makes a recommendation to the ~~pp~~Planning ~~Director and economic development services director~~. The review of the design review board may occur either before or during the public comment period on the underlying permit application.

3. Role of Staff.

In instances of minimal complexity and cumulative impact, the urban design ~~or planning~~ staff can review and make recommendations on requests for design departures on behalf of the ~~Design Review Board~~. However, at the discretion of the applicant, any request for design departures can be forwarded for review by the design review board.

4. Notice of Application.

The notice for the design departure shall be included as part of the notice required for the Type II permit application.

5. Hearings and Decisions.

No hearing is required. A decision is made on the design departure as a part of the decision on the Type II application. The decision criteria for a design departure are provided in [SMC 17G.030.040](#).

6. Appeals.

Follows appeal process of the permit application. The decision on a Type II application may be appealed to the hearing examiner.

Section 17G.030.040 Decision Criteria

The decision criteria for a design departure are provided below.

- A. Has the applicant's design team thoroughly examined how the Requirement (R) and/or Presumption (P) could be applied as written?
- B. Does the proposal meet the intent and the general direction set forth by the Requirement (R) and/or Presumption (P) as written?

~~C. For a Requirement (R), is the specific change superior in design quality to that potentially achieved by the Requirement (R) and/or Presumption (P) as written?~~

~~C.D. For a Presumption (P) is the specific change equal to or superior in design quality to that potentially achieved by the Presumption as written?~~

~~D.E.~~ Is the departure necessary to better address aspects of the site or its surroundings?

~~E.F.~~ Is the proposed departure part of an overall, thoughtful and comprehensive approach to the design of the project as a whole?

~~F.G.~~ Has the applicant responded to the optional Considerations (C), if any, found within the design guideline? Including Considerations may assist in gaining acceptance for the plan.

[...]

Chapter 17G.060 Land Use Application Procedures

Commentary

All of 17G.060 Land Use Application Procedures is proposed to be REPEALED, to be replaced by the procedures renumbered and/or modified as found in 17G.061 Land Use Application Procedures.

[Repealed]

Chapter 17G.060T Land Use Application Tables

Commentary

All of 17G.060T Land Use Application Tables is proposed to be REPEALED, to be replaced by the table found in 17G.061.010 Summary of Land Use Application Procedures.

[Repealed]

Chapter 17G.061 Land Use Application Procedures

Commentary

This section is a reorganization of the REPEALED 17G.060 Land Use Procedures. Additional details are provided specific to each section.

Section 17G.061.000 Purpose and Administration

Commentary

This section combines multiple sections from 17G.060 that all relate to the purpose and administration of this chapter.

- A. Purpose.
The purpose of this chapter is to establish standard procedures for the review and processing of land use applications through the establishment of complete application standards, review procedures, notice requirements, hearing processes, decision criteria and appeal procedures for all applications.
- B. Administration.
 - 1. Responsibility for the administration, application and interpretation of these procedures pursuant to this ordinance is as is set forth below.
 - a. The director of building services or his designee is responsible for chapter 17E.050 SMC, Division F; chapter 17G.010 SMC, Division I; and the development codes.
 - b. The director of engineering services or his designee is responsible for chapter 17D.020 SMC, chapter 17D.070 SMC, chapter 17E.010 SMC, chapter 17E.050 SMC, chapter 17G.080 SMC, Division H and the development codes.
 - c. The Planning Director or his designee is responsible for SMC Title 17B and Title 17C and chapter 17D.010 SMC, chapter 17D.060 SMC, chapter 17D.080 SMC, chapter 17D.090 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.050 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, chapter 17G.020 SMC, chapter 17G.030 SMC, chapter 17G.040 SMC, chapter 17G.060-061 SMC, chapter 17G.070 SMC and chapter 17G.080 SMC

2. The procedures for requesting interpretations of the land use codes and development codes shall be made by the department and may be contained under the specific codes.
- C. Exclusions per RCW 36.70B.140.
 1. The following are excluded from the project permit review process, associated time frames, and other provisions of these procedures:
 - a. Landmark designations;
 - b. street vacations;
 - c. approvals related to the use of public areas or facilities;
 - d. project permits that, by ordinance or resolution, have been determined to present special circumstances warranting a review process different from that provided in this chapter.
 - e. Lot line or boundary adjustments;
 - f. final short subdivisions;
 - g. final binding site plans;
 - h. final plats; and
 - i. building or other construction permits, or similar administrative approvals categorically exempt from environmental review under RCW 43.21C, or for which environmental review has been completed in conjunction with other project permits and are judged by the director to adequately address the current application.
 2. Applications for interior alterations are excluded, provided they do not result in the following:
 - a. Additional sleeping quarters or bedrooms;
 - b. Nonconformity with federal emergency management agency substantial improvement thresholds; or
 - c. Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.
- D. Conflicting Ordinances.
If any provision of the ordinance codified in this title or its application to any person or circumstance is held invalid, the remainder of the ordinance codified in this title or the application of its provisions to other persons or circumstances shall not be affected.
- E. Severability.
To the extent there is a conflict between this chapter and other ordinances or resolutions for the City of Spokane regulating project permits, this chapter shall govern.

Section 17G.061.010 Summary of Land Use Application Procedures

Commentary

This section combines separate application procedure tables from 17G.060T into a single table and corrects some entries.

Table 17G.061.010-1 summarizes the applications subject to this chapter. For any application type that is referenced in the land use codes, but not represented in Table 17G.061.010-1, the process shall

be as identified in the application most closely associated with the application process definitions in SMC 17G.061.100.

TABLE 17C.061.010-1

SUMMARY OF APPLICATION TYPES AND REQUIREMENTS

| - | <u>Application Type</u> | <u>Notice of Community Meeting</u> | <u>Notice of Application</u> | <u>Notice of Hearing</u> | <u>Notice Content</u> | <u>Review Official</u> | <u>City Council Review</u> | <u>Expiration of Permit</u> |
|--|-------------------------|------------------------------------|------------------------------------|--------------------------|-----------------------|--------------------------|----------------------------|-----------------------------|
| <u>BUILDING AND CODE ENFORCEMENT</u> | | | | | | | | |
| <u>Building Permit without SEPA</u> | <u>Type I</u> | - | - | - | - | <u>Building Official</u> | - | <u>180 days</u> |
| <u>Building Permit with SEPA (Commercial/Industrial/Other)</u> | <u>Type I</u> | - | <u>Sign Posted Legal</u> | - | - | <u>Building Official</u> | - | <u>180 days</u> |
| <u>Demolition Permit without SEPA</u> | <u>Type I</u> | - | - [2] | - [1] | - | <u>Building Official</u> | - | <u>180 days</u> |
| <u>Demolition Permit with SEPA [2]</u> | <u>Type I</u> | - | <u>Sign Posted Legal Newspaper</u> | - [1] | - | <u>Building Official</u> | - | <u>180 days</u> |
| <u>Fence Permit</u> | <u>Excluded</u> | - | - | - | - | <u>Building Official</u> | - | <u>180 days</u> |
| <u>Grading Permit without SEPA</u> | <u>Type I</u> | - | <u>Sign Posted Legal</u> | - | - | <u>Building Official</u> | - | <u>180 days</u> |
| <u>Grading Permit with SEPA</u> | <u>Type I</u> | - | - | - | - | <u>Building Official</u> | - | <u>180 days</u> |
| <u>Manufactured Home Permit</u> | <u>Excluded</u> | - | - | - | - | <u>Building Official</u> | - | <u>180 days</u> |

| | | | | | | | | |
|---|-----------------|---|---|---|---|---|---|-----------------|
| <u>Sign Permit</u> | <u>Excluded</u> | = | = | = | = | <u>Buildin g Official</u> | = | <u>180 days</u> |
| <u>Residential Building Permit</u> | <u>Excluded</u> | = | = | = | = | <u>Buildin g Official</u> | = | <u>180 days</u> |
| <u>Remodel Permit</u> | <u>Excluded</u> | = | = | = | = | <u>Buildin g Official</u> | = | <u>180 days</u> |
| <u>ENGINEERING SERVICES</u> | | | | | | | | |
| <u>Address Permit</u> | <u>Excluded</u> | = | = | = | = | <u>Engine ering Directo r</u> | = | <u>180 days</u> |
| <u>Approach Permit</u> | <u>Excluded</u> | = | = | = | = | <u>Engine ering Directo r</u> | = | <u>180 days</u> |
| <u>Design Deviation – Street Design</u> | <u>Excluded</u> | = | = | = | = | <u>Engine ering Directo r</u> | = | <u>180 days</u> |
| <u>Encroachment Permit</u> | <u>Excluded</u> | = | = | = | = | <u>Engine ering Directo r</u> | = | <u>180 days</u> |
| <u>LID Formation</u> | <u>Excluded</u> | = | = | = | = | <u>Engine ering Directo r</u> | = | <u>180 days</u> |
| <u>Obstruction Permit</u> | <u>Excluded</u> | = | = | = | = | <u>Engine ering Directo r</u> | = | <u>180 days</u> |
| <u>Road Closure</u> | <u>Excluded</u> | = | = | = | = | <u>Engine ering</u> | = | <u>180 days</u> |

| | | | | | | | | |
|--|-----------------|---|-------------------------------|---|--|-----------------------------|---|-----------------|
| | | | | | | <u>Director</u> | | |
| <u>Sidewalk Permit</u> | <u>Excluded</u> | = | = | = | = | <u>Engineering Director</u> | = | <u>180 days</u> |
| <u>Stormwater Design Acceptance</u> | <u>Excluded</u> | = | = | = | = | <u>Engineering Director</u> | = | <u>180 days</u> |
| <u>Street Vacation</u> | <u>Excluded</u> | = | = | = | = | <u>Engineering Director</u> | = | <u>180 days</u> |
| <u>PLANNING AND ECONOMIC DEVELOPMENT SERVICES</u> | | | | | | | | |
| <u>Accessory Dwelling Unit (ADU)</u> | <u>Excluded</u> | = | = | = | = | <u>Planning Director</u> | = | <u>180 days</u> |
| <u>Administrative Exemptions</u> | <u>Excluded</u> | = | = | = | = | <u>Planning Director</u> | = | <u>180 days</u> |
| <u>Administrative Interpretations/Determinations</u> | <u>Excluded</u> | = | = | = | = | <u>Planning Director</u> | = | <u>180 days</u> |
| <u>Binding Site Plan (BSP) – Preliminary</u> | <u>Type II</u> | = | <u>Individual Sign Posted</u> | = | <u>Project name Proposed use Acreage</u> | <u>Planning Director</u> | = | <u>5 years</u> |

| | | | | | | | | |
|---|-----------------|-------------------------------|-------------------------------|-------------------------------|----------------------------------|--------------------------|---|----------------|
| | | | | | <u># of lots</u> | | | |
| <u>Binding Site Plan (BSP) – Final</u> | <u>Excluded</u> | = | = | = | = | <u>Planning Director</u> | = | <u>N/A</u> |
| <u>Boundary Line Adjustment (BLA)</u> | <u>Excluded</u> | = | = | = | = | <u>Planning Director</u> | = | <u>N/A</u> |
| <u>Certificate of Compliance (CC) – Hearing Examiner</u> | <u>Type III</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Project name Proposed use</u> | <u>Hearing Examiner</u> | = | <u>N/A</u> |
| <u>Certificate of Compliance (CC) – Planning Director</u> | <u>Type II</u> | = | <u>Individual Sign Posted</u> | = | <u>Project name Proposed use</u> | <u>Planning Director</u> | = | <u>N/A</u> |
| <u>Conditional Use Permit (CUP) – Hearing Examiner</u> | <u>Type III</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Project name Proposed use</u> | <u>Hearing Examiner</u> | = | <u>3 years</u> |
| <u>Conditional Use Permit (CUP) – Planning Director [3]</u> | <u>Type II</u> | = | <u>Individual Sign Posted</u> | = | <u>Project name Proposed use</u> | <u>Planning Director</u> | = | <u>3 years</u> |

| | | | | | | | | |
|---|-----------------|-------------------------------|-------------------------------|--|--|--------------------------|----------|--------------------|
| <u>Floodplain Development with SEPA</u> | <u>Type I</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>=</u> | <u>Proposed use</u> | <u>Planning Director</u> | <u>=</u> | <u>180 days</u> |
| <u>Floodplain Variance</u> | <u>Type III</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Project name Proposed use</u> | <u>Hearing Examiner</u> | <u>=</u> | <u>3 years</u> |
| <u>Home Occupation</u> | <u>Excluded</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>Planning Director</u> | <u>=</u> | <u>N/A</u> |
| <u>Long Plat – Preliminary</u> | <u>Type III</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted News paper</u> | <u>Project name Proposed use Acreage # of lots</u> | <u>Hearing Examiner</u> | <u>=</u> | <u>5 years</u> |
| <u>Long Plat – Final</u> | <u>Excluded</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>Planning Director</u> | <u>=</u> | <u>N/A</u> |
| <u>Planned Unit Development (PUD) – Preliminary</u> | <u>Type III</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Project name Proposed use Acreage # of lots</u> | <u>Hearing Examiner</u> | <u>=</u> | <u>5 years [5]</u> |

| | | | | | | | | |
|---|-----------------|-------------------------------|-------------------------------|-------------------------------|--|--------------------------|------------|---------------------------------------|
| <u>Planned Unit Development (PUD) – Final</u> | <u>Excluded</u> | = | = | = | = | <u>Planning Director</u> | <u>Yes</u> | <u>N/A</u> |
| <u>Shoreline Exemption/Determination/Interpretation</u> | <u>Excluded</u> | = | = | = | = | <u>Planning Director</u> | = | <u>Must comply with WAC 173-27-90</u> |
| <u>Shoreline Substantial Development Permit (SDP)</u> | <u>Type II</u> | <u>Individual Sign Posted</u> | = | = | <u>Project name Proposed use</u> | <u>Planning Director</u> | = | <u>Must comply with WAC 173-27-90</u> |
| <u>Shoreline Variance</u> | <u>Type III</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Project name Proposed use</u> | <u>Hearing Examiner</u> | = | <u>Must comply with WAC 173-27-90</u> |
| <u>Shoreline Conditional Use Permit (CUP)</u> | <u>Type III</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Project name Proposed use</u> | <u>Hearing Examiner</u> | = | <u>Must comply with WAC 173-27-90</u> |
| <u>Short Plat – Preliminary with Standard Review and SEPA</u> | <u>Type II</u> | = | <u>Individual Sign Posted</u> | = | <u>Project name Proposed use Acreage # of lots</u> | <u>Planning Director</u> | = | <u>5 years</u> |

| | | | | | | | | |
|--|-----------------|-------------------------------|---------------------------------------|-------------------------------|--|--------------------------|------------|--------------------------------|
| <u>Short Plat – Preliminary with Standard Review and No SEPA</u> | <u>Type II</u> | = | <u>Individual Sign [4] Posted [4]</u> | = | <u>Project name Proposed use Acreage # of lots</u> | <u>Planning Director</u> | = | <u>5 years</u> |
| <u>Short Plat – Preliminary with Minor Review</u> | <u>Type II</u> | = | = | = | = | <u>Planning Director</u> | = | <u>5 years</u> |
| <u>Short Plat – Final</u> | <u>Excluded</u> | = | = | = | = | <u>Planning Director</u> | = | <u>N/A</u> |
| <u>Skywalk</u> | <u>Type III</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | = | <u>Hearing Examiner</u> | <u>Yes</u> | <u>Up to 25 year agreement</u> |
| <u>Variance</u> | <u>Type III</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Project name Proposed use Proposed standard</u> | <u>Hearing Examiner</u> | = | <u>3 years</u> |
| <u>Rezone</u> | <u>Type III</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Individual Sign Posted</u> | <u>Project name Proposed use</u> | <u>Hearing Examiner</u> | = | <u>3 years</u> |

| | | | | | | | | |
|--|--|--|--|--|----------------------|--|--|--|
| | | | | | <u>Proposed zone</u> | | | |
| <p><u>Footnotes</u></p> <p><u>[1] Public Hearing is required if the structure is on the National Historic Register.</u></p> <p><u>[2] 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.</u></p> <p><u>[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.</u></p> <p><u>[4] Sign and posted notice not required for 2-4 lots per SMC 17G.080.040(D)</u></p> <p><u>[5] 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.</u></p> | | | | | | | | |

Section 17G.061.100 Application Types

Commentary

This section proposes definitions for Type I/II/III applications, which are not provided anywhere in the current code.

A. Purpose.

Applications are consolidated into application types to simplify the permitting process for applicants and ensure appropriate opportunity for public comment on proposals.

B. Excluded Application.

Excluded applications are not subject to the requirements of this chapter. Exclusions are listed in SMC 17G.061.000(C).

A. Type I Application.

1. A Type I application is subject to administrative approval.

2. A Type I application must be categorically exempt from environmental review under RCW 43.21C (SEPA) and SMC 17E.050.

2. Type I applications do not require a public hearing.

B. Type II Application.

1. A Type II application is subject to administrative approval by a department director.
2. A Type II application may or may not be categorically exempt from RCW 43.21C (SEPA) and SMC 17E.050.
3. Type II applications do not require a public hearing.

C. Type III Application.

1. A Type III application is subject to a quasi-judicial decision of the Hearing Examiner.
2. A Type III application may or may not be categorically exempt from RCW 43.21C (SEPA) and SMC 17E.050.
3. Type III applications require a public hearing before the Hearing Examiner.

Section 17G.061.110 Application Requirements

Commentary

This section combines 17G.060.040 and 17G.060.070 into a single section and renames the position for Planning Director. It also incorporates the requirements for a community meeting from 17G.060.050.

A. Predevelopment Meeting.

1. Purpose.
Predevelopment meetings are not intended to be an exhaustive review of all regulations or potential issues for a given application. Predevelopment meetings have two purposes:
 - a. acquaint City staff and other agencies with a proposed development and to generally advise the applicant of applicable regulations, design guidelines and design review processes, and policies impacting the proposal; and
 - b. acquaint the applicant with the applicable provisions of these procedures, minimum submission requirements and other plans or regulations which may impact the proposal.
2. The City may, when applicable, apply additional relevant laws to the application subsequent to a predevelopment meeting.
3. Predevelopment meetings are required for any development proposal in the central business district. The [Planning Director](#)~~planning and economic development services director~~ or Building Official, as appropriate, may waive this requirement.
4. Predevelopment meetings are recommended for Type II and III applications, and Type I project permit applications in the centers and corridors (CC) zones.

B. Community Meeting.

All Type III applications and Type II applications where indicated in Table 17G.061.010-1 are required to hold a community meeting regarding the proposed application. The applicant or their representative shall conduct the community meeting.

1. Timing.
The meeting shall occur no more than one hundred twenty days prior to application and before the application is accepted by the City.
2. Notice.

Notice for the community meeting shall be posted fourteen days prior to the meeting. Public notice of a community meeting shall be provided as required in SMC 17G.061.210.

3. Combining with Traffic Study.

When a traffic study is required as a part of an application, the scoping meeting for a traffic study may be combined with the community meeting.

4. Meeting Summary.

The applicant shall provide a summary of the meeting at the time of submission of the application. Other attendees of the community meeting may also submit a summary of the meeting issues to the decision-maker. The meeting summary shall consist of the following:

- a. A digital recording of the meeting proceedings; and
- b. List of attendees; and
- c. A copy of the notice of community meeting; and
- d. Affidavits of posting/mailling the notice.

BC. General Requirements.

Applications shall include the following:

1. Predevelopment meeting summary, if required under subsection (A).
2. Filing fees as required under SMC 8.02.
3. Application documents supplied by the City, including but not limited to:
 - a. General application form;
 - b. Supplemental application form;
 - c. Environmental checklist, if required under SMC 17E.050;
4. A site plan drawn to scale showing:
 - a. Property dimensions;
 - b. location and dimensions of all existing and proposed physical improvements;
 - c. location and type of landscaping;
 - d. walkways and pedestrian areas;
 - e. off-street parking areas and access drives;
 - f. refuse facilities; and
 - g. significant natural features, such as slopes, trees, rock outcrops, and critical areas.
5. Required copies of documents, plans, or maps (as set forth in the application checklist).
6. Written narrative identifying consistency with the applicable policies, regulations, and criteria for approval of the permit requested.
7. Other plans, such as building elevations, landscaping plans, or sign plans, which are determined by the permitting department to be necessary to support the application.
8. Additional application information as requested by the permitting department, which may include, but is not limited to, the following:
 - a. geotechnical studies;
 - b. hydrologic studies;
 - c. critical area studies;
 - d. noise studies;
 - e. air quality studies;
 - f. visual analysis; and
 - g. transportation impact studies.

ED. Additional Requirements.

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

1. Shoreline – Substantial Development Permit, Conditional Use Permit and Variance.
 - a. Name, address, and phone number of the applicant.

The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
 - b. Name, address, and phone number of the applicant's representative if other than the applicant.
 - c. Name, address, and phone number of the property owner, if other than the applicant.
 - d. Location of the property.

This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute.
 - e. Identification of the name of the shoreline (water body) with which the site of the proposal is associated.
 - f. General description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
 - g. General description of the property as it now exists, including its physical characteristics and improvements and structures.
 - h. General description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
 - i. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
 - i. the boundary of the parcels(s) of land upon which the development is proposed;
 - ii. the ordinary high-water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location, provided that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high-water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high-water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high-water mark of a shoreline;
 - iii. existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area;
 - iv. a delineation of all wetland areas that will be altered or used as a part of the development;
 - v. the dimensions and locations of all existing and proposed structures and improvements, including but not limited to: buildings, paved or

- graveled areas, roads, utilities, material stockpiles or surcharge, and stormwater management facilities;
 - vi. an inventory of the existing vegetation on the proposed project site, including the location, type, size, and condition, pursuant to SMC 17E.060.240, Shoreline Vegetation Inventory;
 - vii. a landscape plan prepared and stamped by a licensed landscape architect, registered in the state of Washington;
 - viii. where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included;
 - ix. quality, source and composition of any fill material that is placed on the site, whether temporary or permanent;
 - x. quantity, composition and destination of any excavated or dredged material;
 - xi. vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments, and uses on adjacent properties;
 - xii. where applicable, a depiction of the impacts to views from existing residential uses;
 - xiii. on all variance applications, the plans shall clearly indicate where development could occur without the approval of a variance, the physical features and circumstances of the property that provide a basis for the request, and the location of adjacent structures and uses.
- 2. Certificate of Compliance.
 - a. Site plan is to be prepared by a licensed surveyor; and
 - b. Copies of building permits or other data necessary to demonstrate the building was erected in good faith and all reasonable efforts comply with the code.
- 3. Plans-in-lieu of Compliance.
 - a. Alternative development plan designed in conformance with the applicable development regulations; and
 - b. A written narrative of how the proposed development plan is superior, or more innovative, or provides greater public benefit.
- 4. Preliminary Plat, Short Plat, and Binding Site Plan.
As provided in chapter 17G.080 SMC.
- 5. PUD.
 - a. Profiles of any structures more than one story, shown in relation to finished grade.
 - b. Location, dimension, and boundary of proposed open space.
 - c. Site plan demonstrating compliance with title 17C SMC including signs, off-street parking, structure height, building coverage, yards, density, screening, buffering, and lighting.
- 6. Skywalk.
 - a. A legal description of airspace to be occupied.
 - b. Architectural and engineering plans.
 - c. Artist's rendering of the proposed skywalk; and

- d. Written narrative of the access for the public from the street, other buildings, and other skywalks.
 - e. Acceptance of the final design review recommendations.
 - f. Location and design of all wayfinding signage to be placed to ensure public access.
7. Floodplain – Floodplain Development Permit and Variance.
As provided in chapter 17E.030 SMC.

Section 17G.061.120 Determination of a Complete Application

Commentary

This section combines 17G.060.090 and 17G.060.100 into a single section.

- A. Determination of Completeness.
Within twenty-eight days of receiving a project permit application, the department shall determine if the application is complete (RCW 36.70B.070).
- B. Procedures for Determination of Completeness.
The following steps outline the process for the department to determine that an application is complete.
 - 1. Counter Complete.
The department shall conduct a preliminary, immediate review to determine if the application contains the documents and information required by SMC 17G.060.070. If the department determines the application does not contain the required documents and information, the application including fees shall be returned to the applicant.
 - 2. Component Screening.
If the application appears to contain required documents, the department shall accept the application and within seven days, conduct a detailed review and determine if any additional information is necessary to process the application. If the department determines the application is missing required components, or is inadequate in other ways, the application including any fees shall be returned to the applicant.
 - 3. Review by Interested Agencies.
If the application, after the detailed review, is found to contain the required components and supporting documents, the application and supporting documents shall be forwarded to (i) interested City departments, (ii) agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application, and (iii) the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the project is located and to any neighborhood council whose geographic boundaries are located within a 600-foot radius of the project, at the address for such departments, agencies, and neighborhood council designee(s) on file with the department, for review to ensure compliance with state laws, ordinances and concurrency requirements. Interested departments, agencies, and the neighborhood council shall be given fourteen days to provide comments on a permit application. All written comments will be forwarded to the applicant at the end of the fourteen day comment period. Comments submitted

after the fourteen day comment period will be forwarded to the applicant, subject to RCW 36.70B.070.

- a. If review agencies require additional information to continue processing the application, the applicant shall be notified in writing.
 - b. Required information must be provided within sixty days from the notification by the department. The applicant may submit a written request for additional time to the director; any time extensions shall be in writing. If the information is not received within the sixty days (or as otherwise agreed to), the application and a portion of the fees shall be returned to the applicant, pursuant to chapter 8.02 SMC.
 - c. Within fourteen days of the submission of the additional information identified by the review agency, the department shall notify the applicant whether the studies are adequate or what additional information is necessary.
 - d. If the neighborhood council submits written comments on an application, the department shall provide a written response to the chairperson, with copy to the applicant, no later than the date on which the application is certified complete pursuant to paragraph D herein below.
4. **Application Certified Complete.**
Within seven days of the expiration of the interested agency comment period, if no additional information was required, or the information required under subsection (3) is acceptable, the department shall certify the application complete. Applications requiring review by the hearing examiner are forwarded to the hearing examiner upon being certified as complete.
 5. **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.061.210. 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)).
 6. **Vesting.**
Applications shall be considered vested at the time the application is certified complete, the vesting date shall be the date of application submission. If the application is not complete when filed or information is not timely provided as set forth in subsection (2) or (3), the application shall not be considered complete for purposes of vesting or other statutory compliance dates.

Section 17G.061.130 Application Time Limits

Commentary

This section is renumbered from 17G.060.080.

- A. A decision on permit applications subject to this chapter shall be made within one hundred twenty days of submission of a complete application as set forth in SMC 17G.061.130.
- B. The following shall be excluded when calculating this time period:
 - 1. Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional required information due to the applicant's inaccurate or insufficient information.
 - 2. Any period during which an environmental impact statement is being prepared.
 - 3. Any period for administrative appeals of land use permits.
 - 4. Any extension for any reasonable period mutually agreed upon in writing between the applicant and the department (RCW 36.70B.080(1)).
 - 5. If the permit requires approval of a new fully contained community as provided in RCW 36.70A.350, or a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200.

Section 17G.061.140 Expiration of Application

Commentary

This section is renumbered from 17G.060.220

- A. Any application which has been determined to be counter complete, and for which the applicant fails to complete the next application step for a period of one hundred eighty days after issuance of the determination of completeness, or for a period of one hundred eighty days after the City of Spokane has requested additional information or studies, will expire by limitation and become null and void. The department may grant a one-hundred-eighty-day extension on a one-time basis per application. In no event shall an application be pending for more than three hundred sixty days from the date the application is deemed counter complete; provided, once an applicant provides notice of application pursuant to SMC 17G.060.061.100120, the application shall no longer be considered pending for purposes of this time limitation. For purposes of this section, all time during which the City is reviewing materials submitted by an applicant will be excluded. This subsection shall apply to applications regardless whether the applications were submitted prior to the effective date of this section, as amended.
- B. Applications which have been certified complete by the effective date of the ordinance codified in this title shall have one hundred twenty days to complete the project review, receive a decision, and complete any appeal provisions of this chapter. The department will notify any applicants in writing that are subject to this provision within thirty days of the effective date of the ordinance codified in this title.

Section 17G.061.150 Modification of Applications and Permits

Commentary

This section renames the position for Planning Director and includes relevant language from 17G.060.230 and 17G.060.245.

- A. Modification of Complete Application.
1. Proposed modifications to an application, which the department has previously found to be complete, will be treated as follows:
 - a. Modifications proposed by the department to an application shall not be considered a new application.
 - b. If the applicant proposes substantial modifications to an application, as determined by the department, the application may be considered a new application. The new application shall conform to the requirements of all statutes and ordinances in effect at the time the new application is submitted. A substantial modification may include but is not limited to the following:
 - i. change in use;
 - ii. increase in density;
 - iii. increase in site area; or
 - iv. changes that increase or significantly modify the traffic pattern for the proposed development.
- B. Limitations on Refiling of Application.
1. Applications for a land use permit pursuant to Title 17 SMC on a specific site shall not be accepted if a similar permit has been denied on the site within the twelve months prior to the date of submittal of the application. The date of denial shall be considered the date the decision was made on an appeal, if an appeal was filed or the date of the original decision if no appeal was filed.
 2. The twelve-month time period may be waived or modified if the director finds that special circumstances warrant earlier reapplication. The director shall consider the following in determining whether an application for permit is similar to, or substantially the same as, a previously denied application:
 - a. An application for a permit shall be deemed similar if the proposed use of the property is the same, or substantially the same, as that which was considered and disallowed in the earlier decision.
 - b. An application for a permit shall be deemed similar if the proposed application form and site plan (i.e., building layout, lot configuration, dimensions) are the same, or substantially the same, as that which was considered and disallowed in the earlier decision; and
 - c. An application for a variance, exception, or waiver shall be deemed similar if the special circumstances which the applicant alleges as a basis for the request are the same, or substantially the same, as those considered and rejected in the earlier decision. In every instance, the burden of proving that an application is not similar shall be upon the applicant.
- C. Modifications or Revisions to Shoreline Permits.
1. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the shoreline master program and/or the policies and provisions of chapter 90.58 RCW.
 2. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the director shall request from the applicant detailed plans and text describing the proposed changes in the permit.
 3. If the director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2) and are consistent with the

shoreline master program and the Shoreline Management Act, the director may approve a revision.

4. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.
 5. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the shoreline master program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
 6. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are "within the scope and intent of the original permit," the director shall require that the applicant apply for a new permit.
 7. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department of ecology. In addition, the director shall notify parties of record of their action.
 8. If the revision to the original permit was a conditional use or variance, which was conditioned by the department of ecology, the director shall submit the revision to the department of ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the department of ecology's receipt of the submittal from the director. The director shall notify parties of record of the department of ecology's final decision.
 9. The revised permit is effective immediately upon final decision by the director, or when reviewed by the department of ecology, pursuant to subsection (7), then upon final action by the department of ecology.
 10. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the shorelines hearings board within twenty-one days from the date of receipt of the revision approved by the director, or when appropriate under subsection (7), the date ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.
- D. Modification to a Building Permit Subject to a Type II or III Approval.
- In issuing building permits for construction under an approved site plan, the building official may, with concurrence of the [Planning Director](#) ~~planning and economic development services director~~, permit minor adjustments of the location and/or dimensions of buildings, parking areas, and roadways as long as such adjustments do not change any points of ingress or egress to the site unless approved by the director of engineering services, change any

perimeter setbacks, or exceed the density authorized in the permit. No modification of an approved application may be considered approved unless specifically provided in writing.

1. The ~~planning and economic development services director~~ Planning Director may, without public notice, modify an approved site plan, if all the following criteria are met:
 - a. The use will remain the same.
 - b. The total site coverage or total area covered by buildings will not increase.
 - c. The use will continue to comply with all conditions of approval imposed by the original decision.
 - d. The use will comply with all of the requirements of the land use regulations applicable to it and the property on which it is or will be located.
2. Any modification of an approved site plan not consistent with the standards of subsection (B)(1) of this section may be approved only pursuant to the procedures for granting the original Type II or III approval.

E. Modification of Shoreline Permit.

1. Recision and Remanding of Shoreline Permit.
 - a. After providing notice to the permittee and the public and also holding a public meeting, the Planning Director ~~planning and economic development services director~~ may rescind or suspend a permit if any of the conditions in RCW 90.58.140(8) exist.
 - b. Under the conditions listed in RCW 90.58.180, shoreline permits may be remanded back to the City by the Shorelines Hearings Board.
2. Other Modification of Shoreline Permit.
 - a. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the shoreline master program and/or the policies and provisions of chapter 90.58 RCW.
 - b. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the director shall request from the applicant detailed plans and text describing the proposed changes in the permit.
 - c. If the director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2) and are consistent with the shoreline master program and the Shoreline Management Act, the director may approve a revision.
 - d. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.
 - e. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the shoreline master program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time

- requirements or to authorize substantial development beyond the time limits of the original permit.
- f. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are “within the scope and intent of the original permit,” the director shall require that the applicant apply for a new permit.
 - g. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department of ecology. In addition, the director shall notify parties of record of their action.
 - h. If the revision to the original permit was a conditional use or variance, which was conditioned by the department of ecology, the director shall submit the revision to the department of ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the department of ecology’s receipt of the submittal from the director. The director shall notify parties of record of the department of ecology’s final decision.
 - i. The revised permit is effective immediately upon final decision by the director, or when reviewed by the department of ecology, pursuant to subsection (7), then upon final action by the department of ecology.
 - j. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the shorelines hearings board within twenty-one days from the date of receipt of the revision approved by the director, or when appropriate under subsection (7), the date ecology’s final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant’s own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

Section 17G.061.210 Public Notice

Commentary

This section combines 17G.060.110 Public Notice – General, 17G.060.120 Public Notice – Types of Notice, and 17G.060.180 Removal of Public Notice. It also adds a purpose statement, clarifies the difference between “sign” and “posted” notice, and renames the position for Planning Director.

A. Purpose.

Public notice informs interested parties of the application at proper stages of the approval process and ensures opportunity for appropriate comment. Notice occurs through various means depending on the type of application and proposed action.

B. General.

1. The types of notice for various categories of permit applications and actions are listed in Table 17G.061.010-1. The specified types of notice are used for community meetings, notice of application, notice of public hearing, notice of decision, and notice of appeals, as applicable.
2. It is the responsibility of the applicant to provide public notice and file a statutory declaration as evidence of compliance.

C. Types of Notice.

1. Individual Notice.

Individual notice is given in writing by regular U.S. mail or by personal service. Notice shall be given to the following parties:

- a. All owners and taxpayers of record, as shown by the most recent Spokane County assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject property, including any property that is contiguous and under the same or common ownership and control (RCW 36.70B.040(2)). The department may expand the mailing to include areas adjacent to the access easements and areas on the opposite side of rights-of-way, rivers and other physical features;
- b. Any person who has made a written request to receive such notice, including any registered neighborhood organization as defined in chapter 17A.020 SMC representing the surrounding area;
- c. Any agency with jurisdiction identified by the director.
- d. The individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the project is located, at the address for such neighborhood council designee(s) that is on file with the City's department of neighborhood services.

2. Sign Notice.

Sign notice is given by installation of a sign on the site of the proposal adjacent to the most heavily traveled public street and located so as to be readable by the public. The director may require more than one sign if the site fronts on more than one arterial or contains more than three hundred feet of frontage on any street.

- a. The notice sign must meet the following specifications:
 - i. It measures a minimum of four feet by four feet, but sign size may be increased in order to contain all of the required information.
 - ii. It is constructed of material of sufficient weight and strength to withstand normal weather conditions.
 - iii. It is white with red lettering.

3. Posted Notice.

Posting of the notice as a letter, identical in form and content to individual written notice, shall be posted at "official public notice posting locations," including:

- a. The main City public library and the branch library within or nearest to the area subject to the pending action;
- b. The space in City Hall officially designated for posting notices; and
- c. Any other public building or space that the city council formally designates as an official public notice posting location, including electronic locations.

4. Newspaper Notice.

Newspaper notice is published in a legal newspaper of general circulation. The contents of the newspaper notice are as prescribed in subsection (D) of this section.

Newspaper notices are published on the same day of two consecutive weeks, the first no later than the number of days specified for the particular application type specified in this chapter.

5. Other Notice.

The hearing examiner, with respect to permit applications for non-site specific issues, such as essential public facilities, may require or provide for such alternative or additional notice as deemed necessary and appropriate to serve the public interest. A notification plan may be required of the applicant by the hearing examiner indicating the form and time of notice appropriate to the scope and complexity of the proposed project.

D. Contents of Notice.

1. Individual, Newspaper, and Posted Notice.

The following information shall be included:

a. All application types:

- i. Location of the property sufficient to clearly locate the site.
- ii. Description of the proposed action and required permits.
- iii. Name, address, and office telephone number of the City official from whom additional information may be obtained.
- iv. Applicant name and telephone number.
- v. Statement that any person may submit written comments and appear at the public hearing, if applicable.
- vi. A statement that comments will be received on environmental issues, any environmental documents related to the proposed action, the SEPA status, and the appeal deadline for SEPA.
- vii. A statement that written comments and oral testimony at a hearing will be made a part of the record, if applicable.
- viii. A statement, in bold type, that only the applicant, persons submitting written comments, and persons testifying at a hearing may appeal the decision.
- ix. Date and time by which any written comments must be received on the notice of application; and
- x. Date of the application and date of the notice of complete application.

b. An application requiring a community meeting shall also include a notice of community meeting with the date, time, and place of the meeting.

c. An application requiring a public hearing shall also include a notice of public hearing with the date, time, and place of the hearing.

2. Sign Notice.

Sign notices must contain the following information:

- a. The first line of text on the sign in four-inch letters reads: "NOTICE OF COMMUNITY MEETING" or the applicable notice type.
- b. The second line of text on the sign in three-inch letters reads: "PROPOSED CONDITIONAL USE PERMIT, File #Z----- -CUP" or some other appropriate description of the proposed action.
- c. The third line of text on the sign in three-inch letters reads: "COMMUNITY MEETING ON/PUBLIC HEARING ON/COMMENTS DUE BY (date, time, and location)."

- d. The subsequent line(s) of text, in three-inch letters, contain additional details as indicated for the project type in Table 17G.061.010-1.
- e. The applicant (or agent) name and phone number, the SEPA status, and the deadline for appeal of the SEPA determination.
- f. The last line of text on the sign in three-inch letters reads: "FOR INFORMATION: (City contact telephone number and web page address where additional project information may be found)."
- g. The following figures illustrate posted notice signs:

Example "A"

NOTICE OF PUBLIC HEARING
PROPOSED ZONE CHANGE, FILE #Z2003-01-ZC
PUBLIC HEARING ON : 1/1/2004 AT 9:00 A.M.
LOCATED: COUNCIL BRIEFING RM., CITY HALL
Proposed Zone: C1
Proposed Use: Warehouse
Applicant/Agent: John Doe, Phone (509) 999-0001
SEPA: DNS, appeal deadline 12/24/03
FOR INFORMATION: (509) 625-6300 <https://my.spokanecity.org/projects/example/>

Example "B"

NOTICE OF SEPA/APPLICATION
BUILDING PERMIT, FILE #B0300001
PUBLIC COMMENT DUE : 1/1/2004 AT 9:00 A.M.
LOCATED: COUNCIL BRIEFING RM., CITY HALL
Proposed Use: Commercial
Applicant/Agent: John Doe, Phone (509) 999-0001
SEPA: DNS, appeal deadline 12/24/03
FOR INFORMATION: (509) 625-6300 <https://my.spokanecity.org/projects/example/>

E. Removal of Public Notice.

- 1. Posted notices shall be removed within seven days after the close of the public hearing or by the due date of the decision on a ministerial permit.
- 2. If a posted notice remains on a site more than fourteen days after the time limitation stated above, the City shall remove and dispose of the sign and charge the applicant or other person responsible for the notice.

Section 17G.061.220 Public Comment Period**Commentary**

This section is renumbered from 17G.060.130.

- 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. In case of conflicting time periods, the longest public comment period shall prevail.

Section 17G.061.230 Public Hearing

Commentary

This section is combines 17G.060.150 and 17G.060.160.

- A. Notice of Public Hearing.
 - 1. A notice of public hearing is required for Type III applications. At the close of the public comment period initiated by the notice of application, the director consults with the hearing examiner regarding a date and time for the public hearing. No less than fifteen days prior to the public hearing, the director causes the notice of public hearing to be provided, unless notice of public hearing has been provided with the notice of application pursuant to SMC 17G.061.120(B)(5). The notice shall contain the information required under SMC 17G.061.210 and Table 17G.061.010-1.
 - 2. The director makes a written report regarding the application to the hearing examiner. The report of the director is filed with the hearing examiner ten days prior to the scheduled public hearing and copies are mailed to the applicant and applicant's representative. Copies of the report are made available to any interested person for the cost of reproduction. If a report is not made available as provided in this subsection, the hearing examiner may reschedule or continue the hearing, or make a decision without regard to any report.
 - 3. The written report of the director contains a description of the proposal, a summary of the comprehensive plan policies and provisions, a summary of the applicable provisions of the land use codes, the environmental threshold determination, findings and conclusions relating to the proposal to the prescribed decision criteria and a recommendation.

Section 17G.061.240 SEPA Threshold Determination

Commentary

This section is renumbered from 17G.060.140.

All permit applications are subject to environmental review pursuant to SMC 17E.050.070 and 17E.050.230. An environmental checklist, along with any supplemental documents needed to fully disclose potential environmental impacts and measures to mitigate those impacts, is submitted as

part of the application, if applicable. Review of those environmental documents is conducted concurrent with the other application material.

A. DNS Process for Type I, II and III Permit Applications.

1. The administrative official makes a SEPA threshold decision within ten days of the end of the public comment period initiated by the notice of application.
2. For Type I and II permit applications, the administrative official may issue the permit decision and the SEPA threshold determination simultaneously. However, the department shall not issue a decision on the permit application for fourteen days after the issuance of a determination of nonsignificance (DNS) if the proposal involves:
 - a. another agency with jurisdiction;
 - b. demolition of any structure or facility not exempted by SMC 17E.050.070;
 - c. issuance of clearing or grading permits not exempted by SMC 17E.050.070; or
 - d. a mitigated DNS or determination of significance (DS).
3. The public notice of the DNS shall be integrated with the notice requirements of the underlying project permit application, as prescribed in SMC 17G.060.061.120210.
4. The issuance of a DNS shall follow the process under WAC 197-11-340 and for a mitigated DNS under WAC 197-11-350.

B. Optional DNS process for Type I, II or III permit applications may be used with the following requirements if the administrative official has a reasonable basis for determining that significant adverse impacts are unlikely as a result of the project:

1. A single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal may be used. The time limits of this subsection (B) do not apply when the optional DNS process is utilized for SEPA.
2. Provide notice of application as prescribed in SMC 17G.060.120 as set forth for the underlying project permit application. The notice shall include the following:
 - a. The notice of application shall state that the responsible official expects to issue a DNS for the proposal, and that:
 - i. the optional DNS process is being used;
 - ii. this may be the only opportunity to comment on the environmental impacts of the proposal;
 - iii. the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and

- iv. a copy of the subsequent threshold determination for the specific proposal may be obtained upon request.
- 3. List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected.
- 4. Send the notice of application and environmental checklist to:
 - a. agencies with jurisdiction, the department of ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
 - b. anyone requesting a copy of the environmental checklist for the specific proposal.

Section 17G.061.310 Decision Criteria

Commentary

This section is renumbered from 17G.060.170. The proposal adds references to new rezone criteria in 17G.061.315, clarifies that the rezone process includes height changes, and moves decision criteria for subdivisions to 17G.080.025.

- A. The purpose of the following sections is to establish the decision criteria for all permit types regardless of whether the decision is made by the director, hearing examiner, or city council, as applicable.
- B. The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.
- C. The following decision criteria shall be used for Type II and III permit applications, with the exception of plats, short plats, and binding site plans, which have separate decision criteria provided in 17G.080.025:
 - 1. The proposal is allowed under the provisions of the land use codes.
 - 2. The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.
 - 3. The proposal meets the concurrency requirements of chapter 17D.010 SMC.
 - 4. If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic, or cultural features.
 - 5. The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.
- D. The following Type II and III applications have decision criteria listed in this subsection that are required to be met in addition to the provisions of subsection I of this section:
 - 1. Shoreline Substantial Development Permit.

- a. Consistency with the map, goals, and policies of the shoreline master program; and
 - b. Consistency with chapter 90.58 RCW (Shoreline Management Act) and chapter 173-27 WAC (Permits for Development on Shorelines of the State).
2. Shoreline Conditional Use Permit.

The purpose of a shoreline conditional use permit is to provide a system within the shoreline master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the shoreline master program.

 - a. Uses classified or set forth in these shoreline regulations in Table 17E.060-4 as conditional uses, as well as unlisted uses, may be authorized provided the applicant can demonstrate all of the following:
 - i. The proposed use is consistent with the policies of RCW 90.58.020 and the shoreline master program.
 - ii. The proposed use will not unreasonably interfere with the normal public use of public shorelines.
 - iii. The cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.
 - iv. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the shoreline master program.
 - v. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located, and the public interest in enjoying physical and visual access suffers no substantial detrimental effect.
 - b. Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were to be granted for other developments in the area where similar circumstances exist, the total of the conditional and shall not produce substantial adverse effects to the shoreline environment.
 - c. Other uses which are not classified or set forth in the shoreline master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the shoreline master program.
 - d. Uses which are specifically prohibited by the shoreline master program shall not be authorized by conditional use.
3. Shoreline Variance Permit.

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in shoreline master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the shoreline master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances exist and demonstrate that the public interest in enjoying physical and visual access to the shorelines shall suffer no substantial detrimental effect.
 - b. Variance permits for development and/or uses that will be located landward of the ordinary high-water mark, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program regulations precludes, or significantly interferes with, reasonable use of the property.
 - ii. That the hardship described in (i) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the shoreline master program regulations, and not, for example, from deed restrictions or the applicant's own actions.
 - iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP regulations and will not cause adverse impacts to the shoreline environment.
 - iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
 - iv. That the variance requested is the minimum necessary to afford relief.
 - vi. That the public interest in enjoying physical and visual access to the shorelines will suffer no substantial detrimental effect.
 - c. Variance permits for development and/or uses that will be located waterward of the ordinary high-water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program precludes all reasonable use of the property.
 - ii. That the proposal is consistent with the criteria established under WAC 173-27-170(2)(b) through (f); and
 - iii. That the public rights of navigation and use of the shorelines will not be adversely affected.
 - d. In the granting of variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were to be granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
 - e. Variances from the use regulations of the shoreline master program are prohibited.
4. PUD and Plans-in-lieu.

All of the following criteria are met:

- a. Compliance with All Applicable Standards.
The proposed development and uses comply with all applicable standards of the title, except where adjustments are being approved as part of the concept plan application, pursuant to the provisions of SMC 17G.070.200(F)(2).
- b. Architectural and Site Design.
The proposed development demonstrates the use of innovative, aesthetic, and energy-efficient architectural and site design.
- c. Transportation System Capacity.
There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.
- d. Availability of Public Services.
There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and stormwater disposal to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.
- e. Protection of Designated Resources.
City-designated resources such as historic landmarks, view sheds, street trees, urban forests, critical areas, or agricultural lands are protected in compliance with the standards in this and other titles of the Spokane Municipal Code.
- f. Compatibility with Adjacent Uses.
The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned unit development and adjacent uses. There shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features, or other techniques.
- g. Mitigation of Off-site Impacts.
All potential off-site impacts including litter, noise, shading, glare, and traffic will be identified and mitigated to the extent practicable.

~~5. Plat, Short Plat, and Binding Site Plan.~~

~~The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for:~~

- ~~a. public health, safety and welfare;~~
- ~~b. open spaces;~~
- ~~c. drainage ways;~~
- ~~d. streets, roads, alleys, and other public ways;~~
- ~~e. transit stops;~~
- ~~f. potable water supplies;~~
- ~~g. sanitary wastes;~~
- ~~h. parks, recreation, and playgrounds;~~
- ~~i. schools and school grounds; and~~
- ~~j. sidewalks, pathways, and other features that assure safe walking conditions.~~

~~5. Rezones.~~

~~Additional decision criteria for rezones, including modifications to maximum building height within land use plan map designations are enumerated in SMC 17G.061.315 Rezone Decision Criteria.~~

- E. The following Type II and III applications are not subject to subsections I and (D) of this section; they shall comply with the following decision criteria:
1. Variance.
 - a. A variance or modification of the standard or requirement is not prohibited by the land use codes.
 - b. No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.
 - c. Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship or self-created hardship are not considered for the purposes of this section.
 - i. The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements or uses located on the land do not allow such development; or
 - ii. Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance.
 - d. In addition, the following objectives shall be reasonably satisfied:
 - i. Surrounding properties will not suffer significant adverse effects.
 - ii. The appearance of the property or use will not be inconsistent with the development patterns of the surrounding property; and
 - iii. The ability to develop the property in compliance with other standards will not be adversely affected.
 - e. No variance may be granted to allow or establish a use that is not allowed in the underlying districts as a permitted use; or to modify or vary a standard or requirement of an overlay zone, unless specific provision allow a variance.
 - f. Floodplain variance is subject the additional criteria of SMC 17E.030.090 and SMC 17E.030.100.
 2. Certificate of Compliance.
 - a. Written documentation establishes that all necessary permits were issued and inspections conducted, or the current owner of the property is not the same party responsible for the creation of the violation, but is an innocent purchaser for value.
 - b. Approval of the certificate of compliance is necessary to relieve the applicant of a substantial practical or economic hardship; and
 - c. Approval of the certificate of compliance will not adversely affect the neighboring property or the area.
 3. Skywalk Permit and Air Rights Use Permit.
 - a. The proposed skywalk or air rights use is consistent with the comprehensive plan.
 - b. The proposed air rights use conforms to the standards contained in SMC 12.02 Article III and the skywalk conforms to the standards contained in SMC 17C.255.500 through SMC 17C.255.530, unless the design review board has approved design deviations.
 - c. The proposed skywalk or air rights use conforms to the standards contained in the development codes.

- d. The City is compensated for the fair market value of public air space used for any activity other than public pedestrian circulation.
- e. An agreement, satisfactory to the city attorney, indemnifies and holds the City harmless against all loss or liability, and the applicant obtained approved public liability insurance, naming the City as an additional named insured, with combined limits of five hundred thousand dollars.

Section 17G.061.315 Rezone Decision Criteria

Commentary

This section is entirely new and creates and clarifies decision criteria for rezone decisions.

The Comprehensive Plan envisions the potential for more than one zoning category to be applicable within some Land Use Plan Map designations, subject to contextual factors.

These criteria are additive to the applicable criteria in SMC 17G.061.310 Decision Criteria.

A. Purpose

The purpose of this section is to describe the criteria to be used for applications to assign a zone and height limit to a property based on its Land Use Plan Map designation and other contextual factors.

B. Applicability

These criteria apply to rezones, including modifications to maximum building height, within specific Land Use Plan Map designations. If no specific criteria are provided for a given zone or a given Land Use Plan Map designation within this section, there is no opportunity for administrative approval of a rezone.

C. Failure to Obtain Approval

An applicant who fails to obtain approval under these criteria and who wishes to further pursue a potential rezone should refer to the procedures outlined in SMC 17G.020 Comprehensive Plan Amendment Procedure and SMC 17G.025 Unified Development Code Amendment Procedure. Failure to obtain approval under this section does not disqualify an applicant from pursuing an amendment under SMC 17G.020 or SMC 17G.025.

D. Implementing Zones

Each Land Use Plan Map designation is associated with implementing zones which may be compatible with a Land Use Plan Map designation. Where identified, a primary implementing zone is presumed to be an appropriate zone within a Land Use Plan Map designation. Properties may seek a rezone to a different zoning classification or maximum building height subject to the criteria of this section. Table 17G.061.315-1 identifies the implementing zones for each Land Use Plan Map designation.

| TABLE 17G.061.315-1 IMPLEMENTING ZONES FOR LAND USE PLAN MAP DESIGNATIONS | |
|--|--------------------------|
| <u>Land Use Plan Map Designation</u> | <u>Implementing Zone</u> |
| <u>Agriculture</u> | <u>RA</u> |
| <u>Residential Low</u> | <u>R1, R2</u> |
| <u>Residential Plus</u> | <u>R2, RMF</u> |
| <u>Residential Medium</u> | <u>RMF, RHD</u> |
| <u>Residential High</u> | <u>RHD</u> |

| | |
|---------------------------|---------------|
| <u>Office</u> | <u>O, OR</u> |
| <u>General Commercial</u> | <u>CB, GC</u> |

E. Rezone Criteria

The following criteria should be considered in applying a zoning category to a property. The criteria relate to goals and policies of the Comprehensive Plan which state a preference for a greater concentration of households and activity near key services and amenities.

1. Nearness to a transit stop: Transit service is compatible with higher-intensity residential zones.
2. Nearness to a public park or designated open space: Parks and open space provide opportunities for recreation for residents living in higher-intensity residential development.
3. Relationship to the arterial street network: Arterial roads provide easy access to goods, services, and employment opportunities and are consistent with higher intensity development patterns.
4. Nearness to a public school: Public schools provide important opportunities for education and other community services. Higher intensity development near schools gives more children and families opportunities to walk to school locations.
5. Nearness to property with a commercial use: Commercial uses provide important opportunities for residents to meet daily needs, and commercial businesses benefit from having many residents nearby.
6. Nearness to a designated Center & Corridor: Centers & Corridors are areas where significant growth is expected and encouraged. Higher-intensity residential uses can support the Center & Corridor model and create a transition to lower-intensity residential areas.

F. Application of Criteria in the Residential Low Designation.

1. Primary Implementing Zone.
The R1 zone is the primary implementing zone for this Land Use Plan Map designation.
2. Criteria for R2 Zone.
Any two of the following conditions shall be considered sufficient for application of the R2 zone:
 - a. Frontage on a minor or major arterial; or
 - b. Transit stop within one thousand (1,000) feet; or
 - c. Public park within five hundred (500) feet; or
 - d. Commercial use on the same block or within three hundred (300) feet on the same street; or
 - e. Public school within five hundred (500) feet; or
 - f. Center and Corridor zone within one thousand (1,000) feet.
3. Criteria for increase of maximum building height.
An increase to the maximum building height shall not occur within these areas.

G. Application of Criteria in the Residential Plus Designation.

1. Primary Implementing Zone.
The R2 zone is the primary implementing zone for this Land Use Plan Map designation.
2. Criteria for RMF Zone.
Any of the following conditions shall be considered sufficient for application of the RMF zone:

- a. Frontage on a minor or major arterial; or
 - b. Transit stop within five hundred (500); or
 - c. Center and Corridor zone within one thousand (1,000) feet.
- 3. Criteria for increase of maximum building height.
An increase to the maximum building height shall not occur within these areas.
- H. Application of Criteria in the Residential Medium Designation.
 - 1. Primary Implementing Zone.
The RMF zone is the primary implementing zone for this Land Use Plan Map designation.
 - 2. Criteria for RHD Zone.
Any of the following conditions shall be considered sufficient for application of the RHD zone:
 - a. Frontage on a minor or major arterial; or
 - b. Transit stop within five hundred (500) feet; or
 - c. Center and Corridor zone within one thousand (1,000) feet.
 - 3. Criteria for increase of maximum building height.
 - a. The following conditions shall be considered for an increase in the maximum building height:
 - i. Major Transit Stop within a quarter mile; or
 - ii. Center and Corridor zone within one thousand (1,000) feet; or
 - iii. Public park within five hundred (500) feet.
 - b. The conditions shall apply as follows:
 - i. Any one of the conditions: fifty (50) feet.
 - ii. Any two of the conditions: seventy (70) feet.
- I. Application of Criteria in the Residential High Designation.
 - 1. Primary Implementing Zone.
The RHD zone is the primary implementing zone for this Land Use Plan Map designation.
 - 2. Criteria for increase of maximum building height.
 - a. The following conditions shall be considered for an increase in the maximum building height:
 - i. Major Transit Stop within a quarter mile; or
 - ii. Center and Corridor zone within one thousand (1,000) feet; or
 - iii. Public park within five hundred (500) feet.
 - b. The conditions shall apply as follows:
 - i. Any one of the conditions: fifty (50) feet.
 - ii. Any two of the conditions: seventy (70) feet.
- J. Application of Criteria in the Office Designation.
 - 1. Primary Implementing Zone.
The Office (O) zone is the primary implementing zone for this Land Use Plan Map designation.
 - 2. Criteria for Office Retail (OR) Zone.
Any of the following conditions shall be considered sufficient for application of the OR zone:
 - a. Frontage on a minor or major arterial; or
 - b. Transit stop within five hundred (500) feet; or
 - c. Center and Corridor zone within one thousand (1,000) feet; or
 - d. Downtown zone within a quarter mile.

3. Criteria for increase of maximum building height.
 - a. The following conditions shall be considered for an increase in the maximum building height:
 - i. Major Transit Stop within a quarter mile; or
 - ii. Center and Corridor zone within one thousand (1,000) feet; or
 - iii. Public park within five hundred (500) feet; or
 - b. The conditions shall apply as follows:
 - i. Any one of the conditions: fifty (50) feet.
 - ii. Any two of the conditions: seventy (70) feet.
 - c. Properties in whole or in part within a quarter mile of a downtown zone shall qualify for a building height of one hundred and fifty (150) feet.
- K. Application of Criteria in the General Commercial Designation.
 1. Primary Implementing Zone.
The CB zone is the primary implementing zone for this Land Use Plan Map designation.
 2. Criteria for GC Zone.
Any of the following conditions shall be considered sufficient for application of the GC zone:
 - a. Frontage on a major arterial; or
 - b. Industrial zone within one thousand (1,000) feet.
 3. Criteria for increase of maximum building height.
Any of the following shall be considered sufficient for an increase in the maximum building height to seventy (70) feet:
 - a. Major Transit Stop within a quarter mile; or
 - b. Center and Corridor zone within one thousand (1,000) feet.

Section 17G.061.320 Notice of Decision

Commentary

This section is renumbered from 17G.060.190 and renames the position for Planning Director

- A. Decisions on Type I, II, and III project permit applications are made by the hearing examiner or director within ten days of the date the record is closed. The time for decision may be extended if the applicant agrees in writing. Subject to chapter 36.70B RCW, the time for decision may also be extended to allow time for additional public comment if the hearing examiner or director determines that notice was not properly mailed or posted; provided, a person is deemed to have received notice if that person appears at the hearing or submits timely written comments, even if notice was not properly mailed or posted. In making the decision, the hearing examiner or director may approve, approve with conditions, or deny the permit application. The decision is made in writing.
- B. Within seven days of making the decision, the hearing examiner or director causes notice of decision to be provided as follows:
 1. Written notice of decision is provided by the decision-maker concurrent to the decision.

2. Notice of a decision denying a permit application is given to the applicant. A full copy of the decision and any conditions of approval accompanies the notice of the decision to the applicant.
3. Notice of all other decisions is given to the applicant, all parties of record, and all persons who have requested to be given notice.
4. Notice of decision for Type I permit applications shall be the permit. For Type II and III permit applications the decision includes the following information:
 - a. Location of the property.
 - b. Description of the proposed action.
 - c. Name, address, and office telephone number of the City official from whom additional information may be obtained.
 - d. Applicant name and number.
 - e. The decision made, including the environmental threshold determination.
 - f. A list of persons who testified in person or in writing, or a summary of such a list.
 - g. A list of exhibits or a summary of such a list.
 - h. A statement of the decision criteria governing the application.
 - i. A statement of the comprehensive plan policies governing the application.
 - j. Findings of fact and conclusions relating the proposal to the decision criteria governing the application and which form the basis for the decision.
 - k. A statement that a full copy of the decision may be obtained from the designated official for the cost of reproduction.
 - l. The last date the decision may be appealed.
 - m. The place the appeal must be filed.
 - n. A statement of the fee to be charged for an appeal and the approximate cost to prepare any required transcripts.
 - o. A statement that the decision will be final unless appealed; and
 - p. The signature of the person making the decision.
- C. If the decision on a Type II or III project permit includes conditions of approval, a covenant must be recorded in the Spokane County auditor's office identifying the restrictions to use and development of the property exist. The covenant must be filed within the approval time limits of the permit or the approval becomes void. For rezones, the hearing examiner does not forward the rezone to the city council until the covenant has been filed.
- D. The decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance must contain a statement that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the "date of filing" by department of ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.149(5)(a) and (b).
- E. Notice of decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance shall be submitted to the department of ecology along with a permit data sheet (Appendix A, WAC Chapter 173-27). For a shoreline conditional use permit or a shoreline variance, there is a thirty-day review by department of ecology. After this period, the department of ecology shall render and transmit to the City of Spokane and the applicant a final decision approving, approving with conditions, or disapproving the permit. The ~~planning and economic development services director~~ Planning Director shall provide notification within seven days of the department of ecology's final decision to those interested persons having requested notification.

Section 17G.061.330 Decision – When Final

Commentary

This section is renumbered from 17G.060.200.

A decision is considered final at the termination of an appeal period if no appeal is filed, or when a final decision on appeal has been made pursuant to SMC 17G.061.340.

Section 17G.061.340 Appeals

Commentary

This section is renumbered from 17G.060.210.

- A. The provisions of this section shall apply to any written order, requirement, permit, decision, or determination made under the land use codes.
- B. Appeal of a director's decision on a project permit application is to the hearing examiner as an open record appeal, except appeals of building permits that are not related to the land use codes shall go before the building construction review board pursuant to chapter 4.06 SMC. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.
- C. Appeal of a hearing examiner's decisions is to superior court, except rezones, PUDs, preliminary long plats, and skywalk permits are appealable to city council as a closed record appeal hearing and are subject to the procedures in chapter 17G.050 SMC.
- D. Shoreline substantial development permits decisions, after final decision by the City, may be appealed within twenty-one days from the "date of filing" or the date of actual receipt by the Department of Ecology; appeal is made to the shorelines hearings board.
- E. Shoreline conditional use permits and shoreline variance permits may be appealed to the shorelines hearings board within twenty-one days from the "date of filing" or the date the decision of the Department of Ecology is transmitted to the City of Spokane. If, as a result of the appeal process, the project has been modified, the director must reissue the permit according to WAC chapter 173-27-130 and submit a copy of the reissued permit to the department of ecology.
- F. Except as otherwise provided, appeals or requests for reconsideration from decisions shall be filed within fourteen calendar days of the date of the decision. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day. The appeal or request for reconsideration is filed in the department that is responsible for the permit application, except an appeal to superior court must be filed as a land use petition to the court within twenty-one days of the date of the written decision is issued.
- G. An appeal or request for reconsideration shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal or reconsideration. The following information, accompanied by an appeal fee as specified in chapter 8.02 SMC, shall be submitted. All fees including transcript deposit fees must be paid by the appellant no later than the last day to file the appeal. The appellant shall pay the cost of a written transcript within five days of the receipt of the hearing examiner's statement for the cost. An appeal application is not considered complete until all required fees are paid. Failure

to timely pay all fees results in dismissal of the appeal with prejudice. The appeal or request for reconsideration application shall contain:

1. file number of the decision;
 2. the names of the appellant(s) and an indication of facts that establish the appellant's right to the relief requested;
 3. an identification of exceptions and objections to the decision being appealed or reconsidered, or an identification of errors in fact or conclusion;
 4. the requested relief from the decision being appealed or reconsidered;
 5. any other information reasonably necessary to make a decision on the appeal or reconsideration;
 6. failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal or reconsideration request.
- H. The appeal or request for reconsideration is rejected if:
1. it is filed by a person without standing as specified in chapter 17A.020 SMC;
 2. an appeal decision is being sought from a decision-maker not authorized by this chapter to make such a decision;
 3. it is not timely filed;
 4. the appeal fees have not been paid; or
 5. it is not filed in accordance with the procedures of this chapter.
- I. An appeal or request for reconsideration stays the underlying decision pending final disposal of the appeal, unless the action ordered in the decision is necessary to protect the public health or safety, or unless the appeal is required to be filed in superior court. Filing a suit or action in court does not stay the final decision unless and until the court, pursuant to RCW 36.70C.100, issues an order.
- J. Notice of Appeal.
- Notice of a hearing by the hearing examiner is given to the director, appellant, applicant, and any party of record. This notice is mailed through regular U.S. mail or personally served at least fourteen days prior to the hearing. The notice of appeal contains the following information:
1. Location of the property including a map sufficient to clearly locate the site.
 2. Description of the proposed action.
 3. Name of the applicant.
 4. Application name and number.
 5. Decision made on the application, including the environmental threshold determination.
 6. Name of the appellant if other than the applicant.
 7. Date, time, and place of hearing.
 8. A statement of whether the appeal is on the record or if new information will be allowed; and
 9. Name, address, and office telephone number of the City official from whom additional information may be obtained.

Section 17G.061.350 Expiration of Permits

Commentary

This section renumbered 17G.060.240.

- A. Table 17G.061.010-1 indicates the expiration provisions for land use permits within the City of Spokane.
- B. The term for a permit shall commence on the date of the hearing examiner or director's decision, provided that in the event the decision is appealed, the effective date shall be the date of decision on appeal. The term for a shoreline permit shall commence on the effective date of the permit as defined in WAC 173-27-090.
- C. A permit under this chapter shall expire if, on the date the permit expires, the project sponsor has not submitted a complete application for building permit or the building permit has expired.
- D. In accordance with WAC 173-27-090, the director may authorize a single extension before the end of the time limit for up to one year if a request for extension has been filed before the expiration date and notice of the proposed extension is given to the parties of record and to the department of ecology. The extension must be based on reasonable factors. Extensions of time for plats, short plats and binding site plan are subject to the extension provisions of SMC 17G.080.020(M).

Section 17G.061.400 Design Review

Commentary

This section renumbers 17G.060.060 and names the position of Planning Director.

- A. Project permit applications that are subject to design review follow the procedures contained within chapter 17G.040 SMC, Design Review Board Administration and Procedures.
- B. Project permit applications that are subject to design review are listed in SMC 17G.040.020, Development and Applications Subject to Design Review.
- C. Prior to submitting a project permit application that is subject to design review under this title, a project permit applicant must have begun the design review process and may be required to participate in a design review collaborative workshop as defined in SMC 17G.040.050, Design Review Process, and outlined in the Design Review Application Handbook.
- D. Project permit applications that are subject to design review shall contain the information specified in chapter 17G.040 SMC. The design review process is completed prior to the end of the public comment period initiated by notice of application and a recommendation is made to the hearing examiner, ~~planning and economic development services director, building official~~ Planning Director, Building Official, or other official as appropriate. The report of the design review board is made available to the action-approving authority by the close of the public comment period.

Section 17G.061.510 Optional Consolidated Project Permit Review Process

Commentary

This section renumbered 17G.060.250.

- A. The optional process allows for the consideration of all discretionary land use, environmental, construction and building permits issued by the City, together with project permits requiring a public hearing as a single project, if requested in writing by the applicant. Permit decisions of other agencies are not included in the process but public meetings and hearings for other agencies may be coordinated with those of the City of Spokane.
- B. When multiple permits are required for a single project, the optional consolidated project permit review process is available as follows:
 - 1. A permit coordinator shall be designated.
 - 2. A single determination of complete application, notice of application and notice of final decision is made for all project permits being reviewed through the consolidated process, provide the time limits in this chapter can be met.
 - 3. Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the consolidated review process shall permit only a single open record hearing and one closed record appeal.
 - 4. A single open record hearing including appeals of the SEPA threshold determination shall be conducted by the hearing examiner, pursuant to the procedures in chapter 17G.050 SMC. The hearing examiner's decision shall be appealable to superior court except rezones and preliminary long plats that are appealable to the city council and shoreline permits are appealable to the shoreline hearing board. Appeals to the city council shall be conducted as a closed record appeal hearing pursuant to the procedures in chapter 17G.050 SMC.

Section 17G.061.520 Shoreline Substantial Development Permit Letter of Exemption Procedure

Commentary

This section combined related sections from 17G.060.075, 17G.080.010, and 17G.080.080.

- A. State law and the shoreline master program specifically exempt certain types of development from the requirement of obtaining a shoreline substantial development permit. The types of development that are exempted are listed in SMC 17E.060.300 and WAC 173-27-040. No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (chapter 90.58 RCW or its successor) and the shoreline master program unless a statement of exemption has been obtained from the director. Burden of proof that a development or use is exempt from the permit process is on the applicant.
- B. Application procedure for a letter of exemption from a shoreline substantial development permit is the same as for any shoreline permit as defined in SMC 17G.060.075-110 with these additional application materials:
 - 1. Written explanation of exemption type as defined in SMC 17E.060.300 and WAC 173-27-040.
 - 2. A contractor's bid to verify the total cost or fair market value of the proposal including labor and material, if the proposed exemption category is below the dollar threshold defined in WAC 173-27-040.

3. A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction as defined in WAC 173-27-040.
- C. All development within the shoreline, even when an exemption from the requirement of a substantial development permit is granted, must be consistent with the policies of the Shoreline Management Act and the shoreline master program. Conditions may be attached to the approval of a shoreline exemption in order to assure consistency of the project with the Shoreline Management Act and the shoreline master program (WAC 173-27-040).
- D. A letter of exemption from a shoreline substantial development permit is not always an exemption from a shoreline conditional use permit or a shoreline variance. A development or use that is listed as a conditional use pursuant to the SMP regulations or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance (WAC 173-27-040).
- E. In the case of shoreline projects with federal permit review and upon completion of a letter of exemption, the director must submit to ecology:
 1. Letter of exemption.
 2. Site plan.
 3. What is being approved; and
 4. Conditions of approval.

It must also state the specific exemption provision from WAC 173-27-040 and SMC 17E.060.300 and provide a summary of analysis of the consistency of the project with the SMP and the SMA. It shall contain any SEPA determination made and include the permit data sheet and transmittal letter form (WAC 173-27-990 Appendix A).
- F. The director shall review watershed restoration projects as defined in WAC 173-27-040 for consistency with the SMP and shall issue a decision along with any conditions within forty-five days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as defined in WAC 173-27-040.

Chapter 17G.070 Planned Unit Developments

[...]

Commentary

A few minor updates to the PUD provisions are proposed to reflect the new allowances for middle housing in the R1 and R2 zones.

Section 17G.070.030 Development Standards

- A. Permitted Uses.

Any permitted or conditional use allowed in the base zoning districts of the subject property plus additional uses including the following:

1. In the RA, ~~RSFR1~~ and ~~RTFR2~~ zoning districts, an applicant with a planned unit development approval may develop the site to contain these additional uses:
 - ~~a. Single family attached residential units;~~
 - ~~a. In the RTF zone, duplexes and attached duplexes;~~
 - ~~b-a.~~ Accessory uses directly serving the planned unit development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone including:
 - i. community building with indoor and/or outdoor recreation facilities;
 - ii. recreational vehicle and personal storage area;
 - iii. consolidated guest parking facilities.
2. In the RMF and RHD zoning districts, an applicant with a planned unit development approval may develop any uses permitted in the ~~RSFR1~~, ~~RTFR2~~, RMF and RHD zones together with these additional uses:

[...]

B. Density.

1. Densities Required.

An applicant with a planned unit development approval ~~may~~shall develop the site subject to the minimum and maximum density provisions of the base zone, as contained in Title 17C SMC, ~~except as provided in subsection (B)(2) of this section~~, plus a maximum of ten percent density bonus per the provisions below under SMC 17G.070.030(B)(5).

2. Density Exception.

For properties with a designated critical area or properties located in agricultural lands designation of the City's comprehensive plan, the minimum density requirement may be waived by the hearing examiner based on the following criteria:

- a. The development of the site with the critical area would not allow sufficient minimum lot size under the base zone requirements because critical area setbacks and buffers would reduce minimum lot sizes below those required by the base zone.
- b. The development of the site would require reducing buffers, setbacks or other dimensional modifications due to the location of designated critical areas; and

- c. The protection of the agricultural lands or critical area would be more effective by clustering the homes and structures to the minimum area necessary.
- 3. Calculating Density.

The calculation of density for a planned unit development is the net area based on the total area of subject property less the area set aside for right-of-way, tracts of land reserved for private streets and dedicated tracts reserved for stormwater facilities. The calculation of density is rounded up to the next whole number.

- 4. Transfer of Development Rights.

An applicant for a planned unit development may shift allowed residential densities to another site to protect and preserve designated critical areas and agricultural lands while providing the overall maximum density permitted by the underlying zoning district.

- 5. Density Bonuses.

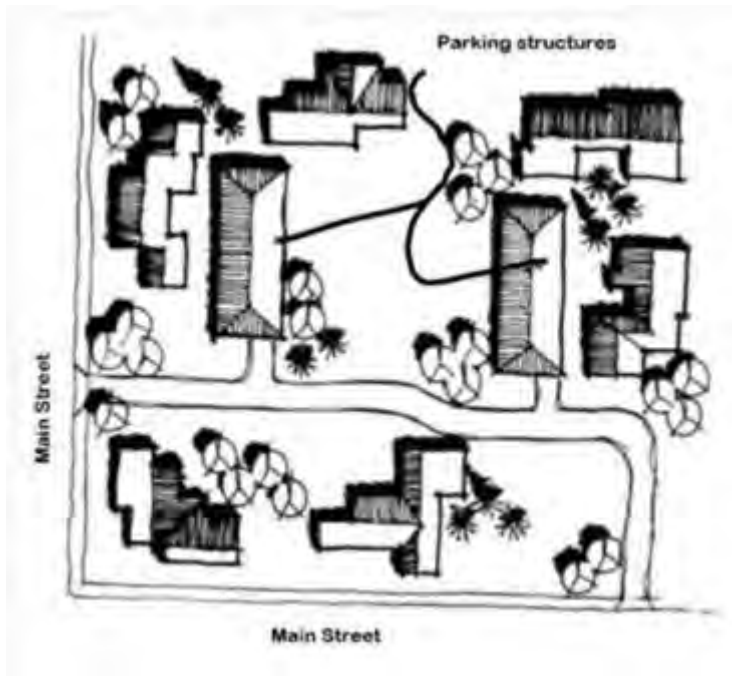
- a. An applicant for a planned unit development may apply for a residential density bonus of ten percent above the maximum density allowed in the underlying base zone for developing affordable housing units that meet or exceed the HUD standards for affordable units.
 - b. The density bonus may be granted based on a one percent ratio of bonus density for the project for each one percent of affordable housing that is provided.
 - c. Affordable housing units are required to be dispersed throughout the project and shall not be congregated all in one building, when more than one building is proposed.

[...]

Section 17G.070.135 Compatibility with Surrounding Areas

- A. Purpose.

For a PUD to be compatible with, and an integral part of the surrounding area. Although a completely homogeneous neighborhood is not necessary or desirable, a reasonable level of compatibility to the surroundings should be achieved. Diversity in style and density can help create an interesting and vibrant community. When combined with a respect for, and acknowledgment of, existing forms, siting and details, a new development can quickly “belong” in a particular community. A new development should be done in a manner that complements the existing area.



B. Design Standards.

1. The architectural style and detailing of any entrance monument, fencing materials and any structure, other than single-unit family detached dwellings and middle housing duplexes, should incorporate significant elements and details of the architecture in the surrounding areas, particularly regarding form, size, color and materials. Chain link fencing is particularly discouraged. (P)
2. The design standards of [SMC 17C.110.400](#) shall apply to any attached housing of three or more units and any multi-unit family residential building within a PUD. ®
3. The design standards of [SMC 17C.110.500](#) shall apply to any common buildings within a PUD.
4. Driveways and open parking areas should be integrated into the overall design and should not be the dominant features along the street frontages. (P)
5. Parking structure entrances should preferably be accessed from streets within the development rather than from public streets and their appearance should be minimized and integrated into the overall design. (P)
6. Entrance signage shall be in character with the proposed and surrounding developments. (P)

[...]

Chapter 17G.080 Subdivisions

Commentary

The proposed amendments to Subdivisions in this chapter are intended to achieve the following:

- Reorganize the chapter and add clarity to be easier to read and more user-friendly.
- Provide consistency with the other proposed text amendments for development in R1 and R2 Residential zones.
- Update “Alternative Residential Subdivision” by renaming to “Unit Lot Subdivision” and expand its use to cover more situations consistent with Middle Housing development.
- Ensure housing variety and compatibility for new large-scale development.

Section 17G.080.000 Purpose and Administration

Commentary

Updates to this section are proposed to:

- Combine related sections
- Relocate administration section from 17G.080.020
- Relocate exclusions from 17G.080.020
- Formatting adjustments

A. Purpose.

This chapter is adopted pursuant to RCW 36.70A and RCW 58.17. It implements the provisions of chapter 36.70A RCW and serves the following purposes:

1. Ensures consistency with the City’s comprehensive plan
2. Regulates the subdivision of land in a manner which promotes the public health, safety, and general welfare in accordance with the provisions of chapter 58.17 RCW.
3. Provides for the expeditious review and approval of proposed subdivisions, short subdivisions, and binding site plans which conform to the City’s zoning and development regulations and the policies of the City’s comprehensive plan.

B. Applicability.

This chapter shall apply to all divisions and redivisions of land for the purposes of sale, lease or transfer of ownership.

C. Administration.

The director administers, interprets, and enforces the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.

D. Exemptions.

The provisions of this chapter shall not apply to:

1. cemeteries and other burial plots while used for that purpose;

2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;
 3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights-of-way, creation of new public road rights-of-way, or other public road construction purposes;
 4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;
 5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;
 6. acquisition of land by the City for:
 - a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or
 - b. Additional street right-of-way;
 7. an adjustment of boundary lines in accordance with the provisions of this chapter.
- E. Severability.
If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

Section 17G.080.020 General Provisions

Commentary

Updates to this section are proposed to:

- Move administrative language to 17G.080.000
- Move exclusions to 17G.080.000

- ~~A. Authority and Administration.~~
~~This chapter is adopted pursuant to chapters 36.70A and 58.17 RCW. The director is assigned the duty to administer, interpret and enforce the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.~~
- ~~B. Exemptions.~~
~~The provisions of this chapter shall not apply to:~~
- ~~1. cemeteries and other burial plots while used for that purpose;~~
 - ~~2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;~~
 - ~~3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights-of-way, creation of new public road rights-of-way, or other public road construction purposes;~~

- ~~4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;~~
- ~~5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;~~
- ~~6. acquisition of land by the City for:

 - ~~a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or~~
 - ~~b. Additional street right-of-way;~~~~
- ~~7. an adjustment of boundary lines in accordance with the provisions of this chapter.~~

CA. Expiration of Approval.

A final plat, final short plat or final binding site plan meeting all requirements of Chapter 17G.080 Subdivisions shall be submitted to the director within the timelines of RCW 58.17.140. A time extension may be requested for a preliminary plat, preliminary short plat or preliminary binding site plan, as provided in subsection (L) of this section.

DB. Alteration, Vacation and Redivision of Final Plat, Short Plat or Binding Site Plan.

1. Alteration.

The alteration of any plat, short plat or binding site plan or portion thereof, except as provided in subsection (B)(7) of this section, is subject to the procedures set forth in RCW 58.17.215. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute. When the application is for an alteration that substitutes private streets for City street/right-of-way the applicant shall:

 - a. obtain approval from the director of engineering services prior to application for alteration;
 - b. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the alteration by the hearing examiner.
2. Vacation.
 - a. When the application is for the vacation of the City street/right-of-way, the procedures for street vacation set forth in chapter 35.79 RCW shall be utilized. The city council shall conduct the public hearing required under this statute.
 - b. When the application is for the vacation of the plat together with the City streets/right-of-way the procedure for vacation set forth in RCW 58.17.212 shall be utilized. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute.
3. Redivision of Platted Lots.
 - a. The division of a lot located in a recorded plat, binding site plan or short plat shall be processed as a new application in accordance with the

provisions of this chapter. Lot lines within an existing subdivision may be adjusted in accordance with the procedures for SMC 17G.080.030, Boundary line adjustment, without redivision providing that no new or substandard lots are created.

- b. When the application is for a redivision which replaces private streets with City street/right-of-way, the applicant shall:
 - i. obtain approval from the director of engineering services prior to application for redivision;
 - ii. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the redivision by the hearing examiner.

EC. Names of Plats, Short Plats and Binding Site Plans.

The name of a plat, short plat or binding site plan shall be approved by the director prior to the submittal of the final plat, short plat or binding site plan. A name that is similar to or the same as an existing recorded plat, short plat or binding site plan on file with the Spokane county auditor is not permitted. The following format shall be followed for naming plats, short plats and binding site plans:

- 1. Short plats: "_____ City Short Plat, File No.____."
- 2. Plats:
 - a. City View Addition.
 - b. City View 1st Addition.
 - c. City View 2nd Addition.
 - d. City View 3rd Addition.
- 3. Binding site plans: "_____ BSP, File No. _____."

FD. Street Names.

The names of all public and private streets shall be approved by the director of engineering services prior to recording of the plat, short plat or binding site plan and shall meet the requirements of chapter 17D.050 SMC.

GE. Modification to a Preliminary Plat, Short Plat or Binding Site Plan.

A request to modify a preliminary plat, short plat or binding site plan that has received preliminary approval shall be submitted to the director.

- 1. Substantial Modifications.

Revisions that result in a substantial change, as determined by the director, shall be treated as a new application for purposes of vesting and concurrency and shall be reviewed and approved under the same process required for a preliminary subdivision, short subdivision or binding site plan. For the purpose of this section, substantial change includes:

 - a. the creation of additional lots or the inclusion of additional area; or
 - b. a significant change in the proposal, including changes in points of ingress or egress; or alteration of conditions of approval that leads to significant built or natural environmental impacts that were not addressed in the original approval; or

- c. change of use; or
- d. modification of types or locations of Middle Housing types that may result in changes to approved engineering designs.

2. Minor Modifications.

The following modifications are considered minor and may be approved administratively by the director:

- a. Engineering design that does not alter or eliminate features specifically required as a condition of preliminary subdivision approval;
- b. Changes in lot dimensions that are consistent with the underlying zone;
- c. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained; or
- d. Changes in phasing plans that do not significantly impact the plat and are acceptable to the director of engineering services and non-City service providers.

~~HE~~. Monument/Survey Data Requirements for Plats, Short Plats and Binding Site Plans.

- 1. All final plats, short plats and binding site plans shall be surveyed and monuments installed.
- 2. Every final plat, short plat and binding site plan shall show the following:
 - a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.
 - b. Bearing trees, corner accessories or witness monuments, bearing and length of lines.
 - c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.
 - d. Ties to adjoining surveys of record.
- 3. Every final plat, short plat and binding site plan shall conform to the following standards:
 - a. The allowable error of mathematical closure for the final plat map shall not exceed one foot in eighty thousand feet or 0.04 feet, whichever is greater.
 - b. Bearings and lengths are to be shown for all lines; no ditto marks are to be used.
 - c. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.
 - d. Plat boundary and street monument lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show chord bearing and length.
 - e. Lots along curves shall show arc length and include angle (delta) along curve and radial bearings at lot corners where the lot line is non-radial. If a curve table is provided, it shall show the included angle (delta), radius, and arc length for each segment of the curve along each lot.

Radial bearings on non-radial lot lines are still required. Radial bearings shall be provided for all non-tangent curves.

4. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.
5. When elevations are required on the final plat, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the director of engineering services.
6. The final plat shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.

1G. Fees.

All applications shall include the fees set forth in chapter 8.02 SMC.

1H. Enforcement and Penalties.

Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this chapter or chapter 58.17 RCW relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.

1I. Appeals.

Appeals of this chapter shall be governed by chapters 17G.050 and 17G.~~060~~061 SMC.

1J. Extensions of Time.

An approved preliminary subdivision, short plat and binding site plan may receive a one-time, one-year time extension.

1. The applicant shall comply with all of the following:
 - a. The extension request shall be filed with the director at least thirty days prior to the expiration of the approval.
 - b. The applicant must have finalized at least one phase.
 - c. The application shall demonstrate that construction plans have been submitted and are under review for acceptance by the City prior to submission for extension or that the applicant is in the process of installing infrastructure for the development.
 - d. The project shall be consistent with the comprehensive plan.
 - e. The applicant shall demonstrate that there are no significant changes in conditions that would render approval of the extension contrary to the public health, safety or general welfare; and
 - f. Valid concurrency certificate.
2. The director shall take one of the following actions upon receipt of a timely extension request:
 - a. Approve the extension request if no significant issues are presented under the criteria set forth in this section.

- b. Conditionally approve the application if any significant issues presented are substantially mitigated by minor revisions to the original approval; or
 - c. Deny the extension request if any significant issues presented cannot be substantially mitigated by minor revisions to the approved plan.
3. A request for extension approval shall be processed as a Type I action under chapter 17G. ~~060-061~~ SMC.

~~AK.~~

Sunset Provision.

- 1. For subdivision applications with preliminary approval on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the remainder of the five years allowed by chapter 58.17 RCW. In this case, the applicant may receive a one-time extension of one year under the provisions of subsection (L) of this section.
- 2. For subdivision applications with final plat approval for one or more phases on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the greater of either the remainder of the five years allowed by chapter 58.17 RCW or three years from the effective date of the ordinance codified in this chapter.
- 3. Extensions of the Sunset Provision.
The director may grant five-year extensions to the time period under subsection (M)(2) of this section for preliminary subdivisions upon the following:
 - a. An application with supporting data for a time extension request must be submitted to the director no less than thirty days prior to the expiration of the preliminary subdivision.
 - b. The preliminary subdivision has a minimum of one hundred lots or dwelling units remaining to be finalized as of the effective date of the ordinance codified in this chapter.
 - c. The applicant must have finalized at least one phase including the installation of infrastructure and recording of lots, by the end of the three years granted under subsection (M)(2) of this section or since the last time extension.
 - d. The application shall demonstrate compliance with all of the following:
 - i. The project is consistent with the comprehensive plan.
 - ii. The project is consistent with current development standards; and
 - iii. The project has a valid concurrency certificate. This certificate may be based on a new review of the project or extension of an existing concurrency certificate.
 - e. Provided all of the conditions in subsections (M)(3)(a) through (d) of this section are met, the director may include additional or altered conditions and requirements to the preliminary plat approval. A time extension granted as a result of administration delays are not subject to additional or altered conditions.

- f. The director shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant and those parties requesting a copy of the decision. Appeals of the time extension shall be filed consistent with the provisions of chapter 17G.050 SMC.

Section 17G.080.025 Decision Criteria

Commentary

Updates to this section are proposed to relocate appropriate language from 17G.060.170.

- A. Purpose.
This section establishes conditions for approval or disapproval of land divisions.
- B. Burden of Evidence.
The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.
- C. Concurrency.
The proposed subdivision shall make appropriate (in terms of capacity and concurrence) provisions for:
1. public health, safety and welfare;
 2. open spaces;
 3. drainage ways;
 4. streets, roads, alleys, and other public ways;
 5. transit stops;
 6. potable water supplies;
 7. sanitary wastes;
 8. parks, recreation, and playgrounds;
 9. schools and school grounds; and
 10. sidewalks, pathways, and other features that assure safe walking conditions.

Section 17G.080.040 Short Subdivisions

Commentary

Updates to this section are proposed to:

- Formatting changes
- Require count of proposed housing units on plat
- Clarify that City Engineer can apply Minor Engineering Review for proposals that substantially meet requirements
- Require identification of ~~Neighborhood Housing~~ Middle Housing types on plat

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~~number of housing units.
 - 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 along with the following information:
 - i. _____, ~~together with~~ the numbers proposed to be assigned each lot and block;
 - ii. _____, ~~and~~ the dimensions, square footage and acreage of all proposed lots and tracts; and
 - iii. _____ for residential lots zoned NH1R-1 or NH2R-2, the proposed Neighborhood Housing ~~Middle Housing~~ types, including single-unit detached houses, and total number of proposed units on all proposed lots.
 - 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 easement
 - 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.060-061 SMC for a Type II application, subject to the exceptions listed in subsection (D). 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. _____ A preliminary short plat application may qualify for a ~~m~~Minor ~~e~~Engineering ~~r~~Review if it meets all of the following conditions:
 - ai. _____ The application is categorically exempt from chapter RCW 43.21C ~~RCW~~ (SEPA);

- ~~bii.~~ There is direct water and sewer main lot frontage on an existing and improved public right-of-way;
- ~~ciii.~~ No extensions of public water, sewer, or other utility services will be needed;
- ~~dii.~~ No public easements for water, sewer, or other utility service exists on the lot;
- ~~ev.~~ The lot is not situated in a Special Drainage District as defined in SMC 17D.060.130; and
- ~~fvi.~~ Public utility mains do not exist on the lot.
- b. The City Engineer is authorized to waive conditions ii through vi of subsection (a) if the application substantially meets the intent of Minor Engineering Review.

D. Public Notice And Public Comment.

All public notice of the application and opportunities for public comment shall be given in accordance with the procedures set forth in chapter 17G.~~060-061~~ SMC for a Type II application.

1. Exceptions.

- a. ~~except a~~ 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.
- b. A short plat that is categorically exempt from SEPA and results in four or fewer lots shall not require a posted or signed 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.~~060-061~~ 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.~~060-061~~ 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

Section 17G.080.050 Subdivisions

Commentary

Updates to this chapter are proposed to establish requirements to provide multiple **Neighborhood Housing** types on plats exceeding 2 acres to increase housing diversity and encourage a mix of incomes and housing types within new developments.

- A. Predevelopment Meeting.
A predevelopment meeting is recommended for any preliminary subdivision proposal. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provision of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.
- B. Community Meeting and Public Notice.
Prior to submittal of the application, the applicant shall conduct a community meeting. The applicant shall hold the community meeting no more than one hundred twenty days prior to the submittal of the application. The notice and format of the meeting shall be in accordance with chapter 17G. ~~060-061~~ SMC.
All public notice of the application shall be given in accordance with the procedures set forth in chapter 17G. ~~060-061~~ SMC for a Type III application.
- C. Preliminary Plat Application and Map Requirements.
 - 1. Application Requirements.
Applications for approval of a preliminary plat 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 be same in form and content as a short plat as provided in SMC 17G.080.040(B)(1).

2. Contents of Preliminary Plat Map.

The preliminary plat shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2).

D. Review of Preliminary Plat.

The application shall be reviewed in accordance with the procedures set forth in chapter 17G.~~060-061~~ SMC for a Type III application.

E. Preliminary Plat Approval Criteria.

Prior to approval of a plat application, the hearing examiner 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.~~060-080.025~~ SMC. The hearing examiner has the authority to approve or disapprove a proposed preliminary plat under the provisions of this chapter, subject to appeal as provided in chapter 17G.~~060-061~~ SMC.

F. Middle Housing Requirements.

1. Purpose.

The Comprehensive Plan promotes a mixture of many housing types and socioeconomic diversity in all areas. These requirements ensure a variety of housing types, including Middle Housing, in new development. Middle Housing types are defined in SMC 17A.020.130.

2. Applicability.

The Middle Housing requirements apply to plats that are:

- a. in areas zoned R1 or R2; and
- b. exceeding two acres in size; and
- c. where more than fifty percent (50%) of proposed dwelling units are any combination of the following housing types:
 - i. Detached Single-Unit Residential Building; or
 - ii. Duplex; or
 - iii. Attached housing.

3. Requirements

- a. At least three housing types shall be identified in the plat.
- b. Any one housing type shall be limited to no more than seventy percent (70%) of units identified in the plat.

FG. Phasing.

A subdivision may be developed in phases. A master phasing plan should be submitted with the preliminary plat for approval by the hearing examiner. A preliminary plat that has received preliminary approval may be subsequently modified to be developed in phases, subject to approval of the director. The master phasing plan may be approved provided:

- 1. the phasing plan includes all land identified within the boundary of the plat;
- 2. the sequence of the phased development is identified on the plan;
- 3. each phase has reasonable public or private infrastructure to support the number of lots contained in that phase;
- 4. each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire plat;
- 5. plats subject to the requirements of subsection (F) of this section include at least two (2) housing types in each phase and no more than eighty percent (80%) of units identified consist of a single housing type;

56. any unfinalized portion meets the minimum lot size of the underlying zone for the proposed use; and the director of engineering services approves the necessary documents so that all road improvement requirements are assured for that phase; and

67. blocks are wholly contained within any individual phase.

GH. Final Plat Review Procedure.

The final plat procedures shall be the same in form as the short plat review procedure as provided in SMC 17G.080.040.

HJ. Final Plat Map Requirements.

The subdivider shall submit to the director a final plat in the same form and with the same content as the preliminary plat, with the following exceptions or additional requirements:

1. A final 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 plat shall include the signatory statements as prescribed in SMC 17G.080.040(G)(2) including the following:
 - a. The certification of the hearing examiner, on behalf of the city council, 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 approval of preliminary plat # -PP/PUD.

Hearing Examiner”

IJ. Filing.

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final 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 plat have been submitted to the planning and economic development services department.

Section 17G.080.060 Binding Site Plans

Commentary

Updates to this chapter are proposed to update references to SMC sections and allow Binding Site Plans within Residential zones.

- 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 Binding Site Plan Application and Map Requirements.

1. A binding site plan may ~~only~~ be used for divisions of land in ~~commercial or industrial~~ all zones. Applications for approval of a preliminary binding site plan 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 be same in form and contents as a short plat as provided in SMC 17G.080.040(B)(1).
2. Contents of Preliminary Binding Site Plan.
The preliminary binding site plan shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2) with the following additions:
 - a. Proposed building footprints;
 - b. Proposed street accesses;
 - c. Proposed parking and internal vehicle circulation;
 - d. Proposed pedestrian pathways;
 - e. Proposed landscaped areas; and
 - f. Proposed stormwater facilities.
- C. Public Notice.
All public notice of the application shall be given in accordance with the procedures set forth in chapter 17G.~~060-061~~ SMC for a Type II application.
- D. Departmental Review of Preliminary Binding Site Plan.
The application shall be reviewed in accordance with the procedures set forth in chapter 17G.~~060-061~~ SMC for a Type II application.
- E. Preliminary Binding Site Plan Decision Criteria.
Prior to approval of the 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 decision criteria set forth in SMC 17G.~~060080.170025(C) and (D)~~(4). The director has the authority to approve or disapprove a proposed preliminary binding site plan under the provisions of this chapter, subject to appeal as provided in chapter 17G.~~060-061~~ SMC.
- F. Final Binding Site Plan Review Procedure.
The final binding site plan procedures shall be the same in form ~~and~~ as the short plat review procedure as provided in SMC 17G.080.040(G).
- G. Final Binding Site Plan Requirements.
The subdivider shall submit to the director a final binding site plan in the same form and with the same content as the preliminary binding site plan, with the following exceptions or additional requirements:
 1. A final binding site plan shall contain all the information required of the preliminary plan, 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 binding site plan shall include the signatory statements as provided in SMC 17G.080.040(G)(2).
- H. Filing.
Once the final binding site plan has been reviewed, approved and signed by the applicable departments, the applicant shall file the final binding site plan with the county auditor within ten days of final approval. No permits shall be issued for a proposed lot until the required

conformed copies of the binding site plan have been submitted to the ~~planning and economic development services~~ department.

I. Creation of Additional Lots in Final Binding Site Plan.

A survey may be filed following the recording of a final binding site plan to create additional lots within the boundaries of the final binding site plan, consistent with the preliminary binding site plan approval, conditions and expiration provisions (SMC 17G.080.020(C)). The survey shall be reviewed and approved by the director pursuant to subsections (F) and (G) of this section. In addition, the survey shall conform to the following:

1. Title shall state: "Amendment to BSP-____-____."
2. The binding site plan file number shall be referenced.
3. A distinct wide boundary line shall delineate the boundary of the lot(s) being created. The boundary of the binding site plan shall be indicated and any lot(s) that have been created by filing of the final binding site plan and/or record of survey.
4. Each lot shall be numbered consecutively, and the size of each lot shall be indicated on the survey; and
5. A revision block listing all previously recorded surveys and the date of recording.

Section 17G.080.065 ~~Alternative Residential~~ Unit Lot Subdivisions

Commentary

Updates to this chapter are proposed to add clarity, increase the maximum site size to two acres to align with other existing processes, allow for Unit Lot Subdivisions in more situations than cottage and pocket development, and allow for potential division of a primary house and accessory dwelling unit.

A. Purpose.

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

B. Applicability.

A unit lot subdivision creates a relationship between the parent site and each lot created, referred to as a "child" lot.

The types of development that may use the alternative residential subdivision are:

- ~~1. Cottage housing projects approved under SMC 17C.110.350;~~
- ~~2. Housing developed under SMC 17C.110.360 Pocket Residential Development; or~~
- ~~3. A similar existing development that consists of multiple dwelling units on a single parcel or site, provided that such existing structures shall comply with applicable building and fire code.~~
1. Unit Lot Subdivisions are allowed for all residential development on parent sites of two acres or less. Subdivisions with a commercial or other non-residential use seeking similar flexibility must be approved as a Planned Unit Development under SMC 17G.070.

2. A unit lot subdivision may be used in any development with two or more dwelling units meeting the standards of this section.
 3. A unit lot subdivision may also be used to subdivide an accessory dwelling unit from the principal structure, subject to the additional standards in subsection F of this section.
- C. Application Procedure.
~~Alternative residential~~ Unit lot subdivisions ~~resulting in~~ of nine or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in SMC ~~chapter 17G.0600~~ 17G.060061.
- D. General Regulations.
1. ~~A alternative residential unit lot subdivision shall meet development standards applicable to the parent lot's zoning underlying site development plan approval, if any, the basic development standards and design standards of SMC 17C.110.350 Cottage Housing, SMC 17C.110.360 Pocket Residential Development, or design standards of SMC 17C.110.400 through 17C.110.465 for attached housing in RMF and RHD zones, and the provisions of this section. As a result of the alternative residential subdivision, development on individual lots may be nonconforming as to some or all of the development standards based on analysis of the individual lot. So long as the parent site meets the criteria of the underlying site development plan or the dwelling units are already in existence, each lot will be deemed to be in conformance. If existing dwelling units do not comply with development standards (i.e.: minimum building setbacks, maximum density, etc.), a lot may be created for each existing dwelling unit. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site;~~
 2. The parent site as a whole shall meet all applicable development standards under its zoning designation, including but not limited to:
 - a. Setbacks;
 - b. Building coverage;
 - c. Street frontage; and
 - d. Floor area ratio
 3. So long as the parent site meets the applicable standards under its zoning designation as described in subsection (2), each child lot may deviate from site development standards including but not limited to:
 - a. Setbacks;
 - b. Lot size;
 - c. Building coverage;
 - d. Street frontage; and
 - e. Floor area ratio
 4. All buildings shall meet all applicable provisions of the building and fire code.
 25. ~~Alternative residential~~ Lots created through a unit lot subdivisions shall be subject to all applicable requirements of Title 17 SMC, except as otherwise modified by this section.
 36. Each child lot's area and width for purposes of subdivision may be as small as the footprint of the building situated upon it, subject to the requirements of the building and fire code ~~individual dwelling unit;~~
 47. Portions of the parent site not subdivided for ~~individual~~ child lots shall be identified as Tracts and owned in common by the owners of the ~~individual~~ child lots. ~~For example, or by~~ a homeowners association comprised of the owners of the ~~individual~~ child lots

located within the parent site. This requirement shall be included in deed restrictions as required in ~~paragraph 7~~subsection E of this section.;

~~8. The parent site and each child lot shall make adequate provisions for ingress, egress, and utility access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.~~

~~9. Separation requirements for utilities must be met.~~

~~5. Maximum building coverage of the aggregate buildings located upon the parent site shall not exceed the maximum building coverage permitted by the underlying zone;~~

~~6. Except for existing nonconforming development, building setbacks shall be as required for the zone as applied to the underlying parent site as a whole. There shall be no setback required from individual lot lines which are interior to the perimeter of the parent site; provided, however, that any structure located upon a lot created hereunder shall comply with the setbacks applicable to the underlying site development plan;~~

~~7. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the county auditor's office. Separation requirements for utilities must be met. Each alternative residential subdivision shall make adequate provisions for ingress, egress and utilities access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.~~

~~8. Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:~~

~~a. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (stating the subject project file number if applicable);~~

~~b. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;~~

~~c. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;~~

~~d. Additional development of the individual lots may be limited as a result of the application of development standards to the parent site.~~

~~E. Conflicts.~~

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

E. Recording

The plat recorded with the county auditor's office shall include the following:

1. Access easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association for use and maintenance of common garage, parking

and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features.

2. A note that approval of the design and layout of the site development was granted by the review of the site development as a whole on the parent lot by the site development plan approval (stating the subject project file number if applicable);
3. A note that subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;
4. A note stating that if a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
5. A note that additional development of the individual lots may be limited as a result of the application of development standards to the parent site.

F. Accessory Dwelling Units

A lot with an accessory dwelling unit may be subdivided under this section with the following additional requirements:

1. All utility lines for the accessory dwelling unit must branch from a common line on a portion of the parent site owned in common. A utility line for the accessory dwelling unit may not cross another child parcel.
2. The plat recorded with the county auditor's office shall further specify the following:
 - a. The child lot that is associated with the accessory dwelling unit;
 - b. That the child lot associated with the accessory dwelling unit is subject to any and all additional regulations of an accessory dwelling unit under the Spokane Municipal Code.

Section 17G.080.080 Severability

Commentary

This section is REPEALED, with the content relocated to 17G.080.000.

[Repealed]