

September 3, 2013



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD
SPOKANE, WASHINGTON 99201-3342
509.625.6350

City Clerk File No.:
ORD C35021

COUNCIL ACTION MEMORANDUM


RE: FINAL READING ORDINANCE C35021 REGARDING LOW IMPACT DEVELOPMENT

During its 6:00 p.m. Legislative Session held Monday, August 26, 2013, the City Council considered Final Reading Ordinance C35021 regarding low impact development. Utilities Division Director Rick Romero introduced Lynn Schmidt of the Wastewater Department who provided an overview of the ordinance. Council Member McLaughlin introduced a proposed change to the ordinance and the following action was taken:

Motion by Council Member McLaughlin, seconded by Council Member Salvatori, **to amend** SMC 17D.060.030, under "Standards," subsection C, by taking out the words "not a requirement at this time" and inserting the word "optional" (so it reads: "Low Impact Development is optional, however if low impact development techniques are used, then the Eastern Washington Low Impact Development Guidance Manual should be followed"). **Motion carried unanimously (Council President Stuckart and Council Member Allen absent).**


Public testimony was then taken on Ordinance C35021, as amended, and Council comment held. Subsequently, the following action was taken:

Upon Unanimous Roll Call Vote (Council President Stuckart and Council Member Allen absent), the City Council passed Final Reading Ordinance C35021, as amended, regarding low impact development and amending SMC Sections 13.03.1112; 13.03.1137; 17A.020.120; 17C.110.410; 17C.120.230; 17C.130.230; 17C.200.060; 17D.060.030; 17H.010.020; 17H.010.030 and adopting a new section 17D.060.300 to Chapter 17D of the Spokane Municipal Code, and setting an effective date.



Terri L. Pfister, MMC
Spokane City Clerk

09.10.13

 Agenda Sheet for City Council Meeting of: 08/19/2013		Date Rec'd 8/7/2013
		Clerk's File # ORD C35021
		Renews #
Submitting Dept	WASTEWATER MANAGEMENT	Cross Ref # RES 2012-0079
Contact Name/Phone	DALE ARNOLD 625-7900	Project #
Contact E-Mail	DARNOLD@SPOKANECITY.ORG	Bid #
Agenda Item Type	First Reading Ordinance	Requisition #
Agenda Item Name 4310 LOW IMPACT DEVELOPMENT		
Agenda Wording <p>An ordinance regarding low impact development and amending SMC sections 13.03.1112; 13.03.1137; 17A.020.120; 17C.110.410; 17C.120.230; 17C.130.230; 17C.200.060; 17D.060.030; 17H.010.020; 17H.010.030 and adopting a new section 17D.060.300 to (cont.)</p>		
Summary (Background) <p>The proposed SMC amendments encourage and incentivize the use of low impact development (LID) in Spokane. Ordinance language was created pursuant to a Consent Decree with the Spokane Riverkeeper and in preparation of future NPDES permit requirements to allow developers to use LID to meet stormwater management requirements. The proposed amendments include provisions for stormwater fee discounts, allows for the use of pervious concrete on sidewalks, encourages LID in street layout (cont.)</p>		
Fiscal Impact		Budget Account
Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Approvals		Council Notifications
Dept Head	ARNOLD, DALE	Study Session July 29, 2013
Division Director	ROMERO, RICK	Other
Finance	LESESNE, MICHELE	Distribution List
Legal	BURNS, BARBARA	pdolan@spokanecity.org
For the Mayor	SANDERS, THERESA	Tax & Licenses
Additional Approvals		darnold@spokanecity.org
Purchasing		lhendron@spokanecity.org
		rromero@spokanecity.org
		eschoedel@spokanecity.org
		lschmidt@spokanecity.org

FIRST READING OF THE ABOVE ORDINANCE WAS HELD

ON 8/19/2013
AND FURTHER ACTION WAS DEFERRED
[Signature]
CITY CLERK

PASSED BY SPOKANE CITY COUNCIL
as amended

8/26/2013
[Signature]
CITY CLERK



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

chapter 17D of the Spokane Municipal Code.

Summary (Background)

design, and adopts the Eastern Washington LID Guidance Manual as an optional reference for guidance on the design of stormwater facilities.

Fiscal Impact		Budget Account
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

Distribution List

ORDINANCE NO. C35021

AN ORDINANCE regarding low impact development and amending SMC sections 13.03.1112; 13.03.1137; 17A.020.120; 17C.110.410; 17C.120.230; 17C.130.230; 17C.200.060; 17D.060.030; 17H.010.020; 17H.010.030 and adopting a new section 17D.060.300 to chapter 17D of the Spokane Municipal Code; and setting an effective date..

WHEREAS, in December 2009, the Riverkeeper, a program of the Center for Justice in Spokane, Washington, filed a 60-day notice with the City of Spokane alleging violation of the City's Phase II Permit from the Washington State Department of Ecology and the federal Clean Water Act; and

WHEREAS, on August 23, 2011, the City of Spokane and the Riverkeeper entered into a Consent Decree ("Consent Decree") in an effort to improve the water quality of the Spokane River consistent with the goal and objectives of the Clean Water Act; and

WHEREAS, as part of the Consent Decree, the City of Spokane is required to by August 23, 2013, develop a draft ordinance with monetary and other incentives for encouraging Low Impact Development (LID); and present the draft ordinance to City Council for consideration; and

WHEREAS, simultaneously to this process, the Eastern Washington LID Guidance Manual is being prepared to provide site planning tools, best management practices and information for creating a strong LID program and will be incorporated into the LID ordinance process; and

WHEREAS, the City of Spokane has developed a Draft LID Ordinance which outlines incentives for encouraging Low Impact Development; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 13.03.1137 is amended to read as follows:

13.03.1137 Stormwater Charge

- A. All premises served within the City's storm sewer service area shall pay a storm sewer user or stormwater charge except as provided herein.
1. The stormwater charge is computed based upon classification of the account or premises served as domestic or commercial.
 2. The minimum charge is at least one domestic user charge for all accounts, notwithstanding any other provision.

3. The storm sewer user charge is calculated by the director (~~((for storm sewer service to all premises))~~) in accord with SMC 13.03.1008.

B. Commercial Stormwater Charge Discounts.

1. For those subject to a commercial charge, the director shall grant a ten percent discount upon application by the customer, and a showing of approved on-site stormwater detention facility.
 - a. Such facilities may include drywells, detention ponds, grassy swales, and the like.
 - b. An additional ten percent discount shall be granted to those qualifying under the first discount category, who also apply therefore and demonstrate approved on-site stormwater treatment practices, such as grassy swales.
2. ~~((To the extent not already addressed in subsection (B)(1) of this section, where a customer shows that it pays City sewer utility system charges for storm or surface water sewer utility system service for a))~~ Commercial charges for a new or remodeled commercial building that utilizes a permissive rainwater harvesting system or vegetated roof, as recognized by the director, ((such charges)) shall be reduced by ten percent.
 - a. To be eligible for a reduction under this subsection (B)(2), the permissive rainwater harvesting system or vegetated roof must be properly sized to utilize all of the available roof surface of the building.
 - b. For purposes of administration, a "commercial building" is presumed to be a building on premises billed "commercial user" stormwater user charges under SMC 13.03.1008(B).
 - c. "New or remodeled" shall mean a building built new or substantially remodeled. ~~((after July 26, 2003.))~~
3. The director may grant an additional ten percent discount on application by the customer, showing the use of low impact development facilities for stormwater management.
 - a. Such facilities may include permeable pavement, bioretention areas, infiltration planters, and other low impact development Best Management Practices as approved by the Washington State Department of Ecology and City of Spokane. Bio-infiltration swales

(commonly referred to as grassy swales) are not eligible for this discount.

- b. Facility maintenance is required for continuation of this discount. Maintenance requirements for low impact development facilities can be found in the Eastern Washington Low Impact Development Guidance Manual and/or manufacturer guidelines.

- C. To obtain a discount under subsection (B) of this section, a customer must file a completed written application on forms approved by the director and pay an inspection fee ~~((every two years depending))~~ based on the number of impervious ((acreages)) acres to be inspected. All discounts are prospective from the date of inspection and shall not exceed the maximum allowable discount of forty percent. The fee for inspections:

1. up to one impervious acre: Zero dollars,
2. one to five impervious acres: Fifty dollars,
3. five to ten impervious acres: One hundred dollars,
4. ten to twenty impervious acres: Two hundred dollars, and
5. over twenty impervious acres: Four hundred dollars.

The inspection certification approving discount eligibility under subsection (B)(1) is good for the functional life of the facility. The inspection certification approving discount eligibility under subsections (B)(2) and/or (B)(3) is good for ~~((two))~~ five years. The director administers this program with such additional rules as he shall provide, and may assess additional charges for administrative costs not encompassed herein.

- D. No general stormwater service charges under SMC 13.03.1008 are made to customers receiving such service from the Spokane International Airport (SIA) authority at Geiger Field and vicinity, where the airport authority maintains good and sufficient stormwater service for said customers and the authority accepts full and continuing responsibility for the design, construction, maintenance, operation, upkeep, and replacement of all stormwater facilities in such area, and where the authority accepts full and separate responsibility for compliance with all stormwater permit and regulatory requirements of all jurisdictional regulatory agencies, including the Washington State department of ecology's stormwater management and control permit regulations and requirements.

Section 2. That SMC section 13.03.1112 is amended to read as follows:

13.03.1112

“Commercial User Charge”

“Commercial user charge” means the charge applied to a commercial user service account for the cost of treating the volume of wastewater from that service account of a standard strength of BOD, SS and P, plus a surcharge for the treatment of wastewater of more than standard wastewater strength as determined by wastewater monitoring, from a specific commercial user. Stormwater, also listed with commercial user charges, are:

- A. General Stormwater Service Charges.
These are imposed for right-of-way maintenance and operations functions relating to stormwater management and control, fairly apportioned to the commercial user’s benefit enjoyed/burden created; and
- B. A CSO (Combined Sewer Overflow) Stormwater User Surcharge.
The CSO Stormwater surcharge is only imposed on commercial users within the CSO service area as reflected in the GIS map on file with the director of wastewater management, which commercial (or industrial) uses also contribute stormwater flows directly into the combined sewer system.

1. CSO Stormwater User Surcharge Discounts

- a. Where a customer pays CSO stormwater user surcharges for a new or remodeled commercial building that utilizes a permissive rainwater harvesting system or vegetated roof, as recognized by the director, such charges shall be reduced by ten percent.
 - i. To be eligible for a reduction under this subsection the permissive rainwater harvesting system or vegetated roof must be properly sized to utilize all of the available roof surface of the building.
 - ii. For purposes of administration a “commercial building” is defined to be a building on premises billed “CSO stormwater user surcharge” under SMC 13.03.1008(B).
 - iii. “New or remodeled” shall mean a building built new or substantially remodeled.
- b. The director shall grant an additional ten percent discount on application by the customer showing the use of low impact development facilities for stormwater management.
 - i. Such facilities may include permeable pavement, bioretention areas, infiltration planters, and other low impact development best management practices as approved by

the Washington state department of ecology and the City of Spokane.

II. Facility maintenance is required for continuation of this discount. Maintenance requirements for low impact development facilities can be found in the Eastern Washington Low Impact Development Guidance Manual and/or manufacturer guidelines

C. To obtain a discount under subsection (B)(1) of this section, a customer must file a completed written application on forms approved by the director and pay an inspection fee depending on the number of impervious acres to be inspected. All discounts are prospective from the date of inspection and shall not exceed the maximum allowable discount of twenty percent. The fee for inspection is:

1. up to one impervious acre: Zero dollars;
2. one to five impervious acres: Fifty dollars;
3. five to ten impervious acres: One hundred dollars;
4. ten to twenty impervious acres: Two hundred dollars, and
5. over twenty impervious acres: Four hundred dollars.

The inspection certification approving discount eligibility under subsection (B)(1) is good for five years. The director administers this program with such additional rules as he shall provide, and may assess additional charges for administrative costs not encompassed herein.

D. The commercial user charges are set forth in SMC 13.03.1008.

Section 3. That SMC section 17C.020.120 is amended to read as follows:

17A.020.120 "L" Definitions

- A. Land Surveyor.
An individual licensed as a land surveyor pursuant to chapter 18.43 RCW.
- B. Land Use Codes.
Those provisions of this code that relate to:
1. zoning,
 2. subdivision,

3. shorelines management,
4. stormwater control,
5. flood zones,
6. critical areas,
7. signs,
8. skywalks, and

include chapter 17D.020 SMC, chapter 17D.050 SMC, chapter 17D.060 SMC, chapter 17D.090 SMC, chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, and chapter 17G.080 SMC.

C. Landscape Plan.

A scale drawing showing site improvements and landscaping required under chapter 17C.200 SMC the following elements:

1. Footprint of all structures.
2. Final site grading.
3. All parking areas and driveways.
4. All sidewalks, pedestrian walkways, and other pedestrian areas.
5. Location, height, and materials for all fences and walls.
6. Common and scientific names of all plant materials used, along with their size at planting and location of all plant materials on the site.

D. Landslide.

Rapid sliding of large masses of rock, soil, or material on steep mountain slopes or from high cliffs.

E. Latah Formation.

Sedimentary layer of claystone to fine-grained sandstone in which very finely laminated siltstone is predominant. The fresh rock ranges in color from various shades of gray to almost white, tan and rust. Much of the finer grained layers contain leaf imprints and other plant debris. Because of its generally poorly consolidated state, the Latah rarely outcrops. It erodes rapidly and therefore is

usually covered with later deposits or in steeper terrain hidden under the rubble of overlying basaltic rocks.

- F. **Launch Ramp.**
An inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand.
- G. **"Ldn" means a day-night average sound level and serves as a basic measure for quantifying noise exposure, namely, the A-weighted sound level averaged over a twenty-four hour time period, with a ten decibel penalty applied to nighttime (ten p.m. to seven a.m.) sound levels.**
- H. **Leak Detection.**
A procedure for determining if the material in a primary container has escaped into the outside environment or has invaded an interstitial space in a multiple containment system.
- I. **Levee.**
A natural or artificial embankment on the bank of a stream for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.
- J. **Level of Service Standard.**
The number of units of capacity per unit of demand. The level of service standards used on concurrency tests are those standards specified in the adopted City of Spokane comprehensive plan.
- K. **Lighting Methods.**
 - 1. **Direct.**
Exposed lighting or neon tubes on the sign face. Direct lighting also includes signs whose message or image is created by light projected onto a surface.
 - 2. **Indirect.**
The light source is separate from the sign face or cabinet and is directed to shine onto the sign.
 - 3. **Internal.**
The light source is concealed within the sign.
- L. **Lighting Plan.**
A general site plan that includes:
 - 1. location of all lighting fixtures on the site;

2. manufacturer's model identification of each lighting fixture;
3. manufacturer's performance specifications of each fixture;
4. a photometric plan of the installed fixtures, which demonstrates that all illumination is confined within the boundaries of the site.

M. Limited Industrial.

Establishments primarily engaged in on-site production or assembly of goods by hand manufacturing involving the use of hand tools and small-scale equipment and may have the incidental direct sale to consumers of those goods produced on-site. Typical uses include:

1. on-site production of goods by hand or artistic endeavor;
2. placement of digital or analog information on a physical or electronic medium;
3. manufacture, predominantly from previously prepared materials, of finished products or parts, provided the noise, light, smell, or vibration does not extend beyond the site; and
4. research of an industrial or biotechnical nature.

All activity must be conducted totally within the structure with no outdoor storage.

N. Listed Species.

A fish or wildlife species on a state or federal species of concern list. Possible designations could include endangered, threatened and sensitive.

O. Littoral Drift.

The natural movement of sediment, particularly sand and gravel, along shorelines by wave action in response to prevailing winds or by stream currents.

P. Local Access Street.

A street that provides access from individual properties to collector and minor arterials.

Q. Lot.

1. "Lot" is a parcel or tract of land so designated on a recorded plat or assessors plat, or:
 - a. in an unplatted area, a tract having frontage on a public street or private street within a planned unit development or binding site plan

and having the minimum size and dimensions required for a building site by the zoning code; or

- b. a building site designated as such on an approved planned development plan; or
 - c. an unplatted area, legally created, and having the minimum size and dimensions required for a building site by the zoning code, but that does not have frontage on a public street.
- 2. A tract consisting of more than one contiguous lot may be considered as one lot for development purposes, subject to interpretation of the location of the front and rear yards.
 - 3. A "corner lot" is a lot bounded on two adjacent sides by intersecting public streets.
 - 4. An "inside lot" is a lot other than a corner lot.
 - 5. A "through lot" is a lot bounded on opposite sides by parallel or approximately parallel public streets.

R. Lot Depth.

The depth of a lot is the horizontal distance between the front lot line and the rear lot line measured in the mean direction of the side lot lines.

S. Lot Lines.

The property lines along the edge of a lot or site.

- 1. "Front lot line" means a lot line, or segment of a lot line, that abuts a street.
 - a. ~~((1.))~~ On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.
 - b. ~~((2.))~~ However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.
- 2. "Rear lot line" means a lot line that is opposite a front lot line.
 - a. A triangular lot has two side lot lines but no rear lot line.
 - b. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

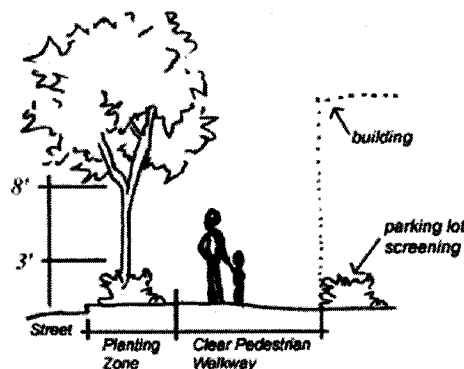
3. "Side lot line" means a lot line that is neither a front nor rear lot line.
 - a. On a corner lot, the longer lot line, which abuts a street, is a side lot line.
 4. "Side street lot line" means a lot line that is both a side lot line and a street lot line.
 5. "Street lot line" means a lot line, or segment of a lot line, that abuts a street.
 - a. "Street lot line" does not include lot lines that abut an alley.
 - b. On a corner lot, there are two (or more) street lot lines.
 - c. Street lot lines can include front lot lines and side lot lines.
- T. Lot Width.
The width of a lot is the horizontal distance between the side lot lines measured on a line intersecting at right angles the line of the lot depth thirty feet from the front lot line.
- U. Low Impact Development (LID).
~~((1. A method of managing stormwater that aims to mimic the predevelopment hydrologic conditions of the site by using existing soil, vegetation, and topography to detain runoff and remove pollutants.~~
1. ~~((2.)) ((LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product (EPA definition)))~~ LID is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.
- V. Low Visual Impact Facility.
For the purposes of administration of this code, a low visual impact facility includes a small diameter (three feet or less) antenna or antenna array located on top of an existing pole or on a replacement pole. (See also SMC 17A.020.010, Alternative Tower Structure.)
- W. Lowest Floor.

The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of SMC 17E.030.140.

Section 4. That SMC section 17C.110.410 is amended to read as follows:

17C.110.410 Sidewalks

- A. Purpose.
To provide continuous, safe, and consistent pedestrian system with connectivity to the street right-of-way and the neighborhood.
- B. Sidewalk Implementation.
1. Sidewalks shall have the minimum dimension of five feet, even if part of the width is located on private property. This dimension shall be applied to the clear, unobstructed pathway between the planting behind the curb and building facades or parking lot screening. (R)



2. Sidewalks shall be continuous, without gaps between developments. (R)
3. Unless otherwise required or where larger plaza areas are provided, sidewalk paving materials shall be consistent with the street frontage improvements of adjacent developments. (P)
4. Sidewalks within the public right-of-way shall be concrete, two-foot grid, standard sidewalk color and float finish. (R)
5. Pervious concrete may be used in the design and construction of sidewalks, where feasible.

Section 5. That SMC section 17C.130.230 is amended to read as follows:

17C.120.230 Setbacks and Sidewalks

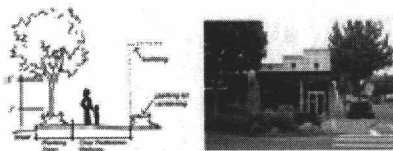
A. Purpose.

The required structure setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The setback requirements for areas that abut single-family residential zones promote commercial development that will maintain light, air and the potential for privacy for adjacent single-family residential zones. The sidewalk standards provide a continuous, safe, and consistent street frontage character along the street right-of-way.

B. Setback and Required Sidewalk Width Standards.

The setback standards for all structures are stated in Table 17C.120-2 and as stated below.

1. Structures shall be no closer than twelve feet from the back of the curb except as provided in subsection (B)(3) of this section.
2. Sidewalks are required to be constructed and shall be at least twelve feet wide and consist of a clear walking path at least seven feet wide (in addition to planting zone for street trees per SMC 17C.200.050). Part of the sidewalk width may be located on private property. The sidewalk dimension shall be measured from back of curb to building facades or parking lot screening.



3. The required sidewalk width may be reduced by approval of the planning director if the existing sidewalk (distance between the curb and the building) is less than twelve feet wide between the back of curb and the existing building setback line of adjacent building(s). In no case shall the setback be reduced below nine feet from the back of the curb unless on-street parking exists between the building and the street.
4. Unless otherwise required or where larger plaza areas are provided, sidewalk paving material shall be concrete, two-foot grid, standard sidewalk color, and float finish.
5. Pervious concrete may be used in the design and construction of sidewalks, where feasible.

C. Exception to the Setback Standards.

1. Where a site is split between more than one zone and a structure is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.
2. **Detached Accessory Structures.**
The setback standards for detached accessory structures are stated in SMC 17C.120.300. Fences are addressed in SMC 17C.120.310. Sign standards are in chapter 17C.240 SMC, Signs.

D. Extensions Into Required Structure Setbacks.

The following features attached to structures are allowed as exceptions to the setback standards except they shall not reduce the required sidewalk width of subsection (B) of this section.

1. Minor Projections of Features Attached to Structures.

a. Minor Projections Allowed.

Minor features of a structure, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps and uncovered decks or balconies, may extend into a required structure setback up to twenty percent of the depth of the setback. However, they may not be within three feet of a lot line when a setback is required. Bays and bay windows extending into the setback also must meet the following requirements:

- i. 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.
- ii. At least thirty percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block.
- iii. Bays and bay windows must cantilever beyond the foundation of the structure; and
- iv. The bay may not include any doors.

b. Full Projection Allowed.

In addition to subsection (D)(1)(a) of this section, the following features are allowed to project farther into required structure setbacks:

- i. Canopies, marquees, awnings and similar features may fully extend into a street setback and may extend into the public right-of-way subject to the requirements of SMC 17F.040.140.
- ii. Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback.
- iii. Uncovered decks and stairways that are no more than forty-two inches above the ground may fully extend into a required structure setback; and
- iv. On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than forty-two inches above the average sidewalk elevation may fully extend into a required structure setback.
- v. Balconies may extend into public rights-of-way as allowed in the building code.
- c. Projections Not Allowed.
Attached mechanical structures such as heat pumps, air conditioners, emergency generators and water pumps are allowed in a street setback but not in a required setback from an abutting residential zone.

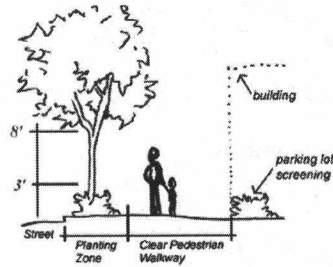
2. Underground structures are permitted in all setbacks.

Section 6. That SMC section 17C.130.230 is amended to read as follows:

17C.130.230 Setbacks and Sidewalks

- A. Purpose.
The required structure setbacks promote streetscapes that are consistent with the desired character of the different industrial zones. The setback requirements for areas that abut single-family residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent single-family residential zones. The sidewalk standards provide a continuous, safe, and consistent street frontage character along the street right-of-way.
- B. Setback and Required Sidewalk Width Standards.
The setback standards for all structures are stated in Table 17C.130-2, Industrial Zones Development Standards, and as stated below.

1. Structures shall be no closer than twelve feet from the back of the curb except as provided in subsection (B)(3) of this section.
2. Sidewalks are required to be constructed and shall consist of a clear walking path at least five feet wide (in addition to a minimum five-foot wide planting zone for street trees). Part or all of the sidewalk width may be located on private property. The sidewalk dimension shall be applied to the clear, unobstructed pathway between the planting behind the curb and building facades or parking lot screening.



3. The required sidewalk width may be reduced by approval of the planning director if the existing sidewalk (distance between the curb and the building) is less than twelve feet wide between the back of curb and the existing building setback line of adjacent building(s). In no case shall the setback be reduced below nine feet from the back of the curb unless on-street parking exists between the building and the street.
4. Unless otherwise required or where larger plaza areas are provided, sidewalk-paving material shall be concrete, two-foot grid, standard sidewalk color and float finish.
5. Pervious concrete may be used in the design and construction of sidewalks, where feasible.

C. Exceptions to the Setback Standards.

1. Where a site is split between more than one zone and a structure is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.
2. **Detached Accessory Structures.**
The setback standards for detached accessory structures are stated in SMC 17C.130.300. Fences are addressed in SMC 17C.130.310. Sign standards are in chapter 17C.240 SMC, Sign Code.

D. Extensions into Required Structure Setbacks.

The following features attached to structures are allowed as exceptions to the setback standards except they shall not reduce the required sidewalk width of SMC 17C.130.230.

1. Minor Projections of Features Attached to Structures.

a. Minor Projections Allowed.

Minor features of a structure, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies may extend into a required structure setback up to twenty percent of the depth of the setback. However, they may not be within three feet of a lot line when a setback is required. Bays and bay windows extending into the setback also must meet the following requirements:

- i. 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.
- ii. At least thirty percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block.
- iii. Bays and bay windows must cantilever beyond the foundation of the structure; and
- iv. The bay may not include any doors.

b. Full Projection Allowed.

In addition to subsection (D)(1)(a) of this section, the following features are allowed to project farther into required structure setbacks:

- i. Canopies, marquees, awnings, and similar features may fully extend into a street setback and may extend into the public right-of-way subject to the requirements of SMC 17F.040.140.
- ii. Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback.
- iii. Uncovered decks and stairways that are no more than forty-two inches above the ground may fully extend into a required structure setback; and

- iv. On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than forty-two inches above the average sidewalk elevation may fully extend into a required structure setback.
 - v. Balconies may extend into public rights-of-way as allowed in the building code.
 - c. Projections Not Allowed.
Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback but not in a required setback from an abutting residential zone.
2. Underground structures are permitted in all setbacks.

Section 7. That SMC section 17C.200.060 is amended to read as follows:

17C.200.060 Stormwater Drainage

Vegetated stormwater facilities, such as (~~("Infiltration" or)~~) "bio-infiltration" swales, bioretention areas, and infiltration planters, as defined by the State of Washington Department of Ecology's "best management practices," (~~((required for the handling of storm water drainage))~~) may be incorporated into the required landscape areas, provided neither the stormwater management (~~((drainage functionality))~~) nor the landscape requirements are compromised.

Section 8. That SMC section 17D.060.030 is amended to read as follows:

17D.060.030 Standards

- A. The director determines stormwater control design standards and regulations (also referenced as "standards"), including those for onsite stormwater facilities, and determines their applicability to particular areas of the City of Spokane, plats and premises, consistent with the legislative findings of this chapter.
- B. Standards References.
The following documents are hereby adopted by reference. They address general requirements and may be modified or supplemented in other specific sections.
 - 1. Standard Specifications of the Washington State department of transportation, latest edition.

2. General Special Provisions of the City of Spokane, latest edition.
3. City of Spokane Design Standards and Standard Plans, latest edition.
4. The Spokane Regional Stormwater Manual, latest edition.
5. Guidance for UIC Wells that Manage Stormwater by Washington State department of ecology dated December 2006 (Publication Number 05-10-067).
6. Spokane Aquifer Water Quality Management Plan. Spokane County, Washington "208" Program. County engineers office.

The above standard references are on file with the director.

- C. Low Impact Development is optional, however if low impact development techniques are used, then the Eastern Washington Low Impact Development Guidance Manual should be followed.
- D. The standard references are periodically republished. Between a general republication the department of engineering services maintains an updated copy and may publish modifications or updates in the Official Gazette. The department of engineering services also maintains a distribution list of parties requesting such updates. Unless otherwise ordered, the changes are effective thirty calendar days from the date of the Official Gazette issue in which they are published

Section 9. That SMC section 17H.010.020 is amended to read as follows:

17H.010.020 Design Variance Requests

- A. Deviations from the standards in this section must be submitted in writing to the ~~((director of engineering services))~~ city engineer and approved prior to the submittal of engineering plans for review.
- B. The decision criteria for a design variance request are provided below:
 1. Is the proposed variance part of an overall, thoughtful and comprehensive approach to the design of the project as a whole?
 2. Is the variance necessary to better address aspects of the site or its surroundings?

3. Is the specific change superior in design quality and function to that potentially achieved by the development standard as written?
 4. Does the proposal meet the intent and the general direction set forth by the development standard as written?
 5. Will the proposal require additional maintenance or repair by the City or a property owners' association compared to a standard street section?
 6. Does the proposal provide acceptable levels of accessibility, safety and convenience for all street users, including pedestrians, bicycles, vehicles and emergency service providers?
 7. Does the site design provide for adequate on-street and off-street parking to serve the area?
 8. Does the proposal provide a benefit to the community including improved safety, improved site design, the creation of street canopies through landscaping or secondary lot access through the use of alleys?
 9. Does the proposal use low impact development (LID) techniques and manage stormwater as outlined in the Eastern Washington LID Guidance Manual and the Spokane Regional Stormwater Manual?
- C. Situations where the street design is constrained by topography, the size and shape of the property, the presence of critical areas or environmental resources, existing development, or existing narrow rights-of-way will be evaluated on a case-by-case basis.
- D. Potential additional cost to meet these development standards is not in itself justification for a design variance.

Section 10. That SMC section 17H.010.030 is amended to read as follows:

17H.010.030 Street Layout Design

- A. Street design is governed by the comprehensive plan and city design standards.
- B. Streets shall be designed in light of topography and existing and planned street patterns. It is encouraged that low impact development principles be considered, evaluated and utilized where practical as described in the Eastern Washington Low Impact Development Guidance Manual.

- C. Adequate access shall be provided to all parcels of land. The street system shall facilitate all forms of transportation including pedestrians, bicycles, vehicles and emergency services.
- D. When property is divided into large parcels, streets shall be laid out so as to allow the addition of future streets in a consistent pattern in the event of redivision.
- E. Street names should be logical, consistent and understandable to satisfy the needs of emergency and delivery vehicles. Street names must be approved by the City and comply with the requirements of chapter 17D.050 SMC, Roadway Naming.
- F. The layout of new streets shall provide for the continuation of existing streets in adjoining subdivisions. If a public street or right-of-way terminates at a plat boundary, provisions shall be made for the extension of the public street to the adjacent property or to another public street in a manner consistent with public mobility and utility infrastructure needs.
- G. Street layout shall provide for future extension of streets into areas which are presently not subdivided.
- H. Traffic generators within the project should be considered and the street system designed appropriately. Individual projects may require a traffic study subject to chapter 17D.080 SMC, Voluntary Impact Fees, chapter 17D.010 SMC, Concurrency Certification, or chapter 17E.050 SMC, SEPA.
- I. The minimum centerline distance between intersections shall be one hundred fifty feet.
- J. Bordering arterial routes should be considered and design continuity provided.
- K. When any parcels in a subdivision adjoin an existing or proposed arterial street, the hearing examiner may require access by way of frontage streets and may restrict access to the arterial.
- L. Subdivisions comprised of more than thirty lots shall include two access points acceptable to the city fire department and the director of engineering services.
- M. A grid pattern featuring more street intersections and shorter block lengths should be implemented wherever possible.
- N. Block lengths should not exceed six hundred sixty feet.

- O. A block width should allow for two tiers of lots between parallel streets and double frontage lots should be avoided.
- P. Permanent dead-end or cul-de-sac streets may be allowed when the property is isolated by topography or the configuration of existing platted lots and streets. Dead-ends and cul-de-sacs will be reviewed in every case for connectivity

Section 11. That there is adopted a new SMC section 17D.060.300 to read as follows:

17D.060.300 Low Impact Development

- A. The purpose of this section is to provide additional and optional stormwater management techniques beyond the standard best management practices listed in the Spokane Regional Stormwater Manual. These low impact development techniques strive to mimic pre-disturbance hydrological processes by emphasizing site conservation, use of on-site natural features, site planning, and distributed stormwater management practices.
- B. The Eastern Washington Low Impact Development Guidance Manual is hereby adopted by reference, as hereafter amended. This guidance manual addresses general requirements and may be modified or supplemented in other specific sections. This reference is on file with the director.
- C. Low impact development is encouraged for site development and redevelopment. Compliance with the Basic Requirements of the Spokane Regional Stormwater Manual shall be met regardless of best management practices used. Certain low impact development techniques may be used to fulfill the basic requirements set forth in the Spokane Regional Stormwater Manual, as approved by the director.

Examples include, but are not limited to:

- 1. Bioretention areas and infiltration planters may be used to meet Basic Requirement No. 3 – Water Quality Treatment and Basic Requirement No. 4 – Flow Control.
- 2. Flow-through planters may be used to meet Basic Requirement No. 3.
- 3. Dispersion is generally not appropriate within City limits; however, it may be used to meet Basic Requirement 4.

4. Rain gardens are non-engineered landscaped depressions designed to capture stormwater from small, adjacent contributing areas such as those found at residences. Rain gardens do not necessarily meet basic requirements and can be used where basic requirements do not apply.
5. Permeable pavement may be used to meet Basic Requirement 4 only (unless an additional department of ecology-approved treatment mechanism is installed).
6. Vegetated roofs may be address Basic Requirement 4.
- D. Low impact development is an emerging practice and specific design considerations will be updated over time. A supplemental resource to the Eastern Washington Low Impact Development Guidance Manual is the Washington Stormwater Center.

Section 12. Effective Date. This ordinance shall take effect and be in full force on October 1, 2013.

Passed by the City Council on August 26, 2013.

[Signature]
Council President

Attest:

[Signature]
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
Assistant City Attorney

09.06.2013
Date

10.01.2013
Effective Date

