

ORDINANCE NO. C \_\_\_\_\_

An ordinance amending the name of the Design Review Committee to the Design Review Board; changing Central Business District zones to Downtown zones; changing references from SMC 4.13 to SMC 17G.040; amending SMC sections 01.02.080; 03.01.550; 08.15.030; 11.15.342; 11.15.344; 11.19.790; 11.19.820; 12.02.0424; 17C.110.015; 17C.110.330; 17C.120.110; 17C.120.015; 17C.122.080; 17C.122.110; 17C.130.015; 17C.210.050; 17C.210.060; 17C.240.060; 17C.250.010; 17C.330.120; 17C.350.040; 17C.355.030; 17D.040.230; 17G.010.100; 17G.010.140; 17G.030.030; 17G.070.030; and 17G.070.200.

The City of Spokane does ordain:

Section 1. That SMC section 01.02.080 is amended to read as follows:

**01.02.080 “Officer” Defined**

- A. An “officer” is an individual who has the authority to act on behalf of, and whose act constitutes the act of, a corporation or other association. “Officer” also includes each member of a governing body invested with power to take action having legal effect.
- B. Such terms as “official,” “manager,” “managing agent,” “executive” and “officer” are generally synonymous and refer to a person acting within the scope of his actual authority, which authority partakes of judgment, discretion or policy, as opposed to clerical or ministerial functions.
- C. Officers of the City include:
  - 1. members of the city council (Charter Article III);
  - 2. the mayor, city administrator and division directors (Charter Article IV; chapter 3.01 SMC);
  - 3. department heads (chapter 3.01 SMC);
  - 4. the city attorney, an assistant city attorney, and a special counsel (Charter sections 29, 32, 33);
  - 5. hearing examiner (chapter 4.21 SMC);
  - 6. members of the:
    - a. building and construction review and examining boards, and hearing officers (chapter 4.06 SMC);

- b. civil service commission (Charter Article VI);
- c. design review ~~committee~~ board (chapter 4.13 SMC);
- d. fire code advisory and appeals board (chapter 4.08 SMC);
- e. human rights commission (chapter 4.10 SMC);
- f. park board (Charter Article V, chapter 4.11 SMC);
- g. plan commission (Charter Article XV, chapter 4.12 SMC); and
- h. urban forestry tree committee when acting within the bounds of jurisdiction in the particular instance.

Section 2. That SMC section 03.01.550 is amended to read as follows:

### **03.01.550 Planning**

- A. The planning department is responsible for preparation and maintenance of the comprehensive plan to guide the community's long-term physical, economic and social growth and for other matters of neighborhood and City planning, including regional coordination and urban design. Through the long-range strategic planning, design review, and zoning and land use sections, the department prepares plan implementation measures such as development regulations, capital improvement plans and annexation programs; administers current planning activities such as rezoning, planned unit developments, subdivisions, environmental review and variances; and reviews development permits for compliance with land use codes.
- B. Through the administration section the department serves as staff to the plan commission, design review (~~(committee)~~) board and bicycle advisory board.
- C. The planning director is appointed by the mayor and confirmed by the city council.

Section 3. That SMC section 08.15.030 is amended to read as follows:

### **08.15.030 Residential Targeted Areas – Criteria – Designation**

- A. Following notice and public hearing as prescribed in RCW 84.14.040, the council may designate one or more residential targeted areas, upon a finding by the

council in its sole discretion that the residential targeted area meets the following criteria:

1. The residential targeted area is within an urban center.
  2. The residential targeted area lacks sufficient available, desirable and convenient residential housing, including affordable housing, to meet the needs of the public who would be likely to live in the urban center if affordable, desirable, attractive and livable residences were available; and
  3. Providing additional housing opportunity, including affordable housing, in the residential targeted area will assist in achieving one or more of the following purposes:
    - a. Encourage increased residential opportunities within the City, including mixed-income and affordable housing opportunities; or
    - b. Stimulate the construction of new multifamily housing; or
    - c. Encourage the rehabilitation of existing vacant and underutilized buildings for multifamily housing.
- B. In designating a residential targeted area, the council may also consider other factors, including whether:
1. additional housing, including affordable housing units, in the residential targeted area will attract and maintain an increase in the number of permanent residents;
  2. an increased permanent residential population in the residential targeted area will help to achieve the planning goals mandated by the Growth Management Act under chapter 36.70A RCW, as implemented through the City's current and future comprehensive plans;
  3. encouraging additional housing in the residential targeted area is consistent with public transportation plans; or
  4. additional housing may contribute to revitalization of a distressed neighborhood or area within the City.
- C. At any time the council may, by ordinance, in its sole discretion, amend or rescind the designation of a residential targeted area pursuant to the same procedural requirements as set forth in this chapter for original designation.
- D. The following areas are designated as residential targeted areas under this chapter:

1. Central Business District.

The Central Business District target area includes all ~~((CBD))~~ Downtown-zoned parcels where multi-family housing is an allowed use. In addition, it includes any parcel within one-half mile of a ~~((CBD))~~ Downtown-zone boundary provided that the parcel's zoning designation allows for multi-family development, with the exclusion of parcels not otherwise designated as a target area that lie north of Interstate 90 and south of the Spokane River to the west of the Central Business District.

2. Browne's Addition/Peaceful Valley.

That area commencing at the northwest corner of Maple Street Bridge and Riverside Avenue, thence west along the north line of Riverside Avenue to the east line of Spruce Street, thence north along the east line of Spruce Street to the northern boundary of the Browne's Addition Neighborhood. Thence easterly along the northern boundary of Browne's Addition to its intersection with the centerline of Short Court Street extended, thence easterly along the centerline of Short Court Street to the west line of Ash Street, thence south along the west line of Ash Street to the south line of Wilson Avenue, thence easterly along the south line of Wilson Avenue to the southwest corner of Wilson Avenue and Maple Street Bridge, thence south along the west line of the Maple Street Bridge to the point of beginning.

3. Centers and Corridors.

The Centers and Corridors target area includes that area of the center and corridor zones identified on the official zoning map designated as Type 1 (CC1), Type 2 (CC2), Type 3 (CC3) and Type 4 (CC4) zones, including any parcel within three hundred feet of a Type 1 (CC1), Type 2 (CC2), Type 3 (CC3) and Type 4 (CC4) center and corridor zone boundary, provided that the parcel's zoning designation allows for multi-family development. However, in the North Indian Trail Neighborhood Center, this target area includes only parcels that are designated on the official zoning map as Type 1 (CC1), Type 2 (CC2), Type 3 (CC3) and Type 4 (CC4) zones, and any parcel that is zoned specifically for multi-family and is within three hundred feet of a Type 1 (CC1), Type 2 (CC2), Type 3 (CC3) and Type 4 (CC4) center and corridor zone boundary. Projects in CC3 zones must be developed consistent with the design standards outlined for CC1 zones in Initial Design Standards and Guidelines for Centers and Corridors.

4. The property located at 1923 through 2003 West Clarke Avenue, with a legal description of: "Lots 28 - 41, inclusive, Block 5, First Addition to West

Riverside Addition, according to Plat recorded in Volume 'C' of Plats, Page 50, in the City of Spokane, Spokane County, Washington" consisting of eight parcels numbered 25134-3210, 25134-3211, 25134-3212, 25134-3213, 25134-3214, 25134-3215, 25134-3216 and 25134-3217.

- E. If a part of any legal lot is within a designated residential targeted area then the entire lot shall be deemed to lie within such residential targeted area. The areas designated as residential targeted areas are bound by the streets described above. Property located outside of, but adjacent to, the described areas is not designated as residential targeted areas.

Section 4. That SMC section 11.15.342 is amended to read as follows:

**11.15.342 Design Review ((Committee)) Board**

The design review ((committee)) board, at the request of the director of planning, reviews the design of a development for harmony and consistency with the master program and riverfront plan.

Section 5. That SMC section 11.15.344 is amended to read as follows:

**11.15.344 Planning Director**

The director of planning:

- A. determines whether a proposal complies with the comprehensive plan;
- B. reviews subdivisions for compliance with flood insurance guidelines;
- C. determines the compatibility with surrounding uses of proposed institutions;
- D. determines, in conjunction with the building official, whether emergency shoreline protection construction is necessary;
- E. refers questions of comprehensive plan compliance to the plan commission;
- F. refers design recommendations to the design review ((committee)) board;
- G. coordinates the annual review of the master program;
- H. recommends to the plan commission amendments to the master program;

- I. determines the conditions under which a conditional use permit or variance would not be unduly detrimental to the objectives and policies of the comprehensive plan.

Section 6. That SMC section 11.19.790 is amended to read as follows:

**11.19.790 Plan Commission.**

- A. The plan commission:
  1. recommends the designation of airport hazard areas;
  2. recommends interim development control areas;
  3. recommends the zone classification of annexed land;
  4. initiates amendments to the zoning code;
  5. interprets the zoning code;
  6. prepares design plans for any area of the city or for any of its neighborhoods, parts, or supporting environs designated by council as a design area.
- B. The hearing examiner or planning director may request the advice of the City's design review (~~committee~~) board on questions of design, or may request interpretations from the commission on the meaning and intent of the design plan and this chapter.
- C. When a proposed rezoning is clearly not in harmony with the comprehensive plan and the hearing examiner feels the rezoning has merit, the examiner requests plan commission review of a comprehensive plan change before deciding the rezoning.

Section 7. That SMC section 11.19.820 is amended to read as follows:

**11.19.820 Zoning Director – Planning Director**

- A. The director of zoning provides staff support services to the various boards, including:
  1. giving of notice of hearings;

2. prescribing the form of rezone petitions and planned unit development and other applications; and
  3. providing liaison among interested departments.
- B. The director of planning (planning director) has authority to grant certain special permits, with or without referring the matter to the hearing examiner, for such uses as:
1. public and private nonprofit schools;
  2. churches and convents;
  3. temporary contractors yards or construction sheds, signs, uses and quarters for business;
  4. collective uses of parking and loading areas by a group of establishments.
- C. The director of planning services determines:
1. the application of fence and wall regulations to particular uses;
  2. the modification of the number of parking spaces required for private schools with resident faculty;
  3. whether a proposal complies with the goals and policies of an interim development control area.
- D. When the noncompliance does not exceed eighteen inches, the director of planning, in lieu of the hearing examiner, may issue a certificate of compliance.
- E. For properties located in "limited" or "design" zones, and except within the CBD zone, the director has authority to vary the bulk and dimensional requirements of the site development features up to twenty-five percent when the applicant satisfactorily demonstrates compliance with the criteria of SMC 17G.060.170(D)(3). For the CBD zone an approval of plans-in-lieu of compliance shall be pursuant to SMC 11.19.198(C).
- F. The director of planning has authority to approve interim improvements to satisfy any requirement of this code, provided:
1. full compliance with the code requirements at the time of permit application would place an undue burden on the applicant;

2. the applicant provides a performance bond or other device acceptable to the City in the amount of one hundred twenty-five percent of the required improvement;
3. a schedule for completion of the required improvement is agreed to by the applicant and the planning director and made a part of the performance bond or device being used to assure completion of the required improvement.

Section 8. That SMC section 12.02.0424 is amended to read as follows:

### **12.02.0424 Evaluation by Hearing Examiner**

The application is evaluated by the hearing examiner in accord with standards and criteria set forth in this article and chapter 11.02 SMC. The hearing examiner may impose such additional conditions or grant such exceptions to this article as the examiner deems appropriate, consistent with the policy and purpose of this article. However, if exceptions to the standards set forth in this article are granted by the hearing examiner, they may be granted only pursuant to recommendations made by the design review (~~(committee)~~) board.

Section 9. That SMC section 17C.110.015 is amended to read as follows:

### **17C.110.015 Design Standards Administration**

All projects must address the pertinent design standards and guidelines. A determination of consistency with the standards and guidelines will be made by the planning director following an administrative design review process. 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. 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)  
Requirements are 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. An applicant may seek a deviation from certain requirements through the design departure process, chapter 17G.030 SMC, Design Departures. Requirements are listed with an (R) after the standard.
- B. Presumptions (P).

Presumptions are guidelines that are meant to be applied, but with some flexibility. Presumptions 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.

1. Overcoming a Presumption.

A presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate to the planning director that there is a good reason why the presumption is inappropriate. The director may approve an alternative that achieves the intent of the presumption. At the discretion of the applicant, or in rare cases the director, may refer the permit to the design review ((committee)) board. A referral from the director would be in those cases where the complexity of the project and/or the cumulative impacts of deviations result in the project no longer meeting the overall intent of the design standards and the comprehensive plan.

2. Appropriate reasons for overcoming a presumption include:

- a. demonstrating that in this instance the underlying design principles will not be furthered by the application of the presumption;
- b. showing that another design principle is enhanced by not applying the presumption;
- c. demonstrating an alternative method for achieving the intent of the presumption;
- d. explaining the unique site factors that make the presumption 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 generally will not be an acceptable reason to waive a guideline or determine that a guideline is inappropriate.

C. Considerations (C)

Design standards listed as considerations are features and concepts that an applicant should consider in preparing a plan. 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. Considerations are listed with an (C) after the standard.

Section 10. That SMC section 17C.110.330 is amended to read as follows:

**17C.110.330 Transitional Sites**

A. Purpose.

The transitional site standards allow for a transition of development intensities between nonresidential and single-family residential zones. A stepped increase in density is allowed on single-family residential zoned lots that are adjacent to most commercial, employment or industrial zones. The transition site provisions promote additional housing opportunities in a way that has minimal impacts on built-up single-family residential neighborhoods.



B. Qualifying Situations.

The transitional site standards apply to lots in the RSF and RTF zones that have a side lot line that abuts a lot in the CC 1-4, ((~~CBD 1-6~~)) Downtown, GC, CB, NR, NMU, LI, HI or PI zones. The side lot line of the residential lot must abut the lot in a qualifying zone for more than fifty percent of the residential lot's length or width.

C. Density.

The density may be exceeded by one dwelling unit per lot more than allowed in the base zone.

D. Lot Dimensions.

Lots must comply with the lot dimension standard for new lots in the base zone listed in Table 17C.110-3.

E. Housing Types Allowed.

The lot may contain a duplex or be divided for attached houses through a boundary line adjustment or short plat, as appropriate. If the development is in the form of an attached house, then site development standards for attached houses apply.

F. Additions.

Additions to the house may be made, but the addition must comply with the height, building setback, building coverage and required outdoor area requirements of the base zone, overlay zone or subarea plan.

G. Lot Coverage.

For attached housing projects, the general lot coverage standard of the base zone applies to the entire project, rather than to each individual lot.

Section 11. That SMC section 17C.120.010 is amended to read as follows:

**17C.120.010 Purpose**

The commercial zoning categories implement the commercial goals and policies and land use plan map designations of the comprehensive plan. The zones are for areas of the City designated by the comprehensive plan for office and commercial uses. The differences in the zoning categories reflect the diversity of commercial areas in the City. The zones are distinguished by the uses allowed and the intensity of development allowed. Some of the zones encourage commercial areas that support surrounding residential areas, while other zones provide commercial areas that support a community or regional market. A wide range of uses is allowed in each zone. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters that support the intent of the specific zone. The standards are intended to provide certainty to property owners, developers and neighbors about the limits of what is allowed in the various zoning categories.

The commercial zones listed in this chapter are separate from the Downtown ((CBD)) zones and the Center and Corridor “CC” zones. The ((CBD)) Downtown zoning standards are located in SMC ((11.19.194)) 17C.124. The CC zoning standards are located in chapter 17C.122 SMC.

Section 12. That SMC section 17C.120.015 is amended to read as follows:

### **17C.120.015 Design Standards Administration**

All projects must address the pertinent design standards and guidelines. A determination of consistency with the standards and guidelines will be made by the planning director following an administrative design review process. 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 to deviate from eligible standards and guidelines through the design departure process; see chapter 17G.030 SMC, Design Departures.

A. Requirements (R).

Requirements are mandatory 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. An applicant may seek a deviation from certain requirements through the design departure process, chapter 17G.030 SMC. Requirements are listed with an (R) after the standard.

B. Presumptions (P).

Presumptions are guidelines that are meant to be applied, but with some flexibility. Presumptions 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 a (P) after the standard.

1. Overcoming a Presumption.

A presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate to the planning director that there is a good reason why the presumption is inappropriate. The director may approve an alternative that achieves the intent of the presumption. At the discretion of the applicant, or in rare cases, the director may refer the permit to the design review ~~((committee))~~ board. A referral from the director would be in those cases where the complexity of the project and/or the cumulative impacts of deviations result in the project no longer meeting the overall intent of the design standards and the comprehensive plan.

2. Appropriate ways to overcome a presumption include:

- a. demonstrating that for a specific project the underlying design principles will not be furthered by the application of the presumption;

- b. showing that another design principle is enhanced by not applying the presumption;
- c. demonstrating an alternative method for achieving the intent of the presumption;
- d. explaining the unique site factors that make the presumption unworkable, such as lot size and shape, slope, natural vegetation, drainage or characteristics of adjacent development, which are identified through their use of materials, colors, building mass and form, and landscaping.

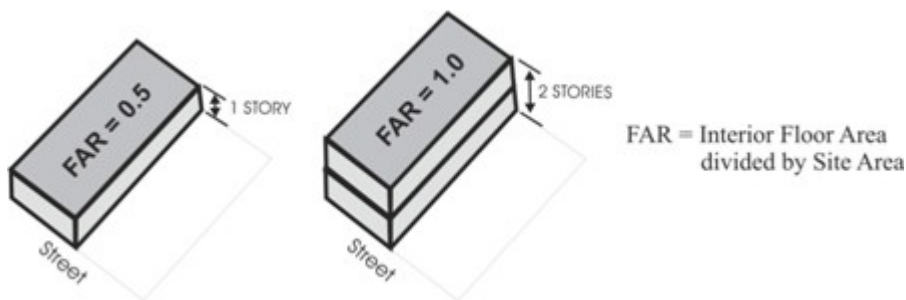
Note: Increases in the cost of development will not be an acceptable reason to waive a guideline or determine that a guideline is inappropriate.

C. Considerations (C).

Design guidelines listed as considerations are features and concepts that an applicant should consider in preparing a plan. 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. Considerations are listed with a (C) after the standard.

Section 13. That SMC section 17C.122.080 is amended to read as follows:

**17C.122.080 Floor Area Ratios (FAR)**



To determine the allowed gross floor area of all buildings or structures allowed on a site, the FAR in the Table 17C.122-2 is multiplied by the area of the lot.

<b>Table 17C.122-2 Center and Corridor Zone Floor Area Ratios [4]</b>				
<b>CC Zon</b>	<b>Basic Allowable FAR by Use</b>	<b>Basic Allowa</b>	<b>Maximum FAR by Use with Public Amenities [3]</b>	<b>Maximu m</b>

<b>e Type</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>ble Combined FAR</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Combine d FAR with Public Amenities</b>
<b>CC1 -EC</b>	0.5	1.0	1.5	3.0	[5]	3.0 [1, 5]
<b>CC2 -EC</b>	0.2	0.5	0.7	3.0	[5]	3.0 [1, 5]
<b>CC1</b>	0.5	1.0	1.5	1.0	2.0	3.0 [1]
<b>CC2</b>	0.2	0.5	0.7	0.8	1.5	2.3 [1]
<b>CC4</b>	[2]	1.0	1.0	[2]	1.5	1.5 [1]

Notes:

[1] Except as allowed by SUPERBONUS!

[2] In the CC4 zone the FAR for all nonresidential uses may not be greater than the FAR for the residential uses located on the same parcel. Nonresidential uses are limited to a maximum of three thousand square feet per parcel.

[3] The basic allowable FAR is permitted by complying with basic development guidelines and standards through a ministerial process. If development projects incorporate specified and described public amenities allowing bonus FAR, the FAR may be increased up to the maximum through a ministerial process intended to ensure that the each amenity both satisfies its design criteria and serves a public purpose in the proposed location. In issuing permits for projects requesting bonus FAR, the planning director may request a recommendation from the design review ((committee)) board before a building permit is issued. Amenities provided must be associated with the use for which the FAR increase is sought. Proposed public amenities shall have a public benefit that is appropriate considering the FAR increase being achieved.

[4] Table 17C.122-2 Exceptions.

A. Hotels and motels (including bed and breakfast inns) are considered residential uses for the purpose of FAR.

B. Exclusions from floor area calculations:

1. Floor area dedicated to parking.
2. Elevators, staircases, escalators and mechanical spaces.
3. Exterior decks, porches and arcades open to the air.
4. Floor area dedicated to public amenities.

[5] There is no maximum amount of residential FAR that can be achieved by the public amenity bonus system.

Section 14. That SMC section 17C.122.110 is amended to read as follows:

**17C.122.110 Setbacks and Required Sidewalk Width**

- A. The minimum setback from street lot lines is zero feet and buildings shall be no closer than twelve feet from the back of the curb except as provided in subsection C of this section.
- B. Sidewalks shall consist of a clear walking path at least eight feet wide (in addition to a minimum four-foot wide planting zone for street trees) except as provided in subsection C of this section.
- C. This width may be reduced, by approval of the planning director, if the existing sidewalk 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.
- D. Other development standards are found in Table 17C.122-4, Development Standards.

<b>Table 17C.122-4 Development Standards [1]</b>			
<b>Standard</b>	<b>Type 1</b>	<b>Type 2</b>	<b>Type 4</b>
Minimum setback from street lot line	0 ft. [2]	0 ft. [2]	0 ft. [3]
Minimum setback from single-family and two-family zoned lots [4]	10 ft.	10 ft.	10 ft.
Setback from lot line abutting an O, OR, NR, NMU, CB, GC, <del>((CBD))</del> <u>Downtown</u> , CC,	0 ft.	0 ft.	0 ft.

LI or HI zoned lot [4]			
Minimum front lot line	10 ft.	10 ft.	10 ft.
Landscaping required [5]	Yes	Yes	Yes
Parking required [6]	Yes	Yes	Yes
<p>Notes:</p> <p>[1] Plan district or overlay zone standards may supersede these standards.</p> <p>[2] Buildings over seventy feet tall must follow chapter 17C.250 SMC.</p> <p>[3] When abutting single-family and two-family residential zoning, the minimum structure setback from the street lot line is the same as the abutting residential zoning district for the first sixty feet from the boundary of the abutting residential zoning district. See SMC 17C.120.230 for additional standards and exceptions. This does not apply when a zone boundary is within the public right-of-way.</p> <p>[4] Structure setbacks are measured from the lot line.</p> <p>[5] This part of the table is for general information purposes only; see chapter 17C.200 SMC, Landscaping and Screening, for the specific standards.</p> <p>[6] This part of the table is for general information purposes only; see chapter 17C.230 SMC, Parking and Loading, for the specific standards.</p>			

Section 15. That SMC section 17C.130.015 is amended to read as follows:

**17C.130.015 Design Standards Administration**

All projects must address the pertinent design standards and guidelines. A determination of consistency with the standards and guidelines will be made by the planning director following an administrative design review process. 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 to deviate from eligible standards and guidelines through the design departure process, see chapter 17G.030 SMC, Design Departures.

A. Requirements (R).

Requirements are mandatory 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. An applicant may seek a deviation from certain requirements through the design departure process, chapter 17G.030 SMC. Requirements are listed with an (R) after the standard.

B. Presumptions (P).

Presumptions are guidelines that are meant to be applied, but with some flexibility. Presumptions 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 a (P) after the standard.

1. Overcoming a Presumption.

A presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate to the planning director that there is a good reason why the presumption is inappropriate. The director may then approve an alternative that achieves the intent of the presumption. At the discretion of the applicant, or in rare cases the director may refer the permit to the design review (~~committee~~) board. A referral from the director would be in those cases where the complexity of the project and/or the cumulative impacts of deviations result in the project no longer meeting the overall intent of the design standards and the comprehensive plan.

2. Appropriate ways to overcome a presumption include:

- a. demonstrating that for a specific project, the underlying design principles will not be furthered by the application of the presumption;
- b. showing that another design principle is enhanced by not applying the presumption;
- c. demonstrating an alternative method for achieving the intent of the presumption;
- d. explaining the unique site factors that make the presumption 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 will not be an acceptable reason to waive a guideline or determine that a guideline is inappropriate.

- C. Considerations (C).  
Design guidelines listed as considerations are features and concepts that an applicant should consider in preparing a plan. 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. Considerations are listed with an (C) after the standard.

Section 16. That SMC section 17C.210.050 is amended to read as follows:

**17C.210.050 Nonconforming Uses – Enlargement**

- A. A person may not enlarge or expand a nonconforming use onto another lot, except as provided in this section.
- B. A nonconforming use in a CC-2, (~~CBD~~) Downtown, CB, GC or less restrictive zone may be enlarged onto land in the same ownership which is partly occupied by the nonconforming use and which is in a CC-2, (~~CBD~~) Downtown, CB, GC or less restrictive zone. A nonconforming use in a GC, C or industrial zone, except a use restricted to the HI zone, may be enlarged onto any adjoining lot in a GC, CB or LI zone.
- C. Enlargement of a nonconforming office in an RMF or RHD zone may be made upon any site which is located in the RMF or RHD zone and held under one ownership and partially occupied by the office use at the time of passage of the ordinance which classified the office use as nonconforming.
- D. Every enlargement and expansion of a nonconforming use must comply with the requirements for the zone in which located.

Section 17. That SMC section 17C.210.060 is amended to read as follows:

**17C.210.060 Nonconforming Uses – Conversion**

- A. A person may not change the use of a nonconforming use unless the change is to a conforming use, except as provided in this section.
- B. In the residential, O, OR, NR and NMU zones, a nonconforming use may, by conditional use permit from the hearing examiner, be changed to an equal or more compatible use so long as no new building, enlargement or extensive alteration is involved.
- C. In the CC-2, (~~CBD~~) Downtown, CB or GC and less restrictive zones, a nonconforming use may be changed to any use permitted in the zone wherein

the nonconforming use is first permitted, except there can be no conversion to a use confined to the HI zone.

- D. As an alternative to demolition and removal as required by this chapter, a building having a floor area, exclusive of any basement, in excess of one thousand five hundred feet and located in an RSF or RTF zone may be converted, by conditional use permit from the hearing examiner, to a multifamily residence complying with the RMF zone lot area requirements if the examiner finds the conversion will promote the purposes of this chapter and will not perpetuate any unduly detrimental condition.
1. The work of conversion under this subsection must be commenced within one year and completed within two years or the director of building services will cause demolition and removal.
  2. When the nonconforming building is of such construction as prevents its being moved or altered without major structural damage or substantial reduction of its usefulness, the hearing examiner may grant with the conditional use permit such lot area, building coverage, height or yard variances as necessary to allow conversion in a practical fashion and minimize the effect of the nonconforming use on the surrounding area.

Section 18. That SMC section 17C.240.060 is amended to read as follows:

### **17C.240.060 Exemptions**

The following signs do not require a sign permit (unless noted), nor shall the area and number of such signs be included in the area and number of signs permitted for any site or use. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance.

- A. The flag, emblem, or insignia of a nation or other governmental unit or nonprofit organization subject to the guidelines concerning their use set forth by the government or organization which they represent. Flag poles require a sign permit for structural review.
- B. Memorial signs or tablets, names of buildings, stained glass windows, and dates of erection when cut into the surface or the facade of the building or when projecting not more than two inches.
- C. Traffic or other municipal signs, signs required by law or emergency, railroad crossing signs, legal notices, and any temporary signs as are authorized under policy approved by the city council.

- D. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.
- E. Flush-mounted wall signs, used to identify the name and address of the occupant for each dwelling provided the sign does not exceed two square feet in sign area.
- F. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses.
- G. Decorations, such signs in the nature of a decoration, clearly incidental and customary and commonly associated with any national, local or religious holiday.
- H. Painting, repainting, or cleaning of an advertising structure or the changing of the advertising copy of message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.
- I. Sculptures, fountains, mosaics, murals, and design features which do not incorporate advertising or identification.
- J. "No trespassing," "no dumping," "no parking," "private," signs identifying essential public needs (i.e., restrooms, entrance, exit, telephone, etc.) and other informational warning signs, which shall not exceed three square feet in surface area.
- K. Directional signs erected by the City on arterial streets directing the public to public, civic, or nonprofit facilities. Such signs shall be erected at the discretion of the director of public works and shall be subject to city design guidelines. In addition, with the approval of the design review (~~committee~~) board, the director of public works may allow the erection of directional signs as are necessary to designate commercial areas or significant tourist sites within the City.
- L. Publicly approved non-illuminated interpretive signs, or historical signs, or tablets displayed by a public, educational non-profit agency, or private development pursuant to SMC 17E.060.830 and SMC 17E.060.840, strictly for the purpose of informing or educating the public.
- M. Illuminated wall highlights.

Section 19. That SMC section 17C.250.010 is amended to read as follows:

**17C.250.010 Purpose of Tall Building Standards**

The purpose of this chapter is to ensure that tall buildings and structures contribute to a visually interesting skyline and an enhanced pedestrian experience from the ground level, streets and other public spaces. These standards are applicable to structures in all zoning districts except the ((~~CBD 1 through CBD 6~~)) Downtown zones.

This chapter includes design guidelines that follow the design standards administration process found in chapter 17C.120 SMC, Commercial Zones.

Section 20. That SMC section 17C.330.120 is amended to read as follows:

**17C.330.120 Development Standards**

The development standards of the base zone, overlay zone or special planning district apply unless superseded by the standards below.

A. Resident Density.

1. Purpose.  
Resident density is limited to parallel the residential densities of the various zones. Resident density is also regulated to address service demands and to prevent nuisance-type impacts from overcrowding.
2. Description of Residents.  
Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site are not considered residents.
3. Density Standard.  
Group living uses are limited to the following number of residents per square foot of site area in Table 17C.330-1.

<b>Table 17C.330-1 Density Standard for Group Living</b>	
<b>Zone</b>	<b>Number of Residents</b>
RA and RSF	1.5 residents per 1,000 square feet
RTF	2 residents per 1,000 square feet
RMF	2.5 residents per 1,000 square feet
RHD, O, OR, NR, NMU, CB,	Not limited (must comply with

GC, CC'S, ((CBD)) <u>Downtown Zones</u>	the GC zones, building or housing code, and the FAR of the base zone)
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B. Minimum Spacing.

1. Purpose.  
The minimum spacing standards assure that large group living uses do not unduly affect the character of residential and commercial areas.
2. Spacing Standards.  
Group living facilities that are conditional uses must be at least six hundred feet from a site with any other group living facility that is also a conditional use.

C. Required Outdoor Area.

The requirement for outdoor areas applies in all residential zones except RHD. Larger areas may be required as part of a conditional use review. The outdoor area requirement is forty-eight square feet for every three residents, with a minimum dimension of six feet by six feet. Individual outdoor areas may be combined. The minimum size of a combined area is five hundred square feet and the minimum dimension is fifteen by fifteen feet

D. Parking and Loading.

Parking requirements are stated in chapter 17C.230 SMC, Parking and Loading.

Section 21. That SMC section 17C.350.040 is amended to read as follows:

**17C.350.040 Design Considerations**

The following exterior design requirements apply to a mini-storage facility when located adjacent to or across a right-of-way from a residentially zoned or developed property. The site development plan is subject to approval by the city design review committee for a determination as to the consistency of the plans with the design guidelines adopted by the city council pursuant to Resolution No. 00-84.

Table 17C.350.040 Coverage, Height and Length			
Zone	Maximum Site Coverage	Building Length	Building Height

CB	50%	60 feet	2 stories or 24 feet
GC	100%	[1]	As limited in the base zone
<del>((CBD 1-6))</del> <u>Downtown</u>	[2]	[2]	[2]
LI and PI	50%	60 feet	2 stories or 24 feet
HI	75%	100 feet	3 stories or 45 feet
<p>[1] Building length subject to underlying zone requirements.  [2] Coverage, height and length requirements of <del>((CBD))</del> <u>Downtown</u> Zones <del>((1-6))</del> apply.</p>			

A. Architectural Features.

Architectural features are to be consistent with the character of the surrounding neighborhood. The following are minimum standards.

1. Minimum roof pitch is 4:12, except in the ~~((CBD))~~ Downtown zones.
2. Colors are to be muted earth tones including but not limited to gray, off-white and beige.
3. Exterior vertical surfaces require fifty percent of the area to be materials such as decorative brick veneer, stone, stucco, textured block and other materials which reflect residential design elements.
4. Unique architectural features such as towers, turrets and pergolas are subject to the standards of this subsection and are subject to review by the design review ~~((committee))~~ board for a determination of consistency with the neighborhood character.
5. Access points, except for emergency access, may not be from a local access street.

6. Fencing is required to be low-maintenance material and articulation at intervals no greater than twenty feet. Chain-link fencing is not permitted.
7. Display and floodlighting is required to be constructed, shielded and used so as not to directly illuminate, or create glare visible from, adjacent property or public right-of-way.
8. A building or series of buildings parallel with and adjacent to residentially zoned or developed property or street frontage must have staggered setbacks for every seventy feet of lineal development, except in the ((CBD)) Downtown zones. The setback alternates between the minimum and the minimum plus ten feet for every seventy feet of lineal development. There must be at least ten feet of separation between buildings.

B. Signs.

Signs are subject to chapter ((41.47)) 17C.240 SMC except as provided in this subsection.

1. Roof signs and flashing or animated signs are prohibited.
2. Signs may be illuminated to low intensity only.
3. One wall sign, not to exceed one hundred square feet, is permitted on each street frontage except a sign visible from a local access street is not permitted.
4. One freestanding sign, not to exceed twenty feet in height nor forty square feet in area, is permitted at the main entrance.
5. A site abutting Interstate 90 may have one freeway sign on-site advertising the facility if no higher than seventy feet, no larger than sixty square feet, and located so as to minimize impacts on residential areas.

C. Landscaping and Screening.

The following landscaping and screening requirements apply to all mini-storage facilities:

1. All setback areas shall be landscaped with a variety of trees, shrubs and ground cover plants consistent with L2 landscaping as defined under chapter 17C.200 SMC, Landscaping and Screening.
2. A solid wall, a screening fence or a combination of both achieving a perimeter screening to a minimum of six feet in height is required and shall be located so that a minimum of seventy-five percent of the landscaping area is outside the fence.

3. A landscape plan prepared by a landscape architect licensed by the state of Washington and approved by the planning services department shall be required prior to the issuance of any building permits for a mini-storage facility.
4. A performance bond or other device acceptable to the City, in the amount of twenty-five percent of the estimated value of the required landscaping, to remain in effect for two years to assure full establishment of the plantings must be tendered before a certificate of occupancy is issued.
5. All use of the site shall comply with the City noise standards stated in Title 10 SMC, Regulation of Activities. In addition, the department of ecology has standards, which apply to environments within which maximum permissible noise levels are established.
6. In the CB and GC zones, outdoor storage of vehicles shall be allowed only if it can be demonstrated that the storage items will be screened from view of the adjoining right-of-way or adjacent residences.

Section 22. That SMC section 17C.335.030 is amended to read as follows:

### **17C.355.030 Wireless Communication Support Towers – Permitted**

#### **A. By Type II Permit.**

1. Wireless communication support towers are allowed in ((CBD)) Downtown, GC and Industrial zones if the tower compound, or tower with a remote equipment station, is located at least three hundred feet from the nearest existing residential zone. Such towers are also allowed on City-owned property if the tower compound is located at least three hundred feet from a residential zone. Installation requires only the granting of development permits prescribed by chapters 17G.010 and 17G.060 SMC, and if on City-owned property, the execution of necessary agreements. Towers are subject to the site development standards of SMC 17C.355.040. Any regulation of wireless communication facilities in the right-of-way shall require approval of the developer services, engineering services department as well as review by the city attorney's office.
2. Wireless communication support towers are allowed in the following zones by an administrative decision provided that the tower employs low visual impact technology or some other technology that may become available in the future that renders the antenna array unobtrusive or generally unnoticeable:

- a. Residential and O and OR zones within the right-of-way of principal and minor arterials; provided, that the maximum height of the tower including the antenna is sixty feet in height or less.
- b. B1, NR and NMU zones; provided, that the maximum height of the tower including the antenna is sixty feet in height or less; and
- c. B2, CB and GC zones; provided, that the maximum height of the tower including the antenna is seventy feet in height or less.

Wireless communication support towers are also allowed in residential and O and OR zones outside of rights-of-way when they utilize stealth technology, to a maximum height of sixty feet.

Installation requires only the granting of development permits prescribed by chapters 17G.010 and 17G.060 SMC, and if on City-owned property the execution of necessary agreements. Towers are subject to the site development standards of SMC 17C.355.040. Any regulation of wireless communication facilities in the right-of-way shall require approval of the developer services, engineering services department as well as review by the city attorney's office.

The applicant shall inform all property owners or residents within four hundred feet of a proposed facility by letter that a structure is proposed at least fifteen days prior to the City of Spokane issuing a building permit. The notification shall be conducted as provided in SMC 17G.060.120 for a Type I permit and the applicant shall provide the city with a declaration of mailing prior to the issuance of a building permit.

**B. Allowed by Conditional Use Permit.**

The following wireless communication support towers require granting of a conditional use permit:

- 1. For Residential zones, towers up to sixty feet that are outside the right-of-way that do not use stealth technology.
- 2. For ((CBD)) Downtown, GC or Industrial zones, towers that are within three hundred feet of a Residential zone.

The notification boundary shall be extended to all properties within six hundred feet of the subject parcel. The hearing examiner shall utilize the decision criteria prescribed in SMC 17G.060.170. Administrative review shall be based on review criteria from this section. Towers are subject to the site development standards of SMC 17C.355.040.

**C. General Provisions for All Facilities.**

Wireless communication support towers may be approved provided that they meet the criteria in Table A.1 or A.2., and the following provisions:

1. Requirement for FCC Documentation.

The applicant shall provide: (a) a copy of its documentation for FCC license submittal or registration and (b) a copy of the applicant's FCC license or registration.

2. Requirement for Municipal Master Permits for Right-of-way Facilities.

For facilities to be located within the right-of-way, prior to submitting for individual applications, the applicant must have a valid municipal master permit, municipal franchise or exemption otherwise granted by applicable law.

3. Requirement for Documentation of Visual Simulation.

The applicant shall have performed and provided documentation of a visual simulation of the site plan. The documentation shall include photographs of the site.

4. Site Design Flexibility.

Individual antenna sites vary in the location of adjacent buildings, existing trees, topography and other local variables. By mandating certain design standards, there may result a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within a given site. Therefore, the antenna array and supporting equipment shall be installed so as to best camouflage, disguise or conceal them, to make the equipment compound more closely compatible with and blend into the setting and/or host structure.

5. Prohibition for Logos, Signs, Displays.

No logo, sign or display shall be located on any antenna array or support structure.

6. Requirement for Antenna Compound Fencing.

The use of fencing is not required, but if installed shall meet the requirements of SMC 17C.355.040. The use of barbed wire is not allowed except as specified under SMC 17C.120.310(D)(1). Razor or concertina wire is not allowed.

7. Requirement for Materials for Replacement Poles.

In such instances where a new facility that is allowed by an administrative permit is to be achieved by changing out an existing pole, the replacement pole shall be of the same material, e.g., wood for wood, metal for metal. However, in order to achieve the lowest visual impact, the provisions of subsection (C)(4) of this section, Site Design Flexibility, should be applied.

Section 23. That SMC section 17D.040.230 is amended to read as follows:

**17D.040.230 Demolition Permits for Historic Structures in the ((Central Business District)) Downtown and National Register Historic Districts**

No demolition permits for structures that are listed or eligible to be listed on the National or Local Register of Historic Places located in the ((central business district zones 1 through 6)) downtown zones and in all National Register Historic Districts shall be issued unless the structure to be demolished is to be replaced with a replacement structure that meets the following criteria:

1. The replacement structure shall have a footprint square footage equal to or greater than the footprint square footage of the landmark structure to be demolished. The square footage of the footprint may be reduced:
  - a. to accommodate parking serving the replacement structure or for public benefit, such as public green space and/or public art; or
  - b. if the owner submits plans in lieu for review and approval by the City's design review ((committee)) board subject to applicable zoning and design guidelines.
2. The replacement structure satisfies all applicable zoning and design guidelines.
3. A building permit has been issued for the replacement structure prior to the issuance of the demolition permit. In the alternative, the owner may obtain a demolition permit prior to the issuance of the building permit if the owner either:
  - a. submits to the City a performance and surety bond in the amount of the full cost of the replacement structure or
  - b. demonstrates to the satisfaction of the director of building services, in consultation with the City's historic preservation officer, that the

owner has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or has other financial resources that are sufficient (together with any valid and binding commitments for financing) and available for such purpose.

B. Eligibility.

Eligibility shall be determined by the historic landmarks commission within fourteen days of the submission of the application for a demolition permit. The applicant shall be responsible to submit a determination of eligibility demonstrating the ineligibility of the structure based upon the National Register Criteria for Evaluation (36 CFR 60). Applications for structures located in the (~~central business district~~) downtown zones (~~1 through 6~~) and in all National Register Historic Districts that are determined not to be listed or eligible to be listed on a National or Local Register of Historic Places shall be processed pursuant to existing regulations.

C. Economic Hardship.

The requirements of SMC 17D.040.230 shall not apply and the owner may obtain a demolition permit without the requirement of constructing a replacement structure if the owner can demonstrate to the satisfaction of the ad hoc committee on economic hardship that maintaining the historic structure would impose an economic hardship on the property owner that was created beyond the owner's control. The ad hoc committee on economic hardship shall be appointed by the mayor and confirmed by the City Council, and will consist of at least seven members as follows: one member of the real estate development community or association such as CCIM Institute, Institute of Real Estate Management, the Society of Office and Industrial Realtors, and Building Owners and Managers Association; one member from a banking or financial institution; one licensed architect registered in Washington State; one member from the property management industry; one member representative of property developers; one member of the landmarks commission; and one member representing the neighborhood council where the historic structure is located. The ad hoc committee's decision shall be made by majority vote and within thirty days of the submission of the material demonstrating an economic hardship by the property owners. The property owner has the burden of demonstrating the economic hardship. Evidence of economic hardship is limited to instances when preservation will deprive the owner of reasonable economic use of the property. An owner's financial status is not evidence of economic hardship. The decision of the ad hoc committee may be appealed to the hearing examiner within thirty days of the committee's decision.

The Ad Hoc Committee will be a standing committee with one revolving member representing the specified neighborhood in which the property resides. There is a preference for developer and architects who participate on the ad hoc committee to have both new building construction and historic renovation experience. There is a preference for the neighborhood representative who participates on the ad hoc committee to have experience in development, appraising, construction and or related skills. Members of the ad hoc committee shall serve for two year terms and may be reappointed for additional two year terms.

D. Factors to Determine Reasonable Economic Use.

A reasonable economic use would be one that provides a greater return on the underlying land value (land with improvements) than the land alone could generate. The following four steps will be taken to determine reasonable economic use:

1. The market value of the land, as vacant, is to be estimated.
  - a. The Sales Comparison Approach to Value is an approved method.
  - b. The Land Residual Technique is an approved method, but only allowable when accompanied by and reconciled with the Sales Comparison Approach method.
2. The first year market rate of return on leased land is to be estimated.
  - a. Market data supporting this rate of return must be provided.
3. Based on applying the rate of return to the land value estimate, an annual market return on the underlying land results. This is the base figure or threshold for the analysis.
4. Provide an estimate of the annual market net operating income for the property as is, and under any reasonable modifications thereof. Note that any required capital investment in the property would increase the basis from which the return is estimated.
  - a. The Sales Comparison Approach, Income Approach, Cost Approach, and Development Approach to Value are all approved techniques.
  - b. Under valuation scenarios where an additional capital investment is required, the expected market return on the capital investment will be subtracted from the annual return, with the residual income being the return on the land.

E. Request by Owner for Advance Determination of Status.

An owner may request an advance determination of economic hardship exemption qualification by the City as to whether a property subject to this ordinance may be demolished without the constraints of this SMC 17D.040.230, so that the owner may market for sale or refinance the property knowing its status. Upon receipt of a written request from a property owner, the owner shall be entitled to an economic hardship hearing at the owner's expense, pursuant to SMC 17D.040.230(D) and represent the findings as binding upon the property owner and City to third parties including but not limited to prospective purchasers and lenders.

F. Building Official or Fire Marshal Orders.

The requirements of this section shall not apply to orders of the building official or fire marshal regarding orders that a structure be demolished due to public health, safety or welfare concerns.

G. Additional Parking.

This section shall not apply if the owner demonstrates to the satisfaction of the building official, in consultation with the historic preservation officer, that the property will be used as parking associated with the renovation of an adjacent structure listed or eligible to be listed on the National or Local Register of Historic Places.

Section 24. That SMC section 17G.010.100 is amended to read as follows:

**17G.010.100 Types of Permits**

A. Construction and Development.

1. A person needs a building permit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) and also, depending upon the circumstances of the particular case, some combination of demolition, grading, sign, swimming pool, parking lot and site preparation, building moving and relocation, street encroachment, boiler installation and operating, electrical, elevator installation and operating, storage tank installation, private fire hydrant installation, mechanical, plumbing, side sewer installation and connection, water line tapping, shoreline development permits, flood management permits, street address assignment, and a variety of similar approvals for new construction or placement, alteration, repair or demolition of a building, structure or other improvement to land; and for the new installation, alteration, repair or operation of a building's boiler, electrical, elevator, fire protection, mechanical and plumbing systems.

- a. Private fire hydrants are approved by the department of water and hydroelectric services based on compliance with design standards and regulations established by the fire official and the director of engineering services.
  - b. Side sewers and connections are approved by the engineering services department based on compliance with the sewer code.
  - c. Storage tank permits are issued by the fire official based on compliance with the fire code and various environmental and aquifer protection measures.
  - d. Water line taps are approved by the engineering services department based on review by the water and hydroelectric services department and compliance with the water code.
  - e. Street addresses are assigned by the engineering services department.
  - f. Type II permits as specified in chapter 17G.060 SMC are issued by the planning services director and Type III permits as specified in chapter 17G.060 SMC are granted by the hearing examiner. Shorelines permits are subject to approval by the state department of ecology.
  - g. Commercial driveway permits are issued by the engineering services director.
  - h. The other building and development permits are issued by the department of building services, planning services department and engineering services department based on compliance of the application, plans, specifications, diagrams and drawings with the requirements of the applicable provisions of this title and any rules and regulations promulgated thereunder.
  - i. Flood management permits are issued by the planning services director and subject to approval by the Washington State department of ecology and the Federal Emergency Management Act's National Flood Insurance Program.
2. A person needs an approved plat, binding site plan, or short plat to divide or segregate a parcel of land into two or more lots or parcels for such purposes as sale or lease, unless the activity is specifically exempted under SMC 17G.080.020(B). A person needs an approved conditional use

permit or planned unit development to group or cluster buildings on a lot or combination of lots.

- a. Conditional use permits, plans-in-lieu of compliance and certificates of compliance are approved by the hearing examiner or the planning services director as specified in chapter 11.19 SMC and planned unit developments are approved by the hearing examiner on the basis of compliance of the plans with the applicable provisions of this title and pertinent rules and regulations.
  - b. Plats are approved by the hearing examiner; short plats, binding site plans and boundary line adjustments are approved by the planning services director on the basis of compliance with the applicable provisions of this title and administrative rules and regulations.
  - c. Preliminary planned unit developments are approved by the hearing examiner.
  - d. Variances are approved by the hearing examiner.
3. A person needs approval to construct, install, alter or relocate any building or structure, or some part or equipment thereof, within, beneath or over the right-of-way of a public way. Approval is given by the department of building services in accordance with the building code, flood insurance regulations, utilities code and various other laws relating to streets and highways, utilities, traffic and public safety: When design review is required pursuant to ((SMC 4.13.020)) chapter 17G.040 SMC, the approval of the planning services director is also required.
  4. A person may need additional approvals determined by the use classification, occupancy group, construction type, size, location or other feature of a building, structure or activity, including structures located in the one-hundred-year floodplain. Such special approvals issue from numerous federal, state, regional or local public agencies based on a variety of laws.

**B. Use and Occupancy of Property.**

1. A person needs a certificate of occupancy to establish or change, or allow to be established or changed, any occupancy of land or any building or portion thereof. A certificate of occupancy is issued by the department of building services with approval of the fire and planning services departments when the occupancy complies with the building code, fire code and the land use codes.

2. A person needs a variance or a certificate of compliance from the planning services director or hearing examiner to render lawful proposed or existing structures which do not comply with the locational or dimensional standards of the zoning code, shoreline master program or flood hazard ordinance.
3. A person needs the proper zoning classification (or design plan designation) and in some cases a conditional use permit or planned unit development approval to establish or maintain, or allow to be established or maintained, any use of land and buildings.
  - a. Zone classifications are established by the city council upon recommendation of the plan commission or hearing examiner.
  - b. Conditional use permits are granted by the planning services director or hearing examiner.
  - c. Preliminary planned unit developments are approved by the hearing examiner. Final planned unit developments are subject to approval by ordinance of the city council. Plans-in-lieu of compliance are approved by the planning services director or hearing examiner in accordance with the comprehensive plan, zoning code and environmental policy code.
4. A person may need special approvals, which may include bonds or other security devices, and may be required to meet various conditions and standards, to establish, change, or maintain certain uses, occupations, or activities upon property, depending upon the definition of the activity, as provided by numerous federal, state, regional and local regulatory programs.
5. A person is required to maintain buildings, land and premises in satisfaction of minimum standards prescribed by the existing buildings and conservation code, the fire code, conditions imposed under the land use codes, and various other laws relating to public health and safety and nuisance.

C. Construction Activities and Contractors.

1. General and specialty contractors are required to be registered with the state under chapter 18.27 RCW, and such registration is a prerequisite for the issuance of any building permit. Some contractors are also subject to special regulations by the state. A person needs a license from the City to operate as a contractor using explosives. The blaster's license is issued by the director of engineering services and may be revoked by the director of engineering services or by the fire official under the license code.

2. A person needs a permit, license or certificate to practice the trade or be engaged in the occupation of installing or servicing heating, cooling and ventilating systems; operating steam boilers; or operating aircraft refueler units. Such licenses are issued by the department of building services in accordance with the standards set forth in the license code or by the fire official as provided in the fire code.
3. A person needs a permit, license or certificate to practice the trade or be engaged in the occupation of installing, or servicing or using gas or oil fuels; maintaining or altering fire equipment systems; testing underground storage tanks. Such licenses are issued by the fire department in accordance with the standards set forth in the license code or by the fire official as provided in the fire code.
4. In addition to a building permit or land use permit, a person needs a specific permit for blasting, moving a building, installing or connecting a sewer, installing or altering fire protection or detection equipment and obstructing a street.

Section 25. That SMC section 17G.010.140 is amended to read as follows:

#### **17G.010.140 Applicant Requirements**

Applications for ministerial permits categorically exempt from the threshold determination requirements of the state environmental policy act are submitted to the permit authority reviewed according to the provisions of this title or Spokane Municipal Code chapters. Depending upon the nature of the application, the permit authority might be the building official, fire official, street director, planning services director or engineering services director.

- A. An applicant for building (and/or boiler, electrical, elevator, grading, mechanical, plumbing, sign) permit shall pay the prescribed fees, and file an application upon forms furnished by the department of building services, which application:
  1. identifies and describes the work to be covered by the permit;
  2. describes the property on which the proposed work is to be done by legal description and street address assigned by engineering services or similar description that will readily identify and definitely locate the proposed building or work;
  3. indicates the use or occupancy for which the proposed work is intended;
  4. is accompanied by plans, diagrams, computations and specifications and other data as required;

5. states the valuation of any new building or structure or any addition, remodeling or alteration to an existing building; and
  6. identifies by name the owner and occupant of the premises.
- B. The applicant shall submit with each application, plans, engineering calculations, diagrams, specifications and other data as necessary, drawn to scale, where applicable, upon substantial paper or cloth by a registered architect or professional engineer of sufficient clarity to indicate the location, nature and extent of the work proposed and showing in detail that the work will conform to the provisions of all applicable laws. The data to be submitted under this subsection include, in the case of:
1. an electrical permit, the nature and kind of electric wiring, apparatus, fixtures and equipment to be installed, altered or extended;
  2. installation of a boiler or unfired pressure vessel, manufacturer's data reports;
  3. a permit for a sign, the location of the property line and building line, curb distance and height above grade;
  4. a building permit, a plot plan to scale showing the actual dimensions of the lot and the size, use and location of existing and proposed buildings;
  5. street obstruction or construction permission where design review is required pursuant to ((SMC 4.13.020)) chapter 17G.040 SMC, a written statement from the planning services director indicating compliance with the design review process.
- C. The building official may waive or modify the requirements for an application as the nature of the work applied for dictates.

Section 26. That SMC section 17G.030.030 is amended to read as follows:

### **17G.030.030 Review Process**

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

- A. 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 ((Committee)) Board.

The design review ((committee)) board reviews the design departure request and makes a recommendation to the hearing examiner. The review of the design review ((committee)) 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 ((committee)) 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 ((Committee)) Board.

The design review ((committee)) board reviews the application and makes a recommendation to the planning director. The review of the design review ((committee)) 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 staff can review and make recommendations on requests for design departures on behalf of the design review ~~((committee))~~ board. However, at the discretion of the applicant, any request for design departures can be forwarded for review by the design review ~~((committee))~~ 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 27. That SMC section 17G.070.030 is amended to read as follows:

### **17G.070.030 Development Standards**

A. Permitted Uses.

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

1. Low Density Residential Zoning Districts.

In the RA, RSF and RTF 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.

b. 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. Medium- and High-density Residential Zoning Districts.

In the RMF and RHD zoning districts, an applicant with a planned unit development approval may develop the site to contain these additional uses:

- 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.

3. Commercial Zones.

PUDs are not permitted in the commercial and office zones including center and corridor (CC) and the ~~((central business districts (CBD) ))~~ downtown zones.

4. Industrial Zones.

In the PI zones, an applicant with a planned unit development approval may develop the site to contain all of the uses permitted by right in the underlying zone and, in addition, up to fifty percent of the total gross floor area may be devoted to housing units provided these are built above the ground floor.

5. More Than One Base Zone.

When a site contains land that is in more than one zoning district, the allowed and conditional uses at the required minimum and maximum densities, if applicable, shall be proportionate to the land within the development site devoted to each zoning district.

B. Density.

1. Densities Required.

An applicant with a planned unit development approval may develop the site subject to the minimum and maximum density provisions of the base zone, as contained in Title 17C SMC, 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 down 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, pursuant to the regulations and procedure contained in chapter 17D.070 SMC, Transfer of Development Rights.

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.

C. Dimensional Requirements of the Base Zone.

The dimensional requirements of the base zone standards apply to a PUD except as follows:

1. Lot Dimensional Standards.

- a. The minimum lot depth and lot width standards may be modified, except that no lot shall be less than fifty feet deep nor less than eighteen feet wide.
- b. The lot frontage requirements may be modified to allow the lot to be served by a private street, rather than a public street as required under SMC 17C.110.200(F), provided that the director of engineering services has determined that private streets can serve the subject lots in the planned unit development.

2. Lot Coverage and FAR.

The lot coverage by buildings and the floor area ratio (FAR) provisions may be modified.

3. Setbacks.

- a. Front and rear yard setbacks.
  - i. Front and rear yard setbacks for structures located within eighty feet of the perimeter of the project shall be the same as required by the base.

- ii. Front and rear yard setbacks in the remainder of the project may be modified, except that a minimum front or rear yard setback of twenty feet is required for any garage or carport that opens facing a street or an alley.
- iii. Above and below ground parking structures used in conjunction with a mixed use or multifamily residential project may modify front yard setbacks, if sufficient queuing to enter the structure is provided on-site.

b. Side Yard Setbacks.

- i. Side yard setbacks may be modified, except that a side yard setback of twenty feet is required for any garage or carport that opens facing a street.
- ii. Above and below ground parking structures used in conjunction with a mixed use or multifamily residential project may modify side yard setbacks, if sufficient queuing to enter the structure is provided on-site.

4. Building Height.

Building height allowed in the base zone cannot be modified, waived or varied through the planned unit development process.

5. Off-street Parking.

The minimum number of off-street parking stalls may be modified based upon sufficient evidence that the occupancy of the project will not require the number of off-street parking stalls specified for that use under chapter 17C.230 SMC, Parking and Screening.

6. Signs.

The number, type and size of signs cannot be modified through a planned unit development.

7. Fencing.

Perimeter fencing for a planned unit development is permitted except the maximum height of fencing along the entire primary street frontage of the planned unit development may not exceed forty-two inches.

8. Gates.

If the director of engineering services approves of private streets in the planned unit development, based on the criteria of SMC 17H.010.090, gates may be permitted in a planned unit development.

D. Infrastructure.

All public or private streets, paving, curbs, sidewalks, utilities, stormwater, lights and similar facilities shall be developed according to city standards, unless specifically modified by the city engineer. Waivers, variances or modifications to the private or public street standards, utilities and other infrastructure through a planned unit development are not allowed.

E. Common Open Space.

In exchange for the approval of more intense residential development, higher densities, smaller lots and relaxed development standards, the developer of a planned unit development is required to provide common open space for the active and passive recreational activities of residents, employees and visitors. Such space shall be aggregated wherever feasible and shall consist of a combination of landscaped and hard-scaped areas. Such common open space shall include some combination of the following: plazas, arbors, sitting areas, picnic areas, playing fields and trails to accommodate a variety of active and passive activities and promote visual interest.

1. In planned unit developments, the following requirements shall apply:

- a. At least ten percent of the gross area of the site must be devoted to such open space. Such space must be fully accessible to the residents, employees, visitors and/or other users of the site. Reduction of this standard in PUDs is prohibited and a variance cannot be sought to reduce this requirement.
- b. Fenced yards associated with buildings immediately adjacent to designated open space, landscaping in parking lots or fenced stormwater facilities shall not count toward the total open space requirement.
- c. Environmentally-constrained land within the planned unit development, including wetlands, geologically hazardous areas, fish and wildlife habitats and frequently flooded areas may be used to meet up to fifty percent of the total requirement specified in subsection (1) above, provided that these areas are either accessible to pedestrians to the extent practical or are visually accessible from adjacent and adjoining common open space.

2. The common open space designated to meet this requirement shall be permanently maintained by and conveyed to one of the following:
  - a. A homeowners' or property owners' association as regulated by state law.
  - b. A public agency that agrees to maintain the common open space and any buildings, structures or improvements placed within it.

F. Subdivision.

When a planned unit development is combined with a division of land including a short plat, long plat or binding site plan, the requirements of chapter 17G.080 SMC are required to be met, including SMC 17C.110.200(C), transition requirements for lot sizes in the RA and RSF zones. The transition requirement cannot be waived or modified through the planned unit development process.

Section 28. That SMC section 17G.070.200 is amended to read as follows:

**17G.070.200 Application Process**

A. Predevelopment Meeting.

A predevelopment meeting is recommended for planned unit development proposals. 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 affect 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 submission of the application. All public notice and format of the meeting shall be given in accordance with the procedures set forth in chapter 17G.060 SMC for a Type III application.

C. Design Review.

The application is required to be reviewed by the design review (~~committee~~) board. The application may proceed through the design review process prior to submittal to the director. The evaluation of the application by design review shall be complete prior to the end of the public comment period initiated by the notice of application. The application to design review shall contain the information specified in chapter ~~((4.13))~~ 17C.040 SMC and SMC 17G.070.200(D). The design review (~~committee~~) board makes recommendations to the hearing

examiner on the conformance of the planned unit development with the applicable goals, policies and design standards. The report of the design review (~~committee~~) board is made available to the hearing examiner by the close of the public comment period.

D. Application Requirements for Preliminary Planned Unit Development.

An application for a concept plan for a planned unit development shall contain the information required under SMC 17G.060.070(A) and (B)(5). In addition, the application materials shall contain information related to existing conditions on the site, presented in narrative, tabular and/or graphic formats.

1. Vicinity map that identifies the type, design and characteristics surrounding uses within four hundred feet of the site boundary, including zoning designations.
2. Site description includes the following information provided in narrative, tabular and/or graphic formats:
  - a. Topography and natural resources including one hundred year flood plain; drainage patterns and courses; wetlands, rivers, springs and other water bodies; significant stands of trees or individual trees with a caliper greater than six inches; designated fish and wildlife habitat, and natural hazards such as steep slopes greater than sixteen percent, and unstable, impermeable or weak soils. Exhibits must include a site plan with no greater than five foot contours.
  - b. Open space inventory including all natural and landscaped areas.
  - c. Inventory of cultural, historic and/or archaeological resources on the site, if any.
  - d. Existing buildings, if any, including use, location, size and date of construction.
  - e. Existing on-site pedestrian, bicycle and vehicular circulation system, if any.
  - f. Inventory of existing vehicular and bicycle parking spaces and location of surface and structured parking facilities, if any.
  - g. Location and size of all public and private utilities on the site including water, sanitary sewer, storm water retention/treatment facilities, and electrical, telephone and data transmission lines.

- h. Location of all public and private easements.
- 3. Detailed description of the transportation system within and adjacent to the site including:
  - a. street classification of all internal and adjacent streets;
  - b. transit service availability;
  - c. baseline traffic impact study prepared by a licensed engineer to include information as required by the city's traffic engineer.
- 4. Analysis of existing infrastructure capacity on and in the vicinity of the site.
- 5. Planning History.

Summary of all previous known land use cases affecting the applicant's property and a list of all outstanding conditions of approval that either have not been addressed in the past and/or that remain in force at the time of the application.

- 6. Proposed Development Plan.

Description of all proposed development within the planned unit development, presented in narrative, tabular and graphic formats.

- a. Descriptions of the mix of uses, including number of units and/or total gross square feet devoted to each, and approximate building envelopes.
- b. All other site improvements including the approximate size and location of walls, barriers and fences; surface and structured parking facilities; bicycle parking facilities; on-site pedestrian, transit and vehicular circulation; transit stops and pedestrian/transit amenities; and open space and landscaped areas.
- c. The conceptual location of new and/or expanded existing public and private infrastructure including water, sanitary sewer, stormwater management facilities; and electrical, telephone and data transmission lines. This includes wireless telecommunications facilities.
- 7. Summary of transportation facilities including:
  - a. traffic impact study prepared by a licensed engineer that describes traffic impacts associated with each phase of development and at

full build-out of the project, and a plan for accommodating this traffic in compliance with chapter 17D.010 SMC, Concurrency Certification. The city's traffic engineer shall determine the specific content of the traffic impact study.

- b. Parking impact study describing the parking demand associated with each phase of the development and at full build-out of the project, and a mitigation plan for accommodating parking demand on the site.
  - c. Concurrent or proposed street vacations, with a description of potential parking and traffic/pedestrian impacts, if any, and appropriated measures to mitigate these impacts.
  - d. A circulation plan showing existing and proposed pedestrian and vehicular patterns.
8. Plan for protecting designated environmental, historic/cultural and open space resources.
9. Design standards that will govern the orientation and design of buildings and other improvements include but are not limited to the following:
- a. A statement of the projects overall design concept and intent.
  - b. Schematic building floor plans, when germane to achieving a design objective.
  - c. Conceptual building elevations, architectural detail including fencing, signs and other structures.
  - d. Cross-sections of the site showing spatial relationships between all major elements (buildings, landscaping, light standards, etc.).
  - e. A conceptual landscape plan sufficient in detail necessary to convey the concept plan (landscape areas, hardscape, lighting and streetscape elements).
  - f. Lighting and signage plan for the entire site, which indicates locations, illumination, design and spatial relationship to other site amenities including buildings; and
  - g. Graphic depiction of each type of sign.
- E. Review of the Preliminary Planned Unit Development.

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

2. Adjustments.

Adjustments to numerical development standards in the underlying zoning district shall meet the criteria contained in SMC 17G.060.170(C), SMC 17G.060.170(D)(3) and SMC 17G.070.200(F)(2)(a-c) in lieu of requirements for variances contained in SMC 17G.060.170(E)(1). The exception to this is a request to exceed the maximum height permitted in the underlying zone, which will require a concurrent rezone request per chapter 17G.060 SMC, for a Type III project permit application.

3. Concurrent Reviews.

An applicant may file two or more related requests concurrently. These concurrent reviews will be reviewed by the procedure type of the highest level, that is, if one review is subject to a Type III process and the other a Type II process, both will be subject to a Type III review process.

4. Conditions of Approval.

The review authority shall impose any conditions of approval necessary to mitigate potentially adverse impacts on surrounding properties to the greatest extent practicable.

5. The decision on the PUD by the hearing examiner shall be forwarded to the city council. The approval of the PUD by the city council shall be by an ordinance that adopts the planned unit development, any conditions and amends the official zoning map to reflect the location of the planned unit development with a 'PUD' symbol on the map.

6. Modification of an Approved Concept Plan.

There are three ways in which a concept plan may be modified:

a. Minor Modification.

The director shall be the review authority on modifications to an approved concept plan, if the modification complies with the following requirements:

i. Modification of the location of an approved building, providing the modification complies with the applicable base zone development and design standards, as modified in the concept plan approval, and all relevant conditions of approval.

- ii. Removal of building approved in the concept plan approval.
- iii. A new building of any size in any location that replaces a building approved but not constructed, provided there is no net increase in total building coverage and there is compliance with the applicable base zone design and development standards, as modified in the concept plan approval, and all relevant conditions of approval.
- iv. Change in residential density by five percent or less, provided the project still complies with the minimum and maximum residential density required in the underlying zone, unless a density bonus has been granted, subject to SMC 17G.070.030(B)(5), in which case the modified density shall not exceed the total bonus density.
- v. Relocation of open space of up to twenty-five percent of required total as long as the total amount is not reduced.
- vi. Reduction or increase of parking by five percent or less.

b. Moderate Modification.

The following shall be reviewed by means of a Type II project permit application, using procedures contained in chapter 17G.060 SMC:

- i. New building or building addition up to five thousand gsf, not contained in the concept plan approval, provided the modification complies with the applicable base zone use, design and development standards, as modified in the concept plan approval.
- ii. Change in residential density by more than five percent but less than ten percent, provided the project still complies with the minimum and maximum residential density required in the underlying zone, unless a density bonus has been granted, subject to SMC 17G.070.030(B)(5), in which case the modified density shall not exceed the total bonus density.
- iii. Reduction or increase of parking by at least five percent but no more than ten percent.

c. Major Modification.

The following shall be reviewed by means of a Type III project permit application review using procedures contained in chapter 17G.060 SMC:

- i. New building or building additions greater than of five thousand gsf, not anticipated and not contained in the concept plan approval.
- ii. Change in residential density by more than ten percent, provided the project still complies with the minimum and maximum residential density required in the underlying zone, unless a density bonus has been granted, subject to SMC 17G.070.030(B)(5), in which case the modified density shall not exceed the total bonus density.
- iii. Reduction or increase of parking by more than ten percent.
- iv. Decrease in the amount of open space approved in the concept plan.
- v. New uses not included in the concept plan approval.

F. Preliminary Planned Unit Development Approval Criteria.

1. To receive approval for a planned unit development concept plan, the applicant shall demonstrate compliance with all of the decision criteria of SMC 17G.060.170(C) and (D)(3).
2. Adjustments to numerical development standards of the base zone may be processed as part of the request for concept if the applicant can demonstrate compliance with all of the following approval criteria:
  - a. The adjustment(s) is warranted given site conditions and/or characteristics of the design.
  - b. The benefits accruing from the implementation of the adjustment outweigh any potential adverse impacts.
  - c. Any impacts resulting from the adjustment are mitigated to the extent practical.

G. Phasing.

A planned unit development may be developed in phases. A master-phasing plan should be submitted with the concept plan for approval by the hearing examiner;

however, a preliminary planned unit development that has received approval may be subsequently modified to be developed in phases, subject to approval of the director. The master phasing plan for a planned unit development may be approved by the hearing examiner or the director provided:

1. in no case shall the total time period for construction of all phases exceed five years, except as provided in SMC 17G.070.210(B), as measured from the date of approval of the original concept development plan until the date that building permit(s) for the last phase is(are) obtained;
2. the phasing plan includes all land identified within the boundary of the planned unit development;
3. the sequence of the phased development is identified on the plan;
4. each phase has reasonable public or private infrastructure to support the uses contained in that phase;
5. each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire planned unit development; and
6. the director of engineering services approves the necessary documents so that all road improvement requirements are assured for that phase.

#### H. Final Planned Unit Development Review Process.

##### 1. Development Plan Review Submission Requirements.

At the time of construction of a project or phase of development that was approved as part of the concept development plan, the applicant shall submit the following documentation demonstrating that the proposed project or phase is in substantial compliance with that contained in the original approval by means of a site plan review. An application submitted for a detailed development shall include the following:

- a. Detailed site plan.
- b. Elevations of all buildings.
- c. Landscape plan.
- d. Erosion control plan.
- e. Stormwater management plan.

- f. Narrative documenting the following:
  - i. Compliance with all development and design standards in the base zone, as modified in the initial concept plan approval.
  - ii. Compliance with all relevant conditions of approval.
  - iii. Consistency with traffic, parking and infrastructure plans contained in the initial concept plan approval.

2. Final Approval Process.

- a. The detailed site plan, and phases thereof, shall be reviewed by the director, for conformance of the detailed site plan with the approval criteria of SMC 17G.060.170 and the conditions of the hearing examiner. When a planned unit development is combined with a subdivision, the requirements of chapter 17G.080 SMC, Subdivisions, for a final plat, short plat or binding site plan shall be met.
- b. The detailed site plan, and phases thereof, shall be recorded with the Spokane county auditor's office.
- c. Modification of a detailed development plan.
  - i. Minor modification of a detailed development plan, as defined in SMC 17G.070.200(E)(6)(a) shall be processed as an administrative review.
  - ii. Moderate modification of a detailed development plan, as defined in SMC 17G.070.200(E)(6)(b) shall be processed as a Type II review, per chapter 17G.060 SMC.
  - iii. Major modification of a detailed development plan, as defined in SMC 17G.070.200(c) shall trigger the need for a review of a new concept plan as a Type III project permit application, per chapter 17G.060 SMC.

I. Filing.

Once the final detailed development plan of the planned unit development has been reviewed, approved and signed by the applicable departments and owners, the applicant shall file the final development plan with the county auditor within ten days of approval. No permits shall be issued for the planned unit

development until conformed copies have been submitted to the planning services department.

ADOPTED BY THE CITY COUNCIL ON \_\_\_\_\_

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Effective Date