

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 179**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, AMENDING
THE CITY COMPREHENSIVE PLAN AND CITY DEVELOPMENT CODE FOR
2009.**

WHEREAS, the Growth Management Act (GMA) was established in the State of Washington in 1990 to provide a framework for land use planning and development regulation; and

WHEREAS, Spokane County and the cities within it were mandated to plan under the GMA in 1993; and

WHEREAS, the City of Liberty Lake has adopted its own comprehensive land use plan pursuant to RCW 36.70A; and

WHEREAS, the City has adopted a Development Code to implement the comprehensive plan; and

WHEREAS, the 14 planning goals outlined in RCW 36.70A.020 and 480, guide the development and adoption of comprehensive plans and development regulations; and

WHEREAS, planning is an ongoing process, and improved data or changing circumstances require amendment to the Comprehensive Plan and Development Code; and

WHEREAS, a complete public participation program was followed for the 2009 Comprehensive Plan and Development Code Amendments; and

WHEREAS, all public notification requirements were met and accomplished in a timely manner; and

WHEREAS, A SEPA DNS Threshold Determination and Adoption of Existing Environmental Document was issued on the proposed amendments with a fourteen (14) day public comment period; and

WHEREAS, the GMA requires proposed comprehensive plans and development regulations, including proposed amendments, be forwarded to the Washington State Department of Commerce (DOC) for review and comment sixty (60) days prior to the final City Council adoption; with a comment deadline of November 15, 2009; and

WHEREAS, during the sixty (60) day DOC review, all applicable state and local agencies received a copy of the proposed amendments and were given the opportunity to comment;

NOW THEREFORE the City Council of the City of Liberty Lake does ordain as follows:

Section 1. 2009 Comprehensive Plan & Development Code Amendments.

The City of Liberty Lake 2009 Comprehensive Plan & Development Code Amendments are attached hereto as Exhibit "A."

Section 2. Severability.

If any section, sentence, clause or phrase of this Ordinance and the attachments hereto shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Administration and Enforcement.

- A. Administration. Planning & Building Services shall be responsible for the administration of this Ordinance.
- B. Enforcement. Projects that are subject to the provisions of this Ordinance and do not comply with the standards of this Ordinance shall be subject to the enforcement provisions of the Liberty Lake Municipal Code and City Development Code.

Section 4. Effective Date.

This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this 17th day of November, 2009.

Wendy Van Orman
Mayor, Wendy Van Orman

ATTEST:

Ann Swenson
Ann Swenson, City Clerk

Approved As To Form:

Sean P. Boutz
Sean P. Boutz, City Attorney

Date of Publication: 11-26-09

Effective Date: 12-1-09

CERTIFICATION

I, the undersigned City Clerk of the City of Liberty Lake, of Spokane County, Washington, HEREBY CERTIFY that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 179 duly adopted at a regular meeting of the City Council of said City, duly and regularly held at the regular meeting placed thereof on November 17, 2009 of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote: 7-0.

AYES, and in favor thereof: Mayor Pro Tem Crump; Council Members: Olander, Jenkins, Romney, Langford, Owens, and Schuler

NAYS, Council Member(s):

ABSENT, Council Member(s):

ASTAINED, Council Member(s):

CITY OF LIBERTY LAKE



CITY CLERK

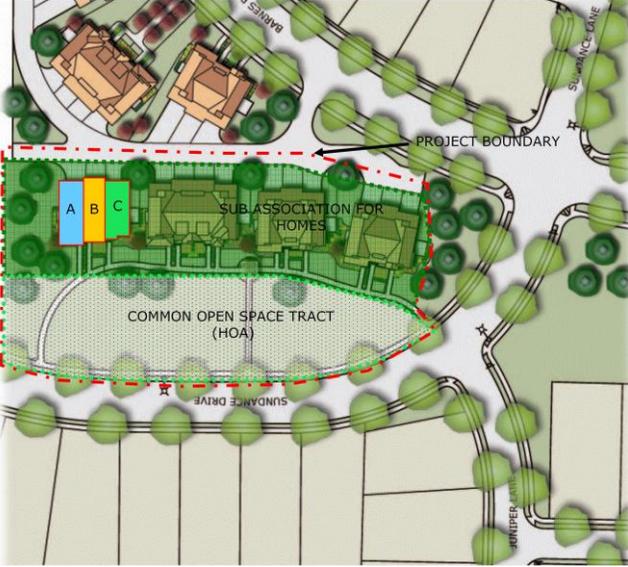
City of Liberty Lake Comprehensive Plan

2009 Amendments List

Initiated By / File #	Chapter / Section	Proposed Amendment	Page #																																													
City Staff / CA-09-0001	Appendix G	<ul style="list-style-type: none"> Appendix G - State Transportation Improvement Program <u>State Transportation Improvement Program 2010 - 2016 Comprehensive Transportation Program (CTP, October 24, 2002 June 16, 2009)</u> Available at: City of Liberty Lake <u>Planning & Community Development Dept.</u> 22710 E. Country Vista Blvd Drive Liberty Lake, WA 99019 (509) 755-6708 	177																																													
City Council Decision - APPROVAL of Amendment CA-09-0001																																																
City Staff / CA-09-0002	Chapter 8 Parks, Recreation, & Open Space	<ul style="list-style-type: none"> Figure 8.1 - Parks & Open Space Inventory <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DESCRIPTION</th> <th>NAME</th> <th>ADDRESS</th> </tr> </thead> <tbody> <tr> <td>OPEN SPACE</td> <td>LIBERTY LAKE ELEMENTARY SCHOOL (PLAY FIELD)</td> <td>23606 E. BOONE AVE.</td> </tr> <tr> <td>PUBLIC PARK</td> <td>PAVILLION PARK</td> <td>CORNER MOLTER & COUNTRY VISTA</td> </tr> <tr> <td>OPEN SPACE</td> <td>OPEN SPACE IN THE MEADOWS (ASSOCIATION COMMON AREA)</td> <td>CORNER OF SINTO & MALVERN</td> </tr> <tr> <td>NEIGHBORHOOD PARK</td> <td>PUMP HOUSE PARK IN LIBERTY LANDING (ASSOCIATION COMMON AREA)</td> <td>CORNER OF BOONE & SIMPSON</td> </tr> <tr> <td>NEIGHBORHOOD PARK</td> <td>LITTLE BEAR PARK IN THE GARDENS (ASSOCIATION COMMON AREA)</td> <td>CORNER OF GARRY & BROADWAY</td> </tr> <tr> <td>NEIGHBORHOOD PARK</td> <td>FIVE FINGERS PARK IN THE COTTAGES (ASSOCIATION COMMON AREA)</td> <td>OFF HOMESTEAD & COUNTRY VISTA</td> </tr> <tr> <td>OPEN SPACE</td> <td>PLAYGROUND IN BIG BROOK (PRIVATE COMMON AREA)</td> <td>OFF COUNTRY VISTA</td> </tr> <tr> <td>OPEN SPACE / RECREATION</td> <td>TRAILHEAD AT LIBERTY LAKE (CITY GOLF COURSE)</td> <td>1102 N. LIBERTY LAKE RD.</td> </tr> <tr> <td>OPEN SPACE / RECREATION</td> <td>MEADOW WOOD GOLF COURSE (COUNTY GOLF COURSE)</td> <td>24501 E. VALLEYWAY</td> </tr> <tr> <td>OPEN SPACE / RECREATION</td> <td>LIBERTY LAKE GOLF COURSE (COUNTY GOLF COURSE)</td> <td>24400 E. SPRAGUE</td> </tr> <tr> <td>PUBLIC TRAIL</td> <td>CENTENNIAL TRAIL</td> <td>MULTIPLE</td> </tr> <tr> <td>PUBLIC TRAIL</td> <td>LIBERTY LAKE TRAIL SYSTEM</td> <td>MULTIPLE</td> </tr> <tr> <td>OPEN SPACE / RECREATION</td> <td>SPORTS WORLD (PRIVATE SOFTBALL FIELDS)</td> <td>OFF MISSION AVE.</td> </tr> <tr> <td>OPEN SPACE</td> <td>VARIOUS COMMON AREA TRACTS</td> <td>MULTIPLE</td> </tr> </tbody> </table> <p style="text-align: center;">Refer to adopted City Parks, Recreation, Open Space, and Trails Plan for current inventory.</p>	DESCRIPTION	NAME	ADDRESS	OPEN SPACE	LIBERTY LAKE ELEMENTARY SCHOOL (PLAY FIELD)	23606 E. BOONE AVE.	PUBLIC PARK	PAVILLION PARK	CORNER MOLTER & COUNTRY VISTA	OPEN SPACE	OPEN SPACE IN THE MEADOWS (ASSOCIATION COMMON AREA)	CORNER OF SINTO & MALVERN	NEIGHBORHOOD PARK	PUMP HOUSE PARK IN LIBERTY LANDING (ASSOCIATION COMMON AREA)	CORNER OF BOONE & SIMPSON	NEIGHBORHOOD PARK	LITTLE BEAR PARK IN THE GARDENS (ASSOCIATION COMMON AREA)	CORNER OF GARRY & BROADWAY	NEIGHBORHOOD PARK	FIVE FINGERS PARK IN THE COTTAGES (ASSOCIATION COMMON AREA)	OFF HOMESTEAD & COUNTRY VISTA	OPEN SPACE	PLAYGROUND IN BIG BROOK (PRIVATE COMMON AREA)	OFF COUNTRY VISTA	OPEN SPACE / RECREATION	TRAILHEAD AT LIBERTY LAKE (CITY GOLF COURSE)	1102 N. LIBERTY LAKE RD.	OPEN SPACE / RECREATION	MEADOW WOOD GOLF COURSE (COUNTY GOLF COURSE)	24501 E. VALLEYWAY	OPEN SPACE / RECREATION	LIBERTY LAKE GOLF COURSE (COUNTY GOLF COURSE)	24400 E. SPRAGUE	PUBLIC TRAIL	CENTENNIAL TRAIL	MULTIPLE	PUBLIC TRAIL	LIBERTY LAKE TRAIL SYSTEM	MULTIPLE	OPEN SPACE / RECREATION	SPORTS WORLD (PRIVATE SOFTBALL FIELDS)	OFF MISSION AVE.	OPEN SPACE	VARIOUS COMMON AREA TRACTS	MULTIPLE	102
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City of Liberty Lake Development Code

2009 Amendments List

Initiated By / File #	Chapter / Section	Proposed Amendment	Page #
City Staff / ZTA-09-0001	Article 10-1C Definitions	<ul style="list-style-type: none"> B. Definitions <u>Auto-court lane - A privately maintained lane, connected to a public street, which provides vehicular access to the garages or off-street parking areas of buildings / dwelling units that have common area or pedestrian path frontage (no street frontage) in conjunction with a pedestrian pathway system to the main entrance (i.e. front entry) of each building / dwelling unit. Auto-court lanes must be designed with approved fire access turnarounds, as applicable.</u> 	1-9
City Council Decision - APPROVAL of Amendment ZTA-09-0001			
Greenstone / ZTA-09-0002	Article 10-1C Definitions	<ul style="list-style-type: none"> B. Definitions Clustered housing - a group of <u>attached or detached</u> dwelling units, consisting of permitted uses in the underlying zone, designed in such a manner as to make efficient use of existing or planned facilities and whereby the amount of resultant common open space per dwelling unit is equal to or greater than the open space requirements for conventional development under the pertinent zone and zoning standards.  <p style="text-align: center;"><u>Example Single Family Attached: A-C</u> <u>Attached single family home with common walls, property line is equal to footprint of the unit resulting in 100% coverage of lot. Open space for this example project would be no less than 60%, minimums may vary.</u></p>	1-13

	Section 10-2B-6	<ul style="list-style-type: none"> • A. <u>Front Yard Setbacks</u> <ol style="list-style-type: none"> 1. <u>Minimum Setback</u> <ol style="list-style-type: none"> a. <u>Detached Single Family Housing; Manufactured Homes on Lots and Other Uses:</u> A minimum <u>front yard setback</u> of 46 <u>10</u> feet is required, except that an unenclosed porch may be within 40-5 <u>5</u> feet, as long as it does not encroach into a public utility easement. b. <u>Attached (townhome) Single Family:</u> <u>A minimum front yard setback of 10 feet is required, except that an unenclosed porch may be within 5 feet, as long as it does not encroach into a public utility easement.</u> c. <u>Clustered Housing:</u> <u>A minimum front yard setback of 10' feet is required; however 0 feet is allowed when fronting a Home Owner Association common area.</u> <u>Overhanging eaves may only extend beyond the property line into a common utility/use or maintenance easement, adjacent common area or tract that is owned and maintained by the Cluster Housing Home Owner Association. No other portion of the structure may extend beyond the property line and no structures shall be located within easements.</u> 2. Garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 4 feet. Alternatively, garage and carport entrances may be built flush with the front building elevation when the building is set back by at least 20 feet. 3. Multi-family housing and other buildings that require Site Design Review (see Section 10-4C-2), shall also comply with the building orientation standards in Section 10-2B-9. B. <u>Rear Yard Setbacks</u> <ol style="list-style-type: none"> 1. <u>Minimum Setback</u> <ol style="list-style-type: none"> a. <u>Detached Single Family Housing; Manufactured Homes on Lots and Other Uses:</u> The minimum rear yard setback shall be 15 feet for street-access lots, and 6 feet for alley-access lots (except for accessory structures). b. <u>Attached (townhome) Single Family:</u> <u>The minimum rear yard setback shall be 15 feet for street-access lots, and 6 feet for alley-access lots (except for accessory structures).</u> c. <u>Clustered Housing:</u> <u>A minimum rear yard setback of 0 feet is allowed.</u> <u>Overhanging eaves may only extend beyond the property line into a common utility/use or maintenance easement, adjacent common area or tract that is</u> 	2-15 & 2-16
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owned and maintained by the Cluster Housing Home Owner Association. No other portion of the structure may extend beyond the property line and no structures shall be located within easements.

2. Accessory structures:

a. Structures 120 square feet or under may be located on the rear and side property lines, so long as no eave overhangs the property line, the structure is not built on a permanent foundation, and the abutting property is protected from runoff or other intrusion.

b. The minimum rear yard setback shall be 5 feet for all other accessory structures less than 15 feet tall and for accessory structures greater than 15 feet tall, an additional foot of rear yard setback shall be added per foot of height to a maximum of 15 feet.

C. Side Yard Setbacks

1. Minimum Side Yard Setback

a. Detached Single Family Housing; Manufactured Homes on Lots and Other Uses: The minimum side yard setback shall be 5 feet on interior side yards and 15 feet on flanking street yards (street corner yards).

b. Attached (townhome) Single Family: The minimum side yard setback shall be 5 feet on interior side yards and 15 feet on flanking street yards (street corner yards).

c. Clustered Housing: A minimum side yard setback of 0 feet is allowed. Overhanging eaves may only extend beyond the property line into a common utility/use or maintenance easement, adjacent common area or tract that is owned and maintained by the Cluster Housing Home Owner Association. No other portion of the structure may extend beyond the property line and no structures shall be located within easements.

D. Setback Exceptions

The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 2 feet. Porches, decks, and similar structures not exceeding 24 inches in height may encroach into setbacks by no more than 5 feet, subject to the front yard setback provisions in "A". Walls and fences may be placed on property lines, subject to the standards in Section 10-3C-5 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply

with the vision clearance standards in Section 10-3B-2, subsection N. Interior sideyard setbacks would be 0 feet for dwelling units that are attached by a common wall.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half (½) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

Section 10-2B-7

2-16 & 2-17

R-1 Land Use	Lot Area	Lot Width / Depth	Lot Coverage	Residential Density
Detached Single Family Housing; Manufactured Homes on Lots	Minimum area: 5000 square feet	Minimum Width: 50 feet at front property line Maximum Depth: Three (3) times the lot width, except as required to protect critical areas, etc.	Maximum: 40 percent	Minimum Net Density: 4 dwelling units per acre Maximum Net Density: 6 dwelling units per acre
Attached (townhome) Single Family Housing; <u>Clustered Housing</u>	Minimum area: 2000 square feet Maximum area: 7500 square feet	Minimum Width: 20 feet at front property line Maximum Depth: None	Maximum: 60 percent *	Minimum Net Density: 4 dwelling units per acre Maximum Net Density: 6 8 dwelling units per acre
Other Uses	Minimum area: None Maximum area: 4 acres (excluding parks and recreation uses)	Minimum Width: 60 feet at front property line Maximum Depth: None	Maximum: 70 percent	None

* Attached Clustered Housing shall be based on the individual project boundary

City Council Decision - APPROVAL W/ MODIFICATIONS of Amendment ZTA-09-0002 (modification to front yard setbacks highlighted in yellow)



City Staff / ZTA-09-0003	Article 10-1C Definitions	<ul style="list-style-type: none"> B. Definitions Lot width - The horizontal distance between the lot sidelines measured at right angles to the line comprising the depth of the lot. Minimum lot width shall be the same for the entire depth of the parcel. 	1-28
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City Council Decision - APPROVAL of Amendment ZTA-09-0003

City Staff / ZTA-09-0004	Section 10-2E-6(D), Section 10-2F-6(D), Section 10-2G-6(D)	<ul style="list-style-type: none"> D. Setback Exceptions Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than 5 feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform-Fire Code... 	2-77, 2-104, & 2-133
City Council Decision - APPROVAL of Amendment ZTA-09-0004			
City Staff / ZTA-09-0005	Section 10-2E-9	<ul style="list-style-type: none"> Article 10-3E Signage Standards Section 10-2E-9 Non-Conforming Signs-City Wayfinding Signage Program <u>Section 10-2E-9 City Wayfinding Signage Program</u> <u>Consult with the City of Liberty Lake Planning & Building Services for more information on the City Wayfinding Signage Program.</u> 	3-33 & 3-42
City Council Decision - APPROVAL of Amendment ZTA-09-0005			
Planning Commission / ZTA-09-0006	Section 10-3G-3(B)	<ul style="list-style-type: none"> B. Acquisition by Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, and the land is not dedicated to the City, the land shall be acquired by the appropriate public agency within 24-36 months following final plat approval, at a price agreed upon prior to approval of the plat final plat approval, or the reservation shall be released to the property owner. 	3-55
City Council Decision - APPROVAL of Amendment ZTA-09-0006			
City Staff / ZTA-09-0007	10-4B-4(F)	<ul style="list-style-type: none"> Administrative Appeal Type II and Type III-Project Permits: Any aggrieved person may submit a written appeal of the Examiner's decision to the Council within fourteen (14) calendar days from the date the final decision of the Examiner is rendered as outlined in subsection H below. <u>A motion for reconsideration may be filed with an appeal request. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the City Council appeal hearing.</u> Type III Project Permits: The Hearing Examiner's decision is a recommendation to the City Council and the City Council conducts an additional 'closed record' public hearing at a regularly scheduled City Council meeting to render the final decision. 'Closed record' appeals of Hearing Examiner decisions are held at the same time as the 'closed record' project decision hearing. <u>A motion for reconsideration by the Hearing</u> 	4-17 & 4-18

		<u>Examiner may be submitted to the City within fourteen (14) calendar days from the date of the Hearing Examiner's recommendation decision. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the City Council decision hearing.</u>	
City Council Decision - APPROVAL of Amendment ZTA-09-0007			
City Staff / ZTA-09-0008	10-4B-4(H)	<ul style="list-style-type: none"> • 2. Type II & Type III Project Permits: A 'closed record' appeal to the City Council is available. For Type III project permits, if the Examiner has recommended approval of the proposal, such recommendation will be considered by the City Council at the same time as the consideration of the appeal. <ul style="list-style-type: none"> a. <u>A motion for reconsideration may be filed with an appeal request. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the City Council appeal hearing.</u> b. Any aggrieved person may submit a written appeal of the Examiner's decision to the Council within fourteen (14) calendar days from the date the final decision of the Examiner is rendered. The appeal would be a 'closed record' appeal and must be upon the record, established and made at the hearing before the Hearing Examiner, provided that new evidence which was not available at the time of the hearing may be included in such appeal. The term "new evidence" means only evidence discovered after the hearing and shall not include evidence which was available or which could reasonably have been available and was simply not presented at the hearing for whatever reason. Such written appeal shall allege specific errors of fact, specific procedural errors, omissions from the record, errors in the interpretation of the Comprehensive Plan, or new evidence which was not available at the time of the hearing. Upon such written appeal being filed within the time period allotted and upon payment of fees as required, a hearing will be held by the City Council at their next available, regularly scheduled meeting, except for Type III Project Permits where the Hearing Examiner's decision is a recommendation to the City Council. For Type III project permits, a 'closed record' appeal of the Hearing Examiner's decision shall be held at the same regularly scheduled City Council meeting as the 'closed record' project decision hearing. 3. <u>Type III Project Permits: The Hearing Examiner's decision is a recommendation to the City Council and the City Council conducts an additional 'closed record' public hearing at a regularly scheduled City Council meeting to render</u> 	4-20

		<p><u>the final decision.</u></p> <p><u>a. A motion for reconsideration by the Hearing Examiner may be submitted to the City within fourteen (14) calendar days from the date of the Hearing Examiner's recommendation decision. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the City Council decision hearing.</u></p> <p><u>b. An appeal of the final decision of the City Council can be made to Spokane County Superior Court as outlined in Judicial Appeal below.</u></p>	
City Council Decision - APPROVAL of Amendment ZTA-09-0008			
City Staff / ZTA-09-0009	Section 10-4D-3(B)	<ul style="list-style-type: none"> B. Review of Final Plat or Short Plat. Review of a final plat for a subdivision or short plat shall be processed administratively using the approval criteria in Section 10-4D-5 <u>10-4D-7</u>. 	4-34
City Council Decision - APPROVAL of Amendment ZTA-09-0009			
City Staff / ZTA-09-0010	Section 10-4D-5(C)(5)	<ul style="list-style-type: none"> C. Block and Lot Standards. <ul style="list-style-type: none"> 5. In conformance with the Uniform-Fire Code, <u>as amended</u>, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also, Article 10-3B - Access and Circulation. 	4-44
City Council Decision - APPROVAL of Amendment ZTA-09-0010			
City Staff / ZTA-09-0011	10-4F-2(A)	<ul style="list-style-type: none"> A. This Article applies to all development applications approved through the provisions of Chapter 4, including: <ol style="list-style-type: none"> 1. Site Design Review approvals; 2. Subdivisions, Binding Site Plans, Short Subdivisions, and Boundary Line Adjustments; 3. Planned Unit Developments; 4. Conditional Use Permits; and 5. Conditions of approval on any of the above application types. <p><u>6. Modifications to adopted Specific Area Plan Overlays (SAP) shall also be reviewed through the Major & Minor Modification process.</u></p> <p><u>a. SAP Major Modifications are reviewed during the annual amendment cycle.</u></p> <p><u>b. The City or the SAP Applicant can propose modifications to an adopted SAP during the annual amendment cycle, consistent with amendments to the City</u></p> 	4-63

		<p><u>Comprehensive Plan and Development Code.</u></p> <p><u>c. Minor Modifications can be proposed by the City or the SAP Applicant and are reviewed administratively.</u></p> <p>B. This Article does not apply to zoning district changes, text amendments, temporary use permits, or other permits.</p>	
City Council Decision - APPROVAL of Amendment ZTA-09-0011			
City Council Review Greenstone / SAP-08-0001	River District SAP - continued from 2008		
	City Council Decision - APPROVAL of SAP-08-0001 w/ Modifications on 10/20/09 (SAP-08-0001 added as an approved SAP under Article 10-2M & referenced on the City Zoning Map)		
City Staff / File # N/A	Table of Contents	<ul style="list-style-type: none"> Update Table of Contents as needed 	TOC