

Title 17 – ZONING CODE AMENDMENTS

17.01.025: ZONING DISTRICTS:

A. Zoning Districts Named: The city of Coeur d'Alene is divided into the following named zoning districts as shown on the official zoning maps:

1. Residential district, R-1.
2. Residential district, R-3.
3. Residential district, R-5.
4. Residential district, R-8.
5. Residential district, R-12.
6. Residential district, R-17.
7. Residential district, R-34.
8. Mobile home district, MH-8.
9. Commercial district, C-17.
10. Commercial limited district, C-17L.
11. Downtown core district, DC.
12. Manufacturing, light, district, LM.
13. Manufacturing district, M.
14. Navigable water district, NW.
15. Neighborhood commercial district, NC.
16. Community commercial district, CC.

B. Official Zoning Maps: ~~The planning director shall prepare three (3) official zoning maps of the city of Coeur d'Alene, showing the location and boundaries of each of the zoning districts provided by this title.~~ The Planning Director shall be responsible for the official zoning map of the city of Coeur d'Alene showing the location and boundaries of each of the zoning districts provided by this title. The Planning Director will ensure the official zoning map is current and accurate. The Planning Director shall make an electronic copy available on the City's website. One paper map shall be kept in the Planning Department. The three one (3-1) official zoning maps and all information shown thereon are hereby declared to be an official record of the City and a part of this Title. The zoning map will correspond to the zoning ordinance and clearly indicate the zones. Paper copies will be made available on request.

C. Amendments: As amendments are made to the zoning ordinance with respect to the zoning districts, the Planning Director shall ~~make~~ ensure the necessary amendments and alterations on the maps and henceforth any ordinance changing such zoning districts shall not set forth the boundaries of such districts as amended, but in lieu thereof, the official zoning maps shall be

certified as true and correct by the Planning Director. ~~One paper map shall be kept in the office of the Planning Director, one map in the office of the city clerk, and one map in the office of the building inspector. The three (3) official zoning maps and all information shown thereon are hereby declared to be an official record and a part of this title. The zoning map will correspond to the zoning ordinance and clearly indicate the zones.~~ (Ord. 3288, 2007: Ord. 3268 §6, 2006: Ord. 3127 §8, 2003: Ord. 3025 §11, 2001: Ord. 2502 §1, 1993: Ord. 2049 §1, 1987: Ord. 1691 §1(part), 1982)

17.02.030: DEFINITIONS III:

- A. "Abut" means two (2) adjoining parcels of property, with a common property line, are herein considered as one parcel abutting the other, except where two (2) or more lots adjoin only at a corner or corners; they shall not be considered as abutting unless the common property line between the two (2) parcels measures more than eight feet (8') in a single direction.
- B. "Access" or "accessway" means the place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this title.
- C. "Accessory activity" means an activity which is incidental to, and customarily associated with, a specified principal activity, and which meets the applicable conditions set forth in section 17.06.610, "Accessory Use Related To Principal Uses", of this title.
- D. Accessory Building: For "accessory building", see definition of Accessory Facility.
- E. "Accessory dwelling unit" means a dwelling unit that is associated with and is a subordinate use to a principal dwelling unit on one lot that meets the requirements of sections 17.06.650 through 17.06.670 of this title.
- F. "Accessory facility" means a facility which is incidental to, and customarily associated with, a specified principal facility and which meets the applicable conditions set forth in section 17.06.630, "Accessory Structure Criteria", of this title.
- G. Accessory storage facility is:
 - 1. A building originally constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on the property.
 - 2. For the purposes of this chapter, cargo containers, railroad cars, truck vans, mobile homes, manufactured homes, trailers, recreational vehicles, buses, bus bodies, shipping containers, vehicles and similar prefabricated structures and other items, originally built for purposes other than the storage of goods and materials are not accessory storage buildings.
- Ⓔ H. "Accessory use" includes accessory activity and accessory facility.
- Ⓕ I. "Acre" means a full acre containing forty three thousand five hundred sixty (43,560) square feet of area within the property lines of a lot or parcel.

- ‡ J. "Activity" means the performance of a function or operation.
- ‡ K. "Activity group" means a type of activity which is specifically described in chapter 17.03 of this title on the basis of common functional characteristics and similar effects on other uses, and which is designated throughout the zoning ordinance by a special name including all residential, civic, commercial, service, wholesale and industrial types.
- Ⓚ L. "Adjacent" means near, close or abutting; for example, a commercial zoning district across the street or highway from a residential zoning district shall be considered as "adjacent".
- Ⓛ M. "Adjoin" means the same as "abut".
- Ⓜ N. "Affected person" or "aggrieved party" means any resident of the city of Coeur d'Alene; or any person having interest in real property in the city of Coeur d'Alene; or any person with an interest in real property located within three hundred feet (300') of the external boundaries of the land being considered.
- Ⓝ O. "Alley" means a passage or way, open to public travel and dedicated to public use, affording generally a secondary means of vehicular access to abutting lots and not intended for the general traffic circulation. Buildings facing an alley shall not be construed as satisfying the requirements of this title related to frontage on a dedicated street.
- Ⓟ P. "Alteration" means any enlargement; addition; relocation; repair; remodeling; change in number of living units; or other change in a facility, but excluding ordinary maintenance for which no building permit is required, and demolition or removal.
- Ⓟ Q. Applicant: For "applicant", see definition of Owner.
- Ⓠ R. "Apartment" means a room or suite of rooms in a multiple-family facility designed or used as a single living unit and provided with living, sleeping, kitchen, and bathroom facilities. (Ord. 3288 §1, 2007: Ord. 2049 §5, 1987: Ord. 1844 §1, 1984: Ord. 1691 §1(part), 1982)

17.02.040: DEFINITIONS V:

- A. Caretakers Unit means is a dwelling unit designed and used as a single living unit and provided with living, sleeping, kitchen, and bathroom facilities with a maximum of 1,400 square feet that must be accessory to the commercial or manufacturing facility on the property and limited to occupancy of an employee or owner of the property.
- B. "Cargo containers" include standardized reusable vessels that are:
1. Originally designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods, or commodities: and/or
 2. Originally designed for or capable of being mounted or moved by rail, truck, or ship by means of being mounted on a chassis of similar transportation device. This definition includes the terms "transport containers", "shipping containers" and "portable site storage containers" having a similar appearance to and similar characteristics of cargo containers.

- A- ~~C~~. "Carport" means a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter or storage.
- B ~~D~~ "College" means an educational institution offering advanced instruction in an academic or business field, beyond the secondary level, including trade schools or business colleges, except those whose function is primarily commercial in nature with the training or schooling an incidental activity. This includes all accessory uses, such as dormitories, parking lots, etc.
- C ~~E~~. "Commercial coach" means a vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and including a trailer coach.
- D ~~F~~. "Commercial zoning district" means a zoning district that permits service, retail and wholesale commercial activities.
- E ~~G~~. Construction, Start Of: "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. ~~Permanent Construction does not include~~ land preparation such as clearing, grading and filling, ~~nor does it include the installation of streets and/or walkways; nor does it include~~ excavation for basements, footings, piers, foundations, or the erection of temporary forms, ~~nor does it include~~ and the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units. ~~or not part of the main structure.~~
- F ~~H~~. "Contiguous" means the same as "abut".
- G ~~I~~. "Corner cutoff area" means an area provided and maintained for adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys and private driveways.
- H ~~J~~. "Commission" means the Coeur d'Alene city planning commission.
- I ~~K~~. "Comprehensive plan" means that plan adopted by the city council as the comprehensive plan for the city. (Ord. 3268 §7, 2006: Ord. 3059 §3, 2002: Ord. 2028 §1, 1987: Ord. 1691 §1(part), 1982)

17.02.055: DEFINITIONS VIII:

- A. "Facility" means a structure, or other physical site improvements, necessary to accommodate a specific activity.
- B. "Family" unless otherwise specified by ordinance means any of the following:
1. One or more persons who are related by blood, marriage, or adoption; or

2. No more than four (4) persons who are unrelated by blood, marriage or adoption living together as a single housekeeping unit; or
3. No more than a total combination of five (5) persons related and unrelated living together as a single housekeeping unit; or
4. A group:
 - a. Placed in a foster home or childcare facility by an authorized agency;
 - b. Eight (8) persons or less devoting full time to a religious or ethical discipline, unrelated by blood, marriage, or adoption, any of which are living together as an independent housekeeping unit together with incidental domestic servants and temporary nonpaying guests; or
 - c. Eight (8) persons or less who are unrelated by blood, marriage, or adoption who are mentally or physically handicapped, or elderly with no more than two (2) residential staff members.

C. "Fence" means a structural device forming a vertical physical barrier.

D. "Finished grade" means the finished surface of the ground after grading for development.

E. "Floor area" means the sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use, as measured from the inside face of exterior walls. It does not include space below grade, space dedicated to parking, mechanical spaces, elevator and stair shafts, lobbies and common spaces (including atriums), exterior decks, porches and arcades open to the air or space used for any bonus feature allowed by the applicable zoning or overlay district.

F. "Floor area ratio" is a method of calculating allowable floor area. The FAR allowed in the applicable zoning or overlay district multiplied by the parcel size (in square feet) equals the amount of allowable floor area that can be built. "Parcel size", for the purposes of this definition, is the total contiguous lot or lots under common ownership. FAR includes all structures on a site.

G. "Frontage" means a front lot line; also the length thereof. The frontage, or front, of a lot is usually the side nearest to and abutting the street.

H. Frontage, Building: "Building frontage" means that frontage which faces upon a public or private street. Where a building faces on two (2) or more streets, the frontage containing the principal entrance to the building shall be designated as the building frontage.

I. Frontage, Corner Lot: For "corner lot frontage" see subsection 17.02.080R2 of this chapter.

J. "Front wall" means the wall of a building or structure nearest the street which the building fronts, but excluding certain architectural features as cornices, canopies, eaves, or embellishments. (Ord. 3403, 2011)

17.02.070: DEFINITIONS XI:

- A. "Impervious surfaces" means a hard surface area which either prevents or retards the entry of water into the soil mantle, and/or which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.
- B. "Intensity" means the degree to which a parcel is used; specifically, the level of concentration or activity. (Ord. 2995 §1, 2000: Ord. 2049 §10, 1987: Ord. 1691 §1(part), 1982
- C. "Junk Yard" means an open area where junk, waste, scrap, used equipment, vehicle parts, and discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, dissembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes automobile wrecking yards, house wrecking yards, used lumberyards, and places or yards for storage of salvage house wrecking and structural steel materials and equipment, but does not include uses established entirely within enclosed buildings.

17.02.105: DEFINITIONS XVIII:

- A. "Recreational vehicle" means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. ~~with a living area less than two hundred twenty (220) square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.~~ Any of the following vehicles which are licensed for travel on the highway: travel trailer (a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation, or one permanently identified as a travel trailer by the manufacturer of the trailer); pick-up coach (a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation); motor home (a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle); and camping trailer (a canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use).
- B. "Residential zoning district" means a zoning district that permits improvements that are primarily for nontransient human habitation and activities that are incidental to human habitation.
- C. "Rezoning" means the same as "zoning district, change of".
- D. "Right of way" means a portion of property reserved for public use and accepted for such by the City Council, to provide circulation and travel to abutting properties and including, but not limited to, streets, sidewalks, provisions for public utilities, cut and fill slopes and public open space.
- E. "Roof pitch" means the slope or angle of a roof.
 - 1. "Low slope" means a roof having a slope equal to or less than two and one-half inches ($2\frac{1}{2}$) in twelve inches (12").
 - 2. "Medium to high slope" means a roof having a slope greater than two and one-half inches ($2\frac{1}{2}$) in twelve inches (12").

- F. "Room" means an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, closets, hallways and service porches. (Ord. 1958 §1, 1986: Ord. 1691 §1(part), 1982).

17.02.130: DEFINITIONS XXIII:

- A. "Wall" means any structure or device forming a physical barrier, which is so constructed that fifty percent (50%) or more of the vertical surface is closed and prevents the passage of light, air and vision through the surface in a horizontal plane (see "fence" in section 17.02.055 of this chapter).
- B. Wall, Windowless: "Windowless wall" means a solid wall not containing openings from the interior of the building.
- C. Wireless Communication Antenna Array: A "wireless communication antenna array" is a single or group of antenna elements, not including small cell antennas, and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving wireless communication signals. ~~is one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency (RF) signals through electromagnetic energy, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish).~~
- D. Wireless Communication Facility: A "wireless communication facility" or "WCF" is a staffed or unstaffed facility or location or equipment for the transmission or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets, and including small cell technologies. ~~is any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower, monopole tower, lattice tower and other similar structures. (Ord. 2833 §2, 1997: Ord. 1691 §1(part), 1982)~~

17.03.030: GENERAL DESCRIPTION OF RESIDENTIAL ACTIVITIES:

- A. Residential activities include the occupancy of living accommodations on a permanent or semipermanent basis, but excluding criminal transitional facilities, juvenile offenders facilities and other institutional living arrangements involving special types of care or forced residence, and also excluding hotel/motel type living accommodations.
- B. Types of structures included within residential activities are:
1. Detached housing: One dwelling unit, freestanding and structurally separated from any other dwelling unit or building, except for an accessory building located on a lot or building site which is unoccupied by any other dwelling unit or main building.
 - a. Single-family detached housing: One dwelling unit occupied by a "family" as defined in this title, including manufactured structures and designated manufactured homes as defined in this chapter.

b. Group dwelling detached housing: One dwelling unit occupied by a group as defined in subsection 17.02.045J of this title.

c. A maximum of two detached dwelling units are allowed on a lot provided the minimum lot size is met. An Accessory Dwelling Unit (ADU) constitutes a dwelling unit.

2. Duplex housing: Two (2) dwelling units that are in a side by side or vertical arrangement which share a common structural system, and are located on a lot or building site which is unoccupied by any other dwelling unit or principal use. Only one duplex housing facility is allowed on a lot provided the minimum lot size is met.
3. Multiple-family housing: A structure containing at least three (3) dwelling units ~~employing a vertical arrangement located on a lot or building site, or portion thereof which is unoccupied by any other main building; this term includes condominium dwelling units when employing a vertical arrangement.~~ More than one multiple-family housing facility is allowed on a lot provided the minimum lot size is met and it has the appropriate zoning.
4. Private enclosed recreation facility: A structure that encloses areas and equipment for activities that are primarily recreational in nature, also mailrooms, accessory to and expressly for residential developments and not commercial in function.
5. Mobile home: A housing unit that is primarily preconstructed and brought to a site for placement, and is designed and/or intended for human habitation on a weekly or longer basis.
6. Boarding house: A residence consisting of at least one dwelling unit together with more than two (2) rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units as defined herein.
7. Single-family attached housing: Dwelling units that are side by side and employ a common wall construction and are located on separate lots.
8. Elderly housing: A structure containing at least three (3) dwelling units and specifically designated for and limited by covenant restriction to senior citizens over sixty two (62) years of age. (Ord. 3288 §3, 2007: Ord. 3238 §3, 2005: Ord. 2918 §1, 1999: Ord. 2740 §1, 1996: Ord. 2637 §2, 1994: Ord. 2348 §1, 1991: Ord. 2093 §3, 1988: Ord. 1691 §1(part), 1982)

17.05.001: GENERALLY:

- A. The R-1 district is intended as a residential area that permits single-family detached housing at a density of one unit per gross acre (i.e., the density for an acre of unsubdivided land, regardless of where streets, etc., may or may not be located, will be calculated at a maximum of 1 unit).
- B. The gross acre calculation is intended to provide the subdivider flexibility, so when dedicating land for public use, the density may be made up elsewhere in the subdivision as long as the other site performance standards are met.

C. This district is intended for those areas of the city that are developed at this density or are preferably developed at this density because of factors such as vehicular access, topography, flood hazard, and landslide hazard. (Ord. 1815 §1(part), 1983)

D. A maximum of two dwelling units are allowed per lot provided the lot meets the minimum lot square footage for two units and each dwelling unit meets the minimum yard (setback) requirements.

1. For the purposes of this section, the term “two dwelling units” shall mean two single family dwelling units or one single family dwelling unit and one Accessory Dwelling Unit (ADU).

17.05.009: NONRESIDENTIAL SITE PERFORMANCE STANDARDS; MINIMUM YARD:

A. Minimum yard requirements for nonresidential activities in an R-1 district shall be as follows:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be twenty five feet (25').
3. Side, Street: The street side yard requirement shall be twenty five feet (25').
4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half ($\frac{1}{2}$) when adjacent to public open space (see section 17.06.480 of this title).

17.05.010: GENERALLY:

A. The R-3 district is intended as a residential area that permits single-family detached housing at a density of three (3) units per gross acre (i.e., the density for an acre of unsubdivided land, regardless of where streets, etc., may or may not be located, will be calculated at a minimum of 3 units).

B. The gross acre calculation is intended to provide the subdivider flexibility, so when dedicating land for public use, the density may be made up elsewhere in the subdivision as long as the other site performance standards are met.

C. This district is intended for those areas of the city that are developed at this density because of factors such as vehicular access, topography, flood hazard and landslide hazard. (Ord. 1815 §2, 1983; Ord. 1691 §1(part), 1982)

D. A maximum of two dwelling units are allowed per lot provided the lot meets the minimum lot square footage for two units and each dwelling unit meets the minimum yard (setback) requirements.

1. For the purposes of this section, the term "two dwelling units" shall mean two single family dwelling units or one single family dwelling unit and one Accessory Dwelling Unit.

17.05.08075: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

A. Minimum yard requirements for residential activities in an R-3 district shall be as follows:

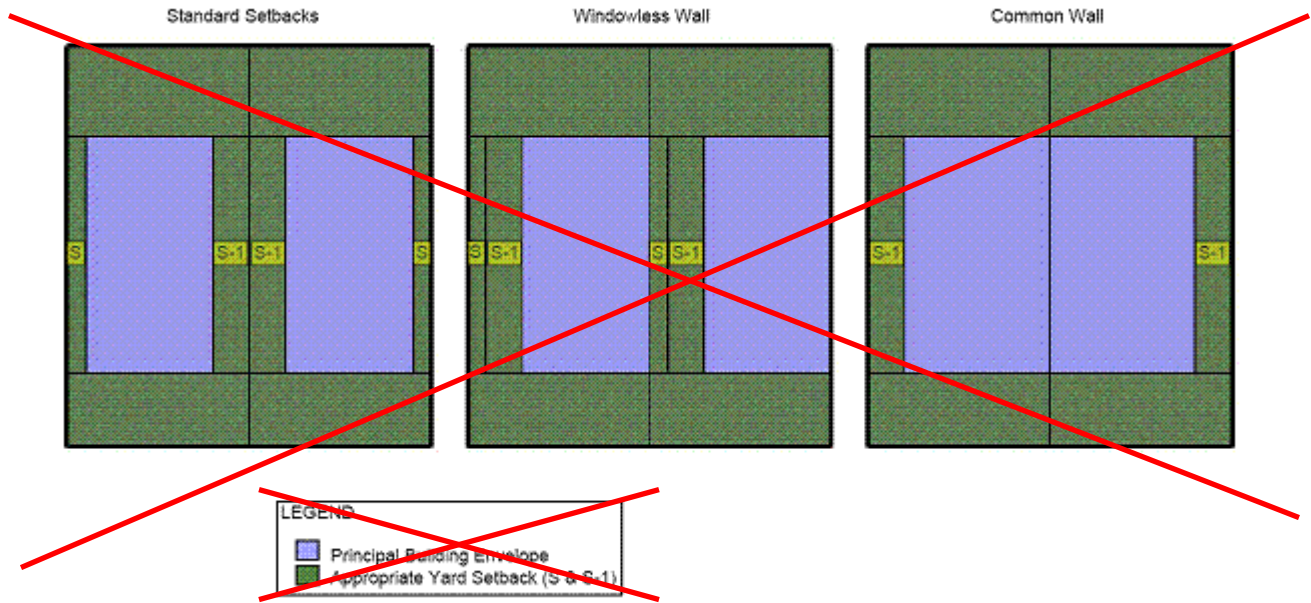
1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten foot (10') minimum.
3. Side, Street: The street side yard requirement shall be ten feet (10').
4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half ($\frac{1}{2}$) when adjacent to public open space (see section 17.06.480 of this title).

~~B. Minimum yard requirements for nonresidential activities in an R-3 district shall be as follows:~~

- ~~1. Front: The front yard requirements shall be twenty feet (20').~~
- ~~2. Side, Interior: The interior side yard requirement shall be twenty five feet (25').~~
- ~~3. Side, Street: The street side yard requirement shall be twenty five feet (25').~~
- ~~4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard shall be reduced by one-half ($\frac{1}{2}$) when adjacent to public open space (see section 17.06.480 of this title).~~

~~C. Zero setback is permissible for single family dwellings as follows:~~

- ~~1. An easement, in a form acceptable to the city attorney, shall be executed between the zero lot line property owner and the owner of the adjacent lot or structure to provide for proper maintenance, repair, drainage and fire access. This easement(s) shall be recorded.~~
- ~~2. The minimum setbacks shall be provided as illustrated below and in the setback and spacing regulations, chapter 17.06, article V of this title.~~
- ~~3. The use complies with all other applicable development standards including, but not limited to, building code, mechanical code, fire code and abatement code.~~



Ⓓ B. There will be no permanent structures erected within the corner cutoff areas.

Ⓔ C. Extensions into yards are permitted in accordance with section 17.06.495 of this title. (Ord. 2348 §2, 1991; Ord. 1889 §5, 1985; Ord. 1691 §1(part), 1982)

17.05.080: NONRESIDENTIAL SITE PERFORMANCE STANDARDS; MINIMUM YARD:

A. Minimum yard requirements for nonresidential activities in an R-3 district shall be as follows:

1. Front: The front yard requirements shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be twenty five feet (25').
3. Side, Street: The street side yard requirement shall be twenty five feet (25').
4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard shall be reduced by one-half ($\frac{1}{2}$) when adjacent to public open space (see section 17.06.480 of this title).

17.05.081: GENERALLY:

A. The R-5 district is intended as a residential area that permits single-family detached housing at a density of five (5) units per gross acre (i.e., the density for an acre of unsubdivided land,

regardless of where streets, etc., may or may not be located, will be calculated at a minimum of 5 units).

B. The gross acre calculation is intended to provide the subdivider flexibility, so when dedicating land for public uses, the density may be made up elsewhere in the subdivision as long as the other site performance standards are met. (Ord. 2502 §2, 1993)

C. A maximum of two dwelling units are allowed per lot provided the lot meets the minimum lot square footage for two units and each dwelling unit meets the minimum yard (setback) requirements.

1. For the purposes of this section, the term "two dwelling units" shall mean two single family dwelling units or one single family dwelling unit and one Accessory Dwelling Unit (ADU).

17.05.088: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

A. Minimum yard requirements for residential activities in an R-5 district shall be as follows:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten foot (10') minimum.
3. Side, Street: The street side yard requirement shall be ten feet (10').
4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half ($\frac{1}{2}$) when adjacent to public open space (see section 17.06.480 of this title).
5. ~~Setback: Zero setback is permissible for single-family dwellings as set forth in subsection 17.05.080C of this chapter.~~

~~B. Minimum yard requirements for nonresidential activities in an R-5 district shall be as follows:~~

- ~~1. Front: The front yard requirement shall be twenty feet (20').~~
- ~~2. Side, Interior: The interior side yard requirement shall be twenty five feet (25').~~
- ~~3. Side, Street: The street side yard requirement shall be twenty five feet (25').~~
- ~~4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half ($\frac{1}{2}$) when adjacent to public open space (see section 17.06.480 of this title). (Ord. 2502 §9, 1993)~~

B. There will be no permanent structures erected within the corner cutoff areas.

C. Extensions into yards are permitted in accordance with section 17.06.495 of this title

17.05.089: NONRESIDENTIAL SITE PERFORMANCE STANDARDS; MINIMUM YARD:

A. Minimum yard requirements for nonresidential activities in an R-5 district shall be as follows:

1. Front: The front yard requirement shall be twenty feet (20').

2. Side, Interior: The interior side yard requirement shall be twenty five feet (25').

3. Side, Street: The street side yard requirement shall be twenty five feet (25').

4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half ($\frac{1}{2}$) when adjacent to public open space (see section 17.06.480 of this title). (Ord. 2502 §9, 1993)

17.05.090: GENERALLY:

A. The R-8 district is intended as a residential area that permits a mix of housing types at a density not greater than eight (8) units per gross acre.

B. In this district a special use permit, as prescribed in section 17.09.205 of this title may be requested by neighborhood sponsor to restrict development for a specific area to single-family detached housing only at eight (8) units per gross acre. To constitute neighborhood sponsor, at least sixty six percent (66%) of the people and who own at least sixty six percent (66%) of the property involved must be party to the request. The area of the request must be at least one and one-half ($1\frac{1}{2}$) acres bounded by streets, alleys, rear lot lines, or other recognized boundary. Side lot lines may be used for the boundary only if it is also the rear lot line of the adjacent property.

C. In this district a special use permit may be requested by the developer for a two (2) unit per gross acre density increase for each gross acre included in a pocket residential development. This density increase provision is established to reflect the concern for energy and environment conservation.

D. Project review (see sections 17.07.305 through 17.07.330 of this title) is required for all subdivisions and for all residential, civic, commercial, service and industry uses, except residential uses for four (4) or fewer dwellings. (Ord. 3474, 2013)

E. A maximum of two dwelling units are allowed per lot provided the lot meets the minimum lot square footage for two units and each dwelling unit meets the minimum yard (setback) requirements.

1. For the purposes of this section, the term "two dwelling units" shall mean two single family dwelling units, one single family dwelling unit and one Accessory Dwelling Unit (ADU), or one duplex.

17.05.160: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

~~Minimum yard requirements for residential activities in an R-8 district shall be as follows:~~

A. Minimum yard requirements for residential activities in an R-8 district shall be as follows:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten foot (10') minimum.
3. Side, Street: The street side yard requirement shall be ten feet (10').
4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half ($\frac{1}{2}$) when adjacent to public open space (see section 17.06.480 of this title).

~~A. Single family and duplex structures must meet the minimum yard requirements for a single family structure established by the R-3 district.~~

~~B. Minimum distances between residential buildings on the same lot shall be determined by the currently adopted building code.~~

B. There will be no permanent structures erected within the corner cutoff areas.

C. Extensions into yards are permitted in accordance with section 17.06.495 of this title. (Ord. 3288 §16, 2007: Ord. 1889 §7, 1985: Ord. 1691 §1(part), 1982)

17.05.170: GENERALLY:

A. The R-12 district is intended as a residential area that permits a mix of housing types at a density not greater than twelve (12) units per gross acre.

B. In this district a special use permit, as prescribed in chapter 17.09, article III of this title, may be requested by neighborhood sponsor to restrict development for a specific area in single-family detached housing. To constitute neighborhood sponsor, sixty six percent (66%) of the people who own at least sixty six percent (66%) of the property involved must be party to the request. The area of the request must be at least one and one-half ($1\frac{1}{2}$) gross acres bounded by streets,

alleys, rear lot lines or other recognized boundary. Side lot lines may be used for the boundary only if it is also the rear lot line of the adjacent property.

- C. In this district, a special use permit may be requested by the developer for a two (2) unit per gross acre density increase for each gross acre included in a pocket residential development. This density increase provision is established to reflect the growing concern for energy and environment conservation.
- D. Project review (see chapter 17.07, article IV of this title) is required for all subdivisions and for all residential, civic, commercial, service, and industry uses except residential uses for four (4) or fewer dwellings. (Ord. 3474, 2013)
- E. A maximum of two dwelling units are allowed per lot provided the lot meets the minimum lot square footage for two units and each dwelling unit meets the minimum yard (setback) requirements.

- 1. For the purposes of this section, the term "two dwelling units" shall mean two single family dwelling units, one single family dwelling unit and one Accessory Dwelling Unit (ADU), or one duplex.

17.05.180: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-12 district shall be as follows:

Administrative.

Duplex housing.

Essential service (underground).

"Home occupation", as defined in this title.

Neighborhood recreation.

Pocket residential development.

Public recreation.

Single-family detached housing ~~as specified by the R-8 district.~~ (Ord. 3332 §10, 2008: Ord. 3288 §18, 2007: Ord. 2049 §24, 1987: Ord. 1691 §1(part), 1982)

17.05.240: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

~~Minimum yard requirements for residential activities in an R-12 district shall be as follows:~~

- ~~A. Single family and duplex structures must meet the minimum yard requirements for a single family structure established by the R-3 district.~~

A. Minimum yard requirements for residential activities in an R-12 district shall be as follows:

1. Front: The front yard requirement shall be twenty feet (20').

2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten foot (10') minimum.

3. Side, Street: The street side yard requirement shall be ten feet (10').

4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half ($\frac{1}{2}$) when adjacent to public open space (see section 17.06.480 of this title).

~~C. Minimum distances between residential buildings on the same lot shall be determined by the currently adopted building code.~~

D. There will be no permanent structures erected within the corner cutoff areas.

E. Extensions into yards are permitted in accordance with section 17.06.495 of this title. (Ord. 3288 §22, 2007: Ord. 1889 §10, 1985: Ord. 1691 §1(part), 1982)

17.05.260: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-17 district shall be as follows:

Administrative.

Childcare facility.

Community education.

Duplex housing as specified by the R-12 district.

Essential service.

"Home occupation", as defined in this title.

Multiple-family.

Neighborhood recreation.

Public recreation.

~~Single-family detached housing as specified by the R-8 district.~~ (Ord. 3332 §12, 2008: Ord. 3288 §24, 2007: Ord. 2093 §7, 1988: Ord. 2049 §26, 1987: Ord. 1691 §1(part), 1982)

17.05.320: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements for residential activities in an R-17 district shall be as follows:

~~A. Single-family and duplex structures must meet the minimum yard requirements for a single-family structure established by the R-3 district.~~

A. Minimum yard requirements for single family and duplex residential activities in an R-17 district shall be as follows:

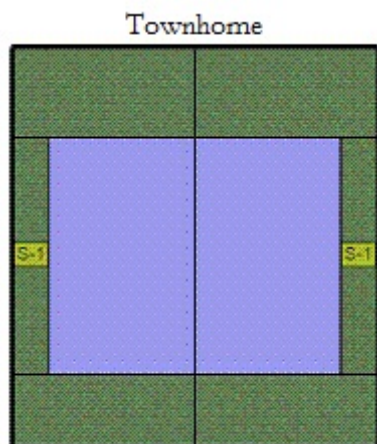
1. Front: The front yard requirement shall be twenty feet (20').

2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten foot (10') minimum.

3. Side, Street: The street side yard requirement shall be ten feet (10').

4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half ($\frac{1}{2}$) when adjacent to public open space (see section 17.06.480 of this title).

B. Zero side yard setback is permissible for Townhome dwellings as follows:



C. Multiple-family housing at seventeen (17) units per acre:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be ten feet (10').
3. Side, Street: The street side yard requirement shall be twenty feet (20').
4. Rear: The rear yard requirement shall be twenty feet (20'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space (see section 17.06.480 of this title).

D. Minimum distances between residential buildings on the same lot shall be determined by the currently adopted building code.

E. There will be no permanent structures erected within the corner cutoff areas.

F. Extensions into yards are permitted in accordance with section 17.06.495 of this title. (Ord. 3288 §28, 2007: Ord. 1889 §13, 1985: Ord. 1691 §1(part), 1982)

17.05.760: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an LM district shall be as follows:

Administrative offices.

Adult entertainment.

Banks and financial establishments.

Business supply retail sales.

Business support service.

Commercial recreation.

Communication service.

Consumer repair service.

Convenience sales.

Convenience service.

Criminal transitional facility.

Department stores.

Extensive impact.

Extractive industry.

Finished goods retail.

Food and beverage stores for on/off site consumption.

Funeral service.

Group assembly.

Home furnishing retail sales.

Hotel/motel.

Personal service establishments.

Professional offices.

Retail gasoline sales.

Specialty retail sales.

Veterinary office or clinic.

~~Wireless communication facility.~~ (Ord. 3472, 2013)

17.05.840: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an M district shall be as follows:

Administrative offices.

Adult entertainment.

Banks and financial establishments.

Business supply retail sales.

Business support service.

Commercial recreation.

Communication service.

Consumer repair service.

Convenience sales.

Convenience service.

Criminal transitional facility.

Department stores.

Extractive industry.

Finished goods retail.

Food and beverage stores for on/off site consumption.

Funeral service.

Group assembly.

Heavy manufacture.

Home furnishing retail sales.

Hotel/motel.

Personal service establishments.

Professional offices.

Retail gasoline sales.

Specialty retail sales.

Veterinary office or clinic.

~~Wireless communication facility.~~ (Ord. 3472, 2013)

17.05.1020: BASIC DEVELOPMENT STANDARDS; MAXIMUM BUILDING HEIGHT:

The maximum height for all uses in an NC district shall not exceed thirty two feet (32'). (Ord. 3288 §49, 2007)

Maximum height requirements in a NC district shall be as follows:

MAXIMUM HEIGHT

<u>-</u>	<u>Structure Location</u>	
	<u>In Buildable Area For Principal Facilities</u>	<u>In Rear Yard</u>
<u>Principal structure</u>	<u>32 feet</u>	<u>n/a</u>
<u>Detached accessory building including garages and carports</u>	<u>32 feet</u>	<u>With low or no slope roof: 14 feet</u> <u>With medium to high slope roof: 18 feet</u>

17.06.025: PERMITTED AND SPECIALLY PERMITTED USES; OTHER USES PROHIBITED:

No land shall be improved or used for any use which is not permitted or specially permitted in the applicable zone regulations, except as otherwise provided in this code. (Ord. 1691 §1(part), 1982)

17.06.027: USES PROHIBITED:

1. Gated residential developments/communities are prohibited unless approved as part of a PUD.
2. Recreational Vehicles are prohibited as temporary dwelling units during construction.
3. Boats trailers, RV's and other such instrumentalities are not considered places of permanent habitation within the city. Residing in such is only allowed in a lawfully established RV Park or as otherwise permitted by this code.

17.06.035: PROHIBITED ACTIVITY:

- A) The following is prohibited on individual residential lots or single commercial lots.
 - 1.) Filling in and raising the grade (Natural Grade) of a lot. The Finished Grade must be equal to or within one foot of the Natural Grade of the lot.
 - 2.) Berming up and building retaining walls at the back of a side walk that is not at the Natural Grade prior to development activity.
 - 3.) These prohibitions do not apply to projects over 1 ½ acres or master planned communities where grading and contouring is done in a methodical manner to benefit the project and does not negatively impact adjacent properties, and as approved by the Planning Commission with a project request.
 - 4.) Hillside lots shall comply with the allowable disturbed area requirements.
- B) Duty of Applicant: Natural Grade elevation must be established by the applicant at time of obtaining a Building Permit and noted on the site plan or plan set.

17.06.040: REQUIREMENTS FOR BUILDING PERMITS:

A building permit shall be required for the improvement of or addition to a building, structure, or land or part thereof; for the relocation of a structurally sound building, structure or part thereof, whether relocated on the same lot or onto any lot under the jurisdiction of this chapter; or for any structural alteration which will result in changing the use of all or any part of a building or structure.

Notwithstanding the foregoing, no such permit is required for one story accessory buildings or structures provided the floor area does not exceed 120 square feet, the location of which are restricted by this Chapter.

- A. A building permit shall be acquired by the owner of the property or by the authorized agent of such owner before physically undertaking any construction, including excavation, erection, extension, addition, relocation, alteration, or substantial improvement.
- B. Application for a building permit shall be made to the Department of Building Services, accompanied by plans, specifications and other supplementary information necessary to obtain a building permit.
- C. On structures 120 square feet to 200 square feet inspections are limited to ensure that the setbacks are met for the proposed structure per the approved site plan.

17.06.320: HEIGHT MAXIMUM OF ACCESSORY STRUCTURES:

~~"Accessory structures" as defined in section 17.06.630 of this chapter shall not have a height greater than one story not to exceed fourteen feet (14'). (Ord. 3299 §12, 2007; Ord. 1691 §1(part), 1982)~~

17.06.325: PROJECTIONS ABOVE MAXIMUM HEIGHT:

- ~~A. Structures Extending Above Building: Projections above any building including, but not limited to, elevator, and stairway housings, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, flush mount skylights, towers, spires, flagpoles, chimneys, smokestacks, silos, radio or television aerials, masts or antennas, and structures other than those containing any living unit may extend not more than fifteen feet (15') above the maximum-height prescribed for the building provided such projections cover, in the aggregate, no more than ten percent (10%) of the horizontal area of the building except as provided below.~~
- B. Trees: Trees may project without limit above any maximum height.
- C. Sign Spires: Spires and similar features of signs may extend above the maximum height only when and as allowed by the sign regulations, chapter 15.24 of this code.
- D. Radio Or Television Towers, Aerials, Masts Or Antennas: The height of these structures may exceed the maximum established herein when used as an accessory to a communication service activity that requires a special use permit pursuant to section 17.09.205 of this title. The actual height maximum of these structures shall be set as a condition of the aforementioned special use permit. (Ord. 2507 §1, 1993; Ord. 1691 §1(part), 1982)

17.06.410: MEASUREMENT OF SETBACK:

The setback measurement shall be measured to the wall of the structure.

1. Front Setbacks: Shall be measured from the closest point on the property line, the back of sidewalk, or ten feet (10') from the back of the curb, whichever is the greater setback.

2. Side Street Setbacks: Shall be measured from the closest point on the property line, the back of sidewalk, or ten feet (10') from the back of the curb, whichever is the greater setback.
3. Side and Rear Setbacks: Shall be measured from the closest point on the property line to the wall of the structure.

17.06.425: MINIMUM SETBACK AT REAR AND SIDE LOT LINES:

All accessory structures must be set back at least three feet (3') from the side yard lot line when located in the rear twenty five (25') feet of a lot. Accessory structures may encroach up to three feet (3') beyond the 25 foot rear yard and can still maintain a 3 foot setback from the side property line.

All accessory structures must be set back at least ~~five~~ three feet (~~5~~ 3') from ~~side and the~~ rear yard lot lines. ~~unless. However, lots that have alley access may have a zero foot (0') setback along the rear alley lot line, provided the structure's roof slopes toward the interior of the lot or is otherwise constructed in a manner that prevents snow and runoff from crossing the property line. (Ord. 3415, 2011)~~

17.06.480: REDUCED REAR YARD ADJACENT TO OPEN AREAS:

In all zoning districts, wherever a rear lot line abuts a permanent, unoccupied and unobstructed public or private open space area not including rights of way, which has a ~~maximum~~-minimum depth beyond the rear lot line of thirty feet (30'), the required rear yard dimension prescribed in the applicable zoning district may be reduced by one-half ($\frac{1}{2}$); provided that under no circumstances may the rear yard be less than ~~ten~~ twelve feet (~~40'~~ 12'). (Ord. 1691 §(part), 1982)

17.06.495: EXTENSIONS INTO REQUIRED YARDS:

A. Extensions Into Front Yards: Where any front yard is required, no building shall hereafter be erected nor shall any addition be made to any existing building that projects into the minimum required front yard; subject to the following exceptions:

1. Eaves, cornices, belt courses, and similar ornamentation may project over a front yard not more than two feet (2').
2. Open porches, covered unenclosed one-story porches over a first floor entry, platforms, or terraces, the floors of which are not higher than the first floor of the building, may extend into the front yard ten feet (10') but not closer than ten feet (10') to the front property line. Steps may connect such porches, platforms or terraces to the surface of the front yard.
3. Chimneys may extend into a front yard a distance of not more than twenty four inches (24").
4. Structures completely below natural grade may extend into the front yard not more than one-half ($\frac{1}{2}$) the distance of the normal requirement.

5. Egress Window Wells below grade may extend into the front yard not more than three feet (3').

B. Extensions Into Side Yards: When any side yard is required, no building shall be hereafter erected nor shall any addition be made to an existing building that projects into the minimum required side yard, subject to the following exceptions:

1. Eaves, cornices, belt courses, private noncommercial greenhouses, and similar ornamentation may extend into a side yard for a distance of not more than two feet (2').
2. Platforms, terraces, and steps, not over forty two inches (42") in height may be extended into a side yard not more than two feet (2').
3. Chimneys may extend into a side yard a distance of not more than twenty four inches (24").
4. Structures completely below natural grade may extend into the side yard not more than one-half ($\frac{1}{2}$) the distance of the normal requirement.

5. Egress window wells below grade may extend into the side yard not more than three feet (3') and be no closer than two feet (2') from the side property line.

C. Extensions Into Rear Yards: When a rear yard is required, no building shall be hereafter erected nor shall any addition be made to any existing building that projects into the minimum required rear yard, subject to the following exceptions:

1. The usual accessory buildings commonly appurtenant to the principal structure erected on the lot, such as private storage garages, fuel storage sheds, private, noncommercial greenhouses, or a child's playhouse may be erected within a rear yard. Greenhouses, when attached to the principal structure, may extend into the required rear yard to within ten feet (10') of the rear property line.
2. Eaves, cornices, steps, platforms, terraces, and open porches may extend into a rear yard to within ten feet (10') of the rear property line.
3. Chimneys may extend into a rear yard a distance of not more than twenty four inches (24").
4. Structures completely below grade may extend into the rear yard not more than one-half ($\frac{1}{2}$) the distance of the normal requirement. (Ord. 3082 §1, 2002: Ord. 3062 §1, 2002: Ord. 2049 §45, 1987: Ord. 1691 §1(part), 1982)

5. Egress Window Wells below grade may extend into the rear yard not more than three feet (3').

17.06.620: PROHIBITED ACCESSORY STRUCTURES:

The following are prohibited in all Residential Zoning Districts, any Commercial Zoning Districts where the primary use is considered residential, DC, and all Infill Districts:

1. Cargo containers, shipping containers, transport containers, portable site storage containers, rail cars, or similar instrumentalities, regardless of any modification thereto.

17.06.640: ACCESSORY STRUCTURES SUBJECT TO ADDITIONAL REGULATIONS:

Accessory structures shall be subject to the height regulations specified in article IV of this chapter and to the spacing and setback regulations specified in article V of this chapter. (Ord. 1691 §1(part), 1982)

The following requirements are for shipping containers in the C-17, LM and M Districts

1. Permit: must obtain a building permit.
2. Egress: must have an egress access approved by the Building Department.
3. Foundation: must be on a foundation approved by the Building Department.

17.06.660: ACCESSORY DWELLING UNITS; BASIC DEVELOPMENT STANDARDS:

A. Maximum Building Height: Maximum building heights for ADUs are:

1. Thirty two feet (32') when built within the buildable area for the principal structure.
2. Fourteen feet (14') when built in the rear yard with a low or no slope roof or eighteen feet (18') when built in the rear yard with a medium or high slope roof.

B. Setbacks: Setbacks for ADUs are:

1. Front: The front yard requirement shall be twenty feet (20').

2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten feet (10') minimum.
 3. Side, Street: The street side yard requirement shall be ten feet (10').
 4. Rear: Zero Three feet (0 3'). However, lots that have alley access may have a zero foot (0') setback along the rear alley lot line, provided the structure's roof slopes toward the interior of the lot or is otherwise constructed in a manner that prevents snow and runoff from crossing the property line.
- C. Parking: ~~No additional~~ One (1) parking space beyond that required for the principal dwelling is required.
- D. Owner Occupancy: Either the principal dwelling unit or the accessory dwelling unit must be occupied by a majority owner of the property or an immediate family member of the property owner. "Owner occupancy" is defined as a property owner, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six (6) months out of any given year.
- E. Number Of Occupants: One accessory dwelling unit is permitted as subordinate to an existing single-family dwelling; provided the total number of occupants in both the principal dwelling unit and accessory dwelling unit combined does not exceed the maximum number established for a "family" as defined in section 17.02.055 of this title.
- F. Subdivision: Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
- G. Size And Scale: The square footage of the accessory dwelling unit shall be a minimum of three hundred (300) square feet and a maximum of seven hundred (700) square feet, excluding any garage area; provided, the square footage of the accessory dwelling unit shall not exceed forty percent (40%) of the total square footage of the primary dwelling unit, excluding the garage area, as it exists or as it may be modified.
- H. Location: The accessory dwelling unit may be added to or included within the principal unit including a basement, or located in a detached structure. Other code standards may apply.
- I. Entrances: The single-family dwelling containing the accessory dwelling unit shall have only one entrance on each front or street side of the residence.
- J. Additions: Additions to an existing structure or newly constructed detached structures created for the purpose of developing an accessory dwelling unit, shall be designed consistent with the existing roof pitch, siding, and windows of the principal dwelling unit.
- K. Conversion Of Existing Structures: Any existing structure that is converted into an accessory dwelling unit must meet all of the requirements of this section. (Ord. 3335 §2, 2008: Ord. 3288 §67, 2007)

17.06.675: ACCESSORY; CARETAKERS UNIT STANDARDS:

A. Maximum Building Height: Maximum building height for Accessory Caretakers Unit shall be:

1. Thirty two feet (32') within the buildable area for the principal structure.
2. Fourteen feet (14') when built in the rear yard with a low or no slope roof or eighteen feet (18') when built in the rear yard with a medium or high slope roof.

B. Setbacks: Setbacks for an Accessory Caretakers Unit are:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten feet (10') minimum.
3. Side, Street: The street side yard requirement shall be ten feet (10').
4. Rear: Five feet (5').

C. Parking: One (1) parking space beyond that required for the principal structure is required.

D. Occupancy: The accessory caretakers unit must be occupied by an employee of the commercial use on the property, a majority owner of the property, or an immediate family member of a property owner. "Majority Owner" is defined as the person or entity who owns a more than fifty percent (%50) interest in the property, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and who actually resides on the property more than six (6) months out of any given year.

E. Number Of Occupants: One accessory caretakers unit is permitted as subordinate to an existing commercial or manufacturing use; provided the total number of occupants in the caretaker's dwelling unit does not exceed the maximum number established for a "family" as defined in section 17.02.055(B) of this title.

F. Subdivision: The property on which an Accessory Caretakers Unit is located shall not be subdivided or otherwise severed from the property on which the principal commercial unit.

G: Affidavit and Recording Requirements: A deed restriction in a form acceptable to the City shall be provided by the owner(s) of the parcel agreeing that the property on which the caretakers unit is located will not be subdivided or otherwise severed from the property on which the commercial facility is located. The document shall be recorded by the owner(s) with the county recorder and such restrictions shall run with the land. The document shall identify the address of the property, state that the employee of the commercial use on the property, the majority owner of the property, or an immediate family member of an owner resides in the caretaker's unit. The document shall include a statement that the owner(s) will notify any prospective purchasers of the property regarding the restrictions imposed by this section, and provide that the right to an accessory caretaker's dwelling unit shall be lost if any of the requirements of this section are violated.

H. Size And Scale: The square footage of the accessory caretaker's unit shall be a minimum of three hundred (300) square feet and a maximum of fourteen hundred (1400) square feet of floor area, excluding any garage area; provided, the square footage of the accessory caretaker's apartment shall not exceed forty percent (40%) of the total square footage of the associated commercial or manufacturing building.

I. Maximum Number of Caretaker Units: One Caretaker Unit allowed per parcel or use, whichever is less.

17.06.930: NONCONFORMING USE; DAMAGE OR DESTRUCTION OF FACILITIES:

A. Nonconforming As To Activity: Whenever a nonconforming facility is damaged or destroyed to the extent that reconstruction, repairing, or rebuilding will exceed fifty percent (50%) of the replacement costs of the facility as it was immediately prior to the damage, as determined by a qualified appraiser, the facility may only be restored to accommodate a conforming activity. If restoration for a nonconforming activity is permitted by special permit, the restoration must be substantially completed within one year after damage or destruction. If it is not, the nonconforming activity is considered to be abandoned, and cannot be restored except for use as a permitted activity.

B. Nonconforming As To Facility: Whenever a nonconforming facility is damaged or destroyed to the extent that reconstruction, repairing, or rebuilding will exceed fifty percent (50%) of the replacement costs of the facility as it was immediately prior to the damage, as determined by a qualified appraiser, the facility ~~may not~~ must be restored as nonconforming in conformance with all current code requirements. However, single family dwellings built prior to September 23rd, 1946, may be restored without conforming to current code requirements provided that the following requirements are met; (Ord. 2049 §47, 1987: Ord. 1691 §1(part), 1982)

1) Foundation: The existing foundation of the older structure must be kept and used for the proposed replacement structure or to verify the footprint of the damaged structure. If the existing foundation is not structurally sound, then a City Building Official or designee will need very in writing that the existing foundation is unusable for the replacement structure. The replacement structure must use the exact layout (Foundation Footprint) of the damaged structure to site/locate for the replacement structure.

2) Bulk/Square Foot above ground: The proposed replacement structure must not be greater in square footage above ground than was the structure that was damaged.

3) Building Height: The proposed replacement structure must not be greater in height above ground than was existing prior to the damage.

4) Zero Setback - Adjacent affected property: If a prior existing structure was at zero (0') feet from the property line then a granting of a maintenance easement from the adjoining property owner must be obtained. An easement, in a form acceptable to the city attorney, shall be executed between the zero lot line property owner and the owner of the adjacent lot or structure to provide for proper maintenance, repair, drainage and fire access. This easement(s) shall be recorded.

5) If prior existing structure was over any property line or in the right-of-way (ROW) the new proposed replacement structure must meet the current zoning requirements of the district that it is in.

It is the owner's burden of proof to determine the date when the residence was built and to provide information relating to prior existing conditions of the structure and site as it relates to the above referenced items.

17.08.235: PROJECTIONS ABOVE MAXIMUM HEIGHT:

Limitations on projections above maximum height are as follows:

- A. Projections above maximum height shall ~~not~~ be allowed pursuant to ~~section 17.06.325 of this title,~~ except that solar collector panels ~~and dish antennas and other rooftop structures not normally appurtenant to the building may~~ are be allowed. ~~by variance as set forth in section 17.08.255 of this chapter.~~
- B. Signs within the shoreline district shall not be allowed to extend beyond the height of any building that is located on the same property as the sign. In no case shall signs exceed the height maximum as prescribed by the shoreline regulations. This provision shall apply to any sign, whether freestanding or attached to a building. (Ord. 1722 §2(part), 1982)

17.08.255: VARIANCES:

A variance may be granted from any provision of the shoreline regulations, pursuant to chapter 17.09, article VII of this title, and provided that the variance conforms to the stated purpose of the shoreline regulations, except for projections above maximum height. (Ord. 1722 §2(part), 1982)

17.44.280: ACCESS TO STREETS:

- A. The parking area shall be planned so that vehicles leaving the parking area and entering a public right of way shall have the opportunity to exit in a forward direction. This requirement shall not apply to any parking area serving four (4) or fewer dwelling units.
- B. Vehicular access to streets will be permitted only in accordance with approved driveway locations and access design.
- C. All driveway approaches shall be set back from the side property line by a minimum of five feet (5') and there shall be a minimum of ten feet (10') between driveway approaches except as allowed by the policy adopted by resolution of the city council. No more than fifty percent (50%) of frontage may be used for driveway approaches. See city of Coeur d'Alene standard drawings for location of driveway approaches, definitions and details.

1. Residential: Individual residential driveway approaches shall be a minimum of sixteen feet (16') wide and a maximum of thirty six feet (36') wide.
 2. Other Approaches: For all other activities, driveway approaches shall be a minimum of eighteen feet (18') wide and a maximum of forty feet (40') wide.
 3. Exceptions: Emergency vehicle facilities, including fire stations and ambulance services, may exceed these maximum allowable curb cuts and widths upon approval of the city engineer or engineer's designee.
- D. Driveway approach location(s) shall be approved by the city engineer. Driveway approach(es) shall not be closer than twenty feet (20') from the end of the curb radius or planned curb radius, when approaching an intersection, or closer than ten feet (10') from the end of the curb radius, or planned curb radius, when leaving an intersection. All approach construction shall comply with the city of Coeur d'Alene standard drawings and specifications. Driveway approaches are not allowed within the functional area of a signalized intersection without the approval of the City Engineer.
- E. Driveways and traffic aisles providing access to garages, carports and open parking areas serving two (2) or fewer dwelling units shall be a minimum of ten feet (10') in width. For all other residential uses, driveways and traffic aisles providing access to garages, carports and open parking areas shall be a minimum of twelve feet (12') in width for one-way traffic and a minimum of twenty four feet (24') in width for two-way traffic. (Ord. 3268 §42, 2006: Ord. 2934 §76, 1999: Ord. 2499 §1, 1993: Ord. 2331 §2, 1990: Ord. 2070 §14, 1987: Ord. 1764 §2(part), 1982)
- F. Ribbon Driveways on private property that consist of two wheel tracks with a turf median are allowed for single family dwellings, in lieu of a fully paved driveway, provided that landscaping is planted and maintained in between the ribbons. Each wheel track shall be surfaced in compliance with the requirements of this chapter and shall be at least two feet (2') in width.

17.44.310: PAVING:

- A. All parking areas, driveways and maneuvering areas shall be paved and permanently maintained with asphaltic concrete, Portland cement concrete or concrete paver blocks, permeable pavers, grasscrete, grassgrid, or similar material as approved by the City Engineer.

For single-family and duplex residential primary uses, paving shall be provided for the required parking spaces and the required driveway, or for the driveway area from the property line facing the street to the rear wall of the residence, whichever meets the requirements.

~~Paving shall not be required for storage buildings in areas of single-family or duplex primary use on properties which provide parking spaces that are in excess of the minimum required.~~

- B. All parking spaces required for accessory uses on parcels in residential zoning districts shall be paved and permanently maintained with asphaltic concrete, Portland cement concrete, traffic bearing concrete paver blocks or similar grasscrete type concrete blocks.

- C. Display lots or those portions of display lots which must be paved to meet the requirements of this chapter shall be paved and permanently maintained with asphaltic concrete, Portland cement concrete, chip seal or other durable, dustless surface, as approved by the city engineer or engineer's designee.
- D. Temporary construction parking lots must be maintained with a dustless surface, approved by the city engineer, capable of preventing tracking of mud or dirt onto public streets. (Ord. 3181 §2, 2004: Ord. 2934 §78, 1999: Ord. 2239 §9, 1989: Ord. 1764 §2(part), 1982)

OTHER CODE AMENDMENTS

2.48.020: MEMBERSHIP; TERMS; VACANCIES: COMPENSATION:

- A. The planning and zoning commission of the city shall consist of ~~eight (8)~~ seven (7) members. The members shall be appointed by the mayor and confirmed by the city council and members may, in like manner, be removed. All members of the commission shall have continuously resided in the county for two (2) years prior to their appointment. The members of the commission shall be residents of the city during their term of office; provided, three (3) members may be nonresidents living within Kootenai County and employed within the city limits of Coeur d'Alene. ~~One member shall be a high school student, who attends school within the boundary of School District 271, between the ages of fourteen (14) and eighteen (18) years old and shall serve in an advisory capacity only and may not vote.~~ The term of office for each voting member shall be for six (6) years or until his successor is appointed and qualified; provided, however, that the terms of voting members of the planning commission may be shorter to ensure that the terms shall be staggered so that no more than three (3) terms shall expire on May 1, every two (2) years.
- B. Vacancies occurring otherwise than through the expiration of terms shall be filled by the mayor and confirmed by the city council. Members may be removed for cause by a majority vote of the city council.
- C. Members of the commission shall be selected without respect to political affiliations and shall serve without compensation. (Ord. 3351 §1, 2009)

12.28.210: SIDEWALKS; REQUIREMENTS FOR CONSTRUCTION AND IMPROVEMENT:

- A. Sidewalk Construction Required: Hereafter when building structures are constructed on or moved to or alterations are made to existing structures on lots within the city where there are no sidewalks, the persons constructing, or causing such construction, or moving, or causing to be moved such structures, or altering or causing to be altered such existing structures on the lots,

shall, during the construction, moving or alteration of structures, construct sidewalks and curb ramps as described in sections 12.28.220 and 12.28.230 of this chapter.

B. Subdivision Improvements: Hereinafter, but subject to the provisions of subsection C5 of this section regarding hillside subdivisions, sidewalks and curb ramps will be required to be constructed as subdivision improvements.

C. Exceptions To Sidewalk Requirements: No sidewalk is required when:

1. The building permit is for an amount less than thirty thousand dollars (\$30,000.00), or the value of a structure moved onto the lot together with the amount for which the building permit is issued is less than thirty thousand dollars (\$30,000.00); however, if a footing and foundation only building permit is issued, and a subsequent building permit is issued for the structure that is to be placed on top of that same foundation, and the combined valuation of both permits exceeds thirty thousand dollars (\$30,000.00), then for the purposes of this section both permits shall be considered as one permit and sidewalks shall be required subject to any exceptions further defined herein.
2. There is a natural change of elevation in the ten foot (10') strip adjoining the curb of greater than four feet (4') and a safe alternative pedestrian pathway is available.
- ~~3. In a previously developed residential neighborhood:~~
 - ~~a. All of the lots on one side of the street have been previously built upon in accordance with city codes without sidewalks; and~~
 - ~~b. Said lot frontages without sidewalks extend a maximum of four hundred fifty (450) front feet in either direction or to the nearest intersection, whichever is less; and~~
 - ~~c. A neighborhood for purposes of all parts of this section shall be defined within the limits delineated in subsections C3a and C3b of this section;~~
 - ~~d. In the event a local improvement district is created in the neighborhood, this section shall no longer apply.~~
4. The building permit is for a portable classroom which meets the parking requirements of subsections 17.44.050D4 and D5 of this code and other requirements of section 17.44.050 of this code.
5. There is a hillside subdivision. A "hillside subdivision" is defined as a subdivision where the highest and lowest points are at least one thousand feet (1,000') distant horizontally and the difference in elevation is at least thirty percent (30%) of the horizontal separation.
6. Sidewalks may not be required for immediate installation if the requirements of subsection 12.28.180C, D, or F of this chapter are met. However, such sidewalks will be installed at such time that curbs would be pursuant to subsections 12.28.180C, D, and F of this chapter.

D. Sidewalk Length:

1. The length of the sidewalk required on large lots shall be limited to one hundred feet (100') or ten percent (10%) of the building permit valuation, whichever is greater. For the purposes of this calculation, the price of the sidewalk shall be determined by the most recent sidewalk bid available to the city. Remainders of twenty percent (20%) or less shall be included in the required sidewalk.
2. However, if the length of required sidewalk would exceed five hundred feet (500') and the building permit is for an alteration or modification of an existing structure, the city may enter into an agreement with the property owner to construct the length of sidewalk exceeding five hundred feet (500') within a period of time not to exceed five (5) years.

E. Sidewalk Location: Sidewalk location shall allow for a five foot (5') separation between the curb and the sidewalk in residential areas. Sidewalk location shall be adjacent to the curb in commercial areas, except as otherwise allowed by this chapter or title 17 of this code.

F. Exceptions:

1. In the event of less than adequate right of way, reduction of the parking strip or placement of the sidewalk against the curb shall be allowed, dependent upon the width of the right of way.
2. The occurrence of the following natural and manmade features shall allow alternate placement:
 - a. Trees and shrubs larger than six inches (6") at the base;
 - b. A grade change between two feet (2') and four feet (4') in the ten foot (10') strip adjoining the curb;
 - c. The presence of permanent structures.
3. When sidewalks are being installed in a local improvement district construction project, the sidewalk may be located next to the curb at the request of a majority of the property owners within such district witnessed by a written petition filed with the city prior to the awarding of the contract for the construction of the sidewalk. (Ord. 3379 §1, 2010)

CODE AMENDMENTS RELATED TO MAILING NOTICES

16.25.030: PLANNING COMMISSION ACTION:

- A. The commission will, after notice, hold a public hearing to consider the proposed preliminary plat and render a decision. The commission may approve, conditionally approve, deny or

deny the request without prejudice. Alternatively, the commission may defer action on the request until the next scheduled hearing in order to review additional information that it deems necessary in order to render a final decision. In order to approve a preliminary plat request the commission must make the following findings:

1. All of the required general preliminary plat requirements for a formal plat (contained in section 16.20.030 of this title) have been met as determined by the city engineer;
 2. The provisions for sidewalks, streets, alleys, rights of way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities and utilities are adequate;
 3. The proposed preliminary plat complies with all of the design standards (chapter 16.15 of this title) and can comply, upon construction, with all of the improvement standards (chapter 16.40 of this title) contained in this title or a deviation from a specific standard has been requested and granted;
 4. The lots proposed in the preliminary plat meet the requirements of the applicable zoning district.
- B. A copy of the commission's final decision shall be mailed to the applicant and property owners who received mailed notice of the public hearing; and, notice of the decision shall be published in the official newspaper within ten (10) days of the final decision the director shall make the decision available for public inspection.

16.25.050: APPEAL TO CITY COUNCIL:

- A. An affected person may request an appeal of the planning commission's decision by filing a written request for appeal with the planning director within ten (10) days after written notice of the decision by the planning commission has been published. The appeal must be accompanied by the fee established by the city council. Upon receipt of an appeal, the planning director will notify the city clerk, so that a time and place may be set for a public hearing by the city council.
- B. The city council will, after notice as prescribed in subsection 17.09.120B of this code, hold a de novo public hearing on the proposal. The city council may approve, conditionally approve, deny or deny the request without prejudice. Alternatively, the city council may defer action on the request until the next scheduled hearing in order to review additional information that it deems necessary in order to render a final decision. In order to approve a preliminary plat request the city council must make the findings contained in section 16.25.030 of this chapter.
- C. A copy of the city council's final decision shall be mailed to the applicant ~~and property owners who received mailed notice of the public hearing; and, notice of the decision shall be published in the official newspaper within ten (10) days of the final decision~~ the clerk shall make the decision available for public inspection.

16.30.040: NOTICE OF DECISION AND APPEAL:

- A. The city engineer, acting as a hearing officer, will conduct a short plat subdivision review in consultation with appropriate staff. In order to approve a request for preliminary short plat approval, the city engineer must find that all of the findings required by section 16.25.030 of this title for formal plats have been met.

The city engineer will, by written decision, approve, approve with conditions, or deny the request for preliminary short plat approval. Notice of the action taken will be mailed to the applicant and all owners of real property who received notice of the requested short plat as required by section 16.30.030 of this chapter. A decision to deny must indicate the reasons for denial and explain what steps are necessary to obtain approval.

- B. The ~~developer~~ applicant or any affected party may appeal the decision of the city engineer by filing a notice of appeal with the planning director no later than ten (10) days after the date of the city engineer's decision. The appeal must be in writing and explain in a clear and concise fashion the basis for appeal. The appeal will be set for consideration before the planning commission at the next regularly scheduled meeting of the commission at which it can be reasonably accommodated. The commission will base its decision on whether the findings required by section 16.25.030 of this title have been met and will ~~issue~~ mail a decision to the applicant approving, approving with conditions, denying or denying the request without prejudice. The director shall make the commission's decision available for public inspection.

17.09.120: PROCEDURE FOR CONSIDERATION OF PRIVATE PARTY APPLICATION:

- A. Public Hearing: In the case of private party initiation, the planning director shall set a date for a public hearing on the application. The planning commission shall hold a public hearing between twenty one (21) and sixty (60) days after a completed application is accepted by the planning director.
- B. Notice Of Public Hearing: Notice of such public hearings shall contain a description of the property or properties under consideration, a summary of the request, the time and place of the hearing, and any other pertinent information. Such notice need be given only by publication in a newspaper of general circulation in the county, and by mailing a notice not less than fifteen (15) days prior to the date of the hearing, to the owners of property within the subject property and within a radius of three hundred feet (300') from the external boundaries of the subject property as required pursuant to section 17.09.115 of this chapter. Notices shall also be posted on the premises not less than one week prior to the hearing. Changes to the zoning ordinance text will not require mailing of notices to property owners. When notice is required to two hundred (200) or more owners, notice shall be given only by publication, and not by mailed notice.
- C. Planning Commission Action: The commission shall after notice hold said hearing to consider the proposal and render a decision. The commission may recommend approval, conditional approval, deny, deny without prejudice; or with the consent of the applicant defer action until necessary studies and plans have been completed. ~~In case of recommended~~

~~approval, a copy of the commission's decision shall be mailed to the applicant within seven (7) days of the decision. In case of denial or denial without prejudice, a~~ A copy of the planning commission decision shall be mailed to the applicant and property owners who received mailed notice of the public hearing and notice of the decision by the planning commission shall be published in the official newspaper within seven (7) days of the decision the director shall make the commission's decision available for public inspection.

- D. Forwarding Of Recommendation: In the case of approval, the commission shall automatically forward its recommendation to the city council for appropriate action. In case of denial of a private party application, the decision of the commission shall become final ten (10) days after the date of ~~written notice of the decision has been published in the official newspaper~~ the decision is mailed to the applicant unless appealed to the city council pursuant to subsection 17.09.125B of this chapter.

17.09.215: PROCEDURE FOR CONSIDERATION:

- A. Public Hearing: A public hearing before the planning commission shall be set for between twenty one (21) and sixty (60) days after formal acceptance, to be held on each application for a special use permit.
- B. Notice: Notice of the hearing shall be as prescribed in subsection 17.09.120B of this chapter. Notices also may be posted within the area of potential influence, if required by the planning director.
- C. Planning Commission Action: The planning commission shall determine whether the proposal conforms to the special use permit criteria and may grant or deny the application for the proposed special use permit or require such changes or impose such reasonable conditions of approval as are in their judgment necessary to ensure conformity of the criteria. They shall make specific written findings to support their decisions. A copy of the planning commission decision shall be mailed to the applicant ~~and property owners who received mailed notice of the public hearing and notice of the decision by the planning commission shall be published in the official newspaper within seven (7) days of the decision~~ and the director shall make the commission's decision available for public inspection. The determination of the planning commission shall be made within forty (40) days after the hearing. It shall become final ten (10) days after the date of written notice of the decision has been ~~published in the official newspaper~~ mailed to the applicant unless appealed to the city council pursuant to subsection 17.09.125B of this chapter.

17.09.330: FINAL DECISION BY THE COMMISSION:

- A. Record Of Decision: The design review commission shall issue a final written decision on the application within thirty (30) days after the final required meeting with the applicant. The record of decision shall include:
1. A brief description of standards and guidelines that have been met.
 2. A description of standards and guidelines not met and any conditions.

3. Any "design departures" being sought and the resolution.
 4. Public comments germane to design and how they have been addressed.
 5. The final decision, with any conditions listed.
 6. Time limit for an appeal.
- B. Distribution Of Decision: The record of decision will be mailed to the applicant, ~~authorized representatives, and any other persons who have requested that they receive notice of future meetings regarding the project as allowed by this chapter and the director shall make~~ the commission's decision available for public inspection. Once the final decision has been issued and the appeal period is exhausted, the decisions shall be recorded as a part of the deed of record and title, so that subsequent owners are made aware of the conditions of approval.

17.09.472: PLANNING COMMISSION DECISION:

Action taken by the planning commission on a submitted development plan may be any one of the following:

- A. Approval;
- B. Conditional approval, wherein certain changes are required, or certain conditions of approval have been imposed, as deemed necessary and desirable in the judgment of the planning commission to ensure conformity to applicable criteria and standards;
- C. Denial, when the planning commission finds that the proposed development does not meet applicable criteria and standards. Any denial will state the reasons for denial and specify deficiencies of the proposal;
- D. Denial without prejudice.
- E. A copy of the planning commission decision shall be mailed to the applicant and ~~property owners who received mailed notice of the public hearing and notice of the decision by the planning commission shall be published in the official newspaper within seven (7) days of the decision~~ the director shall make the commission's decision available for public inspection. Approval or denial of a development plan shall become effective ten (10) days after written notice of the decision has been ~~published in the official newspaper~~ mailed to the applicant, unless an appeal has been made by any affected party, including the applicant, to the city council pursuant to subsection 17.09.125B of this chapter.

17.09.615: PROCEDURE FOR CONSIDERATION:

- A. Variances: An application for a variance from a provision of the zoning ordinance with respect to a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking provisions, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots or the size of lots, shall be considered by the planning

commission with an appeal allowable to the city council. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.

- B. Hearings And Notice: Notice of the public hearing shall contain a description of the property under consideration, a summary of the request, the time and place of the hearing, and any other pertinent information. Such notice shall be mailed to owners of property adjoining the subject property not less than fifteen (15) days prior to the date of the hearing. After notice, the planning commission shall hold a public hearing on the variance request between twenty one (21) and sixty (60) days after the completed application is accepted by the planning director. The planning commission shall determine whether the conditions required in section 17.09.620 of this chapter are satisfied and may approve, deny, deny without prejudice or require such changes in the proposed use or impose such conditions of approval necessary to satisfy the purposes of the zoning ordinance. A copy of the planning commission decision shall be mailed to the applicant and ~~owners of property adjoining the subject property~~ the director shall make the commission's decision available for public inspection. A determination of the planning commission shall become final ten (10) days after ~~the date of~~ written notice of the decision has been ~~published~~ mail to the applicant in the official newspaper unless it is appealed to the city council pursuant to subsection 17.09.125B of this chapter.